

Please note motions on Page 5 and Page 8. Missing information. Transcriber could not detect the person who seconded the motions.

**FORT MYERS BEACH
TOWN COUNCIL MEETING
MAY 3, 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, May 3, 2004 at 6:46 P.M. by Mayor Bill Thomas.

Members present at the meeting: Mayor Bill Thomas, Vice Mayor Garr Reynolds, Councilman Howard Rynearson, Councilman Don Massucco, 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, Deputy Town Manager John Gucciardo, Director of Public Services Matt Feeny, Town Attorney Richard Roosa, Community Development Director Dan Folke

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

IV. INVOCATION BY DEACON SCOOP KIESEL, CHURCH OF THE ASCENSION

V. PUBLIC COMMENT:

Ralph Gordon, a resident of Fort Myers Beach since 1968, and a property owner since 1972 came forward, advising that he has spent 6 months a year here since that time. He expressed the opinion that beach restoration is a good thing, and while he acknowledges that there is opposition, he voiced concern about the source of the sand that will be added to the beach. He said he has boating experience and is intimately familiar with sandbars, referencing one in particular chosen as the prime borrow area. Mr. Gordon explained that he has charts from the 1800s and aerial photographs showing that this sandbar's contours have not changed and expressed the opinion that removing a million cubic yards of sand from this sandbar will damage the pristine quality of the beach. He recommends re-evaluation by a different consultant.

Tom Babcock of Williams Drive came forward and read into the record his memo on the subject of short term rentals. This memo provided the background of the short-term rental ordinance and advised that there are a number of unlicensed short-term rentals in violation of the 2003 ordinance. The memo further offered some suggestions for enforcement and improvement of the ordinance.

Tom Meyers of 21461 Widgeon Terrace came forward as Chairman of the Special Traffic Workshop Committee of the Chamber Traffic Committee. He said he was appearing to advise the Council that they are ready for a Special Workshop to deal with traffic on the Island.

VI. CONSENT AGENDA:

- A. APPROVAL OF MINUTES, APRIL 19, 2004**
- B. PROCLAMATION OF MAY AS CIVILITY MONTH**
- C. PROCLAMATION OF NATIONAL PUBLIC WORKS WEEK**
- D. PROCLAMATION OF ELDER LAW MONTH**
- E. APPROVAL OF REPAVING AWARD**

Councilman Van Duzer requested to withdraw Items A and E.

MOTION: Motion to approve the balance of the Consent Agenda was made by Councilman Ryneerson and seconded by Councilman Van Duzer.

Mayor Thomas identified Items B, C and D for the benefit of the public. Councilman Van Duzer called attention to an error in the minutes of April 19th at the bottom of Page 1: Councilman Thomas, not Councilman Massucco, nominated Councilman Reynolds for Vice Mayor. **(Playing back the tape of the minutes of the April 19, 2004 meeting revealed that Councilman Massucco nominated Councilman Reynolds as Vice Mayor and it was seconded by Councilman Reynolds.)**

MOTION: Motion was made by Councilman Van Duzer to approve the minutes of April 19th as corrected; seconded by Councilman Ryneerson.

VOTE: Motion was approved by unanimous vote.

Ms. Segal-George pointed out that there was a motion on the floor to approve Items B, C and D of the consent agenda which had not yet been called to a vote.

VOTE: Motion to approve Items B, C and D of the Consent Agenda was approved by unanimous vote.

Councilman Van Duzer requested Public Works Director Damon Grant to comment on Item E of the Consent Agenda. Mr. Grant advised that he has spoken with Mr. Van Duzer about some of his concerns and referred to a memo on the subject. He explained that the proposal is based on a tonnage rate and that this item is for approval of a repaving award to Ajax Paving, the County paving company this year. He explained that the plan is to review and research the tonnage report for each street on the Town's list, and if prior to paving the last street on the list it is determined the budget for 1,400 to 1,500 tons will be exceeded, adjustments can be made at that time, or roll over the last street for next year's budget. Mr. Grant described the specifications on which the contractor submitted his estimate. He described the safety precautions that he is prepared to build into the contract to avoid running over budget. Mr. Van Duzer advised that his concerns had not been addressed in that tonnage instead of square yardage of material has been specified. Mr. Grant advised that he has contacted the County about this, and that he was told it is always based on tonnage with other municipalities, and they would not make an exception. Mr. Van Duzer explained his concern and said he was warned to be careful with approving tonnage. In response to a question, Mr. Grant advised that this would be the Town's first experience with repaving. Councilman Ryneerson suggested having an inspector on site, and Mr. Grant advised that Lee County DoT has offered their inspector. Mr. Reynolds had some comments which were off microphone, and Mr. Grant's response referred to individual streets and proposed drainage improvements. Ms. Segal-George advised that technical information has been received from Lee County on every street on the Island and that this data is available for review. She said there is a separate priority list dealing with drainage projects.

