

**FORT MYERS BEACH
TOWN COUNCIL MEETING
FEBRUARY 23, 2004
Town Hall-Council Chambers
2523 Estero Boulevard
FORT MYERS BEACH, FLORIDA**

I. EXECUTIVE SESSION, 5:30 P.M.

II. CALL TO ORDER: The regular meeting of the Fort Myers Beach Town Council was called to order on Monday, February 23, 2004 at 6:30 P.M. by Mayor Dan Hughes.

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

Excused absence from the meeting: None.

Staff present at the meeting: Town Manager Marsha Segal-George, Public Works Director Damon Grant, Mound House Executive Director Theresa Schober, Town Attorney Richard Roosa; Director of Public Services Matt Feeney, Community Development Director Dan Folke, Deputy Town Manager John Gucciardo

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

IV. INVOCATION BY REV. NADINE COTTON, NEW CHURCH OF SW FLORIDA:
The invocation was given by Rev. Cotton.

V. PUBLIC COMMENT:

Don Massucco, a 12-year resident of Fort Myers Beach, came forward and called attention to the February 11th issue of the Beach *Observer* which carried a front page banner, "Folke: Hidden Path a No-Go." He pointed out that this was the wish of a majority of residents and asked that no further effort go forward on this project. He thanked CRAB for its efforts.

Dolores Yost, a resident of Fort Myers Beach came forward and spoke about the Hidden Path, beach access parking and traffic concerns. She expressed the opinion that the Hidden Path is not beneficial and presented a 2-page memo entitled "Why I am opposed to the Hidden Path" which Mayor Hughes said had been received.

Bill McCarthy of 400 Lenell Road, came forward and reported receiving phone calls advising him that he would have to appear on television when speaking at public forums. He recalled last Tuesday's meeting of the Civic Association there was a camera, and he was told the meeting would be taped, to which Mr. McCarthy objected. He said that Dan Parker told him that he had initiated this, and that a copy was to be given to Town Hall. Mr. McCarthy was further told that these forums would be taped at various venues. He asked Tom Babcock who owns the equipment but did not get an answer. Mayor Hughes replied that the Town does not own this equipment, and that the Town has nothing to do with this. Mr. McCarthy objected to the concept of taping without permission because he said it would require candidates to put the in-kind contribution on their reports. Mayor Hughes pointed out that the tape was not at the request of the Town, and Ms. Segal-George explained that she had never spoken to Mr. Parker or Mr. Babcock about the Town's receiving a tape.

Roxie Smith, a resident of Fort Myers Beach came forward to express her concern about the Preserve and thanked the Council for not pursuing the Hidden Path project.

Robin Calabrese came forward and said the Fort Myers Beach *Observer* would like to offer their services to sponsor a live coverage candidate forum that was approved by Council on February 9th, 2004 that could be scheduled for March 1st, 2004. She said she feels it is of utmost importance for residents and voters of Fort Myers Beach to have as much access as possible to the candidates, and would like to open the forum to any and all candidates who would like to participate.

John Corning, a resident of Fort Myers Beach, came forward and thanked everyone for attending the Hidden Path Workshop on January 28th and taking the time to hear the residents' views and making sure everyone was heard. He expressed the opinion that the message was clear that this community does not want

the Hidden Path for a variety of reasons. He pointed out that many residents expressed the desire to have a safe bicycle route which would alleviate traffic and are in favor of improving Estero Boulevard for this purpose. He presented petitions to Mr. Gucciardo which had been signed by those against the Hidden Path.

IV. CONSENT AGENDA:

Mayor Hughes asked to withdraw Item IV.C.

- A. APPROVAL OF MINUTES, JANUARY 26TH AND FEBRUARY 9TH, 2004
- B. FINANCIALS FOR THE MONTH OF DECEMBER AND JANUARY
- C. PROCLAMATION – MARCH: BRAIN AWARENESS MONTH
- D. RESOLUTION 04-05 – CRITERIA FOR HISTORICAL PRESERVATION

GRANT

- E. RESOLUTION 04-06 – DECLARING EMERGENCY PLANNING/COMMUNITY RIGHT-TO-KNOW AWARENESS WEEK
- F. RESOLUTION 04-07 – COURT FUNDING

MOTION: Motion was made by Councilman Howard Rynearson and seconded by Vice Mayor Terry Cain to approve the balance of the Consent Agenda. Mayor Hughes read the remaining items into the record.

