

**FORT MYERS BEACH  
TOWN COUNCIL MEETING  
JANUARY 26, 2004  
Town Hall-Council Chambers  
2523 Estero Boulevard  
FORT MYERS BEACH, FLORIDA**

**I. EXECUTIVE SESSION, 2:00 P.M.:** Rescheduled for a later date.

**II. CALL TO ORDER:** The regular meeting of the Fort Myers Beach Town Council was called to order on Monday, January 26, 2004 at 3:00 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.

**Excused absence from the meeting:** None.

**Staff present at the meeting:** Town Manager Marsha Segal-George, Community Development Director Dan Folke, John Hagan from Lee County Division of Zoning, Town Attorney Richard Roosa, Deputy Town Manager John Gucciardo, Public Services Director Matt Feeney.

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

**IV. INVOCATION BY DEACON "SCOOP" KIESEL, ASCENSION CATHOLIC CHURCH:**  
The invocation was given by Deacon Kiesel.

**V. PUBLIC COMMENT ON AGENDA ITEMS:**

Bob Gaydos came forward to address the Council on three items: (1) An invitation from the Public Safety Task Force, which is conducting a Health and Safety Fair in conjunction with Kiwanis and Bay Oaks Recreation Center on Saturday, February 14<sup>th</sup> between 10:00 A.M. and 1:00 P.M., for the Council members to attend and recognize those who provide service to the community; (2) Lee Memorial has agreed to send the Bloodmobile to this event if 15 donors are guaranteed, and he now has spoken to the various committees and advisory groups and has the required number; however, donors are always welcome; (3) A blood bank can be established for Fort Myers Beach, and Mr. Gaydos would like to pursue this venture and volunteered to be its coordinator. He asked the Council for its approval to have the Bloodmobile on a quarterly basis.

Mr. Gaydos also asked if he would have opportunity to address the Next Bus later in the agenda, and was advised by Mayor Hughes to address it now as that item is not a Public Hearing. Mr. Gaydos expressed the opinion that this might be considered "fleecing of Fort Myers Beach." It is his understanding that the purpose is to give bar patrons the opportunity of learning whether they have time for another drink before the bus comes. He feels that this is a waste of money and not a needed item.

Mayor Hughes advised that he will be in Tampa on February 14<sup>th</sup> and unable to attend the event at Bay Oaks. With respect to the blood bank, Mayor Hughes recalled that in another community there was an arrangement whereby donations were credited to the community where the blood was donated, and it was pointed out that this is the arrangement Mr. Gaydos is proposing to establish.

**VI. CONSENT AGENDA:**

**A. Approval of Minutes, January 5, 2004:**

**B. Proclamation Declaring February 2004 as "Library Appreciation Month:"**

**C. Resolution 04-01 – Calling for Election:**

**D. Financials for the Month of November:**

**MOTION:** Motion was made by Councilman Howard Rynearson and seconded by Councilman Bill Van Duzer to accept the Consent Agenda.

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

**VII. ADMINISTRATIVE AGENDA:**

**A. Report of the Town Representative to the Technical Advisory Committee, Jim Bagley:**

Jim Bagley came forward as the Town's representative to the Citizens Advisory Committee to the Metropolitan Planning Organization. He said that the CAC and the Technical Advisory Committee are parallel organizations with similar authority; the TAC's makeup is generally larger municipalities, and the Town of Fort Myers Beach Transportation Head would typically be on the TAC. The Citizens Advisory Committee is made up of citizens donating their time, and both are involved in the requirements imposed by Federal funding made available to regional planning organizations. Mr. Bagley's involvement with the CAC involves his donating a day every month to the Committee. The intent of the CAC is to provide input from regular citizens and is made up of representatives from the various municipalities as well as members from within various regions of the County who are appointed by the County Commission, plus special interests such as disadvantaged or handicapped. Members once appointed may be removed by death, resignation, or failure to regularly attend meetings, since a quorum is a vital requirement. Paid administrative staff at the Southwest Florida Regional Planning Organization create the agenda. These staff are primarily Federal who prioritize the spending of millions of dollars over long periods of time to maintain the transportation systems in Lee County. The CAC votes on approving priorities and expenditures, after which recommendations are made to the Metropolitan Planning Organization, which is made up of elected officials from throughout the County. Councilman Van Duzer is the Town's representative. He described the process which is long and arduous. The 20-year plan is to expend approximately \$1 billion, of which only a small amount will apply to Fort Myers Beach. Plans for expenditures are subject to change, which usually result from studies that are funded. There is quite a bit of unspent funding for the alternating lights, which originated at the CAC and received a great deal of county-wide support. Other projects under consideration are an improvement to the intersection at Pine Ridge and San Carlos, and completion of the widening of U. S. 41. This will impact the Town because traffic jams on U. S. 41 make detouring via Fort Myers Beach more attractive. He referred to well-engineered, long-term improvements for Estero Boulevard which he said can be accomplished if everyone has a common objective and voice. However, there is much competition for the available funds, such as the Airport, and a problem in Cape Coral at Burnt Store Road. Other problems such as the Sanibel Causeway and a need to replace all of the bridges on I-75 due to deterioration will come before the Committees. Re-funding of Lee Tran will be a huge issue on which there is no current consensus. There is also a move to create a County-wide tollway authority, which would be another body empowered to collect tolls and build roads, location and purpose still undetermined.

