

## **MINUTES**

**Tuesday, October 21, 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 October 21, 2013 Work Session of the Town Council at 10:01 a.m. Present along with Mayor Mandel were: Vice Mayor Kosinski, Council Members Andre, List, and Raymond. Also Present: Town Manager Stewart, Town Attorney Miller, Finance Director Wicks, Public Works Director Lewis, Community Development Director Fluegel, Acting Parks and Recreation Director Norton, and Town Clerk Mayher.

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

Mayor Mandel reported the Fowler Construction representatives were delayed due to traffic; requested to change the order of the Agenda; and to start with the Parks & Recreation Departmental Report (Item V). He asked Council to consider if they would allow public comment at today's Work Session.

Consensus approved changing the order of the agenda as suggested and to accept public comment during today's Work Session.

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

Acting Parks & Recreation Director Norton provided an overview of the monthly Parks & Recreation Departmental Report which included activities and participation which included Cultural Resources, Parks, Recreation, and Aquatics:

- 24<sup>th</sup> Annual Fright Night – approximately 750 attendees; initial feedback on the event was positive; estimated revenue was \$1,400; and Council Member Raymond noted many successful events at BORC.
- BORC New Membership Report as of 10/1/13

- As of 10/1/13 there were 1,258 new members since the ‘Every Resident a Member’ started on January 1, 2013; there were a total of 1,417 members; and there were 1,537 members as of October 18<sup>th</sup>.
- BORCAB Program Report
  - Youth & Teen Program Report – Youth Program hosted their first Parents Date Night on 9/27/13; staff intends to hold this event once a month; and event promoted through newsletter and flyers sent to parents through Beach Elementary.
  - Club Rec – currently 52 children enrolled with a daily average of 43.
  - Backyard Games Night – new event for families held on October 4<sup>th</sup> and scheduled to be held once a month;
- Athletic & Fitness Program Report – some new classes; complete report next month.
- Aquatics Program Report – swimming lessons completed and there were 92 participants which was an increase over last year; Kiwanis club sponsored all the swim class participants (at 50%) for the fourth consecutive year; Town Manager Stewart suggested Council send a letter to Kiwanis expressing appreciation for their support; and Council Member List offered to personally deliver the letter when she spoke at the Kiwanis meeting.
  - Senior Swim – seniors swim laps on Sundays before the pool opens at a discounted rate.
  - CPR/AED Certifications – classes open to the public and staff; others dates to be scheduled.
  - New Classes – Aqua Zumba, High Impact Aerobics, and Paddleboard Yoga.

He noted previously Council had inquired about signage for BORC on Estero Boulevard; and reported that signs (both north and south; on School Street; and parking lot directional signs) had been installed.

#### IV. PRESENTATION – FOWLER CONSTRUCTION

Mayor Mandel pointed out that Vice Mayor Kosinski prepared a chronological list of events as it pertained to the subject matter. He reported he had three telephone conversations with Mr. Robert Fowler and described the nature of the conversations (i.e. timeline, change of contractors, etc.). He stated that he would ask Fowler Construction to address a prior bid of approximately \$300,000 by unqualified companies, Fowler Construction’s current price of approximately \$727,000, and the exclusion of exterior lighting.

Robert Fowler, Fowler Construction, discussed the following aspects of the Construction Manager at Risk Agreement RFQ-13-08-PR, Mound House Restoration Phase II - Amendment No. 2:

- Cost issues – lighting and wind load for lighting.
- Guaranteed Maximum Price (GMP) – previous bid pricing.
- Construction Manager at Risk – responsibilities and agreeing to an upfront cost.
- Lead-based Paint – government regulations pertaining to removal, the removal process to make the Mound House a lead-free location, and associated costs for paint removal.
- Specifications – historical cost factor (i.e. matching tub and masonry, doors and windows, etc.).
- Form of Project Delivery – Town and Fowler Construction as partners, and project budget.
- Concerns – removing certain items out of the GMP that could diminish the project; project ‘*unknowns*’ and associated costs (i.e. masonry); Fowler Construction personnel reductions on the project; commencement date as it pertained to ‘*volatile*’ costs (i.e. electrical); and permit review and determining what may have been ‘*taken out or added in at this point*’.

Town Manager Stewart explained that since the project was a 'GMP', Fowler Construction would be working with the architect on the final development of the plans.

Mr. Fowler explained that a price could be set, but subject to changes or any scope that Fowler Construction was not aware of.

