FORT MYERS BEACH
TOWN COUNCIL MEETING
JUNE 2, 2003
REGULAR MEETING
Town Hall - Council Chambers
2523 Estero Boulevard
FORT MYERS BEACH, FLORIDA

I. CALL TO ORDER

The Regular Meeting of June 2, 2003 was opened by Mayor Daniel Hughes on Monday, June 2, 2003, at 6:30 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 PASTOR ROBERT STUCKEY, FIRST BAPTIST CHURCH

The invocation was given by the Pastor Robert Stuckey.

IV. PUBLIC COMMENT

John Bergin with John Bergin Landscaping, came forward. His address is 5546 Palmetto St., FMB, FL. On January 26, 2003, they did some work for UTELCO in the Times Square area, Publix area and the MidIsland area. Sod was laid and grading was complete on these three areas. The company had difficulty getting paid and went through both the bonding company and Damon Grant. They still have not been paid and the bonding company indicated this is not paid under the bond. UTELCO states they were not paid by the Town to pay them. He is aware a lawsuit is pending between the Town and UTELCO, but their work has been completed and they are looking to be paid. UTELCO ignores the telephone calls. They have contacted Contractor's Notice Incorporated, who handles the legal notices and they have been unable to collect the money also. They are a small company who needs to be paid. All three jobs were completed on Town property and they are looking for a resolution to this problem.

Joe Dyess from Justin Boots Dyess Sod also came forward. Her address is P.O. Box 1211, Labelle, FL. Her company is owed $3,048.00. She expressed they need to get paid and this should be deducted from any money owed to UTELCO.

Attorney Dick Roosa added the Town has paid all bills submitted by UTELCO on this project. An amount being retained has still not been applied for by UTELCO. The draws have been paid on the work completed and UTELCO has not paid those who have spoken this evening.

Mayor Hughes expressed that dialog is not allowed during this meeting. The remedy is with the General Contractor. He is hopeful this will work out and he has asked staff to do everything possible to see that they are paid.

Attorney Dick Roosa indicated if funds are still available a check could be made payable to both. John Bergin indicated there are three bonds these jobs were under. The job has been complete and there was a warranty bond that the Town should have the money for.

Attorney Dick Roosa added that the problem was that this covered some sod and the sod became defective. Part of the warranty was to replace the sod. This was replaced and UTELCO now has the right to make payment directly. Should UTELCO fail to pay it can then go against the warranty bond. The bond is for the benefit of the contractor and not the Town.

Ollie Curran, 2801 Estero Blvd., came forward. She owns Hair Etc. and indicated there have been problems with the offsite signs. She thanked the Council members who got back with her. If the signs are taken away this will take away a lot of business. She created a list of people who entered her

business from the signs. This list was made available to the LPA. She expressed that she paid $175.00 to have a professional sign made. Please allow her to have the sign. Her business is resting with this Town Council's decision.

Brad Hill, 111 Bahia Via Dr., FMB, FL, came forward. He is for the small scale plan amendment. Try to keep it simple and inexpensive.

Mike Roeder, 1625 Hendry St., came forward. He is present on behalf of the small scale plan amendment item. He represents Mr. Fred Payne and his neighbors that live near Lagoon St.. They support the staff alternative of limiting these to the people who raised the objections at the last public hearing on the plan amendments. The LPA has endorsed this approach. Keep the submission requirements as simple as possible and keep the application fee affordable, it would be appreciated.

V. INTRODUCTION OF COMMUNITY POLICE DEPUTIES

Captain Griner came forward to introduce the community policing officers who replaced the substation. He thanked the Town for the bicycles. He introduced the officers and explained they have all worked the beach prior to becoming community policing officers. They are very familiar with the beach. They will be handling high visibility patrol, but will be handling specialized events also. He hopes this will work for all on the beach. (Applause was given).

The Sheriff expressed his thanks to the Town of Fort Myers Beach for their continued support. This makes the community a better place. (Applause was given).

Mayor Hughes stated that the Town Council is very delighted and pleased with the services as provided by the Sheriff's Department for this community. He feels they received a great tradeoff by removing the substation and replacing with the three officers.

