

**FORT MYERS BEACH
TOWN COUNCIL MEETING
MAY 17, 2004
Town Hall-Council Chambers
2523 Estero Boulevard
FORT MYERS BEACH, FLORIDA**

I. CALL TO ORDER: The regular meeting of the Fort Myers Beach Town Council was called to order on Monday, May 17, 2004 at 6:30 P.M. by Mayor Bill Thomas.

Members present at the meeting: Mayor Bill Thomas, Vice Mayor Garr Reynolds, Councilman Howard Ryneerson, Councilman Don Massucco, 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, Director of Public Services Matt Feeney, Deputy Town Manager John Gucciardo

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

III. INVOCATION BY REV. NADINE COTTON, NEW CHURCH OF SW FLORIDA

IV. PUBLIC COMMENT:

Dolores Yost, a Fort Myers Beach resident, came forward and complimented the management of the Mound House, making reference to archaeological projects and tours and other efforts by Corbett Torrence and Theresa Schober. She advised that the property is used by the public.

Bob Gaydos of 6021 Gulf Rd. came forward and solicited donors for the blood drive on Wednesday, May 26th at Key Estero Shops from 10:00 A.M. to 4:00 P.M. by reading a poem. The bus can accommodate 6 donors per hour. He gave his telephone number, 765-1015 and offered to provide transportation. He also complimented the cleanliness of the bridge and thanked those involved.

Dan Parker came forward and said he also endorsed Mr. Gaydos' blood drive. He referenced rumors circulating about the LPA membership and possible removal for political reasons. He asked that differences be put aside and that the Council ensure that the LPA has knowledgeable, qualified people serving on this group.

Frank Schilling of 6672 Estero Blvd. came forward to express appreciation for the Council workshop held last Friday at the Mayor's request and to the Civic Committee, the Chamber Traffic Committee, and the condo association committee, all of whom put in a lot of hard work. He pointed out that there was consensus on many items that are quickly actionable. He said he believes the meeting will be repeated on TV on Wednesday and asked that everyone view it. He thanked Council for setting it up, Town Hall Staff for the administrative details, and expressed the hope that things will move forward on a positive note.

Mr. Gaydos distributed brochures at this time.

V. CONSENT AGENDA:

Mayor Thomas requested withdrawal of Item B. Mr. Van Duzer requested withdrawal of the minutes of May 3, 2004, Item A. There was a motion to approve the balance of the Consent Agenda, transcriber heard no second, nor was any vote taken on the motion.

A. APPROVAL OF MINUTES, MAY 3, 2004:

Mayor Thomas called attention to a correction in the minutes of April 19th: the motion to nominate Garr Reynolds for Vice Mayor was made by Don Massucco and seconded by Garr Reynolds. Mr. Van Duzer advised that this was his correction also. Vice Mayor Reynolds also asked for a correction on Page 4, which reads "Vice Mayor Reynolds expressed agreement ..." and which should read "Mr. Reynolds stated that he was inclined to agree." He also had another correction near the middle of the same page, "\$95,000.00 occupancy" should read "\$95,000.00 deficit."

MOTION: Councilman Van Duzer moved approval of the minutes with corrections. There was a second by Mayor Thomas.

VOTE: Motion was approved by unanimous vote.

B. PROCLAMATION OF NATIONAL SAFE BOATING WEEK PRESENTED TO SAN CARLOS BAY SAIL & POWER SQUADRON:

Mayor Thomas read the proclamation, Item B, National Safe Boating Week. Mr. Cowan came forward to accept the proclamation and thanked the Council for doing so. He made reference to a recent vote fire and emphasized that the fire chief recommends checking battery chargers every 2 weeks.

