

**FORT MYERS BEACH
TOWN HALL MEETING
NOVEMBER 19, 2003
Town Hall-Council Chambers
2523 Estero Boulevard
FORT MYERS BEACH, FLORIDA**

I. CALL TO ORDER: The first Town Hall Meeting of the Town of Fort Myers Beach was called to order at 5:04 P.M. on Wednesday, November 19, 2003 by Mayor Daniel Hughes.

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

* Arrived later.

Excused absence from the meeting: None.

Staff present at the meeting: Town Manager Marsha Segal-George, Deputy Town Manager John Gucciardo, Community Development Director Dan Folke, Service Delivery Director Damon Grant, Finance Director Janeen Paulauskis, Administrative Services Director Rachel Lambert, Director of Public Services Matt Feeney, Planning and Zoning Specialist Chris Demanche, Transcribing Secretary Patricia Middlekauff.

II. INVOCATION AND PLEDGE OF ALLEGIANCE: Mayor Hughes led everyone in reciting the Pledge of Allegiance. The invocation was given by the Reverend Nadine Cotton of the New Church of Southwest Florida.

III. INTRODUCTION, WELCOME AND PROCEDURAL GUIDELINES: MAYOR HUGHES.

Mayor Hughes introduced the Town's Transcribing Secretary, Patricia Middlekauff and announced that tonight's meeting would be recorded and that official minutes would be prepared.

Mayor Hughes then welcomed all attendees and stated the procedural guidelines for the meeting. He said that the purpose of this meeting was to exchange information and to clarify misconceptions and faulty information with the best interests of the community in mind, and hoped that this would be an informative, educational meeting. He requested that there be no political speeches and no personal attacks. The background and rules of procedure were read by Carol Schard. She explained that the rules of civility which were adopted by the Town are in effect at this meeting and enumerated these rules. Committee members were introduced as Roxie Smith, Councilman Bill Van Duzer, Tom Merrill, John Parker, Angie Parker, Mr. Petrocelli, and Ms. Schard.

Mayor Hughes then turned the meeting over to Moderator Hank Zuba.

IV. PUBLIC FORUM:

Mr. Zuba began by announcing that there had been 30 questions submitted prior to the meeting. He proceeded to read these questions, some of which were summarized and/or consolidated with regard to subject matter:

1. How many lawsuits are pending at the present time; what are the issues; and what are the costs to the Town?

Mayor Hughes replied that there are five open lawsuits pending against the Town. Of those five, four are code relief cases which are appeals of code violation citations, which procedure he explained. These involve no possible monetary damages against the Town of Fort Myers Beach. There is one claim for damages by UTELCO that arose out of the work on Old San Carlos. They are seeking monetary damages claiming breach of contract by the Town. There is

a counterclaim in which the Town feels that they breached the contract. It is the opinion of Town Counsel that the Town does not owe them any money and that there is no significant exposure. With respect to the costs, Mayor Hughes called on Town Manager Marsha Segal-George for clarification, and she stated that the only cost is the time of the Town Attorney. This is outside of his monthly retainer and is an hourly fee. This is a budget item, and the costs are minimal.

2. How is the swimming pool doing, and what is the Town's financial contribution?

Councilman Bill Van Duzer replied that he preferred to address the pool together with Bay Oaks, and Mr. Zuba agreed inasmuch as there is a follow-up question on Bay Oaks. Mr. Van Duzer said that the pool is doing well, that the cost of operating the pool is in the annual budget, and that the pool is operated by a contractor on an annual basis. There was a serious problem last Summer which has been handled. He referred to the tennis courts and other facilities at Bay Oaks that are part of the recreational element on Fort Myers Beach which are also doing very well. He pointed out that the cost of operating Bay Oaks is shared equally with the County, and that Island citizens have the use of the pool with the county paying half the cost. It was asked whether it has met financial projections, and Mr. Van Duzer replied that in his opinion it does so. The questioner referred to the original budget which showed projected income and expense figures and asked how the actual figures matched the projection. Mr. Van Duzer replied that the original budget was very low, and the cost of operating the pool is considerably more than offered in the original estimates.

3. Mr. Zuba requested that the Council address the short-term rental ordinance and how it is working.

Councilman Bill Thomas said that there were 73 applicants, of which 68 have been approved and four denied. Out of all those who requested weekly rentals, of the 68, only eight are residents of Fort Myers Beach. The remainder are out of state or out of area. The ordinance was voted on by the majority of Council and seems to be working very smoothly. He said it was a close decision which he supported. Mayor Hughes said that he and Councilman Howard Rynearson had voted against the ordinance and that it was passed on a 3-2 vote. He was concerned about creating a discriminatory situation and imposing an administrative burden on Staff. However, experience thus far has not borne out these concerns.

4. There was a question concerning complaint-driven code enforcement in the Town. The question was raised as to whether the Town should be proactive in code enforcement rather than waiting for citizen complaints.

