

**FORT MYERS BEACH
TOWN COUNCIL MEETING
February 9, 2004
Town Hall-Council Chambers
2523 Estero Boulevard
FORT MYERS BEACH, FLORIDA**

I. CALL TO ORDER: The land use meeting of the Fort Myers Beach Town Council was called to order on Monday, February 9, 2004 at 9:00 A.M. by Mayor Dan Hughes.

Members present at the meeting: Mayor Dan Hughes, Vice Mayor Terry Cain, Councilman Bill Thomas, Councilman Howard Rynearson, and 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, Town Attorney Richard Roosa, John Hagan with the Lee County Division of Zoning, Jerry Murphy of Lee County Zoning, Deputy Town Manager John Gucciardo

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

Mayor Hughes stated that he had been advised by Town Manager Marsha Segal-George that there has been a request to move Item IV.D, the Pink Shell Resort Relocation of Pedestrian Easement, ahead of the Public Hearings on the zoning cases.

III. PUBLIC COMMENT:

Bill McCarthy of 400 Lenell Road, Fort Myers Beach, came forward. He addressed the proposed changes of the appointments of members of the Charter Review Committee and asked that in view of the upcoming election these appointments be delayed until the new Council members take office.

IV. ADMINISTRATIVE AGENDA:

A. PUBLIC HEARINGS:

1. VAR2003-00062 Kent/Cook Pool Deck Replacement. Two variances in the RS (Residential) zoning district from Fort Myers Beach Land Development Code (LDC) Table 34-1. Property located at 710 Matanzas Court.

Mayor Hughes read the variance application and asked if any Council members had engaged in ex parte communications. It was determined that there had been none.

Terence Kent of 710 Matanzas Court, the applicant, came forward and was sworn. He presented a purchaser/seller affidavit indicating that he did not have knowledge of violations at the time he purchased the house.

John Hagan with the Lee County Division of Zoning came forward to present the Staff Report. He referred to exhibits showing a wood deck and above ground swimming pool which he said do not meet the current required setbacks for the RS Zoning District. The applicant has told him that when he bought the house he was under the impression that these were existing structures and that they were legal structures. He referred to the Staff Report dated December 29, 2003 as his findings and conclusions recommending denial. A physical inspection of the property indicated that the lot is sufficiently large to build a pool and deck that would be in compliance, and this is the basis for recommending denial. No permits for building or enlarging a deck were ever located. In reply to a question by Councilman Van Duzer, Mr. Hagan replied that he does not have an accurate measurement showing how far above grade the deck is. Mayor Hughes asked about a reference to "future" on Exhibit B, and Mr. Hagan explained that it was his understanding that the applicant planned to expand the deck at some future time, but that is not part of this request, which is for the existing deck only. Mr. Hagan recommended that in the event the Council grants a variance, a condition be included referencing only the existing structure.

Vice Mayor Cain referred to Exhibit B and asked about the distance from the seawall, which Mr. Hagan explained.

Mr. Kent was asked for rebuttal, and he again pointed out that the deck is on pilings the same as the house, causing him to assume that it was original to the house.

He also explained that his plans for future expansion are not important and not a part of this request.

Councilman Van Duzer asked about a referenced letter from an adjoining property owner which is not in the members' files. Mr. Hagan said he does not have a copy of that letter either. The owner is in California, and he has only spoken with the tenants, who are friends of the owners' family. It was verified that this property adjoins the pool side of the subject property. Councilman Rynearson pointed out that the notification of property owners for this variance resulted in no objections. Councilman Van Duzer asked for verification for the record of the height of the pool, and Mr. Hagan replied that it is a 4-foot pool and that the living area is above that height at approximately 7 feet.

Mayor Hughes opened the case for Public Hearing at this time. There being none, Public Hearing was closed. He referred to the recommendation by the LPA, which was a split 5-4 vote including a condition prohibiting further expansion without another variance. Staff represents that the applicant is willing to eliminate a portion of the deck within 6 feet along the side yard.

