



MINUTES

Monday, September 17, 2012

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

I. CALL TO ORDER

Mayor Kiker called to order the September 17, 2012 Regular Meeting of the Town Council at 6:32 p.m. Present along with Mayor Kiker: Vice Mayor Raymond, Council Members Kosinski, List, and Mandel. 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 – Rev. Jeanne Davis, Beach United Methodist Church

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF FINAL AGENDA

Consensus approved the Agenda as presented.

V. PUBLIC COMMENT

Mayor Kiker noted Public Comment time was scheduled for discussion of items that were not on the agenda.

Public Comment opened.

Joanne Shamp, resident, discussed her suggestions related to historical photos and finding a way to connect them to an iPhone; and the importance of the history of the Island. She complimented Mr. List and Mr. Rodwell on a historical project they worked on about the Matanzas Pass Preserve.

Public Comment closed.

Council Member List explained the historical project that Messrs. List and Rodwell did regarding Matanzas Pass Preserve and how they used QR Codes to describe the historical spot using a smart phone.

Consensus requested the use of QR Codes for the historical designated spots be placed on the Action List.

VI. LOCAL ACHIEVEMENTS AND RECOGNITIONS

Mayor Kiker reported he and the Town Manager attended a P3 Seminar (Public/Private/Partnership).

VII. IMAGE OF FORT MYERS BEACH

Mayor Kiker noted there was a front page news article on the new shade structures at Crescent Park.

Discussion ensued about the intended resemblance of a sea grape for the shade structures.

VIII. ADVISORY COMMITTEES ITEMS AND REPORTS

No advisory committee speakers.

Council Member Mandel reported the Audit Committee met and they intended to appear before Council to request permission to study the investment policy for the Town.

Mayor Kiker reported that at the next Council Meeting there would be a presentation on the Public Safety Task Force Results.

IX. APPROVAL OF MINUTES

- A. August 20, 2012 Town Council Meeting
- B. August 20, 2012 Council Work Session
- C. August 30, 2012 Council Work Session

MOTION: Council Member Kosinski moved to approve the minutes of as presented; second by Council Member Mandel.

VOTE: Motion approved, 5-0.

X. CONSENT AGENDA

- A. Establish Criteria for Evaluating Funding Requests
- B. Request to Record a Restrictive Covenant for State Division of Cultural Affairs Grant #13-9035 for Mound House

A request to record a restrictive covenant to guarantee that Mound House located at 451

Connecticut Street is maintained as a cultural facility/museum for a period of ten years.

MOTION: Council Member List moved to approve Consent Agenda Item A and B; second by Council Member Kosinski.

VOTE: Motion approved, 5-0.

XI. ADMINISTRATIVE AGENDA

A. Public Notification of Proposed Potable Water Rate Adjustment

A request to schedule a public hearing for a water rate adjustment on November 5, 2012 at 9:00 a.m.

Town Manager Stewart noted the previous report to Council that Lee County had informed the Town that they approved a wholesale water rate increase. He explained there was a notification process that the Town was required to follow and requested to schedule November 5, 2012 at 9:00 a.m. for a public hearing.

Public Comment was opened.

No speakers.

Public Comment closed.

MOTION: Council Member Kosinski moved to approve the public notification associated with the proposed potable water rate increase and set November 5, 2012 at 9:00 a.m. for a public hearing; second by Council Member List.

Town Attorney Miller pointed out that the action should be accomplished by an ordinance; and noted that she spoke with the Public Works Director and that they would come before Council at a later date with a more comprehensive ordinance related to potable water that would provide for future rate changes by resolution. She stated that the request would be an ordinance on November 5th.

VOTE: Motion approved, 5-0.

B. Town Manager Performance Evaluation

Mayor Kiker reviewed the evaluation package (i.e. categories, weight factors, and scoring) and complimented the Council on the evaluation form which was discussed and created at a Council Work Session last month. He announced that the total score was 428 out of 500, "Exceptional – Generally exceeds Council expectations" and he read the recommendations:

- The Town Manager shall contact each Town Council Member on a regular basis.
- The Town Manager is to provide a monthly roll-up report on financial status, community concerns, and twice a year is to provide a formal annual review.
- The Town should pursue more federal grants.

