

**FORT MYERS BEACH  
TOWN COUNCIL MEETING  
FEBRUARY 13, 2002  
RETREAT  
Hampton Inn Suites  
11281 Summerlin Square Drive  
FORT MYERS BEACH, FL 33931**

**I. CALL TO ORDER**

The Retreat for the Fort Myers Beach Town Council on February 13, 2002 was opened by Mayor Daniel Hughes at 9:00 a.m.

**Council members present at the meeting:** Mayor Daniel Hughes, Vice Mayor Terry Cain, Howard Rynearson - Council member, Bill Van Duzer - Council member, 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, Dick Roosa (Town Attorney) and Dan Folke

**II. DISCUSSION OF NEWTON BEACH**

Town Manager Segal-George discussed that the Town Council has directed her to figure a way to acquire the Newton Property. She went down the same track as the Mound House. She expressed that they made application to the Florida Communities Trust for the money. They asked them to totally fund the project the same way as the Mound House was done. The Newton Property is about a 2 million dollar project. The application was submitted and the funding was not received. They were between 15 and 20 points short of getting funding. Some limitations were experienced and there was nothing that could be done to acquire the extra points needed for funding. Some changes are coming forward in the Comprehensive Plan to make clear some of the goals and objectives with regards to parks and trails. This will help with getting some points. She expressed that when she went to Florida Communities Trust for the Mound House nobody was really going to this organization. After the grant for the Mound House was received this dramatically increased the applications to Florida Communities Trust.

The question now becomes what they will do to maximize the chances to acquire this property. It is her understanding from the Erickson's they are willing to give the Town another year to try and acquire the property. There is no desire on their part to try and sell it out from under the Town. She was told that they will have the property appraised and the price will go up. This is a constant moving target. She expressed that Jim's desire was to have the property sold to the Town for fair market value in order to maximize the dollars that would go to his charity and the Town is not one of them. This is the deal that they are operating under. Some problems existed in the past with the attorney's and the Erickson's have had to become involved. The appraisal right now puts the property at 2 million dollars. She is sure that the price will increase.

She expressed that the properties with Florida Community Trust that received funding had matches. She explained that points are received for matches and funding decisions are based on points. One of the possibilities is to go to find additional help in creating a match for the

Town. The two programs are the County's 20/20 Program and the County's Tourist Development dollars. Tourist Development dollars can be spent to purchase property. There is no longer a legal impediment to ask for TDC dollars with regards to the Newton Property. The County has put rules on the 20/20 program that the dollars cannot be used to purchase properties that have structures on them. She indicated if they are going to try for 20/20 they will need to get an appraisal for the beach area vs. the structures.

Bill Spikowski spoke with the Director of the 20/20 Program. She explained that they would need two appraisals. One for the land and one for the structure. The 20/20 also likes to see matching funds. She indicated that they could look at all the land.

Town Manager Segal-George proposed to the Council to try and go into this grant cycle with a 50% match made up of TDC and 20/20. They can then go to Florida Communities Trust to ask them to fund the remainder. She expressed if they want to go down this path they will need to get appraisals quickly. The application for TDC and 20/20 will need to be submitted in March.

Town Attorney Roosa expressed if they were not successful this year they may give another extension for another year. The cost will then go up again. He indicated that the issue of what the City will be willing to participate in will come up. He feels that the City should put in \$100,000.00 or \$200,000.00 on behalf of the Town of Fort Myers Beach to show a commitment. He feels that this will give some type of points.

Town Manager Segal-George expressed that this will not give one point. You only receive points for 40% or 50% matches. She was looking between \$700,000.00 to 1 million to receive points.

Mayor Hughes asked if it is feasible to enter into a contract and have the price fixed. The contract would be contingent on the financing. If after a certain period of time the funding is not secured and closed a modest escalation could take place. This way they will not have to constantly get new appraisals. Town Manager Segal-George replied that she will try.

All Council members were in agreement that Town Manager Segal-George should proceed. They all feel comfortable with the steps she is taking.

### **III. TOWN PROJECT UPDATES BY STAFF**

Dan Folke began by indicating that his position requires him to be responsible for the NPDES

(National Pollution Discharge Elimination System). This is a federal program and is a permit that they are required to participate in. This is a joint permit with Lee County and all jurisdictions within Lee County. The annual report is created and deals with storm water management and discharge into the national waters. He indicated that they provide data on citizen inquiries, maintenance on swales and the clean out of catch basins. You must submit a storm water management plan. The audit for the Year #3 report has just been finished. The Year #4 is in the process of completion. This is a five-year permit. He just received word from the State last week that the Year #3 report was in good order. The Florida DEP administers this program and audits it.

Council member Van Duzer commented that he is receiving some complaints regarding the system put in on Palmetto. They are complaining that this system is not working. The comment is that it floods every time there is a serious rainfall. It will not run-off and the neighbors are out trying to clean up the debris off the top. Damon replied that it is designed to hold the water for so long and then allow it to run-off. The residents are upset because you do

have standing water. This was part of the engineering.