Mr. Bagley reported that he spends an entire day each month reading the materials and attending the meetings, and that the Town has benefited from having such representation. He has started a new business and his available time is diminished; however, he feels strongly

enough about the benefits of his representation on the CAC that he intends to continue for the foreseeable future.

He advised that projects requiring under \$1 million in funding can generally be accomplished relatively easily. This would include the alternating light. Council will be required to provide a unified position on the long-range plans.

Mayor Hughes and Councilman Van Duzer expressed appreciation to Mr. Bagley for his efforts and for his report. Mayor Hughes observed that there is a vacancy on the TAC due to the resignation of Al Van Horn. Town Manager Marsha Segal-George advised that this position is being advertised. Mr. Bagley strongly advised that someone from Staff be appointed to this position because of the competition with other organizations throughout the County. Ms. Segal-George said that she now has the capability to provide Staff for this purpose, and Mayor Hughes asked for and received consensus to do this. Councilman Van Duzer advised that there had been an applicant for the bicycle pedestrian committee, which is the other vacancy. Mr. Van Duzer also asked the Council to support honoring Mr. Van Horn for his service by sending a letter from the Town to the MPO. Mayor Hughes requested Ms. Segal-George to prepare such a letter.

## **B: Public Hearings:**

### **1. Petition for a variance from LDC for property located at 307 Fairweather Lane:**

Town Attorney Richard Roosa advised that the Council has before it an application which was prepared for consideration of the Diane Kubicek variance under the current code of ordinances. However, her application was submitted prior to the adoption of the Code and was heard before the LPA under the prior guidelines. It would therefore be proper in considering that variance to apply the Code that was in existence at the time of application. A separate document containing four standards which should be applied to this case is before the members. The resolution will be changed accordingly. All future cases will use the new standards.

Mayor Hughes read Variance 2003-69 from LaForce and Risinger and asked if any Council members had engaged in any ex parte communications on this case. There were none.

Diane Kubicek came forward as the present owner of the property. Mayor Hughes verified that she is now in possession of fee simple title as the property owner. Ms. Kubicek stated that her neighbor, Jane Plummer, was unable to attend this meeting but provided a letter stating her position on the division of property and the access for fire apparatus. The second page of her exhibit is a statement from the Fire Marshall stating that he would approve access to that subdivision. However, she noticed a typographical error in her documents referring to "407 Fairweather Lane" which she will amend with the Fire Marshall as soon as possible. She stated that all of the lots were properly identified, just the address was incorrect. She requested that the Council allow a variance for a lot split from 3 non-conforming lots into 2 at the end of Fairweather Lane and agrees to comply with all of the findings and conditions of the LPA. She has already commenced with these recommendations and said that storm water runoff will be handled in such a way as not to be a problem to the community.

John Hagan with the Division of Zoning came forward to introduce his Staff Report dated November 24, 2003 as Staff's analysis of the request. Based upon the findings and conclusions for a Chapter 10 variance, Staff has recommended approval with 7 conditions. He pointed out that this request is different from the usual development request. The requested variance is from the development standards, which state that in order to subdivide a property the applicant must have access to and abut a road built to the standards of Chapter 10, which would be a Class C road, and also requires that a cul de sac be constructed. He described the proposal to create 2 lots from 3 platted lots and reduce the density with conditions recommended by Staff. He pointed out that the proposal will allow for additional access which will be beneficial.

