



MINUTES

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

Tuesday, January 18, 2011

6:30 PM

I. CALL TO ORDER

Mayor Kiker called the meeting to order at 6:35 p.m. Present with Mayor Kiker Vice Mayor Raymond, Council members Babcock, List and Mandel as well as Town Manager Stewart, Town Attorney Miller and Town Clerk Mayher.

II. INVOCATION – Rev. Alice Marcum, St. Raphael's by the Sea Church

III. PLEDGE OF ALLEGIANCE

All stood for the Pledge of Allegiance.

IV. APPROVAL OF FINAL AGENDA

Advisory Committee items to be moved after Administrative Agenda item A.

V. PUBLIC COMMENT

Mayor Kiker stated he would be using the timed light system during public comment which would limit public comment to the 3 minute rule, allowing for fairness for all those wanting to speak.

Public Comment Opened

- **Roy Hinkelman** President of Laguna Shores H.O. Assn., referenced the news items regarding the start of dredging for Laguna Shores, asking for an update from Town staff.
- **Sam Lurie** notified those listening of the date and time of the next library meeting indicating he was going to request the library use town hall for their meetings as well as asking the library to hold a referendum on the library expansion.
- **Cindy Hoover** presented Council with a petition, asking how much taxpayers money would be shifted to the library and how much money would it take to run the new library, stating that she was very upset over the library expansion.

- **Jim Stevens** reviewed his association with the library from the last 15 years.
- **Bob Miller** voiced his opinions on the special taxing districts as well as the town, the need to prioritize the districts and the taxes and whether there was a need for another community center to be in competition with Bay Oaks, referring to the expansion of the library.
- **Irene Quirus** read a letter she had previously presented to Council, stating she represented a group of citizens who had concerns with the library. She thanked the library for its service however demanded that the library district submit to a review and put all the expansion plans on hold.

Mayor Kiker indicated there was an email sent by David Saunders who could not attend the meeting, asking Town Clerk Michelle Mayher to read the email.

- **David Saunders (read by the Town Clerk)** expressed his strong feelings regarding lack of public input concerning the Library expansion.

Public Comment Closed

Town Manager Stewart will provide the requested updates to Mr. Hinkleman regarding Laguna Shores.

Mayor Kiker directed that the petition presented by Ms. Hoover should be forwarded to the library board along with the two questions asked by Ms. Hoover.

VI. LOCAL ACHIEVEMENTS AND RECOGNITIONS

Councilmember Mandel recognized all those participating in the Putt Putt Pub Crawl which benefited Bay Oaks.

Vice Mayor Raymond also recognized all those responsible for the Putt Putt Pub Crawl.

Councilmember Babcock acknowledged the Mound House Recognition Dinner at Newton Park as well as asking for volunteers for the Mound House.

• Agenda Change

VIII. APPROVAL OF MINUTES

- A. December 20, 2011 regular Town Council Meeting
- B. December 20, 2011 Work Session

MOTION: Motion by Councilmember Babcock to approve minutes with a second by Councilmember List.

VOTE: Motion passed 5 to 0

IX. ADMINISTRATIVE AGENDA

A. LPA Membership Requirements

Town Manager Stewart stated this was a discussion to decide whether members of the LPA should be permitted to serve on other committees. Should they decide to allow LPA members to serve on other committees it would require a change in ordinance and would not go into effect immediately.

Attorney Miller indicated any changes would need to go to the LPA for review if the Council decided on a change.

Public Comment Opened

No Public Comment

Public Comment Closed

MOTION: Vice Mayor Raymond made a motion that no one person on the LPA could serve on more than one committee at a time; second by Councilmember Mandel.

Vice Mayor Raymond felt there was a lot included in LPA membership and a lot to learn, requiring more from those on the LPA than other advisory committees.

Councilmember Mandel stated he had served on the LPA for 5 years noting their opinions should not be imposed on the other committees, as the Council's should not be imposed on LPA.

Councilmember Babcock wanted to see any other changes to the ordinance done now as well.

VOTE: Motion passed 5 to 0

VII. ADVISORY COMMITTEES ITEMS AND REPORTS

A. Appointment(s) to Marine Resources Task Force

Town Manager Stewart advised Council that Mr. John Kakatsch had presented the town with a request to become a member of the Marine Resources Task Force, noting also that he is a member of the LPA.

Public Comment Opened

No Public Comment

Public Comment Closed

MOTION: Vice Mayor Raymond made a motion to postpone Mr. Kakatsch's appointment decision until after the LPA decision heard the issue of LPA membership. Second by Councilmember Mandel.

VOTE: Motion passed 3 to 2 with Council members Babcock and List dissenting.

