

**FORT MYERS BEACH  
TOWN COUNCIL MEETING  
JANUARY 5, 2004  
Town Hall-Council Chambers  
2523 Estero Boulevard  
FORT MYERS BEACH, FLORIDA**

**I. CALL TO ORDER:** The regular meeting of the Fort Myers Beach Town Council was called to order on Monday, January 5, 2004 at 6:30 P.M. by Mayor Dan Hughes.

**Members present at the meeting:** Mayor Dan Hughes, Vice Mayor Terry Cain, Councilman Bill Thomas, Councilman Howard Rynearson, Councilman Bill Van Duzer.

**Staff present at the meeting:** Town Manager Marsha Segal-George, Planning Consultant Bill Spikowski, Deputy Town Manager John Gucciardo, Community Development Director Dan Folke, Director of Public Services Matt Feeney

**II. PLEDGE OF ALLEGIANCE:** All those present assembled and recited the Pledge of Allegiance.

**III. INVOCATION:** The invocation was given by Rev. Tom Snapp, St. Peter Lutheran Church.

**IV. PUBLIC COMMENT:** None.

**V. CONSENT AGENDA:**

**A. Approval of Minutes of December 8 and December 15, 2003**

Mayor Hughes withdrew the minutes of December 8, 2004 for a correction.

**B. Investment Options for the Town**

**MOTION:** Motion was made by Councilman Rynearson and seconded by Vice Mayor Cain to approve the consent agenda, with the exception of the minutes of December 8, 2003.

**VOTE:** Motion was passed by unanimous vote.

**Minutes of December 8, 2003:** On Page 10, the name shown as Donald Talleck should be spelled Talac. The name of Phil Mansuco should be changed to Don Massucco.

**MOTION:** Motion was made by Mayor Hughes to approve the minutes of December 8, 2003 with the above corrections. Seconded by Councilman Thomas.

**VOTE:** Motion was approved by unanimous vote.

**VI. ADMINISTRATIVE AGENDA:**

**A. Presentation on the Economy of Tourism by Walter Klages:**

Mayor Hughes introduced Mr. Walter Klages of the TDC who gave a slide presentation that included combined data from the West Coast of Florida from St. Petersburg to Naples. He called attention to some potential demographic problems that will have an impact on the tourism industry, including other countries which are this area's "feeder markets." He predicted that by 2010, 53.1 per cent of our potential market will consist of households headed by adults 35 years of age and older with no children. Only 33.4 per cent of the American population will be composed of adults 35 years of age and younger with children. He explained how this will cause a significant demographic gap and the economic effects that will result in terms of tourism. Mr. Klages pointed to population fluctuations in the last century and explained how WW II and immigration have had an important economic effect on many nations. Because of this, marketing to foreign tourists will become increasingly difficult, expensive and competitive. He also cited the disparity in length of paid vacation time among various countries. He gave some unduplicated numbers for Lee, Charlotte and Collier Counties showing that the

tourism industry generates \$1.897 billion, making tourism the single most significant industry in Southwest Florida. These figures represent tourists and do not include seasonal residents. The average tourist stay is just under 7 days, which has increased 4 per cent over 2002. Attendant expenditures such as restaurant meals, gas, and retail purchases total in excess of \$3 billion. Mr. Klages again stressed that these are unduplicated numbers; if a tourist party migrates between counties, they are not counted twice. The breakdown by county is: Lee, \$1.87 billion; Collier, \$877 million; Charlotte, not quite \$300 million. In 2002, there were 66,765 jobs related to the industry according to Federal data showing numbers covered by Social Security and related charges. This does not include moonlighting and those not being covered by Social Security. He estimated the actual number of industry-related jobs is approximately 110,000.00 with an estimated payroll of \$1,730,000,000.00 in covered wages, paid in U. S. Dollars. Compared with the East Coast of Florida, Mr. Klages reported that Southwest Florida has done well with the exception of the period prior to February of last year. Compared with Orlando, we have done significantly better from February through November 2002, and he said this area has continued to gain market share. Quarterly occupancies through the last quarter of 2003 show how Lee County has competed well with Collier and Charlotte Counties. With respect to origins, in Lee County the largest group is from the Midwest. The second largest market is the Northeast, and then Florida, followed by all European markets. In Collier, the biggest market is Florida. In summary, Mr. Klages showed how all the issues of demographics, aging, the aging of the European market, currency values, and immigration are interrelated. He predicted that Generation X, will as a result of inheritance be the single most wealthy generation and will demand higher quality than the Baby Boomers. Immigrants will be required to fill jobs because otherwise the manpower will not be available. Younger Europeans will also be more demanding. Mayor Hughes thanked Mr. Klages for his presentation.