Mayor Hughes asked for clarification regarding the proposed easement and referred to the plats provided. He asked for identification of Ms. Plummer's property, and Mr. Hagan explained the location of her property with respect to the subject property, where the easement will occur, and why Ms. Plummer is required to be a party to the easement. Mayor Hughes was unclear on why an easement is required since the new Lot A already abuts a dedicated right of way. Mr. Hagan felt from experience that it would be more beneficial to all property owners to

have a wider easement. Mayor Hughes recommended that extending Fairweather Drive a further 16 feet would be simpler and more beneficial and would not require an easement. There was discussion about locations of other structures and possible easements.

Community Development Director Dan Folke also gave input. He said that as Mayor Hughes pointed out, there are several options for providing access, and in Staff's opinion the recommendation indicates the most desirable one. Concerning Ms. Plummer's property, he observed that an accessory structure such as a garage on an adjacent platted lot is a situation that has not been addressed before. In this case, Mr. Folke feels that the Staff's recommendation is the best and easiest way to go. A variance would be required in any event.

Vice Mayor Terry Cain asked whether this street incorporates existing drainage swales. Mr. Hagan is not sure of this, but stated that regardless, the applicant must make provisions for drainage that they create, either keeping it on-site or to the positive outflow wherever that may be. He said that from experience, Staff addresses this concern for conditions such as this.

Councilman Howard Rynearson pointed out that the Town has adopted an ordinance regarding storm water retention with respect to new construction. Mr. Hagan had not been aware of this.

Mayor Hughes opened the Public Hearing at this time. Seeing none, Public Hearing was closed.

**MOTION:** Motion was made by Councilman Rynearson to replace the standards A, B, C and D with 1, 2, 3 and 4 as provided by Town Attorney Roosa for application in this case, and to approve the variance with the 7 conditions on Page 2 of the Staff Report, and strike "disapproved." Motion was seconded by Councilman Van Duzer.

**DISCUSSION:** Mayor Hughes pointed out that in Mr. Roosa's Finding 4, the last line "unreasonable burdensome" should read "unreasonably burdensome."

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

## **2. Amending Ordinances Dealing with Committee Appointments:**

Mayor Hughes and Ms. Segal-George verified with Mr. Roosa that this will be the introduction to these amendments. Mr. Roosa pointed out that the amendment concerning LPA appointments has not yet been reviewed by the LPA, so it cannot yet be introduced. Mr. Roosa proceeded to read Ordinances 04-02 through 04-07. Mayor Hughes noted that all committees will be appointed in April unless there is a runoff election, in which case appointments will be made at the first meeting after the date of the runoff. Ms. Segal-George advised that the first Public Hearing on these ordinances will be February 23<sup>rd</sup> at 6:30 P.M. It was verified with Mr. Roosa that there will be one Public Hearing for all of these amendments; Ms. Segal-George was instructed to initiate the necessary LPA review.

Councilman Van Duzer requested discussion on this matter. He suggested it would be simpler to remove reference to the actual months and specify that the appointments will take place following the election. He expressed the opinion that the election date will change again. He also pointed out that some appointments come up annually, when there is no election. Mayor Hughes explained that there would be an advantage in having several meetings between the election and the appointments. New Council members would not have a chance to adequately review these appointments. Also, there must be a specific date in non-election years. Mr. Van Duzer suggested wording such as 6 weeks after the election, or the anniversary date thereof. Mayor Hughes pointed out that it would have to specify after the general election or the runoff as the case may be.

Councilman Thomas expressed the opinion that these ordinances should be treated separately and not grouped together, because some appointments are not annual. Mayor Hughes and Ms. Segal-George pointed out that the ordinances being dealt with are all annual; the LPA is the only non-annual appointment.

Mayor Hughes acknowledged that Mr. Van Duzer's suggestion would avoid having to amend these ordinances in the event the election date were to change again. However, without a specific date it would have to be tied to, for example, the second meeting after the election.

Under those circumstances one term could begin in April, and in another year, in March. Mr. Roosa pointed out that if the election date were to change again, in all likelihood it would change back to November, which would not cause any problems because Council would be elected and start serving, but the committee members would still serve the full year for which they were appointed, and then at the end of their appointments new members could be selected. Mayor Hughes agreed that this would give the new Council members even more time to study these appointments.

