



MINUTES

Tuesday, January 22, 2013

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

I. CALL TO ORDER

Mayor Raymond called to order the January 22, 2013 Regular Meeting of the Town Council at 6:30 p.m. Present along with Mayor Raymond: Vice Mayor Mandel, Council Members Andre, and Kosinski; Council Member List was excused. Also Present: Town Manager Stewart, 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. YOUTH COUNCIL – Fort Myers Beach Elementary School

Skylar Plante reported the Fort Myers Beach Elementary School held Family Night in the school and 200 people attended to participate in the ‘hands on the sign experiment’. She thanked Ms. Rockwell for organizing the event. She added that in October the school held auditions for the school play, *Beauty and the Beast*; the students were rehearsing their roles; and the play would be held in early March.

Riley Monahan announced the students painted outdoors as part of their ‘Paint the Beach’ event; sold the paintings, and then donated the money to the school’s art program. She thanked the Art Association and Council Member List for helping with the activities. She described the students’ ‘Patients for Pennies’ fundraiser and how the students would donate the money for finding a cure for leukemia and lymphoma.

Mayor Raymond thanked Ms. Plante and Ms. Monahan for attending the Council meeting and for giving their informative reports.

V. APPROVAL OF FINAL AGENDA

Consensus approved the Agenda as presented.

VI. PUBLIC COMMENT

Public Comment opened.

No speakers.

Public Comment closed.

VII. IMAGE OF FORT MYERS BEACH

Vice Mayor Mandel thanked all of the people involved and the restaurants that participated the 'Putt and Pub Crawl' last weekend. He noted that funds raised were donated for a future amphitheater for the beach.

Council Member Andre echoed Vice Mayor Mandel's comments, and complimented the tall ship, *Privateer Lynx*, and noted how busy the ship was with visitors.

Mayor Raymond pointed out the many positive things that were happening in the Town.

Town Manager Stewart recounted how he had frequently encountered people who complimented the appearance of the Town and the work being done by the Town Council.

VIII. LOCAL ACHIEVEMENTS AND RECOGNITIONS

No speakers.

IX. ADVISORY COMMITTEES ITEMS AND REPORTS

Vice Mayor Mandel reported that Mr. Rodwell of the Audit Committee informed him the Committee was working on the investment policies and hoped to have a recommendation for Council in a few weeks.

X. CONSENT AGENDA

A. Modification to the Sub-Grant Agreement for the Neighborhood Basin Based Drainage Improvement Project

A request for approval of a modification to the Sub-Grant Agreement between the Town of Fort Myers Beach and the Florida Department of Emergency management for the Neighborhood Basin Based Drainage Improvement Project to extend the term of the agreement to April 30, 2014.

B. RFQ 12-13-PR, On-Going Archeological Services

Request to accept the Selection Advisory Committee's recommendation and authorize staff to enter into negotiations with Southeastern Archeological Research, Inc.

Public Comment opened.

No speakers.

Public Comment closed.

MOTION: Council Member Kosinski moved to approve the Consent Agenda Items A and B; second by Council Member Andre.

VOTE: Motion approved, 4-0; Council Member List was excused.

XII. ADMINISTRATIVE AGENDA

A. Special Event Permit Application – Santini Tuesday Fresh Market

Request approval of the recurring special event permit application to Santini Marina Plaza for the "Santini Tuesday Fresh Market" each Tuesday from January 2013 through May 2013 and authorize the Town Manager to sign the permit on the Town's behalf.

Community Development Director Fluegel reviewed the special event permit application for a farmers' market to operate on Tuesdays from January 2013 through May 2013 in Santini Plaza; and how he and staff evaluated the application to determine if it was in conformance with the zoning on the property, and the Comprehensive Plan. He recommended to 'roll-up' the produce trailer on the subject site into the special event application permit to allow it November through April, 7-days a week.

Town Manager Stewart pointed out that Community Development Director Fluegel had given a review of the various policy documents governing areas of concern; and that the requested action would fall within those policy documents.

Public Comment opened.

No speakers.

Public Comment closed.

MOTION: Council Member Kosinski moved to approve the recurring special event permit application to Santini Marina Plaza for the "Santini Tuesday Fresh Market" each Tuesday from January 2013 through May 2013 and authorize the Town Manager to sign the permit on the Town's behalf and to include the produce trailer which will be there from November through April, daily; second by Council Member Andre.

