

## **MINUTES**

**Monday, June 17, 2013**

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

### **I. CALL TO ORDER**

Mayor Mandel called to order the June 17, 2013 Work Session of the Town Council at 9:00 a.m. Present along with Mayor Mandel were: Council Members Andre and Raymond; Vice Mayor Kosinski and Council Member List were excused. Also Present: Town Manager Stewart, Parks & Recreation Acting Director Norton, Community Development Director Fluegel, and Town Clerk Mayher.

### **II. PLEDGE OF ALLEGIANCE**

### **III. TOWN HALL LEASE**

Town Manager Stewart noted he had received a lease proposal on May 22, 2013 from Gramercy Property Trust which he believed was unacceptable. He pointed out the Town already had an automatic 2-year extension since the Town had notified the property owner within the specified date which preserved the Town's right of extension as established within the original lease. He reviewed the following information:

- The property owner's proposal for a 63-month lease, Option A; and a 126-month lease, Option B.
- The property owner's proposal of two different square footage amounts for the other rentable vacant space in the building ('Expansion Area') depending upon which option was selected.
- The property owner's proposed square foot rental rates for either lease term [unacceptable to the Town Manager].
- The property owner's proposal for an allowance amount for the 'build-out' or 'expansion area' space depending upon the length of the lease selected [unacceptable to the Town Manager].

Mayor Mandel questioned the type of improvements that were anticipated by staff for the 'Expansion Area'.

Town Manager explained that twenty percent of the base work was required for the space to be brought up to Code; noted that previously an estimate for the work was forwarded to Council; and indicated the improvements to the 'Expansion Area' could range from \$500,000 to \$1,000,000.

Discussion ensued concerning the type of work anticipated for the 'Expansion Area' such as but not limited to air conditioning and office space.

Council Member Raymond requested information on the difference of what the Town was paying for a lease for a year now versus what it would be for the additional space.

Mayor Mandel noted his concern regarding the potential cost of \$500,000 to \$1,000,000 as it related to the short length of the proposed lease terms (Option A and Option B). He suggested the inclusion of a various number of 5-year options to be included into the lease.

Town Manager Stewart pointed out that the 'Expansion Area' would almost double the existing Town Hall space.

Town Clerk Mayher announced that Finance Director Wicks reported the current rent for Town Hall was \$16.82 base rent per square foot (\$9,551.34 per month).

Town Manager Stewart noted the current annual rent was approximately \$120,000, and if the Town selected the proposed 10-year lease (including the 'Expansion Area') it would be approximately \$195,000 minus the proposed 'allowance' from the property owner for improvements by the Town. He added the Town requested a reduction for any space that could not be utilized for other than storage in the 'Expansion Area'. He requested the ability to continue negotiations based upon the original request – 1) extended lease, and 2) the rental of the remainder of the space.

Mayor Mandel explained that he would like information to detail the anticipated work for \$500,000 to \$1,000,000.

Council Member Andre pointed out his previous request to ask the property owner if the Town could improve the front of Town Hall (i.e. placement of a banner in the window).

Town Manager Stewart reported he just received from staff ideas for the window treatment last week.

Council Member Andre mentioned he was concerned about an expansion of office space and how it might relate to increased staffing.

Town Manager Stewart addressed concerns about increased space and how it was thought to relate to increased staffing. He noted that only Town Council had the authority to approve staff positions; and indicated how it was discussed previously that an expansion of space would assist to bring in Beach Water and Beach Patrol operations into Town Hall.

Discussion was held concerning justification for additional office space at Town Hall; and the proposed improvements and the term of the lease.

#### **IV. PARKS & RECREATION DEPARTMENTAL REPORT**

Town Manager Stewart acknowledged the need to better program and market the community pool; and discussed the difficulties with operating a pool as it related to expenses.