Council member Van Duzer mentioned that Mr. Murphy is an Engineer and is the primary person complaining that the system is not working properly.

Council member Van Duzer was not aware that the responsibility of this project is being shared between Dan Folke and Damon Grant.

Dan Folke replied that the day to day inquires on drainage problems go to Damon. He will make arrangements to have this maintenance done. Dan's position is to prepare the annual report on the permit. He mentioned that a big part of the drainage retrofits will require annual maintenance to keep the improvement working.

Dan went on to indicate another big part of NPDES is public awareness of illicit discharge and proper disposal of household chemicals. They will continue to do a lot of public awareness. He indicated that DEP has asked during the audit if they have labeled the drains. Vice Mayor Cain mentioned that during one of the beach clean-up's a couple years ago several went out and stenciled some of the drains. She expressed that this can be done and she can help with this.

Dan discussed that a couple changes have been made to the Land Development Code. One change is the rebuild/replacement of seawalls. The Council approved some design standards and one of them allows for a little swale. This will be helpful in the trickle down effect with regards to drainage.

Mayor Hughes commented on an article that was published in the Observer. He feels that they need to consider having more public relations. Many of the good projects that the Town is working on never get any recognition.

Town Manager Segal-George indicated that the Beach Access provides information to allow others to be aware of the projects and groundbreaking ceremonies. She expressed that a small staff exists, so they have no one to devote to public relations. They are trying to use the tools that they have to make this information available. Any Council member that would to write an article for the Beach Access has the ability and she will see that this gets completed. Julia has made this look wonderful and it is sent to all beach residents.

Dan discussed an immediate project he is presenting working on. This is for a Comprehensive Plan Amendment that will be coming to Council. It relates to the minimum use determination (MUD). This deals with lots that are non-conforming in terms density, which relates to the future land use map. The amendment approved by Council addressed lots that were comprised of two or more lots with an existing structure, which straddled the lot line. He indicated that there was an appeal of several denials and the Council asked this to come back to the LPA to re-examine the amendment. He will be going thru the maps to identify which lots are non-conforming, and calculate the number of lots to be impacted by this amendment. The initial list was identified by a little over 450 parcels comprised of two or more lots that have structures on them. He and Bill Spikowski are working together and Dan will try to get this to Bill by the end of February.

Mayor Hughes indicated that he had initiated this to go before the LPA. He had concerns that a person with two lots and one home could tear down and replace with two homes. He also wanted to include the situation where an individual owns contiguous lots and the home is just on one of the lots with two substandard non-conforming lots. He does not want them to build on the second lot. The LPA did not want to go this far and he feels that this is valid and would like to see this happen. He feels that the research presently being completed will be helpful.

Council member Van Duzer commented that he feels this is taking someone's private property rights away. When this first came to the LPA he reviewed the minutes carefully and

voted to send this on to the Council. He was under the impression that the number of lots would be determined before it was acted on. Mr. Spikowski also assured him that there would be an easy and reasonable way for people to apply for a variance. He knows that a list was not provided and is being discussed now. He does not feel that it is fair the present way it is. He does not want to do away with the amendment, but feels the people should be able to request a variance. It could possibly be considered on a case-by-case basis. He feels this hurts the private property rights of owners.

Mayor Hughes does not disagree and feels that there is a due process aspect, which would be the timing of when the lot was acquired in relationship to when the ordinance was adopted.

Town Manager Segal-George announced that this will go the LPA in April and will probably come to the Town Council in May or June.

Dan went on to discuss the retrofit drainage improvements. The engineering has been complete. A meeting was held last month with the neighbors from the High Park subdivision to show the plans of where the easements are needed. The easements are prepared. Bill has finished the project manual. The project will be advertised beginning next week. Bids to be done by mid-March and the goal is to have the project complete by the end of May. The project should take 60 days from the Notice to Proceed to substantial completion. He indicated that the owners were glad to hear improvements would be made and also pleased that no assessments would be made to the property owner.

Damon suggested that they have some type of rule stating how long they should take on each one of the streets. He does not want to see them begin on each street and then not finish. This is what they ran into on Lanark, Santos and Primo.

Dan mentioned the Short Term Rental Task Force. This came out of the LPA Workshop on short-term rentals. A large turnout came for this workshop. The LPA decided that they did not want to make a change, but look at putting rules in place to take care of some of the negative impacts that people complain about with the short term rentals. The Task Force will be looking at creating some rules of conduct for short-term rental properties. They will not be debating whether or not short-term rentals should exist. This is the biggest misconception. He is now collecting names of interested people to be on the Task Force. The first Task Force meeting will be held on March 6.

Town Manager Segal-George feels that they should only have 10 participants for the Task Force. She is unsure how the people will be determined. A plan does not exist and she hopes that it does not need to be brought before Council for a decision. The Chairman for the meeting will be Jodi Hester from the LPA.

Mayor Hughes expressed that they need a written statement of purpose to give to the Task Force.