VI. CONSENT AGENDA

A. Approval of April 23 (council retreat), May 5 and May 12, 2003 minutes

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

VOTE: **Motion passes unanimously.**

VII. ADMINISTRATIVE AGENDA

1. Amending the Sign Ordinance 03-06

Attorney Dick Roosa began by reading the sign ordinance.

Dan Folke has provided the changes which were discussed and voted on at the last hearing on this proposed amendment. Two issues existed with changes which referred to bench signs and the other was sandwich signs. The bench signs will be included in the prohibited sign section and also the permitted sign section. The second portion was an attempt to clarify existing bench signs which are not located along public right of way.

Deputy Town Manager Gucciardo prepared a memo last week to Steve Myers who is the representative that was present from Lee Tran at the last meeting. The language changes were addressed along with a copy of the newly worded ordinance. He also sent a draft of a memorandum of understanding between the Town and Lee Tran covering approximately eight points that the Council discussed at the last meeting. He felt there was an agreement between himself and Steve Myers with regard to the content contained within the memorandum of understanding. They will await comment from Attorney Roosa and County Attorney's office with regard to the form of the memorandum.

Mayor Hughes opened the public hearing for the discussion on bench signs. No one came forward.

Attorney Dick Roosa commented on the agreement between Lee Tran. If they determined they could not live up to their agreement or chose not to then all that would be necessary would be for the Town Council to amend the sign ordinance to prohibit these signs. He does believe the Town Council is in complete control of the situation.

Council member Van Duzer commented that his vote in favor of this change in the ordinance will be predicated on Lee Tran moving forward with their obligations as stated.

Council member Thomas added that this topic was brought forward due to the poor maintenance

on the bench signs. He commented on Lazy Way and Estero Blvd. and he referred to a bench sign with a portion of the bench missing for the last three weeks. Lee Tran does not maintain their benches. He hopes there is strong language within the partnership to keep their signs maintained.

MOTION: Made by Council member Bill Van Duzer and seconded by Vice Mayor Terry Cain to accept the language pertaining to Section 30-5 A - 1.

VOTE: **Motion passes 4 to 1. Council member Bill Thoms Dissenting.**

Dan Folke reported the second item directed for changes pertains to the sandwich signs. This will allow sandwich signs within the perimeter of the downtown district. Location was discussed and the sign must be located on private property. When there is no location on premises due to the street setback of the building the sign may be placed on a sidewalk directly in front of the premises provided it does not unreasonably obstruct or interfere with the use of the sidewalk. The sandwich sign must be brought in after hours. The sign must be professionally made and maintained in an attractive manner. A multiple occupancy complex with less than 10 can have no more than two and 10 occupants of more may have three. The entire section has the potential for substantial adverse impact upon the community and shall expire on May 31, 2005, if not modified or re-adopted prior to that date. The feelings of Council were to allow it for two years to see how it is going and then extend or modify.

Dan discussed the preexisting off premises sign section that would grandfather in three existing off premises signs. The Anchor Inn Cottage sign is not a sandwich sign, but is a permanent pole sign. This is a lawful non-conforming sign and is not a sandwich sign. He recommends this be removed from this section. This sign is addressed the same as all other non-conforming signs.

Mayor Hughes opened up for public input.

Fran Myers, 21461 Widgeon Terr., came forward. She came to address the sign ordinance and the vote which was taken. She believes when developing a sign ordinance one of the most important elements would be fairness and equitable issues. She does not understand how some signs are allowed and others are not. When the Gulfview shops were remodeled, she tried to rent them and they stood empty for 18 months. Many changes took place to comply with the turtles. She and Ginny Ross stood out in front of this building no less than three times trying to figure out signage. No conclusion has yet been made. She is discussing fairness and equitable elements of the ordinance. She was shocked by the Council's vote. She suggested all signs to be taken down over the entire island as a fairness or allow sandwich signs and tighten up the restrictions over the island.

