FORT MYERS BEACH
TOWN COUNCIL MEETING
OCTOBER 21, 2002
REGULAR MEETING
Town Hall - Council Chambers
2523 Estero Boulevard
FORT MYERS BEACH, FLORIDA

I. CALL TO ORDER

The Regular Meeting of October 21, 2002 was opened by Mayor Daniel Hughes on Monday, October 21, 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
Excused absence from meeting: Council member Bill Thomas
Staff present at meeting: Town Manager Marsha Segal-George, Deputy Town Manager John Gucciardo, Damon Grant, Dick Roosa (Town Attorney), Dan Folke and Bill Spikowski.

II. PLEDGE OF ALLEGIANCE

All assembled and recited the Pledge of Allegiance.

III. INVOCATION BY REV. JEANNE DAVIS, Beach United Methodist Church

The invocation was given by Reverend Jeanne Davis.

IV. PRESENTATION TO "My Town: I'm Part of It!, I'm Proud of It!" CONTEST WINNERS FROM BEACH ELEMENTARY

Mayor Hughes expressed that this is the fourth annual poster contest celebrating Florida Cities Government Week. The children from Beach Elementary were asked to a draw poster using the theme "My Town: I'm Part of It!, I'm Proud of It!". Prizes are for first and second place winners from kindergarten thru fourth grade and an overall best of show will be awarded. The posters will be displayed in the Council Chambers throughout the month of November and winners will be recognized in the December edition of the Beach Access. Gift certificates will be awarded to the winners and Beach Elementary will receive a check from the Town in the amount of $250.00 for participating in the contest. Mayor Hughes announced the winners. Applause was given.

V. PUBLIC COMMENT

None.

VI. CONSENT AGENDA

A. Proclamation: Spirit of the Gulf Day
B. Proclamation: Florida Cities Government Week

MOTION: Made by Vice Mayor Terry Cain and seconded by Council member Howard Rynearson to approve the consent agenda.

Discussion: Council member Van Duzer announced that the Sweet Adeline's will be back on December 12 as part of the Twelve Days of Christmas.

VOTE: Motion passes unanimously.

VII. ADMINISTRATIVE AGENDA

A. UPDATE ON TRAFFIC CONGESTION STUDY

Chris Swenson from CRSPE came forward. This is the first update since the Traffic Congestion Study has started. He has no specific results for the Council to look at this evening. He reviewed the different options being currently examined. The off island parking coupled with transit alternatives to get people to the beach and once they are here a way to get them around the beach. Traffic operation improvement is brought up by everyone. He does not believe any one item will solve the problem, it will require a lot of different options. The possibility of an additional bridge is being looked into. The bridge would be from the vicinity of Coconut Road on the mainland side connecting to Black Island or Lovers Key. A concept study is being prepared along with generalized costs. Aerial trams were suggested and a solid look is being considered for this option. He explained that they are looking toward a company called AeroBus, which is a "like" a monorail. This is a fully automated system which runs on elevated tracks and is used in Las Vegas. Other mass transit services are being considered. Ferry service is another option for consideration. NextBus and the issue of the alternating light have been discussed. The possibility of alternative vehicles such as golf carts is being researched. The potential funding alternatives are being looked into to pay for this work.

Chris explained that various advisory committees have been formed such as the Government Advisory Committee made up of mostly staff level representatives from the various governmental agencies that may be effected by this process. Also, the Citizens Advisory Committee and the Business Advisory Committee. He indicated that they have been very pleased with all three. The discussion has been brisk and the ideas have been flowing. People seem to like the idea a strong look is being considered.

Mayor Hughes asked for the overall time table? Chris Swenson indicated his intent is to have by the end of the year or the beginning of next year each of these alternatives developed into a stand alone report that will get the technical criteria across. This will allow you to determine what each alternative will or will not do for the Town of Fort Myers Beach. In January thru March they will be working to educate the Council and public on their findings. At this point, it will be up to the Town Council to decide how they would like to proceed. Once a decision has been made, they will spend the late spring and early summer developing the implementation plan and the study will conclude. There are funds available for a follow on design, should the Council decide to move in a particular direction.

