MINUTES

Monday, February 4, 2013

FORT MYERS BEACH TOWN COUNCIL

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

I. CALL TO ORDER – 8:30 a.m.

II. ANNOUNCEMENT OF COMMENCEMENT OF EXECUTIVE SESSION

EXECUTIVE SESSION – CLOSED TO THE PUBLIC

Case #10-CA-001727 Lisich, Peter et al v. Town of Fort Myers Beach

ANNOUNCEMENT OF TERMINATION OF EXECUTIVE SESSION

III. ADJOURNMENT – Executive Session was cancelled.

I. CALL TO ORDER

Mayor Raymond called to order the February 4, 2013 Regular Meeting of the Town Council at 8:30 a.m. Present along with Acting Mayor Mandel: Council Members Andre, List, and Kosinski; Mayor Raymond 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 – Rev. Laurie Davison, St. Raphael's by the Sea

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF FINAL AGENDA

Council Member Andre requested to add an appointment to the Anchorage Advisory Committee.

Acting Mayor Mandel requested to add a verbal report on pedestrian safety from the Public Safety Committee.

Consensus approved the Agenda as amended.

V. PUBLIC COMMENT

Acting Mayor Mandel noted Public Comment was a time for the public to discuss Consent Agenda Items and issues not already on the agenda.

Public Comment opened.

Ann Rainey and Coleen Burns reported they were both an Alderman from the City of Evanston, Illinois, and offered greetings from their city which was celebrating its 150^{th} anniversary. She complimented the Town of Fort Myers Beach and gave Evanston pins and copies of their annual report to the Town Council.

Public Comment closed.

Acting Mayor Mandel offered to give Fort Myers Beach pins to Aldermen Rainey and Burns.

VI. IMAGE OF FORT MYERS BEACH

Council Member Kosinski extended congratulations to Council Member Andre and Acting Mayor Mandel on the results of the recent election, and stated he was looking forward to working with both during the next three years.

Council Member List displayed a packet of information she acquired from the tall ship, *Privateer Lynx*. She welcomed the return of the ship to the Town and noted what an enhancement the ship was to the Town. She thanked Acting Mayor Mandel and Council Member Andre for recently saving the Town approximately $20,000.

Council Member Andre noted the huge crowd of people who welcomed back the *Privateer Lynx*.

Acting Mayor Mandel complimented the Town for their efforts to welcome back the *Privateer Lynx*. He thanked Nervous Nellie's for giving the school band an honorarium, and for coordinating the welcoming event for the tall ship. He added that the Town presented a key to Fort Myers Beach to the Executive Board of the *Privateer Lynx*. He noted the tall ship's educational experience, and how the Mound House would be another educational experience when completed. He complimented Fish Tale Marina for the concert they provided last week.

Town Manager Stewart mentioned that the *Privateer Lynx* was flying the Town flag, and that the crew requested a larger Town flag. He reported staff was working on the request. He discussed his views on the results of the recent election and complimented the entire Council.

Acting Mayor Mandel noted that February 1st was the third anniversary for the Town Manager and complimented him on his work.

VII. LOCAL ACHIEVEMENTS AND RECOGNITIONS

Acting Mayor Mandel reported that he had been contacted by Senator Nelson who informed him that he would actively support the resolution the Town Council approved on the airplane noise situation.

VIII. ADVISORY COMMITTEES ITEMS AND REPORTS

No speakers.

IX. APPROVAL OF MINUTES

A. January 7, 2013 Town Council Meeting
B. January 7, 2013 Work Session
C. January 9, 2013 Joint Town Council/LPA Work Session

MOTION: Council Member List moved to approve the minutes as presented; second by Council Member Andre.

VOTE: Motion approved, 4-0; Mayor Raymond was excused.

WALK ON ITEM: Appointment of Ted Lawwill to the Anchorage Advisory Committee.

MOTION: Council Member List moved to approve the appointment of Ted Lawwill to the Anchorage Advisory Committee; second by Council Member Kosinski.

Public Comment opened.

Ted Lawwill, Applicant for the Anchorage Advisory Committee, briefly described his background and experience as it related to the Committee. He requested the Council approve his request and appoint him to the AAC.

Public Comment closed.

VOTE: Motion approved, 4-0; Mayor Raymond was excused.

WALK ON ITEM: Report from Public Works Director Lewis on the status of the Public Safety Committee efforts.