**B. Final Public Hearing of Chapter 10 of the Land Development Code – Ordinance 04-01:**

Mayor Hughes read the proposed ordinance. He asked Planning Consultant Bill Spikowski to give a summary of the status of this situation.

Mr. Spikowski advised that this is the final public hearing on the last chapter of the Land Development Code to be adopted. This is the same draft, dated November 3, 2003, that went before the LPA and which Council reviewed at the First Public Hearing on December 15, 2003. As a supplement he has added a memo to the LPA dated November 17, 2003 containing two additional changes that he recommends be adopted by Council, with the LPA's concurrence. This chapter affects how every multifamily and commercial development project will be approved on the Island, including many engineering and environmental details including buffers and environmental preservations. He recommends taking any public input and then, if Council is ready, adoption of this Chapter as Ordinance 04-01. The next step will be a number of minor amendments to resolve questions that have arisen since Chapter 34 was adopted about a year ago and any initial problems that may arise upon initial application of Chapter 10.

Mayor Hughes opened the meeting for Public Hearing at this time. There being none, Mayor Hughes closed the Public Hearing.

Mayor Hughes commended Mr. Spikowski and the LPA for doing a very thorough job on this procedural ordinance. He asked for a brief explanation of the difference between a Certificate of Completion, a Certificate of Compliance, and a Certificate of Occupancy. Mr. Spikowski explained that a Certificate of Occupancy is the approval given after the building is built and is governed by the Florida Building Code; it is the permission to occupy the building. The Certificate of Compliance or Completion is the comparable approval showing that there has been compliance with everything required by the Development Order, which governs the site improvements, drainage, parking lot, and basically everything except the building. Mayor Hughes had a question concerning Page 12, Paragraph G on which he requested clarification. Mr. Spikowski replied that Compliance and Completion are the same and are used interchangeably. He suggested any motion to approve the ordinance include a recommendation to include uniform wording. Mr. Spikowski was directed to change Certificate of "Completion" to "Compliance" wherever it appears.

On Page 36, Section 10-213, Technical Requirements, Mayor Hughes asked whether the reference to Lee County requirements means that the Town is incorporating a Lee County ordinance into this ordinance. Mr. Spikowski replied that the County's requirements are in an administrative code which is highly technical, and he did not see any conflict but intended to incorporate the requirements by reference. Mayor Hughes asked Mr. Roosa for advice on incorporation by reference with respect to future revisions of a referenced document and suggested language to clarify which version of the referenced regulation would apply. Councilman Rynearson pointed out that when this is done, a copy of the referenced document must also be maintained in the Clerk's office.

Mayor Hughes referred to Page 42 on Sidewalks, where reference is made to the Hidden Path (which is part of the Town's Comprehensive Plan) and asked whether this ordinance is intended to implement the Comprehensive Plan. Mr. Spikowski replied that the only reference to the Hidden Path is on Page 42 under pedestrian goals. The only place where the Land Development Code implements the Hidden Path is in Chapter 34. This does not commit the Town to any action, and should it be decided not to proceed with the Hidden Path

there are no problems.

On Page 43 under C.2, sidewalks, Mayor Hughes questioned why this refers to the Director where elsewhere the Town Manager is specified. Mr. Spikowski replied that most items apply to the Director, such as engineering standards and routine approval, but that location of a sidewalk requires specific local knowledge, and for this reason the Manager was identified as the responsible party.

On Pages 45 and 49 there is again incorporation by reference of a trade publication by reference, which includes the wording "or its successors," which Mr. Spikowski explained is the highest level of acceptance in the traffic engineering profession. When a new one is adopted the other is either repealed or the new one given as an acceptable alternative, so revisions or additional publications would automatically be included in this ordinance.

Mayor Hughes observed that this is a very important section of the Land Development Code and that he feels it is incumbent on Council to publicize some of the salient provisions of this Chapter, either in the next Beach Access or by other means. There are important provisions that deal with ecological improvements, storm water discharges, erosion control, environmental design standards and so forth that did not exist in the Lee County Code. He believes it is important to inform the public and also that Council and Staff be given credit for their efforts.

