MINUTES

Tuesday, September 3, 2013

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

I. CALL TO ORDER

Mayor Mandel called to order the September 3, 2013 Regular Meeting of the Town Council at 6:30 p.m. Present along with Mayor Mandel: Vice Mayor Kosinski and Council Members Andre, List, and Also Present: Town Manager Stewart, Town Attorney Miller, Finance Director Wicks, Public Works Director Lewis, Community Development Director Fluegel, Acting Parks & Recreation Director Norton, and Town Clerk Mayher.

II. INVOCATION – Rev. Jeanne Davis, Beach United Methodist Church

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF FINAL AGENDA

Mayor Mandel requested to pull Consent Agenda Item 'A and B' for discussion.

Consensus approved the Agenda as amended.

V. PUBLIC COMMENT

Mayor Mandel noted Public Comment was a time for the public to discuss Consent Agenda Items and issues currently not on the agenda.

Public Comment opened.

Chris Gainey, Beach Paradise Taxi, discussed his impression and views regarding a discussion held at the last regular Council meeting regarding the 7-11 located at 1301 Estero Boulevard and how it had served as an informal taxi stand for many years. He noted his belief that the owner of the 7-11 had

entered into a contract or an understanding with one taxi company for the exclusive use of the subject site as a 'taxi transfer station'. He requested the Town require the 7-11 owner to obtain a 'use permit' for a transit terminal; that the subject site be made available to all taxis; or the Town should make available an equally visible location that could be designated as the new Town transit terminal. He requested Council to place the matter of a 'taxi transfer station' on an upcoming Council agenda.

Alice Mack, resident at 400 Lenell Road, reported she had forwarded a letter to the Council about her concerns regarding noise issues from buzz saws, a jack hammer, and other equipment which she and her neighbors had experienced during the summer. She noted she called this summer "Buzz Saw Summer". She requested the imposition of a requirement for mufflers on lawn mowers, leaf blowers, buzz saws and jack hammers, or a limitation on the hours of use for such equipment.

Ken Katchen, 2435 Periwinkle Way of Sanibel, opposed the development of Walmart in Summerlin Square and encouraged the community to sign petitions in opposition of the proposed store. He submitted petition samples and asked everyone to sign a petition opposing Walmart in Summerlin Square.

Public Comment closed.

Council Member List noted the taxi issue was on Agenda Management and suggested it be placed on a Work Session agenda.

Town Manager Stewart reviewed how the taxi issue, currently on Agenda Management, came about due to a request from someone who wanted to see definitive rules regarding the operation of taxi businesses.

Council Member List noted her desire for Council to have a full discussion on the issue of a transfer station.

Consensus approved to have both issues placed on an Agenda Management - rules for the operation of taxi businesses and a taxi transfer; and a scheduled meeting date would be discussed later by Council during Agenda Management.

Council Member List indicated she concurred with comments made by Ms. Mack regarding equipment noise. She added that if the workers were in violation of the Town's noise ordinance as it pertained to the hours of operation and noise level, it could be enforced by the LCSO.

Mayor Mandel suggested Ms. Mack's concerns be forwarded to the Community Development Director who was currently working on the Town's noise ordinance.

Town Manager Stewart reported he met with the LCSO last week and that there had been a Supreme Court ruling that the attorneys for the LCSO were interpreting as preventing them and other law enforcement agencies from enforcing noise ordinances.

Town Attorney Miller stated that her office was reviewing that Supreme Court ruling.

Town Manager Stewart suggested Ms. Mack contact the Town's Code Enforcement Office regarding her issue with the equipment noise.

Mayor Mandel pointed out that Town staff did attend the meeting on Walmart where they expressed the Town's concern regarding traffic associated with the proposed store.

Mayor Mandel reported Senator Benaquisto would be coming to Fort Myers Beach on Thursday, September 5th at the Pink Shell Resort at 11:30 a.m. in reaction to the prior media coverage of the Lake Okeechobee water releases.

