

**FORT MYERS BEACH
TOWN HALL MEETING
JANUARY 29, 2004
Santini Plaza
FORT MYERS BEACH, FLORIDA**

I. CALL TO ORDER: The second Town Hall Meeting of the Town of Fort Myers Beach was called to order on Thursday, January 29, 2004 at (time not stated) by Moderator Hank Zuba.

Members present at the meeting: Mayor Daniel 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, Deputy Town Manager John Gucciardo, Public Works Director Damon Grant, Community Development Director Dan Folke, Director of Public Services Matt Feeney.

II. OPENING REMARKS BY MAYOR HUGHES: Mayor Hughes recalled that last November he had asked the Chamber if Town Manager Marsha Segal-George and he could attend a monthly meeting of their Board of Directors to talk about some of the negativism that has existed in this community, and what can better be done to improve communications with the citizens and eliminate misconceptions and erroneous statements that circulate in the media and elsewhere. At that meeting one of the Directors suggested this meeting be held at Santini Plaza, and Mayor Hughes thanked Al Durrett who is part owner and manager of the Plaza for arranging this meeting. Simultaneously, Carol Schardt had approached Councilman Bill Van Duzer about having some Town Meetings, and the first one was held with positive results about a month or so ago. Mayor Hughes introduced the Council members and Staff in attendance. Mayor Hughes stressed that this meeting was to be limited to issues of interest to the public, and that no political speeches would be allowed.

III. INTRODUCTION AND PROCEDURAL GUIDELINES: Ms. Schardt read the rules and procedural guidelines, stressing rules of civility and the need for respect. She, Mr. Zuba and Dan Parker will act as co-moderators.

IV. FOLLOW UP QUESTIONS FROM PREVIOUS TOWN HALL MEETING, NOVEMBER 19, 2004: Mr. Zuba directed several follow up questions to Mayor Hughes, Council and Staff. The first question had to do with emergency preparedness in the event of storms. Mayor Hughes replied that Mr. Gucciardo is the Staff representative on hurricane preparedness and is liaison with the Lee County hurricane team. Mr. Gucciardo advised that as liaison they believe they have a plan in place to help the Town react to just about any situation that may arise, although flexibility is required. He called attention to the fact that the Town has a unique emergency notification system in place which came on line after Tropical Storm Gabrielle in October 2001 via a grant. He described this system as a "Reverse 911" wherein the Town has the ability to make phone calls to every phone within the entire fire district with specific messages about the circumstances. He said it has been used for boil-water notices, and a test is planned in mid-April which will be publicized with a request for feedback. He said that there may be gaps in the system due to people who use cell phones in lieu of land phones or who have unlisted numbers. Mr. Gucciardo reported that in the last test there was 75 per cent connection with everyone in the first district within 15 minutes.

Ms. Schardt read the next question, having to do with seaweed. What is being done about it, do we know what is causing it, and what is the issue with the permit? Damon Grant

advised that at this point there are only some assumptions about the cause which are being researched with the help of TDC and Lee County. He gave a report of the background which resulted in the cleanup effort. He said that the effort was coordinated with the Lee County Parks and Recreation Department, which was able to give only general guidelines because there had been little precedent for a problem of this magnitude. Procedures similar to those for removing fish kills due to red tide were followed. He advised that in the beginning attempts were made to use only light equipment to minimize the impact on the beach, but that the volume of material eventually necessitated the use of heavier equipment. Certain beach accesses were used for pickup points because the equipment could best be used at those locations. Attempts were made to pick up as little sand as possible with the seaweed. Mr. Grant had only learned yesterday that the DEP was concerned, and after speaking with the local and state representatives they are making every effort to comply with DEP requirements. Mr. Grant was asked if the cleanup is intended to continue while the permit is in review; his reply was inaudible.

Ms. Schardt advised that there had been several questions about appointment of the Charter Review Committee. The questions referred to the fact that this important body is made up in part of non-residents of the Island because there had been so few volunteer applicants, and asked whether there is a solution. Mayor Hughes referred to last week's Town Council meeting at which general disappointment and concern had been expressed with the lack of participation by Island residents. This review is required by Charter, and he said the Town had no choice since there were only a total of 5 applicants for the 5 positions. He pointed out that there is no requirement in the Charter that the members be residents of the municipality, and explained that of the two non-residents, one is a member of the Chamber, and the other was a long-time resident of the community who has been very active in the past. He explained how often the vacancies had been advertised, and Mr. Gucciardo added that although more applicants would have been desirable, he is pleased with the 5 who will serve. Mr. Gucciardo also pointed out that anyone can attend the meetings of this Committee and give input during the review procedure. These are public meetings which will be advertised and open to residents and non-residents alike. He referred to several issues which will come under consideration by this Committee and extended a welcome to anyone desiring to attend these meetings. Councilman Thomas added that he felt it was important to have the Committee composed totally of Island residents and voted against the motion at the Council meeting. Mayor Hughes said he agrees, and observed that this is an issue which can be addressed by this Committee, which will require an amendment to the Charter to specify that members must be Island residents. Mayor Hughes suggested including those who own or operate a business on the Island as candidates.

