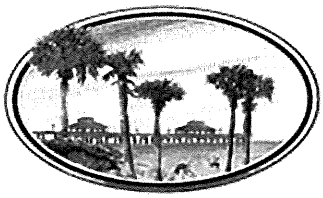

MINUTES

Monday, November 5, 2012

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

I. CALL TO ORDER

Mayor Raymond called to order the November 5, 2012 Work Session of the Town Council 2:00 p.m. Present along with Mayor Raymond: Vice Mayor Mandel, Council Members Andre, and List. Council Member Kosinski was excused. Also Present: Town Manager Stewart, Parks & Recreation Director Evans, Public Works Director Lewis, Community Development Director Fluegel, Town Attorney Miller, and Town Clerk Mayher.

II. PLEDGE OF ALLEGIANCE

Council Member List discussed what an 'uplifting and productive' BORCAB meeting she attended last week.

Town Manager Stewart announced that Mr. Melsek of BORCAB submitted his resignation from the Board earlier today.

III. FEE SCHEDULE

Town Manager Stewart noted the fee schedule had been discussed by Council at an earlier meeting in August when various concerns and ideas were raised; two being by Vice Mayor Mandel about corporate membership and making every fulltime resident in the Town a member of Bay Oaks. He reported that there were 6,400 fulltime taxpayers in the Town; however, there were many more taxpayers that were not fulltime residents in addition to the fulltime residents. He added that Council had also questioned the mooring field rates, which staff researched and presented the information to the Anchorage Advisory Committee for input as directed by Council.

Community Development Director Fluegel recapped the fees associated with his department such as but not limited to zoning fees which the Council had requested further research and input from staff.

Public Works Director Lewis recapped Council's direction from their August 20, 2012 Work Session as it pertained to the Town's fee structure and marketing of the mooring field. She reported staff took the researched information to the AAC last month; however, they did not have a full Board at the time. She stated they had an active discussion regarding the information staff provided, and ultimately voted unanimously (with one abstention) not to recommend a fee increase. She pointed out that the AAC did approve recommending a 'weekly rate' determined by taking the daily rate, multiplying it by seven, and granting a discount of 10% (weekly rate of $91.90). She recommended, though different from the AAC, that the Town Council consider some level of rate adjustment to the mooring fees (increase the daily rate to $13.65, create a weekly rate of $90.79, and keep the monthly rate of $260).

Discussion ensued regarding staff's recommendation on the Town mooring field fees and charges, sales tax amounts included in the fees, daily rate fees, mooring field occupancy comparisons to other Florida towns, and proposed rates as it applied to marketability of the Town's mooring field and 'live aboard' vessels.

Mayor Raymond suggested staff conduct a survey to garner the opinion and feedback of the boaters in the mooring field, and why they selected to moor in Fort Myers Beach.

Town Manager Stewart acknowledged the suggestion and stated staff would perform such a survey.

Discussion continued concerning proposed mooring field rates and sales tax.

Council Member Andre noted the Town's mooring field was operating at a deficit, and he questioned if the other town mooring fields operated in a similar fashion.

Public Works Director Lewis responded in the affirmative and expressed her belief that other town mooring fields operated in a similar manner; however, she noted the caveat of the submerged land lease which addressed the mooring field and generating funds.

Town Manager Stewart explained that the Town had an outside provider for pump-outs and how it related to operating costs.

Discussion continued regarding mooring field fees and charges, the attractiveness of the Town's mooring field, pump-out fees, potential ways to decrease the mooring field deficit, and the proposed weekly rate.

Town Manager Stewart interjected that some of the reasons why the Town began to offer the mooring field was to avert derelict boats, lessen damage to the sea grass beds, and help keep the Town's water clean.

Discussion ensued regarding the increase in boats in Lee County waters, the requirement by the Coast Guard for these vessels to use the Town's pump-out services, and the agreement with Matanzas Inn as it pertained to the mooring field (i.e. offering shower and laundry facilities to the boaters).

Public Works Director Lewis reported she would research the agreement and discuss her findings with the Town Manager.

Discussion continued regarding mooring field rates and the percentage payable to the Matanzas Pass Inn per the agreement.

Town Manager Stewart restated that the Council was agreeable to raising the daily rate to $15, the proposed weekly fee, and maintaining the monthly fee.

Public Works Director Lewis noted that the AAC spend their entire annual budget ($2,000) on advertising the mooring field. She explained that the Committee believed they were advertising in the appropriate markets; however, there were some other places they could also market, but they were expensive and did not have sufficient funds to do so.

Discussion ensued regarding marketing efforts for the mooring field through the Tourist Development Council, consideration for pump-outs as part a of 'beach and shoreline' funding request, the TDC funding cycle and submission dates, and grants received from WCIND for repair and maintenance costs associated with the mooring system replacement.

Town Manager noted that the fee schedule would come before the Council at a regular meeting for final approval.

Council Member Andre discussed the idea of 'naming rights' for the mooring field.

