



MINUTES

Monday, May 19, 2014

FORT MYERS BEACH TOWN COUNCIL WORK SESSION

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

I. CALL TO ORDER

Mayor Cereceda called to order the May 19, 2014 Work Session of the Town Council at 10:00 a.m. Present along with Mayor Cereceda were: Vice Mayor Andre, Council Members Hosafros and Stockton; Council Member Mandel was excused. Also Present: Town Manager Stilwell, Town Attorney Rooney, Finance Director Wicks, Public Works Director Baker, Planning Coordinator Overmyer, and Town Clerk Mayher.

II. PLEDGE OF ALLEGIANCE

III. PRESENTATION – CRW/Trakit – Scott Talbert

Scott Talbert, CRW/Trakit System, began his presentation with a brief outline of CRW and continued with an overview of the Trakit System and a recent upgrade. He reviewed the system's online features and functionality used by the public and by the staff which included but was not limited to accessibility of information and interface to allow for online applications.

Mayor Cereceda questioned the number of online applications the Town received.

Planning Coordinator Overmyer explained the Town did not receive online applications at this time.

Scott Talbert, CRW/Trakit System, indicated staff was working on the interfacing to allow for online applications. He reported a new interface option was available to the staff that would allow them access 24/7 via a browser instead of the network.

Council Member Stockton questioned the cost of the new interface option.

Scott Talbert, CRW/Trakit System, reported it would be in the neighborhood of \$20,000. He noted the cost would involve training for the staff and recommended training for staff even for the existing Trakit System. He added the training cost for staff for the existing system would depend on the number of days and added that the base rate was \$2,500 per day plus travel.

Discussion was held concerning staff training, tabs and comments, inspections tab, hiding comments, levels of information access, permit searches; and a quick walk-thru of how the public could access Trakit was reviewed.

Vice Mayor Andre questioned if an upgrade to the system would allow for special event permits to be processed online.

Scott Talbert, CRW/Trakit System, responded in the affirmative; and noted an on-line bank/payment vendor would be required to process the payments.

Discussion was held on the level of services offered by other communities similar to the size of Fort Myers Beach; the capabilities and benefits of the Trakit System; how outside agencies could interact with the Town's permitting system (i.e. review by Fire and Police); and obtaining an estimate for a system upgrade and staff training.

Mayor Cereceda explained how the Trakit System enabled the public to be vigilant on matters within their particular neighborhoods which was helpful to the Council.

IV. PRESENTATION – Airport Noise Update

Annie Babcock, representing a group of Island residents called "AIR", discussed aircraft noise that was impacting residents. She requested the help of Council as it pertained to the aircraft noise coming in over the beach. She discussed the issue of aircraft altitude over the island in the past; the Part 150 Noise Study sent to the FAA; problems with the FAA and Port Authority as it related to the aircraft noise; and problems associated with aircraft noise to the residents such as but not limited to loud noise, pollution, dirt/soot, and health safety issues. She distributed and discussed copies of the web-track data from Regional Southwest Airport (RSW) as it related to the use and hours of operation for runway #24 and #6.

Tom Merrill, member of "AIR", discussed the impact of aircraft noise to the residents of the Town when he first noted the problem to Council beginning 17 years ago to present. He reviewed the 'history' of the issue. He discussed the potential for increased flights into RSW in the future (i.e. nighttime, cargo, etc.); flight arrivals from the west over the Town; the location of the Town in relation to RSW and wind direction; and the 3 to 5-mile marker and the change to a 7-mile marker. He noted a prior proposal to the FAA to modify the flights over unpopulated Estero Bay. He recapped highlights of the aircraft noise issue during the past 16 years ago.

John Poland, member of “AIR”, explained what Part 150 was, the purpose of Part 150, and what Part 150 accomplished. He reported the third party who conducted the Study determined there was no noise issue and that RSW was in compliance; therefore, nothing would be done by the FAA since Part 150 did not address the Town’s noise complaints. He added that at a recent meeting the air traffic controllers stated that most of what they could do about the matter had already been done. He noted that RSW did not have an instrument landing system for runway #24 which meant commercial flights used this runway during poor weather conditions which was why so many planes ‘fly their final’ over Fort Myers Beach to runway #6. He reviewed instrument landing systems and requested the Town engage help with this matter.

Tom Babcock, member of “AIR”, displayed and discussed the Typical Aircraft Tracks After 2009 “Railroad Track” Over Fort Myers Beach. He explained why no aircraft had to be below 3,000 feet over Fort Myers Beach. He read information that indicated the Port Authority with the oversight of the FAA was not allowed to implement noise mitigation procedures that were not reasonable, not arbitrary, and not discriminatory. He also displayed and discussed two photographs from the web-track system (Runway #6 Arrival and Runway #24 Arrival). He reported AIR was requesting the Town Council hire a consultant experienced in aircraft noise.