Town Manager Stewart expressed his condolences to the family of the pedestrian who died recently on Estero Boulevard. He noted that several months ago the Town Council had approved a Public Safety Task Force and recapped the purpose of the Task Force which had developed into a Committee, as well as the actions taken by the Council to address pedestrian safety.

Public Works Director Lewis reviewed the efforts by the Town and the Public Safety Task Force/Committee:

- Banners to make motorists more aware of pedestrian safety
- Lee County had removed the signage as recommended by the Task Force
- Installation of crosswalks at the side streets (south end of the island to the north)
- Repainting and adding additional bars on the crosswalks on Estero Boulevard (begins today - south end of the island to the north)
- Finished surveying that was needed for some of the additional crosswalks and the median refuges
- Concrete work to comply with ADA requirements at the crosswalks (anticipated to start next week)
- Signage to be relocated as needed
- Materials are being secured for the two pedestrian island refuges (Holiday Inn, Estero Beach & Tennis Club and both to include the rapid response flashing beacons)
- New street light pole was relocated at the Red Coconut; and FPL was working on the pole to be located at Lenell and Estero Beach & Tennis
- New sidewalk with railing from the corner of Estero Boulevard down to Lenell and on the south side of Santini Plaza
- Banners were now in place

She noted the Committee had been working on other matters such as but not limited to signage along Delmar; and a broad education program (i.e. brochures, workshops to help educate pedestrians and motorists). She reported the Committee had made a request to the Sheriff's Office to locate a portable speed tracking device on the south end of the Island. She added that the Committee had identified 45 street lights that had not working either from the summer turtle season or were burnt out, and that FPL had addressed the problem. Director Lewis reported the Committee was researching lighting for crosswalks where there was a lot of turtle influence.

Public Comment opened.

Jim Stevens, resident, described his experience in taking an AARP safety driving class; and noted that he received a check from his insurance company in the amount of $48 for taking the class. He discussed his opinion on the benefits of the class; recounted a recent accident that occurred at his condominium; and suggested that a safe driving class be offered at venue such as the library.

Acting Mayor Mandel reported he took the safe driver class described by Mr. Stevens on the computer.

Public Comment closed.

Town Manager Stewart asked if the Council wanted staff to contact AARP regarding the safe driver class.

Consensus agreed for staff to contact AARP about the safe driver class.

Council Member List questioned if the Committee's education efforts was geared for pedestrians, motorists, or bicyclists.

Public Works Director Lewis reported the Committee's efforts would be for educating all of them.

Council Member Andre recounted his experience crossing Estero Boulevard with his bicycle and suggested that signage include pedestrians and bicyclists.

Acting Mayor Mandel discussed lighting at crosswalks as it pertained to turtle season and tourist season; and questioned the readability of the banners (i.e. coloring of the letters).

Town Manager Stewart reported staff was addressing the readability of the banners as it pertained to the banner's air vents and the color of the lettering.

X. CONSENT AGENDA

A. Special Event Permit Application – Sand Bash
A request for approval of a special event April 5-14, 2013, and a request for the Town Council to waive the consumption on premises ordinance for this event.

Town Manager Stewart briefly described the special event permit application for the Annual Sand Bash.

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

VOTE: Motion approved, 4-0; Mayor Raymond was excused.

XII. ADMINISTRATIVE AGENDA

A. Special Event Permit Fee Waiver Request – Chapel by the Sea
Request for Town Council to waiver the $160 banner installation fee for this special event.

Town Manager Stewart explained that almost every permit application received was accompanied by a fee waiver request, especially if it was from a non-profit organization. He pointed out that the Council had set aside funds for these types of requests; however, approximately $27,000 was already expended. He noted that there was an application process set by Council which was required prior to placing the matter on an agenda. He added that these two applications had met all of the application requirements, and that staff had recommended approval.

Public Comment opened.

No speakers.

Public Comment closed.

MOTION: Council Member List moved to approve the request from the Chapel by the Sea to waive the banner installation fee for the "Chapel by the Sea 75th Anniversary" celebration from February 28, 2013 thru March 18, 2013; second by Council Member Kosinski.

VOTE: Motion approved, 4-0; Mayor Raymond excused.

B. Special Event Permit Fee Waiver Request – Friends of Matanzas Preserve
A request for Town Council to waive the $40 special event application fee.

Town Manager Stewart pointed out that Item B was similar to the previous request.

Council Member Andre asked if he needed to abstain from this vote since he was on the Friends of Matanzas Preserve Board of Directors.

Town Attorney Miller responded in the negative; and noted there was no private gain from this request.

