



MINUTES

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

WORKSESSION

Wednesday, April 14, 2010

9:00 AM

I. CALL TO ORDER

Mayor Kiker called the meeting to order at 8:55 a.m. Present with Mayor Kiker was Vice Mayor Raymond, Council members List, Babcock and Mandel along with Town Manager Stewart, Town Attorney Anne Dalton and Town Clerk Michelle Mayher.

II. PLEDGE OF ALLEGIANCE

All present participated in the Pledge of Allegiance.

III. COUNCIL POLICIES AND PROCEDURES MANUAL

Councilmember Babcock began by noting Policies and Procedures were not rules but a useful tool particularly for new members of Town Council as well as a useful document for anyone considering being on Town Council as it provided a better idea of what was expected. They were guidelines that could be changed over time. Mr. Babcock would like to have included a section on Public Works Services, Inc.

Councilmember Babcock stated there were some sections that do or could overlap with Administrative Policies and Procedures or a Personnel Manual, such as section 8 which discusses Reimbursement Procedures, a carry over from a previous policies and procedures manual, sections 10 and 11 regarding Non-Discrimination Policies and Harassment Policies.

Discussion began whether to include the above noted sections or whether to reference another document. Mr. Stewart stated there was a policies and procedures for reimbursement as well as personnel rules and regulations and a standardized set of administrative directions was being put into place.

Attorney Dalton stated from a legal perspective pages 29, 30 and 31 which were

the internal complaint procedures be deleted as those specific processes were personnel policies.

Councilmember Babcock expressed a need to eliminate sections 10 and 11 also noting that section 8 should be covered by the staff manual.

Town Manager Stewart stated under Training Recommendations it should read all courses required by NIMS alleviating the need to change the course requirements should additional courses be added.

Mr. Stewart addressed section 7 Meeting Procedures, stating if Council were to change their meeting orders then it would be necessary to change the P & P each time.

Councilmember Mandel reviewed his thoughts on the document by providing Council with additions and deletions to all sections. In section 2 an addition would be to add, supervise the Town Manager for the welfare of residents and guests of the island in adherence to the Town Charter, State and Federal Law.

Discussion continued regarding individual sections of the draft document with the decision to omit the Desired Council Person Qualities section. Conversation then moved to Code of Conduct and Code of Ethics sections with Mayor Kiker and Councilmember Mandel seeing the need to remove all numbered items under those headings. Attorney Dalton felt the information listed would save future attorney fees by allowing the information to remain. Councilmember Babcock indicated the Principles and Values section could be removed but Code of Conduct and Code of Ethics should remain.

Council then began discussion on #8, Code of Ethics, indicating members should not actively participate or interfere in a code enforcement investigation. A decision was made to remove it from the document. The email policy was then discussed noting the need to add a mandatory statement at the end of each email.

Recess: 10:20 AM Reconvene: 10:32 AM

Council continued their review of the policies and procedures document discussing sections, and making additions and deletions during the conversation.

A decision was made to include a time for committee applicants to come before Council before appointments are made.

After discussion of agenda items Council decided to schedule a meeting to discuss the remainder of the policies and procedures manual so the remaining items on the agenda could be discussed.

Town Manager Stewart stated he needed an understanding with Council regarding a new entrance and dredging project for Laguna Shores before staff could provide information on options for Council to discuss at a workshop. Mr. Stewart indicated there were only 2 or 3 options, one being to open up the place that's there now, to do something temporary at the present location or to make the decision to move the location of the dredging. Mr. Stewart indicated within the next 2 to 3 weeks he would work to get a representative from the DEP as well as the engineer on the project in for a workshop with Council.

IV. MANDATORY RECYCLING

Town Manager Stewart stated he had a concern regarding mandatory recycling, noting the Mayor also had concerns. Mayor Kiker indicated he was in favor of mandatory recycling however in making a new law, questioned how they would enforce it. Mayor Kiker felt it came down to education, referencing the children's posters and campaign regarding straws on the beach. Mayor Kiker felt instead of making new laws it might be better to educate the people.

Mr. Stewart indicated a need to increase code enforcement if there was a decision to enact mandatory recycling. Proactive education and the installation of recycling bins would be the path to take according to Mr. Stewart.

Councilmember Babcock stated he had a problem with not wanting to do the right thing just because it might be hard, indicating the island should be committed to recycling.

Attorney Dalton addressed a page from Council's packet of minutes from January 7, 2008 reading the sentence, 'The County has gone to mandatory recycling, and under the interlocal, the Town has agreed to move to mandatory recycling.' Attorney Dalton suggested this be investigated before Council make any further decisions.

Vice Mayor Raymond stated he agreed with Mr. Stewart, citing the cost factor, indicating he would like to go the direction of education.

Councilmember List agreed the Town should set the example first with hopes of saving money as well as the environment.

Mayor Kiker wanted to find out about the interlocal with the County and if it were true, to then go out and see what other municipalities were doing as well as the County owned municipalities' procedures, along with the need for education.

Discussion continued on whether to set policy regarding mandatory recycling, the need for enforcement and when it would be appropriate to do so.

Town Manager Stewart advised he would be looking into what other municipalities in the area were doing regarding recycling.

V. ALCOHOL RESTRICTIONS

Mayor Kiker prefaced the discussion on alcohol restriction stating there was a lot of smoke and fire over this discussion other than just trying to get ahead of new development on the beach. Mayor Kiker stated there was a new twist on the subject, due to ATF being on the hunt since they had new management. Mayor Kiker indicated he had received 5 phone calls regarding ATF relaying that patrons could not have their drinks in front of the establishment which was causing inconsistencies from business to business with some being able to serve outside and others not.

Councilmember Mandel agreed with the Mayor, indicating when he was on the LPA there was a feeling from LPA members that they take a look at issues dealing with alcohol relating to hours of operation, wording of ordinances & noise, whether businesses could serve on the beach while others could not. Councilmember Babcock felt it should go back to the question of what Council wanted the Town's Comp Plan to say.

Town Manager Stewart stated before staff and advisory committees invest a lot of time in putting something together Council needed to make a decision as to what they wanted to happen regarding this issue so everyone could work together to make it happen.

Councilmember List expressed her desire for consistency for all businesses. Vice Mayor Raymond felt it was unfair that businesses had different hours and different rules whether it was grandfathered or not as it was giving a business advantages. Vice Mayor Raymond did agree that the noise ordinance needed to be in accordance with this issue.

Council agreed to address the issue again on May 5th.

April 19th was selected for continuing the P & P discussion.

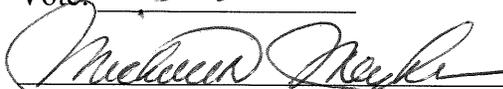
IV. ADJOURNMENT

MOTION: Councilmember List made a motion to adjourn with a second by Councilmember Babcock.

Meeting adjourned at 12 noon

Adopted 5-17-10 With Without changes. Motion by Mandel/List

Vote: 5-0


Michelle D. Mayher, Town Clerk

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