MOTION: Councilman Van Duzer made a motion that the Council find that there are exceptional conditions and circumstances inherent in this property as explained by the applicant and approve the request with a side setback to 6 feet as agreed by the applicant and a rear waterbody setback to 21 feet in lieu of 25 feet. Motion was seconded by Vice Mayor Cain.

DISCUSSION: Councilman Van Duzer said it is his understanding that if the deck were less than 12 inches off the ground it could go to the property line, and this deck is not a living area deck, which makes it different from other deck cases that have been heard. He also said he believes that the applicant is sincere in representing that he bought the property in good faith believing that everything was in compliance. He feels that this is a reasonable request and should be approved.

Mayor Hughes said he sympathizes with the property owner, but agrees with Staff that all 5 of the conditions required for a variance have not been met.

Councilman Rynearson said he believes the applicant would incur injury if he were required to tear down the pool and deck. He believes that the neighbors and everyone involved would be happy with removal of the 6 foot portion as the applicant agrees to do. Mayor Hughes does not agree that neighborhood approval should be a primary reason for granting variances. Mr. Van Duzer reiterated that he believes there is an exceptional condition not of the applicant's making that will penalize him severely if the variance is not granted. Exceptional circumstances were discussed, and Mr. Roosa expressed the opinion that because of an unusual configuration of the property, the request does meet this criteria.

Vice Mayor Cain spoke on the inadvisability of the Staff's recommendation to move the pool, because it would have to be moved into the front yard, which would be injurious to the neighborhood.

VOTE: Motion was passed by unanimous vote.

Mayor Hughes complimented Staff on their report and asked Mr. Hagan how to enforce the condition about removal of the 6 foot portion of the deck. Mr. Hagan suggested that a reasonable time frame be specified, and Mr. Folke advised that this case is also subject to a code enforcement proceeding, so he believes that this would be an appropriate vehicle to insure compliance.

2. DC I2003-00051 Sheila F. Watts in ref. to Santos Bed & Breakfast. Rezone 5335 sq. ft. from Santos to Residential Planned Development (RPD), with deviations, to allow the conversion of three dwelling units in an existing multiple-family building to eight Bed & Breakfast guest units. Property located at 1321 Santos.

Mayor Hughes read the rezoning request and asked if there had been any ex parte communications. It was determined that there had been none, after which Matt Uhle, an attorney representing the applicant, came forward and was sworn. Mr. Uhle said there was an agreement with Staff and unanimous support by the LPA on this case, as well as neighborhood petitions entered into the record at the LPA hearing. He described the property and the past and present zoning. He also stated that there is an existing code violation which was not caused by his client, and that this case is a step in resolving that issue if approved. He referred to the Master Concept Plan and indicated the mixture of commercial and residential uses of the surrounding properties. Mr. Uhle described the plan to convert the three existing units to eight bed and breakfast units, one of which will be a proprietor's unit and will not be rented out. He pointed out that the plan does not include addition of any square footage or change to the footprint of the existing structure. A rendering was provided for examination, and Mr. Uhle advised that there was adequate parking under Code. He referred to an exhibit showing the proposed changes to the interior of the building. There has been a change from the LPA hearing, moving one of the units from the top floor to the bottom floor to comply with an ADA requirement, leaving six bedrooms on the top floor,

and one rental bedroom and the proprietor's unit on the bottom floor. Mr. Uhle presented arguments indicating the appropriateness of approval of this request with Staff recommendations.

Councilman Van Duzer pointed out that there were actually nine bedrooms shown on the plan, including two in the proprietor's unit, leaving seven rentable units. Mr. Van Duzer referred to the schedule of uses dated January 13th, which indicates seven units including the proprietor's unit. He also questioned a washer and dryer shown in an added area and asked if this would be an enclosure.

