FORT MYERS BEACH
TOWN COUNCIL MEETING
MAY 6, 2002
REGULAR MEETING
Town Hall - Council Chambers
2523 Estero Boulevard
FORT MYERS BEACH, FLORIDA

I. CALL TO ORDER

The Regular Meeting of May 6, 2002 was opened by Mayor Daniel Hughes on Monday, May 6, 2002, at 6:00 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, Pam Houck and Bill Spikowski.

II. PLEDGE OF ALLEGIANCE

All assembled and recited the Pledge of Allegiance.

III. INVOCATION BY REVEREND WILLIAM DODD, St. Raphael's Episcopal Church

The invocation was given by Reverend William Dodd.

IV. PUBLIC COMMENT ON AGENDA ITEMS

Rod Bolu from 155 Tropical Shore Way came forward to speak against the permitting of any additional development of the Kelly Higgins property. When he purchased his property the seller informed him that there would be no development behind him due to the mangroves. He questioned if this property has been purchased and closed?

Mayor Hughes expressed that this is not typically an answer and question type of debate session. This matter will be addressed later on the agenda.

Barbara Freely from 422 Bay Beach Lane came forward to support the people who are against the development of the Higgins property. She is concerned regarding the impact of removing mangroves and the ecosystem.

Donald Honyou from 153 Tropical Shore Way came forward. He expressed that he purchased his home 17 years ago. When he purchased the home he did a lot of research and was told due to the mangroves no one could go in and fill this area in. He has been hearing that this will happen. He is against this and indicated that a lot of wildlife goes through this area. He is not for this.

Lyle Dumers from 203 Chapel Street came forward. He also spoke on the Higgins Property. If there were a piece of property on the beach that should not be

developed it would be the Kelly Higgins Property. Very few people have gone into this marsh. This developer believes that mounds created by digging mosquito control ditches can be used as uplands for building purposes. He finds this a real stretch of the imagination. The ditches are small canals and if filled would block the flow of water that is now under preservation. He was granted an easement for his canoe because this property was not buildable. He asked Council to urge the DEP to not permit development.

Jeanne Dumers from 203 Chapel Street came forward. She passed out literature to Council and pointed out one of the mounds, which resulted from the digging of ditches. She expressed that this area cannot be walked thru. This wetland area has a full range of diversity of all marine and biological life needed here. This issue is not just about the mangroves, but is a complex ecosystem. She sees tonight's resolution as an opportunity for Council to speak out and make a statement to the rest of the island and Lee County.

Thomas Clift from 166 Chapel Street came forward. He lives next door to the Higgins Property. He feels very strongly regarding the preservation of this property. He offered an open invitation to come to his property and to take a look.

V. CONSENT AGENDA

A. PROCLAMATION: National Public Works Week
B. PROCLAMATION: Civility Month
C. PROCLAMATION: National Safe Boating Week
D. Approval of Advertising request for Florida League of Cities Annual Conference
E. RESOLUTION: Supporting Florida Preservation 2000 Funds
F. RESOLUTION: FCGU
G. Review of Snug Harbor Resolution
H. Approval of Congestion Pricing Contract
I. Water Utility/Kimley-Horn settlement
J. Times Square flag
K. Approval of Minutes: April 1, 2002

MOTION: Made by Vice Mayor Terry Cain and seconded by Council member Howard Rynearson to approve items A, B, D, E, F, K of the Consent Agenda. Motion amended to include the addition of language with regards to whom the copies of the resolution will be sent to for Items E and F.

VOTE: **Motion passes unanimously.**

Discussion: Council member Rynearson would like to pull items G, H, I and J. Vice Mayor Cain would like to pull item C.

Vice Mayor Cain read the proclamation for National Safe Boating Week. Sam Eastman came forward and introduced a few others present this evening.

Congratulations and applause was given.

Council member Rynearson commented on Agenda Item G - Review of Snug Harbor Resolution. He is very happy that everything has worked out and is pleased with the resolution. He would like to move it forward.

