



MINUTES

FORT MYERS BEACH TOWN COUNCIL TOWN HALL – COUNCIL CHAMBERS

2523 ESTERO BOULEVARD
FORT MYERS BEACH, FLORIDA 33931

SPECIAL MEETING

AGENDA

Monday March 28, 2011

1:00 PM

I. CALL TO ORDER

Mayor Kiker called the meeting to order at 12:58 p.m. Present with Mayor Kiker, Vice Mayor Raymond, Council members Kosinski, List and Mandel along with Town Manager Stewart, Town Attorney Miller and Town Clerk Mayher.

II. PLEDGE OF ALLEGIANCE

All stood for Pledge of Allegiance.

III. APPROVAL OF FINAL AGENDA

Mayor Kiker asked to move item VI. A. Request to use Council Chambers FMB Fire District Union Negotiations forward as well as moving item V. B. Discussion Regarding Seafarer's Property ahead of item A.

There was consensus from Council to make changes.

IV. PUBLIC COMMENT

Public Comment Opened

No Public Comment

Public Comment Closed

Change in agenda:

Town Manager's Items

A. Request to use Council Chambers FMB Fire District Union Negotiations

Town Manager Stewart reviewed that the Council had previously offered use of the Council Chambers to the Fire District and the Library Board for their Board meetings. The Fire District has been using the Chambers for their regular meetings, and now requesting the use of the Chambers for a special Union Negotiation meeting.

Public Comment Opened

▪ **Chief Mike Becker, FMB Fire Control District** addressed Council reviewing the importance of the upcoming union negotiations.

Public Comment Closed

MOTION: Councilmember Mandel moved to approve the request with a second Councilmember List.

VOTE: Motion passed 5 to 0

change in agenda:

ADMINISTRATIVE AGENDA

B. Discussion Regarding Seafarer's Property

Town Manager Stewart reviewed the latest communications regarding the demolition of the Seafarer's property. Mr. Stewart then provided Council with printed documents.

Public Comment Opened

▪ **Lee Melsek**, speaking on behalf of the FMB Civics Association asked that the county fulfill their promise of tearing down the building, also stating the Civic Association hoped the town was not going to go into the business of retail ownership.

Public Comment Closed

Mayor Kiker began by providing his recollection of the process and reasoning for obtaining the Seafarer's property, the desires of the county for tearing it down and the ability for the town to have input regarding the options on the property.

Councilmember Kosinski stated he and Town Manager Stewart visited the property on March 23rd, and provided some general observations:

- Grease traps behind the building which would need addressed due to possible contaminated soil.
- The building the requirements to reuse In trying to reuse would be tremendous due to the new codes, rendering the ground level unusable, with the 2nd level in question due to lack of height for new codes and the 3rd major issue of the framing and the wood trusses, wood deck for roofing, noting it was a fire trap waiting to happen.
- The most appropriate decision would be to have the building taken down.

Vice Mayor Raymond indicated he too had visited the building, stating the building should be taken down due to FEMA codes as well as mold issues. Vice Mayor Raymond stated he would like to see a 2 or 3 level parking area placed at the site, providing better access for Estero Boulevard, possibly taking the road off the bridge under the parking building down Estero Boulevard. Vice Mayor Raymond indicated the town and not the county should own the property.

Councilmember List brought up the possibility of shared revenues if it became a parking lot, with revenues going toward purchasing the property. Councilmember List felt it is inevitable that the building would need to come down, but thought there were a lot of unresolved details, including the distribution of the TDC funds.

Councilmember Mandel felt they were all in agreement that the building was Unsafe and that the building should come down. Councilmember Mandel also expressed that the parks on the island as well as beach accesses should belong to the town. The degree of TDC funds which returned to the island was also discussed by Councilmember Mandel, as well as public/private relationships with regard to the property.

Mayor Kiker indicated he had a different viewpoint, stating he found the building to be in better shape than he had thought, also noting there were not 1, but 2 buildings and disputed Mr. Kosinski's statement that the first floor was not 14' above sea level.

Mayor Kiker continued by voicing his concerns with what the property would look like if the building was taken down, and whether it would all fit into the town's master plan. Mayor Kiker questioned permitting, timing and rezoning of the property.

