



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

## **MINUTES**

### **WORK SESSION**

**Monday, April 18, 2011**

#### **I. CALL TO ORDER**

Mayor Kiker called to order the April 18, 2011 Meeting of the Town Council at 9:00 a.m. Present along with Mayor Kiker: Vice Mayor Raymond, Council Members Kosinski, List and Mandel; Town Manager Stewart, Finance Director Wicks, Public Works Director Lewis, and Town Clerk Mayher.

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

#### **III. PRESENTATION BY SHINN & COMPANY LLC**

##### **A. Public Works Services Inc. Annual Report**

Town Manager Stewart briefly described the circumstances for switching from the previous auditing firm to the present use of Shinn & Company.

Neil Unruh, Shinn & Company, reviewed the Public Works Services Inc. Annual Report and noted the following:

- no policies adopted or application of existing policies were changed;
- no entering of transactions that were outside of authoritative guidance; and,
- all significant transactions had been recorded in the financial statements in the proper period.

He noted, going forward, there was a slight adjustment to the reserves (under a \$1,000). He reported there were no disagreements with management and there were no other issues that arose out of the audit. He briefly discussed the Independent Auditor's Report dated April 15, 2011; Management's Discussion and Analysis; total net assets for the utility that increased; and the Summary of Changes in Net Assets.

Discussion was held on page 6 of the Summary of Changes in Net Assets (Construction in Progress – North Estero Project); page 16, the note payable, commitments and contingencies; and page 18 through the remaining portion of the Report.

Council Member Mandel questioned if the Town had to wait until next year's budget to increase the receivables.

Mr. Unruh responded in the negative; and explained that the Town could raise the receivables whenever the Council desired with an effective date. He suggested, considering the economy, it might be a wise idea to increase receivables.

Discussion ensued regarding budget to actual.

Town Manager Stewart noted on page 3 of the Report under Financial Highlights that the Town's assets exceeded liabilities and the total net assets increased. He reported that moving to another auditor did not cost the Town any additional funds.

Discussion was held concerning a sunset component of the budget this year when a change to rates might be considered by Council after staff analyzed the effect of taking action on this matter.

### **B. Town of Fort Myers Beach Annual Report**

Mr. Unruh briefly reviewed the Town's Annual Report and the SAS114 Letter. He noted this Report was almost a mirror of the Public Works Services Annual Report because Public Works was a component unit of the Town. He reported there were no problems or issues in reporting the audit, and again there were no disagreements with management. He discussed pages 3-10, which included but was not limited to Management's discussion and analysis, and mentioned that on page 3 it should be noted that assets exceeded liabilities. He discussed how GASB-54 would change reporting next year.

Discussion was held on the decrease in gas tax for next year and Finance Director Wicks explained the 2009 budget had included the \$1.6 million dollars owed to the Town by the County; intergovernmental revenues which was a combination of County and some State resources; the budget to actual expenditures; and the various types of reserve accounts (restricted and unrestricted).

Town Manager Stewart addressed the internal control process which was done through the auditing which was completed at the end of the year. He pointed out the Town would be attending a Validation Hearing on April 25, 2011, and that the Town may consider decommissioning the Public Works Services, Inc. and at some point fold it back into the Town as an enterprise fund. He asked Mr. Unruh if he could foresee any problems with that idea during the auditing process next year.

Mr. Unruh believed it would be a simple process.

Discussion ensued regarding using a cash flow analysis for a governmental entity.

Recess at 10:12 a.m. – Reconvened at 10:35 a.m.

## **IV. OPERATIONAL RESULTS: COMMUNITY DEVELOPMENT**

Community Development Department Director Fluegel reviewed the organizational chart and positions in the department such as the Floodplain Coordinator, Planning Coordinator, and the Zoning Coordinator.

Discussion ensued concerning current staffing and future staffing needs for the Community Development Department, and how upcoming issues such as short-term rentals, signage, and right-of-way issues may impact staff's workload.

Mayor Kiker pointed out the objective to keep government "light" as it pertained to staffing.

Director Fluegel reviewed the department's overall activities such as but not limited to utilizing the TrackIt Permitting System and the server, customer service surveys and establishing benchmarks, and a Business Plan for the Building Department.

Discussion ensued regarding the customer service survey and benchmarks; building activity and building permit trends; permits issued by type; and projected permit fees that would be paid to Lee County.

Director Fluegel reported the Planning Division was working on the Evaluation and Appraisal Report (EAR) which would include some public visioning charettes; and staff would be seeking Council input on FEMA regulations for business and residential expansion and rebuilding, and changes to the FEMA maps. He also mentioned that staff was looking at aCRA for the downtown as a leverage mechanism for traffic solutions and redevelopment incentives; and staff would also be working on a transportation impact fund; a land development review process; and the EAR timeline.

Discussion was held on the status of the State's Department of Community Affairs (DCA).