Public Works Director Lewis addressed the building permit application process:

- Town's Building Services and the County's Building Services reviewed the plans prior to the project being put out to bid the first time; and there was a process where the Town had to make some Code changes which the plans utilized.
- Alternates –if the Town does not proceed with the fire sprinkler system as shown on the plans and only does the alarm, the Town would be required to install the fire sprinkler system since it was shown on the plans.
- Plans – once the GMP was approved, expectation was to have the plans within 5-6 days, and approximately 2 weeks for plan review and issuance.
- Alternates –
  - Fire suppression system was not a requirement because it was a historic restoration; consideration of a suppression system in the attic and second floor;
  - Site lighting – exterior lighting for the parking area, pathways, etc., Friends of the Mound House fundraising efforts for the lighting, high cost of lighting due to meeting flood code, and she recommended not to include the lighting in this project at this time;
  - Hurricane protection for all of the windows (\$9,300); recommended including the hurricane protection for the windows.

Mayor Mandel questioned if the planned work would enable the Town to obtain a Certificate of Occupancy.

Mr. Fowler responded in the affirmative. He added that as the Construction Manager it was their responsibility to work hand-in-hand with the architect, but usually that process starts at the very beginning of a project.

Vice Mayor Kosinski questioned if the lighting, shutters, and fire suppression were currently in the bid.

Mr. Fowler responded in the negative and noted that they were instructed to make those items alternates.

Vice Mayor Kosinski agreed that those items seemed to be 'upgrades'; and expressed his belief that the fire suppression system for the attic and second floor would be a matter for Council to discuss. He noted his support to have the fire suppression system installed throughout the Mound House, and the three alternates should be looked at separately. He provided his past and recent experience (approximately in 2003) as it related to the Mound House Project, restoration, associated costs, and differences between using a 'hard bid' and GMP.

Council Member Raymond discussed his concerns and questions regarding the proposed GMP related to the construction services necessary to complete the restoration of the Mound House:

- Estimate provided to the Town by the consultants (approximately \$597,000).

Public Works Director Lewis explained that the estimated amount of approximately \$597,000 was her estimate using some of the pricing the consultant gave in the past.

Discussion was held concerning the estimate provided by the consultant; Construction Manager at Risk method utilized by other government entities; pre-construction contract (Phase I) with Fowler Construction; and the stages of utilizing the Construction Manager at Risk methodology; and restoration bids and costs.

Council Member Raymond continued to discuss his concerns regarding the proposed GMP related to the construction services necessary to complete the restoration of the Mound House; the Project's timeline and the restoration grant deadline; and the cost of items (i.e. masonry) needed for the restoration.

Town Manager Stewart noted the grant amount was \$445,000 and a portion of that amount was for construction (\$247,000) and a portion was for the build-out of the library.

Council Member Raymond continued to discuss his concerns regarding the proposed GMP related to the construction services necessary to complete the restoration of the Mound House as it pertained to having the contract signed per the grant deadline (10/28/13); and additional costs (i.e. exterior lighting) that may be incurred after the contract work was completed.

Discussion ensued regarding the exterior lighting and associated costs; Construction Manager at Risk delivery method versus the '*hard bid*'; FEMA requirements for exterior/site lighting and potential lighting alternatives; and the current Council's commitment to having the Mound House restoration completed.

Council Member List discussed how decisions regarding the Mound House restoration were made long before the current Council and Town Manager; and the current Council's commitment to having the Mound House restoration completed.

Vice Mayor Kosinski discussed the differences between the bids the Town received last February versus the current; and the current Council's commitment to having the Mound House restoration completed.

Discussion ensued regarding amounts for the GMP, grant funding (i.e. construction costs, etc.), funds previously committed, costs for the interior furnishing and exhibit fabrications, archaeological services and the Museum Action Plan [SEARCH, Inc.], and the construction and restoration costs.

Council Member Andre noted the record indicated that prior bids received last year were from bidders who did not meet the Town's qualifications. He asked if it was the Town's intention to use the 'construction manager at risk' methodology in the future, and noted a 5-month break in the timeline as prepared by Vice Mayor Kosinski.

Town Manager Stewart explained how the type or size of a project would determine what type of methodology the Town would use in the future.

Town Attorney Miller reviewed how she had to start from scratch on the contract for the Mound House restoration in February, and her experience with using 'design, bid, and build' and 'program manager at risk'. She reported she had asked two firms who did not originally bid on the project why they did not submit a bid, and was informed they would only bid if the project was a 'program manager at risk'.

