

**FORT MYERS BEACH
TOWN COUNCIL MEETING
SEPTEMBER 9, 2002
REGULAR MEETING
Town Hall - Council Chambers
2523 Estero Boulevard
FORT MYERS BEACH, FLORIDA**

I. CALL TO ORDER

The Regular Meeting of September 9, 2002 was opened by Mayor Daniel Hughes on Monday, September 9, 2002, at 6:30 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 REV. DR. PHILIP MAKARI

The invocation was given by Reverend Philip Makari.

IV. PUBLIC COMMENT

Maria Eigerman - 5 Glenview Manor Dr., Ft. Myers Beach came forward. She and her husband are new to the beach. They have concerns with the proliferation of short term rentals in the residential neighborhoods and efforts to establish a land trust to acquire land for open space. She is a strategic planner by trade, and as a planner her expertise is in helping people to imagine what they would like their enterprise to be in 10 or 20 years time. She offered a suggestion with regard to the Alliance event's calendar and would like the Council to consider a small pilot program for the next quarter. This will allow an establishment of the projected achievements with the Alliance Program in the Times Square area. This program would have specific objectives, residents could be involved in the selection, planning and execution of these events and after the pilot period ending the objectives could be determined. She expressed that this is a model she has had success with before in other communities and would like the consideration of Council.

V. CONSENT AGENDA

- A. PROCLAMATION: Always Remember 9-11 Day**
- B. PROCLAMATION: Citizenship Day and Constitution Week, Sept. 17-21**
- C. PROCLAMATION: Industry Appreciation Week**
- D. APPROVAL OF MINUTES: August 26, 2002**

Vice Mayor Cain pulled Consent Agenda item A.

MOTION: Made by Council member Howard Rynearson and seconded by Council member Bill Van Duzer to approve consent agenda item's B, C and D .

VOTE: Motion passes unanimously.

Vice Mayor Cain indicated that the Council would like to have the Proclamation: Always Remember 9-11 Day read to the community. She proceeded to read this proclamation.

MOTION: Made by Council member Bill Thomas and seconded by Council member

Howard Rynearson to approve consent agenda item A.

Discussion: Vice Mayor Cain reminded everyone an event will be held in the Times Square area on September 11 at 7: 30 p.m.. Brochures will be handed out that evening. Many organizations will be participating. This event could not happen without the unity of the community.

Mayor Hughes mentioned that a program will be held at noon with the County and elected officials of all other municipalities. The Town Council of Fort Myers Beach will all be present at the noon program and also at the 7:30 p.m. program at Times Square.

Mayor Hughes reviewed the Proclamations for agenda item's B and C.

VOTE: Motion passes unanimously.

VI. ADMINISTRATIVE AGENDA

A. Presentation by D.T. Minich of the Visitor Convention Bureau

D.T. Minich, Executive Director of the Lee County Visitor and Convention Bureau came forward. He thanked the Council, Mayor and staff for allowing him to come and give a presentation on the state of tourism in Lee County. He provided the Council with notebooks for them to take home and review. His door is always open to answer questions or concerns. He explained that tourism is Florida's biggest industry and Lee County's number one employer. Tourists spend money and pay taxes. Almost 2 million visitors were reported for last year. The tourists spent 1.7 billion and it employs one out of every six Lee County residents. One of the main reasons for the VCB is to generate off season tourism to level out the employment and taxes year round. One penny of the tax is used for beach and shoreline projects. He went on to explain how the partnership works. The County Commission oversees the collection of the bed tax and ultimately the expenditures of the bed tax. The Tourist Development Council is the advisory board to the County Commission.

The VCB is the marketing organization of Lee County created by the local government. The VCB draws visitors and the money they spend in Lee County, increases overall revenue and are targeting an upscale audience to bring in a more increased revenue without bringing in an increased number of people. He provided the website address to learn more about the goals of the VCB, which is Leevcb.com. This website is only for statistics. He provided some information regarding the type of visitors who come to this area. Leeislandcoast.com has approximately 120,000 visitors every month. These people spend an average of 8.4 minutes on the site and this is linked to all hotel and attraction partners.

