MINUTES

Monday, February 3, 2014

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 February 3, 2014 Regular Meeting of the Town Council at 9:01 a.m. Present along with Mayor Mandel: Vice Mayor Kosinski and Council Members Andre, List, and Raymond. Also Present: Interim Town Manager Stilwell, Town Attorney Miller, Finance Director Wicks, Public Works Director Lewis, Community Development Director Fluegel, and Town Clerk Mayher.

II. INVOCATION – Town Clerk Mayher

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF FINAL AGENDA

Consensus approved the Agenda as presented.

Mayor Mandel noted he had a report from the Town's outside counsel which he would bring up later during Council Member Items and Reports.

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.

Garr Reynolds, resident, discussed his views on how people interpreted the definition of elevated pools and the definition of elevated pools in the Town's land development code.

Public Comment closed.

Mayor Mandel explained that the Town Council had received the issue of elevated pools after the structures were permitted and built; and that the Council would resolve the issue. He reminded everyone that the Town's attorneys had instructed them to make no comments concerning the matter.

VI. LOCAL ACHIEVEMENTS AND RECOGNITIONS

No discussion.

VII. ADVISORY COMMITTEES ITEMS AND REPORTS

Miffie Greer, Chair of CRAB, reported that due to a "perceived conflict of interest" CRAB has given the full responsibility of the Candidates' Forum to the Chamber of Commerce. She announced that the Fort Myers Beach Chamber of Commerce would coordinate the February 24th Candidates' Forum (a.k.a. - Commotion by the Ocean) which would be held in Council Chambers and televised. She gave a brief overview of the Forum.

Mayor Mandel explained how changing the responsibility of the Candidates' Forum from CRAB to the Chamber of Commerce would create more transparency and a separation from Town Council. He thanked Chair Greer and CRAB for creating and organizing the event, and passing it onto the Chamber.

VIII. PROCLAMATIONS

A. Hazardous Materials Awareness Week
B. All-American Grady Fest Day

Mayor Mandel reported there was no representative present to accept the Hazardous Materials Awareness Week Proclamation and Town Clerk Mayher would forward the proclamation to the requestor; and added that the All-American Grady Day Fest would be held on March 21-23, 2014 at Fish Tale Marina

IX. APPROVAL OF MINUTES

A. January 6, 2014 Regular Town Council Meeting
B. January 6, 2014 Town Council Work Session
C. January 10, 2014 Special Town Council Meeting
D. January 15, 2014 Special Town Council Meeting

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

VOTE: Motion approved, 5-0.

X. ADMINISTRATIVE AGENDA

A. Employment Agreement – Interim Town Manager
Request to accept and ratify the employment agreement made and entered into the 27th day of January 2014, by and between the Town and Don Stilwell.

Mayor Mandel introduced Interim Town Manager Stilwell.

Interim Town Manager Stilwell reported that the trash container issue located at Bay Oaks would be resolved within approximately the next ten days.

MOTION: Vice Mayor Kosinski moved to accept and ratify the Employment Agreement made and entered into the 27th day of January 2014, by and between the Town of Fort Myers Beach, Florida and Donald Stilwell; second Council Member Andre.

Public Comment opened.

Garr Reynolds, resident, welcomed Mr. Stilwell as Interim Town Manager.

Public Comment closed.

VOTE: Motion approved, 5-0.

B. 2013-2014 Interlocal Agreement for Stray Animal Control Services
Requested approval of the 2013-2014 Agreement for Stray Animal Control Services at an annual fee in the amount of $20,629.00.

Town Attorney Miller presented the proposed Interlocal Agreement between the Town and Lee County for stray animal control at an annual fee in the amount of $20,629.00.

Council Member Andre noted the original contract was in the amount of approximately $70,000.

Public Comment opened.

No speakers.

Public Comment closed.

MOTION: Council Member Andre moved to approve the 2013-2014 Interlocal Agreement for Stray Animal Control; second Vice Mayor Kosinski.

VOTE: Motion approved, 5-0.

XI. PUBLIC COMMENT

Public Comment opened.

No speakers.

Public Comment closed.

XII. INTERIM TOWN MANAGER ITEMS

A. Mound House Update

B. Action Items Recap

Mayor Mandel suggested adding "Potable Water Update" to the Interim Town Manager Items in the future.

Council Member Andre reported Mango Street infrastructure work was completed; however, the road had not been paved yet.

Public Works Director Lewis reported the work on the Basin Based Area was moving along on schedule; offered on update on the first six roads that had stormwater infrastructure; and mentioned a little issue with Century Link fiber optics on Delmar. She added that staff would bring back to Council another Guaranteed Maximum Price allocation to cover the remainder of the last six roads in the Basin Based Area. She anticipated having 60% plans for Laguna Shores and Bay Beach in March, and public workshops with the residents in those areas during that period.

Mayor Mandel questioned if anything would jeopardize the FEMA grant.

Public Works Director Lewis stated she *did not anticipate it*; and reported she had made a request to Emergency Management to extend the agreement. She explained it was in the Town's best interest to have Century Link relocate their utility. She pointed out that staff was evaluating some other design alternatives for some roads that may reduce the overall project cost. She reported she spoke with the Town Attorney regarding the meters since about 90% of the meters were located on private property; and added this mattre would come back to Council at their next meeting in February. She gave an update on the work pertaining to the structural aspects of the Mound House.