VI. IMAGE OF FORT MYERS BEACH

Council Member Andre complimented BORC for reaching out to the business community with the opportunity for corporate membership.

VII. LOCAL ACHIEVEMENTS AND RECOGNITIONS

No items.

VIII. ADVISORY COMMITTEES ITEMS AND REPORTS

No speakers.

IX. CONSENT AGENDA

Consent Agenda Item A and B were pulled for discussion.

A. Master Transportation Interlocal Agreement with Lee County
Interlocal Agreement relating to the improvements contemplated for Estero Boulevard.

Town Attorney Miller noted this item was discussed at a prior Council Work Session where consensus was achieved that what staff had worked out with Lee County staff was acceptable.

Mayor Mandel mentioned when the Council discussed the issue at the Work Session they compiled a list of objectives and had sent a letter to the BOCC regarding the matter. He stated he would like to have that letter sent to the BOCC as an amendment to the Interlocal Agreement.

Town Manager Stewart explained the letter could be sent along with the ILA but he did not believe it could be an amendment to the ILA.

Town Attorney Miller pointed out that if the Council wanted the letter as an amendment to the ILA then the matter should be deferred to determine if County staff would support it as an amendment. She recommended Council approve the ILA as is, and then Town staff could approach County staff to amend the ILA to include the information contained within the letter.

Discussion ensued regarding the proposed ILA and the contents of the letter.

Town Attorney Miller noted the ILA was not specific to design; and reviewed Section 6 regarding 'scope of work' and the Town's ability to request reasonable changes. She reviewed what the ILA provided for and achieved (i.e. construction design and permitting, coordination of utility improvements, enhancements, etc.).

Discussion continued regarding the proposed ILA.

MOTION: Vice Mayor Kosinski moved to approve the Master Transportation Interlocal Agreement with Lee County Board of County Commissioners relating to the improvements contemplated for Estero Boulevard; second by Council Member Andre.

Public Comment opened.

No speakers.

Public Comment closed.

VOTE: Motion approved, 5-0.

B. Interlocal Agreement for Potable Water Improvement Project
Interlocal Agreement relating to the Town's potable water system.

Town Attorney Miller explained the purpose of the ILA was for the Town to coordinate any utility conflicts with the County; and how the Town would do the work and the County would pay the associated costs.

Council Member Andre noted, for the record, that he liked the fact that the Town was doing the work.

Mayor Mandel questioned Exhibits 'A & B' as noted in the ILA.

Town Attorney Miller reported she had the exhibits; however, they did not make the agenda packet.

Public Works Director Lewis stated Exhibits 'A & B' consisted of a list of the Town's roads where the water lines would be reconstructed and the corporate limits of the Town, respectively.

Mayor Mandel suggested in the ILA on page 6 of 9 that instead of ~~Marilyn Miller, Esquire~~ it should state "Town Attorney, Town of Fort Myers Beach".

Public Comment opened.

No speakers.

Public Comment closed.

MOTION: Council Member Andre moved to approve the Interlocal Agreement with Lee County Board of County Commissioners relating to the rehabilitation of the Town's potable water system; second by Vice Mayor Kosinski.

VOTE: Motion approved, 5-0.

X. APPROVAL OF MINUTES

A. August 5, 2013 Town Council Meeting
B. August 5, 2013 Work Session

MOTION: Council Member Andre moved to approve the minutes as presented; second by Vice Mayor Kosinski.

VOTE: Motion approved, 5-0.

XI. PUBLIC HEARING

Mayor Mandel opened the Public Hearing.

A. Resolution 13-16, First Public Hearing to Adopt Tentative Millage for FY 2014

Town Clerk Mayher read the title of Resolution 13-16:
RESOLUTION 13-16, ADOPTING AND LEVYING AD VALOREM TAXES WITHIN THE TOWN OF FORT MYERS BEACH FOR THE TAX YEAR OF 2014, IN THE TENTATIVE AMOUNT OF ._____ MILLS ($0. PER $1,000) AND TAKING OTHER ACTION AS AUTHORIZED IN SUCH RESOLUTION.

