FORT MYERS BEACH
TOWN COUNCIL MEETING
JUNE 24, 2002
REGULAR MEETING
Town Hall - Council Chambers
2523 Estero Boulevard
FORT MYERS BEACH, FLORIDA

I. CALL TO ORDER

The Regular Meeting of June 24, 2002 was opened by Mayor Daniel Hughes on Monday, June 24, 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, Jerry Murphy and Kirk Crane.

II. PLEDGE OF ALLEGIANCE

All assembled and recited the Pledge of Allegiance.

III. INVOCATION BY REVEREND DICK TAFEL

The invocation was given by Reverend Dick Tafel.

IV. PUBLIC COMMENT

Bob Young from 2088 Estero came forward. He provided a list to Deputy Town Manager Gucciardo of the condominiums which belong to the Condominium Association of Fort Myers Beach. This has been done annually with the hope of opening up a path of communications to this large segment of the beach. The list of condominiums has grown. He indicated that their purpose is to pass along information to condominiums and to help in the communication. He also has an additional 40 e-mail addresses that will in assist in the communications with all the different groups. He thanked the Town Council for the resolution that was passed last year with regard to the request for consumption by Diamondhead. At this time, it is working real well and the people at Surf Song appreciate the Council's efforts. It appears that local government does work.

Mayor Hughes announced that Bob Young's efforts are greatly appreciated by those who are involved.

Roxie Smith came forward to read a brief statement. Even though the appraisal of the Newton Property has come in higher since last year it is still believed that the value is well worth the price. The Town's share will increase, but so will the County's and the Florida Land Trust. There is also a half million dollars in reserve by the TDC, which has been designated by the infrastructure and improvements. Acquisition of the Newton Beach property will provide the residents and visitors of Fort Myers Beach with a charming passive community park. Public space is very limited and they should be thinking of the future generations to come. The hope is that the Town Council will continue the negotiation process, file for the grant and continue working with the County toward the grant.

Fran Myers added that it is important to look at the purchase with the several entities that will now merge together. She hopes that Council will continue to move forward with the process to see how close they can get for the purchase of this property. (A handout was provided to Council from Fran Myers and Roxie Smith with regard to the matters just spoken on.)

Joe Croker came forward. He provided some background regarding a personal matter regarding his daughter and her battle with cancer and surgery. He was asked by his daughter to explain her situation to his 11-year-old granddaughter. When he went out to search for information to help in the explanation he found no assistance. He decided to write his own book, which has been completed. He provided copies to all of the Town Council with hopes they will never need to use them, but will have them in case they must share with someone who does. He reported that his daughter Rose is cancer free and now doing very well.

V. CONSENT AGENDA

A. Spikowski Contract Extension

B. Extension of Sign Contract: Gini Ross

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

VOTE: **Motion passes unanimously.**

VI. ADMINISTRATIVE AGENDA

A. PUBLIC HEARING: Evanoff Kubicek Residence variance request. Case number: VAR2002-00013. The subject properties are located at 383 and 385 Seminole Way.

Mayor Hughes began by asking for ex parte communications from the Council members. Council member Van Duzer has completed a conflict form and will not take part with regard to the voting on this issue. He has a contract agreement for construction on the existing residence. He discovered the error in the original survey and applied for this variance.

Beverly Grady who is representing Diane Evanoff Kubicek came forward. Two variances have been requested for Lot 18 and one variance for Lot 17 on the side which abuts Lot 18. The variance on Lot 17, which is on the east side, has been withdrawn. The staff and LPA have recommended approval of the two variances for Lot 18, but have recommended denial of the single variance for Lot 17.