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

VOTE: **Motion passes unanimously.**

Town Manager Segal-George indicated that Council has already approved the Congestion Pricing Contract, but she included it to show the specifics for Exhibit A.

Council member Van Duzer still has reservations, but he hopes that there is agreement for reporting on a regular basis, and for input during the process over the next 18 months. He has concerns but feels that they are moving in the right direction. He commented on Exhibit A - page 3 and indicated that the results for the mail back destination study recently completed should be included in this study. The minutes indicated that the results would be received within one week.

Town Manager Segal-George replied that Chris Swenson is ill this evening, but she did speak with him and he did express that they would try to get the results as soon as possible.

Council member Van Duzer would really like to have this information. He feels this information will go along way to answering some of the questions he has.

Vice Mayor Cain was very impressed to see that they are including 24 presentations to the public. Mayor Hughes commented that this is also critical. This study will not succeed unless they have public support.

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

VOTE: **Motion passes 4 to 1. Council member Bill Thomas dissenting.**

Council member Rynearson commented on Consent Agenda Item I - Water Utility/Kimley-Horn settlement. He questioned Mr. Roosa, if the Bonita study is received and they are not satisfied he does not feel that the release of liability should be given until complete satisfaction has taken place. Their quality of work the first time around was not good.

Mr. Roosa replied that the new contract includes the same language as the old contract with regard to their responsibilities and the Town's claim. He expressed that the Town would be in a position to file a claim, if the quality of work is not satisfactory. This has nothing to do with the results of the work. Council member Rynearson does not want to relieve them from the first contract of liability until he is sure the second is up to their standards.

Mr. Roosa replied that this is part of the agreement. They would be released from liability of the first contract by accepting the second contract.

Council member Rynearson would like to see additional wording for better

protection.

Mr. Roosa replied that there is sufficient protection to assure a satisfactory project. Deputy Town Manager Gucciardo accepts this as long as the Town Attorney is in agreement.

MOTION: Made by Council member Howard Rynearson and seconded by Council member Bill Thomas to approve Consent Agenda Item I.

VOTE: **Motion passes unanimously.**

Town Manager Segal-George commented that she wanted Council to see the cost of the Times Square Flag. The flag consists of a 60-foot pole. Permitting, lighting and turtle issues exist.

Damon Grant came forward looking for direction. He expressed that it is his understanding staff was to pursue the construction of the flagpole in the area of the Trolley stop. All American Flag is the low bid at $6, 720.00. This figure does not include the electrical and lighting cost. He provided a picture to Council showing the location of the flagpole within the Square. He asked Council to approve and move forward, make changes or express their desire to not to pursue this issue.

Council member Van Duzer questioned if they are under obligation for the flagpole?

Mayor Hughes replied that he did not believe this was a requirement. Deputy Town Manager Gucciardo replied that the negotiations and agreement itself indicated the Council would assist to see if it was possible to put up the flag. He did not believe that this was a condition.

Council member Van Duzer feels this is an exceptional amount of money. Another American flag is present just about 50 to 75 feet from the proposed location.

Mayor Hughes commented that the possibility of a pedestrian crosswalk in this area is being discussed. Would this flag structure impede this in any way? Damon replied that this crosswalk would be coming in the general area.

MOTION: Made by Council member Howard Rynearson to table the issue of the Times Square Flag.

VOTE: **Motion fails due to lack of second.**

MOTION: Made by Council member Bill Van Duzer and seconded by Vice Mayor Terry Cain to instruct staff not pursue the placement of a flag, flag pole or electrical work in this area of Times Square.

Discussion: Council member Bill Thomas asked if the turtle representative provided any information regarding the lighting? Town Manager Segal-George replied that she would not until the Town went for permitting. She expressed that this will be an issue.

Mayor Hughes feels the issues outlined by the Town Manager

combined with the building of the pedestrian crosswalk makes this not feasible.

Vice Mayor Cain is aware that a lighting problem would exist. A lighting problem is now present already. It can be pursued in the future with a different location and size.