Vice Mayor Kosinski asked if the Town would need a representative to be on-site or on-call when issues might arise in the field. He suggested the Town receive a breakdown of all the anticipated costs.

Town Manager Stewart noted the contract was for a GMP and that the contractor and the Town were a team. He added that the Town had on-staff a certified engineer who was a project manager who was working with the Public Works Director. He reviewed the background of the Mound House restoration beginning years ago before the current Council, himself, and staff became involved with the project; the use of a construction manager-at-risk versus a hard bid as it related to the Mound House restoration; the difference in the pricing received from the architect and the decision by a former employee to remove items from the architect's estimate; intricacies of the restoration project; and the use of Town reserves.

Mayor Mandel noted that there was an effort to have everything ready for Council on October 7<sup>th</sup>; however, the concern had been that it might not be a good, reliable number.

Vice Mayor Kosinski asked if Mr. Fowler would eventually bring forth alternatives for the exterior lighting, shutters, and the fire suppression system.

Mr. Fowler stated that if directed to do so, then he would have the alternatives prepared.

Discussion ensued regarding seeking additional potential funding sources for the Mound House restoration and alternatives; a grant already submitted to the State which was still under review; and future budget allocations to fund the project by the Town.

Mayor Mandel noted that it seemed the Town would need to have approximately \$1-1.5 million dollars in a CIP line item spread out over the next few years for the project. He asked when the project was finished would there be items inside the building.

Town Manager Stewart reported there would not be furnishings and fixtures, but the House would be "*tour-able*".

Public Works Director Lewis noted that Mr. Hughes had already committed to supply the period furnishings for the Bungalow Room.

Town Manager Stewart explained how the GMP methodology would affect Fowler Construction, and how the Town would be watching how funds were expended and hoped to come under budget. He noted there was a 5% contingency.

Mr. Fowler reviewed his belief that the Town was now approaching the restoration project in the right manner. He suggested that in the future the Town consider an incentive for their contractor to save money.

Public Works Director Lewis requested Council consider later tonight to include the fire sprinkler suppression system.

Recessed at 12:00 noon – Reconvened at 12:15 p.m.

Public Comment opened.

Barbara Hill, CELCAB Chair, thanked Council and staff for the work they have been performing on behalf of the Mound House; Council's earlier discussion and seemingly favorable position towards the Mound House; and she thanked Fowler Construction for their specific information. She reviewed the process/background of the grant that was submitted to the State of Florida, Division of Cultural Affairs, and how in the grant application the total amount of funding was stated in 2010 as being \$1,335,000 (comprised the actual restoration of the Mound House museum exhibits and \$445,000 was actually the match).

Public Comment closed.

Council Member List clarified that her earlier comments were to reflect that decisions made in the past regarding the Mound House restoration were done prior to the current Town management positions.

Town Manager Stewart noted that much of the amount submitted to the State for the grant was for in-kind monies that the Town had spent, and that the construction cost element of the request was not for \$750,000.

Vice Mayor Kosinski asked if the fire suppression system was to be incorporated into the GMP later tonight and how much was the cost.

Public Works Director Lewis stated that would be her recommendation.

Town Manager Stewart recommended the inclusion of the window protection.

Mayor Mandel reported the fire suppression system was \$10,839 and the window protection was \$9,333.

Town Manager Stewart noted that since the structure was a residential-type building the fire suppression system used would be for a residence which was less costly than a commercial-type. He explained if Council decided to incorporate these two items into the Mound House that they needed to be included into the approval.

Discussion ensued regarding adding the fire suppression system and window protection and how it would affect the contract.

Public Works Director Lewis reported she would make the appropriate modification to the Blue Sheets that were included in the Council's agenda packet.

Town Manager Stewart stated staff would have a total number for Council so they could determine the funding source.

Council Member List requested to move the agenda item on Taxi License and Taxi Transit Station up to the next item.

Recessed at 12:27 p.m. – Reconvened at 1:00 p.m.

## V. NON-PROFIT FUNDING

Consensus approved to discuss the Non-Profit Funding item since the taxi representatives were not present.

Town Manager Stewart mentioned that he included information from prior Council discussions on the matter in the agenda packet.

