



MINUTES

Monday, April 22, 2013

**JOINT WORK SESSION
FORT MYERS BEACH TOWN COUNCIL
AND**

**Cultural & Environmental Learning Center Advisory Board
TOWN HALL – COUNCIL CHAMBERS
2523 ESTERO BOULEVARD
FORT MYERS BEACH, FLORIDA 33931**

I. CALL TO ORDER

Mayor Mandel called to order the April 22, 2013 Joint Meeting of the Fort Myers Beach Town Council and the Cultural and Environmental Learning Center Advisory Board at 9:02 a.m. Present along with Mayor Mandel: Vice Mayor Kosinski, Council Members Andre, List, and Raymond; CELCAB Members present were: Chair Hill, and CELCAB Members Spuhler, Wolfe, Smith, Simpson, Werner and Weslow; and Ex-Officio Member Grace. Also Present: Town Manager Stewart, Parks & Recreation Director Evans and Staff Liaison McBride, Public Works Director Lewis, and Town Clerk Mayher.

Mayor Mandel suggested preparing a proclamation for Roxie Smith to recognize her contribution to the Town and to declare Volunteer Appreciation Day on May 4th as Roxie Smith Day.

Consensus of Town Council agreed to have the proclamation prepared as suggested by the Mayor.

II. PLEDGE OF ALLEGIANCE

III. DUTIES AND RESPONSIBILITIES OF CELCAB AS AN ADVISORY BOARD TO COUNCIL

Chair Hill noted Ordinance 98-9 which established the functions, powers, and duties of CELCAB.

Town Manager Stewart reviewed how the Parks & Recreation Department became the liaison to CELCAB after the reorganization of the Cultural Resources Department. He noted there was no amendment to the subject ordinance at that time due to the reorganization.

Ms. Spuhler explained why CELCAB members were so passionate about the Mound House and Newton House; and she displayed and discussed related documents:

- Management Plan
- Landscape Plan

Ms. Simpson concurred with Ms. Spuhler's discussion and comments.

Ex-Officio Member Grace noted the importance of the documents reviewed by Ms. Spuhler.

Chair Hill pointed out that the responsibilities and duties of CELCAB's original ordinance were to oversee and manage current issues and make recommendations to Town Council. She stated the Board was confused as to what their role was at this point, and if staff was now making the administrative/managerial decisions.

Council Member List explained her understanding that there was no policy-making or decision-making by any of the other Town advisory boards; and noted that CELCAB's role as an advisory committee was different from the other committees.

Ex-Officio Member Grace discussed the functions of CELCAB as indicated in Ordinance 98-9.

Discussion ensued regarding the functions of CELCAB; responsible parties for managerial and decision-making for Mound House issues; and Ordinance 98-9 (Section 16(b)) requirements regarding CELCAB's submission of a "*proposed operating budget and a proposed capital budget setting forth in detail an estimated profit-and-loss statement*".

Ex-Officio Member Grace discussed Ordinance 98-9, Section 16(b) and suggested that section of the ordinance be amended to remove the budgeting requirement by the Board.

Ms. Spuhler reported she did not believe the Board had ever submitted a proposed budget; and agreed that section should be removed from the Ordinance.

Council Member Andre asked CELCAB to confirm they wanted Council to remove Section 16(b) from Ordinance 98-9.

Consensus of CELCAB agreed to request Council remove Section 16(b) from Ordinance 98-9.

Council Member Andre remarked that he was surprised about the size of the kayak shed at the Mound House site.

Town Manager Stewart commented it was his belief that the dimensions of the kayak shed were changed before he commenced his employment with the Town. He reported the Public Works Director had mentioned that the Town had purchased, through the TDC, a mower for the Mound House property. It had been thought the mower could also be stored in the kayak building, and that was the reason for the decision to change the footprint of the building by approximately 150 square feet a few years ago.

Chair Hill asked the Town Manager to determine what was the original square footage planned for the kayak shed and what were the current dimensions; and noted that CELCAB had been concerned about keeping to the original plan that they had reviewed and approved. She expressed her belief that the original dimension approved by CELCAB was approximately 600 square feet.

Discussion was held regarding the dimensions of the kayak shed; whether or not the dimensions could be changed at this time; storage of the subject lawnmower; kayaks at the Mound House site and the relationship of kayaks to the Mound House (i.e. the Blue Way); and the Mound House as a historical site versus a recreational site as it pertained to kayaks.

Town Manager Stewart discussed the general concept of boards and committees to provide policy advice to a council; and pointed out that the subject ordinance identified activity beyond that general concept. He acknowledged that CELCAB's work was unique; and explained that he did not want to create conflict for CELCAB.