- The Town Manager is to establish a formal action process with Council review to establish a process for dealing with community complaints on all matters as well as complaints specific to staff.
- The Action Items list from each Council meeting should be formalized in an on-going follow-up list with monthly progress updates.
- The Town Manager is responsible for every action item regardless of whether assigned to legal or administrative staff and is to provide to Council a monthly written report.

He explained the Council should decide whether they wanted to accept the evaluation format, and if so, then vote on placing the evaluation in the Town Manager's permanent record.

Public Comment opened.

No speakers.

Public Comment closed.

MOTION: Council Member Kosinski moved that the Town of Fort Myers Beach adopt the Town Manager's evaluation that they presently have, and use it on a yearly basis as a means to evaluate the Town Manager; second by Council Member Mandel.

VOTE: Motion approved, 5-0.

MOTION: Council Member Kosinski moved to approve the evaluation (428) that was done earlier today and enter it into the record; second by Vice Mayor Raymond.

VOTE: Motion approved, 5-0.

Town Manager Stewart noted he had worked in government for 44 years and stated that this was the best and most effective Council he had ever worked with.

Consensus was that the approval and use of the subject evaluation form was the change in the Town Manager's contract as noted on Blue Sheet Number 2012-078.

XII. PUBLIC HEARINGS

A. Resolution 12-15, Final Public Hearing to Adopt Millage for FY 2013

Mayor Kiker opened the Public Hearing at 6:53 p.m.

Town Clerk Mayher read the title of Resolution 12-15:

RESOLUTION OF THE TOWN COUNCIL OF

THE TOWN OF FORT MYERS BEACH, FLORIDA

RESOLUTION NUMBER 12-15

A RESOLUTION TO ESTABLISH AND LEVY AD VALOREM TAXES WITHIN THE CORPORATE LIMITS OF THE TOWN OF FORT MYERS BEACH, FLORIDA, FOR THE TAX YEAR 2012; PROVIDING FOR THE LEVY OF AD VALOREM TAXES IN THE AMOUNT OF .7687 MILS (\$.7687 PER \$1,000) BASED ON THE ASSESSED VALUE OF NON-EXEMPT REAL AND PERSONAL PROPERTY LOCATED WITHIN THE TOWN LIMITS OF THE TOWN OF FORT MYERS BEACH, FLORIDA; PROVIDING FOR THE MANNER OF ASSESSMENT AND COLLECTION; PROVIDING FOR AN ADJUSTED MILLAGE RATE; PROVIDING AN EFFECTIVE DATE

Town Manager Stewart noted the Council had been working on the budget for quite some time and that staff had worked to present a 'bare bones' budget. He pointed out that, as promised by Council when they passed the Public Service Tax, the Town brought down the millage rate again. Mayor Kiker asked if there was a member from the LPA present for comment.

No LPA member was present for comment.

Public Comment opened.

No speakers.

Public Comment closed.

Council Member Mandel discussed his views on the reduced millage and the fact that the taxpayers were paying less.

MOTION: Vice Mayor Raymond moved to approve Resolution 12-15 adopting and levying ad valorem taxes within the Town of Fort Myers Beach for the tax year 2013, in the amount of .7687 mills (\$0.7687 per \$1,000) and taking other action as authorized in such resolution; second by Council Member Mandel.

VOTE: Motion approved, 5-0.

Public Hearing closed at 6:58 p.m.

B. Resolution 12-16, Final Public Hearing to Adopt Budget for FY 2013

Mayor Kiker opened the Public Hearing at 6:59 p.m.

Town Clerk Mayher read the title of Resolution 12-16:

RESOLUTION 12-16

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, ADOPTING THE TOWN OF FORT MYERS BEACH OPERATING BUDGET, REVENUES AND EXPENDITURES, AND CAPITAL BUDGET FOR THE FISCAL YEAR 2013; PROVIDING FOR AN EFFECTIVE DATE.

Mayor Kiker asked if there was a member from the LPA present for comment.

No LPA member was present for comment.

Public Comment opened.

No speakers.

Public Comment closed.