Councilman Howard Rynearson said that the Town is proactive and that the inspectors issue numerous citations in addition to responding to citizen complaints. When asked to describe the procedure, he replied that there is a regular, systematic inspection and visual drive-by. The inspector often finds other violations while responding to a complaint and will address this at the same time. Councilman Rynearson said that the Town is attempting to be as pleasant about the process as possible. Mayor Hughes added that to the degree the Town would become more aggressive, the budget would have to be increased accordingly. He felt that major problems were being addressed and that the system was working well.

5. There were several questions about the Alliance Fund: What is it; how is it funded; what is its purpose?

Mayor Hughes addressed this question by saying that the Alliance Fund is not an entity sanctioned nor a subagency of the Town of Fort Myers Beach. It is not a governmental entity nor is it an agency of the Town. The Alliance Fund is a totally independent, not-for-profit corporation that was created by a group of merchants in the Times Square and Downtown area and while Mayor Hughes said he is not privy to their internal documentation, its purpose is to enhance their own commercial interests. The Town has no direct involvement and there is no member of the Council that is either a member, or a member of the Board of Directors, of the Alliance. It is funded no differently than any other entity such as the Chamber of Commerce or the Civic Association or the Boat Races who address Council in regard to specific events. There is a set procedure and a line item in the budget for special and/or cultural events. Each request is reviewed individually, and applicants must submit a budget for each event, and the Town funds up to a maximum of 50 per cent. The remaining 50 per cent must be funded by the organization from its own resources. Subsequent to the event, the organization must furnish paid invoices and an itemized list of expenses to justify the funding.

In reply to a follow-up question, Mayor Hughes replied that the Town has funded the Alliance for some events. Councilman Van Duzer said that there has been criticism for giving money to the business community, but that these are items and events that benefit the people of the Island, such as the Twelve Days of Christmas, the Fourth of July celebration, and the New Year's celebration.

As a follow up, one questioner asked whether it is appropriate for the Town to fund events to bring people to a town already impeded by traffic. Councilman Van Duzer said that while he understands this concern, he feels that most of the events that are funded are during times of the year that traffic is not as severe as during Season. While he admits that these events bring people to the Island, he believes that the events benefit the people living on the Island. This is the criteria he uses in considering these events. He pointed out that they have a source of funds that they pay into which is controlled by the Town which are CRA funds that can be used for these purposes. This is their money which is in the Town budget and requires less critical consideration. Mayor Hughes pointed out that Council has chosen not to support some applicants.

6. Mr. Zuba said that there were several questions on historic preservation, and particularly property acquisition. He asked for an estimation of the value of historic preservation to the people of the Island, and particularly the justification in relation to the acquisitions.

Vice Mayor Terry Cain replied that there are two different kinds of value, which are property value and quality of life. She pointed to the acquisition of the Newton property and the Mound House, which provides a historical identity that Fort Myers Beach did not have previously. She used the example of the Mound House, which is a piece of property that has been inhabited for 2,000 years and is unique in the local area. An archaeological study has been conducted by FGCU at the Mound House, and she referred to a study, "The Archaeological Investigation and Topographical Mapping of Estero Island" and is called Site 8LL-4, Lee County, Florida, which she feels is a source of pride for all residents of the Island. The Newton Property Subcommittee met this morning and addressed the connection with the Edison-Ford Home and the Lindberghs. With respect to the property value issue, she attended a meeting in Bartow on Monday also attended by Wayne Daltry, who is the director of the Smart Growth Coalition in Lee County. He cited research which has revealed that property taken off the tax rolls for 20/20 for conservation purposes has not affected the tax rolls at all. The adjacent property has not only increased in value, but will remain the same or higher because the preserved property will remain open space.

Mr. Zuba asked if there are future purchases anticipated by the Town or 20/20. Vice Mayor Cain believes that 20/20 is a good program although the Town has not qualified for it because there are no properties large enough to meet the criteria. There are some small sites that she feels could be acquired to create pocket parks in various areas of the Island. There are many issues that concern future acquisitions. Mayor Hughes said that it should be kept in mind what would happen to the property if it were not acquired by the Town. He cited the example of the Mound House, which was under contract to be sold to a group of foreign investors who planned to build an 18-unit condominium. Since inception, this Town Council has not approved any new condominium units despite misinformation to the contrary. The Newton property could conceivably be developed intensively; however, in the Town's Comprehensive Land Plan, no beachfront properties that are single family or duplex can be developed as condominiums without amending the Comprehensive Plan. Councilman Thomas referred to the fact that the Newton property was already zoned for five units, and he anticipated that any developer who purchased it would have applied for more than five units as a high rise in order to make it profitable. He feels it was an advantageous purchase for the Town and supported it.