Council Member List discussed improving communications; and she pointed out there was a section included on every Council Meeting agenda for reports from committees. She encouraged CELCAB to take that opportunity to report any concerns or issues at a regular Council meeting.

Public Works Director Lewis stated she believed the change to the kayak shed dimensions was either in 2008 or 2009. She reported the Town had purchased, through the TDC, a mower for the Mound House property; and when it arrived it was thought the mower could also be stored in the kayak building. She suggested some research into records might help to determine when this decision took place; and added the footprint of the building was increased by approximately 200 square feet. She stated the height did not change and the original height was designed to accommodate the kayaks on the trailer inside the shed. She reported the current square footage of the shed was 650; and that she had not seen the plans CELCAB mentioned.

Town Manager Stewart pointed out that prior to his arrival that all the construction projects at the Mound House were in the hands of the director of the Mound House at that time.

Council Member List expressed her desire to learn when the decision to enlarge the kayak shed was made.

Discussion ensued concerning the original kayak shed dimensions, current construction dimensions, and the changes to the kayak shed design in 2008 or 2009.

Town Manager Stewart stated he would have staff research the timeframe for when and how the design change occurred.

Vice Mayor Kosinski recounted his discussion with the former director at the Mound House concerning the use of the shed for kayaks and equipment storage prior to his commencement on the Town Council.

Mayor Mandel recounted his experience and thoughts regarding the Mound House project both before and when he first became a Council Member. He noted a book on the Mound House that was prepared

for him when he started on Council. He also encouraged CELCAB to take part in the opportunity to report matters to the Council during the Committee Reports section of the Council agenda.

Town Manager Stewart reported staff would reproduce and update the Mound House book referred to by the Mayor for both Council and CELCAB.

Chair Hill suggested combining Agenda Items III and IV pertaining CELCAB's duties and responsibilities. She reported a recent concern of CELCAB was the issue of placing a shelter at the Mound House.

Public Works Director Lewis explained that the initial information that came from the Parks & Recreation Department included a shelter at Mound House; however, after further investigation it was determined that the Town would not move forward with a shelter at Mound House. She added that the Town proceeded with a shelter for Newton Park and the TDC had moved that application forward.

Town Manager Stewart added that when the application for the shelter at the Mound House came across his desk, he had asked if the request had been vetted archeologically and with the Board. He learned that it had not been vetted archeologically and with the Board, so he had decided not to move forward with that application.

Discussion ensued regarding the importance of maintaining the archeological integrity of the Mound House.

Chair Hill referred to the memorandum from Parks & Recreation Director Evans to the Mayor and Council [dated 4/18/13 – Council/CELCAB Joint Meeting] with respect to the paragraph regarding 'Communication'; and explained that CELCAB did not "*refuse*" the signage overview offered by staff, but had collectively voted to adhere to the original landscape/signage plan with no changes. She also referred to the 'Board Orientation' mentioned in the memorandum, and explained that the orientation was for the volunteers and not the Board members.

Discussion ensued concerning an 'overlap' with respect to the Friends of the Mound House, the members of CELCAB, and the volunteers at the Mound House; staff's intention for an orientation for BORCAB and CELCAB members; fund raising efforts and advocacy by the Friends of the Mound House; the role of Mound House volunteers; communication and interaction with CELCAB members who serve as Mound House volunteers; and the applicability of the Sunshine Law to CELCAB members.

Council Member List asked approximately when staff would complete the research on the kayak shed.

Town Manager Stewart requested a 'couple of weeks' time since it was not known at this time if the research would involve searching records that were in storage.

Council Member Raymond questioned if the kayak shed dimensions could be changed at this time.

Town Manager Stewart noted if the dimensions were changed at this time, the kayak shed would need to start from scratch and the cost would probably double.

Discussion was held concerning the kayak shed.

Vice Mayor Kosinski noted that the kayak shed building materials were already purchased by the contractor.

Ex-Officio Member Grace questioned if they could eliminate the kayak shed on the subject property.

Town Manager Stewart explained if it was decided not to build the kayak shed, the Town would still be obligated to pay the contractor and reimburse WCIND.

Discussion continued regarding the dimensions of the kayak shed and determining the details regarding how, when, where, and who changed the design.

Council Member Andre noted that decisions such as changes to the dimensions of the kayak shed should go before CELCAB prior to Council.

Chair Hill responded in the affirmative.

Town Manager Stewart noted that staff was working together with the *“technical folks”* on the observation deck.

Chair Hill explained that she remembered the observation pier was a conceptual plan; and the reality of the budget and the specifics of the pier changed considerably and that was supported at a CELCAB meeting.

Council Member Raymond questioned the October 16th date.

Public Works Director Lewis explained the completion date of October 16th would be *“pretty close”* to that date.