MOTION: Council Member Kosinski moved to approve Resolution 12-16 adopting the Town operating and capital budget for FY 2013, finding that it is consistent with the requirement of the Town Comprehensive Plan; second by Vice Mayor Raymond.

VOTE: Motion approved, 5-0.

Public Hearing closed at 7:00 p.m.

Mayor Kiker explained how the budget process took a long time and the Council had started approximately 11 months ago in Work Sessions. He noted that during the past 4-5 years of a recession that the Council did reduce the Town's taxes, did not borrow any money, and did not take funds out of the reserves. He reported that out of 379 taxing authorities in the State of Florida that the Town ranked number 369 which meant there were only ten other taxing authorities that had a lower tax rate in the State.

XIV. PUBLIC COMMENT

Public Comment opened.

No speakers.

Public Comment closed.

XV. TOWN MANAGER'S ITEMS

A. Mound House Update

Town Manager Stewart noted the Council was forwarded a report. He asked that the Council visit the underground exhibit at the Mound House to view the mural. He stated the specifications for the renovation of the building was 'out on the street' and there was an upcoming mandatory for firms who intended to submit a proposal.

Vice Mayor Raymond questioned the status of the parking.

Town Manager Stewart stated the meeting had not been scheduled yet, and that he was waiting for a letter from Community Development that validated the parking the Town had for the underground exhibit according to the square footage as it pertained to the needed spaces for the museum use.

Vice Mayor Raymond questioned the status of the golf cart.

Town Manager Stewart stated staff was working on acquiring the golf cart. He noted an issue that was presented to Council by the 'Island Board of Trade' regarding Big Carlos Pass filling in.

Discussion was held concerning the 'Island Board of Trade' and their interest in the Big Carlos Pass.

Town Manager Stewart reported the last meeting on the subject it was discussed how Tropical Storm Isaac caused a lot of wave action that filled in the pass further. He discussed possible federal funding assistance for the matter. He requested Council's permission to find out whether those funds are available, begin the application process for an emergency dredge if the depth data supported it. Discussion was held regarding the participation by other adjacent communities to correct the situation.

Consensus was to approve the Town Manager's request as presented.

Discussion was held concerning the timing issue of the funding cycle.

XVI. TOWN ATTORNEY'S ITEMS

Town Attorney Miller – no items or reports.

XVII. COUNCILMEMBER ITEMS AND REPORTS

Council Member Mandel – no items or reports.

Council Member List – gave a brief update on her meeting with Principal Wood and the two fifth grade teachers to set-up the government program at the elementary school.

Vice Mayor Raymond – no items or reports.

Council Member Kosinski – questioned if it was appropriate at this time to nominate a member for Vice Mayor.

Town Attorney Miller explained that it could be tonight or the next meeting, and would be date specific.

Consensus approved to accept a nomination tonight.

MOTION: Council Member Mandel nominated and moved to appoint Council Member Mandel as Vice Mayor effective with the Mayor's resignation; second by Council Member List.

Mayor Kiker asked if there were any other nominations.

No other nominations were made.

Public Comment opened.

No speakers.

Public Comment closed.

Council Member Mandel accepted the nomination.

VOTE: Motion approved, 5-0.

Mayor Kiker – no items or reports.

XVIII. AGENDA MANGEMENT

Town Manager Stewart reported they would add exploring the use of QR Codes as a touring mechanism.

Town Clerk Mayher reported there were no items currently scheduled for the October 1st Work Session.

XIX. RECAP OF ACTION ITEMS

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

- Staff will print out the criteria for funding requests and forward a copy to the Council and make it available on the Town's website
- Restrictive covenant – will obtain Mayor's signature and forward to the State
- Staff will prepare notice on the potable water public hearing
- Town Manager's evaluation to be available on-line
- Staff to prepare notices to the State authorities regarding the millage
- QR Codes on Agenda Management
- Staff to pursue the emergency dredging of Big Carlos Pass

Motion by Council Member List, seconded Council Member Kosinski to adjourn. Meeting adjourned at 7:20 p.m.

Adopted _____ With/Without changes. Motion by _____

Vote: _____

Michelle D. Mayher, Town Clerk

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