VOTE: Motion was approved by unanimous vote.

Mayor Hughes read the proclamation of Brain Awareness Month, Item IV.C.

MOTION: Motion was made by Councilman Bill Thomas and seconded by Councilman Bill Van Duzer to approve the resolution.

VOTE: Motion was approved by unanimous vote.

Mayor Hughes presented the proclamation to members of the Pilot Club, who thanked Mayor Hughes and the Council for their support. A photograph was taken.

VII. ADMINISTRATIVE AGENDA:

A. MOUND HOUSE:

1. Recommendation for Tree Removal – Presentation by Rick Joyce:

Theresa Schober, Executive Director of the Mound House came forward and provided oral and written background information, referencing Mr. Joyce's presentation to CELCAB on February 9, 2004 in which he recommended removal of the 2 African Walnut trees. She noted that after Mr. Joyce's presentation and after discussion, CELCAB voted 8 to 1 to recommend to Council that the trees be removed, with the provision that 2 similar nursery grown trees be procured for future replanting in an appropriate location. She also pointed out that CELCAB recommended that if possible, wood from the trees be utilized in some fashion if possible, or sold since this wood is very valuable. Giving history of the tree issue since 2000, she referenced a memo which she had provided to Council, and the Historic Structures Report done by ACI, a company out of Sarasota, including photographs of the major architectural renovations of the structure over the years and written opinions provided by several professionals.

Ms. Schober then introduced Rick Joyce, the Director of Environmental Sciences for Lee County, who gave a presentation using visual and written materials. He explained that he has been involved with numerous historic trees around Lee County and gave examples, such as the Morton Bay Fig at the Henry Ford House. He explained that the African Walnut tree is a member of the legume family and described some of its characteristics. He summarized what issues are considered in evaluating the condition of a mature tree and also summarized what has been observed with respect to the Mound House trees. He described these as trees in decline, with structural problems and a condition called "included bark," which he said weakens a tree. Showing photographs of the trees taken over the years, Mr. Joyce indicated splitting and other damage from various sources. He also pointed out that the overhanging limbs constitute tons of biomass over the house and expressed his professional opinion as an arborist that this is a very hazardous condition. He estimated that attempts to salvage the trees would cost approximately \$50,000.00, and due to the uncertainty of the results, such attempts in his opinion could not be supported because of the condition of the trees. He therefore recommended their removal. He also recalled that CELCAB had agreed with his recommendation that African Walnut trees, which are commercially available elsewhere in the State, be obtained and replanted at a future date elsewhere on the site. Mr. Joyce also referred to discussions at CELCAB about recycling the wood. In conclusion, he described

how he had been involved in saving the historic Live Oak at the County Courthouse, at a cost of \$40,000.00, but explained that tree had been in much better shape.

Councilman Thomas referred to the recommendation that the trees be replaced and noted that the recommendation is to replant African Walnut or similar trees. He said he could not agree with replanting anything other than African Walnuts because of the historical significance at this property. Mr. Joyce advised that he had no objection.

Vice Mayor Cain asked Mr. Joyce to explain the discussions at the CELCAB meeting concerning having the trees purchased, but continuing to have them contract grown at the nursery, until there was an appropriate time and place for them to be planted. Mr. Joyce described this process, which he said is common in the nursery industry.

Mayor Hughes observed that his position on saving the trees has been reversed after Mr. Joyce's presentation, and that replacement of the trees was a critical issue.

MOTION: Motion was made by Councilman Rynearson and seconded by Vice Mayor Cain to accept CELCAB's recommendation to remove the trees and replace them with nursery grown African Walnuts at a future date.

