



MINUTES

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

WORKSESSION

Monday April 4, 2011

2:00 PM

I. CALL TO ORDER

Mayor Kiker called the meeting to order at 2:00 p.m. Present with Mayor Kiker, Vice Mayor Raymond, Council members Kosinski and Mandel along with Town Manager Stewart, Town Attorney Humphrey and Town Clerk Mayher. Councilmember List absent.

II. PLEDGE OF ALLEGIANCE

All stood to recite the Pledge of Allegiance

III. FMB LIBRARY

Town Attorney Humphrey provided a review of the issue to date, indicating residents had asked the Council to become involved with the library district issues. Mr. Humphrey spoke regarding Chapter 189, the importance of an independent district to work and cooperate with the local general purpose Council as well as Lee County. One issue was when an independent district was looking at a major expenditure then Chapter 189, supported by the attorney general's opinion requires that they provide each local governmental entity which would be the town and the county with a facilities report, with the statute identifying what the facilities report should contain. Mr. Humphrey indicated a request was made, but after looking at the library's report it did not represent the information required of a facilities report. It was stated that the county would be responsible for the overall review, and the town should notify the county that the report did not include the necessary information and in addition the town should notify the Department of Community Affairs, asking those in charge of oversight to review the report. Attorney Humphrey indicated the town did not have the jurisdiction to get adversarial, however, felt the town council had still not received the prerequisites regarding Chapter 189. Attorney Humphrey continued by discussing the libraries budget items and the overstating of their expenses and understating of their revenues.

Attorney Humphrey felt the library had circumvented the State Constitution in raising their funds due to their over budgeting. Mr. Humphrey requested direction in asking Nabors, Giblin to look at the issue and make a decision from a constitutional provision.

Mayor Kiker asked if there had been any participation from Council in slowing down the permitting process, with Town Manager Stewart indicating no, nor had the town staff.

Public Comment Opened

▪ **Pat Smith** made the point that there was an opportunity going back 3 or 4 years ago to look into whether the library expansion should be built when the development order was completed and submitted. Ms. Smith stated there were people who were upset that \$8 to \$9 million was being spent, indicating that the Fire Department and Mosquito Control District had several million dollars in reserve.

Ms. Smith stated that the library received their law enforcement from the county, the use of Estero Boulevard from the county and paid for their water just like everyone else with no significant services coming from the Town. She opined that for the town to continue to pursue this issue would be a continued waste of resident and library district taxpayers' money.

▪ **Jim Stevens** stated that he looks at his taxes as an overall pot wanting it to go to the water issue rather than to the library. Mr. Stevens continued by discussing his observations of those utilizing the library.

▪ **Harry Gottlieb** state he felt the meeting was unbalanced without the other side's legal representative present, and expressed his disapproval of the timing, feeling it was near harassment, not being able to understand why the issues are now being raised at the end of the procedure.

Public Comment Closed

Attorney Humphrey commented again on Chapter 189, indicating there was an annual update required, and the districts needed to adhere to the minimum requirements to remain in compliance. Mr. Humphrey also stated the town could not request any funds from a special district.

Discussion continued regarding the library district, the over stating for budget items, and Chapter 189.

Mayor Kiker provided his review of the past issues and statements from public comment, there had been questions asked that the library had not answered, there needed to be better communication and a process that could be agreed to, to bring information forward in a productive way.

Attorney Humphrey suggested a meeting between the 2 districts to attempt to work out the issues, while he continued to move forward enlisting the help of Nabors Giblin & Nickerson.

Recess: 3:28 PM

Reconvene: 3:40 PM

IV. COUNCIL USE OF NEWTON PARK OFFICES

Vice Mayor Raymond stated he wanted to see the offices utilized by Council to allow residents a place to come speak to their Council members outside of town hall with each Councilmember manning an office for 1-3 hour period every 5 weeks. Councilmember Mandel asked if Wi-Fi was available at the location, since he wanted to make use of his time if no one came in. Town Manager Stewart read into the record from an email from Councilmember List that she was not interested in selecting one day a month, but would rather be available when constituents wanted to speak to her, however, she would be willing to go along with what Council decided upon. Mayor Kiker indicated they would try it for a month to see how it worked out.

V. DISCUSSION ON NEXT STEPS FOR A TOWN HALL

Mayor Kiker indicated there was a need for a committee to look into the issue, stating that no Councilmember, or any committee member could make a profit from any sale or purchase of property considered. Mayor Kiker asked for staff to provide criteria for the future committee, with the committee to be selected under the same parameters as other island committees. Staff would then bring it forward to be voted on at a regular council meeting.

VI. ADJOURNMENT

Adopted _____ With/Without changes. Motion by _____

Vote: _____

Michelle D. Mayher, Town Clerk

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