



MINUTES

Monday, December 17, 2012

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

I. CALL TO ORDER

Mayor Raymond called to order the December 17, 2012 Work Session of the Town Council 9:00 a.m. Present along with Mayor Raymond: Vice Mayor Mandel, Council Members Andre, List, and Kosinski. Also Present: Town Manager Stewart, Public Works Director Lewis, Community Development Director Fluegel, and Town Clerk Mayher.

II. PLEDGE OF ALLEGIANCE

III. INTERNATIONAL PROPERTY MAINTENANCE CODE (IPMC)

Town Manager Stewart offered a brief explanation of the International Property Maintenance Code (IPMC) which was a generally accepted code across the country. He noted the IPMC was a guide and described how the Town reviewed it and edited sections to help Code Enforcement address property maintenance issues.

Community Development Director Fluegel quickly reviewed why the IPMC was an important tool for the Town, as a community, and how it related to the Comprehensive Plan and Code Enforcement issues.

Ken Miller, Building Safety Services Coordinator for the Town of Fort Myers Beach, noted that the Building Code did not cover property maintenance matters; and that the IPMC was another tool for the Town to address maintenance issues and give the Town leverage when trying to have property owners maintain their property.

LPA Attorney Miller explained that the IPMC was a ‘model code’ used throughout the United States; and how she modified the Code in order to comply with Florida legal requirements (i.e. ‘right of entry’). She noted when the IPMC was presented to the Local Planning Agency that there was a great deal

discussion and lengthy review of the proposed IPMC. She explained how sections from Chapter 6 were woven into the proposed Code to include local issues such as but not limited to ‘sea turtles’ and discharging water onto the beach.

Council Member Andre questioned insect screens on Page 8, Section 304.14, and if every door/opening required screening.

Town Attorney Miller stated “not necessarily”.

Building Safety Services Coordinator Ken Miller explained how insect screen requirements would be necessary for structures without air conditioning, and how it applied more to residential buildings rather than commercial.

Town Attorney Miller explained the screening would be required for certain openings and noted “*required for ventilation of habitable rooms*”.

Council Member List questioned the horizontal and vertical clearance requirements of trees and shrubs on Page 6, Section 302.3, Sidewalks, Driveways and Rights-of-way.

Building Services Coordinator Ken Miller explained it pertained to the height walkability under a tree/shrub.

Discussion was held regarding the numerous jurisdictions in Florida that had adopted the IPMC; and how the IPMC would assist the community with compliance of Code Enforcement issues.

Town Attorney Miller noted that the IPMC would also assist tenants in cases of where in the past landlords did not take action regarding property maintenance.

IV. TDC – FISCAL 2014 APPLICATION

Town Manager Stewart discussed how each year the Town prepared an application to the Tourist Development Council for funding through the Beach and Shoreline Program. He noted staff was seeking input and guidance from the Council on the application. He added there would be another TDC application in the future concerning advertising; however, that was for a separate TDC cycle.

Public Works Director Lewis reviewed the Beach and Shoreline Grant for FY 2014 Worksheet and noted that there were not many increases to the dollar amounts listed between FY 2013 and FY 2014. She reported the Town was continuing with ADA improvements; and noted the inclusion of a request for a new Kubota to pick-up trash and suggested requesting two machines due to the high usage. She explained that if direction was to request two machines that it would also be necessary to include both in the Town’s budget.

Discussion ensued and consensus approved staff to apply for funding of two Kubota machines.

Public Works Director Lewis continued to review the Worksheet and pointed out that she included funding for improvements to the bay and beach accesses. She reported she requested from the Parks and Recreation Department input on what they may want to include in the funding application.

Council Member Andre questioned if CRAB's interest in beach access improvements would be in conjunction with the TDC application.

Discussion was held concerning beach access improvements.

Town Manager Stewart explained that when the Town applied to TDC they would include a 'concept or drawing' and an amount for the proposed beach access improvements.

Discussion was held concerning the intended use, misuse, and life expectancy of 'mobi-mats'; a potential user-fee for people/businesses using the mats for equipment such as but not limited to a jet ski in order to help pay for replacement mats; current and future locations for 'mobi-mats', and current signage regarding restricted use of the 'mobi-mats'.

Mayor Raymond suggested the use and misuse of the 'mobi-mats' might be a good topic for CRAB to investigate and address.

Vice Mayor Mandel asked if funding could be considered by the TDC for the golf cart for the Town was buying for the Mound House.

Public Works Director Lewis explained that golf cart could not be included in the funding request because the TDC did not fund any portion of the programs or tours at the Mound House.

Discussion was held concerning what TDC would and would not consider funding; and funding requests for beach re-nourishment and shoreline protection.

Public Works Director Lewis indicated she would revisit beach re-nourishment and shoreline protection for Council's consideration to request funding from the TDC. She reported that she intended to approach the TDC through the marketing cycle as it pertained to mooring.

Mayor Raymond questioned the topic of restrooms at the beach accesses.

Public Works Director Lewis reported that TDC indicated they would consider funding restrooms for the Town when they bring it back to TDC. She added there was one location they would move forward with a unit the Town already had, and staff was in the process of contacting the neighborhood (Pompano).