DISCUSSION: Mayor Hughes observed that Vice Mayor Cain had indicated her support by seconding this motion, and she recalled that there had been an hour and a half discussion at the CELCAB meeting, at which she was present. She said that CELCAB had not taken the issue lightly but had examined the alternatives very carefully. Calling attention to Mr. Joyce's involvement with the \$40,000.00 restoration of the Live Oak at the County Courthouse, she said that when he explained his reasons for not recommending similar efforts with respect to these trees, she felt no reason to question his decision.

Mayor Hughes verified with Councilman Thomas that his motion included recycling and/or salvaging the wood, and Mr. Thomas reiterated that his motion was to accept the entire CELCAB recommendation. There was general discussion that the motion included purchase of 2 or 3 new contract-grown African Walnut trees.

VOTE: Motion was approved by unanimous vote.

Mayor Hughes recalled a case in which a landscaper cut down a walnut tree, which was a felony. The landscaper claimed it was accidental, but he had also removed and sold the wood, and he was ultimately convicted.

2. Recommendation of Electrical Bid:

Mayor Hughes referred to a joint memo from Public Works Director Damon Grant. Ms. Schober advised that they had gone for bid on the electrical project for the Mound House following completion of the design plans by Bob Sanford and Anchor Engineering. They received no bids from the original advertisement in November 2003. Following discussion with the Town Attorney, they went out for bid a second time in January 18th and 25th and in February 2004, and at the suggestion of Bob Sanford they included a mandatory pre-bid walkthrough of the structure to insure that any questions about the very specific plans would be answered. Such pre-bid walkthrough was held at the house with Anchor Engineering, Bob Sanford, Damon Grant and herself, and in attendance were Shamrock Electric and Neese, Inc. Construction and Real Estate. She reported receiving a single sealed bid by the deadline, which she said was read into the record, which was a joint proposal by Shamrock Electric and Neese Construction. Shamrock Electric was interested in the electrical work, and Neese was interested in the accompanying finishing work. In order to insure proper contractual accountability, she is recommending that the joint proposal be separated into two individual contracts. One would cover the electrical work with Shamrock for \$38,828.00 and the other with Neese, Inc. would cover the demolition and finishing carpentry for \$8,000.00. Since the overall cost of the project is under \$50,000.00 no performance bond is recommended, since it would increase the overall cost of the project by \$1,250.00. Staff is recommending that the contract be awarded to Shamrock/Neese for the amount not to exceed \$53,852.20 which includes a 15 per cent contingency fund that would only be expended if necessary. She said that should the bid be awarded the project could move forward.

Mayor Hughes pointed out that the Council does not have copies of the actual proposal, but assumed that a motion would include having the Town Attorney review the bid and put it into contractual form should Council approve.

Several Council members verified with Town Attorney Richard Roosa that a performance bond was not necessary.

MOTION: Motion was made by Councilman Van Duzer and seconded by Vice Mayor Cain to approve

the bid as recommended by Staff.

DISCUSSION: Mayor Hughes questioned the 15 per cent contingency, which he said would normally be included in the bid. Mr. Grant provided some reasons, and Councilman Van Duzer pointed out that the bid did not specifically request inclusion of any contingency. There was general discussion about the contingency, after which Mr. Van Duzer called attention to the fact that there is no contract, but that the Town Attorney would review the proposal and draft the actual contracts.

VOTE: Motion was approved by unanimous vote.

B. PUBLIC HEARINGS:

1. Amending Ordinances Dealing with Committee Appointments:

Mayor Hughes referred to lengthy discussion at the January 26th 2004 Council meeting, at which the Town Attorney to change the dates of committee appointments to the first meeting in May. He observed that only one Public Hearing is required and asked if all 6 could be grouped together. Mr. Roosa replied that they can all be handled at one Public Hearing and offered to read them.

Mr. Roosa read Ordinance 04-02 amending Section 10 of the Anchorage Management Ordinance; Ordinance 04-03 amending Section 6 of the CRAB ordinance; and Ordinance 04-04 amending Environmental Learning Center Advisory Board by changing the name to Cultural and Environmental Learning Center Advisory Board (CELCAB) and amending Section 6.