It was also asked whether public funds were used for the Pink Shell Cottages, either for acquisition or moving. Councilman Van Duzer replied that a deposit has been made of \$1,500.00 for two units, and that \$200.00 per month per unit is being paid to have them stored on that site. If within eighteen months the purchase, at \$15,000.00 each, is not completed, the current owner, Flint & Doyle, can sell them to another party and the Town's deposit returned. The storage fee would not be returned, so there is a minor financial involvement. The plan is to find a location on Fort Myers Beach where these units can be moved similar to the Historic Cottage behind the school. It is hoped to acquire additional land at that location by long term lease or other means. He pointed out that almost all of the funds to acquire the Mound House and the Newton property

came through grants, including almost \$1 million from Lee County to acquire the Newton site. Councilman Thomas said that he believes that Council was unanimous on the two issues of the Mound House and the Newton property. He expressed appreciation for the advance issuance of the written comments, which gave both Staff and the Council members the opportunity to prepare notes from which to reply.

Concerning grants, Mr. Zuba asked for a summary of current grants being applied for. He understands there is an extensive list. Mayor Hughes said on the Newton property, there is a \$969,000.00 grant from Lee County and almost \$1.3 million from Florida Communities Trust, and the Town put in about \$300,000.00. A request for 100 per cent funding from Florida Communities Trust the prior year was denied; a subsequent 50 per cent application was approved after the County funded the bulk of the other 50 per cent. The Tourist Development Council has committed to give \$500,000.00 for operational, maintenance and design.

Mr. Zuba asked for a comparison between the Town's total budget and the amount of grants received. Mayor Hughes replied that the total budget is \$10 million. \$2 million, or 20 per cent, is derived from ad valorem taxes. Deputy Town Manager John Gucciardo advised that the total budget amount varies from year to year and has ranged from 24 per cent to 16 per cent. This does not increase or decrease on a flat line because of the amount of grants being applied for that year, but it is a significant amount of the total budget. Councilman Thomas complimented the Town Manager's efforts in obtaining grants, but he does not agree with a \$545,000.00 grant for toe ring feasible study. Vice Mayor Cain explained the grant process to the attendees and the research and time required to submit an application that will fit the grantor's criteria in competition with all other applicants. She used as an example the grant which funded the traffic study, for which the Town was in competition with New York and California. The Directors of the Mound House have submitted a historic grant application which came in second in the State out of 95. She also pointed out that after approval, careful accounting must be kept and the money must be spent in accordance with the grantor's specifications.

7. There was a question concerning funding of public improvements, particularly drainage improvement projects on certain streets at no expense to the owners. Are there drainage projects planned for the future, and how will they be financed?

Mayor Hughes addressed this question by saying that a policy decision on drainage was made by the Council at least four years ago by which it was determined that drainage was essentially an Island-wide problem. Some streets have more serious problems than others, but the problem exists on virtually every side street. When he speaks of side streets, Mayor Hughes said he is referring to side streets, because Estero Boulevard is the responsibility of the County. The Town made a decision that since this was an Island-wide issue, these projects would be paid out of ad valorem taxes. The projects were prioritized, and there were fifteen areas wherein the problem was serious, of which about eight have been completed. Laguna Shores is presently in progress. He listed Palmetto, Easy Street, Primo Drive, Santos Road, Lanark Avenue including work on Lauder and Dundee, Holiday Shores, which includes Coral, Coquina, Dolphin and Bayland, Matanzas Street, Matanzas Court, Hyde Park which includes Bayview, Gulfview, Strandview and Mid-Island, which have been completed. A big project in process on which there was public input includes Buccaneer Drive, Lagoon Drive, Redfish and Starfish. Future drainage projects are Miramar, Coconut, Sabal and Pearl, North Estero, Jefferson, Washington, Andremar and Anchorage. Drainage is a never ending process. With 30 years in municipal government as a city attorney, Mayor Hughes said he has never seen a municipality that paid for projects like this without assessing the property owners. Mr. Zuba verified that these projects have been completed without expense to the property owners, and Mayor Hughes said that this was the case. Regarding future projects, Mayor Hughes was of the opinion that it would be difficult for present and future Councils to change the policy in view of the fact that other streets have already benefited by this. However, streets and sidewalks will be funded at 50 per cent instead of 100 per cent, and in those cases the property owners are assessed.

8. Mr. Zuba summarized three questions concerning law enforcement. Please explain the relationship with the Sheriff's Office, and are we paying equally our fair share as our neighboring communities are for his services; what is the need for the Beach Patrol; and are we plagued or is there a solution to the issue of homelessness on the Beach?