VOTE: Motion passes unanimously.

VI. ADMINISTRATIVE AGENDA

A. Mound House interviews and selection of a new Director

Corbett Torrence came forward from FGCU. He introduced Theresa Schober and indicated that they are Co-Directors of the Cultural Resource Management Program at Florida Gulf Coast University. They are visiting instructors at the College of Arts and Science. The Chair of the College of Arts and Science is Dr. Win Everham, who is present to represent the University as a whole. He and Theresa are looking to bring the Mound House alive with educational opportunities for the Town of Fort Myers Beach, public, visitors and the incorporation of students from Florida Gulf Coast University in educational activities. These would include a docent-training program with both local community members and intern students from the university. These individuals would be responsible for handling the daily tours. Also, more specific tours would be conducted by experts. A series of tour levels would exist. Museum study could also be conducted on site. The idea of developing an educational web page to show an overview of the site has been discussed.

Theresa Schober feels that the real strength of what they have to offer is the diversity that can be provided. A university backing is brought to the table with numerous affiliate faculty and students who are eager and required to have internships before they graduate. This pool of knowledge can be brought together and the Mound House can be taken to a further level.

Corbett expressed that they would be happy to bring ideas to CELCAB for approval. He feels they have a very strong program. He and Theresa would bring extensive experience in this type of work. They have taught and have excellent evaluations from the students at the university level. He explained that an individual can always be tied up with some sort emergency, but with the university there will always be someone available.

Council member Rynearson questioned if the university is not chosen could the Town still benefit from all the ideas which have been mentioned? Corbett replied that they do have these options. If the university is chosen as the Directors it then becomes their first priority. Theresa replied that it would not happen nearly as quickly.

Mayor Hughes asked what assurance that Town has that the university would continue to utilize them in this role during the term of the contract? Theresa replied that they applied thorough FGCU and the CRM program because they feel that these two things are integrated and fit nicely. They had spoken with the university about applying in this fashion prior to actually making application. She expressed that they felt it was the intention of the Advisory Board to have the contract with the university to provide some type of long-term stability in the position. She explained that it would be written into their own program and contract, and this would not allow the university to take them

out and put someone else in, accept on an annual basis when the contract is revisited.

Mayor Hughes questioned if Corbett and Theresa would have the time to devote to this position considering they would still continue their duties at the university? Corbett replied that they absolutely would have the time. Their current position and next year's position offer them together one full time position to split for teaching. The remainder of the time is to be spent pursuing this type of activity to support the Cultural Resource Management Program. He explained if they receive this position their teaching hours will probably be reduced to spend more time at the Mound House.

Council member Van Duzer questioned the on-site management. How much time will they spend on the site everyday? Theresa replied even thought they have a half time teaching load they do have flexibility in terms of when the classes are offered that will allow them to be in other places at the same time. Corbett responded that the fall schedule has been determined. Neither of them is teaching on the same day, so either would be available to be on-site. The property must be monitored 8 hours a day, 6 days per week. Their program they implement will guarantee this. He is certain that they can give the same hours as any Director has given on-site.

Council member Van Duzer asked who is in charge? Corbett replied that they are looking at one of the best tag team groups. He and Theresa have different skills. Based on their skills they will allocate different activities to each other. They would be willing to choose one person to be in charge if it is the will of the Council.

Council member Van Duzer is concerned if a problem arises who do they call? Theresa replied if a problem comes up the Mound House should be called. One of them would be there, unless they were conducting some other type of activity.

Council member Rynearson has some concerns and feels that a contract must be in place to state certain hours the Mound House will be manned. Corbett feels it is a great idea to have the hours stated in a contract. He is not opposed to this suggestion.

Mayor Hughes asked for additional questions. None were heard. Corbett thanked the Council for allowing them to come forward this evening.

