



# **MINUTES**

**Tuesday, February 19, 2013**

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

## **I. CALL TO ORDER**

Acting Mayor Mandel called to order the February 19, 2013 Work Session of the Town Council 9:00 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, Public Works Director Lewis, Community Development Director Fluegel, Parks & Recreation Director Evans, and Town Clerk Mayher.

## **II. PLEDGE OF ALLEGIANCE**

Acting Mayor Mandel requested to rearrange the order of the Work Session Agenda to have the Review of Joint Session with Board of County Commissioners first, then Bay Oaks Recreational Campus Report, followed by the FY 2014 Preliminary Budget Discussion.

Consensus agreed to the change in order of Agenda items.

## **III. REVIEW OF JOINT SESSION WITH BOARD OF COUNTY**

Town Manager Stewart reported he provided the Council with a document indicating the meeting's subject matters along with a copy of last year's Joint Meeting Agenda, and recapped those items:

- Park Management Proposal – the year before last the Town had requested the County turn the deeds over for the County parks on Fort Myers Beach, which was denied due to deed restrictions. Last year the Town requested consideration that the County turned over the operation and maintenance of the County parks; the BOCC did not agree to the request, but did agree that the County and Town staffs would work together to prepare a report of how that would work; and despite repeated requests to the former County Manager it was never accomplished. The new Interim County Manager has agreed to the staffs working together, and County staff has provided the Town with some information to begin the assessment of the Town performing the

operation and maintenance; however, at this point it should take about 60-90 days to finish the work.

- Transportation, Sidewalks, and Bike Paths Issue – since the discussion last year the Town created the Public Safety Task Force/Committee and the County was working with the Town on this matter.
- ILA for Estero Boulevard – last year the Town requested the County to enter into an interlocal agreement for Estero Boulevard and the County agreed to do so; however, the document has not been finalized.

Town Attorney Miller interjected that the Town approved the interlocal agreement in August; the agreement was immediately forwarded to the County; in January 2013 a counter agreement was received by the Town; a meeting has been scheduled for February 22<sup>nd</sup> with the Town and the County; and she noted the County had left out of the agreement they submitted the provision concerning if the Town wanted some enhancements (i.e. underground electric in some areas – County would design and Town would pay the difference in cost).

Discussion ensued regarding the ILA for Estero Boulevard.

Public Works Director Lewis reported there would be a need for an ILA for the actual water line work being done on the Town's private roads because in many cases the County intends to replace some of the County sanitary sewer lines and other infrastructure associated with the sanitary sewer lines.

Discussion continued regarding the ILA for Estero Boulevard; the Town's possession of the roll plots that would be available at the workshop on February 28<sup>th</sup>; safety as primary criteria associated with the program; the County and Town working together as it pertained to installation of potable water lines and sanitary sewer lines and other infrastructure; and the County paying for their portion of the infrastructure installation.

Town Manager Stewart reviewed the proposed items planned for tomorrow's Joint Meeting Agenda:

- Estero Boulevard and Traffic – Council Member Kosinski would present this agenda item; the purpose of the ILA as it pertained to commitment and funding; and underground utilities work and roadway work for Estero Boulevard.

Discussion was held concerning Bike Walk Lee; undergrounding utilities, relocation of utilities poles, undergrounding overhead crossings, associated costs and funding; staff to research potential grants/funding for barrier islands to underground utilities; who would be the responsible to pay for utility repairs after a storm, for the relocation of utility poles, and/or to underground lines; and repair costs for underground versus above-ground utilities.

Town Manager Stewart continued to review the proposed items planned for tomorrow's Joint Meeting Agenda:

- Seafarer's Property and General Area – Acting Mayor Mandel would present this agenda item; and to note working with the County to seek economic development in that area.

Acting Mayor Mandel asked if the concept of a parking lot on the subject property had been disbanded.

Town Attorney Miller responded in the affirmative; and reported the County Attorney's Office had indicated they could not determine clear BOCC authorization to move forward with making the subject property into a parking lot.

Acting Mayor Mandel asked if it would be appropriate to ask the BOCC if that was accurate.

Town Attorney Miller nodded in the affirmative.