Public Comment opened.

No speakers.

Public Comment closed.

MOTION: Council Member List moved to approve the request from Friends of Matanzas Preserve, Inc. to waive the special event application fee for the "6th Annual Native Plant Sale" scheduled for February 16, 2013; second by Council Member Andre.

VOTE: Motion approved, 4-0; Mayor Raymond was excused.

XIII. PUBLIC HEARINGS

A. Quasi-Judicial Hearing: Case #VAR2012-0006, Beach Theatre Sign Variance
A request for a variance from Section 30-153(b)(1), Section 30-154(a), and Section 30-154(c) of the Town Land Development Code to permit an existing monument sign.

Acting Mayor Mandel opened the Public Hearing at 9:38 a.m.

Acting Mayor Mandel asked if any Council Member had ex-parte communication regarding this item. Council Member Kosinski – none; Council Member List – conversations with applicants; Council Member Andre: - none; Acting Mayor Mandel – conversation with applicants and site visits.

Town Attorney Miller swore in the witnesses.

Town Manager Stewart complimented the Council for providing excellent policy direction on sign variances. He noted businesses that had not come into compliance and were not working through the variance process have been placed into the Code Enforcement cycle. He also complimented the Beach Theater from trying to resolve their sign issue.

Zoning Coordinator Chapman presented comments for VAR2012-0006 Beach Theater Sign Variance on behalf of the Town of Fort Myers Beach. She displayed an aerial photograph of the site and noted the location of the subject property was at 6425 Estero Boulevard. She pointed out that the request was for:

- A variance from Section 30-153(b)(1) requiring for a parcel of land containing one or two business establishments each separate business establishment shall be allowed a maximum of 32 square feet of sign area to allow 37 square feet of sign area.
- A variance from Section 30-154(c), which limits the height of a monument sign to be elevated no more than 18" above grade and 5' overall to allow an overall height of 7'10" on the existing property.
- A variance from Section 30-154(a) "…when internally lit signs are permitted for buildings that are not required to meet the commercial design standards, the sign face must be designed so that illumination occurs only on individual letters or symbols. An opaque background panel must be used so that the internal light only passes through the letters or symbols. This requirement also applies to all signs with changeable copy…".

She stated the applicant was requesting to keep the existing sign 'as is' and she displayed photographs and a drawing of the existing sign and conditions; and noted the illuminated panel on the existing sign. She discussed the supporting regulations, Section 34-87 and how they pertained to the variance request:

- Section 34-87(3) – before granting any variance, the Town Council must find that all of the following exist: Section 34-87(3)(a) - *That there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question, or that the request is for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect public policy.*
- Ordinance 05-07 – Town Council removed the extra signage allowance for movie theaters, and instead required them to comply with the same regulations applicable to all other commercial establishments.
- The applicant has proposed no other; and staff has found no other; exceptional or extraordinary conditions or circumstances that exist on the subject property.
- Staff recommends the findings that there are not exceptional or extraordinary conditions or circumstances that are inherent and unique to the subject property and that the variance is, therefore, not justified.
- Section 34-87(3)(b) – *That the conditions justifying the variance are not the result of actions of the applicant taken after the adoption of the regulation in question.*
- The subject property was initially permitted in 1997, prior to the adoption of the Town's original sign ordinance and Ordinance 11-01.
- Staff recommends that the conditions justifying the variance are not result of the applicant taken after the adoption of the regulations in question.

- Section34-87(3)(c) – *That the variance granted is the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation in question to his property.*
- The applicant has provided no justification as to why the sign structure cannot be lowered to meet the height required by 30-154(c) or at least come closer to meeting that height, nor does the applicant discuss justifications for needing relief from 30-154(a) or 30-153(b)(1). The applicant was requesting to keep the existing sign 'as is' without any modifications.
- Staff recommends that the variance request is not the minimum variance necessary to relieve an undue burden.
- Section 34-87(3)(d) – *That the granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.*
- The applicant is requesting relief from the sign height, illumination and area requirements of Chapter 30 of the LDC. The current sign's height is well above the 5' maximum height allowed under the current code, does not meet the internal illumination requirements and exceeds the area requirement by approximately two square feet.
- It was staff's opinion that there is not a justifiable reason or hardship that exists on the subject property that would support the granting of a height, illumination, and area variance by Town Council.
- Staff, therefore, recommends that granting the variance would be injurious to the neighborhood or otherwise detrimental to the public welfare by allowing the subject property relief from rules and regulations that all others must adhere to.
- Section 34-87(3)(e) – *That the conditions or circumstances on the specific piece of property for which the variance is sought are not of so general a nature as to make it more reasonable and practical to amend the regulation in question*.
- By the very nature of the recent adoption of the sign ordinance Town Council has addressed the issue of signs (including height) and has made a decision to enact and enforce a uniform sign code. Furthermore, with the removal to the movie theater provision in Ordinance 05-07, Council has already determined that movie theaters must comply with the same requirements as all other commercial establishments.
- Staff finds that the circumstances on the specific piece of property for which the variance was sought are not of so general in nature as to make it more reasonable and practical to amend the regulation in question; and do not demonstrate a justifiable hardship.