MOTION: Motion was made by Councilman Ryneerson to accept Item E of the Consent Agenda; seconded by Mayor Thomas.

DISCUSSION: Councilman Massucco asked whether it would be cost effective to postpone one or more streets in the event of an overrun since costs would likely increase in a year's time. Ms. Segal-George advised that there is a 15-year plan to repave all the side streets, and the budget was adopted accordingly on a mileage basis. Mr. Van Duzer advised that he will accept the motion but wants to keep an eye on it. Mayor Thomas added that he understands that there are 30 miles of road, with 2 miles to be repaved each year.

VOTE: Motion was passed by unanimous vote.

VII. ADMINISTRATIVE AGENDA:

A. AIR SHOW PRESENTATION:

Jim Nygaard, Vice President of the Southwest Florida Aviation Foundation came forward and also introduced Chris Moskul, the President. Mr. Nygaard gave a visual presentation which included background and description of the event. His organization is a member of the International Council of Air Shows, with over 1,500 members in the U. S. and Western Europe. They coordinate with the Department of Defense, Federal Aviation Administration, Transportation Safety Administration, Department of Environmental Protection, and the Air Traffic Control facilities. He described the 2003 show and explained that the group visits children's hospitals and schools. There were 12 aircraft last year and they hope to increase that number. The show received stellar military reviews, and DoD estimated 100,000 spectators at Saturday's event alone. The Air Show Committee has a list of goals for this year's show which will be in October. He also presented a list of scheduled events, showing a photo of the site where the show will take place, and provided an account of scheduled participants. Mr. Nygaard indicated funding sources as a number of sponsorships, many from off-Beach, which he said indicates community support. Proceeds benefit local charities. He presented the budget, which includes fuel, and described a number of benefits to the Town of Fort Myers Beach.

Ms. Segal-George asked whether parking and traffic have been considered. Mr. Nygaard explained that off-Island parking has been considered, but acknowledges that the event will increase traffic. Mr. Segal-George explained that parking is a focus in special events, because the events are attracting more people than the Island's available parking can accommodate. Mr. Massucco expressed concern about the military participants and the possibility they may be deployed or otherwise not be available as scheduled. Mr. Moskul explained that the demo teams are largely insulated from typical military events, and their schedules are made well in advance, so when they commit to an event they will arrive. He acknowledged that there have been late arrivals due to mechanical breakdowns, but there has never been a cancellation.

Mr. Nygaard requested that the Air Show be considered for the funds that had originally been set aside for the Offshore Grand Prix, which was cancelled. Ms. Segal-George pointed out that the event falls in the Town's next Fiscal Year, and after the deadline for requests which is in August, the requests are presented to the Council in September. Mr. Gucciardo added that the group is welcome to submit their request in advance of the August deadline, observing that a draft budget is submitted to Council at their last meeting in June.

B. ANCHORAGE COMMITTEE'S REQUEST TO REVISIT LIABILITY INSURANCE REQUIREMENT – JAY LIGHT, VICE CHAIR OF ANCHORAGE COMMITTEE:

MOTION: Councilman Rynearson made a motion that Council approve Staff's recommendation on this issue, remarking that he sees no new material to substantiate the request to revisit. Motion was seconded by Mayor Thomas.