Discussion was held regarding the Seafarer's Property and General Area; pursuing a public/private partnership for development; determination of the status of the community redevelopment agency area; and TDRs (transfer development rights).

Community Development Director Fluegel reported the Town had received an application to do a Comp Plan Text Amendment to create more of a TDR Program for sending parcels.

Town Manager Stewart described the definition of 'transfer development rights', and the purpose of transfer and receipt of TDRs.

Council Member List discussed her views on the Seafarer's Property and Center Street.

Acting Mayor Mandel explained his observations on setting a tone and opening up the opportunity for a discussion on the Seafarer's Property at tomorrow's Joint Meeting.

Council Member Kosinski offered his comments on opening up Center Street.

Town Manager Stewart discussed Tax Increment Financing in a community redevelopment agency area; development of the Seafarer's site for economic development purposes and highest and best use.

Discussion ensued regarding the Seafarer's Property as it pertained to parking, a community redevelopment agency area, and involvement from the County's Economic Development Office to identify potential developers.

Town Manager Stewart continued to review the proposed items planned for tomorrow's Joint Meeting Agenda:

- Animal Control – Council Member Andre would present this agenda item.

Council Member Andre mentioned that unincorporated Lee County was using approximately 60% of the services (time and staff hours) and was paying about 47% of the bill.

Town Manager Stewart recapped the actions taken by the Town with respect to Animal Control Services and the inequitable allotment of cost to the municipalities with Lee County. He reported he would be meeting on Thursday with the other municipalities utilizing Lee County Animal Control Services to discuss the matter.

Town Manager Stewart continued to review the proposed items planned for tomorrow's Joint Meeting Agenda:

- Interlocal Agreements with Lee County and Parks – Council Member List would present this agenda item; update was discussed earlier in the meeting; and once new Interim County Manager was made aware of the matter he was willing to start the process to move forward.

Council Member List asked if there were any other ILAs to present at the Joint Meeting.

Town Manager Stewart noted they may want to discuss the agreement with the County to work together on issues that had 'abutting boundaries'. He reported the Town had been approached by the County's Community Development Department wanting to know if there was a need to continue with that ILA.

Council Member List asked if she should bring up the ILA regarding working together with the County on issues that involved communities with 'abutting boundaries'.

Discussion was held on the ILA for Lee County and Parks, and an ILA for working together and informing each other on issues with neighboring boundaries; and who was responsible for informing each other and designating a responsible party within the ILA.

Council Member List explained she would discuss an ILA with the County for working together on issues that had 'abutting boundaries', and to request the inclusion of an amendment to designate a responsible party within the ILA.

Town Manager Stewart continued to review the proposed items planned for tomorrow's Joint Meeting Agenda:

- A more formal process for municipalities to work with the County; the BOCC appointed Commissioner Kiker to work together with the mayors and the managers from the municipalities in order to have a more open and free dialog.

He asked that the Council approve that he be able to encourage the BOCC to have an expectation that both staffs would do the same thing.

Acting Mayor Mandel responded in the affirmative.

Recess at 10:08 a.m. – Reconvened at 10:20 a.m.

#### **IV. BAY OAKS RECREATIONAL CAMPUS REPORT**

Parks & Recreation Director Evans reviewed the BORC Report and how the numbers and programs starting January 1<sup>st</sup> had steadily grown at Bay Oaks; there were two holidays in the month; and explained why the Saturday participation had remained not as '*healthy as they would like it*'. She reported staff would try to get a Saturday program that would complement what was going on outside (i.e. Little League Baseball). She reviewed the attendance numbers for the various programs, classes, contractual programs, and the pre-registered classes; and the highlights of the New Membership Report as of 2/6/13.

Discussion was held concerning determining what the class participation 45% increase since January 1, 2013 meant in dollars.

Parks & Recreation Director Evans reviewed the 350% increase in the Weight Room participation since January 1<sup>st</sup>. She discussed the 2-page pool attendance spreadsheet and noted 'c' represented when the pool was closed; announced the ADA lift was in place; and that staff was conducting a pool study to determine such matters as marketing, and the operation schedule (i.e. weather and participation).

Acting Mayor Mandel noted the possibility of marketing the new ADA lift to specific groups.

