

**FORT MYERS BEACH  
TOWN COUNCIL MEETING  
APRIL 15, 2002  
REGULAR MEETING  
Town Hall - Council Chambers  
2523 Estero Boulevard  
FORT MYERS BEACH, FLORIDA**

**I. CALL TO ORDER**

The Regular Meeting of April 15, 2002 was opened by Mayor Daniel Hughes on Monday, April 15, 2002, at 3:00 p.m.

**Council members present at the meeting:** Mayor Daniel Hughes, Vice Mayor Terry Cain, Howard Rynearson - Council member, Bill Van Duzer - Council member, 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), Dan Folke, Bill Spikowski and Pam Houck.

**II. PLEDGE OF ALLEGIANCE**

All assembled and recited the Pledge of Allegiance.

**III. INVOCATION BY REVEREND TOM SNAPP, St. Peter Lutheran Church**

No invocation was given at this meeting.

**IV. PUBLIC COMMENT**

Christina Fernandez from 2943 Estero Blvd. (Gulfview Shops) came forward. She is for the signs, because these are one of the few things which allow people to identify what is happening in the shops. She expressed that these signs are needed, especially in a time when things are extremely slow for everyone.

Ollie Curran from 155 Connecticut came forward. She has lived on the beach for 26 years. For the past two years she has owned the Hair etc. Salon, which has been there for about 20 years. She thanked them for the LPA meeting. The very large sign is not a good sign. They were forced to put out signs on the street, so people would come in. When the signs were removed no one knew they were there. She is here today to ask for them to be able to keep the signs to show where their business is. This is very important. Thank you for having this on the agenda.

John Mertzlufft, 2801 Estero Ave., came forward. He is the manager of Seagrape Plaza and also has a store in the plaza (St. Louis Pizza). He noticed when he took his sign down the drop in business indicated how much the sign had helped business. For the last 30 days customers have complained that a sign is needed. He knows that these signs are important to all small businesses. He appreciates anything that can be done.

Robert Gutierrez, 845 South St., came forward. He is representing the Shamrock Irish Pub. It has been in his wife's family for 20 years. He explained that they have had these signs up for three years. The signs are really needed. He is 100 yards out the overlay district. He has noticed a large decline in his business over the last few weeks. He is asking Council to go with the recommendations of the LPA. They have had a bad year. Tourism has been lost. Small businesses have suffered a decline. He feels if the traffic is redirected away from Times Square it will help with the traffic congestion and give the other businesses a fair shake. This Saturday he is putting on a fundraiser for the 4<sup>th</sup> of July fireworks. This sign helps bring people

in for the fundraiser. All they are asking for is a fair shake.

Ellie Sullivan-Guild, 450 Lazy Way, came forward. It has been proven that many small businesses beyond the overlay district are hidden. Without signs there will be no business. No business means that some will close. Her business has been severely affected since she has taken her sign down. They need a fair and uniform solution to this problem. An A-frame sign would not be her choice. Maybe some sort of post sign created by Tiki Tom or a banner similar to the beach access signs would work. As an independent contractor her only means of advertising her location is by some sort of sign. Please follow the LPA's suggestion and allow them to put their signs back out until they can find a solution.

Heather Haywood, 110 Mango St., came forward. She is the owner of the Heavenly Biscuit. They are located just off of Estero Blvd. They are present today to ask Council to please go with the LPA's recommendation and waive enforcement of the current sign ordinance until it can be looked at again by the LPA and brought before Council for a new vote. Her lunch business is off by 85%. Some is due to tourism and some is due to the locals not knowing that she is still open. Her breakfast business is off about approximately 35%. She would like to see them reach a happy median.

## **V. CONSENT AGENDA**

**A. Review of Financial Reports: March 2002**

**B. Approval of Minutes: March 18, 2002**

**C. Approval of Town's financial support for the MPO for 2002/2003**

**MOTION:** Made by Council member Howard Rynearson and seconded by Vice Mayor Terry Cain to approve the Consent Agenda.

### **Corrections and changes to minutes:**

1. **Mayor Hughes** - Page 5 - Proclamation: Fishing Tournament - strike creator and replace with Johan Kriek.

**VOTE: Motion passes unanimously.**

## **VI. ADMINISTRATIVE AGENDA**

**A. SEAFARER'S, INC. CASE #DCI-2000-00047 SEAFARER'S PLAZA**

(\*this item will begin at 6:30 p.m. after the break)

**1. PUBLIC HEARING: Master Concept Plan/Zoning Resolution**

**2. PUBLIC HEARING: Developer's agreement**

Mayor Hughes indicated that this is a continued public hearing on the Seafarer's Plaza. Beverly Grady came forward and expressed that a lot of work and many hearings have taken place regarding this matter. The major change to the application is that there will be no parking garage. The development consists of two and three-story linear buildings around the block. The architectural elevations are part of the approval and staff should indicate the approval is consistent with the Comprehensive Plan and the Code. She expressed that the applicant believes that this approval is consistent with the Old San Carlos and Crescent Street Master Plan. In addition to the application is the commitment to provide a low-lying fence wall along Crescent Street and Fifth Ave. The Zoning Resolution has been reviewed and it reflects the changes made to the application, and reflects the revision to the Master Concept Plan. There is a choice in Condition A of option A & B. They strongly urge Council to select option B for the Commercial Planned Development. The Development Agreement has been reviewed. A number of revisions have been made and also the elimination of the parking garage. Beverly addressed page 5 of 17 and explained that she added the word "liability" for the future use of

the gazebo and elevator for public use. Also, she removed the word "easement." The term for the lease has been left open and will be effective until the Town decides they no longer need the use of this area. She expressed to go forward with this development agreement it must be based on good faith of the developer and the Town. She thanked staff for their work and also thanked Council for their time and effort, which has been put forward. The applicant requests Council's approval of both the Zoning and Development Agreement.

Joerg Wiebe from Seafarer's 1997 and 2000 Inc. came forward. He expressed that the parking garage is out, but he finds this sad. If the Town would like to have a parking garage in the future, the doors would be open. The walls which were discussed in a previous meeting were immediately added. He discussed option A & B and expressed that he would ask Council for approval of option B. Option B is the approval of the one body piercing and tattoo parlor at this time only. The one body piercing/tattoo parlor present now would be agreeable to paint the building within the next week, if this is approved by Council. The car will never be in front of the building any more and will look like a decent building. Mr. Wiebe will remove the old Papa John's sign. He feels that everyone will gain. He expressed to all that have a problem with this project his intention to give the Town the needed easement to widen Estero Boulevard. He thanked Council for bearing with him all this time.