V. PUBLIC FORUM: The meeting was opened for public questions at this time.

Don Silver, an owner at Royal Pelican Condominium since 1985, came forward. He advised that he and his neighbors are in attendance wearing green shirts as a committee called POPP, Protect Our Private Property. He read a statement concerning Ostego Bay Development Company's intention to construct 44 boat slips around the perimeter of the Royal Pelican property which they believe might be sold to non-residents of the condominium with deleterious effect on the property. He asked why permits were approved when the access is across private property. Dan Folke recalled that several months ago he had received a call from Rick Joyce, the Director of Environmental Sciences for Lee County, which is in charge of all of the dock and shoreline permitting, regarding these applications. As a result, and after discussing the matter with Town Manager Segal-George, attorney Michael Cicerone was retained. He was the same attorney who represented the Town in earlier litigation with Bay Beach. Mr. Cicerone's research resulted in a lengthy reply indicating that the facilities were vested rights which had been approved in a DRI by Lee County. There were conditions imposed in the DRI which were also personally researched by Mr. Folke and Mr. Joyce, including that every owner of one of the slips will also be required to be an owner in Bay Beach. There was therefore no legal reason to deny the permits. With respect to the issue of access, Mr. Folke said that these are accessory docks to Bay Beach, so there is no requirement that they be accessory to the owner of adjacent land. However, he explained that the issue of use and easements would not be a Town issue, but rather a civil issue between the property owners.

Carmine Sacco, a full-time resident at Royal Pelican, came forward and said his family has been involved at Fort Myers Beach for 30 years. He referred to the previous speaker and expressed concern that if private property rights at Royal Pelican are compromised, this precedent could apply to all property on the Island. He referred to an ordinance adopted by Council on February 4, 2002 to the effect that a boat dock may not be constructed within 5 feet of another person's seawall. He asked how the Town could grant a permit to construct these docks, which he said seemed to be in violation of the Town's own ordinance. Mr. Folke referred to the Land Development Code and said this is reviewed by Mr. Joyce and his staff when permits are granted. He did not have a specific answer for this question. The moderator suggested that this issue could be brought separately before Council so that other issues could be addressed tonight.

Toni Scalaro, a non-resident snowbird, came forward to ask a question about tax rates. She asked why non-residents' taxes are higher than those of residents and expressed displeasure with the amount of her assessment. Mayor Hughes replied that the Save Our Homes exemption is the result of a constitutional amendment that was passed by the State Legislature some years ago. He agrees that this creates an unfair disparity with respect to non-resident owners, but pointed out that the Town of Fort Myers Beach had no responsibility for SOH and that another constitutional amendment would be required to reverse this. Mayor Hughes also stressed that only 5 per cent of the total tax bill is received by the Town, with a partial rollback in ad valorem taxes by the Town in two of the last three years. He said that assessed valuations increased 24 per cent last year on an Island-wide basis due to increases in property values and called attention to the fact that there are many governmental entities other than the Town receiving the bulk of the overall tax revenues. These entities' tax rates are not under the Town's control.

It was pointed out that applause was taking time which was intended for those who wish to speak. The audience was again asked to refrain from applauding.

Dave Wilcox, President of the Sand Caper Condominium Association and a resident, came forward and reported that there have been rumors that the Holiday Inn, which is adjacent to Sand Caper on the north, plans to put in a Perkins Restaurant. He has spoken with Staff, who have been unable to determine the accuracy of the rumor, and he asked if any of the Council members have information on this issue. Ms. Segal-George advised that until documents are filed the Town is unable to determine the veracity of rumors, and no documents have been filed with respect to the Holiday Inn. It is her understanding that if the Holiday Inn wanted to build a Perkins Restaurant, rezoning would be required, which would involve public hearings before the LPA and before Council. There would be nothing happening without public input.

Peter Vorio from Connecticut, who has been a part-time resident at the Royal Pelican since 1990, came forward. He is also concerned about the construction of adjacent boat slips without access. Mr. Zuba advised that this issue had been addressed earlier.

Tom Fitzgerald, a 29-year resident at The Palms, Bay Beach came forward and referred to a question which he had submitted last Monday in writing. The question referred to a potential ratio of housing units to green space established when the Town settled their suit against Stardial. Mayor Hughes advised that the Town did not settle this suit; the judge ruled in favor of Stardial on every issue in that case, including the ratio of green space to units, and also ruled that a paved blacktop parking space would count as open green space. Mayor Hughes recalled that the Town filed an appeal, which resulted in negotiations reducing number of units in some cases. Harold Huber, President of EBIA, which involves the entire 162 acres, came forward and recalled that when Judge Rossman ruled on the number of units that could be built the Town is unable to change this. Mr. Huber pointed out that Stardial brought the suit, not the Town, over the interpretation of green space.