Annette Watkins Schenering was the next applicant to come forward. She expressed that she is an individual applying for the position of Director of the Mound House. She expressed that the presentation from FGCU is very valid. She feels that all of the items discussed can be accomplished by an individual being in the Director position. One thing that she would offer to the position is her full attention. She would be available 7 days per week. The property has a lot to offer and could be expanded further by developing the website and various links. She feels that more awareness needs to be developed within the community. Attendance needs to be brought up and the awareness need to be cultivated. The docent program must be expanded with additional reference materials. A more extensive incentive program for the docents must be established. A reward system needs to be recognized for these volunteers. Volunteers could also be utilized in a number of capacities.

Council member Rynearson asked if Annette would have a problem bringing the Mound House up to speed to involve the university? Annette replied that there must be a willingness to work together as a team. No one should be excluded from the project. She does not feel there should be any reason why they cannot work together as a team to accomplish all of these goals.

Mayor Hughes thanked Annette.

Council member Rynearson commented that he has been in business for many years and would rather see a one on one management than a corporation. He feels that they can hire a one on one manager and can still get the university and all of their good traits.

Council member Van Duzer has feelings toward the hiring of the university, but he feels they are looking for a manager. He is unsure if the university is the type of management they are looking for. He was impressed by Annette's comments regarding the marketing program for the Mound House. He is unsure if the university has this type of expertise.

Council member Thomas has a vision for the Mound House. His vision is for an educational center and learning experience. He feels that applicant #1 could achieve these goals. Applicant #2 is more on the marketing end and could bring more people in as visitors. He feels that applicant #1 would bring the educational center to its best and he is in favor of this applicant.

Vice Mayor Cain explained her reasoning for her choice of applicant #1. Corbett and Theresa have the management experience and can bring much additional experience. Corbett indicated that he would be the point person for any concerns. Applicant #1 has the experience and longevity in the area. Applicant #2 has marketing experience. She feels that this is a long-term job and needs someone who has their time and profession devoted to it. This is the reason she chooses applicant #1.

Mayor Hughes feels that the two candidates are outstanding. He believes either could do the job and do it well. He does not feel that the marketing experience of applicant #2 would take away from the other duties. He shares some concerns regarding who is in charge and the availability at the Mound House. He does not feel that they would lose with either candidate. He has concerns with the role of the university should Annette be selected.

Vice Mayor Cain feels the Mound House will be established much faster with the university in place. It would take an individual more time to get in contact with the university to put such programs together. Two excellent candidates are being balanced. One applicant can jump in with an established educational program from a similar area. Another person would have to create this program, which involves many hours.

Council member Thomas expressed that they have had past experience with applicant #1. He visited the archeological dig and saw Corbett working and doing as much as everyone else. He was impressed.

Council member Van Duzer commented that Vice Mayor Cain and Council member Thomas have convinced him that they need to go forward with this project as quickly as possible. He is going to recommend Florida Gulf Coast University.

MOTION: Made by Council member Bill Thomas and seconded by Vice Mayor Terry Cain to accept Florida Gulf Coast University for this contract

VOTE: **Motion passes unanimously.**

Mayor Hughes expressed to Annette that he hoped they could find something for her within their community. She was wished good luck with her current endeavors. He congratulated Corbett and Theresa. He knows they will do a good job.

B. Resolution: urging DEP to not permit development for Kelly Higgins property

It was decided to discuss this item before Administrative Agenda Item A.

MOTION: Made by Vice Mayor Terry Cain and seconded by Council member Bill Van Duzer to approve the Resolution urging the DEP to not permit development for Kelly Higgins property.

Discussion: Council member Van Duzer commented on the motion from a prior Council meeting to have 2020 purchase this property. At that time it was noted that financial assistance was needed and a council member indicated that this should not be done. Council member Van Duzer had concerns and understood that this would not take place without the financial assistance. He put together some people that came up with the financial obligation to make sure this property would be purchased under the 2020 program. It was moving forward. It is his opinion the ball was dropped by the County. He feels that the private property rights are to protect this property from development. This must be supported.

Council member Thomas is also in agreement with the preservation of the wetlands and the diversity of wildlife must be cherished. He does not want to see the crows and crackles throughout the island.