Mike Cicerone reminded everyone that at the last Public Hearing the Council conceptually approved Phases I, II and III. Council declined to take action on Phases IV and V until the developer insisted that they reach a decision. At this point, Council rejected Phases IV and V. He felt that this left a hole in the plan. A workshop was held to fill in the gap which was left after the rejection of Phases IV and V. He questioned if Council intends to approve hotel units in Building C, and if so how many? He expressed that Council would need to go to a 3 to 1 multiplier in order to approve the request. Staff has recommended approval and he feels that this is due to the big issue of insufficient parking being addressed. The Developer has determined that he cannot legally go forward with Building C until he brings in a parking study satisfactory to the Town. Additional issues pertain to the body piercing/tattoo parlor and the gazebo. He is not in agreement with the Developer's language regarding the gazebo and elevator. He feels that there is no legal binding effect. He indicated that these are the three areas that staff would like decisions on to finalize this agreement. Other issues may exist. Staff is in support and has worked out all of the language with the exception of the gazebo.

Dan Folk, Community Development Coordinator, came forward. He expressed at the last meeting, which was the Workshop, staff was asked to prepare a resolution and have the Master Concept Plan revised to reflect the issues discussed. He reviewed the four phases. He explained that the required parking is known for all the uses and as the parking is developed the required parking will have to be met. He explained the options which could be implemented for Phase IV. As the different phases are built out the available parking will control what is built. He went on to review the approved uses in the staff's draft of the resolution. The nightclub/ pool and billiard hall has been removed. It has been established that the uses will be allowed to utilize three parking spaces per 1,000 square feet, except for the hotel use which is going to be one parking space per hotel unit. The parking is consistent with what is allowed in this district at this time. He reviewed and pointed out some of the changes in the resolution to the Town Council. Some of the concerns staff had at one of the last hearings pertained to the inconsistency of the request with the Crescent Street/Old San Carlos Master Plan. He feels all of these inconsistencies have been resolved. The request before Council today, in his opinion, is consistent with the Master Plan. Staff is recommending approval as conditioned.

Council member Bill Thomas questioned Deviation 5. He indicated that it appears density and intensity are being increased at the same time. Dan Folke replied that Deviation 7 is for a deviation from the maximum hotel size of 550 square feet to allow units of 600 to 700 square feet. These two deviations have been part of the request from as far back as he can remember. This has not changed from what was before Council in the past. Staff has always

recommended approval of these deviations.

Council member Rynearson has concerns with the 65 hotel units and the possibility of off-site parking. Dan Folke replied if the applicant comes in with a shared parking agreement the Town will have to determine if this location is appropriate for the shared parking. The Town has the ability for review and can accept or reject the proposed parking agreement.

Bill Spikowski, Planning Consultant for the Town, came forward. He commented on the gazebo issue. He discussed the pedestrian overpass and indicated that it is very rare to put an overpass on a narrow road, because people do not like to use them. There is no use in putting one up if people are still crossing at grade. In the Old San Carlos Plan an alternate plan was discussed to build a raised median in this block of Estero Blvd. Some problems with the final design existed. A solution of receiving 5 extra feet of right-of-way on Estero Blvd. was suggested, but this extra right-of-way was not in the possession of the Town so this is why nothing has happened. If this project is approved and the Developer's Agreement is signed this 5 feet of right-of-way will be donated to allow this to happen. The use of the raised median and pedestrian overpass do not work together. Mr. Wiebe suggested that he would donate the gazebo and use of the adjoining elevator, if the Town wants to use it. The language in the agreement is to allow the Town the option to exercise the use or ownership of the elevator and gazebo should they decide to go ahead with the overpass. By signing this agreement the Town is committing to completing the wider sidewalk.

Council member Thomas commented the he felt phases I, II and III may need to be revisited. He feels that the required parking for the first three phases cannot be met. Bill Spikowski replied that they do not have quite enough for the last part of the third phase. He went on to comment that Council needs to be comfortable and understand the language on page 9. They will be bound by this later.

Additional discussion took place regarding the possibility of off-site parking in the future. Bill Spikowski expressed that some issues have been raised which may require additional language changes. He will spend time during the public comment trying to address this concern.

Mayor Hughes expressed that last week a conversation took place regarding a buffer wall vs. the landscaping. He asked Bill Spikowski to elaborate on this issue for the benefit of the Council members and the public. Bill Spikowski replied that when the current phase of this project came into permitting at the County this past year, no buffer was required between the parking lot and sidewalk. The County assumed that this was all paved and not a new development. After the March 18<sup>th</sup> meeting it became very clear that the hotel may never be able to be built under this approval. If so, they could end up with a large unattractive parking lot right up against the sidewalk on two important streets in the downtown area. Mr. Wiebe agreed quickly to build a very attractive stucco wall. Originally a hedge was proposed, but it was decided that the hedge would not be practical. Mr. Wiebe was in agreement and would be required to build the nice wall around the temporary parking lot within 18 months.

Mr. Wiebe came forward and expressed that the parking requirements are known. This is why there was a garage designed into the original project. Now the garage is withdrawn and he understands that he is below the required parking requirements. He explained that he presently has over 200 parking spaces in total and he constantly has a 75% vacancy. He is willing to provide the equipment showing an accurate study of the parking. He would like Bill Spikowski to add in the language "two years prior to building the hotel this data must be provided." He agrees to this 100%. He commented that everyone should use common sense. The parking lots are full only 8 weekends a year between 11:00 a.m. and 3:00 p.m. Please understand where he is coming from.

Council member Thomas commented that he feels Mr. Wiebe has many undesirable stores at this time. In the future his intent is to build more desirable stores which will attract more traffic.

Mayor Hughes asked for ex parte communication. No additional communications were indicated by the Council.

George Repetti from 8402 Estero Blvd. came forward. He is unsure why they are discussing a project that might not occur for the next 10 or 15 years. A new Comprehensive Plan will exist at that time. He feels that they should wait until Mr. Wiebe can prove he has the required parking. He does not have enough parking. The same Council which will have to live with the decision should be the Council making the decision. He questioned if anyone consulted with Chris Swenson on this project? Maybe this should be considered. Traffic is the most important problem on this island.

Harry Gottlieb from 50 Aberdeen came forward. He feels that people are on the island for three reasons: enjoying the beaches, enjoying the bay and wildlife. Businesses are ancillary to the reason why they are here. The two main objectives of this Town should be easing traffic congestion and stopping over development. He feels that this proposed project works against both of these objectives. He suggests that Council go back to continuing to reject hotel rooms.

Paul Longua from 21532 Indian Bayou Dr. came forward. He expressed that the flow of traffic causes business. He feels parking at Seafarer's lets people right out and should not cause any problems. More traffic and more people are good for business. There is plenty of parking and a wall in this area would be good to have.

Don Moringiello from 512 Randy Lane came forward. He spoke before Council regarding this subject in February. He gave a definition of irresponsible growth. He recommended disapproval of the parking garage and hotel for this reason. At that time the Council voted for Phases I, II and III of a five-phase project. He has not seen phases I to III complete and without completing at least phases I and II he is unsure how they could vote on any additional phases. He recommends that Council delay the approval of any additional phases.