Discussion ensued regarding the current and potential marketing of Bay Oaks.

Parks & Recreation Director Evans pointed out Acting Mayor Mandel had requested a comparison of the numbers from last year and the current year for Bay Oaks. She distributed and reviewed a 'revenue and expense' document prepared by the Finance staff; and stated she would include this in the future if Council approved the format and contents.

Acting Mayor Mandel requested Director Evans to indicate any discrepancies in totals between the two time periods and to include an explanation. She noted some of the program revenue differences such as but not limited to that the Town had not begun the Adult Softball League and the Adult Basketball was not on the schedule just yet; the Athletic League amount would fluctuate based upon attendance; and the Senior Program really 'kicked off' as of January 1<sup>st</sup>.

Town Manager Stewart discussed how in the Senior Programs the expenses correlated to the revenues with programs such as field trips.

Acting Mayor Mandel pointed out the differences between revenues and expenses for the Senior Programs and the operation of Bay Oaks. He reviewed areas of concern that he would be looking for a response in the future which included matters such as but not limited to the 'at capacity' notation for Bay Oaks three days a week; the worth of 'Every Resident a Member'; and people to contact for information on the 4<sup>th</sup> of July Parade.

Parks & Recreation Director Evans reported she received the information on the parade from former Mayor Boback.

Town Manager Stewart indicated to Director Evans for Item #2, 'Every Resident a Member', that she should determine a policy to be approved by Council as it pertained to the participants who made a membership payment in November.

Parks & Recreation Director Evans explained this pertained to people who paid in November and did not wait until January 1<sup>st</sup> to pay. She reported she personally spoke with the people who paid in November and noted they understood but wished things would have been different.

Discussion ensued regarding participants who paid a full year of membership in November; and the number of people which was less than 10.

Consensus agreed to refund the membership as described by Parks & Recreation Director Evans.

Acting Mayor Mandel asked when the Children's Mural would be in place.

Parks & Recreation Director Evans offered an update on the banner.

Acting Mayor Mandel questioned the Little League opening and the BORC Bash occurring on the same date.

Parks & Recreation Director Evans explained staff had not received notification from Little League until after the BORC Bash was advertised; however, staff and Little League met and worked out the details.

Acting Mayor Mandel suggested Director Evans seeks some other parking agreements for the events. He questioned the status of corporate memberships.

Parks & Recreation Director Evans stated she would work on corporate memberships and discuss the matter with the Town Manager.

Council Member Andre noted his concerns regarding staffing; if there was volunteer program that could coordinate the BOSS program; and the personnel costs.

Parks & Recreation Director Evans explained how she manipulated the funding with the existing positions; that the BOSS position had always existed and that it was part-time; and in order to create the manager position the Cultural Resources Director was downgraded; and that in the long run the department was actually saving money.

Finance Director Wicks reported that Finance staff worked with Director Evans to insure the personnel changes made would stay within her budget; and noted the Cultural Resources Director position was not in last year's budget.

Council Member Andre indicated he would like to have seen if the BOSS position had been vacant for a number of months for staff to investigate whether a volunteer program could coordinate that program in order to help reduce personnel costs.

Council Member List explained how there was a particular skill set for the BOSS position.

Council Member Andre questioned seniors using Chapel by the Sea instead of Bay Oaks for cards.

Discussion ensued regarding parking, scheduled bridge, card, and dominoes at Bay Oaks, and the use of Chapel by the Sea for cards due to the kitchen facilities.

## **V. FY 2014 PRELIMINARY BUDGET DISCUSSION**

Town Manager Stewart pointed out that the information included in the packet was the ‘first blush’ at preparation for the FY 2013-14 Budget; how staff would offer information for matters that warranted attention; and how not everything included at this point would be included when the budget was finalized later in the fiscal year. He noted that the Town would not know what the ad valorem tax revenue would be until July 1<sup>st</sup>; and the Town did not have an accurate picture at this point on the State shared revenues. He explained how staff has submitted conservative numbers with respect to revenues.

Finance Director Wicks reviewed the packet of information for Green Sheet Number 2013-007 and reported the departments were asked to submit a list of things that were important for them to have in the budget (copies included in packet). She anticipated the proposed budget to be consistent with last year’s budget; however, she pointed out that Council would have to determine funding for capital equipment.