There was further general discussion about selecting a date. Mr. Van Duzer said that his purpose was to avoid having to re-address this subject at a later date and amend these ordinances again. It was suggested to have the appointments not tied to the election, but take effect later, perhaps in May. However, Ms. Segal-George called attention to the fact that these committees break for the summer, so new appointees taking office in May would have little opportunity for training and orientation with Staff and other committee members before the break.

Mr. Van Duzer recalled that at the previous meeting where this subject had come up, the only concern had been with the appointment of LPA members, not all the committees. He expressed surprise that these committees were being adjusted as well.

Councilman Rynearson offered to make a motion that the appointments be made effective in June, and Vice Mayor Terry Cain interjected that from experience serving on committees, she would not like to be appointed and then find out she had no work to do for six or more weeks. She suggested September, which would give Council members ample time to become familiar with the committees.

**MOTION:** Councilman Thomas made a motion to have these appointments become effective the first meeting in May. Mayor Hughes seconded the motion.

**DISCUSSION:** Councilman Van Duzer verified that there would be no mention of the election. Vice Mayor Cain observed that break begins in June, and Mayor Hughes recalled that there is a heavy workload in June.

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

Mayor Hughes directed Mr. Roosa to change the wording to first meeting in May, and delete reference to runoff election.

### **C. Update on Charter Review Committee:**

Deputy Town Manager John Gucciardo referenced his memo and also a letter submitted by Dr. Joe Croker today which was provided to Council members, requesting that he be placed on the board. Mr. Gucciardo recalled that Mr. Croker was a member of the original Charter Review Committee. The number of interested applicants is now changed from 4 to 5, and 5 is the threshold set by the ordinance in the original charter, so if these 5 are satisfactory, Council can appoint them at this time; if not, the ads will be extended and the matter of appointments will be brought back before Council at a later date.

**MOTION:** Vice Mayor Cain made a motion that the 5 be appointed and named them as Dan Parker, Dominic Petrocelli, Tom Babcock, Claude Bowyer and Joe Croker, so this committee can commence operating. Motion was seconded by Councilman Rynearson.

**DISCUSSION:** Mayor Hughes asked Mr. Roosa about a memo indicating that the deadline for this committee to act is tied to the election. Mr. Roosa replied that there are two deadlines, one at 5 years, and one prior to the election. They will have met the 5-year requirement, which is June 2004. On that date this committee will present a recommendation to Council. The timeline is that they will begin meeting in February, March and April, with intent to summarize and bring a recommendation to Council in May and June, so that before taking a break Council could decide whether to move the recommendations forward. Mr. Roosa has indicated that this will be by ordinance, calling for an election on the particular change item. This could either be a special election, theoretically to be called in November 2004, or Council could

agree to postpone until the next Town election, date of which is uncertain. Mr. Roosa observed that the Charter has already been reviewed once previously, and there is the possibility that this committee will not have any substantive changes to recommend. Mayor Hughes expressed disappointment that only 3 residents have submitted applications to serve on this important committee. However, in view of the mandated deadlines he will agree.

Councilman Thomas also noted that 2 of the 5 people are not residents of the Town and also expressed disappointment. He noted that this committee will be making decisions that will affect the Town and would like to see further advertisement in an attempt to locate candidates who are residents. There was discussion to the effect that these positions have been advertised for several months. Mr. Roosa replied that it would be possible to postpone these appointments for further advertisements. There was clarification that the committee must make their recommendations by June. The Council does not have to act by that date. Ms. Segal-George recalled that there had been a great deal of interaction between the previous Charter Review Committee and the Council, which affected the effective date of the next 5-year period. Mr. Roosa advised that he has read the Charter, and it does not require adoption of an ordinance by 5 years, but that it must be reviewed within 5 years, which would be the action of this committee. The 5 years runs from the date of the Council action in response to the committee, which in this case was July 5 years ago. Mayor Hughes did not recall a meeting of the Council in July, and there was discussion about when this meeting may have taken place. Adoption of Ordinance 99-10 on July 1, 1999 was recalled by Mr. Roosa as the action which triggered the 5 years. There was discussion about methods of recruitment, such as additional ads, news articles, and personal contact by Council members. Mr. Van Duzer reported that he had contact several people, 2 of whom are on this list, and that several organizations on the Island have also made appeals with disappointing results. He feels there has been sufficient opportunity for individuals to come forward, and that the matter should be moved forward. Councilman Rynearson agreed, and explained that he had personally contacted Mr. Croker, who had agreed to serve at the last minute only if there were no other applicants. Mr. Rynearson pointed out that Mr. Croker is very knowledgeable about the Island, and has only recently moved out of the community.