Councilman Rynearson said that there is an excellent relationship with the Sheriff and that they are extremely responsive when needed. We are paying less than our fair share because the Sheriff is paid through an ad valorem tax and also through an Interlocal agreement. In last year's negotiations it was agreed that if the trailer was moved at the park, the Town would be given three community deputies free of charge with unrestricted duties. When Bonita hired two, the cost was approximately \$175,000.00. Regarding the Beach Patrol, there have been several letters to the effect that the Beach was not being cleaned, dogs, live shelling, and so forth. The Beach Patrol was the result. With respect to funding, cleaning of the beach accesses is paid for by TDC funding. There is no cost to Town taxpayers. The Beach Patrol is funded by the meters at the accesses. Concerning homelessness, there was consensus that there is a problem and that it is being addressed. There is contact between the Town and the churches in view of the fact that their generosity could be exacerbating the problem by attracting more homeless to the Island. Mr. Van Duzer also felt that the churches by providing for the homeless are making the area too attractive.

Mayor Hughes called attention to the fact that if the Town were not incorporated, we would be paying the same taxes to the County for Sheriff's services. When the Town incorporated, it obtained the same services at no additional cost. Other cities such as Sanibel, Fort Myers and Cape Coral all have their own police departments, and still pay the same taxes to the County. He compared tax rates in these other municipalities.

9. Mr. Zuba asked if the Town had not incorporated, what might be the implication for taxes as well as grants.

Councilman Van Duzer pointed out that no tax was added to the ad valorem tax bills at the time of incorporation. Previously, this tax was paid to the County. If unincorporation were to happen, the tax bills would immediately increase because the Town has held the line while the County has raised utility and other tax rates. Citizens would be paying the same tax or more, and receiving less services. He stressed that the reason for incorporation was that the County was not providing services that were needed which are now being provided by Town government.

Councilman Thomas returned to the subject of the Sheriff and said that the estimated cost of a separate police department for the Town would be \$1 million. This Council recently voted to drop the millage rate to 1.0. Only 5 per cent of the tax bill comes to Fort Myers Beach; the rest goes to Lee County. However, this does mean the tax amount will be lower because of property value appreciation.

10. Mr. Zuba summarized several questions on the zoning ordinance and the various changes reviewed by the LPA and before Council. Given the Town's deficiency in infrastructure, most notably our continuing traffic debacle, should the Town take a position against requests for special variations which increase density?

Councilman Van Duzer said that this will always be an issue but stressed that private property rights must always be taken into consideration. He used the example of Bay Beach and pointed out that there were projects that had development orders prior to incorporation and that in order to rescind existing development orders the Town would have to compensate property owners, which would be prohibitively expensive. One of the first actions after incorporation was reduction of the density from six units to four units per acre with a cap on what could be built on the beach side of Estero Boulevard, and this has been maintained.

Councilman Thomas pointed out that there are occasions when private property rights may infringe on property rights of the community. Property owners want to maximize profits by increasing density.

Mayor Hughes added that the only significant development since incorporation is Bay Beach and reminded the audience that the property owner had vested property rights long before incorporation and were moving ahead to build additional high rises on the back bay, as well as the property along Estero Boulevard, which was originally intended as commercial. The Town filed suit to stop development and lost the case in court. The Town filed an appeal and subsequently were able to negotiate a reduction in the number of high rises and eliminate the commercial along Estero Boulevard. The condos now under construction have been reduced in number from 111 to 72. The Town spent \$180,000.00 taking this action which was considered to be in the best interest of the Town. The Town has approved nothing that was not already vested in a previously existing development order.

A follow-up question asked by Mr. Zuba concerned consultants and their cost to the Town to work with the Council and the LPA on the subject of zoning.

Mayor Hughes replied that two years were spent on the Comprehensive Plan, which was awarded the outstanding comp plan in the State of Florida in 1998, and the last five years implementing the Land Development Code. Town Manager Segal-George added that Chapter 34, which deals with rezoning, was about \$30,000.00 for the maps, notices, and consultant time. There are currently eighteen Town employees, seven of which are newly hired maintenance employees. There are no subcontracted employees, but there are seven interlocal agreements with Lee County Parks and Recreation, Sheriff's Office, Community Development Office, Department of Transportation, Utilities, Elections Office, and Animal Services. For example, code enforcement comes under Lee County Community Development. The Town pays for half of all the salaries at Bay Oaks. There are also a number of companies and organizations which are independent contractors. Councilman Rynearson pointed out that it was recently decided to hire the seven maintenance employees because it was estimated that an annual \$170,000.00 savings would result.

11. There were several questions on traffic. What immediate solutions to traffic problems could be implemented this year? Do we need another bridge? Is the Town considering purchasing Estero Boulevard, and if so, how and why?

Councilman Van Duzer replied that he is in support of another bridge, which has been discussed and is presently under discussion with the Metropolitan Planning Organization in Lee County, which is appropriate. A suggested route would be from Coconut Road to Carl Johnson Park. He believes that the traffic problems on the Island are not caused by one segment alone, but by the tremendous growth in Lee County.

Councilman Rynearson said that Estero Boulevard is being addressed with the County but that no decision has been made as yet at the County level. The Town is working diligently with Lee County on this issue.

