MINUTES

Monday, April 7, 2014

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

I. CALL TO ORDER

Mayor Cereceda called to order the April 7, 2014 Regular Meeting of the Town Council at 9:00 a.m. Present along with Mayor Cereceda: Vice Mayor Andre and Council Members Hosafros, Mandel, and Stockton. Also Present: Interim Town Manager Stilwell, Town Attorney Rooney, Finance Director Wicks, Public Works Director Lewis, Parks & Recreation Director Norton, and Town Clerk Mayher.

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF FINAL AGENDA

MOTION: Council Member Hosafros moved to approve the Final Agenda as presented; second by Vice Mayor Andre.

VOTE: Motion approved; 5-0.

Mayor Cereceda announced that the Regular Meeting would later continue into a Work Session in order to clear some issues from the previous Work Session which was held on March 28, 2014.

V. PROCLAMATIONS

A. Arbor Day
B. Water Conservation Month
C. Water Reuse Month

Mayor Cereceda read the Town of Fort Myers Beach Proclamation for Friday, April 25, 2014 to be proclaimed **Arbor Day**.

Bonnie McClure, President of the Estero Island Garden Club, accepted the proclamation.

Council Member Hosafros read the Town of Fort Myers Beach Proclamation for the month of April 2014 to be proclaimed **Water Conservation Month**.

Phil Flood, Intergovernmental Representative, received the proclamation on behalf of South Florida Water Management District.

Vice Mayor Andre read the Town of Fort Myers Beach Proclamation for May 18-24, 2014 to be proclaimed **Water Reuse Week**.

Phil Flood, Intergovernmental Representative, received the proclamation on behalf of South Florida Water Management District. He thanked the Council, the Town, and staff for their efforts to protect water resources.

VI. APPROVAL OF MINUTES

A. March 3, 2014 Town Council Meeting
B. March 3, 2014 Work Session

Town Attorney Rooney noted three of the newly elected Council [Cereceda, Hosafros, and Stockton] were not at the meetings for the subject minutes; and explained the process for Council's approval of the minutes by moving the item but reserving the fact that they were not present at the meetings.

MOTION: Vice Mayor Andre moved to approve the minutes with a change on Page 2 of the Work Session – "Council Member Andre indicated ~~residents~~ people in the mooring field…"; second by Council Member Mandel.

VOTE: Motion approved; 5-0.

VII. PUBLIC COMMENT

Mayor Cereceda explained how she wanted to change the "comment card" that was utilized for Public Comment by asking speakers to include a phone number and/or email address on the card if they wished a further response from a Council Member or herself.

Public Comment opened.

Jay Light, resident at 151 Chapel Street, discussed his opposition to the trash transfer station to be located at Town Hall due to the impact it was having on himself (i.e. sight, noise, and air pollution). He pointed out the subject station was 260' from his residence and in direct line of sight and sound. He

expressed his concern that the relocation of the station to the Town Hall property had not involved notification to nearby residents or a review by the LPA. He explained the type of noise he heard from the trucks and dumpsters; and invited Council to visit his home to see what he experienced as a result of the relocation of the trash transfer station to Town Hall property.

Coach Hugh Thindler, resident, encouraged saving the mangroves at the end of Delmar Avenue. He told of the history of the house located at the end of Delmar Avenue which was built in approximately the 1920s and its relation to the subject mangroves.

Barbara Hill, resident, distributed a letter to the Mayor and Council Members, and requested support to adopt the Jacaranda tree to be the flowering tree of Fort Myers Beach. She reviewed information on the Jacaranda and noted the plantings at the Mound House site. She requested the Town reimburse $20 per Jacaranda tree planted in the Town; noted her goal to plant 200 Jacarandas in the Town; suggested where these trees could be planted; and indicated a Jacaranda Festival could be held during the first week of May each year and the festival was supported by the Fort Myers Beach Chamber of Commerce. She told of her research which found only one Jacaranda festival that was held in Australia.

Public Comment closed.

VIII. LOCAL ACHIEVEMENTS AND RECOGNITIONS

Council Member Hosafros recognized Laurie Neinhaus for the fundraiser held for the Friends of the Arts last Saturday evening.

IX. ADVISORY COMMITTEES ITEMS AND REPORTS

No speakers.

Mayor Cereceda questioned the intended purpose of the agenda item (i.e. a time for reports from committees and/or reports from the Council liaisons).

Council Member Mandel explained it was primarily a time for committee chairs or designees to come and offer a report to Council; however, it could also be used for the Council liaisons to present a report or information on a particular committee.