**VOTE:** Motion was passed by a vote of 3-2, with Mayor Hughes and Councilman Thomas casting dissenting votes.

#### **D. Council Authorization for the New Trolley and Expenditures of Funds to Lee County for Next Bus:**

Ms. Segal-George expressed disappointment that Mr. Gaydos had left the meeting, because she wanted to respond to his remarks. The Next Bus concept is not connected to the consumption of alcohol, but rather predicated on surveys that show people will use the trolley if they are reliable and if they know when it will be coming. She gave examples of visitors for whom reliability and knowledge of the schedule would be important and explained that this is a limited application in the Times Square area where it is attempted to get people to use the trolley rather than individual vehicles. She said she and Chris Swenson met with Steve Myers from Lee Tran to discuss the trolley and Next Bus. They have met with all of the entities which Council approved for contact to improve the traffic situation, such as FDoT, Lee County, Lee Tran and are attempting to form partnerships to effect all the various traffic improvements. All of these entities have been cooperative; however, Lee Tran has a very limited budget, so the Town will be required to assume responsibility for funding. She called attention to the fact that this applies to Season only, because there has been some confusion about figures that have been presented. The Town is not sharing in the capital cost of the acquisition of the trolley, but will be bearing the cost for the additional operation in Season and also for Next Bus.

Consultant Chris Swenson came forward and advised that there was also a representative present from Lee Tran to answer questions. He said that the actual cost for the Seasonal trolley is about \$15,000.00 less than originally thought, primarily because of the number of days that it runs, which was scaled back to coincide with Lee Tran's Seasonal schedule, which will be 98 days. He does not yet have an actual implementation date because acquisition of some additional trolley which are being purchased from Sarasota County has not yet been

finalized. Service will be up quickly as soon as the purchase is completed, which is expected any day.

There is now a competitor to Next Bus, so Lee County will be going through the bid process and putting out requests for proposals. At this meeting he asked that the Council approve the Mayor and Town Manager to go forward in negotiations with Lee County for appropriate Interlocal Agreements, and for the Mayor to execute those Interlocal Agreements once they are negotiated. Costs for providing the Seasonal trolley, provided by Lee Tran, are projected as just under \$47,000.00. First year operating costs for real-time transportation are projected at just over \$56,000.00. These figures were provided by one of the vendors as part of the report process. He pointed out that in the original concept for short-term changes it had been proposed that riders only pay for off-beach trolley transportation, and Lee Tran has asked that this be monitored over the next few months, because they are not comfortable proceeding with that immediately. Mr. Swenson does not consider this a major issue and does not recommend withholding a decision until this can be determined. The trolleys will still cost 25 cents.

Councilman Van Duzer asked for clarification about the real-time transit information with respect to an additional bid. Mr. Swenson advised that this will probably be bid as a professional services contract, inasmuch as it is difficult to establish exact specifications due to differing technology. Mr. Swenson estimated that it will be 4 – 6 weeks to complete this process and make a selection. Mr. Van Duzer verified that \$44,500.00 is a one-time figure; Mr. Swenson explained that this is sufficient until the system expands. Initially it will be at Bowditch, Lynn Hall, and Summerlin Square, and install it in 5 trolleys. Mayor Hughes observed that the equipment will be out of service over the summer and asked whether there would be extraordinary costs to make it ready for use each Season. Mr. Swenson replied that this should not be necessary. He estimated that the annual operating costs for Next Bus would be around \$4,000.00 to \$5,000.00 and suggested that Council consider keeping it in operation year-round due to the low cost.

Vice Mayor Cain asked about the Lee Tran seasonal schedule, and Mike Horsting from Lee Tran advised that peak Seasonal service has already begun as of Thursday of last week, and is expected to continue through April 28<sup>th</sup>. Late January to the last week of April is considered peak.

Councilman Rynearson asked Mr. Swenson how long it would take for the system to be installed and become operational after the 4 – 6 week bid period. Mr. Swenson that it is planned to be in operation before the end of Season, but he cannot guarantee an exact date.

Mayor Hughes asked Mr. Horsting to attempt to secure additional funds for this project on Fort Myers Beach, now that he has had an opportunity to meet with the Council members personally and see the Council in action. He agreed to do his best.

