MINUTES

Tuesday, January 21, 2014

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 January 21, 2014 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: Acting Town Manager Wicks, Town Attorneys Miller and Humphrey, Public Works Director Lewis, Community Development Director Fluegel, Parks and Recreation Director Norton, and Town Clerk Mayher.

II. PLEDGE OF ALLEGIANCE

Mayor Mandel noted that on the Agenda, under "Town Manager Performance Goals", Town Attorney Humphrey would distribute resumes for people interested in becoming the Town's *Interim* Town Manager.

III. COAST & HARBOR ENGINEERING PRESENTATION

Environmental Sciences Coordinator Laakkonen gave a brief overview of the background and purpose of hiring Coast and Harbor Engineering to complete the Fort Myers Beach Coastal Management Plan (i.e. stabilization of the shoreline and reducing the impact of erosion).

Josh Carter, Coast and Harbor Engineering, noted that his presentation would include discussion of the project goals, coastal processes analysis, Estero Island morphology, development of alternatives, alternatives analysis and evaluation, and recommendations. He reviewed the following:

- **Overall goals** – develop an understanding of coastal processes and anthropogenic factors that control short and long term shoreline morphology of Estero Island; and develop and evaluate a set of long term engineering solution(s) that maximize coastal stability for Estero Island gulf shoreline.

- **Coastal Processes Analysis** – data, coastal processes (i.e. water level, sea level, wind, wave, inlet dynamics), shoreline change rates, long shore sediment transport rates.
    - Previous Coastal Projects – structures.
    - Previous Nourishment Projects
    - Bathymetry Sources
    - Bathymetry – new data.
    - Relative Sea Level Rise
    - Coastal Processes Data Stations
    - Wind
    - Waves
    - Coastal Processes Extremes
    - Modeling Domain – waves.
    - Inlet Dynamics – hydrodynamic modeling, model validation.
    - Existing Data – aerial photos of pre-nourishment and post-nourishment construction.
    - Shoreline Positions
    - Shoreline Change Rate
- **Inlet Morphology**
    - Long Shore Sediment Transport – goal is to understand the background sediment transport patterns along the Estero Island and Lovers Key; methodology to use wave modeling to propagate waves near the shoreline and then use CERC equation to get the transport rates estimate.
    - Long Shore Transport, Long Shore Sediment Transport
    - Existing Shoreline Transport Patterns
    - Shoreline Morphology Modeling – *GenCade* a 1-D shoreline morphology model; calculates sediment transport and morphology change along coastal regions; good at trends in capturing big picture; and uncertainty high for detailed morphology, especially near inlets.
- **Development of Alternatives** – **goal** to maximize shoreline stability; accomplished by adding sand to the system and keep existing sand in system longer; **challenges** are the wild inlet (very dynamic adjacent shorelines and sensitive habitat in most dynamic region; **positives** are two nearby renewable sources of sand and recent large nourishments on north.
- **Development of Alternatives** – approach to maximize benefit for cost, and use proven technology with known performance; focus on proven technology was beach nourishment, wave energy reduction and trap long shore transport; avoid unproven technology was experimental, performance and lifetime unknown, and do not be a test-case.
- **Alternative Evaluation** – discussion of alternatives such as but not limited to nourishment, groins, breakwaters, onshore nourishment; near shore placement, off-shore placement, nourishment with breakwaters, dunes, beach nourishment, short groin field, breakwater field, etc. and potential cost.
- **Recommendations** – discussion of recommendations such as but not limited to continue support of federal nourishment, short groins, more groins to south may prove beneficial, use Matanzas maintenance, near shore placement, construct on-shore nourishment utilizing sediment dredged from Big Carlos Pass, dunes, borrow site, etc.; **monitoring** – better coastal management from an effective, consistent, and long term monitoring program; recommend developing, funding, and performing monitoring into the future; monitoring program should include data collection along

with on-going analysis of monitoring results; implement consistent monitoring of the Island shoreline through regular topographic and bathymetric survey transects at island R-monuments; and implement long term monitoring of Big Carlos Pass to determine if it is a long term sustainable borrow site, and what is the best location for the borrow site.

Council Member Andre questioned the placement of short groins as it pertained to habitats and spawning Snook.

Environmental Sciences Coordinator Laakkonen explained when these types of structures were on the beach it would help to serve as an ancillary habitat.

Josh Carter, Coast and Harbor Engineering, explained how the subject area was good for a groin field.

Mayor Mandel questioned if Mr. Carter could show information that would depict what would happen if not action was taken on the matter.

Josh Carter, Coast and Harbor Engineering, displayed and discussed a slide depicting what would occur in eight years if the Town took no action regarding their coastal management (i.e. shoreline erosion, impact on residential properties, undermining bulkheads, etc.).

Discussion was held concerning the slide displayed and potential impacts if a "*do nothing*" approach was taken by the Town.

