FORT MYERS BEACH
TOWN COUNCIL MEETING
JANUARY 13, 2003
REGULAR MEETING
Town Hall - Council Chambers
2523 Estero Boulevard
FORT MYERS BEACH, FLORIDA

I. CALL TO ORDER

The Regular Meeting of January 13, 2003 was opened by Mayor Daniel Hughes on Monday, January 13, 2003, at 3:00 p.m..

Council members present at the meeting: Mayor Daniel Hughes, Vice Mayor Terry Cain, Howard Rynearson - Council member, Bill Van Duzer - Council member and Bill Thomas - Council member.

Excused absence from meeting: None.

Staff present at meeting: Town Manager Marsha Segal-George, Deputy Town Manager John Gucciardo, Damon Grant, Attorney Dick Roosa, Dan Folke and Bill Spikowski.

II. PLEDGE OF ALLEGIANCE

All assembled and recited the Pledge of Allegiance.

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

The invocation was given by Deacon Scoop Kiesel.

IV. PRESENTATION BY BONITA SPRINGS COUNCIL ROBERT WAGNER REGARDING PUBLIC PARK ON BLACK ISLAND

COUNCILMAN ROBERT WAGNER: Thank you Mr. Mayor and Councilman. I feel a little strange being on this side of the podium. I am usually on the other side. Sometimes at the City of Bonita Springs we do not have friendly smiling faces like we do here. Hopefully, the smiles will continue after today's meeting. The reason I am here is to inform you of what is going on south of here. For the past two years I have tried to develop a family park for the citizens of Bonita Springs and the citizens of Fort Myers Beach. This program has all the earmarks of success and is being funded with $100,000.00 from the State of Florida, $300,000.00 from the TDC and the rest is being made up by private donations as well as the City of Bonita Springs. This morning I have secured a site plan for each one of you. The park is located just north of Little Carlos Pass Bridge. As you know, FGCU has tried to get their hands on this piece of property for a long time. With the support of Council of the City of Bonita Springs and Council of the Fort Myers Beach we have rejected that, because we do not want structure. We do not need dormitories, fisheries and so forth and boat docks along with any type of commercialism on that barrier island. What we are going to do is make that into a one half million dollar family park that will be available to our kids, our families so they can enjoy it and go down there to have an afternoon comprised of free areas that you can have grills, shelter houses, restroom facility, shower facilities, drinking fountains, water to every shelter house, volleyball courts, baseball field and it will all be paved. The parking will be with brick pavers. What we are trying to do now is complete this project and you will probably see dirt being moved very shortly. What delayed this a little bit is that our friends at the County (Lee County, of course) were amiss and forgot to correspond to their own department, The Department of Transportation. We are required to have a right turn and left turn lane going into that park. Based on the information we have this park will be well used. As you can see by the site plan a reserved site, so if we want to expand we can. What happens to Fort Myers Beach as far as your participation and this is the other reason I am here. In that the City of Bonita Springs donated $40,000.00 to this project. It is important to our citizens that we have a family park. I think it should be important to the City of Fort Myers Beach as well. Other funding has come from Bonita Bay, WCI and several private contributors. To make up the difference we need $40,000.00 and as you see by the site plan one of the shelter houses has been set aside for the City of Fort Myers Beach should you decide to have a donation toward that particular shelter house. The way the City of Bonita Springs is going to handle it is that the money never leaves the city's hands. In other words, our $40,000.00 is encumbered and is in a fund. We

manage that fund the $40,000.00 fund. When we get an invoice and that particular fund is earmarked for the right turn lane. The private funds are earmarked for playground equipment. The playground equipment will be state of the art. You will have no swings, no sliding boards, it will be challenging. We will have two lots. A tot lot, one for the small children with specially designed equipment for them and we will have another playground adjacent to that, that will be engineered for the children ages 5 to 12. Benches, lots of landscaping for shade for the children as well as the adults. There will be benches all over the place, so they can monitor the children. Basically, this is my story. I know you are restricted for time so I have cut my comments short. I think it is important the City of Fort Myers Beach participate in that. I think you would want too. It is a worthwhile cause. It will be here for a long time and I think it will benefit all the citizens and their families of Fort Myers Beach. Thank you for listening to me. Do you have any questions?
COUNCIL MEMBER BILL THOMAS: I am looking at the site plans and I see a toll ticket arm going into the park. Do you plan on having a toll to go in there? Are there going to be passes for residents or does everybody pay and what would they pay?