Councilman Van Duzer expressed the concern that if it is not installed until the end of Season it will not be of any benefit. He suggested putting the additional trolley in operation immediately while waiting for the other bid figures to come in. Mr. Swenson replied that there are advantages to doing it both ways. He anticipates that there will be adjustments after installation and feels that it would be beneficial to have it installed this Season, no matter for how short a period, in terms of media publicity and education of the public. He stressed that there would be no harm in waiting, but verified that the timing of one is not dependent on the other, and agreed that the trolley should be put in operation immediately. Councilman Van Duzer asked if there were a possibility to advance response from the real time vendors. Mr. Horsting explained that it is no longer possible to enter into a sole source contract, since there is now competing technology available in the marketplace. The issue is not with the vendors but with the governmental process that must be followed. He would be willing to work with Lee Tran to see if this could be accomplished by a one-step process rather than a two-step process. Ms. Segal-George suggested the Town could make the procurement under its own procurement rules and turn the equipment over to Lee County for operation in order to expedite the process. Mr. Horsting said he would be willing to work on this basis but could make no guarantees. Ms. Segal-George advised that under Town Manager's Items she will be canceling the February 2<sup>nd</sup> meeting, but there is a meeting on February 9<sup>th</sup> at which Land Use will be on the agenda, so she and Mr. Swenson will attempt to bring something before the Council for approval on that date.

**MOTION:** Motion was made by Councilman Ryneerson to authorize the Town Manager and the Mayor to negotiate and execute a contract with Lee Tran for one additional trolley at a cost not to exceed the amount shown in the memo, and same with respect to the real-time transit at the amount not to exceed the amount shown in the memo, as quickly as possible. Motion was seconded by Councilman Van Duzer.

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

**E. Request Approval for Newton Park Consultant:**

Public Services Director Matt Feeney reported on the results of bid solicitation for park planning to provide construction documents for landscaping at the Newton Property. Three bids were received, which were furnished to the Council members. They are from Pandion Systems, Inc. \$8,928.00; Native Landscapes, \$12,100.00; and David M. Jones, Jr. and Associates, \$12,750.00. These bids have been reviewed by Staff and the Newton Beach Advisory Committee, and have found Pandeon Systems to be the lowest responsive bidder. Therefore, Staff and NAB recommend awarding a contract to Pandeon Systems for an amount not to exceed \$8,928.00.

Mayor Hughes pointed out that on the second page of the lowest bid there is reference to additional visits of 2 staff members at a cost of \$1,100.00 each. The next lowest bidder has a figure of only \$200.00 per additional site visit. He asked Mr. Feeney to estimate the likelihood of additional site visits. Mr. Van Duzer recalled that this was the same issue that had been discussed at the Newton Beach Advisory Committee when this item came before that committee. Mr. Feeney explained the different provisions for meetings among the three bidders. Mayor Hughes verified that the \$1,100.00 applies to each visit, not to the 2 staff personnel. Mr. Feeney reported that the NAB felt that two visits would be adequate. Mayor Hughes also verified that it would be specified in the contract that additional work would require prior approval.

**MOTION:** Motion was made by Councilman Ryneerson and seconded by Councilman Thomas to enter into a contract with Pandeon Systems.

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

**VIII. COUNCIL MEMBER ITEMS AND REPORTS:**

**Councilman Howard Ryneerson** recalled that Councilman Van Duzer had worked with Bob Wagner on Lover's Key and reported that Mr. Wagner came to the TDC meeting last week with a request for more funds to offset their costs. Mr. Wagner indicated that they would also ask the Town for some additional funds, and Mr. Ryneerson agreed to bring the matter up before Council. Mr. Van Duzer advised that Mr. Wagner had also spoken with him at a luncheon meeting, and had been told that the Town was not interested in providing funding for that project because it was felt that it would add to traffic congestion on the Island. Mr. Ryneerson said that he had made the same comment to Mr. Wagner. There was consensus that this had been discussed previously, and the Council's position has not changed.

Mr. Ryneerson recognized the accomplishments of Town Manager Segal-George, Public Works Director Damon Grant, and Director of Public Services Matt Feeney over the last several weeks. With respect to the harbor plan and derelict boats, he reported that Mr. Feeney and Ms. Segal-George have negotiated with the landfill and obtained a much lower figure than estimated. Mr. Grant, who was responsible for seaweed removal, negotiated a per truckload savings to the Town and TDC. He thanked everyone for their efforts.