Nearly 300 million dollars in advertising equivalence are received. Leveling of seasonality has been their #1 focus. Since 9-11 the market has changed considerably. Marketing needs to exist year round to make sure the base is maintained. This will go back as things recover more strongly. There has been a growth of almost 80% since 1991.

D.T. Minich went on to explain some of the challenges with tourism. These challenges include shorter vacations, economic uncertainty and the 9-11 effects. The commitment to tourism must stay intact. Lee County is doing a great job of diversifying the different industry. D.T. Minich compared the impacts on tourism between Fort Myers Beach and Lee County. This area has not suffered as greatly as other areas of the country since September 11, 2001. Directly there are 5,000 people employed on Fort Myers Beach in tourism. 7,000 for indirect and direct, which have wages generated in an amount of 168 million on just Fort Myers Beach alone.

He quickly reviewed the notebooks with the Town Council. Various methods of advertising through newspapers and television were discussed. The internet was mentioned as an important destination marketing tool. Information is added almost weekly. Two of the television spots were shown to the Council - one which target's families and the other couples. Also, a television segment was shown geared toward fishing.

The media schedule was discussed which shows where all ads are placed for the year. He showed how intense and how complicated the media buys are. The funding the beach has received for

events was discussed from 1996 to 2003. Some of the events mentioned were the Off Shore Boat Races, Film Festival and Sand Sculpting. The events have particular guidelines and are matching funds.

D.T. apologized for running through the booklets so quickly. He would be willing to review any items individually with the Council. He shared a story, which was recently in the New York Times. He explained that they were awarded four top tourism awards from the State of Florida, which included overall best website, best web marketing campaign, best visitor guide and best overall marketing campaign. This was awarded in August at the Governor's conference. Two weeks ago - Travel Industry of America named their overall marketing campaign the best in the nation.

Mayor Hughes thanked D.T. Minich for his impressive presentation. Council members were in agreement with his very thorough presentation.

B. First Public Hearing: Budget 2002/2003

- 1. Town purchase of company vehicle**
- 2. Times Square/Old San Carlos Alliance Request for Funding**
- 3. Bay Oaks staff positions request**
- 4. Island Arts Foundation Request for Funding**

Mayor Hughes expressed that this budget must be finalized by September 30. This budget is for the period of October 1, 2002 to September 30, 2003. This is a public hearing and Mayor Hughes called for those who wish to come forward to address the Council.

Barbara Manzo, Deputy Director of Lee County Parks and Recreation came forward. She addressed the item of increasing the budget by \$32,000.00 for the additional Bay Oaks staff positions. She provided a brief history of the interlocal agreement entered into when the Town incorporated. The 50/50 split was discussed due to the survey, which indicated 50% of the users were off island. Several programs have been in progress and the most noticeable is the Teen Program. A grant was applied to from the State and the award was given for several locations in the County to provide this program. Bay Oaks became one of the premiere Teen Programs in the County system. Over the years the grant dollars have been diminished by more than half. The County has supplemented these programs by the use of temporary employees due to the decrease in funds from the grant program. It becomes more difficult to keep quality employees when they are just temporary with no benefits. The County has been approached on several occasions to take the Teen positions and make them full-time instead of temporary positions. This year they have been successful. 1 and ½ of those positions are being allocated for Bay Oaks. They are asking that the Town contribute half of the cost, which amounts to \$32,000.00 annually with benefits. An outstanding program exists thanks to the staff. She is asking that the Council fund the additional dollars for this program.

Mayor Hughes asked for the total cost. What is the split and how much is the grant? Barbara Manzo replied that the total cost for the 1 and ½ positions is \$64,000.00. They are asking for a split of 50/50 with the Town's portion to be \$32,000.00. The grant is money received through the Department of Education. This year's grant is \$102,000.00 for all of the programs throughout the County. The total cost for all the programs for just the staff is \$167,000.00. The grant is a reimbursement grant and the County must fund the remainder out of its regular budget.