Councilman Van Duzer referred to the traffic study which had just been published.

Vice Mayor Cain opposes the bridge because she does not believe it will help the traffic situation. She addressed growth projections in the County and said that the only issue recently addressed by Council was the alternating light.

Councilman Rynearson objected to media reports concerning solutions before the Council has had the opportunity to digest the study and address the issues.

Councilman Thomas is also opposed to a third bridge because he sees it as bad for the environment and will bring more people onto the Island. Solutions are needed to get residents off the Island. He does not believe the bridge is a live issue.

Mayor Hughes agreed that this would be far in the future, and the location in question would be outside the Town's jurisdiction. He also pointed out that traffic issues will be discussed at the December 8th Council Meeting. Longer term solutions will be pursued at a later date. The Town Manager is developing procedures for increased input by citizens and community organizations.

12. Mr. Zuba's final question to the Council was what they see as the most important quality of life issues.

Councilman Thomas saw the most important two issues as density. He has heard estimates that the Island is 90 or 95 per cent built out, but many owners of smaller existing facilities would like to tear down and build high to maximize profits. The second is traffic and the toll issue.

Councilman Rynearson was of the opinion that purchasing land for preservation and traffic were major issues, but that the most important quality of life issue was for everyone to start getting along.

Mayor Hughes cited traffic as a serious ongoing problem but pointed out that this is a seasonal problem and that the people complaining most vocally are the ones who created the problem. However, he believes the most important quality of life issue is what has been done in the Comprehensive Plan. He pointed to Mr. Zuba's background in municipal government in Oak Park, Illinois and said the consequences of that Comp Plan as implemented by the Land Development Code are the most influential issues affecting the quality of life and will continue to do so. He said it is incumbent on this Council and future Councils to comply with the provisions

and the goals and policies as set forth in this document. He said he has worked with planners for over 30 years, and he commended Mr. Bill Spikowski, the consultant to the Town on planning and zoning, for exemplary efforts. He said that adherence to this Plan, with input from the citizenry, is what he believes will maintain the quality of life on the Island.

Vice Mayor Cain has worked on traffic issues before. Her primary quality of life issue is the environment and water and air quality. She also complimented the Comprehensive Plan and recommended that community members read it. She also stressed the importance of becoming educated on environmental issues.

Councilman Van Duzer said that he shares the views of the other Council members and pointed to the quality of the recreational areas and the waters in this environment as major quality of life issues. He believes prevention of pollution has to be a focus and that the cost of living on the Island in the form of property taxes and insurance costs are also a concern. He agrees with Mr. Rynearson that an important quality of life issue is the ability to talk with each other cordially on a regular basis.

There was a break, after which the meeting was opened for general questions from the audience. Moderator Hank Zuba asked that questions be directed to him for redirection to the Council members. He also asked that direct questions would be appreciated so that there would be opportunity for as many people as possible during the hour time period allotted.

George Whisler came forward and called attention to survey flyers that had been distributed for comments about Town Hall and the content. There are also voter registration cards available for anyone who wants them.

Carol Sharp came forward and expressed a concern about the safety of people on the beach when the Beach Patrol makes their rounds in their motorized vehicles. She believes this is a dangerous situation for people sunbathing and that there will be accidents.

Mayor Hughes replied that many residents had requested that there be a Beach Patrol and that the safety issue will be investigated.

Mr. Petrocelli came forward and asked about removal of derelict vessels in the back bay. Vice Mayor Cain replied that this is being addressed by the newly organized Harbor Committee. The grant has been received from the County, and this committee had their first meeting last week. This is a priority, but it is a long and involved process. It is hoped that removal will begin in the next two to three months. Mayor Hughes added that one of the most frustrating things in public service is bureaucratic delays at the County, State and Federal levels. This plan was begun in 1988 but was abandoned by the County. Mayor Hughes described how the submerged land lease was negotiated and approved by the Governor after a ten-month delay.

David Reno came forward and asked whether the Town has considered the use of a committee of volunteers in lieu of spending funds on consultants. He pointed out that there are residents such as himself who are a resource of talent and would be willing to serve in a volunteer capacity, at least for preliminary studies.

Councilman Thomas agreed that the Town has many qualified people living on the Beach and should take advantage of this resource. He pointed to Mr. Frank Schilling, who has done a great deal of volunteer work of this nature. Councilman Rynearson added that Town Manager Segal-George is proposing this course of action in her memo concerning the traffic study. The study was made available either Tuesday or Wednesday, and it is now a goal to bring organizations and groups together to make detailed recommendations. In response to a remark by Mr. Zuba, Mayor Hughes said that there are twelve committees, subcommittees, task forces and advisory boards within the Town, with 96 people involved. There is an Anchorage Advisory Committee with experts in that field working on the Back Bay issues. Mayor Hughes said he was highly impressed with the credentials of the residents who submitted their names for service on this committee. There are engineers on the Traffic Committee and there is a Public Safety Task Force Committee, and he stated that suggestions and participation are welcome. However, he called attention to the fact that professional consultants are required in order to qualify for grants.