**Councilman Bill Van Duzer** reported that he attended the Matanzas Pass Preserve meeting which was a very volatile session. He urged everyone in this community to become active in the session on the evening of the 28<sup>th</sup> about the Hidden Path Project. He received one communication today taking exception to the term "hidden," indicating that there is much negativity in the community about the project. This project is in the Comprehensive Plan, and he

stressed the importance of everyone's coming out and become active. He has received over 100 E-mails on this subject.

Mr. Van Duzer also reported on the MPO meeting on last Friday morning, at which a project was presented which was approved. This was passed unanimously without the Town advancing any funds. He said there had been an inaccurate report in the press. This will be a joint effort by the County and the Town to assist with some of the traffic problems, and Mr. Van Duzer thanked Councilman Rynearson for all of his efforts on this issue.

**Vice Mayor Terry Cain** reported that on January 17<sup>th</sup> she went to the anniversary of the Matanzas Pass Preserve and commended the event. She recalled some of the history of the project and several of the attendees' involvement over the years.

On January 22<sup>nd</sup> the Fifth Grade of Fort Myers Beach Elementary School undertook an environmental challenge through Jiminy Cricket of Disney in which they will be competing with other schools. They went out and cleaned a portion of Fort Myers Beach from Seaview, which is across from the Library, to approximately Chapel, targeting cigarette butts. Ms. Cain has participated in other beach cleanup efforts which have never specifically targeted cigarette butts, so this was educational to everyone. There were 6 groups of children, and the highest group brought in 118 cigarette butts in one hour along a quarter-mile stretch of beach. The second group brought in 117, and the other groups were all around 100, making the total for all groups approximately 500 cigarette butts. Other debris was collected as well. People from the community joined in and became interested. These students will conduct the same project again on February 5<sup>th</sup> at 12:30 P.M., and they will then compare the results of the two dates.

**Councilman Bill Thomas** reported that on the 15<sup>th</sup> he attended the Southwest Regional Council meeting, after which he attended the League of Cities meeting. He attended the Civic Association meeting at which Dan Folke made a presentation which Mr. Thomas commended.

Saturday he was watching the cleanup crew on the beach and complimented the operation. He said the seaweed was being removed without too much sand being taken along with it.

Mr. Thomas made reference to the numerous studies which are being conducted.

**Mayor Dan Hughes** said he appreciated the mention of the MPO and referred to the interrelationship of the two studies. He said he has been questioned as to why it was not included in the funding and asked Ms. Segal-George to address the issue. Ms. Segal-George explained that in the realm of Government, the Town actually does not conduct many studies. The study being proposed by the MPO concerns a dedicated lane for a trolley or tram on the Island as Part 1, and Part 2 would be from San Carlos Boulevard to Summerlin Square. These were not originally contemplated when the study was undertaken. The purpose of the study was to attempt to determine whether mass transit or other means could help the situation. Ms. Segal-George advised that all of the studies that have been conducted to date, including Wilson-Miller and the Streetscape as well as Mr. Swenson's study, have been given to the MPO in the hope that they would be sufficient. They determined that this was not the case, because it was not specific to a dedicated trolley or tramway, and this is the reason for the additional study. She said that according to Mr. Bagley there is a specific protocol to be followed to get on the agenda and be considered for funding allocations, which Fort Myers Beach must follow along with other applicants. Therefore this is the MPO's study, not the Town's, and the MPO is paying for it.

Councilman Rynearson observed that this will also involve drainage, curbs and gutters, and that Lee County will not proceed without a feasibility study. The \$500,000.00 received would not pay for that to upgrade Estero Boulevard.

Ms. Segal-George explained that subject matter is not being duplicated, contrary to popular belief.

Mayor Hughes congratulated Councilmen Van Duzer and Rynearson for their efforts on this issue.

Mayor Hughes also reminded everyone of the Hidden Path meeting on the 28<sup>th</sup>, and called attention to another Town Meeting at Santini Plaza on Thursday evening. This meeting will also be recorded.

Mayor Hughes also complimented Staff on the beach cleanup.

Matt Feeney was commended for his work on the Anchorage Advisory Committee.

Mayor Hughes reported discussion at this meeting for allocating the live-aboard spaces which resulted in eliminating all criteria except length of occupancy. He is concerned with the elimination of the requirement that the boats carry liability insurance and asked Mr. Roosa to advise on this issue. Mayor Hughes feels that a reasonable landlord would require such protection. Mr. Feeney has advised that other municipalities with whom he has checked do not require liability insurance. Ms. Segal-George pointed out that this committee will only make recommendations to the Council, so the final policy decisions will be made by Council.