Council member Rynearson feels if this is a blanket grant the amount coming to Bay Oaks should come off the top and the funding should then be split between the Town and County? Barbara replied that this is not the total cost, because these are not the only people paid for in the program. She would have to go back and see the percentage, which has been used toward this program at Bay Oaks. The full expenditure will be far more than what she is asking for.

Town Manager Segal-George added that the deal presently is that the Town will split a net between the County and Town. The issue is the grant money to be received that would apply to the positions, which would be considered revenue, that would go against the gross and the net and then be split. Barbara Manzo replied that this money has never been asked of the Town in the past.

Claude Bowyer who sits on the Bay Oaks Advisory Committee came forward. Many people feel that Bay Oaks only cater to children and young people. Last year a Senior Program was started for people 50 years and older. This group meets twice per month. All members of the club are residents on the beach. He used this opportunity to inform all members of the community about this new program to generate additional interest.

Ceel Spuhler who lives at the south end of Estero Beach came forward. As a member of CELCAB she came forward to speak in support of a need for a line item in the budget of \$6,000.00 capped to provide five intern positions from Florida Gulf Coast University. The first intern will be needed

for adult education to help develop material packets for docent training, assist docent training and help produce additional supplemental tools for adult tours. The second intern will be used to work with the elementary education program through environmental education in Lee County. The third intern would help with the development of an interactive website. This will help the Mound House to set the standards for future professionalism needed to have the Environmental and Cultural Center.

Paula McCarthy who has been a resident on the beach for 18 years came forward. She has four children and teaches at Cypress Lake High School. She spoke in favor of the funding for the Bay Oaks positions. She has watched her son and friend blossom into fantastic young people. Please fund this program. Scotty is a mentor and works much more than the time he puts on his time card.

Charlie Whitehead came forward who is a member of the Bay Oaks Advisory Board, Community Resource Advisory Board and Little League Board. He spoke on behalf of the Bay Oaks positions and is in favor of funding. Many of the children who take advantage of the Teen Program at Bay Oaks do not live on the beach. He feels it is better for all the residents on Fort Myers Beach if these children have a positive influence in their lives like Scotty. He does not believe there is a better way to spend \$32,000.00.

Scott Vancello who works with the Teen Program at Bay Oaks came forward. He made himself available for any questions. He would like to see these positions funded not for personal gain, but for the teens on the island. He commented if the Town would like to make a difference in the lives of the Teens they need someone to stay around and make personal connections.

Jane Plummer who lives at 340 Fairweather came forward. She is a member of the Bay Oaks Advisory Committee. She is a family member on this island and Bay Oaks helped her raise her children. When she became a widow Bay Oaks helped in every capacity. She realizes this is one of the more expensive items on the budget, but it is the most valuable because it is their future. She would like the Council to support this matter.

David Upton from the Bay Oaks Advisory Board came forward. He agrees with all comments made from prior speakers. Scott has provided positive role models and has shown the children how to be good citizens. Scott encourages children to be volunteers. In 2002, it is an important lesson to learn how to give instead of always receiving. The Council is being asked to give to the community and these children who will give back to the community in the future.

Liz Buckley has two sons raised on Fort Myers Beach. She is in support of the Teen Program positions at Bay Oaks. This program has helped to raise her children to be upstanding citizens. It is really important to fund this program.

Anita Cereceda came forward and expressed to the Council that all items discussed this evening are dependant among one another. The Times Square request has been so convoluted and is most ill-represented by the recent letter in the Observer. The intent is not to bring more tourists to the island. Mr. Minich and his group are doing a fine job. The Alliance is not looking for dollars to bring in tourists, but is looking for dollars to allow this community to have pride in itself.