Beverly Grady went on to provide background. She explained that Diane Evanoff Kubicek purchased Lot 17, 18 and 19 in June of 2000. This plat was platted back in 1940. Each lot is zoned RS-1, single family and each lot received a minimum use determination from the Town. Architectural plans have been prepared based on the July 5th survey. The plans were put out to bid near the end of 2000 and the contractor was selected. A building permit was obtained, materials were ordered, foundation was laid out and it was then discovered the survey for Lot 18 was an error. A second survey was then obtained to reflect the correct dimensions. The difference was approximately 9 feet. The solution pursued with the County was to reconfigure the lots. The surveyor prepared the legal descriptions for the newly created lots. A problem existed with the revision of the lot lines because they do not meet one of the technical requirements of the Comprehensive Plan. One lot must be reduced and by reduction under the Comprehensive Plan this cannot happen. A revision of the lot lines was just not workable under the Comprehensive Plan. She provided an example to Council of the original plan proposed by the County, which did not work out, and the variance now presently being requested.

She explained that the variance requested on Lot 18 with the home is requiring a variance of four feet on one side and five feet on the other. Lot 19 can allow for a structure and not only meet but exceed the side setback requirements. Lot 17, due to its unique orientation, requires some relief to five feet on its west side. The home will have to be reduced due to the variance being eliminated on the east side.

It is being asked that the Town Council support the recommendation of staff and the LPA, but would also request the one variance on Lot 17, so they may proceed with the home that was designed for this lot.

Council member Rynearson questioned if the survey received was just for finance purposes and not a building survey? Beverly Grady replied that Exhibit B, which is the survey, was the survey received and utilized for building purposes.

Council member Rynearson asked why this matter proceeded when it was laid out and determined that it would not comply? Beverly Grady replied that it was not recognized until it was laid out. At this point, it was stopped and a solution was determined when they met with Lee County. The house continued on and it was not determined until later that this would not be a feasible solution.

Council member Rynearson questioned at what point did the owner realize that the County would not move the lot and require variances? Beverly Grady replied that it was not until 2002 at which time she became involved. The home was ready for an as-built survey at this point.

Vice Mayor Cain clarified that the variance on Lot 17 was withdrawn? Beverly Grady replied on the east side.

Kirk Crane, Planner in the County Zoning Division of the Community Development Department, came forward. He expressed that the issues have been stated and this is a multiple variance request. A significant survey error had been discovered. He noted that each of these lots are substandard and were

created in 1940. He explained that the residence was built based on the survey which was submitted with an approximate 9-foot error. Staff agrees with the applicant the variances for Lot 18 meet the required findings for approval. He commented on the variance for Lot 17 and because this is a vacant lot staff does not believe that this meets the required findings for approval of a variance. Lot 17 is a larger lot. The applicant has withdrawn the variance request for the east side variance on Lot 17. Staff feels that this allows for a reasonable use of the property, which will allow a construction of a single family residence that would meet the setbacks. Staff is recommending denial of variance request 2-B on Lot 17. Staff feels that the granting of this request would set a precedence in this area.

Beverly Grady came back to express that Lot 17 was the lot the Kubicek's wanted for their home. This is the reason they wanted to proceed with the request before the Town Council. No opposition has been received from anyone in the neighborhood. She commented that the vote was unanimous by the LPA with the exception of one vote that was sympathetic to the Lot 17 variance. The record fully supports Lot 18 and she hopes they have shown why Lot 17 should also be considered for approval on the one side.

Mayor Hughes asked if anyone wished to address the Council on this matter? None was heard. Public hearing was closed and deliberations began with the Town Council.

MOTION: Made by Vice Mayor Terry Cain and seconded by Council member Howard Rynearson to deny the request for the variance on Lot 17. Approve the variance for Lot 18 with the following conditions: 1. Variance for the side setback be 4 feet on the west side and 5 feet on the east side. 2. No other building additions or increases to the side of the building may be located within the required setback area. 3. If the building in voluntarily removed from the property the variance approved will be void and subsequent structures must comply with the LDC requirements. 4. There must be a minimum 15-foot separation between any residence placed on Lot 19 and a residence on Lot 18.