Mayor Mandel mentioned the permit with the Army Corps of Engineers and suggested working to get it changed now.

Josh Carter, Coast and Harbor Engineering, concurred with Mayor Mandel's suggestion.

Council Member Andre questioned the status of dredging Big Carlos Pass and the sand.

Environmental Sciences Coordinator Laakkonen explained his belief that there had not been an application made to any government agency to dredge Big Carlos Pass.

Council Member Andre asked if the Pass needed to be dredged.

Environmental Sciences Coordinator Laakkonen noted that was a policy question for Council; however, he explained questions associated with dredging the Pass would be:

- Why dredge the pass?
- For what depth of boats?
- How often?
- Who would use the pass?
- What would be the impact to Lovers Key and Fort Myers Beach?
- Would the DEP want an Inlet Management Plan?

Mayor Mandel questioned the process for designating 'sand borrowing areas' for Fort Myers Beach.

Environmental Sciences Coordinator Laakkonen explained his belief that it would be a regional sediment management question that involved the DEP and Army Corps of Engineers. He noted that with direction from Council, staff could begin discussions regarding regional sediment management.

Mayor Mandel told of his experience attending a beach and shoreline management meeting held on the east coast of Florida, and a discussion pertaining to sand/regional sediment management. He suggested staff work with the County regarding the Army Corps of Engineers permit and the Town's ability to move sand where the Town needed it.

Consensus agreed with Mayor Mandel's suggestion for staff to work with the County regarding the Army Corps of Engineers permit and the Town's ability to move sand where the Town needed it.

Environmental Sciences Coordinator Laakkonen explained his belief that now that the Town had the Coastal Management Plan in hand the Town could show the Army Corps where the sand needed to be placed.

Mayor Mandel asked if there was consensus that Environmental Sciences Coordinator Laakkonen should work with other local government bodies (i.e. Army Corps of Engineers) for designating the sand borrowing and that the Town should have access to the sand.

Consensus agreed that Environmental Sciences Coordinator Laakkonen should work with other local government bodies for designating the sand borrowing and that the Town should have access to the sand.

Environmental Sciences Coordinator Laakkonen reported he was currently reviewing the *Draft* Coastal Management Plan and once finalized would share it with Council and any interested agency.

Mayor Mandel noted another Work Session would be needed once the Coastal Management Plan was finalized.

Environmental Sciences Coordinator Laakkonen suggested the Coastal Management Plan should be updated as data was collected; possibly view parts of the CMP as a CIP; seek a long term monitoring plan for Big Carlos Pass and perhaps the Town should begin discussions with the State/County for cost-sharing of some additional bathymetry data; and use the CMP to begin discussions with the Corps. He also suggested that staff come back to Council at least once a year to do a "State of the Coast" presentation.

Recessed at approximately 11:13 a.m. – Reconvened at approximately 11:20 a.m.

IV. TDC FUNDING REQUEST

Public Works Director Lewis noted Council had received the draft work sheets for staff's funding proposal to the Tourist Development Council for FY2015; and indicated staff would bring the matter back to Council for official approval before submitting the application.

Mayor Mandel questioned if the Town was asking for less funding in FY2015 than FY2014.

Public Works Director Lewis responded in the affirmative; and explained how each year's application was based on expenses and eligible reimbursements from the prior year(s).

Discussion was held concerning expenses and eligible reimbursements (i.e. Beach Patrol, Ambassadors).

Public Works Director Lewis explained that the component of what the TDC funded was actual maintenance activities; and approximately 26% of Beach Patrol's time was used for maintenance.

Discussion ensued regarding TDC funding and Ambassadors.

Mayor Mandel requested Public Works Director Lewis obtain a copy of the transcript of the meeting with the TDC where the Ambassadors were discussed to verify what was approved for funding.

Public Works Director Lewis pointed out that during the new contract negotiations for beach and street enforcement additional enforcement for early morning and late evening during season was included.

Council Member Andre noted he remembered the additional Ambassadors in conjunction with MRTF and the new brochure.

Public Works Director Lewis suggested obtaining the transcript from the meeting, and if the TDC did include the Ambassadors, then she would add those dollars in the request when the matter came before Council for approval.

Mayor Mandel suggested make the mooring field a request to the TDC this year.

Consensus agreed with the Mayor's suggestion to make the mooring field a request this year.

Mayor Mandel asked Council Member Andre, as Liaison to MRTF, if he would be willing to work with staff to make a presentation to the TDC. He suggested showing where the boats in the mooring field came from by taking photographs of the sterns of the boats.

Council Member Andre responded in the affirmative.

Public Works Director Lewis reported staff was continuing to move forward with the beach and bay accesses; and noted she intended to apply for funding to the West Coast Navigational District for a dinghy dock which would require a Town match. She explained she would like to add to the TDC FY2015 application a request under the Town's capital portion for the construction of the dinghy dock. She reviewed her discussion with Environmental Sciences Coordinator Laakkonen regarding funding for coastal management monitoring.