COUNCILMAN ROBERT WAGNER: Bill, the state is going to run that. We have not really decided if this will be voluntary or not, but we wanted this to be in the cost estimate of our site plan. Most of the state parks at Lovers Key have a one set low fee. If a fee is charged, and I have discussed this with Paul Rice who is the operations manager of Lovers Key, if there is a fee to this project that will also entitle them to go to Lovers Key. The decision has not been made whether this will be on voluntary basis. You drive in and donations with a little machine will be the case or not, but we did that mainly because we wanted to get everything, the site plan approved for permitting purposes and so forth also for cost purposes that our contractor has to run electric to this particular area. Any other questions?

MAYOR DANIEL HUGHES: This would be a state park then?

COUNCILMAN ROBERT WAGNER: Yes, it would. The state will operate it and maintain it.

MAYOR DANIEL HUGHES: Are these plans, these have been approved by all the appropriate regulatory....?

COUNCILMAN ROBERT WAGNER: Yes, they have including Lee County DOT. We are now ready to start digging and turn some dirt. We are in the final stages. This has been a two-year project of mine. The City of Bonita Springs has strongly endorsed this product, because we really need a family park. The other reason, as you well know, is that we do not want any structure there. Cause if we do not do this I can almost assure you we will open the door again for FGCU to try again, because they want on this island and they want on that island very badly.

MAYOR DANIEL HUGHES: As you know, the Town Council of the Fort Myers Beach shares the position of the City Council of Bonita Springs on this issue. We also oppose this and hopefully this has been put to rest at least momentarily and this park may permanently do this. Are there any other questions of Councilman Wagner?

COUNCIL MEMBER BILL VAN DUZER: He answered my question. I wanted to know what the time frame was to do this project. You say you are ready to break ground. One other question out of curiosity, you picked this particular island rather than the next one south or the ones closer to Bonita Beach?

COUNCILMAN ROBERT WAGNER: It is closer to Fort Myers Beach but this is not why we picked it Bill. Mainly because there is some development already on the south part of that island. There is a canoe area and so forth. There is canoe boat storage and I think there is a refreshment stand down there. We want this whole island meaning the island north of Little Carlos Pass bridge. We want this whole island for a family park and as you see by the site plan we are using only half of it. If this is as popular as we feel it is going to be, we are looking a little further than our nose for development, then we can use the other half of the island to expand it further for more recreation. But again, I hope you feel the same way that the City of Bonita Springs feels. We do not want structure on those barrier islands under any circumstances. Having a family park will take away this threat.

MAYOR DANIEL HUGHES: Marsha, we have already adopted our budget for the current year and this item is not in there. How would you suggest we deal with looking into this matter further?

TOWN MANAGER SEGAL-GEORGE: It would depend on what the Council's wishes would be. I am sorry, I was moving around during Councilman Wagner's presentation. Did you offer an amount of money you were asking for contribution with?

COUNCILMAN ROBERT WAGNER: Yes, my first reason for being here was to inform City Council of what is going on south of Fort Myers Beach. The second reason was that I think Fort Myers Beach should have a say so in this particular project and only because the City of Bonita Springs has donated $40,000.00 the $40,000.00 is being held in our hands, so we can monitor and dedicate where this money will go. In your case on the site plan this is just an idea and it does not need to be a shelter house, but the shelter house which is designated on the site plan is $40,000.00. I have talked to the contractor and he says they do not need to go to this shelter house they can go to other shelter houses, and if you do not want to do a shelter you can contribute more to the playground or landscaping or whatever it is. I think it is important for Fort Myers Beach to have a say so in this.

TOWN MANAGER SEGAL-GEORGE: I have another retreat scheduled in February and this is something that can be talked about if the Council would like to do this about contributing to the park.

COUNCIL MEMBER BILL VAN DUZER: I would recommend that we put together a committee of staff with one Council member to review this and be able to report at the upcoming retreat the findings they come up with.

TOWN MANAGER SEGAL-GEORGE: OK, we can do that, if that is what you all would like.

COUNCIL MEMBER HOWARD RYNEARSON: Is this park going to be self supporting? Is there going to be plenty of restrooms, plenty of places for people to go and by their snacks and things?

COUNCILMAN ROBERT WAGNER: Buy their snacks, No. There will not be restaurant there. There will be no food. There will be plain water drinking fountains and showers so forth for people who go there. Each shelter house will have its own grill, its own water supply. We are looking at even putting electric into each one of the shelter houses you see on your site plan. The entire operation will be maintained by the State of Florida. We will never have to contribute a dime toward the operation and maintenance of this particular project. We may, five or ten years from now or maybe even two have to say this is just a success, we need to develop the north part of the area too. We may do some more playground equipment, more shelter houses and so forth.