C. RENEWAL OF CONTRACT OF MOUND HOUSE DIRECTORS:

Vice Mayor Reynolds explained that this is an increase in expenditure approvals from \$5,000.00 to \$25,000.00 on the Mound House and he expressed the opinion that \$5,000.00 is sufficient. Councilman Rynearson called attention to the fact that the \$25,000.00 expenditure had been approved a long time ago, and that this item concerned approval of a contract for the Mound House Directors. Regarding the salaries of the 2 archaeologists, Mr. Reynolds observed that the amount was being increased from \$45,000.00 to \$48,000.00. He expressed concern with whether they are needed full time during the summer, citing the proposed increase from 30 to 40 hours per week. Councilman Van Duzer requested clarification of the number of hours worked at present. Theresa Schober came forward and explained that the contract value was set at \$25.00 per hour, which is the rate paid by the University M.A. level employees, and a full time annual salary at that rate is \$48,000.00. This was the salary that was approved last year. Because there were other projects going on in the area, they had requested to work only 30 hours per week for the months of June, July and August in the Summertime. The remaining months would be 40-hour weeks. The \$3,000.00 difference is the result. Last year they found May and June to be two of the busiest months. Most of the annual reports, as well as some major grants, are due in May. The budget is prepared in June for the following year. Although they requested the reduction in hours last year, she and Mr. Torrence found the result not to be advantageous in terms of what needed to be done. Mr. Massucco noted that a substantial amount of volunteer help is being received, asking whether in view of this volunteer help there is really a need to increase to a 40-hour week. Ms. Schober replied that volunteers cannot work unsupervised on the structure. She explained

that running a volunteer program includes recruiting, coordinating and preparing projects and supervising volunteers, pointing out that at other facilities such as Corkscrew Swamp Sanctuary, Volunteer Coordinator is a full time position. She called attention to the fact that there are 5 or 6 major grants in process at the present time, and many ongoing projects. Mr. Massucco complimented Ms. Schober on the job she is doing, and Mr. Reynolds also complimented her on the amount of volunteerism, asking the source of the Mound House volunteers, which Ms. Schober explained. She anticipates having as many as 120 volunteers to report this time next year.

MOTION: Motion was made by Councilman Van Duzer to award an annual contract to the principals, Ms. Schober and Mr. Torrence for \$48,000.00. Motion was seconded by Councilman Rynearson.

VOTE: Motion was approved by unanimous vote.

D. RENEWAL OF PROFESSIONAL SERVICES AGREEMENT FOR BILL SPIKOWSKI:

Vice Mayor Reynolds expressed the opinion that he had no problem with the increase from \$85,000.00 to \$105,000.00 in view of the number of years Mr. Spikowski has been working with the town. He questioned the need for so much of his services, expressing the thought that if the Comp Plan and the LDC were administered correctly there would be no need for frequent changes. He expressed concern with approval of projects that are beyond the Comp Plan, requiring amendments to the Plan. Town Manager Marsha Segal-George advised that the Comp Plan is not being re-written; after so many years there is a State-mandated review of the Comp Plan, which is being done. Mr. Spikowski will be involved in that. Likewise, she explained that the Land Development Code is not being re-written, but a "Glitch Ordinance" is being prepared to address problems that have been experienced over the last 2 years with the new Code, and Mr. Spikowski will be working on that as well. Ms. Segal-George advised that she is not aware of any instance in which the Town has not followed the Comprehensive Plan, or the Council has taken any action in violation of the Comp Plan. Mr. Reynolds clarified with Ms. Segal-George that he looks forward to a time in the future when the Comp Plan will be followed a little more closely and it will not be necessary to make so many changes. Mr. Van Duzer challenged Mr. Reynolds' comment that the Comp Plan has not been followed. He disagreed and challenged anyone on the Council or any citizen of the Town to come up with an instance in which the Comp Plan or the LDC was not followed. Mr. Reynolds advised that he could provide specific instances at another time.

MOTION: Motion was made by Councilman Rynearson and seconded by Councilman Van Duzer to approve Consent Agenda Item D.

VOTE: Motion was carried by unanimous vote.