X. ADMINISTRATIVE AGENDA

A. Leonardo Arms Sandbag Wall Permit Extension
A request to allow a permit extension for DSH12-0022 until December 31, 2014 for temporary sandbags to remain in place.

Environmental Sciences Coordinator Laakkonen reviewed the request from Leonardo Arms for a time extension to allow the sandbag wall to remain in place until the upland retaining wall was constructed. He noted the subject sandbag wall was constructed about two years ago to avoid the immediate threat of erosion; and reviewed the cooperative effort between the condominium and their engineers, the DEP,

and the Town in order to obtain a Local Declaration of Shoreline Emergency. He explained how the condominium decided to move forward with the construction of an upland retaining wall. He discussed his concern for the extension of the permit to become a precedent for a temporary situation to become a permanent situation. He suggested to allow the extension of DSH 12-0022 until December 31, 2014 and recommended approval include that no work may be done during sea turtle nesting season; they must finish obtaining permits for the upland retaining wall from the DEP; and give the condominium board sufficient time to go out to bid and obtain specifications and contracts for the upland retaining wall. He pointed out that removal of the temporary sandbags after December 31, 2014 may interfere with migration activities from shorebirds.

Council Member Mandel told of his recent visit to the subject property where he noted sand had been added to fill in the water in front of the sandbags. He asked if the condominium had the necessary permits and contract(s) to install the wall.

Environmental Sciences Coordinator Laakkonen responded in the negative; and added they were waiting for final permits from the State. He pointed out that the Town's coastal engineer had determined the coastal erosion rate at that portion of the island was over 30' per year. He explained the sand was placed, as described, to fill in a low spot that was upland of the critical wildlife area and there was a permit issued by the State to do so.

Public Comment opened.

Rene Van Someren, Leonardo Arms Board of Directors, requested an extension to February or March 2015. He discussed the critical wildlife area in front of the subject property. He indicated the State informed him that the permit for the wall would not be issued until approximately on or before May 1, 2014 at which time the condominium would be able to evaluate the conditions of the permit and then proceed with obtaining estimates for the wall. He explained how the processes involved with the construction of the upland retain wall was not something that could be done quickly. He stated the condominium would prefer the sandbags to remain in place until the wall was completed or at the very least until February or March 2015.

Public Comment closed.

Mayor Cereceda questioned Environmental Sciences Coordinator Laakkonen for comments regarding the request for an extension of February or March 2015.

Environmental Sciences Coordinator Laakkonen noted concern for the extension date and requested a definite date for when the sandbags were to be removed.

Discussion was held concerning a date for the permit extension.

MOTION: Vice Mayor Andre moved to approve a request to allow a permit extension for DSH12-0022 until February 1, 2015 for temporary sandbags to remain in place; second by Council Member Hosafros.

VOTE: Motion approved; 5-0.

B. ~~Audit Presentation~~ **Re-scheduled to April 21, 2014 Council Meeting**
~~A request to adopt Resolution 14-10, Accepting the Basic Financial Statements and Audit for fiscal Year 2012-2013~~.

C. Newton Park Seawall Replacement, ITB-13-13-PW
A request for approval to award the bid on ITB-13-13-PW Newton Park Seawall Replacement to Marine Contracting Group in the amount of $189,969.00.

Public Works Director Lewis reviewed the request to award the seawall repair and the reconstruction of two walk-overs at Newton Park. She noted the bids received exceeded what was anticipated; that the TDC was funding a portion ($158,000 – TDC funding) of the project; and added the Town had an adequate capital budget to cover the difference. She reported it was requested of the TDC to consider reallocation of some other project funds to make up the difference; however, she had not received a response from the TDC yet.

Public Comment opened.

No speakers.

Public Comment closed.

Council Member Hosafros told of her recent visit to the subject site where she noticed disrepair at both ends of the seawall; however, the middle or center portion of the seawall did not seem to be in disrepair and questioned why the entire wall was being replaced.

Public Works Director Lewis noted the underwater condition of the subject seawall and added lately there had been a lot of excretion in the subject area.

Council Member Stockton questioned if the subject project included in front of the Hyde Park right-of-way.

Public Works Director Lewis responded in the affirmative.

MOTION: Council Member Hosafros moved to approve a request for approval to award the bid on ITB-13-13-PW Newton Park Seawall Replacement to Marine Contracting Group in the amount of $189,969.00 and authorize the Town Manager to execute the contract documents; second by Council Member Mandel.

VOTE: Motion approved; 5-0.