Mayor Mandel explained how he attempted to come up with a rationale for funding groups in either the arts or cultural activities; and noted that these were not the only groups previously discussed. He reviewed how Council had previously discussed his suggestions that applicants would need to be a 501(3)(c); it would be a more favorable application if the applicant had received TDC and/or State funding; the organization had membership contributions; an organization should make a detailed presentation to Council and include a detailed financial statement when a request was made; funding recipients should share profits with the Town (if there were profits); and that the Town was listed as a sponsor by the organization receiving funds from the Town. He mentioned his belief that the Council had considered a maximum amount of funding (\$25,000). He pointed out that the Friends of the Arts distributed funds to various groups in the form of public relations (i.e. Film Festival).

Council Member Raymond expressed his desire for the various groups to come individually and request funding from the Town.

Mayor Mandel explained the rationale behind the Friends of the Arts and how it was an ‘umbrella organization’.

Council Member List noted that some of the recipients of funding from the Friends of the Arts were not a 501(3)(c).

Town Manager Stewart pointed out that the reason the topic was on the agenda was because there had been previous discussion concerning what Council intended to fund. He recounted a prior request for funding from the Friends of Matanzas Preserve and discussion that revolved around a document (included in agenda packet) on funding for art, historical, and cultural events. He added that Council had taken action on the item; however, the action lacked certain language to identify specific intent.

Council Member Andre noted that the Friends of Matanzas Pass Preserve prior funding request was for an outreach/educational center (capital project) and was not for a program or event.

Vice Mayor Kosinski pointed out that the subject request was for a building on County property.

Council Member Raymond noted the proposed building would be owned by the County.

Discussion was held concerning proposed funding request guidelines, language, and criteria; the recurring funding request from the Friends of the Arts; Town sponsorship criteria for events versus organizations; and budgeting by the Town for certain organizations and policy decisions.

Town Manager Stewart recommended that if the Council wanted to make funding available that they intentionally narrowly define what they wanted to accomplish.

Council Member Raymond pointed out that the funds expended were taxpayers' money.

Discussion was held concerning whether or not Council would be interested in funding a request from Friends of the Matanzas Preserve if the proposed building and property was owned by the organization versus funding a program; potentially placing a cap on the amount of funding that could be requested by an organization; how the Friends of the Arts assisted various art/cultural organizations through public relations; and proposed funding request guidelines, language, and criteria (i.e. 501(3)(c), budgeted funds, benefits for the residents, etc.).

Mayor Mandel questioned if there was agreement that the staff should narrow the evaluation criteria and bring it back to Council.

Consensus approved the staff narrow the evaluation criteria and bring it back to Council.

Town Manager Stewart recapped Council's intention as it pertained to Non-Profit Funding:

- 501(3)(c) status
- Past record of accomplishments
- TDC and/or State funding
- Membership contributions
- Detailed presentation before Council should be required, as well as a review of the financial statements of the group(s) making the requests
- Recipient of funding shares profits with the Town; percentage to be determined with Council
- Town would be listed as sponsor by the organization receiving funds from the Town

Consensus concurred with the Town Manager's recap of Council's intention as it pertained to Non-Profit Funding.

Mayor Mandel announced that the Council would next discuss Item VIII, Taxi License and Taxi Transit Station.

Public Comment opened.

John Pohland, representing the Community Emergency Response Team (CERT), noted the group was prepared, trained, and ready for an emergency response and that CERT did not benefit the Town's

population on a specific day. He added the group was under the auspices of another taxing authority which has difficulty funding CERT operations. He mentioned how CERT assisted with first aid at Town events and that CERT was short on funds. He explained that if Council continued with their intentions pertaining to Non-Profit Funding, then CERT would probably make a request to Council for funding.

Public Comment closed.

## VI. LICENSE AND TAXI TRANSIT STATION

Mayor Mandel recognized Timothy Williams from the audience.

Timothy Williams stated he was representing “Local Motion” Taxi and discussed how many of the current taxis in town were originally drivers for “Local Motion” Taxi; and how he believed it was not fair that he could no longer have his taxis utilize the 7-11 parking area as a ‘taxi terminal’. He reviewed a Town ordinance and a County ordinance (#11-25) pertaining to taxis; and how taxi rates were not the same and suggested a rate schedule of \$3 for a pick-up and \$2 per mile.

Town Manager Stewart offered a brief review of the impetus for the taxi discussion as it related taxis utilizing the 7-11 site as a taxi stand in the past, and the claim of a recent exclusive contract between a particular taxi company and 7-11. He noted the subject site was private property; that there was a letter from the property owner (7-11 Corporation) that stated there was no such contract, and how this issue was a civil matter. He added that 7-11 challenged any claims to vested use of the property. He questioned whether or not the Town was required to provide a taxi stand.