Doug Hanson, a resident of Castle Beach, came forward to address the issue of taxes and asked what the Town has budgeted for this year. Mr. Gucciardo asked for clarification of the

question and explained that Lee County does not require any money from the Town, but the Town funds its own services independently and sets its own millage rate independently. However, there is communication during the budgeting process with the Lee County Property Appraiser's office to determine what the projected total valuation will be, which is used in setting the millage rate. He explained that the budget year runs from October 1 to September 30. Preparations for the next budget cycle will begin in April or May.

Harry Gottlieb, a resident of Fort Myers Beach, came forward and expressed concern that there are inadequate instructions to residents in the event of a hurricane. He said he is delighted to hear of the emergency telephone service described above. He suggested that every dwelling unit be provided with a check list of items to be taken care of. It was pointed out that the County and several TV stations conduct hurricane seminars. With respect to education, Mr. Gucciardo advised that the Public Safety Task Force conducts a seminar every August or September just prior to hurricane season which includes Emergency Management, weather personnel from various stations, and the Red Cross, and flyers are made available to the public. Residents of the Island are encouraged to listen to the news and weather and pay attention to the guidelines. In the event evacuation is necessary, the "Reverse 911" will be used.

Toni Wilder, a snowbird and condominium owner on Fort Myers Beach for 25 years, came forward and asked by whom Mr. Wilkinson is employed; she was told he works for the County. (Inaudible comment) She then expressed the belief that Council should try harder to get information out to the public. Ms. Segal-George advised that notices of all meetings are placed by law in the paper and posted at Town Hall. She also explained that the meetings are televised and recorded, and minutes are taken, all of which is posted on the Town's website, plus a newsletter is sent four times a year. She called attention to the fact that the Town has no authority to initiate a constitutional amendment, nor does the Town have sufficient influence with the State Legislature to effect such changes.

Manny Surrent, a resident, came forward to respond to the speakers who opposed the SOH tax exemption and suggested that their remedy is to become a Florida resident. He said that his main concern is with traffic, and suggested a pedestrian overpass at Times Square as a partial solution. He complimented the alternating lanes onto the Island as beneficial. He also cited problems with the trolleys stopping in traffic and suggested pickup areas off the main throughfare. Councilman Van Duzer acknowledged that there is a serious traffic problem on Fort Myers Beach and said that the residents are not the problem, nor are the snowbirds or winter guests, but the problem is the tremendous increase in population throughout Lee County, which he estimated at 5,000 new residents per month. When all of these people are attracted to Fort Myers Beach the problem results. Mr. Van Duzer explained how the Council was instrumental in effecting the alternating lights, and he also referred to the traffic mitigation study which is under consideration at this time. He applauded the speaker for bringing up the overpass at Times Square because several years ago he himself had made such a suggestion. Mr. Van Duzer expressed the opinion that another bridge from Coconut Road to Carl Johnson Park would help to alleviate the situation. Councilman Thomas disagreed with Councilman Van Duzer that a third bridge is needed, and he also expressed the opinion that traffic coming onto the Island is not the cause of the problem.

Gertraud Short came forward to request the Council to press Lee County to improve Estero Boulevard for safety of both pedestrians and bicyclists. She suggested a trolley lane.

Kathleen Cameron of Curlew Street, who also works in Santini Plaza, came forward to express concern about a trolley stop on Estero Boulevard in front of the plaza. She said that because of guard rails the stop is not safely accessible. She has E-mailed Lee Tran but received no answer; she was told that this issue is now in the Town Manager's action file.

Marge Zuba, a resident, came forward and asked if the impact of the seaweed has been investigated. Vice Mayor Cain explained the nature of red drift algae and conjecture about its

possible causes, such as fresh water discharges from Lake Okeechobee. She pointed out that the Town's beach and dune ordinance is more stringent than the State's and expressed displeasure with the article that appeared today. She said that after living on an island all her life, she has never seen an accretion such as the recent one on Fort Myers Beach. After waiting vainly for natural wave action to remove the accumulation, after much deliberation it was decided to rake and remove the algae.

Jo Finney, a resident came forward and expressed concern about the number of trees being cut down on the Island. She wondered if the Town could consider a tree removal ordinance requiring a permit. She also deplored the trees being cut down at the Mound House. Mr. Folke made a comment which was inaudible. Ms. Segal-George pointed out that while she is very much in favor of protecting trees, the maintenance staff workload precludes seeking out violations unless they are reported. With respect to the Mound House trees, the CELCAB committee will address the issue of those trees, which are a fuschia tree from Africa. Three arborists have been retained to evaluate the potential life span of these trees, and these three, including Lee County's own arborist, have issued reports indicating that there is potential for damage to the historic structure, which is the oldest house on Fort Myers Beach. The speaker expressed preference for the trees over the structure.