COUNCIL MEMBER HOWARD RYNEARSON: My question is not that it won't support itself financially, but is it going to support itself as far as the people staying there? I have a concern of people wandering off onto Fort Myers Beach to buy snacks, beer, etc. We have enough traffic. We do not need more.

COUNCILMAN ROBERT WAGNER: Absolutely, there is no question. We do too. Hickory Blvd. is almost as crowded and in fact I have to say that I misjudged my time and I just go in under the wire. I thought I would be here fifteen minutes early. We are in the same situation. Will it generate more traffic? I do not know. I can't answer that Howard I just don't know. We are looking for parking as well. Offsite parking on both sides of Hickory Blvd. for the simple reason we want to reduce traffic and we have done a study. The more parking you have the less traffic you will have. You have people going up and down and you have the same thing, I have seen it. They go all the way down and all the way back and if those accesses are full they keep going back, which is sort of like shopping at Publix. You keep going around and around until you see a shopping cart go out. Same situation here. You have traffic going up and down Estero Blvd. and we have traffic on Hickory Blvd. same way. If you give them a parking area they will pull in there and get them off of the street. That maybe what is happening with this park, because these people have no place to go, no place for an afternoon to take their family, have a nice cookout and enjoy the facilities there and a really state of the art playground.

MAYOR DANIEL HUGHES: Council member Van Duzer was that a motion?

COUNCIL MEMBER BILL VAN DUZER: I am just making a recommendation to the Mayor that maybe he appoint some staff and a council member to work with them to move forward with some ideas on this. I would serve on this committee. I will volunteer if I can have staff with Mr. Gucciardo.

MAYOR DANIEL HUGHES: They want an answer on this quickly. If we can have a recommendation, something to us in February?

TOWN MANAGER SEGAL-GEORGE: Yes, we can do that. We can have something back by either the scheduled meeting in February or the retreat scheduled in February. We can get this to you in one of those avenues and we can contact Councilman Wagner in February.

COUNCILMAN ROBERT WAGNER: That will be fine.

MAYOR DANIEL HUGHES: Can we find a little space to put a sign "Welcome to Fort Myers Beach" back up?

COUNCILMAN ROBERT WAGNER: I was afraid of that. That was not our doing. I have to blame Mr. Petruccelli for that. If you are in the audience Petro take the wrap. That was not our doing at all. We felt that the boundaries were (?). Our signs should not have been that far north and yours should not have been that far south. We even suggested to Petro that we have a sign, a double-faced sign, that says "You are now leaving Bonita Springs and entering Fort Myers Beach," but for some reason this did not fly. So then we said OK we will put up our own sign. No offense was meant at all.

MAYOR DANIEL HUGHES: We will have a little discussion with Mr. Petruccelli along those lines and see what we can work out.

COUNCILMAN ROBERT WAGNER: Thank you again Council for hearing me.

MAYOR DANIEL HUGHES: Thank you Bob for coming over and thank you for your two years of effort to date on this matter.

COUNCILMAN ROBERT WAGNER: Pleasure is all mine.

V. PUBLIC COMMENT

Mayor Hughes began by commenting on a letter, which he felt went to every property owner within the Town of Fort Myers Beach. He feels the person responsible for this letter was terribly irresponsible. This person did not properly describe the issue due to be heard by the Council, which has not formally come before the Town Council. This letter was sent to condominiums owners who are not affected by the proposal by the LPA. Half of the responses he has received are from those and he must explain this has no relevance to them. He would like this person to get their facts correct. A letter was in the Sandpaper announcing to be present for the Public Hearing. Today is not the Public Hearing, but only the introduction. He indicated that the Town Council would be willing to take their comments today. It would be more beneficial to speak at the time of the Public Hearing. No applause or booing is allowed. Please adhere to the three minute time limit.

Jim Barstow from 21690 Madera Rd., came forward. He thanked the Mayor and Bill Van Duzer for acknowledging his letter mailed on October 10, 2002. He hopes all council members take into account his comments. He and his wife have rented their home on Madera for seven trouble-free years. 98% of their guests are British. His home is rented all through the coming summer. This is a time when the local economy needs a boost. There are 89 properties that short term rent in this proposed quiet area of approximately 900 properties. This is just one square mile. It is proposed to put deed restrictions on all 900 properties. He found this unreasonable and thanked the Town Council for listening.