Discussion: Vice Mayor Cain had concerns with condition 4. Kirk Crane replied that this would be a voluntary action by the applicant as proposed in the letter. Due to the owner having Lot 17, 18 and 19 they will voluntarily locate any residence on Lot 19 at least 15 feet apart. This was part of the reason staff felt they could recommend approval of the variances on Lot 18.

VOTE: **Motion passes unanimously. Council member Bill Van Duzer was excused from the vote.**

B. **PUBLIC HEARING:** Cudzik Carport & Open Deck variance request. Case number: VAR2001-00032. The subject property is located at 582 Estero Blvd.

Mayor Hughes began by asking the Town Council for ex parte communications. Council member Van Duzer will need to abstain from voting on this matter. He mentioned that this project and the project prior were two matters he was involved in prior to being elected to the Town Council. He has been involved in this project for the last two years. He has filed the necessary paperwork for the conflict of interest.

Mayor Hughes indicated that the reference to a contractor who completed work without obtaining a permit was not Council member Bill Van Duzer. Council member Van Duzer has a contract to do some work on this project if the variances are approved today.

Steven Roberts, resident on Fort Myers Beach, came forward to represent the applicant. He asked that the Town Council to approve the setbacks as they are lined out in the request for variance. He asked the Council if they have any particular questions to the site plan?

Mayor Hughes asked Steven Roberts his relationship to the applicant? Mr. Roberts expressed that he is an interested party from Fort Myers Beach. He lives on a substandard lot also.

Council member Rynearson asked when the carport was built? Mr. Roberts replied that this was built within the last 2 ½ years.

Vice Mayor Cain needed some clarification as to the site plan, which the areas were identified by Mr. Roberts.

Kirk Crane came forward and expressed this is a multiple variance request. He explained this application has been pending for quite some time. Letters are within the file showing Steven Roberts as the

authorized agent for this file and withdrawing Mr. Van Duzer. An improvement was built by an unlicensed contractor. The applicant is not the original owner and has had an improvement made to the property. The improvements do not meet code and will need to be rebuilt back meeting the current code requirements. A violation notice was issued and a code enforcement hearing was held in June of last year. Problems associated with this substandard lot are that it does not meet minimum lot depth, does not meet minimum lot size, the improvements and the existing structure do not meet many of the setback requirements and by the time this improvement was put on you end up 2% over the maximum lot coverage. A five-part variance request now exists. Staff feels this does meet the requirements for approval of the variance. Staff is recognizing a situation that has been existing since 1965. Staff is going to recommend approval with the two conditions listed on page 2 of 6 of the staff report.

Mayor Hughes has concerns that the language does not state that this must be rebuilt. Kirk Crane replied that this is currently under a code violation and does not meet building code. The building must be brought down to where it meets code requirements. A permit must also be obtained for the improvements. If Council would like to have this stated as a third condition, he does not feel there would be a problem with this. Mayor Hughes would like to see the language in condition one. Kirk Crane suggested the third condition.

Attorney Dick Roosa questioned condition 3 and does not feel this is proper. He states the code enforcement issue is not before the Town Council, only the testimony given by staff today.

Mayor Hughes questioned the time frame? Attorney Dick Roosa and Kirk Crane replied that code enforcement will take care of this issue. The background still shows a pending code enforcement violation.

Dan Folke added that it is his understanding there is a building permit ready to be issued. The setback variance is the only issue holding up this process.

Mayor Hughes asked if anyone from the audience wished to address the Town Council? None were heard. The public hearing was closed.

MOTION: Made by Council member Bill Thomas and seconded by Council member Howard Rynearson to approve the request by Ruth Cudzik for variances A-F with the two conditions presented by staff. Also, to include the language change for condition three as suggested by staff.

VOTE: **Motion passes unanimously. Council member Van Duzer was excused from this vote.**

C. PUBLIC HEARING: Richard Fence Variance. Case number: VAR2002-00010. The subject property is located at 170 & 202 Crescent Street.