Town Manager noted that the matter would have to go to CELCAB prior to ‘hitting the street’.

Public Works Director Lewis stated she would review the spreadsheet that was submitted to Council and review the timeline while keeping in mind prior approvals necessary by CELCAB and the Council’s July recess.

Discussion was held concerning prior review and approval by CELCAB concerning Mound House issues that would go out for bid.

Recess at 10:30 a.m. – Reconvened at 10:40 a.m.

IV. COMMUNICATION BETWEEN COUNCIL, STAFF, AND CELCAB

Discussion during Agenda Item III combined both Agenda Item III, Duties & Responsibilities of CELCAB as an Advisory Board to Council, and Agenda Item IV, Communication Between Council, Staff, and CELCAB.

V. PROJECT UPDATES

Chair Hill questioned the RFQ bids that were “going out” for the Mound House restoration.

Town Manager Stewart reported the RFQ were sent out this past Friday.

Chair Hill questioned the previous RFP and the decision to proceed with an RFQ.

Town Manager Stewart explained how only one of the bidders appeared to be qualified to perform the work, but was too far over the budget; therefore, it was decided to prepare the RFQ. He noted that from the RFQ responses the Town Council would select three responsible bidders. Staff would then work with the number one firm to arrive at a reasonable price and contract, and if that was not successful, staff would go onto the next firm and so forth.

Public Works Director Lewis reported the RFQ would be opened on June 4th.

Council Member Andre questioned if it was a concern of CELCAB that the grant needed to be encumbered by June 1st.

Town Manager Stewart explained there was an opportunity for the Town to apply for an extension; originally when they approached the Grantor and the Town was told they were too early to apply for an extension. He reported later this week he and Public Works Director Lewis would have a conference call with the State to define exactly what the State was looking for and then staff would put forward the request for an extension. He added that staff would report back to Council and CELCAB the results of that telephone conversation.

Chair Hill asked if the RFQ included all the requirements of the Florida Community Trust.

Public Works Director Lewis reported that this portion of the process did not include the technical specifications and there would be no bid as such; however, the price would be negotiated. She added that the Town would be looking at qualifications.

Town Manager Stewart stated the design had not changed from the original RFP.

Chair Hill noted at one time there had been funding available for signage at Newton Park; however, it was her belief that after site improvements the funding for signage was depleted. She questioned if the Town now needed to seek additional funding for signage. She noted the signage at Newton Park included interpretive signage for the plants; and questioned the inclusion of signage within the landscape

plan funding from TDC, and if the archeological firm was going to assist with the wording of the text for the signage.

Town Manager Stewart stated he would report back on the funding for the signage.

Staff Liaison McBride reported the records for Newton Park capital improvements indicated that the last draw from TDC was for \$200,000 which was the final restoration of the house and restrooms. She added the records showed the expenses for the project were \$220,000 and that she was unaware of any additional TDC funds for signage at Newton Park. She reported the archeological firm was willing to assist with updating the estimate for interpretative signing at Newton Park.

Chair Hill described the arduous process CELCAB members performed with respect to reviewing the interpretative signage they had recommended to Town Council.

Ms. Simpson reviewed CELCAB's opinion regarding the importance of the trolley stop and seating area at Newton Park.

Discussion ensued regarding the trolley stop, interpretive and other signage, and the impact of the Town's sign ordinance as it pertained to signage at Newton Park.

Town Manager Stewart pointed out that there were exemptions for governmental signs.

Chair Hill displayed a rendering of the signage approved by CELCAB for Newton Park, and reported she was informed by staff it would not be permitted.

VI. 216 CONNECTICUT STREET

Chair Hill thanked the Council for moving forward with the Mound House restoration and the pier. She reviewed the background information regarding 216 Connecticut Street and asked for an update on the matter.

Parks & Recreation Director Evans reported that she spoke with the Community Development Director last week who in turn expressed that he would like to see information come from CELCAB concerning 216 Connecticut Street that would assist him with reviewing the current ordinances and policies in place to see if the Town could make the changes to the subject property.

Vice Mayor Raymond questioned what was requested by CELCAB.

Parks & Recreation Director Evans explained that CELCAB had inquired about making specific improvements to make the site look more like a parking lot, but not make it a paved or 'shelled' parking lot.

Chair Hill reviewed what CELCAB had previously discussed and approved regarding a landscape plan for 216 Connecticut Street. She reported the landscape plan was presented to LPA, but she felt it had not been not effectively presented to LPA. She added the zoning request had to do with a one-time only

rezoning of the subject property for a parking use, and that it would not infringe upon the surrounding residences.