Bruce Cermak from 518 Carlos Circle came forward. He has lived on the island for 20 years and has a local business. He met with Mr. Wiebe and reviewed his plan. Something does need to be done at Seafarer's. A parking problem in this area has never been a problem. As the plans are drawn this will make for a better area and the fence will keep people from driving through. He is in favor.

Al Van Horn from 6895 Estero Blvd. came forward. He is astounded why this issue is before Council. Much opposition was heard and three of five phases were approved. When is enough, enough?! Enough of grandfathering. He expressed that they have been plagued with this since incorporation. Now is the time to set their limitations on development. Listen to your constituents. He expressed that the Council is obligated to listen to the public they serve. The three approved phases will accomplish the upgrading and improvements to the area, including the intersection easements. He feels that they do not need 10 or 65 additional hotel rooms. He is amazed with the number of uncertainties, unanswered questions and contingencies of waiting many additional years for this project to happen. He urges Council to reaffirm their vote for Phases' I, II and III.

Rocco Ditello from 675 Randy Lane came forward. He is in favor of the development for the beautification aspects. He feels that bringing in some of the businesses mentioned will make the area more attractive to residents and tourists. He is against the idea of putting in 65 hotel units. He is against the whole concept of making this area more dense than it presently is. He hopes that Council will approve only the first three phases of the plan and deny four and five.

Robert Acker from 1035 Estero Blvd. came forward. He expressed that he bought a home and started a business here because he likes beach communities. He enjoys mixed uses and where a lot is going on. The area being discussed is extremely developed. He explained since Joerg has taken this area over it has improved greatly. He believes that something very nice will go into this area.

Bill Freeman from 340 Old San Carlos came forward. He is in favor of the Seafarer

improvements. He feels that this will benefit the entire island.

Frank Juliano from 8402 Estero Blvd. came forward as an owner and voter in Town. He commented that this whole issue was voted down a couple of months ago. The traffic line will not get any better and parking is always an issue no matter where you are. He encourages Council to turn this matter down again.

Norman Calhoun from 385 Lazy Way came forward. He is unsure why this is being discussed again. He asked Council to turn down this matter and turn it down permanently. He is not happy with the reasoning he has heard to go forward with the development of the hotel units.

Tom Winter from 5630 Williams Drive came forward as a resident. He is against this and is asking Council to vote against phase IV. He is disappointed that this has come up again. He feels the emphasis should be placed on the placement of residential structures, hotels and parking structures on the landside. Public transportation could be sought to bring the visitors over. Due to hurricanes he feels the emphasis should be on low-density uses of the island. Many roads to disaster are designed on sound principals, but paved with exceptions.

Scott Gregory from 5549 Amoroso Drive, Fort Myers came forward. He is the Chairman of the Fort Myers Beach Chamber of Commerce and is representing 610 members of the Chamber. They are for the project. A special Board of Directors meeting was held for this project. They agree that this is a quality project for Fort Myers Beach. He expressed that they have come up with a resolution which states "The Board of the Greater Fort Myers Beach Area Chamber of Commerce supports Town Ordinance 97-21, the Comprehensive Land Use Plan and the Land Use rules as developed by the Town Council." The request by Seafarer's Plaza to enhance the quality and value of the island thru its CPD redevelopment project will be beneficial for residents, visitors and businesses alike. Small business people need to be supported. This is a first impression area and requires much improvement.

Frank Schilling from 6672 Estero came forward. He is against adding 65 units. This will aggravate the quality of life on the beach. He thanked the Mayor for setting up this meeting. The proposal will add to the traffic miseries. Traffic is the issue on the island. He feels that they should put a moratorium on anything that adds to traffic until the traffic study is completed. He feels that the Council should consider a major impact fee for those adding to the traffic on Fort Myers Beach.

Michael Short from 470 Madison Court came forward. The Council is elected to represent the needs of the residents of their Town. They were incorporated in order to restrain more development, which was already overdeveloped. Will the Council listen to the needs of the residents? This is not the place where they need additional traffic. The Mayor has been most helpful in getting all of the facts to the public. He appeals to the Council to turn this project down.

Gertraud Short from 470 Madison Court came forward. She reminded the Council of the meeting from February 4<sup>th</sup> where a large number of citizens of the beach came forward to express their views of this development. The vast majority was strongly opposed to it. The people have not changed their mind. There is no need for another hotel when there is already spare capacity throughout the season. An expensive traffic study has been approved and it does not make sense to plan for gridlock before the study starts. Please refuse this application.

John Naylor from 1672 Whiskey Creek Drive, Fort Myers came forward. He is the General Manager of Pink Shell. He commented that as amenities are added and existing facilities are upgraded the image of Fort Myers Beach changes. As the image improves so does the value of residential and commercial property. The taxable value of Fort Myers Beach has increased by 50% over the last five years. Mr. Wiebe's plan to redevelop Seafarer's Plaza is an extremely positive improvement. The more self contained the island can become the more people will stay on the island. He encourages Council to approve the Master Concept Plan resolution to allow Mr. Wiebe the improvement of Fort Myers Beach.

Mike Klein from 521 Randy Lane came forward. He expressed that the reason the residents wanted to incorporate was to allow for the gain and maintenance of growth on the island. He explained that the Town keeps getting requests for major development. He owns several apartments and they are of the same size as the proposed hotel units. He explained how much can be put into these larger size units

Joe Grant from 320 Crescent Street came forward. He is a resident on Fort Myers Beach. He approves of Mr. Wiebe's plan. He has seen what has already been completed. It is refreshing and stimulating the proposal of Mr. Wiebe. Change will always happen. The change over the last 15 years has been beneficial for the island.

Jack Bright from 146 Delmar came forward. He explained that he has changed his mind three times. He is a resident and cannot conceive all the bad things happening, which he has heard of this evening. He feels the parking issue should be nailed down now and put together. This is the job of the Council and the reason he voted for most on the Council.

Doris Grant from 320 Crescent Street came forward to offer her full support of Mr. Wiebe's plan for development. She is asking Council to do the same. Mr. Wiebe has only enhanced this blighted area. This is a resort island and they are in need of an executive type hotel.

Tom Mergenthaler from 1190 Estero Blvd. came forward. He is a new resident of 5 months. He is in favor of the project. A lot of changes have taken place over the last six years since he has been coming down. There can be a lot more improvements to the island.

Don Massucco from 4265 Bay Beach Lane came forward. He indicated at the February 19<sup>th</sup> meeting of the Town Council Mr. Wiebe was made aware that the majority of the citizens of Fort Myers Beach did not want the kind of development put before the Council. The Council knew this feeling way before it was presented to them. Phases I, II and III were approved by a majority vote of the Council. The denial of phases IV and V proved to be only a reprieve for Mr. Wiebe. In a few short weeks the modified version of phase IV is facing them again. He fears with each approval given to Mr. Wiebe there is a certain degree of influence attached. He stills feels the parking issue is a live issue. They must stop the cycle of destruction of quality of life on their island.