Council member Van Duzer reported on the meeting held with Chris Swenson and Town Manager Segal-George. He expressed his appreciation for the efforts of Chris Swenson. He indicated some future meetings have been scheduled with regard to the alternating light issue.

Mayor Hughes thanked Chris Swenson for the status update. The Council looks forward to further progress on this matter.

B. PUBLIC SAFETY TASK FORCE RESOLUTION

Deputy Town Manager John Gucciardo indicated the Public Safety Task Force at their last meeting took action on two separate items. One resulted in a recommendation to the Town Council for the Town Council to take action and the second item resulted in a request that the Town Council allow the PSTF to take action. The two items refer to the study and review of the parasail industry and safety issues. It was concluded by the group that additional regulations are needed for safety issues, but the Task Force concluded that the Town was not the appropriate level of government to take this action. The Task Force would request the Council to write to the

state legislature to look into the parasail industry for further regulation on the safety issues.

The second issue discussed dealt with bicycle safety on the island. The Task Force, with the Council's approval, would like to go forward with an educational study to look at different issues with regard to bicycle safety on the island. At the same time they would work with the Sheriff's office and Fire Dept. to disseminate information, which the Sheriff's office already has on hand with regard to bicycle safety. Enforcement is an issue to be dealt with by the Sheriff's Dept. The Task Force would like to develop an educational program.

Mayor Hughes indicated the letter with regard to the parasail industry should have a focus in a number of different directions.

MOTION: Made by Council member Bill Van Duzer and seconded by Vice Mayor Terry Cain to direct Staff at the request of the Public Safety Task Force to contact and draft letter(s) as necessary to the appropriate parties to be sure all bases are covered for the safety requirements for the parasail industry.

VOTE: **Motion passes unanimously.**

Mayor Hughes reviewed the second request is to allow the Public Safety Task Force to institute an education program regarding bicycle and pedestrian safety on the island. He feels this would be a very worthwhile program.

MOTION: Made by Council member Howard Rynearson and seconded by Council member Bill Van Duzer to allow the Public Safety Task Force to move forward on the bike safety including lights, tail lights, etc.. He would like to send a letter to the Sheriff showing the Town's interest for them enforcing the laws on bicycles.

Discussion: Council member Van Duzer commented that he attended the Public Safety meeting and Sgt. Robert Forrest is the new representative for the Sheriff's Dept. The Sheriff's Dept. already has a considerable amount of printed matter with regard to the bike safety. This information will be provided for distribution on the island. Also, the Sheriff's Dept. would be willing to enforce the present and existing ordinances and laws.

VOTE: **Motion passes unanimously.**

C. REQUEST FOR COUNCIL TO APPROVE ACQUISITION OF BEACH ACCESS SITES AND PLACEMENT OF PARKING METERS ON SITES.

Julia Campbell indicated that the staff was directed at the Council Retreat to do much research with regard to Lee County owned parks and recreation facilities. A cost benefit analysis report was used from the County and TDC funding was also looked into. The Council expressed during the retreat the desire to pursue taking over maintenance and operation of the beach access sites and possibly installing parking meters. Attorney Dick Roosa supported that the Town does in fact control the beach accesses. Damon came up with the numbers for the installation of the parking meters. Julia reviewed $40,000.00 for the meters, $12,000.00 for installation, which results in a total of $52,000.00. The anticipated revenue for all 25 accesses at 15% occupancy would result in $63,000.00. If the meters were 70% occupied, the revenue would be $303,000.00. Staff is looking for direction from Council, if they wish to pursue this matter. Staff is suggesting a letter be written to the County notifying them of their intentions. Also, a bid for maintenance of garbage and accesses could be considered.

Mayor Hughes is delighted with Counsel's legal opinion that the beach accesses are

within the Town's jurisdiction.

Council member Van Duzer questioned if the Town takes over the accesses will they take over the structures also? He has concerns with repairs that may be needed from future storms. Town Manager Segal-George replied that all repairs in the past have been paid for by TDC.