Mayor Hughes asked for ex parte communications. Council member Rynearson spoke to Mr. Richard. Council member Van Duzer attended the meeting where this matter was before the LPA.

Beverly Grady came forward to represent John Richard. A variance is being requested for the Crescent Street property. The subject property is located in the downtown overlay, which is designated pedestrian commercial. A request for a variance is to allow the placement of an aesthetic fence along Crescent Street. The request has received staff recommendation of approval and unanimous LPA support. The request will allow for security and privacy of the residential units from the commercial. The staff has concurred with the request and has found that there are exceptional and extraordinary conditions regarding the property. There is a basis for recognizing the need for privacy and security to provide a transition between the actual residential use of this property and the other uses that will continue to occur. John Richard is present to answer any questions along with the architect designing the fence.

Joseph McHarris, McHarris Planning and Design, came forward. Two schemes were created. He showed his exhibit and explained the designs to the Town Council. Landscaping will be designed to augment the wall/fence at this location.

Council member Thomas questioned if there is a zero setback from the fence where will the landscaping go? Joseph McHarris replied that the landscaping will be placed in the right-of-way and in the event sidewalks will be put in the landscaping will be removed at the owners loss.

Mayor Hughes asked which of the schemes would be used if this is approved by Council? Joseph McHarris replied that the one scheme selected by the owner is Concept A.

Council member Van Duzer asked if this was the selection by choice of the Town Manager? Dan Folke replied that he attended the meeting with the Town Manager. He felt that she preferred selection B,

but she liked either one and she is in support of either choice.

Jerry Murphy on behalf of staff came forward. He reviewed the conditions that staff has recommended. He commented that a CMU is a concrete masonry unit. The fence/wall on the side lot line was discussed. He indicated that the height limitation is 4 feet, but it is not part of the initial request. Staff's concern is not having advertised an increase in the height allowed and an additional variance may be needed to make this go somewhat higher. If this is the case staff would like to take a further look and come back with an additional variance rather than holding the applicant up from getting started on this project. This was not advertised nor was it specifically addressed to the LPA, and this particular issue should not be before this board today. He feels they can take input from the board today to take back and work with Mr. Richard.

Jerry indicated that the conditions are incumbent upon Mr. Richard or subsequent property owners taking care of these fences. Staff felt that the conservative Option A would be easier to maintain. Time limitations were put on the applicant. He recommends a condition for a maintenance agreement with regard to the landscaping in the right-of-way. This will put the burden of maintenance on landscaping on the applicant. It was decided between Mayor Hughes and Jerry Murphy the landscaping plans will be included with the final construction drawings.

Mayor Hughes commented that the notice to owner seems to be broad enough to include the curves at the end of the fences. Jerry Murphy replied that there is more than curves and there are actually corners with the wall extending further back more than 5 feet. Staff will welcome the argument if the city attorney is in agreement.

Attorney Dick Roosa replied that this should be covered including the wings.

Jerry Murphy indicated that the applicant will move forward as far as he can without coming back for an additional variance.

Council member Van Duzer questioned if an option could be included for the Town Manager to approve this area without having the applicant come back to another hearing? Jerry Murphy replied that staff would feel uncomfortable with this and deferred the answer to the city attorney.

Town Attorney Dick Roosa replied that he would have no problems approving the fence to 10 feet within the 5-foot setback area.

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

Jerry Murphy read the conditions with the changes.

Attorney Dick Roosa added that rather than having a maintenance agreement for the landscaping, if the landscaping is not maintained this will constitute a violation of the fence ordinance.

Jerry Murphy will add this language to condition 4.

MOTION: Made by Council member Bill Van Duzer and seconded by Vice Mayor Terry Cain to approve this variance request including conditions 1 thru 5. Condition 1 to include Option A. Condition 4 will have the landscaping language added.