Acting Parks & Recreation Director Norton reviewed the Fort Myers Beach Community Pool Report provided in the agenda packet:

- Single Events and Programs (Current & Proposed)
  - Lifeguarding
  - Junior Lifeguarding
  - CPR/AED
  - Water Safety Day
  - Family Fun Night
  - Family Movie Night
  - Teen Tween Fun Night
  - Every Beach Child a Swimmer
  - Water Safety Week
  - Water Polo League
  - Water Basketball League
  - Water Volleyball League
  - Lifeguard Competition
  - Birthday Parties
  - Rentals
- On-Going Programs
  - Lap Swimming
  - Water Aerobics
  - Swim Lessons
  - Private Swim Lessons
  - Private Water Fitness
  - Infant Swimming Resources
  - Masters Swim
  - Triathlon Training
  - 100 Mile Club
  - Early Bird Swim
  - Senior Swim Sunday
  - High Impact Aerobics
  - Arthritis Class
  - Aqua Zumba
  - Aqua Pilates
  - Paddleboard Yoga
  - Aqua Jogging
  - Swim Florida

Town Manager Stewart noted the inclusion of initial budget information; and indicated the offset cost for parks and recreation by the Town was approximately 32% which was a little ahead of the national average. He reviewed how the aim of the increased pool programming and marketing was to help increase revenues which would offset the cost of the programs and help reduce the Town's subsidy.

Acting Parks and Recreation Director Norton reviewed the monthly Parks & Recreation Departmental activities, revenues, expenditures, participation, and donations which included Cultural Resources, Parks, Recreation, and Aquatics for May 2013:

- BORC New Membership Report as of 6/1/13
  - As of 6/1 there were 880 new members since the 'Every Resident a Member' started on 1/1/13; 160 new members signed up in May; class participation rose 64% accounting for \$18,647 (\$2,201 increase).
- BORCAB Program Report
  - Youth & Teen Program Report – Club Rec Attendance Average/Registration
  - Bay Oaks Teen Room Updates – revive Teen Program, revised hours of operation and Teen Room rules, and added new equipment
  - Athletic & Fitness Program Report – fitness classes, athletics
  - BOSS Program Report – donations, trips, programming
  - Aquatics Program Report

Town Manager Stewart noted he had tasked Acting Director Norton with many projects and that he was doing a very good job.

Acting Director Norton reported he and a staff member were working on the department's marketing efforts as previously requested.

## **V. COUNCIL MEMBERS ITEMS**

Council Member Raymond – no items or report.

Council Member Andre – questioned the status of the minutes on-line on the Town website.

Town Clerk Mayher acknowledged the minutes on-line would be updated.

Council Member Andre – questioned a previous notation to begin certain Council meetings at 10:00 a.m. instead of 9:00 a.m.

Discussion ensued regarding the commencement of Work Sessions at 10:00 a.m.

Town Clerk Mayher clarified that the Work Session held on the third Monday of the month (second Work Session of the month) would be held at 10:00 a.m., and the Regular Meeting on the first Monday of the month would be held at 9:00 a.m. with a Work Session at 2:00 p.m.

Council Member Andre – noted receipt of the Activity Report from the LCSO Marine Patrol and stated he continued to struggle over the amount of money the Town was paying for the mooring field patrol.

He noted from December 2012 to May 2013 there had been only 8 citations issued, no enforcement issues, and no arrests.

Discussion ensued concerning the gross and net costs (with and without grant funding) of patrolling the mooring field.

Town Manager Stewart suggested he would meet with Captain Powell and Council Member Andre to review the mooring field patrol; and then if the Council wanted to discuss modifying the Town's contract with LCSO they could do so with a full understanding of the issue.

Town Manager Stewart described the duties of the Marine Patrol throughout all Town waters (not just the mooring field). He reported he would arrange for a meeting between himself, Captain Powell, Council Member Andre, and Public Works Director Lewis about the matter.