D. Council Beach and Bay Access Improvements
A request for approval of recommendations provided by the Community Resource Advisory Board related to the beach access signs and the bay side access improvements.

Public Works Director Lewis reviewed how CRAB was given the opportunity to identify what types of improvements could be made at beach accesses and to identify two beach accesses where the improvements should begin; and that CRAB also identified two bay side locations for improvements. She discussed the agenda packet information pertaining to the identification of new beach access signs; beach access signage regarding other language translations; artist renderings for the access improvements; continued improvements for ADA access; and she discussed the two bay side accesses identified and the proposed improvements (Gulf Beach Road and Delmar Avenue). She pointed out there had been some residents along Delmar Avenue that had approached the Town a few years ago concerning the creation of a small passive park at the end of the street. She added that the Town received funding from the TDC for the passive park.

Public Comment opened.

Angela Rippons, resident, expressed her support of the proposed improvements on Delmar Avenue. She reported a majority of the neighborhood was also in support of the proposed improvements.

Diane Eisenhower, resident, reported a few years ago she had a sailboat moored at the end of Delmar Avenue. She claimed the subject mangroves were planted by someone and offered some background on the planting of the mangroves and the boat ramp.

Miffie Greer, Chair of CRAB, explained how CRAB had worked on the issue of the beach and bay accesses for about 2½ to 3 years and hoped the Town would use the drawings submitted as models for other accesses on the island. She noted CRAB hoped that people would find the proposed accesses to be usable, water-friendly, people-friendly, and island-friendly. She reported CRAB recommended the signage needed to be updated.

Council Member Hosafros recounted her visit to the Gulf Beach Road site and questioned if the two existing parking spaces would remain.

Miffie Greer, Chair of CRAB, responded ~~in the negative~~ affirmatively.

Council Member Stockton questioned the proposed improvements to Delmar Avenue.

Public Works Director Lewis explained the Delmar Avenue site may consist of two decorative benches, some waste and recycling containers, a drinking fountain, and some cleaning of the subject mangroves. She noted on Gulf Beach Road some of the mangroves may have to be removed that would require mitigation elsewhere and the proposed kayak ramp would have to be some type of hardened surface.

Joe Stockton, resident, questioned to what extent the Council would approve the proposed recommendations; and discussed his concerns regarding roping off sites and plantings as it pertained to the public's easement rights (prescriptive easement rights). He cautioned using artwork on signs, park benches or any other structure.

Dr. Wayne Edson, resident, stated he and some of his neighbors supported the proposed improvements at the end of Delmar Avenue. He questioned if the mangroves were planted by a private individual in the Town's right-of-way or were they planted by the Town.

Rita Oben, Property Manager for Dock of the Bay, discussed the basis for her opposition to recommended improvements at the end of their street. She told of problems the Dock of the Bay experienced from trespassers.

Coach Hugh Thindler, resident, reported he did not plant the subject mangroves.

Angela Rippons noted the passive park would be utilized mostly by the people who lived on Delmar Avenue; and noted the condo had its own security.

Public Comment closed.

Council Member Stockton questioned if staff had any further information regarding the subject mangroves.

Environmental Sciences Coordinator Laakkonen stated he was unsure about whether the mangroves were intentionally planted or not, but added there was a fair amount of natural recruitment of mangroves in the subject area. He added that whether or not the mangroves were planted, they still had the same legal protection.

Discussion was held concerning the proposed dinghy dock and the permitting process; and TDC funding for permitting and design of the dinghy dock and the kayak launch.

Public Works Director Lewis explained there were a lot of mature mangroves at the Delmar Avenue site and the intention was to only trim the mangroves.

Discussion was held concerning the type of 'cleaning' anticipated for the mangrove area and possible improvements to the shoreline.

Council Member Andre complimented CRAB for their hard work on this issue and for doing an excellent job.

Town Attorney Rooney addressed Mr. Stockton's concerns regarding prescriptive easements and explained a prescriptive easement needed to be asserted by the party seeking the prescriptive easement.

Mayor Cereceda questioned if the accesses at the end of the street for the two subject locations were public.

Public Works Director Lewis responded in the affirmative; and added that approximately 70% of the Town's side streets were public access to the water.

Mayor Cereceda questioned if neighbors on the two bay side streets could be assured that Council's approval was to continue the planning process and the concerns received today would be taken into consideration during the planning process.

Public Works Director Lewis responded in the affirmative.

MOTION: Vice Mayor Andre moved to approve a request for approval of recommendations provided by the Community Resource Advisory Board related to the beach access signs and the bay side access improvements; second by Council Member Mandel.