Carl Connolly came forward with regard to the Island Arts Foundation. He was before the Council approximately one year ago to request funding for an event, which took place and was very successful. The Island Arts Foundation continues growing and most administrative paperwork has been put in order. The same board still exists. He explained that they have been approached to put on another event. This event is a week long event for Halloween. The Arts Foundation has come forward to ask the Council for funding. Events planned are a parade, jack-o-lantern carving contest, kids party and children's run. The hope of the Island Arts Foundation is to begin a program that will grow each year and be fundamental to the island. The intent of the Boo Bash is to provide family oriented fun that will involve the whole island on a week long basis. The preliminary budget has a figure of \$8,400.00. The Foundation is looking for matching funds from the Town. The Foundation is also looking for \$5,800 for set aside funds to produce another Island Arts night and other events.

Tom Myers came forward to address the item of funding for Bay Oaks. He has raised children on the island is a grandpa. He feels that this would be one of the best amounts of money spent.

Tim Anglin came forward to address the Times Square/Old San Carlos Alliance request for funding. He is a member of the Alliance and a business owner in the square. Times Square was not safe in the past, but is now a great place to be. He believes the reason the money is being spent for Old San Carlos is to make a focal point for the community. The Alliance has only promoted within their own community. He would like to see the money spent, because you really get what you pay for.

Jessica Titus came forward and expressed that the 1st annual Fort Myers Beach Boo Bash will be the coolest. She is in support of Bay Oaks and feels the \$32,000.00 is very important. The Boo Bash will

be the big kick off for the entire season. She hopes the Council will help with the funding.

Mayor Hughes commented that this is the first year in five years he has seen such a turnout for the budget hearing. The comments have been in quantity and quality and have been helpful to the Town Council. He thanked all who came forward. The public hearing was closed.

Town Manager Segal-George discussed the Town purchase of a company vehicle. She explained the reason for the need for a second vehicle had to do with mileage reimbursement and liability. She does not feel that there is presently an issue or concern regarding this item.

Mayor Hughes mentioned the request for CELCAB for \$6,000.00 for interns. He would like some input on this matter.

Vice Mayor Cain explained that this topic began at the last CELCAB meeting. The figure is a not to exceed amount of \$6,000.00. She does not feel the interns should be limited to the Mound House. This could be a new line item (page 22) under expenditures for support staff. She would like the line item to be increased to \$10,000.00 with \$6,000.00 being allocated to the Mound House.

Council member Rynearson questioned when Florida Gulf Coast University was interviewed he asked if the Mound House would receive interns free of charge. The response was "yes," but now he hears they will be paid for. What happened? Vice Mayor Cain explained that these interns can be obtained and may be utilized in the future. Corbett and Theresa have suggested a paid position will give more steady and quality work.

Council member Thomas expressed that one of the reasons he voted in favor of the University was due to the fact that volunteers would be received. Vice Mayor Cain replied that these volunteers would be received, but they are looking for people in three designated specialty fields.

Council member Bill Van Duzer expressed that he had heard Corbett and Theresa would only be at the Mound House 3 ½ days per week? Vice Mayor Cain reported that this is incorrect. Corbett and Theresa will be at the house at different times up to 6 days per week during season.

Town Manager Segal-George indicated that the request for \$6,000.00 is not part of the contract. This is a separate request for paid interns. She indicated that the program at the Mound House has had difficulty getting started and the desire of CELCAB is to have the interns begin working on some of the targeted items while Corbett and Theresa work on other issues.

MOTION: Made by Vice Mayor Terry Cain and seconded by Mayor Daniel Hughes to add to support staff for contractual services on page 22 a line item of \$10,000.00 with the understanding these are for interns - \$6,000.00 for the Mound House and \$4,000.00 for other Town activities.

Discussion: Council member Van Duzer would like to review the budget for the Mound House. He is looking to retrieve the dollars from another area of the budget. He is concerned and would like to watch the dollars spent.

Town Manager Segal-George replied that there has never been a reliable budget for the Mound House.

Vice Mayor Cain pointed out the dollar amount is for operations and maintenance. Severe maintenance issues presently exist.

Council member Rynearson feels they should move forward with what is contracted and use the free interns. He likes Vice Mayor Cain's idea about the shared internships.

Council member Van Duzer can support the present motion as long as an additional \$6,000.00 is not being added.