Mayor Hughes questioned some different documents which had been furnished. Mr. Uhle explained that at the LPA hearing several issues had been raised concerning deck dimensions that needed to be addressed between that hearing and this one. It was also learned about the ADA requirement, necessitating a change from all seven rental bedrooms upstairs. The exhibit stamped January 29th was determined to be the current document.

Jerry Murphy of Lee County Zoning reviewed the Staff Report with Council and called attention to Page 1 of 7 where the request specifies eight bed and breakfast units, which was a compromise between the applicant's original request for nine and Staff's original recommendation for seven. There is a change required on Page 2 specifying eight guest units, one of which must be occupied by the owner-operator whenever guests are present. In Condition A-1 the stamp received date should be left open for a plan to be submitted based on whatever changes result from this hearing, which can be reflected in the resolution as well. Condition Number 4 requires that prior to the granting of any additional development approvals including a Development Order and Building Permit that elevations of all sides of the building acceptable to the Town's Director of Community Development be submitted. Mr. Murphy suggests that in conjunction with Condition Number 6, "...future development order approvals must satisfy the requirements of the Lee Plan, Planning Communities map allocation table" be stricken. This is the second sentence of Paragraph 6. In Condition Number 7, referring also to Number 4, he would like to add "...which is required prior to any additional development approvals for this project" which enables Staff to review and approve a landscape plan that addresses the deviations, and to have a trigger for Town Staff to review the elevations before the applicant applies for a building permit. In Condition Number 8 the applicant did provide revised Master Concept Plan which includes a landscape plan. A more detailed landscape plan which meets the requirements of Chapter 10 would be submitted with the Development Order. All reference is to Chapter 10 of the Land Development Code as it was in effect when the Staff Report was issued, which was on the same date as the new Land Development Code was adopted. Mr. Murphy has asked the Town Attorney to recommend some language making it clear that these references are to the old Code. Deviation Number 4 should reference LDC Section 34-953 instead of 943, since this is suggested for approval as a Commercial Planned Development, and go on to read "and Table 34-3, which require a minimum rear setback of 20 feet to allow a rear setback of 10 feet, which was resolved following the LPA hearing. He said the most significant deviation is Number 5, which allows for additional guest units to be approved in excess of what would be standard under the LDC but still within what is allowed by the Comprehensive Plan. Staff's reason for recommending approval of the application is because the existing building will not be expanded, a code situation with respect to this building which everyone would like to see resolved will be remedied, the property has ample parking, and the property is within the Santos area, identified by the Comprehensive Plan as an area which needs to be open to thinking outside the box. It is appropriate as a mixed, low intensity commercial which provides a transition between the duplexes and residential uses towards Santos and the Bay from the commercial and more intensive uses along Estero Boulevard. The lot itself is relatively small with a strange shape and an existing three-dwelling unit building. Using the three units, as determined long ago by the County to be legal, would allow a maximum of nine guest units, while under the Land Development Code as adopted, only six. The applicant and Staff agree on eight, one of which must be a proprietor's unit as required by bed and breakfast regulations, in view of the fact that no square footage is being added to the building.

Mayor Hughes asked whether it would not be appropriate to define the proprietor's unit separately rather than include it in the overall number of guest units. Mr. Murphy advised that the proprietor's unit is not a separate use in the Land Development Code, but he has no problem with rewording this section. Mr. Murphy explained the difference between the definitions of "guest units" and "dwelling units" in the Code. There will be cases coming forth on the issue of converting guest units to dwelling units, and it was intended to make it clear that the proprietor's unit was not a dwelling unit, and cannot be converted at some later date to additional guest units. He also pointed out that as Condition Number 3 specifies, in granting these deviations to improve this property more appropriate for the Santos area and the Town, all the buildback allowances for this property have been taken away. If the property is ever redeveloped, it will have to comply with the new development regulations of the Town at that time. Mr. Murphy said that the applicant's agreement with this provision made it easier to recommend the deviations requested.