Council member Van Duzer feels the Council should move forward on this matter.

Town Manager Segal-George added that February is the date staff would like to internally aim for.

MOTION: Made by Council member Bill Van Duzer and seconded by Council member Howard Rynearson to draft a letter notifying the County of the Town Council's position and time frame for the take over of maintenance and operations of the beach accesses. Staff is instructed to move forward with the bid process.

VOTE: **Motion passes unanimously.**

***The Council will recess as the Town Council and reconvene as the Town of Fort Myers Beach Public Works Services, Inc. Board.*

1. Adoption of Utility Development Standards

MOTION: Made by Council member Howard Rynearson and seconded by Mayor Daniel Hughes to table this matter until November 4, 2002. He feels the literature present needs time for review.

VOTE: **Motion fails.**

Deputy Town Manager Gucciardo commented that the last meeting the group sat as the Board of the Utility Corporation and adopted a much more complex item. He indicated that this is an operations manual which reiterates some of the rates and fees discussed and also discusses development standards. He indicated that he felt there was no desire of the Council to review the specificity of this issue. He apologized if this was an understanding on his part.

MOTION: Made by Vice Mayor Terry Cain and seconded by Council member Bill Van Duzer to accept the operations manual.

Discussion: Vice Mayor Cain feels those who have reviewed the manual are qualified and she feels comfortable accepting the manual as written.

Council member Van Duzer agrees with Vice Mayor Cain. He does not want to delay the manual from moving forward.

Deputy Town Manager Gucciardo explained that the County has adopted a policy that allows a developer to pay ½ of the connection fees on a particular project. This policy has not been adopted by the Town. The Town has adopted a policy whereby the developer would be responsible for 100% of the connection fees up front. This could become a critical matter, if there is a delay in adoption of this operations manual.

Council member Rynearson feels it is the duty of the Town Council to

review this manual before it is passed.

Mayor Hughes will vote against the motion. He feels if one of the Council members is uncomfortable until he reads through the manual this should then be deferred.

VOTE: **Motion fails.**

Mayor Hughes directed staff to put this item back on the agenda.

***The Council will recess as the Town of Fort Myers Beach Public Works Services, Inc. Board and reconvene as the Town Council.*

D. DISCUSSION OF SANIBEL CITY COUNCIL JOINT MEETING

Mayor Hughes indicated that a communication has been received from the Mayor and Council members of Sanibel to join together and address issues of mutual concern. He feels this is a great idea.

Town Manager Segal-George agrees this would be beneficial. She included this on the agenda to determine when the Council would be willing to have this meeting. She suggested trying for December. All Council members are in agreement with this meeting. Town Manager Segal-George will work with the Sanibel city manager to arrange the time and agenda.

E. ELECTRICAL ENGINEER PROPOSAL FOR THE MOUND HOUSE

Damon Grant came forward and provided an update with regard to the electrical upgrade for the Mound House. Prior to the summer break the Town Council decided staff should go back and review exactly what was needed for electrical for the Mound House. He and Council member Van Duzer took some time over the break researching this matter. Some additional requests have been made for the upgrading of the entire house or part of the house to accommodate lectures. He included three options in his memo. The first option will address just the safety and code issues. Option two would upgrade the system to handle the audio visual equipment in the Florida Room. Option three would be upgrading the entire home. This matter did go before CELCAB who voted for option two. Staff does recommend option 3, which would include the electrical revision for the entire home, including the detached garage.

Some confusion existed with the proposal as written. Discussion took place over each of the individual items.

MOTION: Made by Council member Howard Rynearson and seconded by Vice Mayor Terry Cain to take the recommendation of staff and select option 3.

Discussion: Town Manager Segal-George added that this will bid in alternates, which will show the prices for the different alternates coming into bid. This will allow a decision to be made based on how much should be spent.

Mayor Hughes questioned what voice data means in the proposal? Council member Van Duzer replied a CAT system handles cable, computers and intercoms, etc.. The CAT system would include the audio/visual for the Florida Room.