Mayor Cereceda questioned if the signage depicted in the agenda packet was final.

Public Works Director Lewis explained it was her understanding the signage depicted in the agenda packet was for the final signs and noted her belief CRAB was seeking approval of their recommendation for the signs.

Discussion was held concerning the beach access signage.

Keri Weeg, Vice Chair of CRAB, stated she would make any changes Council requested (i.e. font).

Mayor Cereceda noted she would approve the motion with the condition that the details of the signs were not finalized.

AMENDMENT: Motion maker accepted Mayor Cereceda's recommended amendment to accept and approve the recommendations on the condition that the details of the signs are not yet final; second agreed.

VOTE: Amendment approved; 5-0.

VOTE: Motion approved; 5-0.

XI. PUBLIC COMMENT

Public Comment opened.

No speakers.

Public Comment closed.

XII. TOWN MANAGER'S ITEMS

A. Mound House Update – reported he and the Mayor attended a meeting last Friday concerning the siting of the front door at the Mound House; and added there was an upcoming meeting this week to discuss the matter further.

B. Action Item Recap – no items.

Recess at 10:18 a.m. – Reconvened at 10:30 a.m.

XIII. TOWN ATTORNEY'S ITEMS

A. Town Manager's Contract

Town Attorney Rooney – reported he was moving forward with the County Attorney's Office and he anticipated that shortly he would receive a draft on a county-wide noise ordinance. He offered an update on the unpermitted water taxis operating off the Town docks noting the Lee County Department of Transportation was presently investigating the matter. He explained the draft contract for the Town Manager position basically mirrored all financial aspects of the former Town Manager's contract. He added that changes were made to the contract to tighten up some language, the statutory requirement limiting severance packages to 20 weeks was added, and a probationary period of six months during which time the Town Manager could be released at will without severance was also added.

Mayor Cereceda noted the proposed contract resulted from the Council's prior Work Session.

Council Member Hosafros questioned additional deferred compensation ($7,000) in the proposed contract as compared to the former Town Manager's contract.

Town Attorney Rooney explained the deferred compensation ($7,000) reflected a difference in the amount of benefits paid to the former Town Manager.

Discussion ensued regarding the similarities and differences between the former Town Manager's contract and the proposed Town Manager contract; the current agreement between the Town and the Interim Town Manager; and a recap of the discussion by Council on the matter at their last Work Session.

Finance Director Wicks reviewed the similarities and differences between the former Town Manager's contract and the proposed Town Manager contract as it pertained to the costs associated with medical insurance coverage.

Discussion was held regarding the proposed Town Manager contract as it related to costs associated with medical insurance coverage; insurance coverage costs for Town employees and dependents; and the number of years there were no salary increases and the number of years in the past when there were salary increases for Town employee positions and the Town Manager position.

Discussion was held concerning the proposed Town Manager contract.

Consensus was to amend the proposed contract from six months to 90 days under Intent Not to Renew; and to bring the amended contract back on the April 21, 2014 Council agenda.

XIV. COUNCILMEMBER ITEMS AND REPORTS

A. Meeting with Secretary Vinyard

Council Member Mandel offered a report on his meeting with Florida's DEP Secretary, Herschel Vinyard and noted he distributed a written copy of his report to the Council. He pointed out his report addressed items such as but not limited to acquiring as much property as possible so the Town could create water storage; the value of tourism to the local and national economy; and projects for immediate consideration. Each municipality should consider a letter and resolution to be sent to Senator Nelson requesting relief under Appendix A to use C43 land for temporary storage.

Council Member Mandel - addressed Mr. Light's comments and noted that it was his belief there was an ordinance that limited the time for garbage truck pick-ups. He discussed the reasons why the Town Hall site seemed to be the most viable site for the relocation of the trash containers and mentioned there may be an alternative solution for the trash collection site in the future.

Vice Mayor Andre – requested the Town's website information on the advisory committees be updated. He requested Council's approval to give information to MRTF on the Florida Green Building Coalition (i.e. environmental purchasing policy) and request they begin work to obtain certification.

Consensus to approve Vice Mayor Andre's request regarding MRTF.

Vice Mayor Andre – questioned the status of the pictures in the windows for the front of Town Hall.

Interim Town Manager reported it would be done by the end of the month.

Council Member Hosafros – expressed her belief that the special event permit application and process needed to be revised.

Mayor Cereceda indicated similar views regarding the special event permit application and process; and suggested further discussion during the Work Session.