Councilman Rynearson asked whether any of the parking bumpers in the front would be moved. Mr. Murphy said this had been discussed at the LPA, and they are indicated where they will be located. Moving them forward would create problems with the overhanging deck. They may be adjusted slightly, but they would have to comply with this plan being shown to Council. Mr. Rynearson said he has personally attempted to park his own

vehicle in one of these spaces and feels that this will be a problem. He asked that the issue of use of right of way be addressed. Mr. Murphy replied that although right of way has historically been used for overflow parking, he has discussed this with the applicant, and this will be eliminated. With regard to the overhanging issue, Mr. Murphy feels that this will be an increasing problem at the Beach because the size requirements for parking spaces have been reduced, while vehicles keep getting larger. There was discussion about the parking, and Mr. Rynearson called attention to the fact that right of way is not private property, and he expressed concern about giving it away. The applicant was called forward to address this issue. Mr. Uhle explained that this is an existing condition, so even if zoning is denied, the parking spaces will remain where they are. He has been told by the applicant that the survey shows that some of the pavement is actually on his property. With respect to the size of the spaces, he said this is an existing condition that is prevalent throughout the Beach. They are not asking for use of public right of way. Mr. Rynearson expressed the desire to have this issue addressed by Staff for the future. Mayor Hughes suggested inclusion of a condition that there shall be no parking in relation to this which shall encroach into the public right of way, and Mr. Uhle said there would be no disagreement with this.

Councilman Van Duzer observed that Santos Road is only 20 feet wide, and assuming the survey is correct, with a 19 foot setback and 45 degree angle parking, vehicles could be kept within the property, although they would have to back out onto the right of way. Councilman Rynearson agreed with Mayor Hughes' suggested condition. There was discussion about removal of a wooden fence, and Mr. Uhle commented that his client advised him the fence is on the neighbor's property, not his. Mr. Murphy suggested that the recommended condition ties directly with Deviation Number 6, which allows the back-out parking, where a sentence can be added to prohibit encroachment into the public right of way. There was more discussion about references to the old and new Codes and where this should be included.

Mayor Hughes opened the case for Public Hearing. There being none, Public Hearing was closed.

A revised electronic Staff Report was requested incorporating all of the changes set forth during this hearing.

MOTION: Councilman Van Duzer moved the resolution, including the alterations to the Staff Report that were offered by Mr. Murphy today, and the corrections as discussed, to be forwarded to Mr. Uhle for review and approval, and upon such approval the resolution be adopted. Councilman Rynearson agreed, verifying that the use of right of way prohibition be a part of the corrections and alterations. Motion was seconded by Councilman Thomas.

DISCUSSION: There was general discussion about the wording, placement of wording and including of exhibits to the resolution. The applicant will furnish a new Master Concept Plan. Mr. Uhle has also agreed to re-order the Schedule of Deviations to reflect the numbering in the Staff Report. Councilman Van Duzer verified that the date of the Staff Report will be corrected.

VOTE: Motion was approved by unanimous vote.

B. CONSIDERATION OF MPO REQUEST FOR BUS LANE STUDY WITH REIMBURSEMENT:

Deputy Town Manager John Gucciardo referred to earlier correspondence with respect to this issue. There is a \$200,000.00 study being formulated for which the Town is being requested to release funds so the study can move forward immediately, with reimbursement at some time in the future. He said there are three separate issues: (1) Whether or not the \$25,000.00 local share should be a Town or a County expense, since Estero Boulevard is a County road; (2) the total amount is in question; and (3) the timing, which pertains to the respective budget cycles. If the Council agrees to fund this study, Mr. Gucciardo recommends that Staff be directed to fund the study up to a maximum of \$200,000.00, and to make those funds available out of reserves either in the 2003-04 current budget cycle, or to allocate those funds in the 2004-05 budget cycle from the transit funds. This would permit flexibility and give time to determine responsibility for the \$25,000.00 match. He said it is not known when the MPO will ask for the funds.