Town Manager Stewart clarified the number to be inserted would be 0.753 if Council used the roll-back rate.

Town Attorney Miller explained how the title would change if the proposed operating millage rate was equal to the roll-back rate.

Town Manager Stewart reviewed that the proposed rate would not cause a tax increase; but some property owners could experience a reduction in taxes or some might have a slight increase. He noted there would not be a tax increase for the town as a whole.

Mayor Mandel asked if there were any Town committee representatives present for comment.

No representatives were present for comment.

Public Comment opened.

No speakers.

Public Comment closed.

MOTION: Vice Mayor Kosinski moved to approve Resolution 13-16 adopting and levying ad valorem taxes within the Town of Fort Myers Beach for the fiscal year 2014, in the tentative amount of .753 mills ($.753 per $1,000) and determining that the proposed operating millage rate is equal to the roll-back rate computed pursuant to Florida law and amounts to a zero percent increase in property taxes; second by Council Member Raymond.

VOTE: Motion approved, 5-0.

Public Hearing closed.

B. Resolution 13-17, First Public Hearing to Adopt Tentative Budget for FY2014

Public Hearing opened.

Town Clerk Mayer read the title of Resolution 13-17:
RESOLUTION 13-17, A RESOLUTION ADOPTING THE TENTATIVE BUDGET FOR THE TOWN OF FORT MYERS BEACH, LEE COUNTY, FLORIDA FOR FISCAL YEAR 2014; PROVIDING AN EFFECTIVE DATE.

Town Manager Stewart noted Council held their final Budget Workshop last week and staff made the requested changes. He pointed out staff accidently made an omission and did not include in the budget presentation the expenditure for the lobbyist. He mentioned the lobbyist was through Fowler White and they had issued the Town some limited legislative issues last year (approximately $25,000); and the proposal for the full FY 2014 was approximately $48,000. He explained if the Council wanted to include the lobbyist, they would need to adjust the budget (i.e. cut money out of the budget, move money from Reserves, or take some other type of action). He stated staff was not recommending Council change the amount of the budget.

Council Member Raymond suggested taking the funds out of Reserves as a 'one year deal', and then next year properly work into the budget the expenditure for the lobbyist.

Discussion ensued regarding Council Member Raymond's suggestion.

Council Member Raymond discussed his views on Parks & Recreation, and placing a monetary cap on event sponsorships.

Vice Mayor Kosinski noted the budget included a 2% raise for Town employees; last year the budget also included a 2% raise for Town employees; however for four years prior to last year the employees had not received any salary increase.

Council Member Andre questioned the amount indicated under 'parking' on Page 6.

Town Manager Stewart explained how staff presented a budget as it related to estimating amounts. He pointed out that the budget presented was 'tentative' and there was one more hearing for the 'final' budget.

Council Member Andre addressed the expenditure estimated for the LCSO services in the mooring field; and LCSO services rendered during a six month period.

Town Manager Stewart indicated the LCSO service was not only for the mooring field and the Town did receive some reimbursement from WCIND.

Discussion ensued regarding LCSO services.

Public Works Director Lewis explained the law enforcement activities occurred within the corporate limits of the Town and not only the mooring field but throughout the water area of the island; and included weekends (Friday, Saturday, and Sunday and holidays). She reported the LCSO submitted to the Town a monthly breakdown of their hourly cost.

Discussion continued regarding LCSO services in the mooring field; and additional LCSO services on Estero Boulevard.

Mayor Mandel suggested the expenditure for LCSO services in the mooring field should be addressed in the next budget year.

Council Member Andre questioned 'Water Utility Enterprise Fund' on Page 11 and if there was someone managing the fund since it indicated an 'administrative expense'.

Town Manager Stewart reported the Town hired an outside entity, Beach Water, to manage the fund.