Council Member Hosafros – discussed her views on public comment and suggested that cards were to be filled out for every speaker.

Discussion ensued regarding requiring comment cards for speakers during public comment.

Council Member Stockton – recognized the Anchorage Committee for hosting the Cruiser Appreciation Day. She reported she attended the BOCC meeting last week and told of the comfortable audience chairs and suggested Council consider similar seating for Council Chambers; and she told of the fine audio system utilized in the BOCC Chambers.

Discussion ensued regarding the current seating and audio equipment in the Council Chambers.

Council Member Stockton – questioned the status her comments made at a prior meeting concerning E-TrackIt and asked for Council comments.

Town Attorney Rooney noted the matter should be discussed with the Interim Town Manager; that a disclaimer could appear as it pertained to the contractors who left inappropriate comments (i.e. "the keys are in the mailbox", etc.); and indicated there was a timing issue regarding comments between contractors and review staff.

Ken Miller, Building Safety Services Coordinator, explained that the staff could not turn off certain aspects of TrackIt and how contactors were assigned pin numbers which allowed them to look at their own permits.

Discussion ensued regarding aspects of TrackIt which the public may or may not view.

Council Member Mandel was excused at 11:00 a.m.

Town Attorney Rooney explained information may also be obtained by a public records request or by raising the level of the Town's contract with the service provider for TrackIt.

Ken Miller, Building Safety Services Coordinator, described instances when the public reviewed certain inspection information on TrackIt.

Town Attorney Rooney explained staff could review the TrackIt program and come back to Council with options.

Discussion was held concerning the TrackIt program; public review of certain inspection information on TrackIt; and transparency with the public.

Interim Town Manager recommended staff bring back TrackIt as a topic of discussion at an upcoming Work Session.

Consensus was to bring back TrackIt as a topic of discussion at an upcoming Work Session along with other issues regarding 'transparency'.

Council Member Stockton – requested when people forward issues to her that they utilize her Town email address.

Mayor Cereceda – reported the special event permit issue would be discussed during the second half of the meeting. She mentioned she met with Mr. Degenero who extended his apology for his emotional outburst at a prior Council meeting; and added this meeting was one of many meetings she intended to have with stakeholders regarding noise and special event permits. She discussed the progress with CELCAB and the Mound House and her upcoming meeting regarding the Mound House. She noted she hoped to bring back to Council the matter of Mound House parking as it related to 216 Connecticut Street relatively soon. She announced the Mound House was slated to open this year. She questioned the status of the Agenda Management List.

Town Clerk Mayher reported she would address the Agenda Management List today.

Mayor Cereceda questioned the purpose of "Recap of Action Items".

Town Clerk Mayher explained that had appeared on the agenda at the request of a former Council for the Town Manager to review the Action Items discussed during the current meeting; and also explained the "Recap of Action Items" listed under the Town Manager's Items was for post-meeting items.

Discussion was held concerning the purpose of "Recap of Action Items" and accountability of items.

Mayor Cereceda explained that after recess the Council would reconvene into a Work Session.

Recessed at 11:22 a.m. – Reconvened at 12:08 p.m.

Mayor Cereceda reviewed what types of topics were anticipated to be discussed during the next portion of the meeting.

Council Member Stockton noted Ms. Hill's comments during the public input session earlier and wanted to know when Ms. Hill's issue would be addressed; and indicated her support of Ms. Hill's suggestion.

Mayor Cereceda noted she had a prior discussion with Ms. Hill regarding the Jacaranda trees and told of her experience when she worked with others on the Town's Comprehensive Plan/Streetscape Plan as it related to trees.

Interim Town Manager Stilwell reviewed how an idea such as Ms. Hill's request could be championed by a member of Council beginning at a Work Session.

Vice Mayor Andre explained how items were traditionally brought before Council for consideration.

Discussion ensued regarding how Council could take action on an item; Ms. Hill's request regarding the Jacaranda trees; and the Town's Tree City USA Program related to reimbursement of trees purchased and the types of trees offered in the Program.

Mayor Cereceda concurred with Council Member Stockton's support of Ms. Hill's suggestion regarding the Jacaranda trees and to discuss the matter further at a Council Work Session. She added that Council should even consider at this time to incorporate Ms. Hill's suggestion into the Town's existing Tree City USA Program. She pointed out that she also liked the idea of a Jacaranda festival for the Town.

Discussion was held concerning Ms. Hill's suggestions regarding the Jacaranda trees and a festival.

Consensus was to place a discussion of the Jacaranda trees on Agenda Management.