A representative from the Laguna Shores Homeowners Association came forward and referred to problems with the canals giving access and egress to the Back Bay. He expressed appreciation for the support of the Board for hiring Hans Wilson, and also to Town Manager Segal-George for her efforts in obtaining grants which have been beneficial to them.

Sharon Eldred came forward to express concern about the timing of the light at Times Square.

Councilman Rynearson said that this issue is included in the traffic study report. On Monday this will be discussed at the next meeting of the Traffic Committee. Mayor Hughes added that this light is not under the Town's jurisdiction.

Tony Cadio, a resident of the south end of the Island, came forward with a question about truck traffic at Bay Beach. Sand is being spilled on the road creating a dangerous condition, and he asked that enforcement personnel be alerted to the situation. He also asked for a description of how the budget process works, specifically, is the budget adopted with knowledge of how much will be received in taxes.

Mayor Hughes replied that on or before June 30th each year, the County Tax Assessor gives the Town a preliminary estimate of tax revenue; the final estimates is provided in September, and budget hearings are held that same month. Staff, primarily Deputy Town Manager John Gucciardo, makes a projection of ad valorem revenue which is considered in adopting the budget, but this is only a part of the budget process. He pointed out that taxes have not increased in proportion to assessed valuation.

Councilman Thomas pointed out that in 1997 the Town budget was \$5 million, and this year it is over \$10 million. Councilman Van Duzer pointed out that \$3.5 million of the \$10 million is carryover, some of which is being used for drainage and other projects for which the residents are not being charged.

Councilman Rynearson addressed the truck issue at Bay Beach by saying that Estero Boulevard is a County road, and that truck traffic cannot be restricted.

Mr. Cadio explained that he was involved in many construction projects in New York, and that one of the stipulations was that contractors were required to clean the roads of spillage. He wondered why this isn't enforced here.

Mayor Hughes asked Ms. Segal-George to contact the County concerning this.

Frank Giuliano of Island Sun came forward and asked about overgrown trees and bushes on the sidewalk, or Bay side of Estero Boulevard, impeding walking and biking. He also expressed concern about a maintenance code on homes and its enforcement.

He was told that there is a maintenance code, and he commented that it is not being adequately enforced.

Vice Mayor Cain spoke about the sidewalk issue and said that the County has been notified. She believes the County started in the vicinity of Hibiscus and is working north. She assured the questioner that this is being addressed with the County.

Mayor Hughes said that this is another reason why a maintenance crew has been hired, but that some of the growth is on private property, so the owners must be contacted, which will take more time. Mayor Hughes disagreed that the Town is not adequately enforcing the maintenance code and cited examples. He asked that violations be reported.

Kate Corning came forward and asked why the zero per cent meeting set forth in the Town's contract with TBE Engineering for the Hidden Path been delayed until January 28th, and how much money will be spent by TBE between now and then.

Community Development Director Dan Folke replied that he sits with CRAB, which is the advisory board working with the consultant, and he described the proposed workshop known as the zero per cent meeting. He said that some preliminary work in the form of maps and displays must take place prior to this meeting. There will be many options presented. They are also meeting with various groups such as the Friends of Matanzas Pass Preserve. There is no set amount leading up to the workshop, but it will not be the entire \$46,000.00. Ms. Corning said that

she had watched the televised Council meeting at which the contract with TBE had been adopted, and that the deciding factor appeared to be the promise that no work would commence before this initial meeting at which the public would have the opportunity to approve or reject the entire project.

Councilman Van Duzer recalled this discussion and that the estimate for the first phase work leading up to the meeting was \$12,000.00.

Peter Lissich of 131 Estero Boulevard came forward to ask a question concerning taxes. He cited personal situations with property he owns on both the Beach and within the County. He expressed the benefits of Save Our Homes with respect to his residence on the Beach which resulted in reduction in taxes despite a 50 per cent increase in assessed valuation.

Mayor Hughes replied that the assessed valuation in Fort Myers Beach is \$2,359,754,000.00 but the taxable value is \$2,252,783,000.00. The \$100 million differential reflects the SOH distinction and approximately \$50 to \$60 million in tax-free property owned by schools and churches.

Dave Osteg of Widgeon Terrace at the south end of the Beach came forward and asked about the visibility of pedestrian walkways on Estero Boulevard.

Councilman Rynearson described the test program currently in effect at Red Coconut. He said it is not working well, and that a different type is being tested in Bonita Springs which is being reviewed by the Town as well. This equipment costs \$12,000.00 to \$15,000.00 per crosswalk. It is hoped that a permanent solution will be developed within six months to a year. Mayor Hughes explained that while the Town is dependant on the County to do this, he felt the Council would look favorably on spending Town money for this purpose in view of the safety issues.