VI. ADMINISTRATIVE AGENDA:

A. PUBLIC HEARINGS OF:

- 1. Adoption of Official Zoning Map – Resolution 04-16:**
- 2. Adoption of Historic Zoning Map – Resolution 04-17:**

Bill Spikowski came forward and explained that these two resolutions are Public Hearings for the purpose of approving zoning maps, recalling that upon adoption of Chapter 34 of the LDC approximately a year ago, it contained a map called the Interim Zoning Map.

Because of its small size and time constraint this map did not include all of the variances and special exceptions and details that had been adopted through the years. The purpose of the Public Hearing tonight is to adopt the official zoning map, which is otherwise identical to the Interim Zoning Map with the addition of 2 decisions made by Council at Public Hearings during the past year. He further explained that many approvals granted at Fort Myers Beach have become obsolete through the years due to changes in rules or expiration of approvals, and these have been deleted from the Official Zoning Map. The Historic Zoning Map is an archival record of every official action at Fort Myers Beach since 1962, even the ones that he is quite certain are obsolete. This will provide an important record for future reference. These maps will be available in several formats and will also be integrated into the County system and will be available on computer for use by County Staff and engineers. He pointed out that if adopted, the date of action will have to be corrected from May 10th to May 17th, and he also referenced questions that arose at the LPA hearing concerning why some of the parcels do not have key numbers, which he has clarified by a memo of May 5th adding a sentence.

Mr. Reynolds clarified with Mr. Spikoswki the purpose of the Historic Zoning Map versus the Official Zoning Map, noting that there were numerous changes, which Mr. Spikowski explained resulted from adoption of Chapter 34. Mr. Reynolds expressed the desire for a key to reference the abbreviations, and Mr. Spikowski agreed that this could be included. Dan Folke added in reply to a question by Mr. Massucco that the referenced page was in Chapter 34, Divison 4, Conventional Zoning District, beginning on Page 65 of 169. The abbreviation and definition are included at this location. Mr. Reynolds also questioned whether the cases being introduced at this meeting were included in these maps, and Mr. Spikowski explained that those were cases where people came a year ago when the Interim Zoning Map was adopted, and wanted something different that was not consistent with the Comp Plan, and they were told to file Plan amendment application and if approved, they can pursue that zoning. These are related cases that will be heard at the same meeting.

Mayor Thomas opened the meeting for Public Comment at this time. There being none, Public Comment was closed.

MOTION: Councilman Van Duzer made a motion to adopt the Official Zoning Map and the Historic Zoning Map as presented, and to include the key code designation on those documents as requested by Vice Mayor Reynolds, including the date change. Motion was seconded by Councilman Massucco.

VOTE: Motion was approved by unanimous vote.

B. INTRODUCTION AND SETTING HEARING DATES FOR PROPOSED SMALL SCALE COMPREHENSIVE PLAN AMENDMENT TO THE FORT MYERS BEACH FUTURE LAND USE MAP AS DESCRIBED BELOW:

- From Mixed Residential to Recreation at 216 Connecticut St., 4600 Estero Blvd., 4610 Estero Blvd. and 4650 Estero Blvd.
- From Low Density to Boulevard 111 Bahia Via Dr.
- From Mixed Residential to Pedestrian Commercial:
821 Estero Blvd., 831 Estero Blvd., 819 Lagoon St., 823 Lagoon St., 831 Lagoon St., 839/841 Lagoon St., 843 Lagoon St., 846/848 Lagoon St., 849 Lagoon St., 850 Lagoon St., 855 Lagoon St., and 859 Lagoon St.
- From Recreation to Pedestrian Commercial, 815 Estero Blvd.

Mayor Thomas read these proposed ordinances and cases. It was verified with Mr.

Roosa that the reading of one ordinance was sufficient. The dates for first Public Hearings will be June 7th at 6:30 P.M., and the second Public Hearing will be June 21st at 6:30 P.M.

Vice Mayor Reynolds verified that none of these changes exist at the present time.