VOTE: **Motion passes unanimously.**

6:30 p.m.

D. FINAL PUBLIC HEARING: Ordinance 02-04: Land Development Code, Chapter 34

Mayor Hughes began by reading the ordinance. Bill Spikowski announced that this evening is the final public hearing and no public input has been received in prior hearings. Both hearings have had discussions by Council and these issues are summarized within his June 19th memo. The proposed language changes are changes to the original May 10th version of the ordinance. Last week the Council had a consensus to go with having all appeals of the design review process go to the Town Council and not end with the LPA. The language in the memo indicates this change. The second item discussed was vinyl siding. The third item dealt with windows and wood frame construction.

Mayor Hughes asked if anyone wished to address the Town Council? None were heard. The public hearing was closed.

MOTION: Made by Council member Howard Rynearson and seconded by Council member Bill Thomas to adopt Ordinance 02-04, which contain various amendments to

Chapter 34 of the Land Development Code, as amended by Bill Spikowski in the June 19th memorandum.

VOTE: **Role Call: Council member Howard 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.**

E. FINAL PUBLIC HEARING: Ordinance 02-05: Harbor

Vice Mayor Terry Cain read the ordinance. Mayor Hughes indicated that this is the product of four years of work. It has gone through a very lengthy process with the Marine Resources Task Force. The original rough draft was approved. These amendments were imposed upon them by the DEP. This will be the only anchorage in the State of Florida that will not be regulated and supervised. Hopefully, this will provide the environmental resources and navigational access.

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

David Richardson came forward. He expressed that this is his home they are speaking of. He asked if grants would be the source of funding for this project? Town Manager Segal-George replied that the cost of the mooring devices, pump out boat and various other items will hopefully be paid for by boater improvement dollars. It is not possible to apply for grant funding until they receive a notice of intent to issue a permit. They have been in permitting for the past 3 ½ years.

David Richardson asked if the ordinance is adopted and the grant does not go through the Town will pay for this very expensive project? Town Manager Segal-George replied that the cost of establishing the anchorage has been put into the budget. She has no reason to believe that they will not receive grant revenues. If they do not, it will have to come back to the Council for a decision of what to do. Approving this ordinance does not create an obligation to spend money.

David Richardson expressed that when the grant runs out there will be a great expense for a very few people. Town Manager Segal-George replied that there are figures for the maintenance cost on a yearly basis for the anchorage. They believe that the fees from the anchorage will pay the maintenance. The fees will be determined based on the cost of maintenance. This will be a break even for the Town.

David Richardson feels this should be researched further before a decision is made.

Rev. Dick Tafel came forward. He wonders if there could be a way to set aside some of the moorings for the winter residents? These people do bring economy onto the beach. He is a firm believer in the good old hometown. He suggested having another bidding process. He also pointed out an area by Tops that could be used.

Town Manager Segal-George replied on the area by Tops Rev. Tafel spoke of. This property is not zoned appropriately, pump out facilities must exist along with a whole list the state requires. The Town did look into doing this themselves and would be a very expensive project.

Mayor Hughes announced that an ordinance that is adopted by a Town Council can be amended, rescinded or modified by another Town Council. The opportunity exists to change this if adopted.

Mayor Hughes closed the public hearing.

MOTION: Made by Council member Bill Van Duzer and seconded by Vice Mayor Terry Cain to adopt Ordinance 02-05 - Municipal Anchorage Ordinance.

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

F. Receipt of Budget Message and Public Hearing to set tentative millage: In past years the Town's millage rate has been set at 1.0400

Town Manager Segal-George has an obligation as part of the Charter to deliver a proposed budget. This will allow the Town Council to take their first step in the budget process and set the tentative millage. She is proposing the same millage as last year. Last year was a roll back year and she is not proposing a roll back this year. The excess revenues received this year should be placed in the capital improvement plan under land acquisition. This is being conservatively estimated at $250,000.00. Two budget hearings will be held on both September 9th and September 23rd. Every agenda from this point forward will show the budget as an agenda item until it is finished.