B. Appointment(s) to the Anchorage Advisory Committee

Town Manager Stewart advised Council that there was an applicant to the

Anchorage Advisory Committee, Gerry Trantina, a permanent resident of the island but is not on island from the middle of May until early November and would only be able to attend 6 meetings.

Public Comment Opened
No Public Comment
Public Comment Closed

MOTION: Councilmember Babcock made a motion of approval of Mr. Trantina with the understanding that Town Council will review the policy on committees as it relates to issues such as this with a second by Councilmember List.

After some discussion, Councilmember List withdrew her second.

FAILED: Motion then died for a lack of a second.

MOTION: Vice Mayor Raymond made a motion to appoint Mr. Trantina to the Anchorage Advisory Committee with a second by Councilmember List.

VOTE: Motion passed 5 to 0.

XI. ADMINISTRATIVE AGENDA

B. Update on Mound House Landscape Restoration

Town Manager Stewart indicated this was for updates on the site development at the Mound House. Cathie Lewis from Public Works provided Council with current updates. Ms. Lewis noted there was a need for a conflict box in the sanitation trench which could cause a delay, however other work could be done during the time the conflict box issue was dealt with.

Public Comment Opened
No Public Comment
Public Comment Closed

Vice Mayor Raymond again stated he wanted the Mound House opened by the end of April.

Councilmember Mandel requested continued progress reports.

C. Discussion Regarding Florida Communities Trust and Mound House

Town Manager Stewart reviewed the findings from the Florida Communities Trust and Division of Historic Resources, indicating the architect did need to have a historic preservation certification, however the contractors did not, but they did encourage the town to use contractors with historic restoration experience.

Public Comment Opened
No Public Comment
Public Comment Closed

Councilmember Babcock asked if there were any requirements in the grants pertaining to the work. Mr. Stewart indicated the request was to put out to bid for the remaining construction/restoration work. Theresa Schober indicated that the construction documents still needed to be completed by the architect before going out to bid.

MOTION: Councilmember Babcock moved to authorize staff to proceed with an Invitation to Bid for remaining construction/restoration of the Mound House; second by Councilmember List.

VOTE: Motion passed 5 to 0

Recess: 8:22 PM Reconvene: 8:31 PM

D. Report on TDC Requirement for Mound House Observation Pier

Town Manager Stewart reviewed the findings from TDC regarding removing the Fishing element from the observation pier project, and asked Town Attorney Miller to contact the TDC for further information.

Attorney Miller stated the TDC's answer was no because the money was coming from the beach and shore fund, and ask if the application were to be amended could the funds come from another area. The TDC then answered yes, however after conversation with Theresa Schober it was found there were no other funds from which to obtain funds for the pier.

Town Manager Stewart also noted that this was not a stand alone grant; the observation pier, the interpretive signage and the site development were all from one grant with different pieces from the same grant. If Council were to decide not to do the observation pier, they could do that, however, Mr. Stewart felt Council should not make that choice until the site development work was complete. Mr. Stewart did indicate if there was a piece of the project to be removed without the project suffering it should be the pier.

Public Comment Opened

- **Kelly Leary** indicated there had been open public workshops in 2006 and 2007 regarding the project, attended by the architect and open to all interested. Ms. Leary didn't understand why the pier was an issue now since it was discussed in 2006 and 2007.
- **Ceel Spuhler** encouraged the Council to put the pier out to bid allowing Council to then know the cost of the project and showing the TDC that their money would eventually be used for an observation platform, plus allowing further conversation for fishing. Ms. Spuhler also noted that with the pier it would allow everyone to be close to the water's edge which is what is indicated in the management plan, allowing education to those in attendance.
- **Warren Babcock** indicated the fishing pier would be practically in his front yard, that there were not drawings of this pier in the original master plan, noting that he was not anti-Mound House however, he was against the fishing pier.

- **Barbara Hill** stated she was in on the very beginning of the Mound House on the original committee, that there was a pier in those plans so it would be a safe place for the kids to learn. Ms. Hill encouraged Council to consider looking 10 to 20 years from now, noting the importance and prestige of the property.

- **Dan Hughes** cautioned Council not to give excess weight to some individuals to the detriment of the thousands of current and future part time and full time residents. Residents come and go but the Mound House will endure for a long time.

Public Comment Closed

Mayor Kiker asked if the observation pier had or had not been a part of the plan from the beginning.

Theresa Schober responded from the beginning, in the only plan since 2000, there was discussion of an observation dock. Ms. Schober stated at that time it was listed as an extension of the present dock to 12' wide by 100' long, that the location and planning of it changed in the 2006/2007 plan.