Mayor Hughes read Ordinance 04-05 amending Section 6 of MRTF ordinance; 04-06 amending PSTF ordinance Section 6; and Ordinance 04-07 amending Section 7, Times Square MSBU Ordinance. He then opened the meeting for Public Hearing. Seeing none, Public Hearing was closed. Mayor Hughes advised that in accordance with Mr. Roosa's interpretation, one motion would be appropriate to amend Ordinances 04-02 through 04-07.

MOTION: Councilman Van Duzer moved the item and explained to the public that one word is being changed, from January to May. Motion was seconded by Councilman Rynearson.

DISCUSSION: Ms. Segal-George asked for clarification whether Council intends that all committees that were reorganized in January be reorganized again in May, or if this is for the succeeding year. Mr. Roosa explained that currently it would become effective in May 2004. There was discussion about what Council's intent had been in changing the date, and whether everything would have to be re-advertised this year. It was mentioned that the LPA is the only committee whose members have terms. Mayor Hughes said there seemed to be a consensus that the reorganizations take place in May 2005, after which it was suggested that the ordinances be effective June 1, 2004. This was agreed and made a part of the motion.

VOTE: Roll call vote was taken on the motion. Councilman Van Duzer: Aye; Councilman Thomas: Aye; Councilman Rynearson: Aye; Mayor Hughes: Aye; Vice Mayor Cain: Aye. Motion was passed by unanimous vote.

2. Amending Proposed Parasailing Ordinance 03-09:

Director of Public Services Matt Feeney came forward and explained that this item had been continued by Council and that he had been directed to meet with MRTF and representatives of the parasail industry. Such meeting was held at the November 12th 2003 MRTF meeting. All parasail license holders were invited, and Mr. Steinke chose to speak. Our of lengthy discussions MRTF reached the conclusion that the current ordinance in the LDC should remain as is, and that the recommendations before Council should not be acted upon. He said that MRTF reached this conclusion contingent upon the fact that the monetary fines in the LDC would be to the vessel operator; i.e., the captain. Mr. Roosa issued a legal opinion which supported that. Additionally, any violation would also go against the license holder, which interpretation was also supported by Mr. Roosa. MRTF also asked that the issue be re-evaluated in a year's time to determine effectiveness, and also that the WCIND funded sheriff patrol add parasail enforcement to their weekly duties, which he said they have done. Seeing that all these conditions have been met, Mr. Feeney advised that Staff/MRTF recommend that the parasail regulations remain as set forth in Chapter 27 of the LDC.

Mayor Hughes observed that if this recommendation had been made by MRTF originally a lot of time and acrimony could have been saved. Vice Mayor Hughes defended the process and the lengthy discussions that led to this decision.

The meeting was opened for Public Hearing.

Bill Steinke came forward to thank Council for hearing them and bringing their issues to the table. He also

complimented Mr. Feeney for his efforts. Mayor Hughes asked Mr. Steinke about one of the industry's concerns in which Subparagraph H specifies being at least 1,000 feet from shore, and Subparagraph I speaks to the length of the line and the distance from shore. Mr. Steinke explained that this was a matter of mutual trust.

Public Hearing was closed at this time.

MOTION: Motion was made by Councilman Rynearson to approve the Staff/MRTF recommendation and leave the ordinance as it is, with the elimination of the provision to revisit in a year. Motion was seconded by Vice Mayor Cain.

DISCUSSION: Mayor Hughes asked whether a motion is necessary if the ordinance is not being changed, and Mr. Roosa advised that Council needs to address the Ordinance 03-09. He said that this motion was never adopted. Mayor Hughes read the caption of this ordinance. It was verified with Mr. Rynearson that his motion was not to adopt Ordinance 03-09. The ordinance will remain the same as it appears before Council with deletion of the underlining and restoring anything stricken out.

VOTE: Vote was taken by roll call. Councilman Rynearson: Aye; Mayor Hughes: Aye; Vice Mayor Cain: Aye; Councilman Van Duzer: Aye; Councilman Thomas: Aye. Motion was approved by unanimous vote.

Councilman Van Duzer remarked that although he is voting on MRTF's recommendation, he would have preferred to have the old ordinance in his packet for review. It was pointed out that the old ordinance was included in the packet, with revisions underlined. Therefore K and L are eliminated.