Jane Plummer from 340 Fairweather Lane, came forward. She thanked the private property owners who took their time and spent their money to try and inform the people what is going on, on this island by the letter. Whether you are in a condominium or a multi-family home these people are affected by

Chapter 34 and their property rights are effected. She is a big component of private property rights and would hate to see any more private property rights taken away from this island. She thought it was great so many Town Council members wanted to fight for the property rights of those in the back bay. These people do not pay taxes and she feels the Town Council should think about those who do pay taxes. Many people came to the island as weekly rentals and also voted for the Council. Please think about the rights being taken away, how it will affect the big picture of the island and also how many businesses will be affected. She also feels there should be no further restrictions on building.

Edwina Foster, 2440 Cottage Ave., came forward. Discussed the homeless and thanked the Council for allowing John and the Sheriff to work with her. She is unsure if any progress is being made. She has contacted the Kiwanis to ask them to please remove their benches from Mango and Chappel Street where the homeless seem to stay. She also spoke on short term rentals. On either side of her home she has rentals. She has no objection to rentals, but commented that those who monitor the rentals do not check on them once the renters have checked in. She would like to see some monitoring.

Angie Parker, Chairman FMB Chamber, 14012 Shimmering Lake Court, Fort Myers, came forward. She provided a statement from their legislative policies and procedures. She expressed that this is on behalf of the 600 members of the Chamber. The Greater FMB Chamber supports the rental of private homes. Any recommended increase in the minimum time will adversely affect private property rights and the economy of Fort Myers Beach.

Kevin Mulhearn, 2450 Estero Blvd., came forward. He does not live on the island, but does own several properties and operates two businesses. He feels this is an issue of private property rights. He and his wife have bought several properties with the anticipation of renting them. If this option had not been available, they would not have purchased the properties. This matter should be handled immediately. This could have a huge impact on the community. This issue pertains to code enforcement and law enforcement. Short term rentals are a huge impact on this community. He has been to Key West and seen the economic devastation. He prefers to not have higher taxes because of a loss from the northern visitors.

Christian Loffreno, 2100 Estero Blvd., came forward. He owns a rental home at 3107 Estero Blvd.. He is present today because he feels their property rights are being taken away. He has lived on Fort Myers Beach for the past 25 years. Many families stay in single family homes for less than a month. These people will not be able to come to the island, if the regulations are passed. Most tenants pay over $1000.00 per week and are not undesirable tenants. Any problems encountered should be handled by the local law enforcement or the Town's code enforcement. Perhaps, a fine system and a code of conduct for landlords/tenants can be introduced and enforced.

Steve Goodbread, 17660 Broadway Ave., came forward. He purchased the drug house and has cleaned it up to be a seasonable rental. If weekly rentals are taken away there will be more undesirables. Himself and others must rent these out to help pay for the property. More traffic and less desirable people will be present. He has never had a complaint. A handful of people have the complaints and these people should be addressed.

Kathi Olsen, 370 Bayland Road, came forward. She and her husband were short term rentals prior to being residents. She does believe that the Town was negligent by not notifying each resident by registered mail about the major revisions to the zoning codes. Many residents are not year round and do not have access to the local papers. Short term renters in their area of the beach are mostly professional people and families who are unable to be away from job commitments for more than a week or two. These temporary neighbors are good neighbors. At the LPA, three-quarters of those who spoke were in favor of keeping short term rentals. Still the LPA voted to abolish short term rentals, but only by one vote. It is the job of the Town Council to lead FMB toward excellence. Please do the right thing, listen and keep short term rentals.

Tom Bernardo, 4742 Santa Del Rae, Fort Myers, came forward. He works on the island. The major issues are constitutional, financial and awareness. He petitioned the Town Council to be sure there is an awareness the Council can have control of. Take the time to do a study.

George Whistler, 21630 Madera Rd., came forward. He feels the Town should have notified all property owners. He is scared property rights will be taken away. Rules should be established toward weekly rentals. He feels he should have the right to rent his property as long as he does not abuse the property rights and rules everyone must live by. Monroe County is devastated. Marathon formed a Town to allow the weekly rentals. He does not want to lose his property rights.

Clark Baugher, 5300 Williams Drive, came forward. He is in favor of the quiet zone. He feels they must enforce the laws on the books and not start new laws. He feels that monitoring should not be difficult.

This is an issue of property rights. Everyone with property on the island will be effected.

Pete Crumpacker, 391 Washington Court, came forward. He has taken this issue very personally. He commented that he sensed irritation by the Mayor for the people calling whom this did not effect.

Mayor Hughes clarified that it was irresponsible to send a letter to those who own property on the island and indicate the following "the rentals of less than a month will not be permitted on our island." He feels it is fine to advise everyone on the island, but the facts should be clear. This does not affect condominiums and it is misleading to inform others this is a ban on the entire island.