Director Fluegel continued his report discussing the Zoning Division Activity Summary and stated that over the past six months there were eight zoning verification letter requests, currently five special exception applications in process with 2-3 more coming, one residential planned development application in process and possibly one more, three planned development amendments with possibly 2-3 more anticipated, two administrative COP's issued, and six ordinances in process. He reviewed the Zoning Division's revenues; FEMA issues as it related to some business owners in Times Square; Environmental Sciences staff working with Laguna Shores on permitting for the new channel and with the County on the Beach Renourishment Project, and their work with residents and Fish & Wildlife on the permit from DEP for beach nesting bird habitat during and after the nesting season. He also reported that the Code Enforcement Division had 79 active cases and 192 cases were closed during the past six month; and he gave a status report on the recent dumpster sweep and the number of property liens. He added that staff was working on the adoption of the International Property Maintenance Code (IPMC).

Discussion ensued regarding the IPMC.

## **V. OPERATIONAL RESULTS: TOWN CLERK**

Town Clerk Mayher briefly described the historical background of the Town Clerk position and the creation of the present position along with the department's staff. She discussed the position and responsibilities of the Contract Manager who served as a back-up to the Town Clerk. She reported that she had obtained her Certified Municipal Clerk (CMC) certification and was presently working to obtain her Master Municipal Clerk (MMC) certification. She reviewed her department's budget and noted one of the department's major goals was to codify the Town's ordinances and that was achieved in 2010. She also noted that another goal was to set up a records management program which would be consistent with the State's record system for retention and destruction.

Town Manager Stewart pointed out that the Town's budget was on the website; the ordinances were codified and available via a link on the Town's website; and the minutes and resolutions would be made available on the website as well.

Town Clerk Mayher reported she had created a customer service survey.

Discussion was held concerning information systems; Mayor Kiker suggested that Town Clerk Mayher be the focal point of contact for information systems instead of having three separate people.

Town Clerk Mayher announced this week traffic cameras would be installed at Newton Park.

Recess at 11:45 am - Reconvened at 12:00 Noon

## **VI. RENTAL FEES FOR TOWN PROPERTIES**

Mayor Kiker stated the City Manager informed him that the presentations for Items VI and VII were combined.

Ms. Schober pointed out there was a proposed rate structure which had gone through CELCAB, as well as information that would be going to CELCAB at the April meeting. She added that the Advisory Committee had been actively working on this matter in order to bring a proposal to Council. She reviewed the proposed rate structure, fee schedule information, program fees for the Mound House and Seven Seas, and rental fees for Town facilities. She reviewed the two grants received from the West Coast Inland Navigation District. She discussed how and why the Town Council previously adopted a policy for the Mound House that included the ability to rent the grounds for an event for a \$200 fee, and noted that CELCAB was working on this item and information was forthcoming to Council.

Discussion was held regarding the consumption of alcohol at the Mound House and Seven Seas properties when a special event permit was issued.

Discussion ensued concerning giving every taxpayer a membership card for Town facilities such as but not limited Bay Oaks, the Mound House, and the Newton property; discounted fees for residents; and duplication of recreational classes held at Town Facilities.

Mayor Kiker questioned if when using some of the Town facilities if there was a proof of insurance requirement.

Ms. Schober believed that proof of insurance was required to rent the Bay Oaks and Newton Park facilities, and liability insurance for the contractors/vendors to lead the classes.

Discussion ensued regarding proof of insurance and liability insurance requirements; Public Works Director Lewis explained the current insurance policy was in place because the Town takes a risk when renting facilities, and suggested the Town may not want to have a policy that included a 'program provider' since they were a business operator using the facility as opposed to a person renting the facility for an event or function.

Discussion was held concerning the rental and use of Town facilities; staff to investigate the idea of seasonal rental rates for Town facilities and the parking fees/parking passes when renting facilities.

Mayor Kiker recommended staff contact previous renters to garner comments regarding their experience with renting Town facility meeting rooms.

Ms. Schober reported the Mound House had program sheets listing what was offered at the site, and staff was presently updating information on various websites, as well as, Mound House and Town's websites too.

Town Manager Stewart reported that he spoke with the Bay Oaks group who opined to him that they wanted to keep all the fees and rates as they currently exist.

Discussion was held regarding making programs fee supportable; membership cards for residents; and different fees for resident and non-residents.

Public Works Director Lewis explained that staff was presenting a fee schedule to the Council after operating for a period of time, and it represented the areas where staff felt some changes might be necessary. She noted other issues facing Public Works which Council may want to review as it pertained to rates and fees for the use of the public right-of-way by private entities such as with the North Estero Project; and the fee for the extension of the right-of-way in the Times Square area.

Discussion was held regarding use of the pool, wear and tear on the pool and equipment, staffing during the summer, and filling the pool during maximum capacity time; and right-of-way issues with parking.

Town Manager Stewart recommended Council, with respect to fees/rates, consider providing language within the appropriate Resolution that would allow for the Parks and Recreation Division through the City Manager to have some latitude in adjustment of fees, possibly by a percentage amount, in order to make up for season. He stated staff would write a clause within the Resolution and bring it back to Council for consideration.

Discussion ensued regarding the Resolution which established rates and fees; and consensus was to place on Agenda Management a discussion by Council to formulate a policy that would establish fees and rates.

**VII. ADJOURNMENT**

Meeting adjourned at 1:20 p.m.

Adopted \_\_\_\_\_ With/Without changes. Motion by \_\_\_\_\_

Vote: \_\_\_\_\_

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Michelle D. Mayher, Town Clerk

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