Town Manager Segal-George replied that the LPA is clear on what the Task Force is supposed to do. It is the other who folks who want to be involved that are not clear. She will work to see that this comes together.

Council member Van Duzer would like to be a non-voting member. He just wants to hear the discussion, because he has a real interest in this topic.

Dan mentioned his last item. He discussed the Hidden Paths and expressed that this is a big project that is in the Comprehensive Plan. The Community Resource Advisory Board (CRAB) has taken this on as their top priority project. At the last meeting they set a goal for a time line. Some major planning will be done next month with maps. The goal that CRAB has set is to be ready next Fall to present some type of public meeting for the first couple links of the

Hidden Pathway. A big part of the project will be public involvement. CRAB decided that it would be better to plan something first and give the public something to react to. A lot of funding opportunities exist for Pathways through the State. They will look to outside funding to help supplement and will need some local funding as well from the Town.

Vice Mayor Cain questioned property acquisition? Dan replied that there might be property acquisition involved. He expressed that there are separate grants specifically for property acquisition for trails.

Town Manager Segal-George responded that the idea is to have this path the whole length of the island. The vision is to be able to go up and down the island without ever having to go to Estero Blvd. Many issues need to be resolved.

Mayor Hughes would like to relay to CRAB a completion date for the Hidden Path Project.

Dan replied that this may help. At the last meeting CRAB had questions of whether or not the Town is committed to doing this.

Council member Rynearson suggested the area behind Town Hall. Dan replied that he has tried to focus on the area from Town Hall to Bay Oaks and along the Preserve. This is a nature link. Some natural opportunities exist. He hopes that the County will allow them to participate and allow them to do something along the edge of the Preserve on the County land. The other area CRAB has identified is Laguna Shores at the south end.

Town Manger Segal-George feels that one of the Council members should come to a CRAB meeting and speak for the Council. Tell them that the Council looks at this as a real priority and make a suggestion. They will then know what Council wants and this will make Dan's job easier.

Mayor Hughes would be willing to attend the meeting. No objections were heard.

Council member Thomas commented that he felt it would be nice if the project could be started in two areas. People on the island are getting the impression that everything is at the north end. If they start at both ends and meet at the middle everyone will feel included.

Damon Grant began his discussion on projects. His projects currently in progress would be the Lenell sidewalk. It is substantially completed at this point. They did run into a little bit of a problem with utilities. The funding consisted of the Town paying for 50%, EBIA 25% and the property owners were responsible at 25%. They will incur a one time assessment that will be minimal (approx. \$50.00 or \$60.00) The pool walk sidewalk was a walkway between the pool and Estero Blvd. The pavers were installed and some damage has taken place. Some touch up work will be completed once it has been fenced in. Some Civic groups will help with grading, sod and putting up the fence. The next project currently in progress is for drainage for Lanark, Primo and Santos. Primo and Santos are near final completion. On Lanark they are waiting for some Sprint utility relocation in order to finish up. The contractor is ready to come in and put down the sod.

Town Manager Segal-George expressed that this is a learning process. Lanark, Primo and Santos were the first ones. They are learning about the utility issues on the island the hard way.

Mayor Hughes questioned the franchise agreements between the County and Sprint. Town Manager Segal-George replied that they cannot find one. FPL came after the Town incorporated. When the Town incorporated the only franchise agreement the County had that was inherited was for cable.

Mayor Hughes asked if they should have a franchise agreement with Sprint and FPL.

Attorney Dick Roosa replied that it only helps them and not the Town.

Town Manager Segal-George explained that they are not paying for Sprint or for cable to relocate the lines on the Old San Carlos Project. The only one they are paying for is FPL, because in Florida FPL does not have any obligation to bury lines. She went on to comment that part of the difficulty with the Streetscape for Estero Blvd. is the under grounding of utilities. This is the most costly part of the project at 15 million dollars.

Damon moved on to the proposed future projects/construction. The speed table is something that Bill Morris will tie in with the Old San Carlos Project. This will be at the intersection of Fifth Ave. and Old San Carlos. A raised intersection including the walkways will act as a traffic-combing device. Part of the purpose is to elevate those waking across to make them more visible.

Damon went on to discuss Second and Third Street, which went back from one way to two way. A lot of signage and repainting was complete. Town Manager Segal-George indicated that Second and Third Street will be done to match Old San Carlos, but will not be done at the same time. Wilson Miller has not come forward with the design to Second and Third Street as timely as was requested. This will take place behind Old San Carlos. If they can get the Second and Third Street design and really good bids come in for Old San Carlos they will try to change order Second and Third in.

Damon discussed the drainage projects coming up and mentioned that originally they had Coral, Matanzas and Bayland as part of the original 11. Pearl was causing some difficulties in the design phase. In order to keep these projects moving it was asked to have Matanzas and Bayland done together. Pearl can be done in the next go around. They have already spoke to Publix and Mid-Island Beach Marina about the easement and verbally they have agreed to sign them. Miramar is a drainage nightmare. He met with Gary Porter (County) and Roger (DOT). The Town will only provide a survey and cleaning of the culverts. They will handle the rest. Buccaneer and Coconut were not part of the original 11, but should be considered. He indicated that this is the worst of all the streets. One resident on Coconut expressed that he was getting no drainage. Damon indicated that they found culverts between Estero and back to the bay everywhere.