Pete asked the Town Council members what they have at stake? Does anyone have rental property? He is for no new laws that will restrict or keep him from pursuing his dreams prior to the Town's incorporation.

Tom Cameron, 200 Curlew Street, came forward. This discussion is referring to single family residential neighborhoods of concern. He explained what a true neighbor is - Try to get this support out of a short term renter. On his street 10 years ago there were no rentals. Now there are five rentals and four homes for sale. The property rights of the permanent residents need to be considered. The Town of Fort Myers Beach is not obligated to guarantee any individual a profit on their investments.

Robert Brand, 7854 Buccaneer Dr., came forward. He is a homeowner and business owner. He came here 15 years ago as a transient. He was an investor for one year in his absence. It appears he will need to sell his home and business and become a transient in another area.

Emma Kolpek, 345 Mango Street, came forward. She is in favor of the ordinance, but does not feel it includes all residential areas. She does not feel this ordinance includes the property that is currently used as short term rentals on Estero Blvd?

Rick McCarthy, 3041 Shell Mound Blvd., came forward. In October last year he purchased the home next door for the sole purpose of renting. His seasonal rentals are for the summer for British owners who would like to come to this island. He owns several properties that are all in the yellow zone. A decision must be made if the island will be a resort for families or closed community.

Darin Smith, 739 Estero Blvd., came forward. He thanked the Council for a thankless job. His main objection is to the build back floor-ratio. To limit this too greatly will likely stop much of the redevelopment of the outdated property currently in great need of redevelopment. He would like Council to reconsider this item.

Ann Alsop, 8102 Lake San Carlos Circle, came forward. She has lived on the island for 15 years and has worked here for more than 30 years. She is opposed to the recommendation being made to Council by the LPA. She feels the Council needs to listen to the entire beach. Option 6 is the only way to go. Her second Option is 3, but please go back to the original script given by the Task Force. Please save their property rights.

Joanne Klare, 17542 Johnstown Court, Fort Myers, came forward. She is present today to read a letter from Sandra O'Brien who is a property owner of 5268, 5276, 5280, 5286, 5300, 6000, 6002 Estero Blvd and 6000, 6002, 6020, 6022, 6030, 6032 Gulf Road and Tween Water Apartments on Fairweather. She commented on the Task Force created and indicated a recommendation was made to monitor and elevate the problem. Why would the Town Council still be proceeding to take away the rights of homeowners to rent their homes weekly? Many of those who purchased here began as weekly rentals. If the proposed changes are implemented the number of homes available for weekly rentals will diminish. Who is the Town Council really working for?

Mayor Hughes commented that the Town Council has not taken away any property rights. This matter has not been acted upon. The Council is listening to the public. No assumptions should be made that the Town Council is favoring or against this matter.

Leslie Corcelli, 290 Ibis, came forward. She asked the Council to justly and fairly occupy the seats upon which they sit. She is a concerned citizen. When she voted for the Council, she placed her confidence in their ability to lead and be responsible for the common good of the Town. She is responsible for bringing tourists to their Town. These tourists bring valuable dollars to the property owners, retailers and restaurants. Any restriction on rentals is discrimination. The rules and regulations in place are there to protect everyone and only need to be enforced. She favors the Task Force Option 6.

Carol Schardt, 21650 Madera Rd., came forward. She does not rent her home. She is opposed to limiting seven day rentals on residential homes on Fort Myers Beach for economic, constitutional and common sense reasons. Limiting seven day rentals will send tourists to other Florida and foreign locations. The economic loss to the island will be staggering, since the LPA recommended a minimum 28 day rental. She read the summary of Article one of the Town Charter, which indicates the promotion of the general

welfare and common good of the community under the US constitution. This will not benefit the restricted property owners, business or the taxpayers of Fort Myers Beach. 80% of the citizens who spoke before the LPA were against limiting seven day rentals.

Kathleen Cameron, 200 Curlew Street, came forward. She discussed how this situation began. The Ohio Volunteer Fire Department and Senior Baseball Team rented on Curlew Street. Nine were in one house and eleven in the other. Both still rent on the beach. They now rent homes on the beach in the Lani Kai area, which is a more appropriate and acceptable location.

Michael Short, 470 Madison Court, came forward. He and his wife bought their home and do not rent. They are only here for six moths and love the look of this quiet beautiful island. He was sad to hear of the problems Tom Cameron and others have experienced on other streets. Residents for substantial periods of time have property rights. A balance must be created on the island. He urges the Council to accept the proposal of the LPA and feels it is a good compromise and fair.