**MOTION:** Motion was made by Councilman Howard Rynearson and seconded by Councilman Bill Thomas to adopt Ordinance Number 04-01.

**DISCUSSION:** Vice Mayor Cain referred to the memo with respect to the changes. Mayor Hughes replied that he had assumed inclusion of these two changes. Ms. Cain also cited the desire to unify the wording "Certificate of Compliance" and "Certificate of Completion" and the additional sentence concerning Lee County Standards as amended that apply.

**VOTE:** Upon roll call vote, Ordinance Number 04-01 was unanimously adopted.

**C. Investigation into the Possible Establishment of a Storm Water Utility:**

Mayor Hughes referenced a memo from Deputy Town Manager John Gucciardo and recognized Mr. Gucciardo, who recalled that following Summer break there had been a series of memos on this subject. He explained Lee County has retained a firm to prepare a feasibility study to look into a storm water utility on a County-wide basis, and subsequently, with direction from Council, Staff had been asked to investigate this subject. Investigation originally concerned the possibility of retaining the same contractor that the County is using to also do a feasibility study focusing on the Island for the purpose of determining storm water needs and the problems faced with respect to runoff and drainage issues as well as regulatory obligations. Upon further research, Staff became less convinced that this was the path to recommend. Mr. Gucciardo provided Council members with copies of previous memos together with a draft of a Scope of Services outlining what a consultant would do and how it would be done. The bulk of the information to be compiled by a consultant are items that could be prepared on a Staff level. Unlike the County, there may be special financing options available other than the typical MSBU or MSTU. It is now suggested, since there is no urgency, that Staff be given the opportunity to research this issue and determine an appropriate plan of action over about a year or year and a half. He feels that by October 2005 identify the projects to be addressed, come up with a timeline and cost estimates, and recommendations for funding sources for the projects. He is therefore recommending that an outside consultant not be retained at this time.

Councilman Thomas said that he would like to see Staff follow through as recommended. There is an estimated cost of \$50,000.00 by following the County's method, and Mr. Thomas believes there are adequate resources and personnel to do the job in-house. He agrees with Mr. Gucciardo's recommendations.

Councilman Rynearson agreed.

Vice Mayor Cain agreed and observed that Staff would be doing most of the work in providing information to the consultant, and Staff has the advantage of local knowledge. She would also like Staff to investigate not only the MSBU but also temporary funding.

Councilman Bill Van Duzer agrees, but voiced the concern that the Staff be able to deal with the new requirements for water runoff into the surrounding tributaries. He feels that this is one of the most important issues to be considered and asked whether outside engineering sources would be required to assist with this. Mr. Gucciardo pointed out that Community Development Director Dan Folke has already been heavily involved with these requirements and feels that in general there is no immediate need for outside assistance.

Mayor Hughes advised that in view of a clear consensus among the Council members no motion is necessary, but that no action will be taken and that Staff can proceed accordingly. Mr. Gucciardo pointed out that this does not mean that local drainage projects in progress will be held in abeyance. These projects have been prioritized by Public Works Director Damon Grant and have also been put on a timeline. There is funding available through gas tax revenues. In terms of the next few years he foresees no significant changes in the

progress of such projects. What is being proposed will be put in place from that point forward.

Mayor Hughes thanked Mr. Gucciardo and announced that the Staff recommendation to forego the proposed study at this time is being accepted.

**D. Possible Early Re-Finance of Water Utility Debt:**

This item was also addressed by Mr. Gucciardo, who referred to a memo in which he attempted to put the issue into context. He explained the financing mechanism at the time the utility was acquired with the understanding that at the end of the three-year period it would be refinanced. In conversations with the lender Staff determined that it might be in the Town's interest to refinance the debt earlier than next Summer, which would be the end of the three-year cycle. If Council so directs, he will continue negotiations with Sun Trust, the original lender. For this purpose a current audit of the utility showing the debt ratios and the ability to pay back the loan will be required. He is comfortable that this will be adequate. Mr. Gucciardo anticipates a significant savings of approximately \$35,000.00 per year in interest alone by refinancing at this time. He asked whether Council wishes to pursue early refinancing or wait for the end of the three-year cycle.