Mayor Mandel suggested staff include an amount for coastal management monitoring in the funding proposal to the Tourist Development Council for FY2015.

V. TOWN MANAGER PERFORMANCE GOALS

Council Member Raymond suggested that the selection of a permanent Town Manager should be done after he and Council Member List finished their term, and new Council Members had been voted in by the residents.

Town Attorney Humphrey explained that the Mayor had asked him to serve as moderator for this matter; and he recognized in the audience Peter Lombardi who was a "Range Rider" through the Florida League of Cities. He noted there were four resumes for Council's review as it pertained to the selection of an Interim Town Manager – John "Jack" Green, Gary Price, Evelyn Wicks, and Donald Stilwell.

Mr. Lombardi noted that the Town's recruitment for a permanent Town Manager could be a process that would take 90-120 days to complete.

Council Member Raymond indicated he reviewed the resumes and had an order of preference.

Council Member List reported she would like to speak with more constituents and staff before making a decision or ranking of candidates.

Town Attorney Humphrey recommended that if a Council Member had decided on a ranking of the candidates (1-4), they should wait to discuss it at the Regular Meeting later tonight.

Mayor Mandel noted that the County had designated $50 million dollars for Estero Boulevard and that they would be looking for someone who was competent to work with them on that project. He reported that he did meet with Mr. Price, spoke with Mr. Stilwell on the phone, and he had received the information from Mr. Green.

Town Attorney Humphrey reported that the candidates informed him that they would take the position as interim under the same terms as the previous Town Manager.

Discussion ensued regarding the candidates; obtaining input on the matter from constituents and staff; and the decision regarding the selection of an interim versus a permanent Town Manager.

Town Attorney Miller noted the approval of the separation agreement between the Town and former Town Manager was on the Agenda for tonight.

VI. PARKS & RECREATION DEPARTMENTAL REPORT

Parks and Recreation Director Norton reported the year ended with 1,792 new members since the commencement of "Every Resident a Member"; and that every program had grown and usage had also increased. He noted he was working on a report to show service hours and cost to show the value of the Parks and Recreation Department which would give an overview of the value the residents were getting from the Department.

Mayor Mandel questioned the status of relocating the dumpsters from Bay Oaks.

Interim Town Manager Wicks stated she would obtain a status on the relocation of the dumpsters from Bay Oaks for Council.

Council Member Andre noted a class at Bay Oaks that needed more eight pound weights.

Parks and Recreation Director Norton explained how purchasing equipment was outlined in an instructor's contract.

VII. COUNCIL MEMBERS ITEMS

Council Member Raymond – discussed his views regarding the Special Meeting held last week that he was unable to attend; his lunch meeting with the former Town Manager last Friday after the Special Meeting; his objection to allow the former Town Manager leaving 'without cause'; and indicated he did not want the former Town Manager to leave. He reported he did not receive the email calling the Special Meeting until after 3:30 p.m. on the Monday before the Special Meeting; and did not understand why the meeting was called so quickly. He noted that if he had been available for the Special Meeting that the vote would not have been unanimous. He explained the former Town Manager would be receiving $123,020 which included sick time, vacation time, etc.; and discussed his view regarding the sizable payment to the former Town Manager.

Mayor Mandel noted that he, and he believed the other Council Members, were unaware that Council Member Raymond was out-of-town when the Special Meeting was called. He reviewed the contract of the former Town Manager for a termination 'without cause'; and noted that State law had changed since the contract was written.

Discussion ensued concerning the Special Meeting; and the Town Charter provision for removing a Town Manager.

Town Attorney Humphrey recounted his recommendation to the former Town Manager to schedule a meeting to inform the Council of his desire to resign.

Discussion was held concerning the termination 'without cause' of the former Town Manager; and the timeline for calling the Special Meeting on January 15th.

Council Member Andre – asked if there was a telephone number for Code Enforcement on the Town's website.

Interim Town Manager Wicks stated it was her belief the number was listed and would verify it was listed.

Council Member Andre – noted that October 1st there had been a 90-day waiver to the fees for outdoor displays and suggested adding the matter to the agenda tonight to consider an extension. He reported at 301 Palermo the silt screens were down and they were floating in the water along with some insulation and plastic. He reported that Top 'O the Mast had full liquor service down to the water this past Sunday.

Town Attorney Miller noted she received photographs of the liquor service in question from a Code Enforcement Officer this morning and she would follow-up on the matter.

Council Member List – discussed her belief that the former Town Manager did not want to leave his position but felt it was in the best interest of the Town to do so.

Vice Mayor Kosinski – no items.

Mayor Mandel – no items.

VIII. ADJOURNMENT

Meeting adjourned at approximately 12:21 p.m.

Adopted 3-3-2014 With/Without changes. Motion by Kosinski/Andre

Vote: 5-0

Michelle D. Mayher, Town Clerk

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