Community Development Director Fluegel reviewed aspects related to Community Development of the proposed fee schedule, Line 43 – PD Base Fee (up to one acre and per additional acre). He discussed the possibility of a further reduction to the 'up to one acre' fee, and noted the work performed by the consultants on the master concept plan, schedule of uses, and deviation which becomes more time intensive on staff. He stated he would be comfortable with a reduction to $6,000. He addressed Line 46 – PD Amendment (Public Hearing) and a recommended reduction to $6,000.

Town Manager Stewart discussed his philosophy of 'growth paying for growth', and noted that there could be instances where the fee did not cover all the costs. He suggested that there be a reason for making changes to the fee schedule and because of the current economic environment that a logical reason could be to encourage more redevelopment.

Discussion was held concerning the proposed reductions in Community Development Department fees; and the concept of fees based partially on staff hours.

Council Member Andre discussed his concerns regarding 'seasonal parking lot' fees.

Town Manager Stewart noted his understanding that a seasonal parking lot operator had a limitation on how long they could operate as such before they had to develop the property, and questioned if the Town was doing everything necessary to ensure that stipulation.

Community Development Director Fluegel stated that issue would be coming up next year in November 2013.

Discussion ensued regarding Line32 – Seasonal Parking Lots.

Town Manager Stewart stated he would have an analysis conducted of the seasonal parking lots with respect to the operation, and their potential cost and impact to the Town which he would bring the information back to Council. He reviewed how Council had inquired about the concept of making every fulltime resident in the Town a member of Bay Oaks.

Vice Mayor Mandel noted the cost to the Town to operate Bay Oaks.

Discussion ensued regarding Bay Oaks membership; member discounted fees for classes, programs, and pool use; the definition of fulltime residents and taxpayers; services, classes, programs offered at Bay Oaks; revenues from membership fees (approximately $30,000); current total of resident individual and family memberships; the pros and cons of making Town residents Bay Oaks members; the contractual percentage split with class/program instructor and potential incremental costs; pool usage as it related to staffing levels; and the challenges and benefits of making Town residents Bay Oaks members.

Town Manager Stewart requested direction from Council as to what they preferred staff present when the topic was presented to them at a future meeting for a final decision.

Discussion was held regarding and consensus was staff would prepare information on both concepts (keeping membership as is; membership for all residents and taxpayers; do the rates cover the cost of the programs; if membership was eliminated how much additional revenue/programming would be necessary to make up that cost; and does additional usage create additional costs) for Council's consideration.

Town Manager Stewart discussed the idea of a corporate fee, and he distributed information about the potential for corporate membership fees.

Parks & Recreation Director Evans reviewed the handout on membership for corporate employees and guests (resident and non-resident corporate rate).

Discussion ensued concerning membership for corporate employees and guests (resident and non-resident rates); costs associated with administrative services for corporate memberships; and how to calculate corporate membership rates.

Mayor Raymond explained the basis for his opposition to the concept of corporate membership at Bay Oaks.

Consensus was that staff would present further information on corporate membership for Council's consideration.

IV. ORDINANCE 12-09, STREET PERFORMERS PROGRAM

Town Attorney Miller reviewed that the proposed ordinance would limit where the street performers could be in relation to the downtown zoning district; that they could not perform anywhere outside the downtown zoning district; there would be an annual permit on the fiscal year basis; continuation of a criminal background check requirement; performers were allowed to be minors under the age of 18 provided the application for the permit was accompanied by written consent signed by the parent, legal guardian or custodian of the minor; indemnification; no insurance requirement; no performance within 50 feet of another permit holder; compliance with the noise regulations (no artificial sound amplification); items that were not permitted (ten items); days and hours of performance limitation; restrictions related to sale of items; acceptance of contributions; revocability or suspension of a permit and the ability to appeal Town Council; and violation penalties.

Discussion ensued regarding the proposed restrictions regarding permitted performances and performance locations; noise level decibels; and permit conditions as it related to indemnification.

Council Member List reported she knew some street performers and they were respectful of each other.

Community Development Director Fluegel explained how he interpreted Section 10-194(d) concerning blocking the passage way of the public and its relation to Code Enforcement in Times Square and the fountain area.

Council Member List suggested the ordinance specify in Section 10-194(d) concerning blocking the passage way of the public the 'Times Square and the fountain area'.

Town Attorney Miller alternatively suggested not limiting the area to the 'Times Square and fountain area'.

Council Member Andre questioned the status of 'beach raking'.

Town Manager Stewart stated 'beach raking' was brought to a Work Session and the matter was not well-received. He noted that Council could bring the topic back at the November 19th meeting to place 'beach raking' on Agenda Management.

Mayor Raymond noted that Council Member Andre was new and requested Town Attorney Miller to briefly explain how the Council worked through the Town Manager.

Town Attorney Miller explained how the Council worked through the Town Manager, they could collect information from staff; however, they could not direct staff. She stated she would make a presentation on the Sunshine Law to the new committee members and Council would also be invited to attend.

Town Clerk Mayher read the appropriate section of the Town Charter as it pertained to Town Council's interaction with the Town Manager, Town Attorney, and Town staff.

V. ADJOURNMENT

Meeting adjourned at 3:54 p.m.

Adopted 12-3-12 With/Without changes. Motion by Kosinski/Andre

Vote: 5-0 Pg 2 of 6

Michelle D. Mayher, Town Clerk

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