



MINUTES

Monday, February 4, 2013

**FORT MYERS BEACH TOWN COUNCIL
WORK SESSION
TOWN HALL – COUNCIL CHAMBERS
2523 ESTERO BOULEVARD
FORT MYERS BEACH, FLORIDA 33931**

I. CALL TO ORDER

Acting Mayor Mandel called to order the February 4, 2013 Work Session of the Town Council 2:00 p.m. Present along with Acting Mayor Mandel: Council Members Andre, List, and Kosinski; Mayor Raymond was excused. Also Present: Town Manager Stewart, Town Attorney Miller, Public Works Director Lewis, Community Development Director Fluegel, and Town Clerk Mayher.

II. REVIEW OF INTERLOCAL AGREEMENTS

Town Manager Stewart discussed how the Town Clerk and Contracts Manager had prepared a spreadsheet detailing the various Interlocal Agreements in which the Town was currently engaged. He asked Council for their preference in how to review the list, and it was decided to take each agreement in the order listed.

Discussion was held and Town Manager Stewart, Town Attorney Miller, and Public Works Director Lewis responded concerning the following Interlocal Agreements:

- TDC Beach & Shoreline Maintenance 2011-12 – developed each year and information was given to Council for the Town's application to the TDC for beach and shoreline reimbursement; application was prepared, forwarded to TDC, and when funding is approved an Interlocal Agreement would be prepared.
- WCIND Laguna Shores Channel Dredging 2011-12 (West Coast Inland Navigational District) – deals with navigational issues; includes dredging and marking, and law enforcement; this Agreement was finalized regarding the work, and staff was preparing for reimbursement.
- WCIND 2011-12 Marine Law Enforcement Activity L-331 – helps to pay for the Sheriff's marine patrol; discussion was held regarding dredging San Carlos Pass; Acting Mayor Mandel requested that staff keep Council abreast of San Carlos Pass since it impacts the Town's economics.

- Community Development – agreement with the County for building inspection services, plan review services, and for the County’s Chief Building Official to serve in the same capacity for the Town. Discussion ensued on the process necessary in order to have a Town staffer qualify as a building official.
- Local Option Gas Tax #2 – provides for the distribution of local gas tax from the County to the municipalities; funds are restricted and must be used for transportation related matters.
- Traffic Signal Maintenance – provide traffic signal and crossing signal maintenance for Town; discussion was held as to why the Town funded the maintenance of the County’s signal which was because the Town requested the County to install the traffic signal many years ago; staff would follow-up on the maintenance cost.
- Traffic Signal Maintenance AM965-FDOT – funds received from the State to offset the maintenance of the traffic signal.
- Roadway Maintenance BDR77 – Town maintains the bridge and the State reimburses the Town.
- Submerged Lands Lease MH slip/pier – agreement for the pier to be built at the Mound House; no cost factor; outlines what the Town was permitted to do at the site.
- Disaster Recovery Services #602, 2012-17 – a ‘piggyback’ agreement of the County for private provider services after a disaster such as debris and trash removal
- Dinghy Dock Submerged Lands Lease Dinghy Dock 2012-17 – no cost; allowed construction and operation of an 18-slip public docking facility exclusively to be used for temporary mooring of dinghies and marine patrol/rescue vessels; currently no plans for expansion; modification to the submerged land lease would be required; Town investigating other locations for dinghy docks.
- Beach Renourishment – agreement with Lee County for providing funding for Estero Island Beach restoration; project completed but agreement remained in place.
- Disaster Disposal Services – agreement for Town to use same contracted vendor as County for disaster services.
- Solid Waste Collection, Billing, and Disposal – ‘piggyback’ on Lee County contract for solid waste collection, billing, and disposal.
- Solid Waste Disposal Facilities Assessment – for solid waste disposal facilities assessment.
- Radio Station – agreement with FCC; Town information radio station; staff working on a method to adapt and relocate the existing equipment; types of antenna used; how the radio station was used for general information about the town, traffic information, construction, and storm information.
- Matanzas Pass Bridge Lease – agreement for the land where the Matanzas Pass Bridge (both sides) was located.
- Emergency Potable Water Interconnect – agreement with the County for emergency potable water.
- Potable Water Sale & Purchase – agreement for sale and purchase of potable water; bulk rate for purchase of water from Lee County.

Discussion was held and Town Manager Stewart, Town Attorney Miller, and Public Works Director Lewis responded concerning the following Open-Ended Agreements:

- Ball field Maintenance – ‘piggyback’ on County’s purchase order.

- Pool Maintenance – agreement for Town to assume the operation and maintenance of the pool; staff to research and confirm the owner of the pool and land.
- Law Enforcement Services – agreement with Lee County for the Sheriff’s services; additional services such as marine services; funding through County’s general ad valorem taxes.
- Public School Facility Planning – agreement for public school facility planning with the Town.
- Newton Property Purchase – agreement to provide funds to assist the Town with the purchase of Newton property.
- NPDES Permitting (National Pollution Discharge Elimination System) – agreement for permitting services to the Town; requirement of the Federal government and Town is a *co-permittee* with the County for stormwater.
- Clerk of the Circuit Courts – agreement to provide internal audit services on performance issues for the Town.
- Bay Oaks Transition – agreement to transfer ownership of Bay Oaks from County ownership to Town ownership; approximately \$400,000 remained in the future capital cost account; Town Manager noted an on-going issue regarding flood insurance for Bay Oaks and staff was working on gathering information that may help to reduce the flood insurance premium.
- Lee County Board of County Commissioners, Florida Department of Transportation – creation and agreement to form a metropolitan planning organization.