Roxie Smith 21521 Madera Rd., came forward. The members of the LPA have struggled with this issue for hundreds of hours. She does not like the sandwich signs. Her good friends who are small retailers have convinced her they are very necessary for the small retail business. Especially, in a time when things are not so good. She agrees with Fran to take them all down or allow them over the entire island with very tight restrictions and a sunset clause, if necessary.

Ken Katcko, 330 Donora Blvd., came forward. He is currently the Chairman elect of the Fort Myers Beach Chamber of Commerce. The A-frame ordinance has been discussed with the Board of Directors at a meeting held on May 21st. The ordinance allows signs in certain areas on Fort Myers Beach and discriminates against other areas. The Fort Myers Beach Chamber of Commerce believes this is unfair. The Chamber's position believes the signs should be allowed throughout all of Fort Myers Beach. Some of the businesses are desperately in need of expensive signs that would assist their potential customers to find them. The Chamber of Commerce is in favor of the LPA recommendation.

Ken also spoke on behalf of Hammerhead Beach Gym. Approximately 1 ½ years ago he spoke with the Town Manager and was told he could have an A-frame. The reason he could have this sign was that it was decided it was fair to allow all businesses to use them instead of a select few. Why would the Town no longer want to be fair? He believes all businesses should be allowed to use the signs or have no signs at all. To allow any business in any area an advertising advantage is discrimination. He does not believe the A-frame signs are a part of the downtown redevelopment look the Town is creating. Since he has had his A-frame sign, he has not had anyone not be able to identify his location. Prior to the sign he would hear this quite often. He would like to keep his A-frame sign, because it does help drive by traffic locate his business quickly and safely. If this is not possible, please be fair and treat all businesses the same regardless of location.

Robert Gutierrez, 2201 Estero Blvd., came forward. He and his family own the Shamrock Irish

Pub. He is for the A-frame signs. He feels they suffered a loss of 30% when he had to remove his A-frame sign. These are real numbers. His signs are not in the best of shape, but he was awaiting the decision before Council. After 9-11 there is not as much money to spend. He does agree with most of the public comment heard. Allow all A-frame signs or none. These signs have also helped get people in the door for his fundraiser's. He does believe the signs should be allowed and do affect his business. The signs should be allowed and tightly restricted.

Christina Fernandez, 2801 Estero Blvd., came forward. She works at Hair Etc. at Seagrape Plaza. She thanked the Council for allowing them to have a sign. In these hard times the Council must be fair to everyone.

Mayor Hughes closed the public hearing.

Council member Van Duzer commented that a vote was taken at the last meeting. He questioned if a motion can be made to modify this situation.

Mayor Hughes reviewed the type of motion made particular to this matter. He reviewed with the Town Attorney.

MOTION: Made by Council member Bill Van Duzer and seconded by Mayor Daniel Hughes to approve sandwich signs in all commercial areas within Fort Myers Beach with restrictions. The restrictions include the signs must be professional made, fit in with the size limitations and time limitations. These signs are not to be allowed on the sidewalk to interfere with passage on the sidewalk or in parking spaces. This motion should be reconsidered (sunset clause) to include the same dates as the sign ordinance. **Motion amended:** Made by Council member Bill Van Duzer and seconded by Mayor Daniel Hughes to amend the sunset clause to 2 years.

Discussion: Vice Mayor Terry Cain would like to see a shorter sunset clause (2 year).

Council member Van Duzer would agree to the shorter sunset clause, if he can obtain support for his motion. He has considered this matter and feels the direction the Council taken at the last meeting is discriminatory. The business should be able to promote their business in a tidy and orderly manner.

Mayor Hughes has also struggled with this matter. Each time an ordinance is adopted, which deals with zoning it is discriminatory. He does not feel this is discrimination to distinguish an area, such as Time Square. The sandwich signs outside of the Old San Carlos District was never legal. It was decided six years ago the signs would only be allowed in Times Square. He is not sympathetic with people who have acquired businesses knowing they have had illegal signs. The community is in a situation where the perception would be poor to have granted a moratorium and taken it away. Something legal is not being taken away, but something illegal is, which the Town looked the other way while the hearings took place.

Council member Rynearson is not against business. The sandwich signs were allowed to be used and abused for the past six months. He feels a nightmare will be created for Ginny. He agrees with the people to give to all or none. He cannot support the motion.