C. COUNCIL APPOINTMENT OF LPA MEMBERS (3 VACANCIES):

Mayor Thomas explained that there are 3 vacancies on the LPA, and there are 9 very qualified applicants. He also pointed out that the LPA has a meeting tomorrow, and if there are new members chosen, there was concern whether new people should be required to begin serving immediately, or whether wait until June 1st. This will be discussed when members are chosen. Mayor Thomas distributed a ballot on which each Council member was requested to enter 3 names and their signature.

The Town Manager and Town Attorney were requested to tally the votes.

Ms. Segal-George announced that the 3 new members of the LPA are Jane Plummer, William McCarthy, and Robert Simon. Mayor Thomas issued congratulations to the new appointees.

There was open discussion among the Council members about the issue of when the new members would take office. It was pointed out that one of the individuals had served previously on the LPA. Mr. Massucco recalled that a focus of his campaign was change, and while complimenting the work of Roxie Smith and Nancy Mulholland, he expressed a desire for a change of thinking on the LPA. He wished the new members well. Mr. Reynolds expressed preference for the new members to begin their duties tomorrow. Mr. Rynearson said he had no problem with their taking office tomorrow, but pointed out that there is a heavy load on Staff for tomorrow's meeting. He suggested having them take their seats, but allow the present members to vote at this meeting. Ms. Segal-George called attention to the fact that none of the new individuals would have any familiarity with the 3 land use cases or the 2 Public Hearing that are on the agenda for tomorrow. Mr. Van Duzer recommended that in the interest of continuity and harmony the present LPA members serve until June 1st, with the new members taking over at that time. He further suggested that the new members attend tomorrow's meeting as observers, so that the LPA can carry on with the workload that it has.

MOTION: Councilman Van Duzer made a motion that the newly elected members of the LPA take office June 1st, 2004 and that the LPA meeting tomorrow be handled by the present LPA and the outgoing members. Motion was seconded by Councilman Rynearson, who also pointed out that the new members would not even have sufficient time to read over the required volume of materials.

DISCUSSION: Vice Mayor Reynolds clarified that tomorrow's meeting is the last one prior to June 1st. Mr. Massucco commented that he had read the resumes of each applicant, and expressed the opinion that they are qualified to listen to Staff reports and other testimony and be sufficiently functional. He stated that he would prefer to have them seated tomorrow. Mayor Thomas agreed. Vice Mayor Reynolds also expressed preference to have the new members seated tomorrow.

VOTE: Mr. Reynolds made a request to have the motion restated. In order to clarify the motion, Mayor Thomas announced "that we will have a vote and it will be clear to everybody: "All those in favor of seating the new members on the first say 'aye'." Councilman Rynearson and Councilman Van Duzer voted in favor. Opposed: Councilman Massucco, Vice Mayor Reynolds, and Mayor Thomas. Motion was defeated by a vote of 3 to 2.

D. ESTERO BLVD. IMPROVEMENT:

MOTION: The item was moved by Councilman Van Duzer and seconded by Councilman Rynearson.

DISCUSSION: Vice Mayor Reynolds recalled discussion about sending a letter and cautioned against agreeing to pay too much too soon.

VOTE: Motion was carried by unanimous vote.

E. REQUEST FOR RED TIDE & RED ALGAE STUDY – FUNDING OF \$2,666.66:

MOTION: The item was moved by Councilman Rynearson and seconded by Vice Mayor Reynolds.

VOTE: Motion was passed by unanimous vote.

F. HARBOR BID RECOMMENDATIONS:

MOTION: The item was moved by Councilman Rynearson to award a contract to American Underwater Contractors at \$136,806.00 as low bidder; seconded by Councilman Van Duzer.

DISCUSSION: Councilman Massucco questioned an optional bid item on Page B5 of each of the 3 proposals concerning a mooring pendant float, for a total of \$1,365.00 and asked whether this item is included in the bid amount or additional. Director of Public Services Matt Feeney advised that this amount is included in the figure stated in the motion.