MOTION: Town Manager Segal-George suggested having Theresa and Corbett come to the next hearing and defend why they need these interns. Made by Mayor Daniel Hughes and seconded by Council member Bill Van Duzer to table the above motion.

VOTE: Motion passes unanimously.

Town Manager Segal-George recommends that the Council fund the positions for Bay Oaks. She will work with the County to obtain the details, and if the conclusion is not favorable it is her understanding the County will work with the Town.

MOTION: Made by Vice Mayor Terry Cain and seconded Council member Howard Rynearson to increase the budget by \$32,000.00 per the memo with regard to the Bay Oaks positions for the Teen Program.

Discussion: Council member Bill Thomas feels this is a good project. The youth of the Town is the future of the Town. He supports this wholeheartedly.

VOTE: Motion passes unanimously.

The Council moved onto the issue of funding for the Island Arts Foundation. The Foundation is looking for funds for the Boo Bash in an amount of \$4200.00. Council member Rynearson has trouble with funding T-shirts. He feels these will be sold and a profit will be made.

Mr. Connolly replied that the Foundation felt the funds for the T-shirts would go back into the budget. He would be happy to accept any funds the Council should grant and if this is an item of concern it should be removed. Advertising was discussed. He feels this week long event will have interest to other areas and if it is going to get off to a good start some dollars must be spent. He will advertise countywide.

Vice Mayor Cain asked if this matter would come out of Special Events or Cultural Events and Concerts? Town Manager Segal-George replied that this would be an addition to the budget.

Mayor Hughes feels the costume parade should be on Halloween.

MOTION: Made by Council member Bill Van Duzer and seconded by Council member Howard Rynearson to allocate funds for the Beach Boo Bash and set aside funding for the Island Arts Night in the amount of \$5,000.00.

VOTE: Motion passes unanimously.

MOTION: Made by Council member Howard Rynearson and seconded by Council member Bill Thomas to fund the Times Square/Old San Carlos Alliance \$21,000.00 out of the CRA and \$5,000.00 out of the general fund for a total of \$26,000.00.

Discussion: Vice Mayor Cain needed additional clarification the budget.

Deputy Town Manager Gucciardo explained that the \$20,000.00 in the CRA budget could be for activities such as volleyball, Farmers Market and street performers.

Vice Mayor Cain is trying to be fair.

Council member Van Duzer will not vote in favor of this motion. He commented that the Times Square Advisory Committee was asked to come forward with an annual budget to put on events. He feels the Times Square area is the location for community events on Fort Myers Beach. He believes the planned events will benefit the community and not themselves. This should be funded in an appropriate amount.

Mayor Hughes shares the view of Council member Van Duzer.

Council member Thomas commented that the Town already funds the seasonal events, some special and cultural events. This request is on top of these figures.

He does not believe that the Town should put out any additional dollars from the general fund other than the \$5,000.00 and \$21,000.00.

Vice Mayor Cain has great visions for Times Square in the future. She feels this is the way the Alliance is heading. The only way her visions can happen is if they fund cultural events.

VOTE: **Motion fails by a 2 to 3 vote. Mayor Daniel Hughes, Vice Mayor Terry Cain and Council member Bill Van Duzer dissenting.**

MOTION: Made by Council member Bill Van Duzer and seconded by Vice Mayor Cain to fund the Times Square Alliance the amount of \$30,000.00 to put on multiple programs and projects in the downtown area. The \$20,000.00 in the CRA should also be used first for a total of \$50,000.00.

Discussion: Council member Thomas reviewed that the \$30,000.00 is not presently in the budget and may cause a deficit position?

Deputy Town Manager Gucciardo replied that there are some excess funds in the seasonal, special and cultural events line items. He does not believe that there are \$30,000.00 in excess. He feels they must add this either to one of these line items or to the CRA budget.

Mayor Hughes would like to see the cushions used in the line items, if available.

Council member Ryneerson will not support this motion.

VOTE: **Motion passes 3 to 2. Council member Howard Ryneerson and Council member Bill Thomas dissenting.**

Council member Ryneerson referred to page 18 of the budget with regard to the line item of \$7,200.00 for the substation. Lee County has agreed that the substation is needed. He feels the County will be funding this item. He requests that this item be removed. Vice Mayor Cain does not feel comfortable removing this item.