Mayor Cereceda recounted her meeting with the airport representatives and noted her impression that all residents were concerned about the aircraft noise issue. She noted a discussion with airport representatives regarding use of Runways #6 and #24.

Discussion was held concerning the aircraft use of Runways #6 and #24.

Mayor Cereceda mentioned the discussion with airport representatives regarding the tower control coming out of Miami.

Tom Merrill, member of ‘AIR’, discussed the ‘redesign of airspace’ over the years; the use of runway #24 and pilot requests; and the use of a consultant to deal with the issue.

Tom Babcock, member of “AIR”, discussed future additional runways at RSW and the impact to the Town.

Discussion ensued regarding requesting an instrument landing system for runway #24 and the potential cost; instrument landing system as ‘dated technology’ and forthcoming landing technology; and budgeting for a consultant.

Council Member Hosafros explained when she was campaigning for office that aircraft noise was the #2 issue for residents; that the aircraft ‘railroad’ track over the beach was getting wider to the south; and that she would be in favor of hiring a consultant instead of starting with a lawsuit.

Discussion was held concerning how Estero and Fiddlesticks handled the aircraft noise issue over their area in the past.

Mayor Cereceda recognized Molsen Salehi in the audience.

Mr. Salehi gave an overview of his consulting experience. He pointed out that the area impacted most by this issue was referred to in the Comprehensive Plan as the 'quiet center'. He noted 'AIR' had collected a great amount of information and data.

Council Member Stockton questioned the use of the Town's lobbyist for the issue.

Town Attorney Rooney noted his experience regarding land use and airports, and discussed his familiarity with the basic issues that go into the process. He described the use of lobbying efforts for the issue and legal components regarding layout plans and noise mitigation. He recommended Council decide if this was something they wanted to move forward with and if so, did they want to take an adversarial approach or gather information and utilize a consultant. He indicated lobbying would be part of an effective process.

Town Manager Stilwell explained the Town should weigh the cost of the consultant against the probability of being successful. He noted it was critical for the Port Authority and the BOCC to be on-board with the issue.

Vice Mayor Andre questioned if the Town should go before the BOCC to determine if the Town had their support before the Town expended funds for a consultant.

Mayor Cereceda pointed out the hurdles facing the Town regarding the aircraft noise issue.

Town Attorney Rooney reported he would work with the Town Manager to put together an RFQ/RFP with an initial budget regarding the scope of the work.

Annie Babcock reported information on the matter had been sent to Senator Rubio's office and that his staff would be working on the matter in Washington DC.

Tom Babcock thanked Council for their support of the matter.

Recessed at approximately 11:41 a.m. – Reconvened at approximately 11:53 a.m.

V. POLICY DECISION – SURVEYS WITH CONSTRUCTION PERMITS

Building Safety Services Coordinator Miller reviewed staff's research regarding surveys for construction permits and the two local communities [Naples and Collier County] that did require surveys; and explained why Lee County did not require surveys. He pointed out that the cost of a boundary survey which would be needed for a fence permit started at approximately \$350 and an as-built after the fence was installed would be another \$350. He stated he would not recommend surveys for driveways; and recommended surveys for new construction, pools, and room additions. He reviewed the cost of "*al la carte*" surveys.

Discussion was held regarding Sanibel's survey policy.

Vice Mayor Andre noted his view to require a survey when the footprint was changed or construction of a pool.

Discussion ensued regarding examples of when to require a survey; variance requests as it pertained to not requiring a survey; measurement accuracy of surveys; expense of surveys for the property owners and the Town; survey requirements for a variance request; as-built surveys and non-conforming structures; 'government-light'; and having extreme oversight on redevelopment in the Town.

Town Attorney Rooney requested direction concerning survey requirements on the property owner or the Town [consensus was that it be the responsibility of the property owner]. He recommended surveys for new construction or an addition or permanent accessory structure where there had not been a survey in place already. He questioned if elevation should be included in the survey.

Building Safety Services Coordinator Miller noted an elevation certificate was required for new home construction and additions; however, an elevation certificate was not needed for pools or decks at this time.

Discussion was held regarding elevation certificates.

Town Attorney Rooney recommended some type of administrative determination for requiring surveys.

Planning Coordinator Overmyer pointed out that some properties in the Town were not platted or were what was called "unrecorded subdivisions".

Council Member Hosafros suggested that 'garages' be included in the requirement for surveys.

Discussion was held regarding survey requirements; proper dimensional requirements; having staff look at every permit and every detail; and FEMA requirements and zoning verification letters.

Town Attorney Rooney explained that he would work on the matter and bring it back to another Council Work Session or to the LPA depending upon his findings.

VI. REVIEW OF EMERGENCY OPERATIONS PLAN

Mayor Cereceda noted her review of the Fire Department's Emergency Operations Plan and suggested the Town follow that plan.

Discussion ensued regarding the Town's Emergency Operations Plan.

Vice Mayor Andre recommended the LPA be assigned the review of the Town's Emergency Operations Plan.