Jane Plummer from 340 Fairweather Lane came forward. As a previous hotel owner on this island and someone who lives here, works here and shops on this island she is in support of the Seafarer's Plaza. A lot of changes are going on, on this island and have brought about good things. Change will happen if it is approved or not. Mr. Wiebe has given a lot of what has been asked of him and the Comprehensive Plan does support the redevelopment and improvement of the island. She is in support of the donation of the crosswalk. She feels this is a great opportunity to not have to spend funds in studying the crosswalk.

Joe Phillips from Indiana Ave. came forward. He has been a resident for a little over 30 years. He grew up in Lee County and watched a lot of changes evolve in the area. Some of the area has greatly benefited by these changes. He feels that they need to offer a tropical paradise to both the residents and visitors alike. He expressed that he is the owner of the Tattoo Parlor. He is an artist. He explained that he has 10 employees with families to support. He supports four children off of his business. He does not feel that they have blighted the community. They are professionals. He loves his art and would like the right to have his business.

Nick Pastermack a current resident on Crescent Street came forward. He recently moved to the island. He and his wife work on the island. They are trying to decide whether or not they should stay and raise a family in this community. He indicated that some improvements need to be done. He has seen the plans for Seafarer's and he likes the improvements he sees. Hopefully, with these changes they will see fewer people intoxicated on the streets carrying on. The island will then become more desirable to visitors, and he will be able to say that he would like to raise his family here.

Thomas Brueggemann from 510 Estero Blvd. came forward. His residence is in Indianapolis, Indiana. As a property owner and business owner on Estero Island he is in favor of the proposed improvements. These improvements will help strengthen the needed retail area that they all depend on to entertain their residents and guests. The improvements will also allow the Town to gain access to the areas on Estero Blvd. that is needed to make future road and traffic improvements. This project is appealing in its design and architecture. He asked the Council to vote favorably for this proposal.

Bill Whitaker from 1000 Estero Blvd. came forward. He is a long time small business owner on Fort Myers Beach. He pays taxes and has paid taxes for many years. His taxes have increased due to the improvements in the Times Square area. He is proud that he has to pay higher taxes. This means that their investments are going up in value. He commented that this is and has been a blighted area. He was on the original CRA committee. They have come along way. Now is the time to get rid of the blight in the Helmerich Plaza. He expressed that the lines coming onto the beach are not caused by the people coming to the Times Square area, but by residents trying to get to the south part of the island. Joerg is going to provide the one crucial bottleneck solution. Protection for the hotel is going to be provided by not allowing it to be built, if sufficient parking is not supplied.

Joseph Morello from 93 Sterling Ave. came forward. He expressed that regular residents have applied for permits on legitimate duplex properties and have been turned down due to density. Developers want to congest the beach. He is all for progress, but believes that the main issue must be addressed. The traffic must flow and the traffic is a problem. He does not believe that the residents are causing the traffic problems. He is for the hotel if it were in the proper place.

Anita Cereceda grew up here and this totals about 40 years. She takes great exception to the questions of residency at this microphone by Council member Thomas. There are only two situations in this community where residency is an issue. One is to be a member of the Town Council and the other is to be a member of the Local Planning Agency. Never at the podium in public comment has there been a question of residency. It serves only to divide and this does not do any good. All of these projects benefit individual property owners. All of these projects have the cooperation of individual taxpayers and the cooperation of the Town of Fort Myers Beach. All projects benefit the individual property owners and the community as a whole. There is no case that has come before the Council or any other that is as dynamic as Seafarer's. It has been presented to the Council and LPA many times. The property owner has done everything to accommodate the changing will of the Council members and tried to promote the vision that was created for redevelopment for the core commercial plan in the Comprehensive Land Use Plan. The future needs to take all interests into consideration. Everything has a center of gravity and theirs, as a community is Times Square. The laws of nature are unavoidable and in this particular case this needs to be acknowledged and watch it flourish.

Council member Thomas replied that Anita Cereceda has a problem with people identifying where they live. At all meetings' people are required to identify where they live. It is not to divide the community. It is interesting to know who decides the future of the island.

Mayor Hughes commented that this conversation must cease and is not relevant.

Tim Anglin from 561 Carlos Circle came forward. He is a resident and owns several businesses. He is in favor of Mr. Wiebe's plan. He feels that the Council has the right to be concerned about the parking issues. He also feels that Mr. Wiebe is looking for some type of security that his plan will be considered in the future. Mr. Wiebe has many hoops to jump before he can get approval from the Council at a later time.

Brian Anderson, owner of the West Coast Surf Shop, and resident of South Fort Myers came forward. He has family property on the south beach area. He and his wife are presently looking for a residence on Fort Myers Beach. He has seen a tremendous amount of change

happen in the Times Square area over the years. It is a shame that change and development today are considered derogatory terms. He has looked at Joerg's proposals and feels that they are positive for the beach. The more self-containment they have the better off they will be. He encourages the Council to vote "yes" for this project.

Tom Merrill 21581 Indian Bayou came forward. Phase IV was turned down, so why is it being discussed? He feels that this should be approved with the contingency that this can be taken out at any time. The primary reason the Town Council is in existence is to safeguard the community from over expansion and adding to the traffic congestion.

Tom Kolar from 277 Primo Drive came forward. He and his wife own the Lighthouse Resort on Fort Myers Beach. He also sits through traffic and is not happy about it. People want to fly down and not have to rent a vehicle. He sees a great opportunity for the area to really develop some quality properties for people to stay at. He feels strongly about this project. He expressed that there is always available parking at their hotel. With an upscale type of property you will see people flying in and not driving in. This is the type of progress he would like to see.

Larry Pearce from 372 Lenell Rd. came forward. He is present this evening to voice his support for Mr. Wiebe's project and encourage the Council to vote to approve the project. He speaks from experience and has heard many of these types of arguments. He has seen the results of a well-conceived project such as Mr. Wiebe's. He has met with Mr. Wiebe to review his plan and understand his vision. The benefits will be obvious and long lasting to all residents. He urges this Council to support Mr. Wiebe and get behind this project.

Deana Turner has been a Southwest Florida resident for 22 years. She lives on Dublin Circle across the bridge. She is a Fort Myers Beach Chamber member, Board of Director member and is the Director of Operations for Sunstream hotels and resorts. She is in support of the plan. She apologized for not speaking before the Council more often, but has a very busy schedule. She thanked the Council for their time.