Council Member Stockton questioned the matter of the trash transfer station at Town Hall and wanted to address Mr. Light's comments.

Interim Town Manager Stilwell reviewed the problems with the prior alternate location propose for the relocation of the trash transfer station to Town Hall (i.e. excessive costs, etc.) and noted his contact with the Town Hall's new property manager who accommodated the relocation request.

Town Clerk Mayher reviewed the background of the trash transfer station matter.

Mayor Cereceda recognized Mr. Light.

Jay Light, resident, expressed his belief that neither Bay Oaks nor Town Hall was a good location for the trash transfer station; and that it should not be located in a residential neighborhood but rather in an industrial zone. He requested the Town investigate the use of a lot that was owned by the County and other industrial sites over the bridge. He reviewed the impact to his residence with having the trash transfer station at Town Hall.

Mayor Cereceda noted how the relocation of the trash transfer station to Town Hall eliminated a significant amount of parking.

Discussion ensued regarding trash pick-up in Times Square; the relocation of the trash transfer station to Town Hall property as a temporary solution; and the use and pick-up schedule for the trash compactor, open containers, and the recycling containers used for refuse collected by the Town.

Consensus requested staff to investigate an alternative site for the trash transfer station (i.e. off-island).

Council Member Stockton recommended a code change that would not allow construction on Sunday and possibly part of Saturday in residential areas.

Discussion was held concerning the Town's noise ordinance.

Town Attorney Rooney reported Council could include a restriction for no construction on Sunday in a residential zone or a commercial zone adjacent to a residential zone.

Discussion continued regarding construction noise and the Town's code.

Town Attorney Rooney stated currently there were no construction restrictions in the code regarding days of the week. He noted the change would be an amendment to a particular ordinance and explained how a provision for no construction on Sunday could be addressed.

Discussion continued regarding construction noise and the Town's code; how a provision for no construction on Sunday could impact a property owner who only had Saturday and Sundays to perform repair/construction; enforcement versus legislation; and better communication between the contractors, Town, and the residents.

Ken Miller, Building Safety Services Coordinator, talked about a former advisory committee that dealt with communication between the contractors, Town, and the residents and other general construction issues.

Interim Town Manager Stilwell reported the former advisory committee was reinstituted and they could discuss the concerns of the Council that related to construction noise.

Council Member Hosafros requested staff publicize the advisory group's meeting for the public's benefit.

Town Attorney Rooney advised that if the meetings were advertised they should also include minutes to be taken at the meeting and to be cognizant of the Sunshine Law requirements. He stated he would discuss the matter further with the Interim Town Manager.

Mayor Cereceda requested Ken Miller relay Council's concerns regarding construction noise to the contractors.

Interim Town Manager Stilwell explained staff would proceed to keep the advisory group informal.

Council Member Hosafros requested when a complaint was received that the person be informed of the informal group.

Council Member Stockton requested she be advised of when the informal group met.

Ken Miller, Building Safety Services Coordinator, reported he anticipated his first meeting with the group would be in May.

Council Member Stockton reported the Beach Elementary School was hosting an event called "Beach 500" to be held on May 5, 2014 to raise funds for the school. She reported the Council would be invited to walk a lap at the event and join them for lunch at 11:30 a.m.

Discussion was held concerning the timing of the school event as it related to the Council Meeting.

Council Member Stockton noted that since there were three new members on Council the Council may want to address different philosophies such as but not limited to Code Enforcement and the comfort stations at beach accesses.

Vice Mayor Andre reviewed how the comfort stations were part of CRAB's work to identify potential locations and the TDC funding of comfort stations at Crescent Park.

Discussion was held concerning comfort stations and potential locations; and it was noted the matter was actively being worked on by CRAB.

Council Member Hosafros questioned if Council wanted to discuss the public comment process (i.e. filling out a card for each speaker).

Discussion was held concerning the process of public comment (i.e. include a phone number and/or email address on the speaker comment card, possibly having a requirement for speakers to fill out a Public Comment card in order to speak); and public input at Public Hearings.

Planning Coordinator Overmyer reviewed the aims of a Public Hearing and noted at the hearings conducted by the Lee County Hearing Examiner it was a requirement to fill out a comment card.

Town Attorney Rooney stated, legally, the Council could require speakers to fill out a form; they could request people to fill out a comment card after they spoke if they had not done so previously; and there could be a sign-in sheet at the podium.

Discussion continued regarding the process of public comment; the importance of public input; curtailing repetitious comments; the 3-minute time limitation; and a sign-in sheet for spontaneous speakers.