Town Attorney Miller reviewed the letter from the property owner (7-11 Corporation) and concurred that the Town Manager’s interpretation was correct.

Community Development Director Fluegel reviewed the following:

- Land Development Code – the term ‘taxi stand’ does not appear in the Town’s code, and there was no definition; there was a provision for ‘transit terminal’ in certain zoning districts and a definition. He noted that the 7-11 site did not meet the definition of a ‘transit terminal’.
- Comprehensive Plan, Transportation Element – Policy 7-D-1, Arrive Without a Car, “...*the town shall encourage this service and the designation of a central drop-off point that could include a trolley stop and taxi stand*”; currently, no ‘official’ designation of a taxi stand in Times Square; challenge is where to designate a taxi stand (i.e. right-of-way dimensions in the downtown were not sufficient for a pull-off taxi stand); and code did not currently address taxi stands.
- Sample Definitions of Taxi Stands – definitions from Charleston, SC and Palm Beach, FL.

Town Manager Stewart explained that it would be best to identify and provide some location for a taxi stand, if Council decided to provide a taxi stand. He added that addressing taxi rates could be solved, and discussed the issues with finding the location for the taxi stand (i.e. proximity to greatest demand for service, the potential for a taxi stand on Center Street where some of the meters existed, etc.).

Mayor Mandel discussed a concept to utilize two Town parking spaces on Center Street in the evening.

Discussion ensued regarding the use of the two Town parking spaces on Center Street in the evening, removing meters for a taxi stand on Center Street, and the prior use by taxis of the 7-11 property.

Town Manager Stewart reported Mr. Williams had shown him the document where the right-of-way was located on the 7-11 property, and it was the assertion of Mr. Williams that where the taxis had been was part of the County right-of-way.

Community Development Director Fluegel cautioned that the property lines from the Property Appraiser's GIS were 'notoriously off' and staff had found many instances where it was off 20± feet.

Council Member Andre questioned if a taxi stand on Center Street would help the taxis.

Mr. Williams responded in the negative.

Discussion was held concerning the potential location for a taxi stand.

Council Member List noted her concern with an earlier comment by Mr. Williams that there were 'off-island' taxi companies that came to the Beach and charged customers whatever they wanted. She questioned if the Council could create a rate cap; noted her interest in determining the right-of-way around the 7-11 site; and expressed her concern about 'rate gouging'.

Town Manager Stewart explained that the Council would have to take on the active regulation of taxis to prevent price gouging which would include but not be limited to taxi inspections, a decision determining if meters were required, and a decision on rates per mile and/or minute.

Discussion was held regarding the Town's recognition of the taxi certification by the County, Cape Coral, and Fort Myers; the concept of possibly limiting taxi licenses similar to parasail licenses; potential costs to the Town to regulate taxis; and the inability to exclude drop-offs in the Town that originate outside of the Town.

Town Attorney Miller pointed out that the County performed background checks on drivers and did not regulate rates or pick-up and drop-off locations.

Discussion was held concerning whether or not the Town should regulate taxis and create a Town taxi stand.

Mr. Williams noted that the 7-11 Corporation stated in a letter that there was no taxi use on the subject site that the corporation condoned.

Town Manager Stewart explained how the subject 7-11 site was operated by a lessee and not the corporation; and the Town did not know if there was a sublet as a taxi stand and that issue was a civil matter.

Mayor Mandel noted that the Town could not become involved with the civil matter between 7-11 and the taxis; but questioned if Council wanted to address any of the other issues discussed related to taxis and a taxi stand.

Discussion ensued as to what issues the Council wanted to consider as they related to taxis and a taxi stand.

Mayor Mandel requested that the Town Manager and Community Development Director would, at some point, come back to Council with ideas about taxi stands or terminals and price regulations.

Town Manager Stewart recapped Council's intention as it related to Taxi License and Taxi Transit Station:

- Staff to come back to Council with a future recommendation at a Work Session to discuss the item.

Mayor Mandel pointed out that the information Council was seeking included taxi stands/terminals, price regulation, and restricting the number of licenses.

## **VII. EVENTS SPONSORSHIP**

Town Manager Stewart reported that he had begun the process to fill the appointment of the Parks & Recreation Director and expressed his hope to have an appointment by the end of the week.