Mayor Hughes acknowledged receipt of the Town of Fort Myers Beach draft budget for the fiscal year 2002-2003.

Mayor Hughes asked if anyone wished to address the Council? None were heard. The public hearing was closed.

MOTION: Made by Council member Howard Rynearson and seconded by Council member Bill Van Duzer to adopt 1.0400 for the tentative millage rate for the year.

Discussion: Council member Thomas questioned that this figure is tentative and could be lowered at another hearing? Mayor Hughes replied that this is correct. Facts may change between now and the Fall.

Deputy Town Manager Gucciardo expressed that many items will be fine tuned over the summer. When Council comes back after the summer staff will highlight any changes made.

VOTE: **Motion passes unanimously.**

G. Update on Newton Property

Mayor Hughes began by pointing out some figures contained within his memos. Changes in these figures have taken place since he prepared his memos. He explained there has been a net increase of $570,000.00 over what the Town was willing to go ahead with at an earlier Council meeting. The attorney for the trust has indicated he would reduce the price by 3 ½%. This would reduce the gap from the from $285,000.00 to $200,000.00. In the last hour the Town Manager received a call from John Albion, Board of County Commissioners, and he has indicated that the Mayor of Fort Myers is willing to ask his Council to participate in this matter. He feels confident that they would be willing to bring some money into this picture.

Town Manager Segal-George spoke to Commissioner Albion and he seemed comfortable with the Council increasing the contribution contingent on the County agreeing also. A 50% match is trying to be received to go to Florida Communities Trust. If Florida Communities Trust agrees to fund this project, two appraisals will need to be completed. The County cannot pay above appraised value and neither can the Town nor state. It is her understanding also that the attorney handling the estate understands that nobody can pay above the appraised value. If the appraisers come in below the appraisal of the state they will need to negotiate the price.

She went on to add that by November the Town will know if Florida Communities Trust will approve the funding. Next they will go into the closing mode. Two appraisals will be needed and it will take approximately 4 to 6 months until the closing process is complete.

Mayor Hughes commented that a decision must be made as to the amount the Town is willing to put up. If the gap is not received, the Town will not move forward.

Discussions and scenarios of the different split of dollars were discussed.

Council member Thomas commented that last year this property was appraised at $2 million. Nine months later it is appraised at $2,500,600.00 by the Erickson's. This is a $62,000.00 a month increase. He does not feel the Erickson's have a good spirit dealing with the Town. He expressed the final appraisal is over $1 million different from what the County is appraising it at. He does not feel they are working with the Town.

Mayor Hughes agrees, but they have already agreed to the $2 million. He has been very concerned all along about the numbers. He explained his feelings regarding the differences between the appraised values with regard to the Newton appraisers. He cannot explain the disparity between the County appraiser and the trust. He provided this additional background, but it does not change the numbers. A decision needs to be made whether they would like to proceed and how much money the Town will put toward the $250,000.00 already committed to.

Vice Mayor Cain does not have problems with moving forward with the project. She does have issues with taking up the gap and does not feel a decision can be made until the appraisal comes in.

Town Manager Segal-George replied if the Town Council does not agree to pick up any of the gap, she is quite certain the County will not and they will not be applying at the end of July. The question is regarding the $200,000.00 and will the Town be willing to cover $100,000.00 and ask the County to pick up the additional $100,000.00. Whatever the amount the Council chooses to pick up the County will be asked

to pick up the remainder. The grant will then be submitted at the end of July with the 50% match.

MOTION: Made by Council member Howard Rynearson and seconded by Vice Mayor Terry Cain for the Town of Fort Myers Beach to pick up around 24% and split out with the County, if a fourth party comes in back out at the same percentage.