Council member Rynearson will support the motion. He feels that the Mayor or Town Manager should inform the public what they are in for by supporting this matter.

Attorney Dick Roosa replied that there is a real potential the Town's position would be a basis for a cause of action against the Town for the taking of the property.

Mayor Hughes read a portion of the resolution. It states that the Council is opposed to any activity on the Kelly Higgins property which is inconsistent with Comprehensive Plan, which seeks to preserve all remaining wetlands. He feels that the Council has a duty to support the objectives set forth in the Comprehensive Plan.

VOTE: Motion passes unanimously.

Town Manager Segal-George expressed that Dan Folke wrote the resolution. She felt he did a very fine job. Agreement was expressed from all Council members.

C. Community Assistance Program: Helen Caldwell

Town Manager Segal-George explained that she was approached by Helen Caldwell. She put together a memo and explained that over the years many situations have existed in the community where help was needed. Most times this involved an elderly individual or a single parent.

Helen Caldwell came forward to express her proposal for a Community Assistance Committee. She has been on the beach for many years and has seen many people have a reverse in the ability to cope with certain situations. In her community a need exists for a Social Services Committee to review, assess and serve as a liaison to appropriate local agencies. This committee should be organized under the city government and serve as a liaison with area service organizations. She went on to explain many of the organizations currently in effect. The Community Assistance Committee would need to be organized and approved by their City Council. A representative from the Council should work with other members from the community organizations. She appreciated the efforts of Council to meet the needs of the community through the various committees presently serving and saving their community. She discussed her addendum to the proposal.

Mayor Hughes questioned when a topic of this sort has been raised in the past? Town Manager Segal-George replied that this goes back to the original Council. Many on Council were opposed to the idea of setting aside funds in the budget. They felt this was viewed as welfare.

Town Manager Segal-George commented that she feels what Helen is trying to accomplish is wonderful. She does not feel she has the type of staffing to deal with this type of situation.

Helen replied that she sees this committee as a group who can put people in touch with the proper agency to provide assistance. The Council could have a member on the committee to serve in an advisory capacity. Many agencies exist, but someone must spearhead and get in touch with them.

Council member Van Duzer feels this issue needs more direction before a decision can be made. He does not feel they need a welfare committee.

Helen replied that this is not her intention. This group would be a process group.

Mayor Hughes questioned if there could be an informal committee with a Town Council member appointed to the committee? Attorney Dick Roosa replied that initially this could be done. He expressed that this is frequently done in communities through a not for profit corporation rather than the municipality itself. One Council member will not trigger government and sunshine.

Mayor Hughes would be willing to meet with her group if she can get some representatives together and then bring this back before the Council.

Council member Van Duzer feels that this would be good way to handle the situation. Guidelines can be established and then bring this back before the Council.

Helen Caldwell thanked Council for their time.

D. Bid Award for Holiday Shores and Matanzas

MOTION: Made by Council member Bill Van Duzer and seconded by Council member Howard Rynearson to award the contract per the staff recommendation to UTELCO for $152,571.00.

Discussion: Mayor Hughes indicated that UTELCO is the low bidder and asked if there is any reason they should not be selected?

Damon Grant replied that the project engineer did come back with their recommendation, which was consistent with UTELCO. He received this today.

VOTE: Motion passes unanimously.

E. Drainage engineering contract for Sabel and Coconut: ECT

Damon Grant indicated that this item was addressed at the last Council meeting. He recommended and this was approved by Council to have ECT include Sabel and Coconut with their already projected engineering for Pearl Street. ECT has provided the engineering contract. It is a contract not to exceed $14, 500.00, which includes both Sabal and Coconut, and would take them right up to construction. His recommendation is to accept ECT's contract proposal.

MOTION: Made by Council member Howard Rynearson and seconded by Mayor Daniel Hughes to enter into a supplemental work order supplementing a prior contract to add Sabal and Coconut to the scope of work for $14,500.00, subject to Council approval.