Discussion was held and Town Manager Stewart, Town Attorney Miller, and Public Works Director Lewis responded concerning the following agreements automatically renewed each year:

- DCA Disaster Assistance – agreement to provide mutual aid for disasters on an as-needed basis.
- Election Services – agreement to provide election services to the Town; costs incurred by Supervisor of Elections to conduct an election.
- Uniform Collection Agreement – agreement with Lee County Tax Collector; amount is set per parcel.
- Laguna Shores Dredging Assessment Area – agreement with Lee County Property Appraiser for dredging assessment area; amount is based per parcel appraised.

Town Manager Stewart reported that the Animal Control Services Agreement was recently authorized by Council. He explained that he had met with the new Acting County Manager, and indicated to him that the Town believed they were unfairly charged amounts, and that the imbalance of those charges were causing the Town and other municipalities to subsidize Lee County’s services they provided to unincorporated areas. He reported the Acting County Manager stated he would take this under review and come back to the various municipalities about the matter. He noted Animal Control Services was on the Joint Meeting Agenda.

Discussion ensued regarding Animal Control Services cost and enforcement.

Acting Mayor Mandel questioned the status of a request to the Acting County Manager regarding a study on the properties on the beach.

Town Manager Stewart reviewed the background associated with Town’s interest in maintaining certain beach properties which had been requested of the County last year; and that the County and Town were to work together on the matter; however, the Town received no information from the County. He

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reported that he spoke to the Acting County Manager who indicated the County staff was working on the information and would provide it to the Town, but it would not be available in time for the Joint Meeting.

III. TIMES SQUARE DISCUSSION

Town Manager Stewart noted the capital cost for replacing the surface within Times Square had been budgeted for in the current fiscal year, and that the Council had discussed the addition of a 'gazebo-type' structure. He reported that there was some extensive underground utility work that needed to be accomplished in the Times Square area.

Public Works Director Lewis reported the current pavers had been in place for the past 17 years or more, and they had been difficult to maintain since installation. She noted the subject area was dramatically influenced by the tide, trash removal equipment and other heavy equipment which resulted in settlement issues.

Town Manager Stewart pointed out that the biggest issue with the pavers was the foundation on which the pavers rested. He reviewed the importance of the underground work that needed to be performed.

Discussion was held concerning the color, painting, sealing, and maintenance of the current pavers; night work in order to be less disruptive to the surrounding businesses and issues with lighting during turtle season; work during the summer months and how it would be impacted by weather and storms; and how to inform and work with the property and business owners.

Acting Mayor Mandel questioned who performed the original paver work.

Town Manager Stewart reported the County was responsible for the installation of the current pavers before Fort Myers Beach incorporated; and reviewed how the improvement costs would come out of the general fund and utility fund.

Public Works Director Lewis reviewed the anticipated water and fire line work; her belief that the project would take upwards of 6 months; and how the work might be done in segments in order to avoid night work during turtle season. She noted it was her preliminary estimate that the water line work would cost approximately \$725,000, pavers were approximately \$200,000, and the band shell was \$40,000. She added that there would also need to be some modifications to the stormwater.

Discussion ensued regarding when would be the best time of day and time of year to perform the work; and the importance of informing and working with the property and store owners.

Public Works Director Lewis pointed out that there was a potential for alternatives such as but not limited to realign the infrastructure that now runs through the square and bring it out to the boulevard. She discussed her concerns regarding the fact that the pipes were 18-20 inch AC pipes, and the potential requirement to remove the pipes which would cause the project cost to jump to approximately \$2,000,000. She requested Council's consensus to move forward and implement another supplemental

task authorization to the Town's representative on Phase I of the project which was Tetra Tech in order to obtain some guidance on the matter.

Discussion ensued regarding a possible time line for the work in Times Square; and costs and funding for Phase I and 1A.

Consensus agreed to direct staff to contact Tetra Tech regarding a supplemental task as requested by Public Works Director Lewis.

Discussion was held concerning funding for Phase II and the stormwater system.

Consensus agreed to place discussion of a funding mechanism for stormwater utility on Agenda Management.

Council Member Kosinski noted his concerns regarding flooding in the vicinity of the Presbyterian Church.

Town Manager Stewart explained how an assessment was established.

IV. COUNCIL MEMBERS ITEMS

Council Member Kosinski requested that 'alternate bridges' be a topic for discussion at a Work Session in March; and suggested a 'parking garage' also be a topic for discussion at a future Work Session.

Council Member Andre suggested a discussion on opening up Center Street as a right exit off of the bridge.

Discussion was held concerning Center Street; and consensus agreed to discuss all three items (alternate bridges, parking garage, and Center Street) at a Work Session in March.

Council Member Andre requested 'beach raking' to bring the item forward for discussion.

Acting Mayor Mandel asked if someone was working on the missing section of artwork on the Seafarer's fence.

Council Member List responded in the affirmative.

Acting Mayor Mandel requested approval from the Council to attend the meeting with Keith Arnold and the Town Manager.

Consensus approved Acting Mayor Mandel's request.

Council Member List announced that Commissioner Kiker was going to be Principal for the Day on February 11, 2013 at the Beach School.

Acting Mayor Mandel reported he would be attending the upcoming Beach and Shoreline Conference and at that conference he would be meeting with the Army Corps of Engineers.

V. ADJOURNMENT

Meeting adjourned at 4:10 p.m.

Adopted 3-413 With/Without changes Motion by Kosowski/Andre

Vote: 4-0


Michelle D. Mayher, Town Clerk

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