Mayor Hughes observed that market conditions are optimum for refinancing and feels this should be pursued as early as possible.

Councilman Thomas agreed and referred to an anticipated rise in interest rates as the economy improves. He concurred that refinancing while interest rates are low would result in significant savings.

Councilman Rynearson and Vice Mayor Cain also agreed.

Councilman Van Duzer also agreed and also referred to mention in the memo about obtaining additional funds. Mayor Hughes felt that this should be kept a separate issue from refinancing while interest rates are favorable. He observed that with lower interest rates it would be possible to maintain the same payment level while increasing the amount of principal on the loan and asked what would be the need for additional funds. Mr. Gucciardo replied that in conversations with Town Attorney Richard Roosa they had determined that by borrowing additional funds, these funds would be relatively unrestricted, and that there are capital needs to which the money could be applied. He could not identify specific options at this time. Mayor Hughes suggested a line of credit at the existing interest rate be investigated.

Councilman Thomas expressed concern about borrowing additional funds without identifying the potential use. Mayor Hughes then suggested the issues be addressed separately and asked for a motion to refinance the existing loan at this time with the existing lender.

**MOTION:** Motion was made by Councilman Rynearson and seconded by Councilman Thomas as requested.

**VOTE:** Motion was approved by unanimous vote.

On the issue of borrowing additional funds, Councilman Rynearson was in favor of doing so in view of the current interest rates.

Councilman Van Duzer agreed with Mayor Hughes' suggestion about a line of credit for future projects. He has heard several proposed projects discussed such as storage facilities for Town-owned maintenance equipment.

The probability of a variable interest rate on any line of credit came under discussion. Mayor Hughes said he would recommend, with Council's approval, that Staff pursue this issue with the lender and identify projects that would benefit from the availability of such line of credit.

Councilman Rynearson agreed and added that a maximum loan amount at low fixed rate should be determined.

Mayor Hughes asked Mr. Roosa for advice concerning a potential arbitrage problem. Mr. Roosa felt that this would be a problem only if the lender extended a line of credit at a fixed, low interest rate, and he does not foresee approval by the lender. Mayor Hughes pointed out that by pursuing this the Council is not being obligated since the results of negotiations with the lender will have to be presented to Council at a future date. Mr. Gucciardo pointed out that the utility would be the borrower as before, with the Council as the guarantor.

**E. Historic Preservation Grant Program:**

Mayor Hughes referred to a memo from Dan Folke and recognized Mr. Folke, who proceeded to describe the proposed grant program. This grant program would be offered by the Town to owners of properties that have been designated under the Historic Preservation Ordinance, Chapter 22 of the Land Development Code. Lee County has a similar program, as does the City of Bonita Springs. Both the Historic Preservation Subcommittee and the LPA, which acts as the Historic Preservation Board, have recommended approval of this program. The application materials used by the County and the background materials were provided to the members, including qualification criteria and procedures. The Committees also recommended that Council fund the program initially in the amount of \$40,000.00 which is the same as Lee County funds annually. Bonita Springs

has funded \$100,000.00 for their Historic Preservation Program. Materials furnished also included the Goals and Objectives of Chapter 13 of the Comprehensive Plan which is the source of ideas for incentives for historic preservation. Mr. Folke referenced Objective 13B which speaks to this purpose. He described the proposed grant process which is a 50 per cent matching grant.

Mayor Hughes pointed out with respect to the 5-year mortgage provision and the forgiveness of indebtedness each year there could be IRS issues for the recipient.

Councilman Thomas asked about the Town's position if the property owner also has a first mortgage on the property. Mr. Folke pointed out that he is substituting for Lee County staff member Gloria Sajgo, who is in charge of the program and deferred to Mr. Roosa, who was of the opinion that this would be a descending lien and not a mortgage, and would only be enforced in the event the property were sold within the 5-year period.

Mayor Hughes asked about a maximum to any one individual, and Mr. Folke replied that the County has not set a maximum, but that Ms. Sajgo has reported that individual awards average approximately \$5,000.00. The County tries to fund as many projects as possible within the overall \$40,000.00 grant budget. Mr. Folke pointed out that there are 6 or 7 properties on Fort Myers Beach that have been designated and already qualify, but that owners who are interested in being designated could apply for designation and grant simultaneously.