MOTION: Made by Council member Howard Ryneerson and seconded by Council member Bill Van Duzer to remove the line item in the amount of \$7200.00 for the Sheriff's Substation on page 18 of the budget.

Discussion: Vice Mayor Cain is concerned about removing this item.

Council member Ryneerson commented that the position on this matter has been changed. It is Lee County's responsibility to fund this substation. He does not want to send a bad message by leaving it on the budget.

VOTE: **Motion passes 4 to 1. Vice Mayor Terry Cain dissenting.**

Council member Ryneerson recommends on page 19 (remodeling) it be raised from \$14,000.00 to \$35,000.00. He feels some changes may need to take place in the office and would like to have some extra funds available.

Deputy Town Manager Gucciardo replied that any recommendation with regard to improvements to the offices comes through Janeen. She is not present this evening. Her recommendation is that the

\$14,000.00 is sufficient and he believes that she was not anticipating any major renovations.

MOTION: Made by Council member Howard Rynearson and seconded by Council member Bill Van Duzer to increase the remodeling line item on page 19 from \$14,000.00 to \$35,000.00.

VOTE: **Motion passes 4 to 1. Vice Mayor Terry Cain dissenting.**

MOTION: Made by Council member Howard Rynearson to reduce the LPA attorney request for \$5,000.00 out of the budget and defer until next Spring.

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

Mayor Hughes announced that the final hearing on the budget will be held on September 23, 2002 at 6:30 p.m..

C. First Public Hearing: Ordinance 02-29 Amending Chap. 14 of Land Development Code changing permitted beach raking time

Mayor Hughes indicated that this is a minor change to the Land Development Code. He read the ordinance. The only provision being amended is that during the turtle nesting season the mechanical beach raking must not occur before 9:00 a.m. rather than 8:00 a.m..

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

Town Manager Segal-George announced that the second public hearing will be held on September 23, 2002 at 6:30 p.m..

D. First Public Hearing: Ordinance 02-07 Comp Plan amendments

1. Application 2002-1-Text Annual updating of five-year schedule of capital improvements.

2. Application 2002-3-Text Revise the Recreation Element to establish policies regarding public acquisition of beachfront land.

Mayor Hughes began by stating that these are amendments introduced last Spring. These have been submitted to both the state and local regulatory authorities. No negative comments were made. Mayor Hughes went on to read the ordinance.

Mayor Hughes asked if anyone from the public wished to address the Council. None were heard.

Bill Spikowski came forward and expressed that in the previous hearing in the Spring there were three amendments. The Council decided to not proceed with the third controversial item. No adverse comments have been made. No changes to the language have been made since back in June. If the Council proceeds, another public hearing will be held in two weeks at the same time. At that time the ordinance will be adopted. Once the state does one quick review it will then become law.

Mayor Hughes asked again if anyone wished to address Council on this matter. None were heard. The public hearing was closed. This matter will be continued until September 23, 2002 at 6:30 p.m..

E. Discussion: proposed draft resolution Increasing Water Utility Rates

Deputy Town Manager Gucciardo discussed the general budget memo. He had indicated that on September 23 modifications would come back to the Council regardless of the action tonight. He also indicated that a strong likelihood would exist for a request of reduction of the carry over figure by approximately \$300,000.00 as a short term loan to the Water Utility in order to make interest and principal payments by October 1. Until the connection fees are resolved, a shortage does exist on operating dollars. The proposed rate and fee increased for the Water Utility will not be voted on tonight, but he wanted to give the Council and public as much awareness on the matter as possible. The County has just passed a resolution to increase a series of fees associated with their utilities. Part of this included an increase in the bulk water rate to the Town. **This amount went up from \$2.26 per thousand gallons to \$2.46 per thousand gallons.** In the draft resolution there is also a cost increase to the residents to reflect the 9%. Staff is recommending this increase as a pass through to the County. The draft resolution he has mirrors the County's increases with regard to normal service charges, tap in fees, connection fees, etc.. If

the Council gives direction to increase the fees accordingly this would entail additional revenue for the Utility, and these dollars would not be passed back to the County. This will be coming back to the Council in an official version for a vote on September 23, 2002.