Town Manager Segal-George explained that when they look at the projects they are trying to determine if there is a way to create retention, so this way the water is being filtered before it goes back to the bay. Some of them they can and some they cannot.

Damon went into the Times Square projects. He discussed the staining of the pavers. This has turned into a real problem. Complete Painting and Design was awarded the bid. They did the application and labor. They received the material from Color Wheel. It was cleaned and one coat was put down. The recommendations for cleaning were followed and the stain came right up. They indicated that the Town's machine had bristles that were too stiff. In the meantime they tried to power wash and the stain still was coming up. Color Wheel is working on a different type of stain to hopefully stay on. He is unsure if this is something the Town is interested in. Two coats will be needed and it will have a little more of a painted on look and will be a little more slick. Color Wheel is willing to reimburse their cost of their material and be done with this project.

Town Manager Segal-George indicated that they are holding \$10,000.00.

Council member Van Duzer feels that Color Wheel should be liable for the labor that was paid to Complete Painting and Design.

Town Manager Segal-George expressed that they cannot give the product that they

originally promised. The test cases were tried and the material is coming up.

Damon commented that when they went through with the heated power wash the pavers looked wonderful. The merchants were pleased and would like to see this heated power wash monthly during season and every other month off-season. He expressed that it may be worthwhile to look into this type of system.

Vice Mayor Cain asked who did the heated power wash? Damon replied that it was through Complete Painting and Design. He can find out the name and possibly contract with them directly.

Damon discussed that Ed Lawler is presently working without a contract. Town Manager Segal-George mentioned that one or some of the Times Square Alliance members will be bidding on the maintenance contract. She is opposed to this. The quality of the maintenance in the Square must be controlled by the Town.

Damon discussed that one more test site will be done. They should go down and look at it and determine if this is what they want. It is different from what they originally wanted to have done.

Damon went on to discuss other areas in Times Square. Benches are beginning to be put in. Farmers Market has had some improvements. He is dealing with both the maintenance and garbage MSBU. He indicated that the Council may see the appointment of two more members. They are up to seven members and can have nine.

Council member Thomas questioned how the Farmers Market is doing? Town Manager Segal-George mentioned that they went down there and a lot people were coming.

Deputy Town Manager John Gucciardo announced that on the beach restoration project a meeting is coming up with Commissioner Judah on Friday morning. This meeting is to see if they can push forward the idea of a joint workshop between the Town and the County to look at some funding options. There is a possibility that the funding options maybe resolved before this workshop can take place. The County will be present at Friday's meeting and will be prepared to give the latest tally of easements that are ready to go and those who still need work further. He indicated that they have received volunteer offers from MRTF members, property owners and since Gabrielle they have received quite a bit of interest from property owners. They will be making a push this Spring to get the blanks filled in. Steve Boutell has been working with the Core of Engineers about accepting some revised language on the easements. They may consider going to 50 year language and also language that will have definite start and finish dates. Another hurdle to cross will be correcting the easements of those who signed earlier. If the funding goes through the project will kick off in the late Spring or early Summer and be a very intensive 3 to 4 month project.

He went on to discuss Emergency Management. Since the end of hurricane season they have been working on a continued cooperative effort with other local agencies with post disaster planning. More work is needed revising the different options on what is done after an event. He feels that they are in fairly good shape for a community of their size. The relationship with the County is very good. The bad news is that the more he learns the more he realizes that most communities have individuals dedicated to just this job.

Deputy Town Manager Gucciardo explained that if he had more time he would make a priority to try and figure out how to become better involved with the NFIP (Flood Insurance Program) to help the Town and also the residents. After Gabrielle many residents had wonderful experiences with insurance companies and others had horrible stories. The Town has not been able to offer any real help. He has talked to others in different jurisdictions that have funneled

all the insurance representatives into one area. This way the claims are processed under the umbrella of the municipality. This sounds like a lot of work, but could offer the ability to provide a direct impact at getting people their relief.

Town Manager Segal-George replied that her claim is still not paid.

Council member Van Duzer expressed that he had a good experience.

Mayor Hughes explained that he had a good experience at Smugglers Cove.

Attorney Dick Roosa replied that he felt there would be many communities in Florida that would be interested in the experience of Fort Myers Beach. He is glad to hear they are documenting this and getting some information. There have not been very many claims under FEMA in Florida. He feels that this would have some value.