Town Manager Segal-George also referenced a letter that she drafted to County Commissioner Ray Judah from the Council asking the County to share the cost. Mayor Hughes pointed out that this will have to be revised.

Councilman Van Duzer expressed the desire to move this issue forward as rapidly as possible and pointed out that all the money will be reimbursed.

MOTION: Councilman Van Duzer made a motion to authorize advancement of these funds in accordance with the memo and the discussion, seconded by Councilman Rynearson. The motion also includes sending a letter requesting cooperation and involvement of the County in the local share as well as the reimbursement, to be signed by the Mayor.

DISCUSSION: Councilman Thomas stated that he did not think the Town should be loaning the County

\$200,000.00, and with respect to the \$25,000.00, Estero Boulevard is not the Town's road and he feels the Country should pay for that. Councilman Van Duzer responded by saying that the money is being advanced only in order to move the project forward, and it is guaranteed to be repaid the same as the alternating light project. The intent is to move forward rapidly to benefit the Town.

VOTE: Motion was passed by a vote of 4-1, Councilman Thomas dissenting.

C. CHARTER REVIEW COMMITTEE COMPOSITION RECONSIDERED:

Councilman Rynearson made a motion to leave the composition as it is; believing that it was done in good faith and that the Charter does not require anything different. Mayor Hughes asked Mr. Roosa whether this was a proper motion, and he was advised that this is correct. Mr. Rynearson said he does not disagree that the committee should be composed of Town residents, but that this is not how the Charter is written. He said that if the public desires the Charter Review Committee to be composed of only Town residents, then the Charter will have to be amended accordingly. Vice Mayor Cain said she made the motion due to perceived time constraints and because she did not believe there would be any other applicants. She said she would like to reconsider this because there are now additional applicants.

MOTION: Motion was made by Vice Mayor Cain to reconsider the motion that was adopted to appoint the five candidates who had submitted their names to the Charter Review Committee. Motion was seconded by Councilman Van Duzer.

VOTE: Motion was passed by a vote of 4-1 (dissenting vote not identified.)

MOTION: Motion was made by Councilman Van Duzer to reconsider for appointment all of the names that were previously presented for this Committee and the new names that were received; seconded by Councilman Thomas.

DISCUSSION: Vice Mayor Cain asked whether additional applicants that may come forward would also be considered. Mayor Hughes agreed that there was concern with due process which he has discussed with Mr. Roosa involving whether it is appropriate to appoint a committee without again advertising the positions. Mr. Roosa explained that he does not believe re-advertisement is legally required, but that another word for due process is fairness, and in that context it would be appropriate to advertise. Ms. Segal-George suggested that if the Council so desires, she could advertise and request applications by the 18th, and place them all on the agenda for the 23rd. Mayor Hughes said he would be in favor of that, but expressed concern that the public would not understand and that a poor precedent would be established. Vice Mayor Cain and Councilman Van Duzer reported that they had been contacted by individuals with a desire for reconsideration. Councilman Rynearson felt it would be best to re-advertise. Councilman Van Duzer withdrew his motion in favor of a revised motion by Mayor Hughes.

MOTION: Mayor Hughes made a motion to (1) re-advertise and make the appointments on February 23rd, and (2) all people, including the original Charter Review Committee members that were appointed on the original motion, those who have applied subsequent thereto, and all persons who submit their names up to February 18th, will be considered. Motion was seconded by Councilman Van Duzer.

DISCUSSION: Clarification was requested whether submission must be written or verbal, and Mayor Hughes agreed to include in the motion that names must be submitted in writing.

VOTE: Motion was approved by unanimous vote.

It was pointed out by Mr. Gucciardo that the first meeting of the Charter Review Committee had been scheduled; the five people will be notified, and the meeting rescheduled for a date after the 23rd upon the reappointments.