Consensus was to try out the comment cards and sign-in sheet before making a policy decision.

Council Member Hosafros questioned if there would be a savings if the hurricane passes were given to the public when they submitted the paperwork instead of mailing out the passes.

Public Works Director Lewis explained staff did schedule hours at this time of the year where people could submit paperwork and receive their hurricane pass; however, if people came to Town Hall during other times of the day there was insufficient staff to process the paperwork.

Vice Mayor Andre reported he knew someone who offered to teach leadership if Council was interested.

Interim Town Manager Stilwell discussed his view on the Council having a retreat at least once a year to discuss their concerns and utilize the skills of a meeting facilitator at a site other than Town Hall.

Consensus was for the Interim Town Manager to proceed with scheduling a retreat/strategy session for Council.

Town Attorney Rooney advised Council of the Sunshine Law requirements concerning the retreat/strategy session; and how public input could be taken at the point in time when an official action was taken regarding acceptance of the goals/objectives from the strategic session.

Discussion was held concerning the retreat/strategic session.

Recessed at 1:06 p.m. – Reconvened at 1:12 p.m.

Vice Mayor Andre suggested the Council request people offering a presentation to Council should give a 5-minute policy-level presentation and they should not simply reiterate a PowerPoint presentation.

Discussion ensued regarding PowerPoint presentations to Council; and staff discussion that was too detailed (i.e. ½ inch pipe versus 1 inch pipe) instead of being concise.

Mayor Cereceda noted her belief that the Town should be service-oriented and service-friendly to the residents and people who do business in the community. She discussed her concerns with the 17-page special event permit application. She recommended the application be streamlined; and discussed categories for different permits; potential for automatic permits for historical-type events such as but not limited to the Shrimp Festival; and the need for more user-friendly event applications for the events held on a regular basis such as but not limited to those held at Santini Plaza.

Town Attorney Rooney noted special event permits involved three ordinances and that he was working on a streamlined process that would go first before the LPA. He explained how a 'regular' special event permit could be handled.

Mayor Cereceda reported she would continue to work on the special event permit application and process with stakeholders.

Mayor Cereceda recognized Tildon Copeland of the Public Works Department.

Tildon Copeland, Public Services Supervisor, discussed his issues with the special event permit application and process (i.e. event dates, bridge closures, certificates of insurance, etc.).

Discussion ensued regarding the special event permit process and which portions were within Town control and which were in the control of other jurisdictions; special event noise concerns from the residents; special event cost concerns from the residents; special event concerns regarding the red tape and time involved from the event organizers; a recommendation to meet with Fire and Police concerning the special event application and process; and multi-event permits (i.e. fresh market).

Vice Mayor Andre told of his personal experience with the special event application and process.

Discussion continued regarding the need to streamline the special event permit application and process; reoccurring events; types of special events; a calendar of events for the Town; a definition of a special event; special events held at a commercial property versus a residential property; consistency with the use in an area for a special event; how to address and consider different levels of special events as it related to the land use of the subject site; and liability/insurance issues associated with a special event.

Discussion was held regarding whether or not Council should schedule the matter for a Work Session.

Consensus was to place the special event permit application and process on a Work Session.

Mayor Cereceda recognized Mr. Bud Nocera.

Mr. Nocera, President of the Fort Myers Beach Chamber of Commerce, recognized the work of Tildon Copeland; and noted his belief that the special event application and process needed to be overhauled.

Council Member Hosafros requested the Town Attorney bring the Council fewer definitions for events to be designated as 'special'.

Town Attorney Rooney discussed the idea of using a threshold (i.e. attendance number, occurrences, etc.) in the definition for a special event.

Mr. Nocera reported there was a calendar on the Chamber of Commerce website where people could post their event; and explained the time involved for the Chamber to determine events and event details for the calendar.

Mayor Cereceda discussed her concerns regarding parking at 216 Connecticut Street for the Mound House; and recapped when the issue went before the LPA in the form of a CPD and the revision clause that indicated the subject property would revert back to residential use if the Mound House closed. She noted the matter of 216 Connecticut Street 'died' at the LPA and discussed the issue.

Discussion continued regarding 216 Connecticut Street.

Mayor Cereceda stated she would like to see further discussion of 216 Connecticut Street; and Council Member Hosafros concurred.

Consensus was to place the matter on the April 21, 2014 Council Work Session.