Deputy Town Manager Gucciardo went on to explain the TECO expansion. The natural gas line went down San Carlos Blvd. and entered the area somewhere around Pizza Hut. An experiment was done and they were allowed to run a line from Bowditch Park down to Lynn Hall Park. This was to take three weeks and have no impact on the other functions within the Town. It turned out to be anything but this. It took about 3 months and they hit every water and sewer line in this area. It turned into a disaster. This permit was put on hold and they have capped off their line. They are working with the Town on the Old San Carlos Project, but a gap will still exist between the Pizza Hut and the Best Western. The big question is when they want to move south on the Estero Blvd. The first stretch will be from the Square down to Donora or just south of Donora. They are considering getting permits to put the natural gas line on the beach side. The line would be safe here and they could use the beach access points to come back onto Estero Blvd. and access customers on both sides of the island. He is not optimistic that they can prove this will be viable. He has not heard from them since the end of October, so he is unsure of the status. He will keep the Council posted as the permit application moves along. The permit application for Estero Blvd. will have to go through the County, since it is still their road.

Deputy Town Manager Gucciardo moved to remedial road maintenance. This is a project that has been in the capital budget for a few years. This has to do with resurfacing and maintenance on the side streets. Within six years of the Town's incorporation the County came through and had done the resurfacing on the side streets. The life expectancy is between 10 to 15 years (average 12 years). An inventory of the side streets has been complete and they are aware of the surface conditions. They are not aware of the price and the timetable of how to go about resurfacing all the roads. The Town Manager is going to have one of her contractors give a breakdown on what this will look like. The expectation is for the next budget cycle the project will need to be started.

Council member Rynearson asked how long this project will take? Deputy Town Manager Gucciardo replied that he is not sure. It will depend on the condition of the side streets. If the condition is as good as they think it may be able to be stretched over a five-year period.

Deputy Town Manager Gucciardo discussed the Town finances, investments, etc. There are three areas in the Town finances that he and Janeen are working on. One is the retirement plan for Town staff. Another is the investments such as the general operating dollars in hand. The bulk of the funds have been with SunTrust. The returns are not as great now as they have been in the past. Janeen is not real optimistic in tracking these down, but they are still working on it.

Town Manager Segal-George will be asking in the Spring for a new position to assist Janeen.

Deputy Town Manager Gucciardo expressed that they are looking for a loan type program or line of credit type program. This is something that can be put into place and can be used under prearranged terms.

Council member Van Duzer has some information regarding investments. He will provide this to Deputy Town Manager Gucciardo for his review.

Town Attorney Roosa suggested Charlie Green's office. When he took over the former clerk had not paid much attention to investments. Charlie really turned this around and it started producing a revenue stream for the County. He indicated that he may have several full-time people handling this. The finances are critical in any operation. It is difficult to handle this on a part-time basis.

Deputy Town Manager Gucciardo went back to the water utility. After six months he has no idea what is going on with the finances. After six months he is unsure what is going on with the operations. There are lots and lots of loose ends. Janeen has had a lot of frustration in dealing with Beach Waters financial person. The concerns have been expressed. Others have also had problems internally and they are working to rectify the situation. Janeen has been overwhelmed with parts of the accounting that should be coming to them as a finished project. They are doing the best they can to try and get this under control. Some fairly serious financial questions need to be answered in terms of the flow of money. He also has some questions on the operating side.

Town Manager Segal-George began with canals. MRTF is working on a canal project. In the Beach Access they had a form for people to fill out about their canals. Tremendous response has taken place. Hans Wilson is helping her to come up with a plan on how to deal with the canals. He is putting an outline of a project together that will come to MRTF next week. He is talking about going to two public workshops. Hans was hired by MRTF and the Town Council to do work on one canal, which was the Crescent Street canal. This report is complete and is going to MRTF next week, and will probably be coming to Council. Rough cost figures to do the Crescent canal is \$150,000.00. She indicated that they would be looking at some type of shared cost to do the canals. Some significant issues will need to be addressed such as a disposal site. As they do these canals they have the ability to dramatically improve water quality and water quality in the back bay.

She went on to indicate that the other projects are Laguna Shores, Carlos Point and Marina Towers. They have been working with these three entities for awhile. Laguna Shores is having a property owners meeting, and will be discussing the work that has been done by Hans Wilson. She talked with Lou Marone and indicated that the Town is waiting to see which way they would like to go. This will have to go to Council and the Council will need to talk to Laguna Shores regarding cost sharing. These are three projects that they have been very involved in and are all south end projects. The Marina Towers permit is almost available, so the Marina Towers project should be moving forward. Carlos Point has gotten hung up with the State permit for the beach renourishment project. Carlos Point and Marina Towers are totally responsible for paying for their work themselves. The Town became involved to help pay for the consultant to get things moving.

Attorney Dick Roosa commented that the Council adopted a resolution requesting the County transfer the property for Marina Towers. He talked with Tim Jones on Friday. He stated that it will be the staff's recommendation for the County to keep this property and not to vacate any portion of it. He claimed that they are using this land.