The Deputy Town Manager asked for direction from Council to go with just the pass through or mirror the increases the County has put in.

Mayor Hughes commented that in addition to the pass through for the per thousand gallon rate the Town should also increase the one time fee for services and mirror those as recently instituted by the County. This is his personal view.

Council member Van Duzer commented that the Water Utility is not going as originally planned. Deputy Town Manager Gucciardo replied that the Water Utility has not gone as planned for the first year.

Council member Rynearson questioned the five-year period bulk rates that were not suppose to be raised? Deputy Town Manager Gucciardo does not remember a five-year limitation. He does remember the cap of \$2.50 per thousand gallons. This rate increase is under that amount.

Council member Van Duzer needed some additional clarification. Deputy Town Manager Gucciardo explained the charges being increased in Lee County off of the island. Attorney Dick Roosa added that if the Town Council does not adjust the rates like the County has the citizens on the beach will pay the old rate, which is less than the people are paying across the bridge. Deputy Town Manager Gucciardo explained that revenue will not be lost, but none will be gained.

Deputy Town Manager Gucciardo went on to state that in the next year a decrease in the 19% loss should be seen. Also, a decrease in the monthly repair and maintenance should be seen. However, he is much more concerned about the ability to build up reserves and keep this system healthy without going to a per gallon rate increase to their customers. He suggests that the Town get as much revenue as possible. He is highly recommending the pass through. He also feels this is the only way they will stay away from a rate increase sometime in the future.

Council member Rynearson would be in favor of the increase in fees for service. Council member Van Duzer will also support this matter.

Town Manager Segal-George expressed that this resolution will come before the Town Council on September 23, 2002.

F. Introduction of Ordinance 02-09 to amend CELCAB member number

MOTION: Made by Council member Bill Van Duzer and seconded by Council member Howard Rynearson to continue the Introduction of Ordinance 02-09 until September 23, 2002.

Discussion: Town Manager Segal-George explained that it is possible a vacancy may be coming forward from this committee and an opening may be available. She asked if the Council could hold this matter until September 23. The need to add additional members may not be needed.

VOTE: Motion passes unanimously.

G. Special Events Budget Request Form

Mayor Hughes announced that this is a Special Events form initiated by Council member Howard Rynearson. At the last meeting it was suggested some elaboration was needed with regard to the funding aspect and that financial reports should be added.

MOTION: Made by Mayor Daniel Hughes and seconded by Vice Mayor Terry Cain to adopt the Special Events Budget Request Form as prepared by staff and with modifications to the last paragraph.

Discussion: Council member Rynearson would like to see some type of time line. He does not want to leave this open. Mayor Hughes replied to add "within a reasonable period of time." Council member Rynearson agreed.

VOTE: Motion passes unanimously.

H. Harbor Plan Permitting Update

Mayor Hughes commented on a memo written after his appearance before the Board of Trustees of the Internal Improvement Trust Fund/Aids to the Governor in Cabinet with the anticipation they would be going back before the Governor's Cabinet the following week. This has now been set to October 8. Conference calls have been scheduled with regard to the lobbying efforts with the various cabinet members and their aids to be scheduled later this week and next week. No action will be required of the Town Council this evening.

I. Sheriff Substation Update

Council member Rynearson reported that since a recent meeting the position was changed with regard to the Substation in the park. The original plans have been referred to and John Albion is also in favor at this point. He will meet with Mr. Jaynes Wednesday. The request is for Council to provide a letter of support indicating that the Substation is needed in the park. He requests that staff prepare such a letter and send to Bob Jaynes, so it will be placed on the agenda of the Lee County Commission to be voted on. Hopefully, this project will then move forward.

Mayor Hughes asked for any objections from Council. None were heard. A consensus from Council was received for staff to prepare the letter to Chairman Bob Jaynes with support of the Substation.