DISCUSSION: Mr. Massucco asked whether there were any new information. Mr. Light came forward and advised that he had been requested by the Anchorage Committee to appear before Council with this request. Mr. Van Duzer said he would like to have the item reconsidered. He said he has a concern about the effects of this requirement on the anchorage project, especially the live-aboards. For this reason, he said he would not support the motion. Mr. Rynearson called attention to the materials that have previously been received in which the recommendation for insurance was included. He emphasized the need to avoid liability. Mr. Van Duzer pointed out that 3 of the 4 municipalities do not require insurance, and Mr. Rynearson explained that while this is true, they indicated in their comments that they are in favor of doing so. Mr. Van Duzer explained that after reviewing the minutes of the meeting at which the insurance requirement was passed, and after giving the matter further consideration, he was concerned that requiring insurance could discourage boaters from using this anchorage and result in deficits due to vacancies and resultant lack of income. He agreed that he was also concerned about the Town's liability in the event of damage, but expressed the opinion that there

would be another way of handling the issue. He recommended placing the item back on the agenda for further discussion. Ms. Segal-George added that another issue is that of delaying the lottery for the live-aboards, pointing out that the insurance issue has to be resolved so that Mr. Feeney can issue the notice for the lottery. She also called attention to the fact that the Anchorage Advisory Committee will not have a quorum for a meeting in June. Mr. Rynearson observed that the issue can always be revisited at a later date but suggested moving forward because time is of the essence with respect to the live-aboards. Vice Mayor Reynolds expressed agreement with Mr. Van Duzer, observing that the Anchorage Advisory Committee has given a great deal of time to the issue and has a reason for its request through the Vice Chairman. He suggested that this be tabled until the next meeting and would also like to have input from the insurance industry. He also said he has no objection to hearing Mr. Light at tonight's meeting.

VOTE: Motion failed to carry by a vote of 3 to 2.

Mr. Light was invited to speak at this time. He came forward and stressed that his presence indicates that the Anchorage Advisory Committee considers this a serious issue. He recalled the strong feelings expressed at the last meeting of this Committee which resulted in his presence. He referred to his memo and explained that the issue breaks down into 3 parts: (1) Will requiring all boats using the Mooring Field to have liability insurance really protect the Town from possible liability? Using the analogy of liability insurance for motorists, he illustrated the point that not every motorist does in fact have insurance even though the State requires it and observing that the State has never been successfully sued as the result of non-enforcement. (2) The mooring field would have been completed and in operation several years ago except for the Town's commitment to provide spaces for live-aboards. The Town spent a great deal of time and money lobbying the State for the 10 live-aboard spaces under the Submerged Land Lease. The proof of insurance requirement, passed after the lottery was established, effectively changed the rules of the game, and has effectively eliminated the majority of those who would have applied for these 10 spaces. The lottery, which was scheduled for May 26th, may not be necessary because there are potentially fewer than 10 qualified applicants left because of the inability of people with older boats to obtain insurance. (3) The financial aspect: Because under the agreement with the State the Town is precluded from making a profit on the anchorage, less than 100 per cent occupancy would result in a more than \$9,000.00 per year deficit; 75 per cent occupancy, \$56,000.00 deficit; 50 per cent occupancy, \$95,000.00 occupancy. These figures were provided by a CPA member of the AAC. He questioned whether the Council is fulfilling its fiduciary responsibility by imposing a requirement that could result in such deficits, while not actually achieving its intended purpose of protecting the Town from potential liability.

Mr. Massucco asked Mr. Roosa a hypothetical question concerning owner versus Town liability in the event a cleat broke loose from a vessel and there were resulting damage. Mr. Roosa advised that ultimately under the hypothesis the Town would be found to have no liability, but may still become involved in a lawsuit. He pointed out that there is insurance from the Florida League of Cities which would cover that contingency. He further stated that with the facts as stated, the Town would have no liability. Mr. Massucco then asked whether there would be liability in the event the mooring itself failed, and Mr. Roosa replied in the affirmative. Mr. Rynearson asked Mr. Roosa whether the League of Cities insurance increases in price with each occurrence, and he was told that it does. Mr. Roosa further explained that by requiring the boat owner to have insurance, the boat owner would be the first and most likely to be involved, resulting in a more remote claim against the Town. He expressed the opinion that whenever there is an event within the municipality that involves an identifiable risk, it is appropriate to insure that risk. He also pointed out that there would be a different level of liability on the part of the Town between boats in the mooring field and boats passing through. Mr. Massucco observed that he could see both points of view, and agreed that there would be many people unable to afford the insurance, resulting in a deficit. Mr. Van Duzer related some recent conversations with the public emphasizing the difficulty of obtaining insurance for live-aboards, which would negate all the efforts to obtain these spaces. He recommended rescinding the insurance requirement in order to fill the moorings, and reviewing the issue on an annual basis.