Town Manager Segal-George went on to Old San Carlos. Bids are in process and will

come back to Council for award on March 18. The project is due to start on April 15<sup>th</sup>. She has no reason to believe that they will not meet these dates. She indicated that the ordinance on assessments will be moving forward. The speed table is trying to be linked up to the project, as well as Second and Third Street. The Pedestrian Plaza has been seen by Council and is part of the bid project. She presently has money for a project manager and she is hoping by Thursday or Friday she will have a request for proposals done that can be advertised. She will bring this to the Council to pick someone to run this project on a day-to-day basis. She is hoping to get bids from others other than Wilson Miller. The completion date is two weeks before Thanksgiving. Old San Carlos will be done and decorated for Christmas.

She discussed NextBus and Chris will be back in front of Council on March 4. The County is very supportive and really wants to move forward. She does not feel that the County has much to contribute dollar wise. She read an article that they are looking to going to a transportation district. She has not been able to follow-up on this.

The Harbor Plan is moving along very nicely. This should be out of permitting within the next month or two, and should be completed by the end of this fiscal year. She expressed that they are looking to go to the County to receive the funds for the removal of the vessels. They do this type of situation regularly and this is now coming in as an additional line item. Coastal is talking to Boutell about trying to get the channel markers.

She went on to discuss the Mound House. She talks daily to the Director and asks which bids she has received. Until Rebecca's contract expires she is trying to get her to do a lot of the work needed for the house. The gas is not an issue and they will be moving toward the electric, gutters, lightening rod, brick beams in front painted and the dock. Archeology is going on. CELCAB will be pursuing the process of hiring a new director and this will come before the Council.

Discussion was held between Council member Van Duzer, Vice Mayor Cain and Town Manager Segal-George regarding the recommendation of not hiring Florida Gulf Coast University. Vice Mayor Cain expressed that this had been left open. Town Manager Segal-George expressed that Florida Gulf Coast is submitting a proposal. The sub-committee is going to look at all and recommend 4 for CELCAB to interview, and it will then come to Council. Her recommendation for Council is that they should interview them also.

Town Manager Segal-George expressed that she is the oversight person for the Sheriff's substation and the over pavement on Estero Blvd. These projects belong to Council member Howard Rynearson. They are trying to get the architect to move forward on the Sheriff's substation. Johnson Engineering is up in Tallahassee today with Beaches and Shores to try and find out if this project can get permitted. They should have this information within a couple weeks and should come before the Council.

Deputy Town Manager Gucciardo discussed the short-term solution for the Sheriff's substation. This would include renting or leasing something to replace the trailer. The long-term solution is the building. The feedback he is getting is that the Sheriff's Office West District feels like it is in a position of need to do something with the trailer there. They are feeling that they are exposed to a certain amount of liability for two reasons. One is that the trailer is in a non-repairable position and is unsafe. The other is that they feel mold is growing and could cause illness. They would like to see something happen on a short-term basis.

Council member Rynearson commented that he had conversation with several from the Sheriff's office and they were satisfied at this point. He was going to leave the situation until they hear differently. He does not feel that they need to spend money if it is not necessary.

Town Manager Segal-George commented on a memo from Scott Gilbertson. They are planning to do the over pavement work from south end to Donora. This project is moving along.

**\*\* At this point discussion began on Committee updates \*\***

Dan Folke began and stated that he works with CRAB. Their major project is Hidden Paths, which was discussed earlier. They are working on the Leadership Program and were responsible for bring this to Council. Julia at Town Staff will be handling the coordination on this project. The program is looking to be scheduled in June. May was considered, but many other things are happening that month. This will take place over a couple week periods in June. This project is moving forward and CRAB will oversee it and do an evaluation of it. It was decided at the last CRAB meeting it would be good to have one CRAB member go through the program. They also brought forward a vision statement for the Matanzas Pass Preserve. He has attended a lot of the Friends of the Preserve meetings. Everyone is in agreement and the two groups are working together very well. One other project is the island resource brochure. This will incorporate all the community resources that have been identified by CRAB.

Town Manager Segal-George explained that the Times Square Advisory is also doing a brochure to show the restaurants and shops located in that area. She indicated that they may be able to do these projects together.

Dan Folke replied that he is struggling to find a good base map. He is trying to get CRAB to focus on the public resources.

Dan went on to discuss the LPA Historic Preservation Sub-committee. The group is moving forward to create an informational brochure that can be used as a tool to educate people on historic preservation. They are looking at focusing more on individual designations and discussing some small districts such as Mango Street.

Damon Grant discussed the Times Square Advisory Committee. He expressed that they are trying to get this committee to go back to handling only financial matters. This was the original intent for this committee. They are working with the Alliance to get together an information brochure for the public to see what is happening in the Square. A bandstand is being considered by the Dairy Queen. They are focusing on the existing rules that the merchants have to abide by. These rules are 4 or 5 years old and are outdated. Certain areas need enforcement. They are also working toward some esthetics behind the wavy wall.

Town Manager Segal-George explained the conflicts with the Sunshine Law between the Times Square Advisory Committee and the newly formed Alliance. This is the reason for limiting the duties to Times Square Committee. The Alliance has taken on the event planning for this area.