Mayor Hughes asked Mr. Gucciardo where this line item would appear in the budget if approved, and was told it would come out of Reserves and Contingencies and would not be a problem.

**MOTION:** Councilman Rynearson made a motion to adopt the Historic Preservation Grant Program as used by Lee County, and to allocate \$40,000.00 for this program in the initial grant cycle. Seconded by Councilman Van Duzer.

**DISCUSSION:** Councilman Van Duzer cited complaints concerning the Comprehensive Land Use Program and the effort that went into its compilation. He sits on the Historic Preservation Subcommittee and is impressed with the efforts of that group and the citizens of the Town on this part of the Comprehensive Plan, and wanted to thank all those involved. He believes it is important that Council show faith in the community and those who worked so hard by adopting this program.

Vice Mayor Cain agreed and believes anything the Town can do to create incentive for people to preserve the cottages, and hopes bigger steps can be taken in the future to keep the cottages in place, perhaps even monetary incentives.

**VOTE:** Motion was approved by unanimous vote.

#### **F. Bid for Derelict Trawling Vessel Removal:**

Mayor Hughes referred to a memo from Director of Public Services Matt Feeney and some supplemental materials that had been provided, and recognized Mr. Feeney, who explained that this is in preparation for the Town's Harbor Plan. The Florida Wildlife Commission has tagged a derelict vessel the trawling vessel that is aground on the sandbar by the Fort Myers Beach Bridge. This means that the vessel can be removed by the Town, and grant funding is available for that purpose, as approved at the last Council meeting. Three detailed bid requests were sent out to local marine contractors; two responded and the third declined to respond following discussions. The two bids are within \$500.00 of each other, and in light of that he recommends that a contract be entered into with Smitty's Marine and Towing Salvage, who was the lowest responsive bidder.

Mayor Hughes observed that the unsuccessful bidder went into more detail than Smitty's, but anticipated that this would be dealt with when the contract document is written. Mr. Feeney verified this.

**MOTION:** Motion was made by Councilman Rynearson and seconded by Vice Mayor Cain to contract with Smitty's Marine and Towing Salvage for removal of the derelict boat at \$17,500.00.

**VOTE:** Motion was approved by unanimous vote.

#### **G. Re-Appointment of Committees:**

Mayor Hughes requested Town Manager Marsha Segal-George to report on the status of committee member entries and withdrawals. She was aware that Mr. Marrone has applied for the vacancy on MRTF, and Carlton Rifle has withdrawn. Except for the LPA, all of the committees are reappointed each year. Council has been given a memo from Administrative Services Director Rachel Lambert on these committees indicating where there are vacancies; the committees that have none are simply reappointed. There are no vacancies on Anchorage Committee; one vacancy and one letter of interest for Bay Oaks; CRAB has no vacancies; CELCAB has no vacancies; MRTF has one vacancy, and Mr. Marrone has applied for that; PSTF has one vacancy with no applicant; Times Square Advisory Board has no vacancy. She feels that it is important to note that while the Town has so many committees, there are few vacancies, which indicates that people are

committed to serving on these committees. Ms. Segal-George explained that the LPA has always been treated differently in that the members have terms, and are not reappointed yearly. This year there are three members of the LPA whose term has expired: Nancy Mulholland, Jane Plummer, and Roxie Smith. There are also two individuals who have expressed interest in being appointed to the LPA: Tom Babcock and Bob Raymond. Carlton Rifle has withdrawn. Council has two ways of handling the LPA, either by reappointing the members that have asked to be reappointed, or by use of a ballot which must be signed. There are three LPA vacancies to be filled, so one method must be chosen, and for the other committees there are letters indicating those who wish to continue and also applicant letters for the vacancies.

Methods of handling the various committee renewals and vacancies were discussed. Councilman Thomas wished to make a statement to the effect that with elections taking place in March rather than in November, if committee members are appointed at this meeting it will be done by a lame-duck Council, and this will be perpetuated every two years. He would like to extend the December 31<sup>st</sup> expiration date extended to March so that the new Council can make the appointments. Mayor Hughes pointed out and verified with Staff that to do so would require a change in the ordinances that created the committees, which provide for Council to make the appointments at the first meeting in January. Vice Mayor Cain voiced the preference to have this Council approve the committees rather than have the committees with vacancies run short until after the election. It was decided to move forward with the appointments.