Mayor Hughes reported that he and Councilmen Thomas and Van Duzer had attended the Southwest League of Cities meeting. He agreed with compliments paid to Dan Folke for his presentation at the Civic Association meeting, which Mayor Hughes also attended.

Reference was made by Mayor Hughes to several instances brought to his attention in which there is blatant disregard of the Town's building codes. He is concerned that after 8 years there needs to be enforcement and investigation of available remedies. Ms. Segal-George advised that the Gulfshore Inn appears to have finished two large bars with seating and placed a floor on the sand without permits. They were issued a stop-work order, after which work continued as far as can be determined. There are several issues involving not only permits but zoning, and Staff is particularly concerned because the stop-work order is being ignored. Bay to Beach has to do with exterior work done on the beach in which non-matching sand was brought in and sand dunes created perpendicular to the shore which were then planted with exotic vegetation. They also cemented lounge chairs in the sand which are being sold; it is believed there is only one left. Mr. Roosa has been asked for a determination, and case files are being pulled by Mr. Folke from the County as well. Compliance rather than punishment is the objective. Ms. Segal-George referred to the current trend of selling individual hotel rooms and pointed out that in attempting to improve a property's appearance for marketing purposes, municipal codes have to be followed. She expressed gratitude to the Mayor for bringing up this issue because she feels it is important that people on the Island become aware that efforts are being made through formal procedures, which can be lengthy, to alleviate such situations. Mayor Hughes expressed concern with the local process and asked why an immediate arrest cannot be made. He asked whether there is any ordinance that can be amended to provide for more expedient sanctions.

He also attended the Horizon Council annual meeting with Councilman Rynearson and Mrs. Rynearson.

#### **IX. TOWN MANAGER'S ITEMS:**

Ms. Segal-George asked for permission to cancel the February 2<sup>nd</sup> meeting because there will still be meetings on February 9<sup>th</sup> and February 23<sup>rd</sup>. This was an additional meeting for which she has no agenda items. There was consensus to cancel this meeting.

She reported that Mr. Grant has a breakdown of actual seaweed removal costs on a week-to-week basis. Mr. Van Duzer asked Mr. Grant to comment on this also with respect to TDC participation, and Ms. Segal-George advised that the TDC has agreed to reimburse the Town 100 per cent up to this point. Mayor Hughes requested that copies of Mr. Grant's cost breakdown be provided to the *News-Press* and *Observer* personnel who were present.

Mr. Grant explained that there have been close to 7 weeks of cleanup but that the figures cover the last 4 weeks. He meets with TDC weekly for review the proposal for each 40-hour work week, after which authorization is given to reimburse the Town for the work. The cost was decreased by almost two thirds after several weeks by finding an alternative hauler instead of Florida Recycling Services. Bob Rockwell, who is the contractor for the raking, has reduced his cost in Week 5 to \$18,000.00 and every additional week. Other alternatives are being pursued for the overall process, including possible rental of equipment by the Town. Mr. Van Duzer asked for a prediction of how long this condition might continue, and Mr. Grant said that conditions indicate the red drift algae may be almost gone, but he is reluctant to make further predictions because past indications have been the same.

Mayor Hughes asked whether South Florida Water Management had been sent a bill, and Ms. Segal-George advised that this is on her agenda.

Ms. Segal-George said that a gentlemen from the audience had advised her that there is some confusion among the public regarding the location of the Next Bus sites. People think that the displays will be at every trolley stop, and initially there will only be 3 as observed above. Eventually every stop will have a display, but at the outset funding is limited to those 3 locations.

**X. TOWN ATTORNEY'S ITEMS:**

Town Attorney Richard Roosa reminded everyone that the Executive Session had to be rescheduled. Tentatively this is planned for the end of the meeting on February 9<sup>th</sup>.

Mayor Hughes observed that there had been a decision favorable to the Town in the certiorari case which involved the swimming pool.

**XI. PUBLIC COMMENT:**

Mr. Reynolds came forward to say he is disappointed that people from off the Island were appointed for a very important document review. If only 3 are available, he feels that this is the number that should be utilized.

**XII. ADJOURNMENT:** Meeting was adjourned by Mayor Hughes at 5:18 P.M.

Respectfully submitted,

Patricia L. Middlekauff  
Transcribing Secretary