



## **MINUTES**

**Monday, March 3, 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 March 3, 2014 Work Session of the Town Council at 2:01 p.m. Present along with Mayor Mandel were: Vice Mayor Kosinski, Council Members Andre, List, and Raymond. Also Present: Interim Town Manager Stilwell, Town Attorney Rooney, Public Works Director Lewis, and Town Clerk Mayher.

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

### **III. TDC REQUESTS**

Public Works Director Lewis reported that she provided Council with a copy of the completed TDC application and a memo outlining the dollar amounts applied for this year. She noted that beach ambassadors, beach and shoreline maintenance, and the mooring field operation/maintenance were added to the TDC funding request. She explained that the beach and shoreline maintenance request was increased by \$10,000. CRAB was working on identifying the bay and beach accesses for improvement in FY 2014. She reported she included in the application the design, permitting, and construction of the dock proposed for Gulf Beach Road.

Council Member Raymond questioned if there had been any input received from the residents of Gulf Beach Road as it pertained to the proposed dock.

Public Works Director Lewis explained it would be the residents of Tropical Shores; however, staff had not yet done public outreach on the matter. She added that would begin when the Town learned if they would receive the funding for the project.

*people in mooring field*

Council Member Andre indicated residents last year expressed an interest in having a dingy dock at the subject site.

Council Member List questioned who would be attending the TDC meeting on behalf of the Town in the absence of the Public Works Director.

Public Works Director Lewis explained that Council Member Andre offered to attend the Coastal Advisory Council Meeting; and added that the Interim Town Manager and Mayor would attend the TDC Meeting.

Discussion ensued regarding Town representation at the Coastal Advisory Council and TDC Meetings.

Vice Mayor Kosinski questioned the proposed kayak launch at Gulf Beach Road.

Public Works Director Lewis reported there was funding in place for a kayak launch.

Mayor Mandel asked how much funding was requested for the mooring field.

Public Works Director Lewis stated the request was for 100% of the Town's workforce (\$49,000 approximate) and maintenance materials (upwards of \$60,000).

Council Member Andre noted that he had taken photographs in the north field of the boat sterns and most of them were from out-of-state; and added that he had yet to photograph the south field boats. He reported tomorrow he would be meeting with three stakeholders regarding the comfort stations on Canal Street.

Vice Mayor Kosinski questioned a proposal for beach erosion and asked if they would be able to approach TDC for some of the recommended structures.

Public Works Director Lewis explained that Priority #2, Beach Nourishment Project, was a continuation and the monitoring at the Big Carlos Pass was a continuation of the Coastal Management Plan.

Mayor Mandel requested the Interim Town Manager obtain a comment from the County on whether they were going to work on changing the permit at the north end so that the Town could place sand where the Town wanted whenever the Army Corps did an emergency dredge.

Discussion ensued regarding regional sediment areas and spoil areas.

Public Works Director Lewis reported the application was submitted to the TDC.

#### **IV. DISCUSSION REGARDING OBSTRUCTIONS IN THE RIGHTS-OF-WAY**

Council Member Andre explained that he requested the discussion item in order to establish a clear policy on obstructions in the Town rights-of-way.

Town Attorney Rooney offered direction to Council as it pertained to the current code which did not address the matter “head-on”. He reported that most municipalities and counties had a specific listing of allowable uses within the right-of-way adjacent to private property or a flyer stating the rules if there were multiple provisions within the code. He explained the issue was when the code was implemented and when the tree was planted; and added that the Town could easily take an action to remove a tree since they owned the rights-of-way.

Council Member Andre questioned what would occur if the property owner requested the Town remove a tree.

Town Attorney Rooney explained there would have to be a reason for removal; and added there was no affirmative duty for the Town to remove the tree.

Mayor Mandel questioned if the Town could remove a tree during the potable water improvements that needed to be removed.

Town Attorney Rooney responded in the affirmative. He reported, as it pertained to obstructions in the public rights-of-way, that the code might need “*tweaking*” and/or it might need an informational flyer or brochure.

Council Member Andre suggested sending the matter to the LPA. He questioned when was the Town required to review their Comprehensive Plan and LDC.