Mr. Rynearson expressed the desire to hear from Mr. Feeney on the subject. Mr. Feeney came forward and recalled that the matter had been considered by Council on April 5th and voted upon at that time. The Chairman of the Anchorage Committee expressed concern and advised that he has heard that out of the list of 20 potential applicants for the 10 live-aboard spaces, only 3 would be willing and/or able to obtain insurance. Mr. Feeney explained that under the terms of the lease agreement, the 10 allowed long-term live-aboard spaces would revert to regular 6-month spaces upon vacation by any of the original 10. He reported the Committee's reasons why they felt insurance should not be required, which he highlighted as (1) unfriendly to out-of-town boaters, resulting in a potential reduction in use of the facility and a loss of financial self-sufficiency; (2) that the Town is adequately indemnified in the lease agreement; (3) insurance on older vessels can be quite costly, making the prospect of obtaining such insurance cost prohibitive; (4) it is not required by other municipal anchorages (Mr. Feeney advised that he has followed up with the municipalities with which he had spoken and determined that one, Stuart, does in fact require liability insurance); and (5) an insurance requirement could have the de facto result of reducing the number of permanent live-aboard moorings from the 10 allowable down to 3. Mr. Feeney also advised that to date, the 20 individuals who have responded to earlier advertisements have not been solicited for insurance information. He said that Staff has reviewed the issue and still feels that there are potential situations in which the Town could be held liable for damages incurred by a runaway vessel. In light of this, Staff maintains its recommendation that it is in the public's best interest for the Town to require proof of liability insurance. He added that his conversations with other marinas have revealed that they do have waiting lists, even the ones that require insurance, pointing out that occupancy is seasonal and unpredictable nonetheless. He also pointed out that the harbor bids have been received and will be brought before Council shortly, with construction to start in the Summer and completed shortly thereafter. He estimated that the Harborage will be completed, certified and ready for use by mid-Summer. Councilman Rynearson recalled a conversation with Mr. Feeney concerning the effect on the existing Town insurance, and asked for clarification. Mr. Feeney explained that Staff's policy is that if liability insurance is not required and there is an accident on the part of a patron of the mooring facility, resulting in damage to other patrons' vessels, there is potential liability. Mr. Rynearson expressed the opinion that an insurance requirement will not result in loss of patronage, and that protection of the town should be priority.

Mr. Reynolds asked Mr. Feeney to estimate the general age of the live-aboard vessels. Mr. Feeney replied that they range widely in age and expense. He emphasized that the spots revert back to normal usage once the individual ceases to live permanently on their boat, but that they were not precluded from obtaining a different or newer boat. He described the difficulty in obtaining insurance quotes. Mr. Light was asked to provide some input on insurance costs and availability, and he did so, relating his own personal experiences. He further pointed out that serious accidents are more likely to occur at the fueling dock rather than in the mooring field.

Mr. Massucco pointed out that of the municipal marinas contacted, all indicate that they think it is a good idea, but none have initiated it. He expressed the opinion that the issue is so controversial that eventually the government will be required to issue a mandate. Mr. Van Duzer read some portions of the Staff Report which he feels indicate that insurance is not beneficial or necessary, and that by requiring insurance the efforts put forth will be defeated. He added that boaters likely to use the mooring field are experienced and knowledgeable.

MOTION: Motion was made by Councilman Van Duzer and seconded by _____ not to require liability insurance for the Town's Harborage at this time.

VOTE: Motion was approved by a vote of 3 to 2.

Mr. Reynolds suggested revisiting the issue after a trial period, and it was pointed out that this can be done at any time.

C. REQUEST FOR WAIVER FOR OPEN CONTAINER:

1. **SWIM FLORIDA REQUEST FOR SATURDAY, JUNE 5, 2004, "NIGHT CONCERT":**
2. **CHAMBER REQUEST FOR SUNDAY, JUNE 6, 2004, "TASTE OF THE BEACH EVENT":**

MOTION: Motion was made by Councilman Ryneerson and seconded by Councilman Van Duzer to extend the open container regulations for Swim Florida and Taste of the Beach.