3. Exchange and Relocation of Pedestrian Easement at Pink Shell Resort:

Community Development Director Dan Folke called attention to material in the members' packets which he said was the same as that presented at the last meeting. He advised that a new easement had been provided which was sent from Beverly Grady's office, Roetzel and Andress, where the easement is being prepared. He pointed out the second page, where he has highlighted a sentence, which is language that Mayor Hughes requested be inserted, reading that the owner will not construct any structures or facilities within the new easement in the view corridor. He provided some background for the benefit of the public, explaining that the easement was a condition of approval of a previous zoning request. He said the new easement will be identified by signage as a public beach easement and described it as an improvement over what now exists. He further described the easement. It was verified that the County has vacated the prior easement, which was further verified by Ms. Grady. She said the easement is ready to file upon approval, and Mr. Roosa added that he has been advised by Stephen Hubbard of Roetzel and Andress that there would be a title commitment and ultimately a title policy on the new easement, which Ms. Grady also verified.

MOTION: Motion was made by Councilman Van Duzer to authorize the execution of the easement relocation and view corridor agreement, and seconded by Councilman Rynearson.

DISCUSSION: Mayor Hughes pointed out that the motion is contingent upon receiving a title commitment and title policy on the subject parcel.

VOTE: Motion was passed by unanimous vote.

C. APPOINTMENT OF CHARTER REVIEW COMMITTEE:

Deputy Town Manager John Gucciardo came forward and recalled that at the last meeting Council rescinded the appointment of the original applicants and advertised the positions again, with a cutoff date of last Wednesday, February 18th. He reported that 9 additional requests had been received from individuals, together with the 5 original requests, or a total of 14. He called attention to 2 corrections which he pointed out in his memo: (1) The address for Dr. Joe Croker is incorrect in that he no longer lives at Lagoon Street; and (2) the blank for Howard Humphrey's address, which has been obtained as on Glenview Manor Beach, indicating that he is a Town resident. He suggested that the Council vote by means of ballots which were provided; Ms. Segal-George added that members should initial their ballots. Mr. Gucciardo suggested that after turning in the ballots, Council move on to the next item while the votes are being tallied.

Councilman Van Duzer commented that since there had been such difficulty in having applicants, he would like to suggest that any member who was one of the original 5 and who does not get elected be an alternate, non-voting member of the Charter Review Committee. Mayor Hughes agreed with the idea and verified with Mr. Roosa that there is no problem with it. Mr. Gucciardo pointed out that the meetings of this committee are open to the public, and that those named as alternates would in fact be voting members. The term ex officio was suggested instead of the term alternate. Mr. Van Duzer explained that his intent was to recognize those who had

originally put their names in. Mayor Hughes expressed gratitude to those who came forward and also complimented the ballot.

Councilman Thomas recalled that this was again before Council because some of the Council members felt that members of this committee should be residents of the Island, and for that reason said he could not agree with having alternates who are not residents of the Island. Mayor Hughes verified with Mr. Roosa that it would be proper to have a motion on this issue.

MOTION: Councilman Van Duzer made a motion that any of the original 5 applicants who are not elected to serve on the Charter Review Committee be honorary, non-voting members. Motion was seconded by Councilman Ryneerson.

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

Ballots were distributed at this time.

D. RECOMMENDATION OF CRAB ON HIDDEN PATH CONSULTANT:

Mr. Folke came forward and spoke about the workshop, CRAB's recommendation, and a summary report. He described the workshop as a great success and recalled that from the beginning it was Staff's goal to have good participation, which was realized. He estimated that there were approximately 150 in attendance. One of the options stated prior to the workshop was to abandon the project if it was determined there was no clear support. Staff therefore recommended to CRAB that the contract with TBE be terminated, and in the interim, sent a letter to TBE requesting that they stop all services until a final decision could be made by Council. He also called attention to the written comment sheets and a summary which he provided. He said that 105 written comment sheets were received at the workshop, of which 77 were from individuals residing in the project area, between Connecticut Street and Mango. He proceeded to summarize the results of the workshop; however, in the essence of time Councilman Van Duzer asked and was given permission to make a motion.