Gertraud Short, 470 Madison Ct., came forward. Feelings have been running very high on this subject. She quoted "One persons freedom ends where it infringes the freedom of the next person." She hopes that the representation of the business interest groups will not be given undo consideration over the opinions of others. She feels the problems begin with weekly rentals when the homes are not actively managed. There is no need for additional weekly rental accommodations. A proliferation would lower the quality of life for long time residents and long term visitors. She urged the Town Council to put a stop to the increase of weekly rentals.

Vernon Latta, 310 Donora Blvd., came forward. He began in the rental business on Fort Myers Beach in 1957. The downtown area was called the village. Fort Myers Beach has grown into a mammoth Town. He is sure the Town Council will use their education wisdom to make the final decision on this problem. He does not believe that anyone should mess with deed rights and try to change them.

Fran Myers, 21461 Widgeon Terrace, came forward. She feels the issue of rentals should be removed from Chapter 34. She feels the people of the island should be concerned with the 25%, two times in 10 years. She felt this to be the most devastating. She hopes the Town Council will look at this very closely. She does not agree with the floor-area-ratio.

Charles Hood has lived and worked on the island for the last five years. He asked for the facts which have lead up to the short term rental issue. Mayor Hughes replied that he should get from the staff the proposed amendments to Chapter 34.

Pam Thomas from 245 Carolina came forward. She explained her street is mainly rentals. They have a new house of three years. They are 19 feet from a weekly rental - 2 bedroom unit. She is not in favor of any changes. To remove rights from the property owners far out numbers a little noise. She is surrounded by short term rentals and no problem exists.

Diane Johns, 269 Driftwood Lane, came forward. She has owned both annual rentals and seasonal (short term) rentals here on the island for years. She has never had a problem with a seasonal (short term) rental. The annual tenants have always been more of a problem. If seasonal rentals are removed what will be next?

Judy Mitchie, 205 Pearl Street, came forward. She has been a resident of this island since 1958. One item to be addressed is that weekly rentals are not occupied by the property owner. An owner must obtain a license, no Homestead exemption is given and property can increase in taxes over night. The remainder of the people live on the island year round with homestead exemption and have a grace of a three percent cap.

Michael Leoni a resident from 218 Virginia Ave. came forward. He has lived here since 1988 and has seen many changes. He lives in Lehigh Acres and has turned his home into a seasonal home. He has a Robb & Stuckey decorator home. He will not take the chance of having an inappropriate weekly rental. He is the best police officer for his home along with Lahaina Realty, which does an excellent job screening people and collecting deposits. An extra government layer is not needed.

Mayor Hughes closed public comment. He indicated that staff has scheduled the public hearing on the Short Term Rental matter for February 3, 2003 at 3:00 p.m.., and March 3, 2003 at 6:30 p.m.. Mayor Hughes commended those present today for being

polite and listening to one another when speaking. Also, for staying within the time limitations.

VI. CONSENT AGENDA

A. Approval of December 9 and December 16, 2002 minutes

B. Renewal of Town Hall Cleaning Contract - USSI

MOTION: Made by Council member Howard Rynearson and seconded by Council member Bill Van Duzer to approve the Consent Agenda.

VOTE: **Motion passes unanimously.**

VII. ADMINISTRATIVE AGENDA

A. Re-appointment of committee members (letters of interest for committee vacancies - MRTF, CELCAB and CRAB)

Mayor Hughes began by indicating there are the same number of people seeking to be reappointed as do exist on the Bay Oaks Advisory Board. Public Safety and Times Square have both nine members and nine people have applied to be reappointed.

MOTION: Made by Council member Howard Rynearson and seconded by Vice Mayor Terry Cain to reappoint the members of the Bay Oaks Advisory Board, Public Safety Task Force and Times Square Advisory Board who have provided letters expressing a desire to remain on the committees.

VOTE: **Motion passes unanimously.**

Council member Howard Rynearson commented on the Community Resource Advisory Board. He attends this meeting frequently and recommends it be kept at the current number of members. No increase or fill in the vacancy to be made. Many times this committee has difficulty with a quorum.

MOTION: Made by Council member Howard Rynearson and seconded by Council member Bill Thomas to not fill the vacancy presently on the Community Resource Advisory Board. Reappoint the eight members who are requesting reappointment.

VOTE: **Motion passes unanimously.**

MOTION: Made by Vice Mayor Terry Cain and seconded by Council member Bill Van Duzer to accept the application for Ted Reckwerdt to fill the vacancy on Cultural and Environmental Learning Center Advisory Board.