On Bay Oaks, Mayor Hughes announced one vacancy and one letter of interest from Robert P. Hutchison. Councilman Van Duzer moved that Mr. Hutchison be appointed to this committee.

On MRTF there is one vacancy and a letter of interest from Lou Marrone. Councilman Thomas moved that Mr. Marrone be appointed to this committee.

PSTF has a vacancy but no applicant.

Mayor Hughes called for a motion to approve all of the committees listed in Rachel Lambert's memo dated December 31, 2003 entitled "Committee Reappointments" to approve all of the reappointments and the two additional individuals just approved to be added to their respective committees.

**MOTION:** Motion was made by Councilman Van Duzer as requested. Seconded by Councilman Thomas.

**VOTE:** Motion was approved by unanimous vote.

Mayor Hughes called attention to the fact that there are approximately 70 people serving on these various committees, and as pointed out, this is significant for the community not only in terms of participation, but in savings of Staff and other expense. He expressed appreciation for the work and expertise that those involved contribute to the municipality. Ms. Segal-George pointed out that there are also two subcommittees not on this list which do not require reappointment, the LPA/Historical Subcommittee and the Newton Beach Advisory Board. Councilman Van Duzer observed that there are other subcommittees and advisory boards for which volunteers and alternatives are needed to serve. There have been advertisements for volunteers to these various bodies, one of which, a Charter Review Committee, is mandatory. In the latter case, if there are no volunteers, it may be incumbent upon the Council to draft someone. Councilman Van Duzer extended a challenge to the community for citizens to come forward.

With respect to the LPA membership, Councilman Thomas pointed out that if this decision is made tonight, it will be the first time in the history of Fort Myers Beach that the incoming Council did not have the opportunity to make the appointments to the LPA. He feels this is unjust and the present members should be extended and appointments deferred until the new Council can make these appointments. Mayor Hughes asked Mr. Roosa what alternatives are available to Council. Mr. Roosa explained that the incumbents continue to serve until their replacements are appointed.

**MOTION:** Motion was made by Councilman Thomas to extend the time of the LPA members until after the election and the new Council members have taken over. Seconded by Councilman Rynearson.

**DISCUSSION:** If this motion is adopted, Mayor Hughes pointed out that the LPA as presently constituted will remain intact until either the first meeting in April, or later in April in the event of a runoff election. There was discussion concerning logistics of delaying these appointments and the length of time of the appointments. All of the ordinances will eventually have to be changed accordingly.

Councilman Van Duzer expressed concern about the reason for this motion. Councilman Thomas explained that he believes the new Council should have the right to appoint the LPA.

**VOTE:** Motion was approved by a vote of 4 to 1, Councilman Van Duzer dissenting.

Mayor Hughes requested Mr. Roosa to prepare changes to the appropriate ordinances for action by the new Council. Mr. Van Duzer suggested it should not contain a specific date but be worded that action be taken at the next meeting following the election.

## VII. COUNCIL MEMBER ITEMS AND REPORTS:

**Councilman Bill Thomas** addressed the subject of the beach cleanup with TDC funds. He feels that this effort should be vigorously continued continuously for the benefit of both residents and visitors.

**Vice Mayor Terry Cain** reported that she had received her Beach Access addressed to "Resident" and was pleased with the publication's appearance and content. She observed that it contained the application forms for the John Mulholland Stewardship Awards and encouraged nominations.

A comment about payment for the cleanup resulted in general discussion about that issue. Damon Grant verified that efforts in terms of manpower and equipment had been doubled in the last week, resulting in around \$120,000.00 in expenses to date. Ms. Segal-George explained that Mr. Grant has been in contact with TDC administration regarding continued availability of funds. This is an aberrant situation, and the Town of Fort Myers Beach was the first to make the decision to rake. However, cleanup has resulted in heightened expectations from some who prefer a totally clean beach. Mr. Grant further explained the situation in various areas of the beach. Mayor Hughes also had some comments about the responsibility of the Southwest Florida Water Management District and the discharge of water from Lake Okeechobee which might have been the cause of this problem. Councilman Thomas agreed that a bill should be sent to that organization. He also pointed out that while an outstanding job has been done, some areas in front of private homes have not received the same attention as commercial areas. Mr. Grant stated that there is no discrimination between commercial and residential areas. As discussed with Ms. Segal-George, it is necessary to remove the weed by hand in some environmentally sensitive areas, and where the piles contained significant amounts of sand mixed in with the weed, efforts were made to conserve as much of the sand as possible. Councilman Thomas clarified his remarks by saying he had not intended to imply that there was discrimination, but that some areas were harder to reach.