MOTION: Councilman Van Duzer made a motion that Council accept the recommendation of CRAB and discontinue all the services of TBE, and that the final report be prepared and completed by Town Staff, as set forth in Mr. Folke's memo. Motion was seconded by Councilman Ryneerson.

DISCUSSION: Councilman Thomas observed that he was going to make a similar motion.

VOTE: Motion was approved by unanimous vote.

Ms. Segal-George complimented Dan Folke on his conduct of the workshop. There was consensus that he had done an excellent job.

At this time the results of the ballots for Charter Review Committee were announced. The 5 people selected were Tom Babcock with 4 votes; Claude Bowyer with 4 votes; Bob Gaydos with 3 votes, Danny Parker with 4 votes, and Al Van Horn with 3 votes. Of the 25 total votes cast, these 5 individuals received the top votes. Councilman Thomas asked for the remainder of the vote tally, and Mr. Gucciardo announced as follows: Anita Cereceda, 2 votes; Dr. Joe Croker, 1 vote; Harry Gottlieb, 2 votes; Harold Humphrey, 1 vote; Roger Johnson, 1 vote. This was declared to be the duly constituted Charter Review Committee, and Mr. Gucciardo advised that they will be contacted and a meeting scheduled immediately.

E. DISCUSSION OF TOWN MANAGER PERFORMANCE EVALUATION/MERIT

BONUS:

Mayor Hughes referred to a memo from himself recommending consolidation of the Town Manager's salary and her compensation as LPA attorney, since the contract provides for a consolidated salary and he believes they should be one line item in the budget to avoid public confusion and for reasons stated in his memo. This would have no effect on her benefits.

MOTION: Mayor Hughes made a motion to consolidate the Town Manager's salary and her compensation as LPA Attorney. Motion was seconded by Councilman Van Duzer.

DISCUSSION: Vice Mayor Cain expressed concern that additional confusion would result. She referenced the Town Manager's \$100,000.00 salary and an additional \$18,000.00 for serving as LPA Attorney. Councilman Van Duzer commented that he has heard comments that she should serve free as the LPA Attorney since she receives compensation for serving as Town Manager. He agreed that the \$18,000.00 is well below comparable salaries for such services in the area and expressed the thought that by consolidating the salary

some of the negative comments could be eliminated. In reply to a question by Councilman Thomas, Mr. Van Duzer estimated that such services, including not only attendance at the LPA meetings but attendant research, would cost \$40,000.00 to \$50,000.00. Mayor Hughes concurred and said he came up with an estimate of \$50,000.00 to \$60,000.00 based on what other attorneys charge. It was pointed out by Mr. Roosa that this is a very specialized area of law, which would cost more than a general practitioner, and said it would likely fall within the range that he is currently being paid. Mayor Hughes recalled that he had formerly been attorney for a planning commission with a separate board for hearing appeals.

VOTE: Motion was approved by unanimous vote.

MOTION: Councilman Van Duzer made a motion to authorize a merit bonus in the amount of 6 per cent of the new salary, or \$7,080.00. Motion was seconded by Vice Mayor Cain.

DISCUSSION: Mr. Van Duzer explained that he has read all 5 evaluations of the Town Manager that were completed by the Council members, and described them as very positive evaluations with minor differences. He said that the similarity of all of the written comments indicates that the members have faith in Marsha Segal-George in the job she does for the Town. He said he is personally pleased to have the opportunity to serve with Ms. Segal-George and hopes to continue, and expressed the opinion that she does much more than she is paid for. He said she has brought in millions in grants and pointed out that she has the ability to compete for and generate grant income. He also complimented Ms. Segal-George on working with the Staff and on her leadership. He expressed the hope that she will serve for many more years.

Vice Mayor Cain also mentioned that in many cases the grant writer receives a percentage as compensation, which Town Staff does not receive. She also commented on Ms. Segal-George's ability to obtain grants and lead Staff.

Councilman Rynearson agreed that Town Staff is excellent and attributed this to Ms. Segal-George's leadership.