Discussion: Town Manager Segal-George indicated that an original contract exists with ETC. As drainage projects are added to the list these will come in as change orders to the original contract.

VOTE: Motion passes unanimously.

F. Beach Restoration Project memo

Deputy Town Manager Gucciardo provided a memo to bring Council up to date on the latest developments. Also, to get direction from Council to prepare for some possible travel to push some of the outstanding issues on this project. It is possible that this project could be put off until next year about this time as opposed to the fall. He explained that the Town is following the lead of the County. His personal recommendation is to not have this project put off, because they did not at least try this extra step.

Mayor Hughes explained that a meeting with Bob Jaynes took place to see where this project could go due to lack of federal funding. He asked Council if there are any objections to pursuing this memo in accordance with the outline as provided by the

Deputy Town Manager. No objections were heard.

Council member Thomas feels lobbying should be done with the Florida delegation. He does not feel they should meet with just one person.

Deputy Town Manager Gucciardo replied that this point was well taken.

Mayor Hughes recapped that Deputy Town Manager Gucciardo is directed to move ahead.

G. Newton Property Update and request for Town Participation of funding

Town Manager Segal-George provided Council with an update in her memo regarding TDC and 2020. She is asking that the Council consider putting up $250,000.00. She told two commissioners today that she would ask Council to see if they are willing to do this. She explained that they are not fairing well with TDC or 2020. TDC has determined that will not give funding for acquisition. The 2020 process is in the process, but does not look particularly favorable.

Dan Folke explained the process for qualification for 2020 funds. He explained that the property must be eligible for off-site mitigation credits. He expressed that two items are being considered when looking for a purchase of property with 2020. The first is that Lee County has the deed for the property. The second is to be able to get impact credits for future impacts that they will make. He commented that it has been put on the Town to provide someone with a qualified opinion that this property would qualify for mitigation credits. He has confirmed that they have approximately 2.5 acres of rare and unique uplands. He explained that you cannot mitigation credits for rare and unique uplands.

Mayor Hughes is very unhappy with this situation.

MOTION: Made by Council member Howard Rynearson and seconded by Council member Thomas to commit to the $250,000.00 provided that the County contributes $750,000.00.

Discussion: Council member Thomas would like to see an amendment to the motion indicating an offer to the property owner with a condition of a fixed sale price.

Town Manager Segal-George indicated that they have tried to fix the sale price in the past and it was denied.

Attorney Dick Roosa expressed that the Trustee has interpreted the Trust through its legal advisors that they must sell the property at an appraised price at the time of sale. They will not agree to any price until they are ready to close and an appraisal is obtained.

Town Manager Segal-George would prefer to see the $250,000.00 put up with no strings attached.

Council member Van Duzer commented that they are looking to spend a lot of money to make a public beach that people will travel

to the island and use. The County is not willing to help with the traffic problem and this will increase the traffic problem. He feels a unique offer is being made to the County and they are not offering to help with the cost.

VOTE: **Motion passes 3 to 2. Council member Bill Van Duzer and Mayor Daniel Hughes dissenting.**

VII. COUNCIL MEMBER ITEMS AND REPORTS

Council member Bill Thomas - He attended the Southwest Florida Regional Planning Council meeting on the 18th. Sarasota County is coming out with a new Comprehensive Land Plan. They are going for a 50-year plan. Normally it would be a 20-year plan.

On the 20th he participated in the Earth Day Trash Bash Beach Clean-up. On the 21st he attended the Historical Society cookout. On the 22nd he was present for the John Mulholland dedication ceremony. On the 23rd he went with Ginny Ross to pick-up the real estate signs in the right-of-way on Estero Blvd. On Hickory Blvd. to the south the signs have been removed that were in the right-of-way. On the 24th he went to Lakes Park and attended the memorial walk. A plaque was presented to the Fort Myers Beach Fire Department. He attended the Film Festival from the 25th to 28th. Staff did a fantastic job.

He attended the Estero Blvd. Ground Breaking on the 1st. On the 3rd he attended the TDC meeting with Council member Rynearson and Deputy Town Manager Gucciardo.