Mayor Cereceda indicated her concerns regarding the agenda format and discussion of certain items ensued:

- Approval of Final Agenda – discussion was held regarding how this was section of the agenda was to address/confirm any changes to the final agenda; how the Council operated according to Resolution 10-13; and Council's Policy & Procedure Manual.
- Public Comment (first appearance on the agenda) – typically used for comments on items not on the agenda; could be used for comment time on a consent agenda; consideration for use of the first public comment for agenda items and the last public comment section for non-agenda items; and a notation that public comment during a Public Hearing had to be during that issue.

Discussion was held regarding taking public comment during the beginning of the meeting (except during a Public Hearing) for items on the agenda; and public comment at the end of the agenda for non-agenda items.

Mayor Cereceda indicated her concerns regarding the agenda format and discussion ensued:

- Recap of Action Items – discussion of the marked-up post-agenda prepared by the Town Clerk; and it was decided to eliminate the "Recap of Action Items" by the Town Manager from the agenda.
- Agenda Management – section was intended for Council to decide on items coming up next on a Work Session; and it was decided to discuss this further after the Town Clerk prepared the updated Agenda Management List from the March 28th Work Session.

Discussion was held concerning what topics would be discussed at upcoming Council meetings; and decision was made for Agenda Management to remain on the agenda.

Mayor Cereceda reported she spoke with the person who was responsible for the Fort Myers Beach radio and offered an update on proposed interviews, and a link that could be uploaded onto the Town's website.

Discussion was held regarding the actual radio station of the Town (AM1640); having a link from a private business on the Town's website; and the need for more specifics on the topic to come from Mayor Cereceda.

Discussion was held regarding posting the dates on the Town website for issuance of hurricane passes at the trailer; and use time on WGCU by the Town because of the Town's sponsorship.

Consensus was to place on a Work Session the Town's use of WGCU.

Council Member Stockton questioned if the Council meetings could be live-streamed on the Town's website.

Town Clerk Mayher reviewed how the Town had a contract with a provider that would allow the Town to go paperless, offer live-streaming of the Council meetings on the Town's website, and archive meetings on the website.

Discussion ensued regarding the information from Town Clerk Mayher; an anticipated commencement date to begin the live-streaming; and necessary laptops for Council and the LPA.

Council Member Stockton questioned the status of the Hyde Park right-of-way located at the south end of the property.

Planning Coordinator Overmyer reviewed the background of the subject property which went back to 1999 that declared it a public beach access.

Discussion ensued on the subject right-of-way; staff's need to determine what Council action was at the time; the redevelopment of the Newton property and the existing defined access; a letter received by Council Member Stockton from nearby residents to the subject property; and the anticipated seawall for Newton Park and the existing defined pathway.

Council Member Stockton mentioned that she had spoken with Town Attorney Rooney regarding the matter of Code Enforcement – complaint-driven or an active code enforcement process.

Town Attorney Rooney reviewed how the code enforcement process could involve a board or special magistrate or it could involve taking a case to civil court.

Discussion ensued concerning the Town's code enforcement process and fines.

Interim Town Manager mentioned his belief in 'delegation' and requested staff recap a recent issue.

Ken Miller, Building Safety Services Coordinator, described the matter of a trade permit application for the installation of a residential generator that would come on when the power went off and the problem with 'encroachment of essential' items into the side setback. He requested direction from Council on how they wanted staff to handle such matters.

Interim Town Manager Stilwell recommended the Council trust staff's decisions.

Discussion ensued as to whether the generator request was essential or not essential; if there were alternate locations for the subject generator; the National Electric Code requirements for the wiring and transfer switches; noise issues associated with generators; alternate locations on the subject property for the generator in question; the Town's land development code; and whether or not the Council wanted to deal with all types of variance requests.

Council Member Stockton suggested staff present other requests to Council for discussion so staff could get a better understanding of what Council would or would not want to review.

Discussion continued as to whether or not the Council wanted to deal with all administrative variance requests; and accessory structure side setbacks.

XV. AGENDA MANGEMENT

Scheduled for April 21, 2014 Agenda:

- Discussion of Ms. Hill's request concerning Jacaranda trees
- Discussion of special event permit application and process
- Discussion of 216 Connecticut Street and parking for Mound House
- Discussion of WGCU use of media
- Discussion of the agenda format - Public Comment

XVI. RECAP OF ACTION ITEMS

No discussion.

XVII. ADJOURNMENT

Mayor Cereceda adjourned the meeting at 2:52 p.m.

Adopted 5-5-14 With/Without changes. Motion by Andre/Stockton

Pg 6 of 19

Vote: 5-0

Michelle D. Mayher, Town Clerk

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