Public Works Director Lewis explained the salary portion of the expenditure was different and the 'Operations Management' was the annual fee paid to Woodard & Curran; and the salary expense was for the Town's Finance accountant.

Public Comment opened.

No speakers.

Public Comment closed.

MOTION: Vice Mayor Kosinski moved to approve Resolution 13-17 adopting the tentative Town operating and capital budget for FY 2014, finding that it is consistent with the requirements of the Town Comprehensive Plan, and setting the final budget hearing for September 16, 2013 at 6:30 p.m.; second by Council Member List.

VOTE: Motion approved, 5-0.

Public Hearing closed.

C. Final Public Hearing: Ordinance 13-07, Bulk Water Increase

Public Hearing opened.

Town Clerk Mayher read the title of Ordinance 13-07:
AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING AN INCREASE IN POTABLE WATER RATES FOR POTABLE WATER UTILITY CUSTOMERS OF THE TOWN OF FORT MYERS BEACH BY AN AMOUNT THAT IS EQUAL TO THE AMOUNT OF THE LEE COUNTY WHOLESALE WATER RATE INCREASE APPROVED BY LEE COUNTY; PROVIDING AN EFFECTIVE DATE.

Town Manager Stewart pointed out that the Town did not produce their water and that the Town purchased water in bulk from Lee County; and then redistributed it to the residents and businesses. He explained the process followed when Lee County issued a rate increase and noted this was the final public hearing on this matter.

Mayor Mandel asked if there were any Town committee representatives present for comment.

No representatives were present for comment.

Public Comment opened.

No speakers.

Public Comment closed.

Mayor Mandel reported it was asked of him to determine whether the charge from Lee County was what it should be; and he asked if the Town could ask the same question of the new County Manager.

Town Manager Stewart acknowledged the request to ask the question of the new County Manager.

MOTION: Vice Mayor Kosinski moved to adopt Ordinance 13-07, approving the potable water rate adjustment to reflect the increase to the wholesale water rate increase of $.08 cents per thousand gallons, being imposed by Lee County Utilities, effective October 15, 2013; second by Council Member Andre.

VOTE: Motion approved, 5-0.

Public Hearing closed.

Council Member Raymond noted how Council researched and reviewed this matter and others in Work Sessions for quite some time prior to the issues coming to Council for a formal vote.

D. Final Public Hearing: Ordinance 13-06, Flood Plain Regulations

Public Hearing opened.

Town Clerk Mayer read the title of Ordinance 13-06:
AN ORDINANCE BY THE FORT MYERS BEACH TOWN COUNCIL AMENDING THE FORT MYERS BEACH LAND DEVELOPMENT CODE TO REPEAL LDC SEC. 6-401 THROUGH 6-474; TO ADOPT NEW LDC SEC. 6-401 THROUGH 6-528; TO ADOPT FLOOD HAZARD MAPS, TO DESIGNATE A FLOODPLAIN ADMINISTRATOR; TO ADOPT PROCEDURES AND CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS, AND FOR OTHER PURPOSES; TO REPEAL AND REPLACE SEC. 6-111 TO ADOPT LOCAL ADMINISTRATIVE AMENDMENTS TO THE FLORIDA BUILDING CODE AND TO ADOPT LOCAL TECHNICAL AMENDMENTS TO THE FLORIDA BUILDING CODE; PROVIDING FOR APPLICABILITY; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

Planning Coordinator Overmyer explained how the proposed Ordinance was a 'repeal and replace' and was based upon a model ordinance provided by the State Floodplain Management Office developed in conjunction with the Florida Building Code Commission to help Florida communities adopt regulations that coordinate with the flood provisions in the 2010 Florida Building Code (which took effect March 15, 2012). He reported the Ordinance would adopt Technical Amendments to the Florida Building Code for Higher Regulatory Standards that have already been adopted by Town Council, but which exceed the provisions of the Florida Building Code (i.e. definitions of substantial damage and substantial improvements, etc.). He requested Council approve the 'substantial damage and substantial improvement determinations' so that appraisals must be done by an MIA certified appraiser and the appraisal needed to be current within one year. He added the ordinance would increase higher standards for Town recordkeeping as it pertained to floodplain management, and reviewed other provisions in the proposed ordinance. He requested on page 22 of the proposed ordinance, Section 6-509, that the final line should refer to Section 6-527(3).