Council member Thomas supports the small business entrepreneurs who are struggling to make a living. The A-frame signs are a vital part of their business and depend on them to survive. He feels the signs need very strict enforcement. After one warning, there should be a fine. It is a cost to the Town to have Ginny constantly out for enforcement. He supports signs on the entire island.

Vice Mayor Cain would like to see all A-frame signs removed after the two years. She agrees with the comments of Council member Thomas with regard to the fines to be imposed.

Dan Folke added there are some enforcement options, which pertain to all the land development code.

Ginny Ross, Sign Enforcement Officer, came forward and explained the $500.00 fine is for the third ticket. The first offense is a written warning and the second offense is the $100.00 fine. These matters can be taken to the hearing examiner of the circuit court. Town Manager Segal-George added that all is trying to be brought to the hearing examiner unless it is a criminal matter.
Ginny further added the fines move from $100,00, $250.00 and then $500.00 with the first offense being a written warning.

Attorney Dick Roosa added there is a provision in code enforcement that will allow for continuing violations. Once a property owner has been determined to be in violation for the second time the future violations are based upon the day. It is not required there be a subsequent hearing after the second finding. It can be at the first finding if the code enforcement officer identifies there have been a sequence of violations. The fine will then be automatic on the affidavit of the code enforcement officer.

Mayor Hughes questioned if the confiscation of the signs can take place? Attorney Dick Roosa replied if the sign is on public property the Town can confiscate the sign. Mayor Hughes would like to see this happen if the above is passed.

VOTE: **Motion passes 4 to 1. Council member Howard Rynearson dissenting.**

Mayor Hughes reviewed the Council has not voted on the pre-existing off premises signs. Dan Folke recommends the Council removes the Anchor Inn Cottage sign. This is not a sandwich sign. This sign falls under the other non-conforming which has a 2007 sunset clause.

Mayor Hughes asked if anyone wished to address the Council on this matter.

Tom Massucco came forward to address his objective point. He indicated while sitting in traffic and reading a sandwich sign or any other type sign registers. He may go down to take advantage of a special he has seen. He feels they are important part of the whole business community and feels they should be left in place.

Ellie Sullivan from Nails by Ellie came forward. She indicated they need their offsite sign. Nobody will ever know where she is located without it.

Mayor Hughes closed the public hearing.

MOTION: Made by Council member Bill Thomas and seconded by Council member Bill Van Duzer to approve the language which is the final draft for the offsite signs for the Heavenly Biscuit and Seagrape Plaza. Strike the phrase “Anchor Inn Cottage is located at the corner of Virginia and Estero Blvd.”

VOTE: **Motion passes unanimously.**

Mayor Hughes entertained a role call vote on the adoption of Ordinance 03-06 as amended by the action taken this evening.

MOTION: Made by Council member Howard Rynearson and seconded by Council member Bill Van Duzer to adopt Ordinance 03-06 as amended.

VOTE: **Council member Rynearson, aye - Mayor Hughes, aye - Vice Mayor Cain, aye - Council member Van Duzer, aye and Council member Thomas, aye. Motion passes unanimously.**

2. Amending the Public Safety Task Force Ordinance 03-07

Mayor Hughes began by reading the ordinance. He opened it up to public hearing. No one came forward. The public hearing was closed.

MOTION: Made by Council member Bill Van Duzer and seconded by Council member Howard Rynearson to adopt Ordinance 03-07.

VOTE: **Council member Bill Van Duzer, aye -Council member Bill Thomas, aye - Council member Howard Rynearson, aye - Mayor Daniel Hughes, aye and Vice Mayor Terry Cain, aye. Motion passes unanimously.**

3. Consideration of Amendment to Comprehensive Plan

Bill Spikowski came forward and indicated this is the routine annual amendment. This adds into the Comprehensive Plan the decisions made last fall in adopting the Capital Improvements Program.

Mayor Hughes asked if all Council members understand the amendment. No questions or concerns were heard.

Mayor Hughes questioned if anyone would like to address the Council on this matter. None were heard. The public hearing was closed.