Mayor Mandel noted his belief that the Council had discussed 216 Connecticut Street; and explained that the Council pursued the church parking was because they realized there was insufficient parking at the Mound House and the matter needed to be addressed quickly. He added that Council wanted to see the usage at the Mound House before they began the rezoning process.

Council Member Raymond added that Council had decided not to sell 216 Connecticut Street and to wait to see what evolved on the matter of parking. He pointed out how the location of the Mound House appeared to be intrusive to the surrounding residential neighborhood.

Discussion ensued concerning the use of 216 Connecticut Street for parking.

Chair Hill reported 216 Connecticut Street was currently being used for parking by volunteers.

Council Member Raymond indicated there should be no parking at 216 Connecticut Street and the volunteers should use the church parking lot. He added the transportation cart should be utilized to take the volunteers back and forth to the church parking lot.

Ms. Spuhler recapped the presentation of the zoning request for 216 Connecticut to the LPA; and reported that the LPA Chair and another LPA member stated they did not understand the uses and what could be done to the subject property in order for the LPA to approve it. She added that she was informed that the LPA suggested the matter be brought back again with full disclosure of all the possibilities of what could be done to 216 Connecticut Street.

Discussion continued regarding 216 Connecticut Street and the use of the church parking lot.

Town Manager Stewart reported at the LPA meeting there were concerns that the subject site would be rezoned to commercial and that the property could be used for things other than parking. He stated that it was made abundantly clear to the LPA that the rezoning would be for a specific restriction with a specific designation to be used as a parking lot for the Mound House. He noted the concerns of the area residents were heard at the LPA meeting. He reviewed how Council did not move forward with the rezoning of 216 Connecticut Street and instructed him to investigate parking alternatives.

Discussion was held regarding the transportation cart for the people utilizing the church parking; volunteers using the 216 Connecticut Street site; and security lighting at 216 Connecticut Street.

Town Manager Stewart stated that 216 Connecticut Street could not be used as a parking lot without rezoning the property. He explained the property would need a rezoning that had an inherent character which was very limiting that would require the Council to create a zoning category to fit the function.

Ms. Smith pointed out that 216 Connecticut Street was purchased many years ago for the sole purpose of a parking lot for the Mound House. She recounted how CELCAB reviewed the plans for the subject property with many of the surrounding neighbors who had been acceptable to the plan.

Ms. Spuhler suggested that the Mound House volunteers, CELCAB, or Friends of the Mound House conduct another information session with the neighbors concerning 216 Connecticut Street.

Council Member List discussed her support for one of the groups mentioned by Ms. Spuhler to obtain information regarding the support of the neighborhood for 216 Connecticut Street as discussed.

Discussion ensued regarding the prior efforts by CELCAB to inform, obtain and incorporate input into the plan, and obtain support from the neighborhood as it pertained to 216 Connecticut Street.

Chair Hill clarified that CELCAB would explore how they could best present plans for 216 Connecticut Street and work to build a consensus from the immediate neighbors which would be presented to Council and the LPA.

Ms. Weslow asked if there had been precedent on the beach regarding 'spot' zoning. She noted her belief that there might be residents other than in the subject neighborhood who were concerned about 'spot' zoning and how it might one day impact other areas of the beach.

Town Manager Stewart discussed the term 'spot' zoning; how activity at the subject property might impact the neighbors; and the importance of working with the residents to mitigate their concerns.

Mayor Mandel noted the importance of making sure the transportation cart was operating and providing service to the Mound House; and placing the cars where there was proper zoning.

Council Member Andre asked if there was signage at the church noting parking for the Mound House.

Discussion was held concerning parking signage; and the responsibility of staff to insure proper signage and that the transportation cart was operating.

Ms. Weslow pointed out the importance of insuring that funding for the Mound House did not "*run out*".

Chair Hill noted her experience as a grant writer and how grants could be extended. She requested the remaining Agenda items be discussed at another joint meeting, possibly next month.

Consensus of the Town Council and CELCAB agreed to another joint meeting to discuss the remaining agenda items.

VII. VIVIA FLORIDA 500 EDUCATIONAL CONFERENCE-PLANNING AND FUNDING

No discussion.

VIII. GRANTS

No discussion.

IX. PROFESSIONAL ON-GOING ARCHEOLOGICAL SERVICES – THEIR ROLE AND FUTURE FUNDING

No discussion.

X. LONG-RANGE PLANNING FOR MOUND HOUSE AND SEVEN SEAS

No discussion.

XI. POSSIBLE MERGE OF “FRIENDS OF THE MOUND HOUSE” WITH TOWN

No discussion.

XII. ADJOURNMENT

Meeting adjourned at 11:30 a.m.

Adopted _____ With/Without changes. Motion by _____

Vote: _____

Michelle D. Mayher, Town Clerk

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