VOTE: **Motion passes unanimously.**

Vice Mayor Terry Cain indicated two wonderful applicants have been received for the Marine Resources Task Force. She is the Chairman for this committee and it is difficult to presently reach quorum. She requested that the committee remain the same without filing the position.

MOTION: Made by Vice Mayor Terry Cain and seconded by Council member Howard Rynearson to not fill the vacancy of the Marine Resources Task Force. Reappoint all other current members.

VOTE: **Motion passes unanimously.**

B. Contribution to Pilot Club International - Walk for Mental Health

Town Manager Segal-George commented that the letter came into the attention of the Mayor and Town Council. The Council has had a policy to not contribute money to these types of situations. She felt that this was appropriate to come before the Council. She would like direction for the type of response, which should be given.

Mayor Hughes indicated that it has been their policy to not make a direct contribution to a charitable entity or service organization. His personal view is that any chance in this policy would set a precedent.

MOTION: Made by Council member Bill Van Duzer and seconded by Council member Howard Rynearson to support the project verbally, but not offer financial support.

Discussion: Mayor Hughes asked each member of the Town Council to support this matter individually.

VOTE: **Motion passes unanimously.**

C. Introduction to Ordinance Adopting LDC Chapter 34

Attorney Dick Roosa began by reading the above ordinance. Mayor Hughes announced that today is the introduction, which is the zoning chapter of the Land Development Code.

MOTION: Made by Council member Howard Rynearson and seconded by Mayor Daniel Hughes to pull weekly rentals out of Chapter 34. This is a very controversial issue. This matter will be addressed on June 16, 2003.

Discussion: Mayor Hughes is concerned with the date of June 16, 2003. Many items are being addressed prior to the Council's summer break.

Council member Van Duzer will not support this motion. He feels this issue needs to be addressed and rectified.

Council member Thomas would like to handle this issue at the present time. Much misinformation is presently being circulated.

Vice Mayor Cain agrees with Council member Thomas.

VOTE: **Motion Withdrawn.**

MOTION: Made by Council member Bill Van Duzer and seconded by Council member Bill Thomas to set the pubic hearings for Chapter 34 on February 3, 2003 at 3:00 p.m. and March 3, 2003 at 6:30 p.m..

VOTE: **Motion passes unanimously.**

D. TPL Agreement and grant contract with Florida Communities Trust on Newton Beach

Mayor Hughes began by indicating that both agreements implement the recent approval by the Florida Communities Trust of the grant for the Newton Property. He noted the contract refers to completing the Florida Communities Trust grant application, which has been completed by oral agreement without a contract.

Town Manager Segal-George added that $10,000.00 was the cost to prepare the grant. Trust for public lands is a public non-profit group and would take a fee for the work performed, if funding is secured. This agreement is almost identical to the agreement that the Town had with them for the Mound House.

MOTION: Made by Council member Bill Van Duzer and seconded by Council member Howard Rynearson to approve the Trust for Public Lands agreement as presented

to the Town Council.

VOTE: **Motion passes unanimously**.

MOTION: Made by Vice Mayor Terry Cain and seconded by Council member Howard Rynearson to approve the grant contract with the Florida Communities Trust.

VOTE: **Motion passes unanimously.**

E. Request for Councilman Bill Van Duzer for 2003 Comp Plan Amendment

Council member Van Duzer began my indicating he prepared a memo to Council on December 26, 2002. He requested the consideration to rehear the amendment on the lot split ordinance, which was voted on last year. He discovered that the fee for an individual would be $1200.00 and he did not feel it was appropriate. He is not trying to change the rule, but would like to change the system to comply with what he was originally told by Bill Spikowski with regard to people asking for a variance from the rule.

MOTION: Made by Council member Bill Van Duzer and seconded by Vice Mayor Terry Cain to waive the time requirement and give an additional opportunity to address this issue.

Discussion: Council member Thomas does not feel this rule should be waived.

Council member Van Duzer recapped that he had an opportunity to ask for this request. He misunderstood the amount of money it would cost an individual. He is not asking the rule be waived for any particular person, but waiving the rule for a Town Council person.

Council member Rynearson feels they are moving backward. He still stands firm on his original vote.

VOTE: **Motion fails.**

VIII. COUNCIL MEMBER ITEMS AND REPORTS

Council member Howard Rynearson - Has been discussing with Damon Grant the caps on his projects. The caps on his projects seem a little low. He asked for Damon to come and express his need for higher caps, so it is easier for him to go out to bid.

Town Manager Segal-George replied this is located within the finance ordinance.