Council Member Andre reported that there was a grate on Mango Street where the openings ran parallel with the road which may cause a problem for a bicyclist, especially in the evening. He explained how on Mango Street the old stormwater system was not removed which helped to increase stormwater capacity.

Public Works Director Lewis explained how infrastructure existed on certain streets and in those instances the infrastructure would remain along with the new stormwater improvements.

Council Member Raymond questioned the status of the pier/observation deck at the Mound House.

Public Works Director Lewis reported the bid documents were being prepared and anticipated they would be "out on the street" in about a week to ten days.

XIII. TOWN ATTORNEY ITEMS

Town Attorney Miller – requested an Attorney/Client Session regarding the Lani Kai lawsuit to be scheduled for February 18, 2014 at 5:30 p.m.

Consensus approved Town Attorney Miller's request for the Attorney/Client Session.

XIV. COUNCIL MEMBER ITEMS AND REPORTS

Council Member Raymond – no items or report.

Vice Mayor Kosinski – no items or report.

Council Member List – reminded everyone that there would be a presentation at the February 18th meeting on the Film Commission.

Council Member Andre – questioned the "Jameson property" as it pertained to development rights and read an ad the property owner had placed in a newspaper which described "40 platted lots in the Town of Fort Myers Beach".

Mayor Mandel asked if there was any agreement with the property owner regarding TDRs.

Town Attorney Miller responded in the negative; and she reviewed prior discussions with the subject property owner and his attorney regarding the property; the denial by the Local Planning Agency and Town Council concerning the property owner's previous request and TDRs; and reiterated there was no agreement with the property owner for TDRs on the subject property.

Mayor Mandel asked if the Town Attorney would send a letter on behalf of the Town ordering the property owner to cease and desist the advertising.

Town Attorney Miller responded in the affirmative.

Consensus approved the Town Attorney craft a letter to the property owner as requested by the Mayor.

Town Attorney Miller noted there was a conservation easement on a portion of the subject property where development rights were already given up and there were also problems with the DEP.

Mayor Mandel – gave an update on work completed by the attorney handling the elevated pool issue for the Town.

Council Member Raymond noted Council had continued the matter of the elevated pools to the February 18th meeting and questioned if the Council could discuss it at that time.

Discussion was held concerning whether or not to change the date from February 18th to a meeting date in March for the matter of the elevated pools; and it was decided the elevated pool discussion would remain on the February 18th Agenda.

Mayor Mandel recounted attending a meeting about Big Carlos Pass along with Interim Town Manager Stilwell, Town staff, County Commissioner Kiker, County staff, Coast & Harbor Engineering staff, and representatives from Bonita Springs. He reported discussions at the meeting included but were not limited to the need for dredging the Pass; and reviewed potential options as it pertained to dredging. He asked if Council would approve sending a letter to the Board of County Commissioners indicating their support of Option #2.

Discussion was held concerning Mayor Mandel's request.

Interim Town Manager Stilwell suggested the Council call the people they knew; and indicated he would contact the County Manager regarding the matter.

Mayor Mandel reported an "airport meeting" had been confirmed for March 7th and that he informed Mr. Babcock of the meeting. As it pertained to his Washington D.C. trip and FEMA flood insurance rates, he asked for anyone who had received their flood insurance invoice that showed a significant increase to please forward him a copy.

Council Member Andre discussed his views on the long-term effects on the Town due to the increased FEMA flood insurance rates.

Mayor Mandel discussed his views on the long-term effects on the Town and the State due to the increased FEMA flood insurance rates. He recounted attending a TDC meeting along with Interim Town Manager Stilwell where a Songwriter Fest was discussed. He recognized Ceel Spuhler.

Ceel Spuhler, Friends of the Mound House, invited Council to the luminary event at the Mound House on Valentine's Day.

XV. AGENDA MANAGEMENT

Town Clerk Mayher reported the Fort Myers Beach Film Commission presentation was scheduled for the Regular Meeting on February 18th; and added there was no topic(s) pending for the next Work Session.

Mayor Mandel questioned the status of the Stormwater Study; and requested the discussion regarding the meters be scheduled for the February 18th Work Session.

Council Member Andre asked for 'outdoor displays' to be placed back on Agenda Management. He questioned the status of the pictures on the front of Town Hall.

Town Attorney Miller indicated she was going to prepare a 1-page agreement concerning the matter of liability.

Council Member Andre questioned the status of Beach Patrol.

Mayor Mandel noted Beach Patrol would be part of a TDC funding request.

Council Member Andre noted from previous meeting minutes the issue of "community officers".

Council Member List explained how there was interest by Council to "bump up" the presence of LCSO officers in the Town.

Interim Town Manager Stilwell reported he quickly met with Captain Powell last week and did mention to him the need for increased visibility and officer presence in the Town.

Council Member Andre asked if the speed bump had been removed on Third Street.

Town Clerk Mayher reported Public Works Director Lewis had requested the contact information for the resident who made the request and that staff was working on having the speed bump removed.

XVI. RECAP OF ACTION ITEMS

No discussion.

XVII. ADJOURNMENT

Motion by Council Member List; second by Council Member Andre. Meeting adjourned at 9:52 a.m.

Adopted 2-18-14 With/Without changes. Motion by Kosinski / List

Vote: 5-0

Michelle D. Mayher, Town Clerk

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