Town Manager Stewart described the importance of the proposed ordinance and how it would appropriately position the Town for the best possible review under the Community Rating System as it pertained to the rate insurance companies used in establishing their final premiums for flood insurance. He reported the Town would be undergoing an evaluation this month from the Insurance Services Office (ISO). He described how ISO performed classification ratings. He announced the ISO sent the Town a letter informing them that the classification rating for the Town's Building Code Effectiveness Grading Schedule was 4.

Vice Mayor Kosinski questioned if the floodplain maps should be included with the proposed ordinance.

Planning Coordinator Overmyer noted the floodplain maps were not changing and were reference within the ordinance.

Mayor Mandel asked if there were any Town committee representatives present for comment.

No representatives were present for comment.

Public Comment opened.

No speakers.

Public Comment closed.

MOTION: Council Member List moved to adopt Ordinance 13-06, amending the Floodplain Regulations for the Town of Fort Myers Beach Land Development Code with the indicated correction to Section 3, Subsection 6-509 to read *"that elevated buildings and structures shall comply with Section 6-527(3) of this ordinance"*; second by Vice Mayor Kosinski.

VOTE: Motion approved, 5-0.

Public Hearing closed.

Recessed at 7:50 p.m. – Reconvened at 8:02 p.m.

XII. ADMINISTRATIVE AGENDA

A. RFQ 13-02-PW Design Build Services for Phase I Water Distribution Improvements

Town Manager Stewart explained how this issue was the first element of the Town's Water Distribution System Improvement Project; and how staff would come back before Council a number of times requesting authorizations to expend a certain amount of dollars for certain project elements as the Town went through the improvement project. He added this was not the final request for authorization of Phase I.

Public Works Director Lewis noted the agenda backup included a design-build agreement. She reviewed the design-build methodology which allowed one contract to cover all aspects of the project; and pointed out the benefits of the Phase IA to install the stormwater improvements within the Basin-Based Area. She described how the request was not for approving the Guaranteed Maximum Price (GMP); rather it was for the Preliminary Services. She added that part of Amendment #1 included bringing the Phase IA area to complete construction design so that construction may begin immediately thereafter and some permitting associated with that project would be done. She described how some planning and surveying of the rest of the Phase I Area would be done and how a request would come back to Council under Amendment #1 for '60% Design Plans'. She reported Johnson Engineering would acquire for the Town a 'town-wide de-watering permit' that would be in effect for five years and enable the Town to move forward with the various project phases without having to go back at every phase to acquire a new 'de-watering' permit; however, there might be an occasional exception depending upon water samples. Director Lewis noted a separate 'de-watering' permit would be obtained

for the Basin Based Area. She explained that staff may come back to Council to approve a GMP for the Basin-Based Area Project before the Town moved into the rest of Phase I; and why it was in the Town's best interest to wait to approve the GMP in order to obtain a closer cost.

Town Manager Stewart reviewed the request before Council to approve the Master Contract Element and recommended Council to do so.

Vice Mayor Kosinski asked when progress prints on a design phase would it be submitted on disc form on PDFs and hard copies.

Public Works Director Lewis responded in the affirmative.

Vice Mayor Kosinski questioned after each phase was completed would 'as-builds' be submitted in both hard copy and disc.

Public Works Director Lewis responded in the affirmative; and noted with 'as-builds' the Town would also request that they provide them in CAD.

Mayor Mandel questioned when the 'shovel in the ground' was necessary in order to meet FEMA fund requirements.

Town Manager Stewart explained if Council approved the issue tonight, that would be sufficient.