Mr. Osteg pointed out that the street lights do not reflect on the crosswalks, and Councilman Rynearson replied that consideration is also being given to placing street lights on each side of the crosswalk. Several solutions are under consideration.

Mr. Gucciardo was asked to comment, and said that not having ownership and control of Estero Boulevard has been an issue, but that the street lights are under ownership and control of the Town. The heads and wattage of all the street lights on Estero Boulevard have been upgraded within the last three years.

It was also asked whether there are plans to bury electrical lines on Estero Boulevard and to bring natural gas down the road.

Mayor Hughes replied that natural gas has been installed beginning at the north end of the Island from the bridge to Bowditch Point. This portion of Estero Boulevard is owned by the Town. From Times Square south it is a County and/or Federal road. The next phase will be to Red Coconut, and the third phase, from Red Coconut to the south end of the Island. Regarding burying electrical lines, this is part of the Streetscape Plan which was prepared by Wilson Miller Architects with public input. Funding is not yet available to implement this entire streetscape. There had been discussions with TECO about doing this at the same time as the gas line, but Mr. Gucciardo advised that the County has stringent regulations about separation of utilities, this was not an option on Estero Boulevard. It was asked whether the utility companies could be required to bury their lines, and Mayor Hughes replied that while this is possible in Illinois, in Florida it is not.

Art Backus came forward with a question about enforcement and maintenance of the parking meters. He was of the impression that the Town pays Central Parking \$1,000.00 per month plus eight per cent of the gross, including coins, permits, and fines.

Service Delivery Director Damon Grant was asked to reply, and he stated that this is correct, but maintenance is not included.

The follow-up question concerned a \$320,000.00 line item in the budget for parking meters and maintenance and wondered if this were duplication.

Mayor Hughes replied that there is a one-time capital investment pertaining to acquisition and installation of the meters.

Jenna Masuco of Bay Beach came forward to address the circulation of misinformation, which she feels is unfair to residents and Council alike. She proposed that Staff or a Council member place items in the local newspapers giving corrections and updates on what is circulating.

Mayor Hughes agreed that this would be beneficial and that attempts to do this are being made by means of the *Beach Access*, which is sent out on a quarterly basis to everyone using the tax rolls. There were a number of attendees who advised that they do not receive this publication. Mayor Hughes advised that this will be looked into.

Kevin Mulhearn came forward and referred to a dumpster on the subject of which he has previously come before Council asking that a street be vacated. His request was denied. There was recently another violation which he felt should be enforced.

Councilman Thomas said that he had inspected dumpsters with code enforcement personnel and identified the worst violators, including some on Estero Boulevard, which resulted in corrections. There are over 100 dumpsters on the island, and it will take time to inspect them all. Mr. Thomas said that he and Vice Mayor Cain had personally inspected the dumpster at the Neptune Inn at the time of the hearing, and that the reason for denial was that the pictures presented to Council were not the same dumpster.

Mr. Mulhearn also referred to a previously existing development order which he has for 2440 Estero Boulevard and said that it was intended to develop that property at some future time.

Mr. Folke referred to provisions in Chapter 34, which Lee County has as well, specifying the life of a development order. After a specified period of time, if permits are not pulled or progress initiated to build what has been approved by the development order, the applicant must reapply. He believes that the new rule specifies that a certain percentage must be completed with three years, or a next phase within five years, the development order process must again be followed. The purpose is that conditions change and after a period of time what has been approved previously may no longer be appropriate at that location.

Warren Babcock of 474 Washington Court came forward and thanked the Council for avoiding the construction of condos across the canal at the Mound House. His question concerned the traffic light coming onto the Island. He is in favor of the alternating lights and believes they should be there year-round.

Councilman Rynearson replied that he has been working with Lee County on this issue, because this light is not within the Town's jurisdiction. This is a State light maintained by the County. Estimates that it will be done within the next three to four weeks temporarily. Attempts are still being made to have this made permanent. Mr. Gucciardo pointed to this issue as another example of bureaucracy and advised that attempts have been made over two years to have this a permanent installation. He described the efforts made by himself and Councilman Van Duzer and the expense to the Town.

Carlton Rifle of 100 Estero Boulevard came forward and thanked Council for what he considers an informative and productive meeting. He had two comments or suggestions. The first concerns signage for paid parking under the bridge which he does not feel is sufficiently visible. He also referred to the hours of operation and suggested the signs be illuminated for visibility after dark.

Mayor Hughes said that illumination and height of the signs will be looked into. He advised that the hours of operation have been shortened, which will eliminate some of the after-dark hours.

Mr. Rifle also referred to a copy of a letter he had sent to Lee County Commissioner Ray Judah concerning the removal of the Sanibel Causeway spoil island. He is concerned about how this might affect Fort Myers Beach and recommended the Council take a position on this.