MOTION: Made by Council member Howard Rynearson and seconded by Vice Mayor Terry Cain to replace the existing table 11-7 amended last year with the new proposed table of 11-7.

VOTE: **Motion passes unanimously.**

4. Request to vacate a portion of a platted canal (Estero Blvd. and Carlos Circle)

Sal Orubay from Development Services came forward. He referred to a small strip between the actual platted canal boundary and the seawall as constructed. There is no public access provided to this property between the seawall and the platted canal property. He is unsure if there is any public interest to be lost by vacating this property. He has received all approvals from the various regulatory authorities. Mayor Hughes questioned why Lot 18 was not included? Sal replied that he originally sought to do this. He commented that the petition was not signed by the elderly owner. She was formally notified.

Attorney Dick Roosa added that Cape Coral has the issue as well. An ordinance was adopted to allow every property owner who was land locked to provide a survey to the city manager to automatically issue a Quit Claim deed for this property. It is up to the individual property owner whether they would like to own waterfront property or not. There is a good reason why he would not want this property. The square foot area would be increased for tax purposes and made waterfront property. If you do not own the property, the argument can be made it is land locked and smaller.

Sal added they are currently paying waterfront tax prices.

Mayor Hughes questioned if anyone wished to address the Council on this matter? None were heard. Public hearing was closed.

MOTION: Made by Mayor Daniel Hughes and seconded by Council Howard Rynearson to approve the adoption of the petition to vacate the unexcavated portion of a 75-foot wide canal as set forth in the staff report. Also, at such a future time as the fee simple owner of Lot 18 requests a conveyance of the same landlocked area on her lot the Town Council agrees to such a conveyance.

VOTE: **Motion passes unanimously.**

B. Small-scale Comprehensive Plan Amendments

Small-scale Plan Amendments are defined by the state as amendments to the future land use map only. Fort Myers Beach has never had a special process for small scale amendments. A request came forward in the Land Development Code hearings in March to consider the Small-scale amendments for those who testified in March and the Council was unable to consider the merits because they in fact

had a Comprehensive Plan problem rather than a Land Development Code problem. He suggested possible ways to rectify this situation. The Local Planning Agency recommended the Council accept Small-scale amendments one time for the people who attended the Land Development Code hearings on the zoning map this spring. He suggested if the Council decides to accept the recommendation of the LPA, the entire block on Lagoon Street could be made part of the application. The LPA shared his concern that this is not made a regular item, because it is expensive with advertising and hearings. He further reviewed his options as presented.

Council member Van Duzer would like to favor the recommendation of the LPA to include the contiguous parcels

MOTION: Made by Council member Bill Van Duzer and seconded by Vice Mayor Terry Cain to accept the recommendation of the LPA to only allow the consideration of the Small-scale amendments for those who attended the hearing in March with regard to the zoning map.

Discussion: Bill Spikowski added that the application deadline will be on July 31, 2003. The application will be very simple.

Council member Van Duzer suggested the end of August. Bill Spikowski agreed with the date of August 31, 2003.

C. Introduction of Alarm Ordinance 03-08

Attorney Dick Roosa began by reading the ordinance. Town Manager Segal-George announced that a public hearing is set for June 23, 2003 at 6:30 p.m..

Mayor Hughes announced that this ordinance was initiated by the Sheriff's office.

The Sheriff came forward to address the alarm ordinance. Typically, they are receiving 36,000 false alarms annually. This takes up 45 minutes of time for the officer dispatched. This equates to 16 full time officers answering only false alarms. Only 10% of the citizens in Lee County have alarms. This ordinance has also been approved for Bonita Springs. The dollars generated by the permit fee for home or business at $25.00 pay for the administration. This ordinance assists with the policing of the alarm monitoring companies, which many are not even licensed. They anticipate the minimum result will be a reduction of 50%. Fines to be generated on an escalating basis will allow for the hiring of extra officers. The response time between the alarm notification and response time of the Sheriff's office is 6 minutes. Many of the burglars are gone by this time, but he still believes the alarms are good tools.