Attorney Dick Roosa added that this pertains to the bidding process. There is a simplified procedure for purchases under $5,000.00. He felt that Damon was implying with inflation the $5,000.00 should be raised to another appropriate amount.

Damon Grant reported that between $3,000.00 and $5,000.00 requires three written quotes. Any amount over $5,000.00 must go out to bid. He is in favor of raising this to an amount agreed upon by the Town Council. This will allow him to turn the smaller projects over more quickly. He suggested raising the $1500.00 - $5000.00 to $15,000.00 - $20,000.00. Any amount over $15,000.00 or $20,000.00 would require staff to go out to bid. Staff would still come before the Council for approval for the services.

MOTION: Made by Howard Rynearson and seconded by Council member Thomas to direct Counsel to prepare an ordinance and bring it back to the Town Council.

VOTE: **Motion passes unanimously.**

Council member Bill Van Duzer - He appreciated the Mayor's attendance for the Lions Club 50th Anniversary. The Major did a fine job representing the Town. Council member Rynearson also attended. Problems have existed with the alternating light issue. He has contacted John Davis for a possible temporary light prior to the lane marking changes. He has also spoken to Commissioner's Judah and Albion. Commission Judah mentioned in passing this issue would be resolved in mid-February.

Council member Rynearson suggested putting a Deputy Sheriff out in place of the alternating light until this matter can be resolved. This has been discussed with Captain Griner and he would be willing to place an officer. This would cost the Town to pay the officer, but more negotiations could be made. The remainder of the Council seemed interested in knowing the cost to have the Deputy present.

Council member Van Duzer reported he had the privilege of attending the Uncommon Friends. This was a beautiful affair. He enjoyed the Old San Carlos and Nifty-Fifty Party.

Vice Mayor Terry Cain - January 8, 2003 was the canal project workshop. She felt this was very successful. She was proud of those who attended. The Bay Oaks meeting was very productive. The League of Cities had interesting information with regard to rules and regulations on computers. The Old San Carlos opening was great. The Uncommon Friends did a fabulous job.

Mayor Daniel Hughes - Indicated the Town Council received a letter from the City of Sanibel. He asked the Town Manager to reciprocate and provide a letter of thank you for the joint meeting. Reported that the water district is going to allow the cities to write tougher rules with water restrictions. Fort Myers Beach follows the Southwest Florida Management rules. Much confusion exists with regard to these rules. He felt these rules should be reviewed.

IX. TOWN MANAGER'S ITEMS

Town Manager Segal-George - Two boats have been tagged in the harbor area by Fish and Wildlife. An additional three are being pursued. The Core permit has been received for the Harbor Plan. The DEP permit is still in process. Some problems have developed with the manner in which the permit is written. Copies of the minutes have been provided to clarify this situation. No other grant money can be applied for until this permit is received.

Mayor Hughes commented that a very strong position should be taken with regard the DEP permit.

Deputy Town Manager Gucciardo - Reported on the Public Health and Safety Awareness Day at Bay Oaks. This event will be similar to the event held last year. This will be held on February 22, Saturday.

Council member Van Duzer discussed with the Town Manager today the pedestrian refuge island at Times Square. The Town Manager replied that the engineering portion is out for bid. Once the proposals come in they will come back to the Council for award.

A recommendation from CRAB with regard to a consultant for the Hidden Path will be coming to the Town Council at the next meeting.

X. TOWN ATTORNEY'S ITEMS

None.

XI. PUBLIC COMMENT

Fran Myers, 21461 Widgeon Terrace, came forward. Discussed the matter with the Welcome sign. She explained that they tried very hard to work with Council to get the sign. She is unsure of the result, but knows that it was not the Chamber.

Michael Short, 470 Madison Court, came forward to address the item of public safety on the island. He had a discussion with Dan Folke on the phone with regard to the sidewalks in his area from Madison Court. Many people do bicycle in this area and the pavement is very rough. He pointed out an area of good paving in front of Red Coconut. The paving areas should be improved, especially where the pavements meet the side roads coming down into Estero. The actual signage coming down to the main road on all side roads could much be improved by having white lines indicating pedestrians or bicyclists have the right-of-way.

Mayor Hughes replied if the sidewalks are in the right-of-way this would need to be addressed through the County.

XII. ADJOURNMENT

The meeting was adjourned at 5:43 p.m..

Respectfully Submitted,

Shannon Miller
Transcribing Secretary

If a person decides to appeal a decision made by the Council in any matter considered at this meeting/hearing, such people may need to ensure that verbatim record of the proceeding is made, to include the testimony and evidence upon which any such appeal is to be based.