Vice Mayor Reynolds observed that these were 3 good bids and thanked Mr. Feeney for his effort on this project.

VOTE: Motion was approved by unanimous vote.

VII. COUNCIL MEMBER ITEMS AND REPORTS:

Councilman Don Massucco reported attending a meeting of the Friends of Matanzas Pass with Councilman Van Duzer. He observed that he has never seen such a dedicated group of people, and that it was a good experience. He advised that they are planning an extensive planting program at a cost of over \$14,000.00 and are soliciting workers to assist the volunteers with the planning. Mr. Massucco asked Ms. Segal-George whether the Town maintenance personnel could be assigned to this project for a day or two. Ms. Segal-George pointed out that this is a County facility, and there are County maintenance crews at Bay Oaks. She explained that this is an issue of jurisdiction, and that the request should be addressed to the County, stressing that the Town would be happy to assist if the County requests. Mr. Van Duzer added that the County staff are aware of the situation, and have provided help in the past, stressing that more volunteers are always needed. Ms. Segal-George pointed out that TDC dollars are also used for this purpose, and if Bay Oaks Staff asks for help it will be given.

Vice Mayor Garr Reynolds mentioned that there was a Traffic Mitigation Study meeting Friday evening with 3 different groups each giving a summary of their thoughts on the study. He advised that there were many good ideas, 2 of which he considered outstanding and one beyond imagination but realistic. He stressed the need to move forward on this effort and suggested putting Traffic Mitigation on the agenda for the first Council meeting in June (Ms. Segal-George advised that the Mayor has already requested this,) and also that an independent traffic mitigation committee be formed, with a Staff member appointed by Ms. Segal-George to be responsible for all traffic mitigation improvements. The subject was opened for general discussion by the Council. Mr. Van Duzer apologized for his absence Friday evening due to a prior commitment, and expressed the opinion that Mr. Reynolds' suggestion would require hiring a Staff person with traffic engineering knowledge and expertise. Mr. Reynolds disagreed, saying that there is no need for a full time individual, and that there are sufficient people with such knowledge in the community. He added that as a result of this meeting there is a plan with a great deal of promise that will cost practically nothing. Mayor Thomas observed that this subject is set for action on June 7th and expressed the opinion that it should not be discussed at length at tonight's meeting. He added that the meeting was very successful, explaining how the date was determined despite the fact that some Council members were unable to attend due to prior commitments. Mr. Massucco agreed that there was no need for an additional Staff person. Councilman Rynearson expressed preference for having the subject placed on the June 7th agenda for discussion as appropriate.

Councilman Bill Van Duzer said that he intended to view the tape of Friday's meeting.

He offered his thanks to Roxie Smith and Nancy Mulholland for the years of service they have given the Town and their service on the LPA.

He suggested that additional meetings be discussed at a Council meeting, expressing disappointment that he was unable to attend Friday's traffic meeting because of a family commitment. He felt that it was not properly announced to Council members, observing that he heard several unofficial dates during the week.

VIII. TOWN MANAGER'S ITEMS: Deputy Town Manager John Gucciardo advised that each year about this time a test is run on the Emergency Notification System, and this is National Hurricane Awareness Week, so in coordination with that the test has been arranged for this Thursday. It will be somewhat different this year, in that the Fire Department will run the test under the control of Deputy Chief Ed Moran. Members were advised to expect a call from the automated system Thursday afternoon, with the recall going out some time around 6:30 P.M. He asked that those called speak with their neighbors and verify that they have also received the call, and if not, advise the Fire District so their phone number can be added to the database.

IX. TOWN ATTORNEY'S ITEMS: None.

X. PUBLIC COMMENT: None.

XI. ADJOURNMENT: Meeting was adjourned at 7:50 P.M.

Respectfully submitted,

Patricia L. Middlekauff
Transcribing Secretary