Council Member Andre – indicated that MRTF had discussed the prior request to Council from a resident for a handicapped vehicle at the south end of the beach, and questioned if it would set precedent. He asked for approval to have the Town Attorney offer an opinion on the issue as it related to a possible precedent; and asked for Council's consensus to allow him to pursue the matter.

Discussion ensued regarding the handicapped vehicle at the south end of the beach, and whether or not a permit had been issued.

Council Member Andre requested consensus to pursue the matter on MRTF's behalf.

Discussion continued regarding the request for a handicapped vehicle at the south end of the beach; setting precedent; instances when vehicles were permitted on the beach according to the Town Code; potential for Council to establish guidelines or policy for staff to manage handicapped vehicles on the beach.

Mayor Mandel – pointed out that at the Regular Meeting tonight that Council would be setting a tentative millage rate, and asked for a slide that would show the TRIM notice. He announced next week he would be attending a CRA conference in Fort Myers through the Florida League of Cities. He requested the Town Attorney offer a report in August on the status of '*drawing circles*' around the Seafarer property.

Town Manager Stewart reminded Council that the Town had retained a consultant to do an analysis of the Seafarer area; currently there was a DRA/CRA; and the consultant had performed a tremendous amount of research with the Town Attorney and they were preparing a draft report on the matter.

Community Development Director Fluegel reported he spoke with the consultant about having information ready for Council in August; and that the consultant indicated they were aiming for August but were still working on some '*legal ramification*' issues.

Mayor Mandel – reported he received a telephone call from a restaurant owner on San Carlos who was concerned about parking signs that were changed.

Community Development Director Fluegel reported he spoke with the same person about the parking signs, and that staff was looking into the matter. He indicated his belief that changes to the parking signs would not require Council approval.

Town Manager Stewart stated he discussed the parking sign matter with Public Works Director Lewis who indicated the subject signs were installed almost since the Town's incorporation [loading zone signs by SOB]; and explained how the signs were faded and staff was researching if loading signs could be dual purpose with specific hours for loading.

Mayor Mandel pointed out the comments and letters regarding portable restrooms; and asked if the issue was still being investigated by CRAB.

Discussion was held regarding CRAB and the task of evaluating restrooms at beach accesses; a TDC request for funding of restrooms at beach accesses; restroom facilities at beach accesses; and the assignment of reviewing the design of beach accesses to CRAB.

Town Manager Stewart suggested a community outreach regarding the issue of restroom facilities at beach accesses.

Community Development Director Fluegel reported there were concerns of the commercial businesses regarding the use of their restroom facilities by beach-goers.

Discussion ensued regarding restroom facilities at residential areas.

Council Member Andre stated he would like to see MRTF to be tasked with the evaluation of portable restroom facilities at residential areas.

Council consensus was that MRTF would evaluate portable restroom facilities at residential areas, and staff would evaluate portable restroom facilities in commercial areas.

Mayor Mandel reminded everyone of finalizing the Fourth of July Parade plans (i.e. Grand Marshall, parade transportation for Council and other dignitaries, meeting time and place). He noted the front page story in the News-Press on the bridges yesterday; and that the bridge at the south end had a 91.87 health status (100 the highest); therefore, he questioned why there was not complete funding for Estero Boulevard. He requested approval to write the Chair of the BOCC asking about the funding of the bridge versus the funding of Estero Boulevard.

Consensus approved the Mayor's request to write a letter to the Chair of the BOCC as requested.

Council Member List – excused.

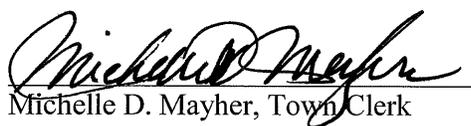
Vice Mayor Kosinski – excused.

VI. ADJOURNMENT

Meeting adjourned at <sup>10:18 am</sup> 9:18 a.m.

Adopted 8-5-13 With Without changes. Motion by Lis / Kosinski

Vote: 5-0 09 787

  
Michelle D. Mayher, Town Clerk

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