Public Works Director Lewis described her best estimate for a date to have a 'shovel in the ground' for the Basin-Based Area was the end of November or early part of December (2013).

Brian Penner, Mitchell & Stark Construction, explained the estimate from Director Lewis was realistic if they go through the normal channels of the permitting process; and that they would work to speed up the process as best they could.

Council Member Andre questioned if the FEMA grant was based upon a start or a completion date.

Public Works Director Lewis stated it was based upon a completion date (April 2014).

Mayor Mandel asked Mr. Penner if he felt comfortable they would complete the project by April 2014 if it began in November 2013.

Mr. Penner responded in the affirmative.

Vice Mayor Kosinski asked if there would be 'staging areas'.

Town Manager Stewart responded in the affirmative; and noted there would be 'off-island' and 'on-island' staging areas.

Discussion was held concerning the anticipated timeline of the stormwater improvements and the Phase I Project.

Town Manager Stewart pointed out that the full Agreement was available to anyone for review.

Public Comment opened.

No speakers.

Public Comment closed.

MOTION: Vice Mayor Kosinski moved to approve the design build agreement RFQ-13-02-PW, Design-Build Services for Phase I Water Distribution System Improvements between the Town and Mitchell & Stark Construction Company and Agreement Amendment #1 for Phase I Preliminary Services in the amount of $743,088.46, and authorize the Town Manager to execute the documents; second by Council Member List.

VOTE: Motion approved, 5-0.

B. RFQ 13-08-PR, Mound House Restoration Phase II Contract

Public Works Director Lewis noted the proposed contract was now at a point where she and the Town Attorney were comfortable with it. She explained the project was using a different project delivery method than what was used in the past; and that staff was seeking approval for a 'construction manager-at-risk' (CMAR) whereby the Town had separate contracts with the design professionals and the construction manager. She indicated approval of the contract would allow the Town to begin the preliminary services; and approval included a preliminary services cost of $14,656.

Town Manager Stewart pointed out that Council was being asked to make an approval similar to the previous agenda item (i.e. master contract and the first element for preliminary services) which would allow the Town to work with the contractor to develop a GMP and that would come back to Council as Amendment #2. He added that once the Master Contract was approved it would obligate the Town to the restoration project.

Discussion ensued regarding key dates as they pertained to the restoration project (obligation date 10/28/13; and the completion date which was extended by 120 days).

Town Manager Stewart indicated it was not staff's intent or desire to request a second extension for the grant funding.

Council Member Andre requested confirmation that the request before was for $14,656.

Town Attorney Miller responded in the affirmative; and noted the grant required the Town to enter into a contract with the contractor. She stated she would research the grant as it pertained to encumbering funds.

Town Manager Stewart reported he would contact the State regarding the grant and encumbering funds.

Discussion was held concerning the Guaranteed Maximum Price; the Town's responsibility to make up the difference between the GMP and the grant funds if there was a difference; obligations for meeting grant criteria; and the approximate date when the GMP would come before Council for a vote.

Public Comment opened.

Catherine Wallace, resident and Mound House historian, requested another follow-up/update on the issue at the September 16th, October 7th, and October 21st meetings. She thanked staff and Council for all of their hard work on this matter.

Town Manager Stewart pointed out that staff presented an update on the Mound House to Council at every regular meeting and this issue would be included in those presentations.

Public Comment closed.

MOTION: Vice Mayor Kosinski moved to approve the Construction Manager at Risk Agreement RFQ 13-08-PR Mound House Restoration Phase II between the Town and Fowler Construction and Development, and Agreement Amendment #1 for Phase I Pre-Construction Services and authorize the Town Manager to execute the documents; second by Council Member List.

VOTE: Motion approved, 5-0.

C. RFP 13-05-PW Management and Operations, Beach and Street Enforcement, Service Provider Agreement

Town Manager Stewart reviewed how the item was a Service Provider Agreement in the amount of $318,000 per year for maintenance and enforcement of the Town's public parking and beach patrol. He reported there were parts of this agreement the Town had asked the TDC to support and the funding was approved.