She concluded her presentation stating that staff recommended **denial** of the requested variance as the property does not meet the requirements for granting a variance under LDC Section 34-87. She noted that staff did not find the existing sign unattractive. She reported the variance request came before the LPA on January 8, 2013 and at that time the request was approved by a vote of 6-1 (Chair Zuba dissenting) with a condition that "*If the property ceases to be used as a movie theater, then this variance will expire*". Zoning Coordinator Chapman reviewed portions of the minutes from the LPA meeting (1/8/13) that addressed the justification for approval of the height due to the actual setback from the edge of the pavement which they believed to be similar to what Council had approved at the Dolphin Inn; the four separate theaters at the subject property; and that alternative lighting may or may not be financially feasible for the applicant.

Bill McMullan, representing the applicant – Fort Myers Beach Properties, LLC Beach Theater, displayed a photograph of the current theater and pointed out that there was no space on the building to place a sign. He displayed an aerial photograph of the subject property. He noted the hedge on the property was required by ordinance and discussed the uniqueness of the subject property use and signage as a movie theater, landscaping issues as it pertained to line-of-sight and signage, and sign dimensions as required by the Code, and the dimensions of the proposed sign variance. He briefly discussed the historical background of the subject building as it pertained to Ordinance 05-07 when the Town Council removed the extra signage allowance for movie theaters; the LPA comments concerning the variance request; the uniqueness of the business; and the sign illumination and the continual changing of the sign type for the movies titles and show times. He pointed out the sign was not located in the Town's right-of-way.

Council Member Andre questioned the basis for staff's recommendation as it pertain to Section 30-153(b)(1), Section 30-154(a) since it seemed to have been addressed for other variance requests such as the Dolphin Inn and the Neptune Inn. He indicated he did not find the sign offensive and suggested raising the sign one foot.

Council Member List noted how far the subject sign was set back and did not find the sign obtrusive; and indicated agreement with the LPA recommendation.

Council Member Kosinski concurred there was a 'uniqueness' associated with the subject site.

Town Manager Stewart reviewed the approach staff took in reviewing the subject application using the ordinance as written to determine if the request met the conditions for a variance; issues with the backlit sign versus a front-lit sign and how the decision would impact another property on the Island with a backlit sign.

Acting Mayor Mandel complimented the theater for their landscaping and noted the landscaping probably made it difficult to view the signage. He questioned if there would be 'precedent' even though the nature of the subject business required constant changeable type.

Town Attorney Miller noted there could be other businesses with changeable type such as but not limited to a grocery store. She reported that she had suggested at the LPA meeting a changeable type sign with illumination from the outside with a light extended out and facing the sign. She explained that there seemed to be legal justification for a higher height, similar to the Dolphin Inn, because of the setback and a minor increase to the square footage; however, she concurred with the Town Manager this could present a problem in the future with precedent.

Discussion ensued regarding illumination of the subject sign during turtle season.

Council Member List asked if the Applicant considered external lighting.

Bill McMullan responded in the affirmative; and described his research of external lighting. He reported the current sign was approved by the County's turtle season lighting review, and they have never been cited for their lighting as it pertained to turtle season requirements.

Nick Campo, partner/owner of Fort Myers Beach Theater, reported he had to change the wattage of the light in the parking area for turtle season, but never for the movie sign.

Council Member Kosinski questioned if the Applicant had considered lighting from the ground up.

Nick Campo reported he had been turned down for that type of lighting.

Acting Mayor Mandel asked if the Applicant would be interested in the elevation of the sign if space was taken off the top and added to the bottom.

Nick Campo responded in the affirmative.

Discussion was held regarding the subject sign height; and how the amendment to the sign ordinance in 2005 which removed the language that addressed theaters was done with the proper public notice and hearing.