Ray Murphy from 8402 Estero Blvd. came forward. He respects everyone's opinion, but may not be in agreement with all of them. After the incorporation they began looking to improve the blighted areas. He feels that the quality of life has improved for many residents of Fort Myers Beach, and has also improved the property values on the beach. Positive changes have been made. The biggest objection heard tonight is traffic. This is very understandable, because it is the largest problem on the beach. He is not sure if improving this property will be a great contributor to the traffic problem. He doubts it, but does not know for sure. He feels that they need to continue the improvements being made on the beach.

Joerg Wiebe came forward and expressed that everything has been said. The Council is aware of the pros and cons and it is now in their hands.

Mayor Hughes addressed that Phases I, II and III were approved conditionally subject to being continued to enter into a Development Agreement. Phases I, II and III will only go thru if the Developers Agreement is signed.

**MOTION:** Made by Council member Bill Van Duzer and seconded by Vice Mayor Terry Cain to approve the Master Concept Plan/Zoning Resolution as presented. This would include Phases I, II, III and IV and the choice of option B.

**Discussion:** Council member Van Duzer commented that at the last meeting the Council voted for Phases I, II and III and denial of IV and V. This is correct. Unfortunately, they were pushed into this by Mr. Wiebe, because he wanted a motion on IV and V. He commented that everyone who lives on the island has private property rights and so does Mr. Wiebe. He has made a considerable investment into this property. He is a businessman and is entitled to make a fair and reasonable profit on any investment he makes. Council member Van

Duzer feels that he would be going against his beliefs in private property rights, if he voted against this. He feels that this is a reasonable proposition brought before the Council. The use of the gazebo can do a lot for the traffic on Fort Myers Beach. Pedestrian walk areas will be gained along with some other valuable considerations to the Town and citizens. He expressed that he was against option B until the owner of the Tadoo Parlor came forward this evening. If he is in agreement to make the changes, he should be allowed to stay.

Council member Rynearson cannot support the motion the way it presently is. He can live with the multiplier of 2, which would give him 42 units. He feels that this is being fair and gives him his property rights. He cannot support 65 units.

Vice Mayor Cain has a little concern for the parking in this area. She does not feel the parking is the issue, but the going in and out is the issue. She expressed that Mr. Wiebe could have other uses (such as office space or retail spaces) that would receive a lot more trips than hotel units will get. She believes that more people will come in and choose not to drive, but walk the area. This is why she seconded Council member Van Duzer's motion. Prior to this evening she was in support of option A, but had her mind changed this evening.

Council member Rynearson commented on the parking issue and the figures provided by Bill Spikowski. He feels if the development consists of retail stores people will walk to them, but if you put in 65 hotel units people will drive. He supports the project and feels it is wonderful.

Council member Thomas commented on private property rights and feels very strongly in them. When Mr. Wiebe purchased this property, this hotel was never included in his private property rights. This is over development in the most congested part of the Town. More density is being approved in the hotel units. Another administration will inherit this problem 18 years from now. Is this fair? It is up to the Town Council to have the courage to fight big business and the developers, and turn down this ridiculous project. He is solidly against it.

Mayor Hughes does not feel that this is a ridiculous property. The property owner is the person who has the right to decide how he seeks to change his property. The Town does not have to approve this request. He appreciates the comments from the public hearing. If this is approved, it will not be grandfathered. He commented that the majority of people in opposition at the earlier meeting this year were opposed to the parking garage. A number of residents spoke in favor of this project. He has received a number of calls with the result being 50/50. He does not feel it is fair for a resident to come forward and indicated that he is speaking for the majority of citizens on this island. The Town Council must consider the business people as well. This island cannot survive without the businesses. He indicated that a few residents who spoke and who live adjacent to this property favor the project.

Council member Rynearson suggested not setting a number for the hotel units at this time. The number can be determined at a later date.

Council member Van Duzer feels that this number should be set because Mr. Wiebe has asked for it.

Council member Thomas addressed the business community. He drives up and down Estero Blvd. and sees the vacancy signs at the hotel/motels about 50 weeks out of 52 per year. When you have an over supply of hotel rooms the only way to fill them will be to cut the prices. He feels that this would be a very bad economic decision to build additional hotels here when they are not needed.

Mayor Hughes commented that he felt they were all impressed by Joe Phillip on the Tattoo Parlor. Mayor Hughes also changed his position.

**VOTE: Motion passes 3 to 2. Council member Howard Rynearson**

**(specifically objecting on the hotel ratio) and Council member Bill Thomas dissenting.**

Mr. Cicerone reviewed the memo dated today from Bill Spikowski. This memo included his suggestion of changes from the April 9<sup>th</sup> draft. He suggests that Council adopt the April 9<sup>th</sup> draft with the changes recommended by Mr. Spikowski in his memorandum, except for Article 3A2D on page 5. Slight language changes to take place on Article 4A4, and page 9 some additional language will be provided on how to link the construction of the hotel with the parking study. This will eliminate the large gap, which was of concern. He passed out the changes to the Council and went on to review these changes. Additional conversation was held regarding the duration of a lease and the other options available to the Town.

Mr. Wiebe commented that he is against fee simple, because the existing elevator is the only means of egress for handicapped people in his building. He agrees that the Town may use the gazebo and elevator as long as the Town maintains it. He does not want to lose his property rights on this area.

Mr. Cicerone suggested an easement with the Town assuming the liability as a condition of the grant.

Mayor Hughes commented that this is his choice. He likes this suggestion better than the lease with a specified term.

**MOTION:** Made by Council member Bill Van Duzer and seconded by Council member Howard Rynearson to approve the Developer's Agreement as presented with the modifications discussed with Counsel here this evening. The final draft will be approved by the Mayor, Town Manager and Legal Counsel.

**VOTE:** Motion passes unanimously.

**B. PUBLIC HEARING:** Re-hearing of Case #ADM2001-00013, Robert Burandt. Variance from the building code requirement for a fire sprinkler in a three story, single family home. The subject property is located at 457 Estero Blvd.

Attorney Dick Roosa began by indicating that Town Manager Marsha Segal-George is eminently qualified to give legal advice with regards to this application.

Robert Burandt from 457 Estero Blvd. came forward. Since the last time he was before the Council he did speak with Bobby Stewart. There is no dealing with him and he stated that he has tried his best. His recommendation was to sprinkle the new part of the house. He has spoken to two or three different sprinkler people. One made the recommendation similar to Vice Mayor Cain by doing the upstairs. The second best would be upstairs and the floor above it, and the last one was to do the entire downstairs. A cement floor between the existing structure and parking cannot happen due to the age of the existing house when he moved it. The other suggestion by an engineer was to put a monitored fire alarm in to be directly monitored by the Fire Station. He does not have a problem doing this. He does have a problem with the entire house. It will be too costly. The ceilings will need to be torn out to put the sprinkler system in the existing structure. His first choice would be the electrical fire alarm monitor and the second would be the sprinkler system between the parking level and the first floor. He indicated that the fire experts expressed that it would be better not do the downstairs, but do the second story and first story. He would rather do this than do the whole downstairs. At least two homes in his neighborhood are doing the same thing or similar. One gentleman was required to only do his living portions and was not required to do the parking and storage under the home. He tried to do some research and he gave Council the fire code. The fire code specifically exempts a structure of his nature. He is asking to not have to do the old portion of the home. Bobby Stewart and the LPA's recommendation were to only have to do the new portion of the home.