Councilmember Mandel asked if the word fishing was used originally, with Ms. Schober responding that it had been, and asked how many years were left to be able to deal with the observation pier. Mr. Stewart noted that was entirely up to the TDC. The 5 year submerged land lease was then discussed bringing up the fact that there were only 3 years left on that. A discussion ensued regarding controlling the hours for fishing from the pier.

Councilmember Babcock stated that Mr. Warren Babcock and his wife were the most impacted by the pier, taking that into consideration, and the need to consider all those who would benefit from the project. Councilmember Babcock continued by discussing the fishing issue and then stating the desire to move forward with alternatives for gating the pier and the dock.

Vice Mayor Raymond stated he would not be in favor of the pier if there were fishing permitted.

Councilmember List was in favor of finding out the cost of construction, then going back to the TDC asking if those funds could be moved from one type of fund to another to eliminate the fishing aspect. Councilmember List addressed Mr. Warren Babcock's objections, however she loved the thought of being able to take the children out to the water in a safe environment.

Town Manager Stewart offered the question that since fishing seemed to be such a big Issue, was fishing all over the site going to be prohibited since it does occur now.

MOTION: Councilmember Babcock moved to authorize staff to proceed with an invitation to bid for construction of the Mound House observation/fishing pier as designed.

FAILED: Motion failed, no second.

MOTION: Councilmember Mandel made a motion to have the issue brought up again after the Mound House excavation area was open with a second by Councilmember List.

VOTE: Motion passed 4 to 1 with Councilmember Babcock dissenting.

X. PUBLIC COMMENT
Public Comment Opened
No Public Comment
Public Comment Closed

XI. Town Manager's Items

Town Manager Stewart referencing an earlier meeting, indicated a request from the Town Attorney for an increase in the monthly retainer to \$9,200 a month.

MOTION: Councilmember Mandel recommended increasing the retainer fee to \$9,200 with a second from Councilmember Babcock.

VOTE: Motion passed 5 to 0

XII. TOWN ATTORNEY'S ITEMS

A. Discussion Regarding FMB Library Related Issues

Attorney Miller reviewed the actions, to take reports from special taxing districts, a letter to the library board and request a joint meeting with the library and send a memo to all districts for cooperation.

MOTION: Councilmember Mandel made a motion that the 4 items mentioned by the Town Attorney - request a report from all taxing districts, that Attorney Humphrey, the Mayor and the Town Manager go to the library board to present a request and information, and the information obtained by the town so far be delivered to the library board and that a meeting be requested, time certain, be established within the next 2 to 3 weeks and to forward the rest of the information to the library board with a second by Councilmember List.

Public Comment Opened
No Public Comment
Public Comment Closed

Councilmember Babcock indicated he would not support the motion since Council had discussed them as 4 separate issues earlier in the day and now they were all in one. Councilmember Babcock objected to the joint meeting since there had been no conversation on what would be said to the library board, not wanting to go out and dominate another board, indicating that the jurisdiction for oversight falls to the County.

Councilmember Mandel did feel that Council had the fiduciary responsibility.

Councilmember List did not feel the motion suggested any type of domination, feeling it would be responsible of Council to have the joint meeting.

Vice Mayor Raymond felt the final decisions on the library were between the people of the town and the library not the Council but indicated he did feel there was a responsibility to find out information for the residents, but not to dominate the library.

VOTE: Motion passed 4 to 1 with Councilmember Babcock dissenting.

XIII. COUNCILMEMBER'S ITEMS AND REPORTS

Mayor Kiker indicated he had been contacted by the fire department with a request to appoint one Council and a staff member to work with them on their report.

Councilmember Mandel stated had attended a Horizon meeting and he would provide a written report to Council and also had responded to a request for information with the Town Clerk.

XIV. AGENDA MANAGEMENT

Discussion regarding committee membership for non year round attendance.

XV. RECAP OF ACTION ITEMS

- Contact Mr. Hinkleman regarding Laguna Shores
- Cindy Hoover's questions/petition to be forwarded to library board
- Bring forward discussion of funding for Laguna Shores when appropriate
- Postpone appointment to MRTF until after ordinance for membership is heard
- Trantina notification for appointment to Anchorage Advisory Committee
- Craft specific language to go to LPA regarding other committees
- LPA to address other membership related items
- Proceed forward with invitation to bid for Mound House restoration
- Progress report on landscape project for Mound House
- Postponed decision on observation pier until after landscape project completed
- Follow up with fire district for Council and staff member for their report

XVI. ADJOURNMENT

MOTION: Councilmember List made a motion to adjourn with a second by Councilmember Mandel.

VOTE: Motion passed 5 to 0

Meeting Adjourned at 10:10 p.m.

Adopted _____ With/Without changes. Motion by _____

Vote: _____

Michelle D. Mayher, Town Clerk