Ms. Cain recalled that she had been concerned about water discharge harming the Bay for many years and observed that while the Town did not create the problem, it always has to deal with the consequences and the criticism. She feels that everyone should direct their attention and complaints to the County Commissioners, the Southwest Florida Water Management District, and also the Army Corps of Engineers. It was pointed out that in 1971 the weed was extremely high, and when the hotels and businesses were charged for removal, the complaints declined.

**Councilman Bill Van Duzer** reported on the Lee County Days in Tallahassee scheduled for March 16, 17 and 18. Upon research he determined the cost would be approximately \$400.00 including transportation and accommodations. He has had discussions with Ms. Segal-George about the appropriateness of attending and would like Council to make a decision. It is being put on by the Chamber and includes meetings with legislators and other civic leaders. He personally feels it would be beneficial to keep open lines of communications.

On Wednesday morning at 10:00 A.M. there will be a follow-up of the Town Hall Meeting Committee to discuss the previous meeting and its results, and there may be discussions about future meetings. He would like to take input from Council to that meeting.

Mr. Van Duzer wanted to recognize some local people in the Times Square area for their efforts. He commended John Richard, who redesigned his building on Old San Carlos at his own expense as a result of discussions about the Comprehensive Plan. The Lighthouse Island Resort was also complimented for its appropriateness of design.

Mr. Van Duzer also referred to a letter from an individual who had vagrants on her property. The matter was reported to the Sheriff's Office, but he is concerned that the homeless issue needs to be addressed and action taken in the near future.

**Mayor Dan Hughes** wanted to remind everyone that the Friends of Matanzas Pass Preserve are having their Silver Anniversary on the 17<sup>th</sup> at 1:00 at the preserve by the Historic Cottage, and that everyone is welcome to attend.

He will sign the letter sending the cleanup bill to the Southwest Florida Water Management District.

Mayor Hughes referred to an article in the *News-Press* entitled "Beach Manager May Seek New Job." For the record, he is quoted as saying that the Manager indicated to me she feels it is in the best interest to leave, and he did not say this, nor at any time did she express that she had made a decision to leave. Mayor Hughes said that the reported had started the conversation with him by saying that he had it on "reliable authority" that our Manager had applied for a job in California, and what did he think of that. It turns out the authority was not reliable, and the ensuing conversation was irrelevant. Mayor Hughes wants to make it clear that at no time has

the Town's Manager indicated that she wanted to leave or applied for another job, and he expressed delight that the Town will continue to benefit from her continuity of her services, particularly with the election of the new Council, and stated that he is glad that she has no present plans to leave.

**VIII. TOWN MANAGER'S ITEMS:**

Ms. Segal-George referred to a commitment she had made at a Chamber of Commerce Board of Directors meeting to speak on the South end as she has in the past. This will be in a tent near Santini Plaza on the 29<sup>th</sup> of January at 6:00. Attempts are being made to record, and she would like to have the entire Council present; otherwise, the Mayor will be requested to attend. If it is possible to record, the meeting will be advertised, and the Sunshine Laws will be complied with. This will be advertised as a special meeting with the Council members present, and minutes will be taken.

She observed that tonight the Land Development Code has been completed, and this is a unique accomplishment.

Deciding to let Staff handle storm water issues and the refinance of the water utility debt were also cited, as well as a Historic Preservation Grant Program, and approved the first action item for the Harbor Plan. People will see this and understand that action is being taken. Ms. Segal-George called attention to the fact that while the agenda does not look particularly lengthy and detailed, a great deal of significant action has been accomplished at this meeting.

Ms. Segal-George verified that she has not applied for any other jobs and that she is happy with her present situation.

**IX. TOWN ATTORNEY'S ITEMS:** None.

**X. PUBLIC COMMENT:** None.

**XI. ADJOURNMENT:** Mayor Hughes adjourned the meeting and wished everyone a happy, healthy and prosperous New Year.

Respectfully submitted,

Patricia L. Middlekauff  
Transcribing Secretary