D. PINK SHELL RESORT - RELOCATION OF PEDESTRIAN EASEMENT:

Community Development Director Dan Folke presented background including a resolution adopted in August of 2001, when the Town rezoned a piece of property called the "Captiva/Useppa Property" to allow a buildback of those units. One of the conditions of that rezoning was that the existing easement running between those two buildings be relocated directly north of the White Sands building, which is near completion. Town Attorney Richard Roosa added that it is his understanding that this exchange of easements will come before the Lee County Commission and that it would be Council's authority today to determine that the proposed easement

is in substantial compliance with the Town Resolution 01-26. Mayor Hughes and Mr. Roosa discussed legal procedures between the Town and County regarding this request. Mayor Hughes also requested clarification of some wording on the second page where it appears that some words are missing. Beverly Grady of the law firm of Roetzel and Andress was asked for clarification, and she accepted responsibility for the document and suggested removal of the word "and," resulting in wording, "...low-lying vegetation with trees ..." Mayor Hughes also asked Ms. Grady about paragraph 6 of the original resolution also specifically said "no structures." He suggested other wording to clarify this. Ms. Grady requested that this matter be scheduled for the next meeting, which will be February 23rd, by which time she expects to have resolved the matter with the County with revisions. Mayor Hughes agreed to have the issue placed on the February 23rd agenda. Councilman Van Duzer asked about a sketch which Ms. Grady replied will be included with the documents. There was discussion about the corridor not being a straight line. Mayor Hughes returned to the Administrative Agenda and Item IV.A.1 at this time.

E. TOWN MANAGER'S EVALUATION:

Mayor Hughes referred to a memo from Ms. Segal-George and an evaluation form which has not been filled out. Councilman Van Duzer suggested that Council schedule the evaluation and any associated bonus to be considered on February 23rd, and that all evaluations be turned in by the 18th. There was discussion about making the deadline the 20th instead. It was decided to have the deadline on the 18th so that Council members can review each others' evaluations since they are subject to the Freedom of Information Act.

MOTION: Motion was made by Councilman Van Duzer and seconded by Councilman Rynearson to move this item to the agenda for action on February 23rd, with evaluations to be submitted by February 18th.

VOTE: Motion was approved by unanimous vote.

V. COUNCIL MEMBER ITEMS AND REPORTS:

Mayor Dan Hughes reported receipt of a suggestion from several sources to authorize use of Town Hall in the event of either the Civic Association or the Chamber of Commerce wishing to use it for a political forum, or for any other purpose, providing the ability to have such meetings televised and provide more exposure to the public. Vice Mayor Cain asked what night of the week was open. Councilman Van Duzer said he thought it was a good idea; Ms. Segal-George explained that the County's permission is obtained to televise because it pre-empts their broadcast, but she sees no reason they would not approve. Councilman Thomas said he supports the idea on the condition that both groups have the opportunity, and that if one has a conflict then neither should be permitted such use. Councilman Van Duzer suggested that this could be coordinated by the committee which puts on the Town Hall Meetings, because both of these groups are represented on that committee. He believes this would be beneficial to the Town for the public to have access to these candidates. Councilman Rynearson felt that this was too political in nature and that the Town should not be involved. Mr. Van Duzer pointed out that the same people will likely attend all of these meetings. Mayor Hughes added that the candidates would have to agree to a third meeting. Mayor Hughes asked one of the candidates in attendance, Bill McCarthy, to give his comments on this subject. Mr. McCarthy advised that he had confirmed speaking engagements with both of the above organizations, and verified that their meetings have been scheduled, one at St. Raphael's and the other at Diamond Head. Mr. Roosa added that traditionally the League of Women Voters has scheduled events such as this, and if there is a local chapter, this would be a neutral organization, which would allow the meetings to be televised. In summary, Mayor Hughes said that if there were an organization that would like to use Town Hall for a meeting, forum or debate they would be allowed to do that, provided the Staff can obtain the date for television and be available to run the equipment. It was decided that it would be the candidates' choice whether to participate or not. There was discussion about whether or not there would be a Council meeting on March 1st. It was agreed to cancel the Council meeting on March 1st and offer that date.