He would like to eliminate the downstairs storage/parking portion and go with the upstairs bedroom and main floor.

Bob Stewart, Building Official, came forward. He understands this to be a Re-hearing. The Council's decision at that time was to deny the variance/appeal with the exception of some direction for him to get with Mr. Burandt and his architect to review some potential alternatives. A brief discussion took place and Mr. Burandt and his architect felt that there were not many reasonable alternatives available to them. He asked that the Council to take note of the previous recommendation along with the recommendation of the LPA.

Mayor Hughes questioned which alternative Bob Stewart was recommending? Bob Stewart replied that the recommendation is to do just the new portion. He found some merit in not making the gentleman tear up his existing interior ceilings.

Mayor Hughes clarified that this would be the third and second stories of the new portions. Bob Stewart replied that this would be all three levels including the ground level enclosed parking area.

Council member Van Duzer is concerned about what has been required to be done in this area in the past? Bob Stewart replied that interpretation of the code has not changed. If you built out of wood you are allowed to build two stories and if you sprinkle it, it can be three stories. This is what they intend to enforce. He has not had the opportunity to look at the other homes referenced. He is unsure of their circumstances.

Council member Thomas questioned last week's case regarding the Drebes. Their home is three stories. Will they be required to have the sprinkler system? Bob Stewart replied that it depends on the type of construction of their first floor parking level.

Council member Thomas is concerned with the uniformity. He wants to be fair and have everyone under the same rules. Bob Stewart replied that staff shares these concerns.

**MOTION:** Made by Council member Howard Rynearson and seconded by Vice Mayor Terry Cain to uphold the LPA's recommendation to sprinkle the new third, second and first floor along with Mr. Stewart's recommendation. Resolution would rescind the earlier resolution approved on March 11, 2002, and with a new resolution with a contrary finding and granting the administrative relief sought.

Mayor Hughes asked if anyone wished to address Council. Public hearing is closed.

**Discussion:** Council member Van Duzer cannot support this motion. He feels that this is contrary to the code they have had and operated under. They have always required this type of construction be sprinkled. In his home the older portion is the most dangerous part and affects the new living area in the new structure. He feels that this in violation of the code. He commented that the Council is acting as the Board of Adjustments and Appeals on a matter that has to do with building construction. He questions if they have the ability to do this.

Town Manager Segal-George replied that this is the last case Council will hear.

Council member Thomas commented that both of Council's experts on construction are on opposite sides of the fence. He was looking to these two gentlemen for guidance.

Council member Rynearson indicated that Bobby Stewart feels this case is unique. He agrees that this is a special case and feels that relief is required.

**VOTE:** Motion passes 3 to 2. Mayor Daniel Hughes and Council member

**Bill Van Duzer dissenting.**

**C. PUBLIC HEARING: Ordinance 02-03: Amending Ordinances 00-07 and 01-02:CRAB**

Mayor Hughes read the ordinance. This is the final hearing. The sole amendment will increase the composition of CRAB from 9 persons to 10. Two very qualified individuals have requested to become part of this advisory board.

Mayor Hughes asked if anyone wished to address Council. Public hearing closed.

**MOTION:** Made by Council member Howard Rynearson and seconded by Council member Bill Thomas to amend the ordinance as stated.

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

**D. Committee Appointments: CRAB**

Mayor Hughes announced that two open positions exist. One individual interested is from Eileen Peco and Ann Conedaras.

**MOTION:** Made by Vice Mayor Terry Cain and seconded by Council member Bill Thomas to appoint Eileen Peco and Ann Conedaras to the Community Resource Advisory Board.

**VOTE:** Motion passes unanimously.

**E. Town Elections Update and Agreement**

Attorney Dick Roosa expressed that there was an issue with regards to the change of elections. There was a misunderstanding that the municipalities and the various districts throughout the County which would also be asked to change their election to the spring rather than November. The Supervisor of Elections is required to hold general elections for all state, federal and statutorily created districts. Expressly, not required to hold elections for municipalities. The issue became that only municipalities would be subject to changing the election. The purpose of this agreement is to contract with the Supervisor of Elections, so that she will be required to hold the elections for the Town.

Town Manager Segal-George mentioned that Marco had great success with a mail ballot system. She questioned if this can be done on Fort Myers Beach exclusively? Attorney Dick Roosa replied that he is unsure, but will check. He feels that they can.

Town Manager Segal-George feels that the Council would be interested in seeing the percentages of turnouts in Marco using this type of scenario. The most recent Bonita Springs turnout was very small. She explained having an election in the spring by them will cause a small turnout. She feels that they need to look at other techniques.

Vice Mayor Cain questioned if they did the mail ballots would this be the responsibility of Town staff or Philinda Young's office? Town Manager Segal-George replied that it is her understanding that Marco contracts with the Supervisor of Elections in Collier.

Council member Van Duzer felt the Town of Fort Myers Beach elections would be held in conjunction with state, federal or county elections. Mayor Hughes replied that the agreement does not specifically direct itself to the date the election is held. It deals with the reimbursement of costs and the performance of services.

Council member Van Duzer feels that there are a lot of unknown questions. He feels that this needs to be continued and try to find out some of the answers.

Mayor Hughes commented that Philinda Young has stated that she will not hold their

election in November. There is too much of a multiplicity of governmental units in the County. She cannot do this anymore.

Council member Thomas feels they should do the mail out. Everyone wants voter participation. The participation is much higher when you have a mail out.

It was determined that this situation is not time sensitive. Town Manager Segal-George will bring this back to Council. She will do some checking with Attorney Dick Roosa and bring back some percentages from Marco and Bonita Springs.

Vice Mayor Cain would like to know the cost effectiveness between the mail out and having to pay for an election. Town Manager Segal-George will get this information.

Mayor Hughes expressed some of his concerns and questions. Town Manager Segal-George will look into these further and bring back the responses to Council.

Town Manager Segal-George will bring this back to Council in June.

**F. Request for approval of engineering on:**

**1. Speed Table**

**2. Laguna Shores drainage**

**and a request to add Coconut and Sabal to list of drainage projects**

**G. Update on Drainage Study: Coconut Drive, Sabal Drive and Laguna Shores**

Damon Grant began discussing Item G. He expressed that Laguna Shores was one of the more serious flooding areas. He showed photos that were presented to Council at their Retreat. It was decided that this area needed to be addressed as soon as possible. Coconut Drive and the streets around it also floods. He would like the Council to look at and recommend that they update the drainage study to included Coconut, Sabal and Laguna Shores. If approval were received, he would like to go into the request for approval on the engineering of Laguna Shores. This is another issue which needs to be addressed as soon as possible.