He commented on a letter received regarding water sports. Town Manager Segal-George replied that nothing has happened. She has not read the letter, but will inform Council should something occur.

Council member Howard Rynearson - He expressed that the Town had a wonderful Film Festival. He thanked Janeen, Michelle and Julia for a wonderful job. The rest of staff was also congratulated. Applause was given.

He was very proud of the Ground Breaking on Estero Blvd.

He expressed that Joe Poppalardo and his crew did a wonderful job with Spring Break and the winter tourists. He would like to have letter or resolution drafted.

Deputy Town Manager Gucciardo expressed that plans were being made for Capt. Erne and his retirement. Council member Rynearson mentioned Joe Poppalardo and he felt the two presentations could be done together.

Mayor Hughes feels Capt. Erne should receive a plaque and Sgt. Poppalardo should receive a letter of accommodation. He gave direction to the Deputy Town Manager to make these preparations.

Council member Bill Van Duzer - He has attended a lot of meetings. Also, attended the Film Festival. He would like a letter of thanks sent to Bob from UTELCO. He explained that Bob took a crew of his men, at no cost, and put up the fence from the pool to the Boulevard. He is now attempting to get some shrubs and palm trees. He also went to the Mound House and replaced some pavement at no cost.

Vice Mayor Terry Cain - All the above events were great. She is still working on the Mulholland Project.

Mentioned an e-mail regarding plans for coordination of the September 11th events. Town Manager Segal-George has not seen this but will take care of it.

Mentioned the State Attorney's Office and the letter requesting the designation of the community assessment center board member. She asked if this was done or will be done? Town Manager Segal-George replied that this has not been done, and generally they have little to do with these types of issues. She does not feel they have the numbers to justify getting involved.

She questioned the use of police officers directing traffic at the light for the boat races and July 4th? Town Manager Segal-George will address under Town Manager Items.

She thanked the JJ&M Production Team for a great job with the Film Festival.

Mayor Daniel Hughes - Mentioned that he was on TV and on the radio to discuss some of the good things happening on the island. Received a nice letter from Rusty Whitley, President of Uncommon Friends, thanking the Town for their participation in the 2002 annual luncheon. It was a very inspiring program.

VIII. TOWN MANAGER ITEMS

Town Manager Segal-George - She has not received a special event permit for the boat races. She is unsure what is happening with police and fire. Other issues exist with the sale of merchandise. She plans on closing down anyone that they do not allow with regards to the sale of merchandise or vending.

Deputy Town Gucciardo suggested sending a notice that no future events will be permitted due to their lack of the cooperation with the Town. There is no excuse for this. He is not saying that arrangements have not been made with fire and police, but the Town needs to know what they are.

IX. TOWN ATTORNEY ITEMS

Town Attorney Dick Roosa - Feels it would be appropriate to have a motion regarding
Couseu/Cohen vs. Town of Fort Myers Beach that the Town does not recognize their claim as valid under the Bert Harris Act. If they further pursue it the Town will assert their right to attorney fees.

MOTION: Made by Council member Bill Van Duzer and seconded by Council member Howard Rynearson regarding Couseu/Cohen vs. Town of Fort Myers Beach that the Town of Fort Myers Beach does not recognize their claim as valid under the Bert Harris Act. If they further pursue it the Town will assert their right to attorney fees.

VOTE: **Motion passes unanimously.**

X. PUBLIC COMMENT

Fran Myers commented on the TDC meeting attended by Town Manager Segal-George and expressed that it was one of toughest meetings she has ever sat through. She felt that they tried their best to further the process. She expressed that $500,000.00 was put into reserves and is waiting for the County to come up with their

portion. Four partners are going into Tallahassee for the Florida Land Grant. If money will not be found she feels Fort Myers Beach needs to be taken off the 2020 roll. If there is nowhere that the 2020 can be used than why collect the tax from them.

XI. ADJOURNMENT

The meeting was adjourned at 9:16 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