Fred Sloane, a resident of Royal Pelican, came forward and replied to a previous speaker by suggesting that pedestrians use a hand signal to inform drivers that they intend to cross the road.

George Repetti, a resident, came forward and replied to Mr. Van Duzer's suggestion for a third bridge by pointing out that it was rejected by Chris Swenson's traffic study due to financial, physical and environmental issues. Mr. Van Duzer restated his position with regard to this bridge and stressed that it would not terminate within the Town. He recalled that Mr. Swenson's study said that such a bridge would be difficult, not impossible, and Mr. Van Duzer has had talks with several entities in Lee County who have agreed to study this issue further, including DoT representative Scott Gilbertson, who called it a very much a needed item.

Susan Eddington, a full time resident, came forward to ask about MRTF with respect to the beach cleanup. Vice Mayor Cain advised that she chairs this committee, and they were informed by daily contact during the cleanup.

Tom Merrill came forward to speak about the Carousel case, which was continued by the LPA until May, after the election. He referred to two people on the LPA who are running for Council and expressed concern that there were possible conflicts when LPA members currently serving vote on whether to approve, disapprove or continue such hearings. He suggested that guidelines be established to clarify this situation. Ms. Segal-George explained that in addition to being Town Manager, she also serves as attorney for the LPA. Over the last eight years, there have been three members on the Council who have come from the LPA: Former Mayor John Mulholland, Councilman Van Duzer, and Mayor Hughes. With respect to the Carousel case, she advised that the applicant expressed a desire to scale down his request and asked for the continuance after being told by the LPA that it would otherwise vote unanimously for disapproval. She explained that the objections concerned both density and height, and while attractive, Staff and the LPA both felt that the proposed project violated the Comprehensive Plan. She further stated that the Town Attorney is going to issue a legal opinion regarding LPA members who are running for Town Council so there will be no question whether their votes are unlawful or inappropriate.

Tom Sharree, a Florida resident, came forward and asked whether any consideration has ever been given for a parking ramp at Times Square as a means of alleviating congestion. Councilman Rynearson replied that a parking garage is being considered for this area by private concerns, which would be more advantageous than a municipal facility.

Bud Hyatt, a 23-year resident and Lee County taxpayer since 1972, came forward and addressed the subject of the extra trolley and Next Bus system, which he feels are wasteful and will not solve the problems. He suggested relocating the existing stop lights. Ms. Segal-George called attention to the fact the Estero Boulevard and the sidewalks are owned by Lee County, and a portion of the road in question is owned by the State of Florida, so the Town has no authority to make such changes. She referred to surveys concerning trolley use which are being studied and implemented to encourage day trippers to use the trolley instead of bringing their cars onto the Island.

Tom Cameron of Curlew Street since 1990 came forward and referred to memos he has sent on the traffic situation. He suggested ways to discourage jaywalking by pedestrians. He also suggested alternate routes for the fire department to access the area.

Don Massucco came forward with respect to the Carousel issue and recalled from his attendance at the LPA meeting that the continuance resulted from questions concerning options that were asked by an LPA member. Mr. Zuba recalled the meeting and replied that this was considered an appropriate question.

Diane Zakowski of Bay Beach came forward to ask whether the judge who made the decision about open green space is elected or appointed.

John Scanlon came forward and disagreed with the earlier suggestion about fire department access. He also disapproves of the third bridge.

Mr. Zuba thanked everyone for attending and also thanked Council members and Staff for coming. He asked that forms be filled out by the audience with their input.

Mr. Zuba also requested Vice Mayor Cain and Mayor Hughes to give their thoughts as their terms come to an end regarding what candidates should do.

Vice Mayor Cain recalled joining many committees and working with former Mayor John Mulholland, who was a good friend. She said that Mayor Mulholland had advised her not to make decisions until all the evidence has been heard. Her motto is, "Read, re-read, comprehend and digest." She also stressed that being a good listener is very important.

Mayor Hughes agreed with Ms. Cain and said it would be totally inappropriate for either a candidate or a Council member to take a position, particularly when there will be a public hearing, without hearing and considering all evidence. He referred to an article he had written which appeared yesterday in the *Observer* and the *Sandpaper* in which he expressed the hope that candidates would demonstrate objectivity and not be representing any special interests, but would be representing the community as a whole and listen to both sides of the issue. He pointed to the divisions of opinion within the community as expressed by several speakers at this meeting.

The meeting was adjourned, time not stated.

Respectfully submitted,

Patricia L. Middlekauff
Transcribing Secretary