Council Member Andre asked if the language addressing movie theaters could be added back into the ordinance.

Town Attorney Miller responded in the affirmative.

Discussion was held concerning external lighting of the sign from the base versus from the top of the sign.

Acting Mayor Mandel asked if there was a representative from the LPA present for comment.

LPA representative was not present.

Public Comment opened.

Ceel Spuhler, resident, addressed safety aspects of the subject sign; and the uniqueness of the theater.

Public Comment closed.

Bill McMullan discussed his belief that the theater was a unique use to the Island and his support of the theater use to be added back into the sign ordinance.

Discussion was held regarding the inclusion of the theater use in the sign ordinance; the possibility of allowing the Applicant another foot in height for their sign; and the uniqueness of the subject property as its current use as a theater.

Town Manager Stewart discussed the possibility of amending the sign ordinance and noted the time line to do so would be approximately 3-4 months.

Town Attorney Miller noted the Applicant could not be granted a height that was more than what they requested which was a height of 7’10”.

MOTION: Council Member Kosinski moved to approve the request for variance (VAR2012-0006) from Section 30-153(b)(1), Section 30-154(a), and Section 30-154(c) of the Town of Fort Myers Beach Land Development Code to permit an existing monument sign, located at the Beach Theater, with a backlit changeable message panel, thirty-seven (37) square feet of sign face area, and 7’10” in overall height and include the Recommended Findings and Conclusions:

A. There **are** exceptional or extraordinary conditions or circumstances that are inherent to the property in question, and the request **is** for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect public policy.

B. The conditions justifying the variance **are not** the result of actions of the applicant taken after the adoption of the regulation in question.

C. The variance granted **is** the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation to the property in question.

D. The granting of the variance **will not** be injurious to the neighborhood or otherwise detrimental to the public welfare.

E. The conditions or circumstances on the specific piece of property for which the variance is sought **are not** of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question; and with the stipulation that if the use as a theater changes then all three variances would expire; second by Council Member List.

Discussion was held concerning the uniqueness of the subject property.

VOTE: Motion approved; 4-0; Mayor Raymond was excused.

Acting Mayor Mandel closed the Public Hearing at 10:28 a.m.

Recess at 10:28 a.m. – Reconvened at 10:43 a.m.

Acting Mayor Mandel reported that Mr. McMullan informed him that he had screens that displayed messages and if the Public Safety Committee was interested in utilizing them that they should contact him.

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 18, 2013" in the agenda packet. He reported the kayak building was progressing well; and that the Town Attorney and Public Works Director have been working very hard to finish the RFQ which should be completed in approximately a week. He discussed the design plans, time line, and funds from TDC for the project.

Acting Mayor Mandel requested the dates in the 'Projected Completion Date' column be updated.

Discussion was held concerning the projected completion dates for the kayak building, the floor lighting, conduit, archeological site management and written documented policies, and the Mound House interior restoration.

Town Manager Stewart reported he attended along with Vice Mayor Mandel the Legislative Delegation Session that was held last week where he addressed the Local Law Bill that would change the way the seating was established and the rotation of seats for the TDC. He noted the importance of the Town's communication with legislators regarding the matter and reviewed the criteria for a municipality's seat on the TDC which was based on population.

XVI. TOWN ATTORNEY'S ITEMS

Town Attorney Miller – no items or reports.

XVII. COUNCILMEMBER ITEMS AND REPORTS

Council Member Andre – noted when people look at the Town Hall sign in the front of the building, it appeared that the building was empty. He welcomed suggestions on how to improve that appearance.

Council Member List – reported she received an email from a person who had visited Fort Myers Beach for the past 20 years who was very concerned about dogs on the beach. She noted that several years ago an ordinance was adopted allowing leashed dogs on the beach; however, there was a lack of enforcement. She mentioned that she had also received comments regarding litter on the beach. She recommended the Council review enforcement of the dogs on the beach and littering ordinances. She discussed her research of Town parking permits; and a prior Council Work Session where parking permits and fees for residents, part-time residents, and non-resident owners were discussed.

Town Manager Stewart explained it was staff's recollection and interpretation that residents would be able to have the fee that was given to permanent residents.

Discussion was held concerning parking fees and rates for property owners and residents (permanent and part-time).

MOTION: Council Member List moved to approve to offer the same rates for parking permits to residents as is offered to property owners within the Town of Fort Myers Beach for parking; second by Council Member Andre.