D. Status of Talks on Gas Tax Allocation

Deputy Town Manager Gucciardo reported the County indicated last year based on a new interpretation of Florida Statute they had determined that the gas tax allocation would be cut considerably. Some progress has taken place and this was his attempt to notify within his memo presented to the Town Council. This will be a fairly dramatic change in the projected revenue for the future years and because of this the attempt is to keep the Council updated. He hopes a final product can be brought forward at a meeting in June. However, it may be difficult to make a decision and litigation may be the way to resolve this issue.

Council member Van Duzer raised the issue of the dollars being used for the traffic mitigation study along with resurfacing of the drainage issues on this island. The money could be held to be used on these items also.

Deputy Town Manager Gucciardo replied that some fairly specific conversations took place and the County is not interested at this time. The County feels if the Council decides to go forward with the congestion mitigation plan, the County would feel more comfortable releasing the reserve dollars.

Council member Rynearson suggested being a co-partner with the County on Estero Blvd.. Deputy Town Manager Gucciardo replied he has not discussed any items with joint venturing on Estero Blvd.. Their concern was to have use of the dollars for the drainage projects and the resurfacing on the side streets. He does not believe the County has any plans to do any drainage improvements on Estero Blvd..

Council member Rynearson would like to see some options provided from the County. Deputy Town Manager Gucciardo replied that the County was not open to these suggestions thus far, but it does

not mean that it will not change.

Town Manager Segal-George expressed Town staff could try communicating to the County staff the Town Council is interested in the formula they are trying to get the Town interested in if these two items could be added.

Mayor Hughes expressed that the Town Council is not in favor of receiving subsequent approval for the traffic mitigation program. If the County would agree to servicing drainage, the Town Council would be more willing to accept the formula. He is not in favor of (a) or (b) of the formulas.

Deputy Town Manager Gucciardo further explained that the base number being used is $645,000.00, which is roughly the amount the Town expects to collect this fiscal year on the gas tax dollars. The County's first interpretation is that the Town would be entitled to $122,000.00 rather than the $645,000.00. The County also offered a formula in place for Bonita Springs, which factors in center lane miles plus base population. Based on this amount the Town would be entitled to $223,000.00. The third formula proposed by the Town is a combination of center lane miles and the use of 5 months of the seasonal population as a factor, which would bring the Town up to $292,000.00. He feels fairly confident they will be able to come to an agreement on the number proposed.

E. Resident Parking Pass

Damon Grant expressed during the January 28, 2003 Council meeting the approval took place for the meter rate of $1.00 per hour for the beach access. The intent was to dedicate these funds to the implementation and operation of a beach patrol program. Also, the Council expressed an interest in providing a residential parking pass for Estero Island. He reviewed the options as proposed to the Town Council. The second option is being recommended by staff, which would involve coming to Town Hall or Central Parking Systems office and present a valid Florida Drivers License with a Fort Myers Beach address for the proposed rate of $50.00 per pass. The passes would be valid in the long term areas, which would include the beach accesses and the area under the bridge. The Old San Carlos parallel parking would be the only area not available. The $50.00 charge is consistent with the charge for under the bridge parking in the past years.

Damon also discussed the beach patrol, which would happen after the implementation of the meters on the beach access. It has been discussed with Central Parking Systems the option of expanding their scope of service and existing contract to include enforcement in the way of the beach patrol on the beaches. By running this project through Central Parking Systems it would greatly decrease the start up cost to what was proposed to $78,292.00. Based on the projections and estimates along with the net meter revenue from the beach access it is very capable of sustaining the beach patrol program with plenty of room for future growth.

In conclusion, Damon reviewed that staff would request Council's approval for purchasing the parking pass decals and approval of the sale for passes at $50.00 per pass. The second request would be a recommendation to expand the scope of services for Central Parking to include beach patrol duties. Staff would request the Town Council to direct the Town Attorney to review and modify Central Parking Systems contract to include expanded duties in the form of beach patrol programs funded through the beach access meter revenue.

A representative from Central Parking came forward. The company runs many neighborhood and residential parking permit programs in a number of cities along with several beach communities. These work well and the residents are happy with the result. Central Parking does believe they can save the city a considerable amount of money in having the company run the beach patrol. They are not asking the Town to provide any additional fee and will be handled as an additional addendum to the contract.