Councilman Thomas recalled that he has made nothing but positive evaluations since serving on Council and agreed that Ms. Segal-George has done a superb job in selecting excellent staff. He further observed that the Town consists of an island 7 miles long with only 6,800 full time residents and 40,000 in the winter. He stressed that salaries must be kept in line for the size of the town and that there must be fiscal responsibility.

Mayor Hughes pointed out that there is a new performance planning and appraisal form which sets out specific professional criteria, and in 4 areas, knowledge, productivity, quality and initiative, with a rating of 0 to 3 in each, Ms. Segal-George received an average 10.55 out of a possible 12. He said this falls into the category of exceeding job requirements in all major areas. He agreed that she has built an outstanding staff and has done an excellent job of maintaining "government lite" and also observed that her background and experience in public administration has served the Town well.

VOTE: Motion was approved by unanimous vote.

Mr. Van Duzer asked if it would also be possible to update the Town Manager's contract, and Mayor Hughes directed Mr. Roosa to do so.

VIII. COUNCIL MEMBER ITEMS AND REPORTS:

Councilman Bill Thomas reported that last Thursday he attended the Southwest Regional Council Meeting, and that nothing was discussed that affected Fort Myers Beach.

He is also assigned to Code Enforcement, which has been busy with election signs. He reported hearing one of the candidates say she would prefer to see no signs on the Beach, and has checked with the new Code Enforcement Officer, who he described as very aggressive. He reported that one individual is violating the setback rules, and expressed the opinion that a candidate who allows signs to be placed illegally is directly responsible. He would like to see the sign ordinance changes to prohibit political signs after this election is over. Mayor Hughes pointed out that an amendment to the sign ordinance should be proposed at a future meeting, and agreed that the sign issue has gotten out of hand.

Councilman Howard Rynearson reported that there will be a ribbon cutting March 3rd at 9:00 A.M. at Lynn Hall Park and invited everyone. This is to celebrate the new Park & Ride Trolley.

Councilman Bill Van Duzer reported on the MPO meeting last Friday where another study had been approved, which will be their study, to look at the possibility of undergrounding utilities, including necessary drainage, and investigating a tram system in a dedicated lane on the North end of the Island. This project will go before the County Commissioners for their approval tomorrow, and he told them that the Town would loan them

the money with the understanding that the funds will be repaid, similar to the alternating light situation. There will be a formal agreement, and there is the possibility of a local share of \$12,500.00 that the Town might have to incur, which will not be determined until tomorrow.

Mr. Van Duzer reported on the Shrimp Festival and the parade on March 6th, and invited all Council members to ride in the parade if they wish.

He complimented one of the local newspapers for an article in last Friday's edition concerning what the Town has done in the past year and said it should be required reading for every member of the community.

He advised that the Relay for Life is coming up on April 30th and May 1st, which is a program to raise money for the Cancer Society, and advised that he has signed up and volunteered to recruit a Town team which would challenge other entities within the Town. He has provided information to Council and Staff and advised that he has 7 of the required 15 team members.

Mr. Van Duzer also mentioned that the Town Hall Meeting Committee has asked for permission to hold another Town Hall Meeting on April 26th, which would be after the elections. He has verified that the facility would be available on that date. He said that the previous ones had been well attended and beneficial, and the Committee would like to have 3 a year.

Vice Mayor Terry Cain reported that last Wednesday she had gone on tour with Mr. Feeney and the Seniors Group from Bay Oaks at the Newton Property. She said it is quite a large group and they were positive about the property.

On Friday, February 27th at 9:00 A.M. to 4:00 P.M. there will be a workshop about red tide and black water at the Miramar Beach Club in Bonita Springs hosted by the Sierra Club and Audubon Society with a number of qualified speakers. She invited any members to attend.

Mayor Dan Hughes advised that he also attended the meeting with the Bay Oaks Seniors Group at Newton Park and found them very appreciate of the Town's sponsorship of their activities and also very positive about Newton Park.

Mayor Hughes, Councilman Rynearson and Mr. Feeney watched the dismantling and removal of the first derelict vessel taken out of the harbor. He advised that this project is moving forward.