Discussion: Council member Thomas commented when this first came forward the agreement of the Town was to spend $250,000.00 of the Town money. What is the maximum amount the Town will pay? Mayor Hughes replied that the amount is roughly $300,000.00.

Council member Van Duzer questioned if anyone has an idea of what the appraisals may come in at? He has concerns with the increases being taken by the Town. Mayor Hughes and the Town Manager expressed that this amount cannot go any higher. A contract for sale is pending contingent on funding.

The Town Manager feels this is the last chance for purchase.

VOTE: **Motion passes unanimously.**

H. Resolution granting COMCAST Franchise Agreement

Mayor Hughes expressed that representatives from COMCAST are present. A revised resolution has been provided and was prepared by the Town Attorney in cooperation with the counsel of COMCAST. The live broadcast was completed in order for airing this evening. He commended COMCAST for completing this task.

Attorney Dick Roosa indicated that back in January the Council adopted a cable franchise ordinance. After the adoption of this ordinance the Council adopted a resolution granting a franchise consistent with all the provisions of this ordinance for COMCAST. They had 30 days to accept this and chose not to accept. Various additions and subtractions were sent with regard to the Town's ordinance. This is the information contained within this resolution. This resolution accepts the terms of the ordinance, except as modified in this resolution itself. The resolution and the ordinance constitute the franchise. He is satisfied with the legal sufficiency.

Barbara Hagen, General Manager for COMCAST in Lee and Collier County came forward. She thanked the staff and Mayor Hughes for helping them through the process. COMCAST will continue to service the residents of Fort Myers Beach.

MOTION: Made by Council member Howard Rynearson and seconded by Council member Bill Thomas to adopt the resolution granting the COMCAST Franchise Agreement.

VOTE: **Motion passes unanimously.**

I. Request from LPA on Pink Shell Cottages

Dan Folke expressed that the last time the LPA did a visioning session they reviewed the historic preservation element in the Comprehensive Plan. The topic of Pink Shell Cottages was discussed. It is very difficult to preserve the cottages, because so many are going away before an owner can be found to preserve them or find a place for relocation. The LPA made a motion to ask for the Town Council to consider talking to Flint and Doyle to reserve one or two cottages until such a time that a location could be secured. He has spoken with Tom Doyle and the procedure is that a contract has been secured for all the cottages. The majority will be moved off island to one of their sites to store buildings. As they have buyers, they will relocate them and pay them for their services. Cottages can be reserved. The terms of the agreement can be established and it would not require any money up front.

Mayor Hughes asked how many cottages there are? Dan Folke replied approximately 31. 26 are still available.

Mayor Hughes asked what type of condition the cottages are in? Dan Folke replied in various conditions. Gloria Sajgo would need to go out to do an assessment to identify the cottages with historical value.

Council member Rynearson feels they need one or two Pink Shell cottages, but they need to look

around the island for other choices to put into their group. He does not want to get too many at one time.

Vice Mayor Cain questioned Dan Folke as to the potential sites for these cottages? Dan Folke replied that one of the discussions from the LPA was School Street. A lot of different ideas were suggested, but this was the only idea that is consistent with the Comprehensive Plan.

Council member Van Duzer feels this is a no lose situation for the Town. How far do they want to go with this matter? Some of the history of the island is trying to be preserved. He feels a few of the units with historical value should be set aside. The Historical Subcommittee can be given the task to try and determine properties to be purchased to put them on.

MOTION: Made by Council member Bill Van Duzer and seconded by Council member Howard Rynearson to pursue this program as described to Town Council for no more than two of these units. Employ Gloria Sajgo to determine the two units with historical significance. Ask Flint and Doyle to hold these units in the name of the Town of Fort Myers Beach. This matter will be directed to the LPA Historical Preservation Subcommittee for recommendation to the Town Council for possible placement.