Discussion was held concerning the timeline for review of the Comprehensive Plan and LDC.

Mayor Mandel noted the Charter review was due for review after the upcoming election.

Town Attorney Rooney reported the Comprehensive Plan and LDC review was once every seven years; and explained the staff starts the review, then it was sent to the LPA, then to the Council, and then onto the State. He added that after the State review their comments/recommendations were forwarded back to Council and then reviewed/adopted by the Council.

Discussion ensued concerning the Comp Plan and LDC review process.

Consensus approved forwarding the topic of obstructions in the Town rights-of-way to the LPA.

## **V. DISCUSSION REGARDING POSSIBLE AD-HOC COMMITTEE FOR STORMWATER OUTREACH**

Discussion was held concerning the placement of the discussion item on the agenda.

Mayor Mandel suggested waiting to consider the creation of an ad-hoc committee for the stormwater outreach until the outside engineer completed their impervious study.

Public Works Director Lewis estimated the impervious study should be completed within the next couple of months and then GSG would prepare their information.

Council Member Andre questioned the status of the restoration of the reFRESH Program.

Public Works Director Lewis explained she was working on the matter and it should be soon. She suggested it might be timely to begin work on code changes as it pertained to stormwater management now that the Town adopted the Master Plan and there was a potential for the Town to adopt a stormwater utility (i.e. stormwater management on private property).

Consensus approved that Public Works Director begin working with the Town Attorney on the matter and then forward their findings onto the LPA.

## **VI. COUNCIL MEMBERS ITEMS**

Council Member Andre – reported he spoke with A.J. Bassett concerning historic plaques that had not been installed and could not be located.

Discussion ensued regarding the plaques.

Council Member Andre requested the Interim Town Manager to check with Planning Coordinator Overmyer as to the whereabouts and installation of the plaques. He reported he received a request for the installation of an informational sign on Estero Boulevard for the church located at the theater.

Mayor Mandel indicated the informational sign request was probably a Lee County issue and there might be a problem with the existing theater sign as it pertained to installing another sign.

Discussion ensued regarding signage on Estero Boulevard.

Council Member Andre – reported he had noticed 2-3 water taxi companies and questioned licensing and liability issues.

Town Attorney Rooney stated counties were in charge of licensing ferry operators and franchises. He reported he did not find in the County records any issuance of ferry franchises since 2004. He expressed his concern regarding State statutes which addressed rivers and did not address other waterways (i.e. San Carlos Bay). He requested time to research the matter further to determine if a State license existed; and noted instances for insurance requirements.

Council Member Raymond – no items.

Council Member List – no items.

Vice Mayor Kosinski – questioned the recent LPA Special Meeting.

Interim Town Manager explained how the meeting with the LPA came about and indicated the LPA had an agenda prepared; and added that he and staff attended the meeting and listened to the LPA.

Council Member Raymond pointed out that the Town committees held an advisory capacity and did not make policy.

Discussion was held concerning the advisory capacity of committees; the purpose of Council liaisons to committees; the organizational structure of the Town; and consideration to have an orientation for new committee members.

Town Attorney Rooney reviewed the availability of educational opportunities for new committee members through organizations such as but not limited to the Florida League of Cities. He indicated his ability to offer training to local planning agencies and councils.

Council Member Raymond suggested the educational information be included when new members were informed about the Sunshine Law.

Discussion continued regarding the purpose of Council liaisons to committees; a future joint meeting with Council and the LPA; and Item H on the LPA Special Meeting Agenda.

Discussion continued regarding the purpose and responsibilities of Council liaisons to committees.

Mayor Mandel – reported he had a meeting concerning Fowler White and their service to the Town, and for the time being Attorney Rooney would be the Town counsel. He reported he would be speaking at the upcoming Chamber of Commerce luncheon.

Interim Town Manager suggested the Council may want to consider requesting an opinion on stormwater funding from the Audit Committee.

Discussion was held concerning obtaining an opinion on stormwater funding from the Audit Committee.

## VII. ADJOURNMENT

Meeting adjourned at 3:03 PM

Adopted 4-7-2014  With/Without changes. Motion by Andre Mandel

Vote: 5-0

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Michelle D. Mayher, Town Clerk

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