VII. COUNCIL MEMBERS ITEMS AND REPORTS

Council member Bill Thomas - Provided an update on the Trolley benches. He spoke at the Kiwanis Club on Friday, August 30. They were concerned with the benches with the Thrift Store on them. They maintain the benches for charity and were not included in his proposal. He left the meeting on a positive note with regard to his ideas. He checked with Damon Grant with regard to how the benches are holding up in Times Square. Damon reported that no complaints have been heard and everyone seems satisfied. On Wednesday, he met with officials from LeeTran. A very productive discussion took place. A proposal will be provided before the first meeting in October. He commented that he felt it is a very positive proposal and Council should be receptive.

Vice Mayor Terry Cain - On August 27, the Estero Bay Buddies unanimously voted to support the Harbor Plan and to send a letter to Governor Jeb Bush.

On September 3 with Leadership Lee County she spent the day at the Salvation Army and a place called IMPACT, which stands for Instruction Methods for Parents and Children Together. She brought back the new 2002 directory of human services. This was a very interesting day for her.

The Marine Resources Task Force had an update on the Harbor Plan. They are beginning on the canal project, which looks very exciting.

CELCAB had a very exciting meeting and a lot is going on. She sees a lot of good work coming out of this committee.

On September 6, she had her ride along with a Lee County Officer. She had a great evening.

The 9-11 event will be held at 7:30 p.m. at Times Square. She expressed her thanks and feels this will be a fine event.

Mayor Daniel Hughes - Commented on the Hurricane Seminar held on September 3. This was fairly well attended.

Horizon Council meeting held on September 6 was uneventful. A Horizon Council luncheon will be held on September 20. The Southwest Florida League of Cities is starting up on Thursday, September 12.

The alternating light issue will be coming to the next MPO meeting. It was suggested that it be deferred pending the conclusion of the traffic congestion study.

VIII. TOWN MANAGER'S ITEMS

Town Manager Segal-George reminded Council of the Workshop tomorrow night at 6:00 p.m.. This will be televised.

IX. TOWN ATTORNEY'S ITEMS

A. Discussion of Lee County Utility withholding Town water connection fees

Attorney Dick Roosa reported since the memo he has received a draft of a letter from David Owen, Assistant County Attorney. He has had a change of mind with regard to the distribution of the connection fees. All of the issues are not clearly resolved. At this time it would be premature to take any further formal action. He feels this still needs to be worked out with the staff. He also provided a draft interlocal agreement, which will have to come before the Town Council and County Commission. He asks that the Council take no action at this time.

Town Manager Segal-George added that she and the Deputy Town Manager will work up a bill to submit to Lee County to try and get the connection fees paid.

However, while Council was at recess during the summer he was served a notice of an administrative appeal. These are residents on the beach who own a home with an apartment in it. A code enforcement hearing took place and the code enforcement officer determined the apartment must be removed and discontinued its use. An appeal was filed on this decision and he needs authorization from Council to represent the Town on this matter.

MOTION: Made by Council member Howard Rynearson and seconded by Council member Bill Van Duzer to authorize Attorney Dick Roosa to represent the Town in the appeal of an administrative ruling.

VOTE: Motion passes unanimously.

X. PUBLIC COMMENT

Tom Myers came forward to discuss the walkway to the pool area. This went well, but now the work has stopped and he is inquiring about the landscaping. He feels this project should be completed. He questioned where this project stands?

Mayor Hughes has had considerable contact with UTELCO and has heard Bob Ross discuss his intentions to do the plantings, but is unsure when.

Council member Van Duzer was not aware of the landscaping intent for this walkway. He did not feel that he left an issue unfinished.

Mayor Hughes suggested that this matter be directed to Damon Grant. The Town Manager will comply with this request.

Vicki Massey wanted to thank each and every Council member for supporting Bay Oaks, the programs and staff. She commended the Town Council and the County for the unique arrangement.

XI. ADJOURNMENT

The meeting was adjourned at 10:40 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