VOTE: **Motion passes unanimously.**

VII. COUNCIL MEMBERS ITEMS AND REPORTS

Council member Bill Van Duzer - Reported that he attended the MPO meeting last Thursday. A lot of discussion took place regarding the transit authority. He commented on this matter and no action was taken at that time. He will attempt to keep the Council posted via e-mail during the summer break.

Vice Mayor Terry Cain - Discussed the Leadership Beach Program. It was well attended. She did sign up for the Leadership Lee Program. Have a lovely summer.

Council member Bill Thomas - Last Tuesday he attended the Civic Association meeting. Council member Bill Van Duzer also attended. Chris Swenson made a good presentation on his traffic study. He hopes everyone has a good summer.

Council member Howard Rynearson - Hopes everyone has a great summer.

Mayor Daniel Hughes - Commented on the Leadership Beach Program. He attended last Saturday. He commended Terry for a great job as the tour director and nature guide.

He has attended the Florida League of Cities for the past 3 years and will be held this year August 15 to August 18 in Boca Raton. Any members of Council who can fit this into their schedule should attend.

On Wednesday, there is a ground breaking for Snug Harbor.

He commented on the resolution adopted by this Council on May 6. This resolution expressed their concern about the continuation of the Preservation 2000 in the Florida Forever Program. He has received a response for their position. This response stated that the governor has signed into the 2002-2003 state budget, which vetoed a proposed diversion of $100 million from the debit service reserve fund for Preservation 2000 in Florida. These dollars can now be held for uses that serve and protect their fragile, natural and cultural resources.

VIII. TOWN MANAGER'S ITEMS

Town Manager Marsha Segal-George - Mentioned the gas tax. It was originally going to be discussed tomorrow, but will be discussed next Tuesday. Some interesting language is included in the blue sheet. She indicated that there is no reason the Town is in any different position than before. There is language in the blue sheet which indicated they would be willing to give the same percentage presently for one year. It is also stated that the Town will agree to something else after this time period that the Town has not agreed to at this point. It was agreed that the Town Attorney should be present when this matter is being discussed.

Vice Mayor Cain is not comfortable with the language? Mayor Hughes expressed that this cannot be changed. He does not feel anything can be done at the County Board meeting to modify the staff's opinion.

Mayor Hughes agrees that it would be satisfactory to have the Town Attorney present at this meeting.

Town Manager Segal-George is hopeful this will go their way. If not, she has the authority to move forward. She is troubled by the language, but they are as prepared as they can possibly be.

Council member Thomas also agrees that the Town Attorney should be sent to this meeting. He feels it will be good for the Commissioners to see that the Fort Myers Beach Town Attorney is present and interested in this matter.

IX. TOWN ATTORNEY'S ITEMS

None.

X. PUBLIC COMMENT

Joe Croker came forward and noted that he has been known to take a stand regarding the signage up and down the roadway on Estero Blvd.. He gave some statistics for the Council to think about over the summer. If you are traveling south on Estero Blvd. from Big Carlos Bridge to the parking lot at Bowditch point there are 269 informational signs. If you go north from Bowditch point up to Big Carlos there are 261 informational signs and 40 beach access signs. The total of signs is 570.

Mayor Hughes agrees totally along with the consultant who did the Streetscape. This is an issue that will be addressed if they receive control of the right-of-way.

Rev. Tafel came forward and thanked Council for making the meeting's resident friendly. Further explanation of the topics between the Council members helps the public understand better and this does make a difference in the outlook and attitude of the public.

Vice Mayor Cain expressed a special thank you to Dr. Joe for his book.

XI. ADJOURNMENT

The meeting was adjourned. No time was given.

If a person decides to appeal a decision made by the Council in any matter considered at this meeting/hearing, such people may need to ensure that verbatim record of the proceeding is made, to include the testimony and evidence upon which any such appeal is to be based.

Respectfully Submitted,

Shannon Miller
Transcribing Secretary