Mr. Hughes and Councilman Rynearson attended the reception on the 11th for the new boat that will go to Key West.

On the 21st Mayor Hughes rode in the Edison Parade with "Marilyn Monroe" and had a wonderful time. This was a promotion for the Film Festival in April.

Mayor Hughes advised that since the last meeting an order was entered that denied certiorari in the rooftop case, in which the position of the Town Council was upheld by the Hearing Examiner and the Circuit Judge. He thanked Mr. Roosa for representing the Town.

Mr. Hughes referred to several memos that had been received from Mr. Gucciardo, and commended him on the new community rating service. He said the Town retained its rating under the National Flood Insurance Program of 7 out of a possible 10, putting Fort Myers Beach in the top 10 of communities nationwide. The lower the number, the better since there is a resulting decrease in flood insurance premium rates.

With respect to Mr. Gucciardo's memo on the Estero Island Garden Club, there was a question about landscaping the reservoir at the North end of the Island. Mr. Gucciardo explained the intent and proposed operation of the program. He would like to see cooperation with the Garden Club. The estimated price is approximately \$3,500.00 which they propose the Town pay for, and also be responsible for the upkeep, which he suggested is reasonable since it is Town property. He has received positive feedback with the caution that the Garden Club stay out of the right of way and insure that parking spaces are left. It was pointed out that the \$10,000.00 which is set aside for this in the budget has been under-utilized. Mr. Gucciardo expressed the hope that this will be the first of many projects with the Garden Club and that it will spur more interest. There was consensus that this project should move ahead.

Another memo from Mr. Gucciardo concerned a recommendation from PSTF about a need for additional street lighting requested by a resident. He described the area in question and explained the logistics of how this request would proceed if approved by Council. Mayor Hughes said he was in favor. Mr. Van Duzer agreed but asked for clarification of what was in the minutes, which Mr. Gucciardo explained.

IX. TOWN MANAGER'S ITEMS:

Town Manager Marsha Segal-George referred to the earlier remark by Ms. Robin Calabrese at the beginning of the meeting and verified that the date of March 1st was available to whoever wanted to come forward and use the facility. Ms. Segal-George advised that she will make Staff available to run the equipment, but that beyond this the Town has no other involvement in such an event. Mayor Hughes commented on Mr. McCarthy's earlier remark about having to report this as a campaign contribution. There was consensus that Town Hall

should be made available for this purpose, but decision to participate is up to the candidates.

Ms. Segal-George thanked the Council for their evaluations and kind remarks.

X. TOWN ATTORNEY'S ITEMS: None.

XI. PUBLIC COMMENT:

Don Massucco came forward to state that he was vehemently opposed to any further candidate forums, whether televised or not. He also expressed concern about Council's decision not to require a performance bond on the Mound House electrical contract and recommended that this be reconsidered. It was pointed out that Town Counsel had advised on this matter.

Garr Reynolds came forward to address the Charter Review Committee decision and expressed disappointment that this was not left for decision by the newly elected Council. He also addressed the Hidden Path issue and said he felt the right thing had been done. With respect to televising the candidate forums, he expressed concern that this would turn into a political platform, recalling conversations with various individuals. He felt that candidates were being pressured to participate in events that they did not wish to take part in. A committee was referenced which Mr. Van Duzer explained was the Town Hall Meeting Committee and has nothing to do with any candidate forum. He further explained that while there had been a request to make the Council Chambers available for a televised candidate forum, the Town is not involved in conducting or encouraging such meetings.

Bill McCarthy came forward and referred to the candidate forum issue. Ms. Segal-George asked to clarify that she is not a member of the Town Hall Meeting Committee, but when meeting dates are being considered she is contacted for booking of the facility. Her conversation with Councilman Van Duzer was whether the meeting room was available, not whether or not she was in favor of the idea. Mayor Hughes recalled that Council later agreed to make the chambers available for Town Hall meetings, and Mr. Gucciardo added that the Town Hall's next proposed meeting date is after the election and is not connected thereto.

XII. ADJOURNMENT: Meeting was adjourned at 9:02 P.M.

Respectfully submitted,

Patricia L. Middlekauff
Transcribing Secretary