Council member Van Duzer discussed the Refund a Card program and questioned how many meters would need to be changed at a rate of $20.00 per meter? Damon replied close to 80 meters would require a change. Council member Van Duzer referred back to the Refund a Card system and questioned the number of free hours? Damon replied this amount would need to be determined. The intent was to allow anyone to purchase this card, but residents would receive the added bonus of additional free hours.

A representative from Central Parking indicated there are two ways to go with a residential program. Either a sticker or hanging tag permit system can be implemented. A Smart Card type of system can also be implemented with the meters. The Smart Card system is not just a residential parking permit program and can become part of a merchant validation program or a program used by hotels for

their guests to park downtown.

Donna Fletcher, from Central Parking, came forward. She indicated some of the staff had relayed that the preferred choice would be to have the residents be able to utilize the permit without restriction. The Refund a Card would be limited. The bumper sticker and annual permit would allow them to use it year round. While the Refund a Card has many uses, she does feel the permit would be the best way to go for residential.

Council member Van Duzer commented a major complaint with the meters is where do I get the quarters needed for the meters? He feels the residents of Fort Myers Beach/property owners should be able to go to the beach access for free.

Council member Rynearson addressed the issue of change machines. Damon replied an idea of change machines was discussed for under the bridge due to the amount of meters in the area. He discussed there are several sections under the bridge where the Pay Stations would be sensibly located to eliminate people from trying to locate a place to obtain change. The same program can be implemented for several of the beach accesses. It is less expensive to purchase the Pay Station for the entire access and will eliminate people looking for change.

Damon further discussed the change machines in the Times Square area. This has been a topic for discussion at the Times Square Advisory Committee. Central Parking Systems has coins available along with several merchants who have expressed coins are readily available. The option to put in change machines does exist, but was not going to be for Old San Carlos unless it becomes an absolute must.

Vice Mayor Cain is in favor of the decal. She would like to see a decal to be placed inside the vehicle. She is agreeable with the $50.00 fee and would be happy to not have to put change in the parking meters under the bridge.

Mayor Hughes questioned if Central Parking could comment on other communities and the charges imposed? A member from Central Parking replied that Carolina Beach and Wrightsville charge $35.00. Charlotte, NC is $25.00. Richmond, VA has a neighborhood system for $25.00 or $30.00. He further commented that Central Parking would be concerned if parking were allowed on San Carlos, because people could park for long periods of time or an all day long basis. These parking spaces are needed for the merchants in this area.

Council member Thomas does not believe the residents should be charged any fee to park. The residents pay a high tax to live on this island. He would like to see the sticker on the bumper or some sort of pass hanging from the interior.

Council member Rynearson is not opposed to the $50.00 charge. It does cost money to operate and there must be a way to recoup some of this cost. He would purchase the pass, if he were going to use the beach.

MOTION: Made by Council member Howard Rynearson and seconded by Vice Mayor Terry Cain to accept staff's recommendation on the residential parking pass. **Motion to amend:** Made by Council member Bill Thomas and seconded by Council member Bill Van Duzer to change the annual fee to $10.00.

Discussion: Council member Van Duzer cannot support this motion.

Central Parking indicated they have no ability to determine how many residents will purchase this type of permit. He does not feel it will be a large number and therefore will not have a significant impact on the revenue.

Council member Thomas feels this would be good for the citizens to only pay $10.00 to park under the bridge and at the beach accesses.

Town Manager Segal-George questioned if these parking passes will be limited to a household? Council member Van Duzer replied a limit of one pass per address.

Damon expressed it was the intent of staff to provide the passes to anyone who

showed a valid drivers license with a beach address.

Council member Thomas expressed that a valid registration should be included with the drivers license.

Damon reviewed at the time of a purchased pass, the Town would couple this pass with proof of drivers license and which family vehicle it would be assigned too.

VOTE: (Motion to amend) Motion passes 3 to 2. Mayor Daniel Hughes and Council member Howard Rynearson dissenting.