VOTE: Motion approved, 4-0; Council Member List excused.

B. Special Event Permit Application – FMB Friends of the Arts

A request from the FMB Friends of the Arts for Town Council to waive the application fee for two special events.

Town Manager Stewart recalled there were new regulations adopted regarding not-for-profit organizations when they make a request to have the event fees waived by Council. He noted that the Town had previously approved a donation of \$25,000 to the Friends of the Arts. He indicated that the FMB Friends of the Arts completed the necessary paperwork and submitted two applications for fee waivers (\$40 per permit).

Public Comment opened.

No speakers.

Public Comment closed.

MOTION: Council Member Kosinski moved to approve the request from the FMB Friends of the Arts to waive the application fees for two special events – “Broadway Hits to the Silver Screen” and “Cypress Lake High School Orchestra”; second by Council Member Andre.

VOTE: Motion approved, 4-0; Council Member List excused.

XIII. PUBLIC HEARINGS

A. First and Only Legislative Hearing: Ordinance 13-01, International Property Maintenance Code

Town Clerk Mayher read the title of Ordinance 13-01:

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA REPEALING CHAPTER 6, ARTICLE I, DIVISION 1, “MAINTENANCE CODE,” SECTIONS 6-1 THROUGH 6-15; ADOPTING THE 2009 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, REGULATING AND GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES WITH SPECIFIC AMENDMENTS AS SET FORTH IN SECTION TWO OF THIS ORDINANCE; PROVIDING FOR SCOPE AND ADMINISTRATION; DEFINITIONS; GENERAL REQUIREMENTS; LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS; PLUMBING FACILITIES AND FIXTURE REQUIREMENTS; MECHANICAL AND ELECTRICAL REQUIREMENTS; FIRE SAFETY REQUIREMENTS; REFERENCED STANDARDS; SAID PROVISIONS BEING ADOPTED TO ENSURE THAT STRUCTURES ARE SAFE, SANITARY AND FIT FOR OCCUPATION AND USE; PROVIDING FOR THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE, AND THE DEMOLITION OF SUCH EXISTING STRUCTURES IN THE TOWN OF FORT MYERS BEACH; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

Town Manager Stewart recounted there was a special work session with Council on this proposed ordinance; and introduction of Ordinance 13-01 was held a few weeks ago. He noted that this was a code that was generally accepted and adopted nationwide; staff conducted an extensive amount of work on this matter; staff discussed the IPMC with the LPA who made several recommendations to make the code more user-friendly for the Town, the residents, and businesses. He added the LPA recommendations were incorporated into the document currently before Council. He asked that Council adopt Ordinance 13-01.

Mayor Raymond asked if there was a representative from the LPA to present comment.

Public Comment opened.

Al Durrett, member of the LPA, reported the LPA believed the proposed ordinance was good for the Town.

Public Comment closed.

MOTION: Council Member Andre moved to adopt Ordinance 13-01, International Property Maintenance Code; second by Council Member Kosinski.

VOTE: Motion approved, 4-0; Council Member List excused.

XII. PUBLIC COMMENT

Public Comment opened.

No speakers.

Public Comment closed.

XIV. TOWN MANAGER'S ITEMS

A. Mound House Update

Town Manager Stewart noted the Council was given a copy of the most recent report entitled "Town of Fort Myers Beach – Public Works Mound House Projects Update Report, dated January 9, 2013" in the agenda packet. He reported that the Town Attorney and the Public Works Director had spent a significant amount of time reviewing the rebid on the restoration project.

Town Attorney Miller reported she had begun to draft the RFQ for the construction manager; and reviewed the process that would follow in order for staff to arrive at a ranking of firms for construction manager at risk to present to Town Council.

Discussion was held concerning estimated costs; actual bids; and value engineering.

Town Manager Stewart reported the construction of the kayak building was well underway.

Mayor Raymond questioned who would be operating the transportation vehicle for the overflow parking.

Town Manager Stewart reviewed how the volunteers and staff would be trained in the safe operation of the cart.