DISCUSSION: Mr. Reynolds asked what area the extension would pertain to, and Mr. Ryneerson explained that specific layouts would be presented to indicate the areas involved. Ms. Segal-George added that it was in Old San Carlos. It was pointed out that layouts are in the packets, included in the proposals.

VOTE: Motion was passed by unanimous vote.

D. COUNCIL APPOINTMENTS:

1. **HORIZON COUNCIL:** Mayor Thomas asked for a volunteer to fill the vacancy on the Horizon Council. Mr. Massucco advised that he had just received information on the Horizon Council and had not had time to review it, asking that appointment be delayed until the next Council meeting.
2. **CHARLOTTE HARBOR NATIONAL ESTUARY PROGRAM – POLICY COMMITTEE:** Mayor Thomas asked for a volunteer for this vacancy. Mr. Massucco verified the time and place of the meetings, which are held quarterly in Punta Gorda. Mr. Massucco advised that he would accept this appointment.
3. **COASTAL ADVISORY:** Mr. Massucco volunteered to accept this appointment also.

Mayor Thomas asked Vice Mayor Reynolds if he were interested in any committees, and he replied that he did not see any in which he was interested. Vice Mayor Reynolds further added that he would like to see all committee appointments reviewed for the purpose of readjusting assignments. He expressed his preference for being more directly involved with the Beach.

4. **LPA MEMBERS:** Continued to May 17, 2004. Mayor Thomas advised that these will be advertised, with appointments made on May 17th. Councilman Van Duzer expressed exception to postponement of the LPA appointments. He said this was being done for the wrong reasons and asked why it was being delayed, pointing out that the vacancies had been advertised before. Mayor Thomas advised that it was being re-advertised in order to attempt to obtain additional applicants, similar to the Charter Review Committee situation. Vice Mayor Reynolds asked who moved it to the 17th and why, and Mayor Thomas advised that there were additional names submitted, so it was decided to re-advertise. Ms. Segal-George offered further explanation.

Mr. Van Duzer advised at this time that he would accept the appointment to the Horizon Council at the wish of the Council. Mayor Thomas announced that his offer to serve on the Horizon Council was accepted.

Vice Mayor Reynolds stated that he had received information from the Florida League of Cities, on which he had previously served. He advised that he would accept this responsibility. Mayor Thomas advised that he will discuss this with Staff. Mr. Van Duzer and Ms. Segal-George explained that Horizon Council and Florida League of Cities are not connected, and that the package in question is sent to all newly elected Council members for information.

5. VICE MAYOR REYNOLDS' REQUEST TO FORM A PUBLIC WORKS, ROADS, AND STREET GROUP TO WORK WITH TOWN AND COUNTY TO IMPROVE ESTERO BLVD.:

Vice Mayor Reynolds suggested formation of these committees plus a Fort Myers Beach Traffic Committee to liaison with the one at the Chamber. He suggested consideration of these committees at a later date, and if they are formed, he would be interested in committing himself to one or more of them.

E. PROCESS TO RENEW PRE-EXISTING WEEKLY RENTAL REGISTRY:

Dan Folke came forward and assured that Council that this item would not be on the agenda if it were not absolutely necessary, and that it was not intended to reopen the issue. He advised that Staff needs guidance on two issues. The renewal process for the pre-existing registry. The rules that were adopted last March are still causing some confusion. A registry was established for those in RS zoning who were already doing weekly rentals to be "grandfathered in." The Code gives some guidance for the renewal process. Mr. Folke advised that there are currently 68 people on the list. Those who wish to register are required to provide evidence that they are registered with the State and are paying applicable tourist (bed) and sales taxes. As stated during the Public Comment earlier, it has been useful to have the contact information. Council was requested to provide direction regarding (1) Whether or not to charge a fee. A \$500.00 registration fee was charged initially when it was not known how many were going to register and how much of Staff's time would be required. He advised that the process actually went very smoothly and that 73 applications were received, with 68 actually registered. The other 5 application fees were refunded. He is recommending that no fee be charged for renewals in view of the total amount of \$34,000.00 received initially has not been expended. (2) The Code requires that applications be received by June 1, and in view of the late date in addressing the issue, Staff is recommending that the date be extended for this year only until July 1. Once the procedure is established the Council will not be required to address it each year. It is intended to get the notices out by the middle of May. Mr. Folke was asked whether it was intended to waive the fee for new applicants, and he explained that there would now be only renewals, since the initial application was a one-time fee. Mr. Van Duzer and Mr. Folke pointed out that there will be no additional new applications. Councilman Ryneerson agreed that \$500.00 was not necessary but felt that there should be some fee for renewals, pointing out that there are expenses incurred not only administratively, but also with enforcement. Vice Mayor Reynolds agreed that a smaller fee would be appropriate, also referring to the enforcement issue. He also questioned Item 2 at the top of Page 3, which he read, and Mr. Folke explained that at the time after discussion Council decided that this right should be transferable to a new owner. Vice Mayor Reynolds expressed disagreement with this provision. Mr. Van Duzer pointed out that such a change would require changing the ordinance, which is not what is under discussion on this meeting's agenda. He recalled that a great deal of time was spent on the ordinance when it was adopted. Mr. Roosa was asked for a ruling, and he advised that the above two items were the only ones appropriate for discussion and action at this meeting.