Town Manager Stewart stated there was a CPD currently on the property which also involved surrounding properties.

Mayor Kiker addressed the possibility of using the structure for a Town Hall, providing his scenario of how to make it happen. Reiterating that he did not feel the issue had been discussed enough to allow the building to be torn down and again requesting additional information from the county regarding TDC funds, turning the additional parks over to the town and the need for more discussion between the town and county over the Seafarer's Building.

Vice Mayor Raymond recommended all the Council to attend future TDC meetings. Discussion continued with Council members again restating their positions regarding the property.

▪ **Damon Grant, Lee County Construction and Design** stated the Gulf front park would be completed by the end of April and was just in attendance to listen to Council's discussion regarding Seafarer's.

After continued discussion by Council regarding their ideas for moving forward, Damon Grant indicated the county had been receiving calls from the sheriff's department regarding vandalism, young kids hanging from the bottom of the building, trespassing and the need to attempt to secure the building.

▪ **Fran Myers**, in attendance as an Island resident, not representing the TDC, indicated she knew the building as she was the one that built the structure, that the bigger problem was what was behind the building, going on to state there was not much parking on the property.

Council Recessed (2:45 p.m.)

Council Reconvened (3:10 p.m.)

MOTION: Councilmember Mandel moved to allow Mayor Kiker to contact Commissioner Mann to enter into negotiations for a 3 month period regarding the Seafarer's building as well as the remainder of the county properties on the island with a second by Vice Mayor Raymond.

VOTE: Vote passed 5 to 0

A. Council Members Policies and Procedures

Mayor Kiker asked to talk about meeting's proceedings with Vice Mayor Raymond requesting all materials be given to Council before the meetings.

Mayor Kiker reviewed the time line for agenda items, as well as the necessary communication with Town Manager Stewart. Discussion continued on other municipalities' agendas, meeting length, including written Council member's items and reports to the packet instead of verbalizing them. Town Attorney Miller also cautioned Council on avoiding interaction amongst themselves away from Council Chambers. Council then discussed a normal agenda and how to proceed with each item.

Councilmember Mandel wanted confirmation that the July 5th meeting was cancelled with Vice Mayor Raymond asking to cancel all meetings in July. Town Manager Stewart indicated he would check with staff to determine if there were important issues needing attention. Town Clerk Mayher reminded Council that a draft budget was required prior to the July 15th meeting.

Councilmember Mandel requested the Beach Elementary School be added as a committee. A decision was made for Councilmember Mandel to take over the Horizon Council with Councilmember List as alternate and Councilmember List to take over the new Beach Elementary School Committee.

C. Agenda Management: Work Sessions and Management & Planning

Council reviewed items for agenda management.

Public Comment Opened

No Public Comment

Public Comment Closed

VI. TOWN MANAGER'S ITEMS

B. Council Use of Newton Park Offices

Town Manager Stewart indicated the offices were ready for Council, noting that Sarah from Cultural Resources would be the contact person to schedule office time.

Council decided to place the topic on a workshop for further discussion.

VII. PUBLIC COMMENT

▪ **Lee Melsek** commented on the placement of public comment as well as the intention of the County Commissioners to tear down the Seafarer's building, expressing that the Civic Association was in favor of that action. Mr. Melsek commented on the Council's lack of plans on where the money would come from for any plans for the building.

Public Comment Closed

Town Manager Stewart stated he had received a phone call from a contractor working on a project on the other side of the bridge, noting the contractor revealed that the town also had parking rights under the bridge there as well.

Mayor Kiker shared an email from Frank Mann to Tamara Pigott requesting information regarding revenue percentages contributed to the TDC from the Town of Fort Myers Beach. Mr. Mann then received an answer indicating that the TDC only reported a total revenue not a breakdown for each municipality.

Mayor Kiker made a request of Town Attorney Miller to make a phone call to find out the percentages.

VIII. ADJOURNMENT

Meeting Adjourned at 4:50 p.m.

Adopted _____ With/Without changes. Motion by _____

Vote: _____

Michelle D. Mayher, Town Clerk