**MOTION:** Made by Council member Bill Thomas and seconded by Council member Howard Rynearson to move forward with the recognition for Coconut Drive, Sabal Drive and Laguna Shores as drainage improvement sites.

**Discussion:** Town Manager Segal-George explained that they started out with a list of drainage projects. Based on request for action they have been adding streets. An engineering proposal is before Council for Laguna Shores only.

**VOTE:** **Motion passes unanimously.**

Damon asked for approval of engineering to go to Morris and Depew. They have put a proposal in a not to exceed fashion together.

**MOTION:** Made by Council member Bill Van Duzer and seconded by Vice Mayor Terry Cain to approve the contract for professional services for the Laguna Shores Project.

**VOTE:** **Motion passes unanimously.**

Damon mentioned the last item is the Speed Table, which is the traffic-counting device at Fifth and Old San Carlos intersection. On June 25, 2001 the Council did award Morris & Depew the work of some Crescent Street signage and a traffic counting device for this intersection. Mr. Morris has completed the preliminary survey and the engineer with the intersection is ready to move forward to their design and construction engineering phase. They

are requesting the award of \$8400.00 to move forward up to the construction. This will tie in with the Old San Carlos Project.

Bill Morris came forward and pointed out this project to Mayor Hughes. He addressed the concerns regarding traffic and the design of a service delivery lane.

Town Manager Segal-George expressed that the project is dramatically changing the parking situation in this area. It is taking private parking and converting it to public use.

**MOTION:** Made by Mayor Daniel Hughes and seconded by Council member Bill Van Duzer to accept the staff recommendation to amend the original agreement with Morris Depew and Associates. Provide service in terms of the original agreement and the attached fee schedule for a fixed fee in the amount of \$8400.00.

**VOTE:** Motion passes unanimously.

Mayor Hughes questioned the recommendation of environmental consultant technology on Coconut and Sable. Damon explained that they have ECT (Environmental Consultant and Technologies) which are currently doing Matanzas and Bayland. They had to leave off Pearl Street, which has been on the project list for sometime. Pearl Street is by itself. One street by itself is difficult to obtain general contractors, because they like to do two or more streets together. He would like to get this on the Drainage Study to be on the list. He is then proposing that Sable and Coconut Drives be coupled with Pearl Street. These three could be completed together with ECT doing the design and engineering. He has not received a proposal from ECT at this time. Town Manager Segal-George recommended that they wait for a proposal.

#### **H. Request for Support for Lee County's Challenge to Senate Redistricting**

Mayor Hughes indicated that Council has received a copy of a letter sent from Bob Jayne's - Chairman. He has indicated that they have approved \$50,000.00 to challenge the new state senate districts recently adopted by the Florida Legislature. They are asking that the Town of Fort Myers Beach contribute either in the form of monetary support, a letter of support/resolution or both. Mayor Hughes would like this item to be continued. He would like to find out the intentions of the Mayor's from other municipalities. No objections were heard from the Council to continue this matter.

#### **I. LPA Sign Recommendations**

Mayor Hughes expressed that Council has a memo from Town Manager Segal-George, which indicated the recommendation of the LPA.

Town Manager Segal-George explained that many of the Council members have received phone calls and were aware problems existed with signs on the island. A-frame signs have always been allowed in the overlay and not allowed outside the overlay. A big issue was never raised. Code enforcement is complaint driven. Seagrape plaza became an issue, and it was also discovered that the property in front of Seagrape Plaza is not owned by the plaza but by the bank. Offsite signs are prohibited everywhere on the island. She expressed that for the most part outside of the overlay anyone with an offsite sign or A-frame sign either is in compliance or has been ticketed. The LPA had stated in the past they wanted to address signs. At the last LPA meeting this topic was on the agenda and a large group came to the meeting to express their concerns. Offsite signs are an issue in a couple locations. One location is the Heavenly Biscuit and the other is Seagrape Plaza. The sentiment regarding A-frame signs was if the overlay district is allowed to have them the rest of the island should be able to have them also. Some additional concerns existed with the upcoming business season. She went on to explain when the LPA and Council worked to write the sign ordinance the issue of A-frame

signs, offsite signs and second story business signs was not discussed at great length. Tropical Breeze and Tetley's are both second story restaurants that have difficulty making people aware of their location. Tropical Breeze has used a banner, which is unlawful. Issues do exist that were not thought through and addressed when the sign ordinance was completed. She does feel that there is value in readdressing these items. Her main concern is the offsite signs. Any business along Estero Blvd. would want to have a sign on Estero Blvd. The LPA unanimously approved for her to prepare a memo to Council to outline what they were requesting and put this item on the agenda.

Council member Thomas expressed that he has been studying this issue and has received many phone calls. Everyone on Fort Myers Beach does not want Estero Blvd. to become billboard alley. Government does need to work with business and solutions do exist. The real estate signs are on the right-of-way on Estero Blvd. and should be enforced on a regular basis. These are in the right-of-way much more than the A-frame signs. These types of abuses are what brings this forward. Why is the overlay under different rules than the remainder of the island? Whatever the decision of Council is he feels it should be for the entire Estero Blvd. including the overlay district. Stores that are not on the street do have a unique need for advertising. Possibly an attractive uniform sign, not in the right-of-way, could be considered while the government continues to try and work with businesses.

**MOTION:** Made by Council member Bill Van Duzer and seconded by Vice Mayor Terry Cain for the Town not to enforce the ban on sandwich signs or offsite signs for a period of no longer than six months, while the LPA has the opportunity to review the sign ordinance. Any sandwich sign that is put out for display must be permitted with the Town with no fee for the permitting. Offsite signs will also be allowed in a limited extent and must be permitted and approved by the Town Manager on an individual basis. This permit will also be at no fee for this period not to exceed six months. The sandwich signs must have some uniformity to the existing code regarding size and style. Also, the signs must be professionally done. Signs must be taken in at the close of business each day.

**Discussion:** Council member Ryneanson asked why Council member Van Duzer chose six months? Council member Van Duzer replied that he feels a time period should be set, so this will move forward. He also believes it will take longer. It can be extended, if necessary.

Council member Van Duzer commented if this becomes out of hand it will come back before Council and they will rule against this all-together.

Mayor Hughes has concerns regarding the uniformity of the signs. He also raised a concern with the offsite signs and the procedure. Town Manager Segal-George replied that this will be handled in the same manner as the jetski's. A notarized letter from the owner will be required. She explained that this procedure has taken place for the past seven years. An issue has never existed where someone has claimed to have a property owner's permission that did not.