Discussion was held concerning restrooms at beach accesses and issues with the adjoining residences.

Town Manager Stewart recommended that if the restroom was installed at Pompano then the Town could monitor it and get some type of 'track record' to move forward with when installing other facilities at beach accesses.

Discussion was held regarding how to make the outside of the restrooms more aesthetically pleasing by painting or wrapping.

Vice Mayor Mandel asked if staff could request a new mobile restroom similar to the one the Town already owned and request funding for the new restroom from TDC.

Public Works Director Lewis discussed issues with the mobile restroom.

Mayor Raymond suggested improving the outside appearance of the current mobile restroom so it could be shown to residents.

V. DETERMINE ISSUES OF DISCUSSION FOR JOINT TOWN/COUNTY COMMISSIONER MEETING

Town Manager Stewart noted there was no agenda packet back-up provided by staff for this discussion item since it was a matter of Council's decision.

Mayor Raymond reported he had communicated with Lee County Commissioner Kiker who had requested the Town suggest a date for the joint meeting.

Discussion was held concerning a joint meeting date in February to suggest to the BOCC; and consensus was to suggest February 20th or 21st and the meeting would be held in the Town Council Chambers.

Discussion ensued as to what topics Council wanted to discuss with the BOCC at the Joint Meeting, and the following items were selected and the presenter assigned:

- Estero Boulevard and Traffic – Council Member Kosinski
- Seafarer's property and general area – Vice Mayor Mandel
- Animal Control – Council Member Andre
- ILAs with the County and parks – Council Member List
- Request the County to put together a formal process whereby the County and local municipalities work together better – Mayor Raymond

VI. LEGISLATIVE PRIORITIES

Town Manager Stewart noted that the agenda back-up included a list of legislative initiatives the Town had selected in past years. He recommended that Council consider the issue of Home Rule as it pertained to local government.

Mayor Raymond reported that Senator Benaquisto informed him that she would like to support the Town's legislative agenda in Tallahassee and requested a copy when finalized.

Discussion ensued concerning 'Exhibit A'; Council Member List suggested the Council consider adding a lobbyist to address inequities in the 'revenue sharing formulas'; and consensus approved adding 'revenue sharing formulas' to the legislative agenda list.

Town Manager Stewart noted that Fowler White Boggs had a lobbying unit of which Keith Arnold was a member. He reviewed how the Town had access to that lobbying service; and how the Legislature liked to receive recommended language along with a request.

Mayor Raymond discussed the importance of meeting with State Legislators in Tallahassee and also when they are in their local offices on an on-going basis. He requested approval for the Town Manager and himself to go to Tallahassee to meet with the Legislature in Tallahassee.

Consensus approved Mayor Raymond's request to meet with the Legislators.

Vice Mayor Raymond noted the importance of Item #8 to the Town of Fort Myers Beach on 'Exhibit A'. He suggested adding the following items that were Fort Myers Beach specific:

- Concurred with Council Member List's previous comment about 'revenue sharing formulas'
- Bridge at the north end – capable of supporting three lanes of traffic
- Availability of infrastructure funds for water improvement
- Availability of funding to lure the motion picture industry to the area

Town Manager Stewart suggested not to include the last item as a legislative matter and rather that they contact the appropriate State office that would deal with attracting the motion picture industry to the area.

Mayor Raymond requested the Town Manager send a finalized Legislative Agenda list to Senators Benaquisto and Richter. He reported that at the MPO last Friday it was announced that almost \$1.3 million dollars would be spent on San Carlos Boulevard. He added that he suggested at the MPO meeting the MPO should begin studying San Carlos Boulevard now for 10-15 years projected out.

Vice Mayor Mandel reported that Nervous Nellie's was working on a promotion to have a 'tall ship' which was a replica of a ship involved with the War of 1812 and the writing of the Star Spangled Banner, come to Fort Myers Beach approximately January 3rd-17th. He added the ship would fire a 6-pound cannon and be available for students to tour the ship. He described his efforts with the owner of Nervous Nellie's and the TDC to determine how the ship could be marketed and attract 'educational' vacationers. He proposed:

1. A proclamation welcoming the ship in January
2. Encourage Nervous Nellies (Steve D'Angelo) and TDC to work on making Fort Myers Beach the ship's home port
3. Anchorage to supply pump-out services

Discussion was held concerning how to make the tall ship welcome in Fort Myers Beach.

Mayor Raymond discussed what he intended to pull for discussion at the Regular Meeting tonight which was the aircraft noise resolution.

Vice Mayor Mandel noted his intention to pull the item related to water utilities for discussion.

Council Member Andre reviewed his research and work on the Town's agreement with the Matanzas Pass Inn and the mooring field.

Mayor Raymond suggested when Council Member Andre was ready to present his concerns regarding the Matanzas Pass Inn agreement and the mooring field, to place the item on an administrative agenda for a Work Session.

VII. ADJOURNMENT

Meeting adjourned at 10:50 a.m.

Adopted _____ With/Without changes. Motion by _____

Vote: _____

Michelle D. Mayher, Town Clerk

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