Town Manager Stewart explained that the discussion item on Event Sponsorship had been before Council previously and staff was asked to make some amendments. He added that the Town Attorney had done an outstanding job in identifying a set of policies regarding Event Sponsorship; and if the draft was adopted later today, then the operational policies would come before Council for approval.

Acting Parks & Recreation Director Norton presented the updated options of event sponsorships and product display in the Times Square area for Council's review. He reviewed the amended draft of Sponsorship Levels & Benefits as it related to the various sponsorship levels with their associated amounts and the benefits offered to the sponsor:

- Silver Package – amended to eliminate the event tent.
- Gold Package – amended to include a 100 square foot reserved area in Times Square that can be used for product display, event tent, or a combination of both for the day of the event; two valet VIP parking passes to the event.
- Platinum Package – amended to include 150 square foot of reserved area in Times Square that can be used for product display, event tent, or a combination of both for up to six days surrounding the event; and three valet VIP parking passes to the event.
- Title Package - amended to include 200 square foot of reserved area in Times Square that can be used for product display, event tent, or a combination of both for up to ten days surrounding the event; exclusive rights to product display and five valet VIP parking passes to the event.

Council Member List questioned the location of the 'reserved area in Times Square'.

Acting Parks & Recreation Director Norton reported the area was ‘to be determined’.

Discussion ensued regarding the location of a potential reserved area for a sponsor within the Times Square area.

Town Attorney Miller pointed out that guidelines for commercial sponsorships that would address Constitutional issues were necessary.

Discussion was held regarding if there was sufficient room in Times Square if there was three Gold Sponsors instead of one Title Sponsor; possibly limiting the area used for display; first come – first served as it related to sponsors; competing Title Sponsors addressed according to the best offer; and time stamping sponsorship applications.

Town Attorney Miller noted she was reviewing the case law as it pertained to right of refusal for certain sponsors (i.e. tobacco companies).

Consensus approved the proposed amended draft of Sponsorship Levels & Benefits as presented.

Town Attorney Miller reported she anticipated having the proposed sponsorship guidelines ready for Council to review at their next meeting.

#### **VIII. MOUND HOUSE TIMELINE**

Item discussed during the Presentation by Fowler Construction.

#### **IX. COUNCIL MEMBERS ITEMS**

Council Member Andre – reported at the last LPA meeting it was noted that Council had not placed a moratorium on elevated pools on Palermo Circle; and he recommended that elevated pool permits come before the Council and that no more permits would be approved.

Town Manager Stewart stated the moratorium could not be imposed immediately.

Town Attorney Miller explained the issue would have to be treated as a rezoning.

Town Manager Stewart reviewed how Council could move in that direction tonight, and then instruct the Town Attorney and staff to prepare whatever was necessary to do so.

Discussion ensued regarding elevated pools and the current code regarding setbacks, attachment and detachment to the primary structure; revisiting the topic of raised pools; and sight line issues with structures in backyards.

Town Attorney Miller explained she would verify by tonight whether the Town could deny a permit with an ordinance in progress.

Council Member Raymond – reported he spoke with the Town Attorney regarding the length of time it has been taking to get items back before Council.

Discussion ensued regarding the length of time for items to come back to the Council from Fowler White.

Town Attorney Miller described a presentation to Council by Fowler White that could occur at the next Council meeting.

Town Manager Stewart explained how if the Council felt the Town needed more attention and more hours, then they should let staff know and they would work together with Council on the matter.

Council Member List – no items.

Vice Mayor Kosinski – noted past Council discussion regarding limiting evening Council meetings to 10:00-10:30 p.m.

Discussion ensued concerning the items listed on tonight's agenda (i.e. zoning cases, etc.).

Vice Mayor Kosinski – questioned the status of the kiosk in Times Square.

Council Member Andre reported that outdoor display was scheduled for a workshop discussion tomorrow.

Town Manager Stewart pointed out that changes to the outdoor display regulations may require a change to the Comprehensive Plan.

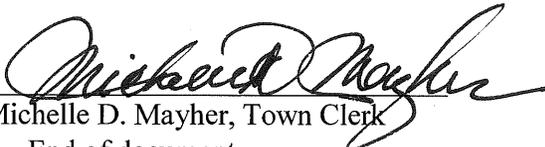
Mayor Mandel – no items.

## X. ADJOURNMENT

Meeting adjourned at 2:30 p.m.

Adopted 11-4-13 With/Without changes. Motion by Kosinski/List

Vote: 5-0

  
Michelle D. Mayher, Town Clerk

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