Deputy Town Manager Gucciardo discussed the Public Safety Task Force and expressed that they are project oriented. He indicated that they get themselves in trouble and lose their way when they deal with concepts rather than tasks. Without direction they tend to fish around. They are still very good and effective when they have a defined project. His recommendation for Council in the future would be to give them a specific set of questions to answer. They need additional direction.

He discussed the Pool Foundation. They are focusing on fund raising. Some money is in the bank and some prospects exist. They have slowed down. They will be focusing for the remainder of the season on getting some serious publicity in the local papers about the wall.

Town Manager Segal-George has the LPA. Council is most familiar with this committee,

because most of what they do comes before Council. They are now working on Chapter 34, which is the last piece of the Land Development Code. They continue to hear the cases that ultimately come before Council. In March they have 3 variances scheduled and an administrative appeal. The LPA has also been re-visiting the Comprehensive Plan. They have been using Carol Cunningham and are constantly looking at the elements to be sure it is working the way it should. They would like to do a quarterly review to see the different elements. Some sign issues are also being looked at and will come to Council. Many new members are on the LPA and this has been challenging and exciting for them.

She went on to discuss Marine Resources Task Force. Their major project is canals and she discussed this earlier. This is the group who gave the Beach and Dune ordinance, and also the new regulations that are in the Land Development Code with regards to beach permitting, raking and special events on the beach. They are continuing to work on the tree for the John Mulholland Stewardship Award. Vice Mayor Cain mentioned the educational programming.

Town Manager Segal-George is on call with regards to CELCAB. She discussed the press statement and indicated that they did not want to be tagged with something they did not do. She explained that when Corbett, who was on CELCAB at the time, wanted to submit a proposal to do the archeology this was reviewed at great length. She and Attorney Dick Roosa discussed this matter and Attorney Roosa also talked to the attorney with the Ethics Commission to make sure it was handled properly. All steps were followed exactly.

Town Manager Segal-George announced that there is the potential for one or two more new committees. They must form a new committee for the Harbor. The other possibility is for the canals.

Mayor Hughes discussed the roster for all committees. He would like an updated list. Dan Folke replied that Michelle is working on this.

#### **IV. DISCUSSION OF CHARTER ISSUE FOR THE ELECTIONS/LETTER FROM EBIA**

Mayor Hughes announced that Philinda Young had called a meeting of the Mayors. Deputy Town Manager Gucciardo went with him and she indicated that they would need to change the Election Day. This was done and several drafts of an ordinance were completed. They ended up going with the even years. Mayor Hughes discussed the other provisions such as the reorganization. The annual organization of the Town Council will need to be made consistent with the election date.

Attorney Dick Roosa replied that the Mayor at the first regularly scheduled meeting following the Town's regular election will hold the reorganization.

Mayor Hughes replied that by changing the election it automatically adjusts itself.

Mayor Hughes indicated that he and Deputy John Gucciardo have learned that a number of the special districts are not changing their election dates to this Spring. He gave examples of the Fire District and Mosquito Control.

Deputy Town Manager expressed that the whole reason for the meeting called by Philinda was that the City needed to change to a Spring election, because she could only handle the Countywide State and Federal elections in the Fall. Their assumption was that everybody, except the County, would be switching to the Spring. He is missing the point why they needed to switch.

Mayor Hughes is unhappy that they made the switch and others are not.

Town Manager Segal-George asked Attorney Dick Roosa to investigate this with

Philinda Young's office. She was under the impression everyone had to make a change.

Attorney Dick Roosa replied that the Fire District has a great deal of political clout. There are 17 districts in Lee County. This is a political issue.

Discussion was held regarding the reorganization and when it should be held each year.

Town Manager Segal-George began the discussion regarding the letter from the EBIA. She expressed that this is an expensive proposition and is also on private property. She gave an example of St. Peters. This street is private. They do have some drainage issues over there, but they have not approached the drainage issue because it is a private street. All the streets that have had retrofits have been public streets. Bay Beach Lane is also a private street. Beach Water is looking to rectify the complaints coming forward regarding water pressure on Bay Beach. The Town believes the problem stems from the pumping system from the condos.

She went on to comment that they have a lot of water and this is not an issue. They have very good quality water coming from the best aquifers in the County. They also do not have problems with delivery. The water pressure problems are being caused by other factors on the private property. Condominiums or buildings need better pumping systems to bring the water to the different units. On some streets they may have more than one water line. Some homes are being served by old lines. These issues will continue to play out at Bay Beach.

Council member Van Duzer questioned if this was taken over would they have a separate assessment? Town Manager Segal-George does not feel that this is what they are discussing. The argument is that the Town is handling drainage improvements on other parts of the island and they feel that the Town should be taking over their problems also.

Council member Van Duzer feels that the answer is easy. They have private property. The Town can do the work as long as they are willing to pay the assessments.

Attorney Dick Roosa indicated that this happens all the time. When subdivisions are built the developer, as a cost cutting measure, does not want to build the roads to County specifications. They also do not want to put in the drainage to County specifications. They agree that the unit owners will continue to maintain these services. In the most municipalities if the property owners will have the road built to County specifications, and the width of the road according to the road requirements the local government will take over the maintenance.