Public Works Director Lewis estimated the funding from TDC was about $100,000.

Mayor Mandel questioned the approximate 5.5% increase.

Town Manager Stewart explained that increase was assumed within the enhanced services.

Mayor Mandel questioned Exhibit 'A', Scope of Services as it pertained to support vehicles and Exhibit 'B' listing the Town equipment.

Town Manager Stewart explained if the provider had a breakdown of equipment they would still need to perform their services and needed the authorization to go ahead and use the equipment.

Public Works Director Lewis explained the list in Exhibit 'B' was equipment the Town owned that the provider utilized, and this matter went back to the very first contract the Town had for beach and street enforcement. She added that the provider paid for all the maintenance costs for the equipment.

Discussion ensued regarding the list of equipment contained in Exhibit 'B'.

Mayor Mandel suggested a two-year contract with options with the same fee for the two years.

Town Manager Stewart pointed out the contract stated the provider 'can' request an increase in the second year but it would have to be negotiated.

Public Comment opened.

No speakers.

Public Comment closed.

MOTION: Vice Mayor Kosinski moved to approve the Service Provider Agreement for the Management and Operations Beach and Street Enforcement (SPA 13-05-PW) in the amount of $318,000, per year, between the Town and Central Parking Systems/Standard Parking and authorize the Town Manager to execute the Agreement on behalf of the Town; second by Council Member List.

VOTE: Motion approved, 5-0.

XIV. PUBLIC COMMENT

Public Comment opened.

No speakers.

Public Comment closed

XV. TOWN MANAGER ITEMS

A. Mound House Update

Town Manager Stewart noted the Council had received a copy of the Mound House Projects Update Report dated August 23, 2013. He reported he met with staff to review the contract with S.E.A.R.C.H. (archeological services provider); how staff wanted the contract to include the ability to identify different elements and authorize each element as the project moved forward; and noted that had been accomplished. He mentioned there were still some TDC funds available for the construction of the observation pier/dock, landscaping, and signage, so as part of the S.E.A.R.C.H. contract it included finishing the design work and getting the landscape signs fabricated and installed. He indicated the

S.E.A.R.C.H. Master Contract had to go through the Town Attorney's Office and he was planning to have the contract before Council at their first meeting in October. He added the element for the coordination of the lights and video for the underground exhibit would be resolved this week.

Public Works Director Lewis reported the kayak building was moving forward and final completion was scheduled for September 16, 2013. She added they were awaiting delivery of the upgraded electrical panel.

Town Manager Stewart indicated the pathways and driveways (modifications) were underway. He reported that the Gumbo Limbo tree was delivered and planted; and that the 'meadow' being worked on looking quite good.

Public Works Director Lewis reported she expected to have the 80% complete design plans for the observation pier/dock at the end of the week; the standard invitation to bid documents would be sent out; and documents would be 'out on the street' for 35 days.

Discussion was held regarding estimated construction time for the observation pier/dock (at least four months); and a request for new completion dates on the Mound House Projects Update Report (8/23/13).

Council Member Raymond recounted his visit to the Mound House site and noted concerns with the pathways and the road near the kayak building.

Public Works Director Lewis explained that the pathways that wind around the property were safe and accessible; and the majority of the work on the pathways was completed but needed one final coat. She added that the sand path from the road to the house was still under construction; and that the pathways around the kayak building were in place a week ago.

Discussion ensued regarding conditions of the pathways and road at the time of Council Member Raymond's visit; and it was noted that the pathways and road were yet to be graded and finished.

XVI. TOWN ATTORNEY ITEMS

Town Attorney Miller – no items.

XVII. COUNCILMEMBER ITEMS AND REPORTS

Council Member Raymond – no report or items.

Vice Mayor Kosinski – no report or items.