Town Attorney Rooney suggested the Town's Emergency Operations Plan be reviewed by the Public Safety Committee since it did not involve land use.

Mayor Cereceda offered direction to the Public Safety Committee that brevity was key when in a ‘State of Emergency’; and that the Plan should include clear and decisive action.

Discussion was held as to who created the existing emergency plan; referencing staff’s internal plans for emergencies (i.e. computers); use of the Fire Department Emergency Plan; and assignment of responsibilities in the absence of a Community Development Director.

Council Member Hosafros reported the Public Safety Committee was reviewing crosswalks and the first section of Estero Boulevard.

Mayor Cereceda requested Emergency Operations Plan go to the top of the Public Safety Committee’s list.

VII. COUNCIL MEMBERS ITEMS

Vice Mayor Andre – questioned the Beach Patrol’s hours of operation.

Public Works Director Baker was looking into the matter and indicated it might be related to their contract; however, they were willing to negotiate the agreement.

Mayor Cereceda questioned the speed limit for Beach Patrol and recounted her recent experience concerning the issue.

Public Works Director Baker stated he would investigate the matter.

Council Member Stockton – thanked staff for placing the Council minutes on-line and complimented the landscaping outside Town Hall. She suggested removing Mound Key from Agenda Management/Radar.

Mayor Cereceda suggested bringing up the matter during Agenda Management so action could be taken during a Regular Meeting.

Discussion was held and consensus was to discuss the matter when all members of Council were present.

Council Member Stockton – questioned discussion of the PWVL and the PAL.

Town Attorney Rooney stated he would offer comments on the matter at the Regular Meeting later today.

Council Member Hosafros – questioned when the Council would meet with the Town Committees that had requested individual meetings. She suggested the Council meet with one or two committees at each of their upcoming Work Sessions.

Discussion was held concerning joint meetings with Council and Town Committees.

Town Clerk Mayher requested direction from Council regarding the joint meetings and reviewed how joint meetings were scheduled in the past.

Discussion was held concerning scheduling joint meetings.

Mayor Cereceda suggested an email be sent to the Committees asking them of the urgency of a joint meeting with Council prior to hiatus and ask the Committee for an estimate of the time they feel would be necessary.

Council Member Hosafros – reported she was contacted by Barbara Hill who was working on a landscape project for the foot of the bridge. She indicated Ms. Hill was preparing to make a presentation to Council on the matter and requested approval for Ms. Hill to do so.

Vice Mayor Andre supported the request by Council Member Hosafros for Ms. Hill to make a presentation at a Council Work Session.

Town Clerk Mayher described some of the plants and trees included in Ms. Hill's landscape proposal.

Town Manager Stilwell suggested before scheduling the presentation at a Council Work Session that the appropriate staff meet with Ms. Hill to discuss maintenance costs and the use of indigenous vegetation.

Council Member Hosafros stated she would inform Ms. Hill of the Town Manager's suggestion.

Mayor Cereceda – discussed scheduling Council meetings and asked Council to consider separating Council meetings and Work Sessions on different days.

Discussion was held concerning separating Council meetings and Work Sessions.

Council Member Mandel – was excused.

Finance Director Wicks distributed information regarding the Budget for FY2014-2015 and requested Council schedule meetings to discuss the budget. She noted the tax levy had to be set at the June 16th meeting if Council intended to go on hiatus for July. She explained that the tax levy could not be raised once it was set, but could be lowered; and that probably two workshops would be necessary in August. She mentioned that the real estate values did not come in until June and the State numbers came in July.

Discussion was held regarding potential meeting dates to for budget work sessions.

Mayor Cereceda discussed the PWVL and PAL matter and noted the Council had worked to correct the number of licenses; however, a glitch arose and the owner of Rebel Water Sports was presently out of work.

Town Manager Stilwell suggested the Council to inform Rebel Water Sports to proceed with operating as they had intended and inform the business owner that Council would address the matter.

Town Attorney Rooney explained that ultimately the code had to change to reflect the issue that arose at the last meeting concerning relocation of the business within 500' of another parasail location. He reported the earliest the Council could address the matter would be on June 16th and that the LPA had agreed to a special meeting next week to deal with the issue.

Discussion was held concerning the 'glitch' and the transfer of the license to another location.

Public Comment opened.

Charles Messina, resident of St. James City, introduced himself as a candidate for State Representative in District 76.

Tracy Gore, resident, noted her confusion regarding a building permit issued for a site on Palermo and the pending litigation.

Council Member Stockton pointed out that she had questioned staff regarding the subject site on Palermo earlier in the day.

Town Attorney Rooney reported E-Trakit was down all day and staff could not confirm the information concerning the subject permit at this time.

Public Comment closed.

VIII. ADJOURNMENT

Meeting adjourned at 1:08 p.m.

Adopted _____ With/Without changes. Motion by _____

Vote: _____

Michelle D. Mayher, Town Clerk

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