MOTION: Motion was made by Councilman Ryneerson and seconded by Councilman Van Duzer to charge a \$100.00 renewal fee and also extend the date to July 1st for this year only.

VOTE: Motion was passed by unanimous vote.

**** The Council now recesses as the Town Council and reconvenes as the Town of Fort Myers Beach Public Works Services, Inc. Board.**

F. ANNUAL MEETING AND NOMINATION OF THE TWO NEW MEMBERS OF THE PUBLIC WORKS SERVICES, INC. BOARD:

Mr. Gucciardo stated that Mr. Roosa has advised that the corporate board must have an annual meeting, so this item will serve as both the annual meeting and also the appointment of the new officers.

MOTION: Motion was made by Mr. Van Duzer to adopt the resolution for the appointment of the two new members, welcoming the new members to the Board. Motion was seconded by Mr. Rynearson.

DISCUSSION: Mayor Thomas asked to nominate Vice Mayor Reynolds to be Vice President and Treasurer of this Board. Mr. Reynolds advised that he would accept this nomination. Mr. Van Duzer pointed out that the resolution has the officers listed, and it would be appropriate to first call a vote on the motion as stated.

VOTE: Motion was passed by vote of 4 to 1.

Vice Mayor Reynolds asked for a roll call vote. Councilman Van Duzer: Aye. Councilman Rynearson: Aye. Councilman Massucco: Aye. Vice Mayor Reynolds: No. Mayor Thomas: Yes.

MOTION: Councilman Rynearson made a motion that a late fee be included on water bills; seconded by Mayor Thomas.

DISCUSSION: Vice Mayor Reynolds observed that this is an issue that will affect the entire community and requested to delay voting until it can be advertised for public input. Mr. Rynearson explained that he was asking for it to be placed on a future agenda, observing that only those who do not pay their bills will be affected. After clarification of his intent by Mr. Rynearson, there was agreement for this issue to be placed on a future agenda.

VOTE: Motion was passed by unanimous vote.

Mayor Thomas again wished to propose Vice Mayor Reynolds as Vice President and Treasurer of this Corporation. Mr. Roosa explained that by election as Council members, new members automatically become members of the Board of this Corporation. Assignment of officers were distributed as they were on this resolution because there is very little work done by this Corporation. The Mayor would be the President of the Corporation, and Mr. Roosa also pointed out that this resolution was advertised as the only issue to be addressed at this meeting. Mayor Thomas explained that he felt that as a courtesy the Vice Mayor should be Vice President and Treasurer, and it was explained that this has not been the case in the past. Mr. Rynearson had previously been Treasurer. Mayor Thomas advised that he would then withdraw his request. Vice Mayor Reynolds recalled that titles had been discussed years ago and still would like as a matter of order to be recognized as a Council member and as Vice President. Mr. Roosa advised that the Board can draft this resolution however they choose; however, it would be inappropriate to include such titles as Mayor or Vice Mayor on the corporate resolution.

MOTION: Motion was made by Mr. Thomas to adjourn the Public Works Committee; seconded by _____.

VOTE: Motion to adjourn was passed by unanimous vote.