Town Manager Segal-George replied that she told EBIA this with regards to the road. She explained if they brought the road up to County specs and gave it to the Town they would maintain it. The issue is bearing the cost to bring it up to the specifications.

Vice Mayor Cain expressed that this gentleman called her on January 11. He was interested that she was Chair of MRTF and he wanted her to come down and see how good their stuff worked because the Town was getting into retrofit. She was very surprised to get this letter, because she was approached on a different level.

Town Manager Segal-George asked Council if they wanted to prepare a response that this is private property and the Town has set a policy with regards to private property. This request would not be deemed as appropriate at this time. As an alternative she could get one of the water engineer consultants to look at this and determine the type of proposition they are getting themselves into. Do they want to say no or do further research before a decision is made?

Council member Van Duzer asked if they pay the same property tax? Town Manager Segal-George replied that yes they do. Attorney Dick Roosa indicated that a property appraiser will value property on a private road as less.

Council member Van Duzer feels that they should answer the letter and state that there are inherent problems in the subdivision due to the way the roads are built. They do not pay the

same tax value. At their expense the Town would be willing to work with them. It is not fair to ask the other people of the island to assume this when it is a private road and they do not pay the same tax value.

Council member Rynearson does not want to get into private property.

Attorney Roosa replied that you run into problems spending taxpayer's money on private property. All the money being spent is on public roads and easements.

Town Manager Segal-George will draft a letter and provide to the Mayor for his signature.

## **V. DISCUSSION OF TRAFFIC/CONGESTION**

Town Manager Segal-George expressed that she has heard many solutions to this problem.

Council member Van Duzer commented on the new study. This study will show liability by Lee County for their traffic problems on Fort Myers Beach. It will not get better, but will only get worse. A couple things could be done to make it better. One is to get rid of the light and the other is the left turn lane. He mentioned that these get discussed, but nothing ever gets done. He would like to move forward. He also mentioned another bridge.

Town Manager Segal-George replied that the area with light is controlled by the State of Florida. They will not take this light out without having another alternative they are willing to sign off on.

Deputy Town Manager Gucciardo played advocate and took the State out of the picture. The traffic light is removed how do you cross? Council member Thomas replied by overpass. Council member Van Duzer was always under the impression the overpass would be completed.

Deputy Town Manager Gucciardo explained that others they have spoken to commented that if you do not make it physically impossible for people to cross at ground level they will not use the overpass.

Council member Van Duzer feels that this easy. He suggested a nice center island with a fence and flowers.

Council member Thomas feels that the traffic problems are caused more by pedestrians than the automobiles.

Council member Rynearson does not disagree with what is being said, but he would like to see the study and work from there.

Town Manager Segal-George replied that the study will not address the problem raised by Council member Van Duzer.

Mayor Hughes discussed the removal of the light issue. He expressed that they do not own property on both side of the street.

Town Manager Segal-George will bring this back to Council if they so desire.

Council member Van Duzer would like this to come back for consideration.

Council member Thomas would like to see if go forward as long as it does not interfere with the \$600,000.00 study.

Mayor Hughes reviewed that Council would like to revisit the pedestrian overpass and the elimination of the light. Also, the elimination of the left turn. There is a lot in the Wilson Miller study regarding this and the new Council members should have this information.

Discussion was held regarding obtaining Estero Blvd. and the gas tax.

Attorney Dick Roosa commented that he feels they are heading for trouble. In order to get the extra gas tax the County had to work with Cape Coral and other municipalities to allocate greater than the proportionate share. When you give away more than 100% you will end up with

less. The County felt that they could operate with a little less. Other Town's came along with different methods for calculating, and they divided what is left over and not the total pie. He indicated that they are getting a larger portion of the pie than they will get if they have the recalculation. He feels that they might still be better off taking over Estero Blvd. with a guarantee of what they presently have now.

Town Manager Segal-George explained that they do not generate enough money every year to be able to save the kind of money needed for Estero Blvd.

Council member Rynearson would like to take this project to the County. Town Manager Segal-George does not feel that they have a chance. This will be categorized as a large project and they will complete against other areas such as Lehigh and Cape Coral. They will not be able to find their way to the top.

Town Manager Segal-George asked if they would like to have the retreats more often. Mayor Hughes suggested something before the Summer schedule. Some discussion was held regarding the agenda for future retreats. Town Manager Segal-George suggested quarterly meetings with one meeting containing the update on all the projects and one with the big picture discussion.

#### **V. COUNCIL MEMBER ITEMS AND REPORTS**

**Council member Bill Van Duzer** - Announced that on March 9<sup>th</sup> is the Shrimp Festival Parade. All Council members are invited to ride in the festival in separate vehicles or as a group.

#### **VI. PUBLIC COMMENT**

None.

#### **VII. ADJOURNMENT**

The meeting was adjourned. No time was given.

**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.**

Respectfully Submitted,

Shannon Miller  
Transcribing Secretary