Town Manager Stewart mentioned that he had requested a 2% personnel cost increase, so everything Council looked at in the proposed budget was reflective of that request. He added that for a four year period there had been no increases budgeted for personnel; however, last year Council did graciously approve a 2% increase in the current fiscal year.

Discussion was held concerning how the staff worked diligently to work within the budget; operational costs within the budget versus capital expenditures; the Town’s excellent reserves – last year’s unassigned general reserves of \$3.8 million dollars; and the need to replace some Town vehicles/equipment.

Acting Mayor Mandel expressed that he had some budgetary questions for the Town Manager and Finance Director; however, he thought it might be better if each Council Member scheduled individual meetings with them to review their questions.

Town Manager Stewart requested Finance Director Wicks schedule meetings with each of the Council. He asked for a timeline to accomplish the meetings and when would be the next time Council wanted to discuss the budget at a Work Session.

Discussion was held regarding the timeline for the meetings and Work Session discussion.

Consensus was to hold the individual meetings with Council within the next 30 days and to discuss the budget at a Work Session in approximately six weeks.

## **VI. COUNCIL MEMBERS ITEMS**

Council Member Kosinski questioned the lease and/or purchase of Town Hall.

Town Manager Stewart reported he still had not received any response from the landlord.

Discussion ensued concerning the deadline of February 28, 2013 for a unilateral right for two additional years on the lease; the Council's right of eminent domain as an option; a valid public purpose to invoke eminent domain; obtaining appraisals and offering a fair price; and taking into account the subject property as a revenue stream.

Council Member Andre requested another Council Member to agree to move forward with the discussion of a short-term rental agreement.

Council Member List responded in the affirmative.

Town Manager Stewart stated the matter would go on Agenda Management and Council would then schedule the item.

Consensus to discuss the scheduling of a short-term rental agreement at tonight's meeting.

Council Member List discussed enforcement of the Town's ordinances and laws such as but not limited to rentals, dogs on the beach, and trash on the beach; and the shortage of personnel and funds budgeted for enforcement.

Discussion was held concerning the need to increase enforcement of pedestrian and bicycle safety issues on Estero Boulevard.

Acting Mayor Mandel reported he attended the Beach & Shoreline Conference in Jacksonville and offered a synopsis of the meeting he attended with the Army Corps of Engineers (i.e. changing the permit the next time dredging was needed at the north end, easement agreement of the Corps, and San Carlos Pass). He stated that Town Manager Stewart and he had a meeting with Keith Arnold about how to pursue some of the issues the Council had previously discussed about the Legislative Delegation.

Town Manager Stewart acknowledged the request concerning short-term rentals. He addressed Council Member List's concerns regarding code enforcement and stated staff could craft some solutions in the upcoming budget and asked for direction from Council.

Discussion ensued and consensus agreed for the Town Manager to address solutions in the upcoming budget regarding code enforcement.

Acting Mayor Mandel questioned if a sampling technique with respect to code enforcement issues could be used (i.e. pick the critical month for a particular ordinance).

Town Manager Stewart noted that most code enforcement was complaint driven.

Acting Mayor Mandel explained how they could pick a month and a particular ordinance and be pro-active.

Council Member Andre suggested it should not only be Code Enforcement to be pro-active, but also Beach Patrol, Central Parking, and the LCSO.

Discussion ensued regarding increased enforcement results in increased expenses; changing the hours of Beach Patrol as it related to addressing the issue of dogs on the beach; citing vehicles riding the center lane when traffic was a problem; and citing vehicles violating pedestrian crosswalk regulations.

Town Attorney Miller reported that at the regular meeting tonight there needed to be discussion on appointing an Acting Vice Mayor.

Council Member List asked if the Town Attorney would have the opportunity to review the ILA concerning the agreement with the County about working together on issues that had 'abutting boundaries'.

Town Attorney Miller responded in the affirmative.

## **VII. ADJOURNMENT**

Meeting adjourned at 11:36 a.m.

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

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

\_\_\_\_\_  
Michelle D. Mayher, Town Clerk

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