Mayor Hughes commended Public Works Director Damon Grant, who was away at a conference, for the red drift algae cleanup. Mayor Hughes referred to this as a no-win situation, and Ms. Segal-George advised that there is now a general permit from Tallahassee that will be effective until turtle season, which is the end of April. She also reported that there were no fines, simply a notice of potential violation. Mr. Van Duzer observed that this was not reported in the newspapers. Ms. Segal-George also complimented Mr. Grant and described how he had sent photographs to Tallahassee to illustrate the magnitude of the problem. Councilman Rynearson requested that a journalist in attendance report that the Town did nothing wrong, but that the various echelons at local and state level did not communicate with each other.

Mayor Hughes also referenced a memo from Mr. Gucciardo concerning the survey to be conducted by the PSTF and asked that members give any comments to Mr. Gucciardo.

Since the last formal Town Council meeting, Mayor Hughes reported on two meetings which he

complimented, the Hidden Path Workshop and the Town Meeting at Fish Tale. He believes the comment has been favorable and that the Council is making strides in informing the public. Ms. Segal-George referred to a survey of the results compiled by Hank Zuba and that the response was extremely favorable with respect to both Council and Staff.

Councilman Bill Thomas affirmed that all Council members attended those two meetings and called them very productive.

Councilman Howard Rynearson referred to a communication from Jack and Carolyn Flowers about the cancer relay which he promised to bring to Council. He asked the members to contact Mr. Flowers, who is recruiting teams. This will be held for the first time on Fort Myers Beach, at Bay Oaks.

Vice Mayor Terry Cain reported on the cleanup efforts by Beach Elementary School 5th Graders comparing their litter pickups with two weeks ago. There were 561 cigarette butts collected two weeks ago, and this week on the same stretch of beach in one hour, over 900 cigarette butts were collected. She said the increased population may have influenced the volume. Other debris was picked up as well.

Ms. Cain commented on requests from the public on delayed voting due to the upcoming election. She recalled the amount of effort put forth by both herself and Mayor Hughes and said she does not appreciate the votes being delayed for action by the newly elected Council members. She said she does not consider these appointments to be political and feels it is disrespectful to the Council members who have been working so hard their entire terms. She hopes that future Council members do not incur the same "lame duck" issues at the end of their terms.

VI. TOWN MANAGER'S ITEMS:

Town Manager Marsha Segal-George advised that there was a date change for removal of the first derelict boat out of Matanzas Harbor. This will be at 10:00 A.M. on February 12th, and she asked that any members wishing to participate notify Matt Feeney. This is getting quite a bit of media attention, and is a momentous occasion for the Town. A ceremony of some type had been considered, but since it involves going out on the water there was no way to do this.

On Wednesday, February 11th, Mr. Feeney will conduct a tour of the Newton Property for the Senior Club, which is looking for meeting space, and she invited anyone who is interested to accompany this group at 11:00 A.M. She believes the signage will be installed by that time.

It was asked whether there is a time frame for installing the buoys in the mooring field. Ms. Segal-George explained that the derelicts must first be cleared, and it is hoped to have everything in by Summer.

Ms. Segal-George reported that February 19th is the deadline for Tourist Development applications, and Staff are assigned to six different applications that they are getting ready to submit.

On the 23rd the Executive Session that was continued will be at 5:30 P.M. and the regular meeting will begin at 6:30 P.M.

She reported that there is increased phone and walk-in traffic, and that Staff is very busy with increased workload.

In her year-end review she pointed to some statistics about 450 hours of agendaed and recorded public meetings that were advertised and staffed.

VII. TOWN ATTORNEY'S ITEMS: No items.

VIII. PUBLIC COMMENT: None.

IX. ADJOURNMENT: The meeting was adjourned by Mayor Hughes at 11:05 P.M.

Respectfully submitted,

Patricia L. Middlekauff
Transcribing Secretary