Town Manager Segal-George went on to explain with regards to the offsite signs she is going to be strict. She has great concerns and feels that a couple situations the offsite signs are warranted.

Council member Thomas would like to go with Ginny within the next two weeks to clean up the signs that are in the right-of-way. Town Manager Segal-George replied that this would fine.

**VOTE: Motion passes unanimously.**

Town Manager Segal-George questioned the procedure for the second story properties. She is looking for permission to experiment with some type of temporary signage for these locations. Mayor Hughes does not have any problem with this. No other objections were heard from Council.

**MOTION:** Made by Council member Howard Rynearson and seconded by Vice Mayor Terry Cain to allow the Town Manager to experiment with some type of temporary signage for second story properties.

**VOTE: Motion passes unanimously.**

**J. Film Festival Update**

Janeen reported that they are very excited about the Film Festival. A lot of events are planned. Everyone from the north to the south end has been included. Donations from the merchants have been very generous. Tetley's is sponsoring their Gala Dinner. She explained that she, Julia and Michelle have viewed more than 20 feature films, so far. 12 have been picked. A lot of events have been attended. Presently, they are finishing up a TDC grant for next year's festival. She passed out VIP passes to the Council members and some of the merchandise which will be sold. The program guide is included. A lot of phone calls have been received for tickets.

Mayor Hughes commended Janeen and expressed that this is a much greater improvement over last year.

**K. Request for Extension of Premises for Film Festival Concert: Times Square area**

Mayor Hughes expressed that Janeen is looking for an extension of premises.

Janeen explained that a concert is going on at Santini's while some of the stores are open. Some of the merchants in the Square close at 9:00 p.m. They would like to encourage the merchants and restaurant to stay open.

**MOTION:** Made by Council member Howard Rynearson and seconded by Vice Mayor Terry Cain to grant the extension of premises. No glass in the Square. Plastic or cans to be served only.

**VOTE: Motion passes unanimously.**

Town Manager Segal-George expressed that Janeen, Julia and Michelle have worked very hard on this. An incredible job has been done and she feels that they will have an incredible festival.

**VII. COUNCIL MEMBERS ITEMS AND REPORTS**

**Council member Bill Thomas** - Went to see the VOICE volunteers. Most of the volunteers come from North Fort Myers. All Council members were present and this was very rewarding.

On the 11<sup>th</sup> he attended the San Carlos residents meeting with Ray Judah. He learned that they do not want to be part of Fort Myers Beach, they do not like the alternating lights and many pages of petitions against tolls have been generated. Also, on the 11<sup>th</sup> he attended the Pilot Club Friendship Picnic.

On the 12<sup>th</sup> he went to see the completion of the Primo/Santos landmark drainage projects, Lenell sidewalk project and the nice benches. He would like to see these types of benches on Estero Blvd. Also, the ground breaking at Hyde Park Mid-island storm water retrofits project.

Today they all attended the Old San Carlos Streetscape dedication.

**Council member Howard Ryneerson** - He is very happy as of today they are preparing to widen the shoulders of Estero Blvd. Next Monday should begin construction starting south and working north.

Announced that he went to the Chamber Traffic meeting on Friday. This committee has requested that the Town of Fort Myers Beach Council write a letter to the County in favor of the alternate lights in a permanent situation.

Mayor Hughes commented that he has heard almost unanimously positive support on this matter. Council is on record for requesting the alternate lights initially and also requesting an extension of the trial period. He feels that this request before Council today would be consistent with their present position.

Council member Ryneerson indicated that the data has been collected.

Council member Thomas expressed that the alternating lights did seem to be successful. He feels that there are many other good suggestions out there the Town may try in the future to try and ease the traffic situation.

Mayor Hughes asked all Council members if they had any objections to writing this letter. None were heard and the letter will be written.

**Council member Bill Van Duzer** - Enjoyed the VOICE program and other things they have been doing.

He made a little trip yesterday out to the Estero River and walked along a comfortable path to the rivers edge. He observed the bench on the Estero River, which has the inscription commemorating their past Mayor John Mulholland who past away two years ago Saturday. This was a terrible loss for their Town. He was a great man.

**Vice Mayor Terry Cain** - Agreed that the trip to the Estero River was very enjoyable. The VOICE breakfast was great. She enjoys learning about what the volunteers go through. It is a tough job and they are very valuable to the Town.

She went to the Friends of the Preserve Meeting. The County has started surveying the Matanzas Pass Preserve and the neighbors have been upset with the cutting down of trees. Roger Clark has received quite a few calls. She expressed that more talk will be heard.

CELCAB interviews took place for the new Director. A first and second will be presented to Council.

Town Manager Segal-George announced that CELCAB made a unanimous recommendation of a number one, which is the University. She explained that this interview was video taped and available for Council. She questioned if Council wished to interview the number one choice?

Council member Van Duzer commented that he does not feel it is necessary for Council to do an interview. He would be willing to accept the recommendation from CELCAB. He questioned if this matter is time sensitive?

Town Manager Segal-George replied that Rebecca's last day is April 30<sup>th</sup>. She was planning on bringing this to Council on May 6<sup>th</sup>. A gap will exist.

Mayor Hughes commented that he was quite impressed with all those who interviewed. He was particularly impressed with the two that are being recommended. He commended the group who got this down to the short list. He feels it is defeating their intent if they just accept the recommendation of CELCAB. He feels both choices should be interviewed, if the Council members who could not be present at the interview do not have the ability to watch the videotape.

Council member Van Duzer will review the tape.

Council member Thomas will go along with interviewing recommendation number one. Council member Ryneason prefers to interview both candidates. Mayor Hughes agrees.

All Council members are in agreement with interviewing both candidates.

Vice Mayor Cain went on to comment that a Marine Resources Task Force meeting was held and they are moving along with their educational speakers bureau/slide show. She went to see the artist who is preparing the artist's rendition of the John Mulholland Stewardship Award. It will be presented on Monday, April 22<sup>nd</sup>. This is very exciting. She saw the final clay project. She feels Council will be very surprised.

All groundbreakings have been wonderful and she had a great time.

**Mayor Daniel Hughes** - Commented that all events have been covered. He added that several Council members were at the Chamber with the Publisher of the News-Press speaking. Julia also gave a presentation regarding the Film Festival.

The same day as VOICE all Council members were at the dedication of the new Fire Department administrative building. This was a nice ceremony.

#### **VIII. TOWN MANAGER'S ITEMS**

None.

#### **IX. TOWN ATTORNEY'S ITEMS**

None.

#### **X. PUBLIC COMMENT**

Ray Murphy enjoyed being with everyone today. He congratulated everyone on a great hearing. He feels a great job is being done by Council.

Mr. Phillips came forward and thanked the Council for the opportunity. He commented that council will be proud of them and he will make them shine positively.

#### **XI. ADJOURNMENT**

The meeting was adjourned at 10:10 p.m.

**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