VOTE: Motion approved, 4-0; Mayor Raymond was excused.

Council Member Kosinski – reported the Spirit of ’45 would be held again this year on the second Sunday in August. He requested the Council and the Town’s support so they could proceed with planning the event.

Consensus agreed to support the Spirit of ’45 event.

Council Member Andre questioned why Council was requested to come into Town Hall at 8:30 a.m. today.

Town Manager Stewart explained why the Executive Session planned for this morning was cancelled.

Acting Mayor Mandel – stated he served on the Coastal Advisory Committee and voiced his concern over their recently published meeting schedule which appeared to conflict with many Town Council meetings.

Town Manager Stewart noted that the Town’s Environmental Coordinator attended the meetings.

Acting Mayor Mandel reported he was a voting member and expressed his concern over the meeting conflicts; and in particular the upcoming meeting on March 18th which involved recommendations to the TDC for funding. He requested the Town send a letter to the Coastal Advisory Committee requesting a change to the meeting dates.

Discussion ensued regarding the importance of the Town’s representation and ability to vote at the Coastal Advisory Committee meetings.

Acting Mayor Mandel requested an update on the lease situation for Town Hall.

Town Manager Stewart reviewed the methods of documented communication utilized and the various telephone calls made to contact the leasing agent; and reported that he had not received a response.

Town Attorney Miller reported that she discussed the matter with the Town Manager and they both agreed that the matter should be placed on the next Council agenda because the Town did have the right to renew the lease by giving them notice.

Acting Mayor Mandel requested renewal of the Town Hall lease to be placed on the next Council agenda. He reported he attended the first meeting Commissioner Kiker had with the mayors of the municipalities in Lee County. He requested that marketing and the Town’s organization be included with Item #24 on Agenda Management (Public Information Officer) and pointed out the many upcoming events during the year (i.e. *Privateer Lynx*, Mound House, etc.).

Town Manager Stewart noted that at the first meeting to discuss the proposed budget he would review a position to address Acting Mayor Mandel's concerns.

Mayor Raymond – was excused.

XVIII. AGENDA MANGEMENT

Town Manager Stewart noted the budget would be discussed at the next Work Session Agenda on February 19th.

Discussion was held regarding the Legislative Delegation; and potential use of a lobbyist from Fowler White Boggs on a single-issue basis.

Consensus agreed to utilize a lobbyist from Fowler White Boggs on a single-issue basis.

Council Member List suggested placing 'enforcement of local ordinances' on a Work Session agenda.

Town Manager Stewart stated he would have staff work together with the 'beach folks' and compile a report of inquiries regarding dogs, etc.

Acting Mayor Mandel suggested the Council prepare on February 19th for their Joint Meeting with the BOCC on February 20th.

Discussion ensued regarding the topics to be presented by Town Council to the BOCC at the Joint Meeting.

Council Member Andre expressed his interest and urgency with Agenda Management #23, Mooring Field Management, Revenues, and Expenditures.

Town Manager Stewart recommended having the Anchorage Advisory Committee to review the matter prior to discussion by Council.

Consensus agreed to have the AAC review and recommend as it pertained to Agenda Management #23, Mooring Field Management, Revenues, and Expenditures.

XIX. RECAP OF ACTION ITEMS

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

- Member appointed to the AAC as a walk-on item; and staff would process accordingly
- Consent Agenda Item was approved and staff would process the item accordingly
- Administrative Agenda Items were approved and staff would process the items accordingly
- Beach Theater variance request was approved and staff would process the item accordingly
- Dates listed on the Mound House Update would be updated and include the initial projected date and actual dates

- Staff would investigate options to address the 'vacant' appearance of the front of Town Hall
- Staff would prepare a report regarding Council Member List's concerns about dogs off-leash and littering on the beach
- Preparation for the Joint Meeting with the BOCC would be placed on Council's next agenda
- Staff would process the motion approved to offer the same rates for parking permits to residents as is offered to property owners within the Town of Fort Myers Beach for parking
- Staff would work to support the Spirit of '45 event as approved
- Staff would prepare a letter to the Coastal Advisory Committee as it pertained to the meeting dates which conflicted with the Council's meeting dates
- Staff would schedule to place the matter of the Town Hall lease on the next Council agenda

Motion by Council Member Kosinski, seconded Council Member List to adjourn. Meeting adjourned at 11:23 a.m.

Adopted ______________ With/Without changes. Motion by _______________

Vote: _______________________

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Michelle D. Mayher, Town Clerk

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