**** The Council now adjourns as the Town of Fort Myers Beach Public Works Services, Inc. Board and reconvenes as the Town Council.**

CONFIRMATION OF THE TWO NEW MEMBERS OF THE PUBLIC WORKS SERVICES, INC. BOARD:

VIII. COUNCIL MEMBER ITEMS AND REPORTS:

Councilman Don Massucco referred to a member of the public who spoke earlier and who was concerned with removal of the sand from a particular area for renourishment. Mr. Massucco recalled that the speaker was seeking a second opinion on whether the site should be considered. While acknowledging that a second opinion would require new engineering and additional expense, Mr. Massucco expressed concern with the consequences of removing such a volume of sand which has apparently been protecting an area of the Beach. He asked Council for an opinion on this. Councilman Van Duzer suggesting having Mr. Gucciardo research the engineering studies that have been done previously and report. Mr. Gucciardo advised that he can either give a verbal report or a written memo, and it was requested that a memo be provided to Council and to Mr. Gordon. Mr. Gucciardo advised that he has spoken with Mr. Gordon on this subject, and that he had also attended the last Coastal Advisory Council meeting. Mr. Gucciardo added that he will provide the requested memo, and said that the questions raised by Mr. Gordon are valid and important, he believes they have already been asked and answered.

Councilman Van Duzer observed that this was an appropriate question by Councilman Massucco, since he is now on the Coastal Advisory Committee.

He commented on the weekend of the Film Festival, complimenting this cultural event on Fort Myers Beach and those who worked on the event. He said he was overwhelmed with the entertainment at the gala and also mentioned the Relay for Life for the American Cancer Society, in which he is active. The Relay for Life was very successful in that their goal was to raise \$35,000.00 and over \$40,000.00 was raised. The Chairman of the event advised that they will check the dates more carefully next year.

Vice Mayor Reynolds reported attending a meeting of the Chamber of Southwest Florida at which there was a panel discussion of the Airport and University Corridor and gave a summary of some of the highlights discussed at this meeting.

He also mentioned the Film Festival and applauded those who worked on it.

Mayor Bill Thomas agreed that the Film Festival was a success.

He requested that a workshop or retreat be scheduled before Summer break to give the new Council the opportunity to exchange ideas.

IX. TOWN MANAGER'S ITEMS – YEARLY CONTRIBUTION TO THE MPO FOR 2004-05 FOR \$849.00:

Ms. Segal-George presented the request from MPO to pass a motion to support paying \$849.00 to join the MOP for 2004-05 year, pointing out that although the budget has not yet been prepared, the Town funds this group each year.

MOTION: Motion was made by Councilman Van Duzer and seconded by Councilman Rynearson to approve the item.

VOTE: Motion was passed by unanimous vote.

Ms. Segal-George advised that Council meetings will be re-broadcast on Wednesdays at 1:00 P.M. and will possibly also be advertised, in addition to the live broadcasts.

X. TOWN ATTORNEY'S ITEMS: None.

XI. PUBLIC COMMENT:

Jane Plummer of 340 Fairweather came forward and addressed the subject of the Anchorage Committee. As a resident on the Back Bay, she suggested that a Code of Conduct be required of the boaters using the Harborage. She described having to fence her property, stating that her quality of life has changed, and citing problems with dogs and trespassers. With respect to insurance, she has witnessed boats cutting across the Bay and coming close to her dock, which is not insured. She expressed concern that a transient boat could cut a mooring line and cause another boat to drift into private docks.

Edwin Kennedy, a charter boat captain on the Beach, came forward and advised that he lives on his boat in the Back Bay. He said he moved here in order to qualify as a residency last Summer, and prior to that had been at a rental dock for 4 years. He said he has liability insurance for charter boat purposes and was interested in hearing about the anchorage proposal, expressing a conflict of interest because Salty Sam's is being requested to provide shower privileges, while there is a public pool that has not run at a profit since its beginning. He said he pays \$50.00 per year for the shower, and has observed that there are numerous showers that are never in use, asking whether this had ever been considered as an alternative.

He also commented on easements from the paved parking areas to the Gulf and asked who has jurisdiction over the Bay side that originally gave egress to boat ramps, having observed public employees mowing the areas. He suggested some measures to provide easements for boaters to avoid trespassing on private property. He emphasized the need for dinghy dockage and public dockage.

XII. ADJOURNMENT: Meeting was adjourned at 9:00 P.M.

Respectfully submitted,

Patricia L. Middlekauff
Transcribing Secretary