Council Member Andre – told of concerns the LPA had with the presentation on the outdoor display ordinance; noted it would go back before the LPA in October; and indicated there would probably be a fee change included in the outdoor display ordinance. He questioned if the outdoor display permits that were due to be renewed October 1st could be delayed until the updates to the outdoor display ordinance were finalized.

Town Manager Stewart asked the Town Attorney if there was anything that would disbar the Town from doing as Council Member Andre requested.

Town Attorney Miller responded in the negative.

Town Manager Stewart asked if a 90-day delay would suffice.

Council Member Andre responded in the affirmative.

Council Member List – thanked the Town Manager and Acting Parks & Recreation Director for their quick action to organize an after-school program at Bay Oaks for kindergarten and first grade students.

Town Manager Stewart explained an after-school program was already in place but it had not included kindergarten and first grade students.

Mayor Mandel – noted Senator Benaquisto would be coming to Fort Myers Beach on Thursday, September 5th at the Pink Shell Resort at 11:30 a.m. in reaction to the prior media coverage of the Lake Okeechobee water releases and to listen to concerns from residents, business owners, and the Town. He reported there would attend a meeting of the Tax & Finance Committee for the Florida League of Cities in September where they would look into funding of small tourist communities; and that this week he and the Town Manager would meet with Mr. McGee regarding the annexation of Mound Key. He questioned dates for discussions on the Water Rate Study, the Seafarer's area, and the mooring field. He stated he was concerned about the Seafarer's area (circle for TIF) because of a conversation between some developers and the owner of Helmrick Plaza.

Council Member Raymond expressed his desire to discuss further the Seafarer's area.

Discussion ensued regarding the Seafarer's area.

Town Manager Stewart noted that subject property actually had a CPD and described the broad vision which was in the CPD. He pointed out that the Council had approved hiring a firm to prepare an analysis on the Seafarer's area (i.e. TIF) and that analysis was completed and it should be coming before Council in the very near future. He requested Council's authorization to place the analysis on an agenda as soon as it was ready.

Consensus approved the Town Manager place the Seafarer's area analysis on an agenda as soon as it was ready.

XVII. AGENDA MANAGEMENT

Mayor Mandel again requested the TIF/CRA/DRA discussion for the Seafarer's area be placed on an agenda as soon as possible.

Mayor Mandel questioned the status of the Water Rate Study.

Town Manager Stewart stated he did not have a definitive answer on when that would be done. He hoped that tomorrow (September 4th) he would have a date as it was very close to being done.

Mayor Mandel mentioned the Mooring Field RFP close date.

Council Member Andre believed it to be due on Friday.

Town Manager Stewart responded in the affirmative to Council Member Andre and stated that following the close date the staff would review the proposals and bring a recommendation to the Council.

Mayor Mandel was curious about any word from National League of Cities on the prescription plan.

Town Manager Stewart responded that Finance Director Wicks had communicated with them and requested a package to be sent to the Town; however, he didn't have a date on when the package would be received.

Council Member Andre requested to change the "Taxi License" item to include Transit Station discussion. He also requested item #24 be removed, as it was discussed earlier that day.

Council Member Raymond asked Town Manager Stewart about the status of the Town Hall lease discussions.

Town Manager Stewart indicated he had been communicating with a local commercial real estate agent to provide some feedback and assistance on the topic. He said he had received some suggestions from the agent that he would incorporate into the response sent back to the Town Hall property owners.

Discussion ensued about beach pictures to be placed in front window portion of Town Hall building. Town Manager Stewart responded the property owners had provided approval to allow pictures as long as Town "holds harmless"—if Town damages anything we replace. Town Attorney Miller is working on modifying the legal language to be incorporated into agreement.

XIX. RECAP OF ACTION ITEMS

No recap was given by the Town Manager.

XX. ADJOURNMENT

Motion by Vice Mayor Kosinski; second by Council Member List. Meeting adjourned at 9:28 p.m.

Adopted 10-7-13 With/Without changes. Motion by List/Andre

Vote: 5-0

Michelle D. Mayher, Town Clerk

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