XVI. TOWN ATTORNEY'S ITEMS

Town Attorney Miller – reported she had prepared a memorandum explaining the differences between the Estero Interlocal Agreement prepared by the Town versus the agreement she received from the County. She explained that she, Town staff, and County staff would meet to review the documents in order to come up with an agreement acceptable to both the Town and the County.

Town Manager Stewart reminded Council that there was an upcoming ‘shade’ or ‘executive’ session scheduled for the morning of February 4, 2013; however, he noted that he received an email from the Town’s attorney handling the matter who informed him that the ‘shade’ meeting may not be necessary. He would keep the Council informed on the issue.

XVII. COUNCILMEMBER ITEMS AND REPORTS

Vice Mayor Mandel – reported that he and Council Member List attended the Port Commission Meeting regarding airport noise. He complimented Council Member List on doing a wonderful presentation on the Town’s behalf at that meeting. He stated that he was given the Commission’s assurance that they would include the Town’s resolution in the information given to the consultant who was preparing the data to be forwarded to the FAA. He announced that he had been in contact with Senator Nelson’s office who agreed to watch the issue when it came to Washington DC and the FAA. He reported the *Privateer Lynx* would be returning from St. Petersburg on February 1st; and there was a plan in place to have a grand re-entrance celebration (i.e. school band drumline) at which time the ship would sail the Town’s flag. He mentioned that he was informed the high school band may not be able to function next year due to funding and questioned if the Council was interested in granting the school an honorarium.

Council Member Kosinski – reported during the past week he had the honor of providing a color guard for a children’s program that appeared on television in the New York/New Jersey area (Kids Can Cook) which would be aired on Memorial Day.

Council Member List – no items or reports; excused.

Council Member Andre – no items or reports.

Mayor Raymond – reported he would be away for approximately the next four weeks and that Vice Mayor Mandel would oversee the meetings during that time.

XVIII. AGENDA MANGEMENT

Town Manager Stewart addressed Vice Mayor Mandel's report on the airport noise issue and explained how the Town benefited from the leadership and guidance of the Southwest Regional Airport Director. He noted that the News-Press Person of the Year Award was given to Airport Director Ball.

Town Manager Stewart reported that at today's Work Session they discussed the right-of-way issue; and requested to discuss Item #3, Town Hall Lease, at the next Work Session. He stated the leasing agent was not returning his phone calls about the matter; and noted that the landlord was notified that the Town intended to renew the lease. He explained the lease took mutual agreement to renew.

Town Attorney Miller suggested contacting the property owner to inform them the leasing agent was not contacting the Town.

Vice Mayor Mandel requested a return-receipt letter be sent to the leasing agent and owner informing them of the Town's intention to renew.

Council Member Andre noted his preference to see Item #23, Mooring Field Management, Revenues & Expenditures, on a work session agenda in the near future, as well as the topic of 'beach raking'.

Town Clerk Mayher announced that already on the February 4th Work Session Agenda was the review of the Town's interlocal agreements; and on February 19th staff was hoping to have the water utility rate study.

Town Manager Stewart reported that Contracts Manager Bargmann had prepared a spreadsheet listing all of the Town's contracts and ILAs; and that the ILAs would be separated into a list to be forwarded to Council.

Mayor Raymond asked if only items listed on the Work Session agenda could be discussed.

Town Attorney Miller explained that an agenda was recommended in case there were members of the public interested in that subject matter so that they would know it was going to be discussed and possibly attend.

Discussion ensued regarding agenda items and discussion of items not listed on an agenda.

Town Attorney Miller suggested adding "Council Member Items" to the Work Session agenda.

Mayor Raymond requested "Council Member Items" be added to the Work Session agenda.

XIX. RECAP OF ACTION ITEMS

Town Manager Stewart recapped the Action Items added during the meeting:

- Consent Agenda Items were approved and staff would process both items accordingly

- Administrative Agenda Items were approved and staff would process both items accordingly
- Ordinance 13-01 was adopted and staff would process and inform the public accordingly
- “Council Member Items” would be added to Work Session agendas

Motion by Council Member Andre, seconded Vice Mayor Mandel to adjourn. Meeting adjourned at 7:15 p.m.

Adopted _____ With/Without changes. Motion by _____

Vote: _____

Michelle D. Mayher, Town Clerk

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