VOTE: Motion passes 3 to 2. Mayor Daniel Hughes and Council member Howard Rynearson dissenting.

MOTION: Made by Council member Howard Rynearson and seconded by Council member Bill Thomas to approve the recommendation of the Town staff for the expansion of Central Parking Systems contractual scope of service to include beach patrol duties. Direct the Town Attorney to review and modify the contract.

VOTE: Motion passes unanimously.

F. Letter for Metropolitan Planning Organization (MPO)

Town Manager Segal-George indicated the last Council meeting expressed the desire to see a draft letter that would be addressed to the MPO, which would deal with another possible bridge option and other traffic congestion and mass transit options. The basis of this letter is to get the MPO to consider Fort Myers Beach while making future decisions.

MOTION: Made by Council member Howard Rynearson and seconded by Council member Bill Van Duzer to accept the letter as drafted to the Metropolitan Planning Organization to include the language as expressed by Mayor Hughes.

Discussion: Mayor Hughes expressed a desire to add additional language with regard to feasibility.

VOTE: Motion passes unanimously.

VIII. COUNCIL MEMBER ITEMS AND REPORTS

Vice Mayor Terry Cain - Reported the Eagle Scout Program at Playworks is still in progress. This was an incredibly large project. She thanked everyone who contributed their time and supplies. The project is going well, but became a larger process.

Discussed the annual fund drive for the Red Cross. She asked for assistance and urged everyone to contribute, if possible. Please contact her at home or at Town Hall.

Council member Bill Thomas - Discussed tolls and did see the Chamber of Commerce results. There was a 95% vote against the tolls, which corresponds with the poll taken by the Observer which was 94%. The Civic Center poll was at 98%. Tolls have united the people of the island. Since the last meeting he had two upsetting days with regard to tolls. He read a small paragraph expressing the tolls have been used since 1999 and tolls have not been paid. About 8,000 drivers owe between $1,000.00 and $5,000.00 each equally $16 million. This is a local area that could not collect $16 million.

Council member Bill Van Duzer - The alternating light is on the state list and has been approved for the year 2004/2005 to be installed on a permanent basis.

Deputy Town Manager Gucciardo expressed this was to be a topic before Council this evening. E-mails have been traded with Lee DOT and he has not received answers to some basic questions with regard to the program. He hopes to have this worked out by the next meeting to be discussed.

IX. TOWN MANAGER'S ITEMS

Deputy Town Manager Gucciardo - The initial estimates of property values from Ken Wilkinson's office today. He has not verified this independently. He understands the appreciation of Fort Myers Beach was second only to upper Captiva. The numbers jumped about 24%.

Town Manager Segal-George added that the Town has nothing to do with these figures. The Property Appraisers office handles these calculations.

X. TOWN ATTORNEY'S ITEMS

Town Attorney Dick Roosa - Discussed the design of the Times Square development. In this design an inadequate system for the removal of the garbage was developed. Three years ago a citizen came up with the solution to have two compactors in the Times Square area. This citizen offered to pay for one of the compactors and the Town to pay for the other. This did occur and the two were purchased. It was determined this was not the solution and further problems were added. The lease was sold to a financial institution which had nothing to do with the manufacturer of the compactors. These became independent of one another. Time has passed and two compactors exist with no use to the Town. The citizen now states that he only agreed to pay half of one compactor. The Town Attorney feels he was clear to have stated he would pay for half of two or one entire compactor. The question is does he owe the city $9,000.00 or $4,500.00, which may need to be litigated. He has agreed to pay $6,000.00, in exchange for the surrendering of both compactors. He recommends the Town allow him to purchase the two remaining compactors for $6,000.00.

Mayor Hughes questioned if they tried to advertise these compactors for sale? Town Attorney Dick Roosa replied they have tried to dispose of them all over the state.

MOTION: Made by Vice Mayor Terry Cain and seconded by Council member Bill Van Duzer to allow the sale of the two compactors for a cost of $6,000.00.

VOTE: **Motion passes unanimously.**

XI. PUBLIC COMMENT

None.

XII. ADJOURNMENT

The meeting was adjourned at 9:15 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.