Mayor Hughes replied that the letter had just been received today and asked Ms. Segal-George to put this item on the Council's agenda. Vice Mayor Cain said that the County's position on this is not known at this time.

Paul Martin came forward to ask about the traffic study. He wondered whether the 1,000 page study could be reduced so that residents could more easily review it. He also asked whether it would be possible to divert traffic one-way on Crescent and onto the sky bridge without a stop light, avoiding the Times Square light entirely. Councilman Rynearson replied that this is one of the considerations. His third question concerned the possibility of an Island-wide closed circuit TV available to residents alerting them to traffic situations.

Mayor Hughes replied that this has actually been considered and is included in the study. With respect to Crescent, there are four different alternatives in the draft plan. Concerning the left turn, the main opposition came from the Fire Department because eliminating that left turn coming off the Island would impede emergency vehicles getting to the north end of the Island.

Councilman Rynearson referred to Ms. Segal-George's memo in which it is anticipated that the report will be summarized for public use.

Kathleen Cameron came forward and asked whether the County has ever offered Estero Boulevard to the Town, and whether the Town would like to acquire it.

Mayor Hughes replied that it has never been offered. It is his understanding that the County derives approximately \$160,000.00 per year from the gas tax by reason of the fact that this mileage is incorporated in their allocable share of the gas tax. If the Town took it over, we would not get this amount because we are under a different formula. Mayor Hughes would like the Town to take over Estero Boulevard, but only if the funding necessary to maintain it is retained.

John Hobson came forward and asked whether a bike path is considered for the north portion of Estero Boulevard owned by the Town.

Mayor Hughes replied that this is included in the streetscape which the Town has adopted. Ms. Segal-George added that it is intended to wait until private construction in that area is completed before implementing anything. A drainage plan is being worked on which will include sidewalks, curbs and hopefully underground utilities and as much of the streetscape as the Town can afford.

A question was asked about an elevated pedestrian overpass in the Downtown area.

Several Council members replied that this is in the study. Mayor Hughes elaborated on this by explaining that Wilson Miller did not include this in the streetscape because they did not agree that it was a good idea. One of the issues is that the Town owns property only on one side of the street, however, the property owner of the Seafarer has indicated that he is willing to access his property so it would not have to be acquired by costly eminent domain. Another issue is how to prevent pedestrians from crossing Estero Boulevard at other locations than the overpass. He said this would be examined and that there was positive feeling about it.

Ray Murphy came forward and asked a follow-up question to Mrs. Cameron's question about Estero Boulevard. He recalled that during his term on Town Council he felt that Estero Boulevard should be acquired, and still feels so. Despite all the comments about traffic, there are many restrictions on what the Town can do because the County owns the road. He feels there are sufficient transportation funds and reserves for maintenance and believes Council should move toward acquiring Estero Boulevard.

Councilman Van Duzer said he addressed this issue when running for Town Council and was criticized for this.

Councilman Thomas added that he would not want to acquire Estero Boulevard until after it is resurfaced, and he would prefer to have the County responsible for repair after a natural disaster. He is therefore not in favor of the Town acquiring Estero Boulevard.

Peter Lissich came forward and said that he has heard Bowditch Park referred to as Bowditch Preserve and wondered about the implications.

Vice Mayor Cain replied that the name has been changed possibly because of potential funding. There are more natural programs there, and it will become part of the Great Caloosa Blueway.

Mayor Hughes expressed the opinion that this had been an excellent meeting and commended the audience on their decorum. He said that this was handled in a very pleasant way, and that he and the Council have appreciated that everyone was civil in their approach and asked questions that were pertinent and relevant. He said that more will be done in the attempt to communicate issues to the Town and is very disturbed that the *Beach Access* is not being received. The reasons for this will be investigated. He thanked everyone for coming and also thanked the committee and also Mr. Zuba for serving as moderator.

Vice Mayor Cain thanked everyone for coming and was gratified that there had been questions about environmental issues, which indicates that the community's awareness of natural resources is increasing, as well as the relation to these resources to quality of life and property values.

Councilman Van Duzer also thanked everyone, and described a past adversarial relationship with Carol Sharp which resulted in this meeting. He feels that this effort has been beneficial and needs to be continued on a regular basis. He said that tonight's meeting has gone so well that the next should be even more informal so as to move forward and make this community a better place.

Councilman Thomas said he believes Fort Myers Beach is the best place to live and invited the public to attend Council meetings where they are able to speak at the beginning of the meeting as well as at the end. He also thanked Staff for their efforts and was pleased with the conduct of the meeting.

Councilman Rynearson agreed and said that he at first was apprehensive about this meeting, but was also pleased. He invited the public to contact him and promised to return every phone call.

Respectfully submitted,

Patricia L. Middlekauff
Transcribing Secretary