Discussion was held with regard to demolition and design. The Town Manager explained that only design work would be completed and no demolition.

Mayor Hughes and Council member Van Duzer feel the cost for these services is high.

The Town Manager commented that a review of bids will take place along with a recommendation. She feels this will be needed.

VOTE: **Motion passes 3 to 1. Council member Van Duzer dissenting.**

VIII. COUNCIL MEMBER ITEMS AND REPORTS

Council member Howard Rynearson - Went to the "Do The Right Thing" ceremony. One of the beach children was honored. He suggested that the Town Council and staff honor this child at the November 4 meeting. He would like to see a resolution and plaque. Mayor Hughes agreed this to be a good idea along with all Council members.

Council member Van Duzer - Reported on the 17th of October he attended a joint meeting of the MPO with Collier and Lee Counties. A joint effort will take place with regard to transportation transit issues in the future. The group will consider putting together some joint staff recommendations in the future. Meetings may take place every quarter or three times per year. He learned of all the projects moving forward with Collier County.

On Friday he met with Ray Judah, John Davis, Tom Myers, Chris Swenson, Town Manager Segal-George and a few residents of San Carlos Island. A discussion with regard to the alternating light took place. Another meeting was scheduled on November 8th to consider additional proposals.

He attended the Golden Coconut Awards on the island. This was a nice presentation.

On Sunday he participated in Monofilament Madness Project on jetski. He enjoyed this project very much.

Vice Mayor Terry Cain - Last week a Marine Resource Task Force meeting took place with a lot discussion preparing for Monofilament Madness and also the January 8, 2003 canal workshop. Last week was the CELCAB meeting with discussions regarding the electric. She hopes they will move forward with this issue. A wonderful presentation took place with Bob Sandford who provided input on the home. Bob Sandford is a historian from downtown Fort Myers. She feels a lot of good will be coming out of the Mound House in the near future.

A wonderful time was had at the Golden Coconut Awards. It is nice to appreciate those who work hard in the community.

She thanked those who participated in Monofilament Madness. 2,000 pounds of marine debris was retrieved. Less monofilament was reported than prior years.

Mayor Daniel Hughes - Commented on a petition received with regard to the Santos case. Attorney Dick Roosa added that he will need authority for representation.

MOTION: Made by Mayor Daniel Hughes and seconded by Council member Howard Rynearson to authorize Attorney Dick Roosa to appear and defend in the circuit court in the case of Richard and Sheila Watts vs. the Town of Fort Myers Beach.

VOTE: **Motion passes unanimously.**

Mayor Hughes commented that tomorrow is the 12th annual Red River Luncheon. He will be unable to attend.

He received a letter from the Florida Department of Transportation with regard to I-75. This hearing will be held tomorrow. He will be unable to attend and asked if anyone else can attend? No response was heard.

Mayor Hughes received an informational letter from the Department of Community Affairs.

Thanks was given for the submission of the Fort Myers Beach planned amendments adopted on September 23, 2002. The submission package appears to be complete, but another review must be completed.

IX. TOWN MANAGER'S ITEMS

Town Manager Segal-George mentioned that she and Julia have been meeting on the Twelve Days of Christmas and New Years. The Alliance is planning the Twelve Days of Christmas, but the Town is involved in a number of events. She feels the events will be quite extraordinary for this time period. The approach for New Years will result in asking all the parking lot vendors to put a $5.00 surcharge on parking for New Years Eve. The surcharge will go toward the cost of fireworks for the event.

X. TOWN ATTORNEY'S ITEMS

None.

XI. PUBLIC COMMENT

Dan Parker came forward on a serious matter. He was a member of the Public Safety Task Force and was also a police officer along with a Fire Commissioner to this Town. He showed the Council a small sign, which is part of a crosswalk in a Town up north. This process works well in this Town and no accidents have taken place. The sign has never been vandalized. He brought this to the attention of Council for their consideration.

Town Manager Segal-George replied that Estero Blvd. is not the Town's. Staff can talk to the County. This sign could not be put out without the permission of the County.

No Council member objects to having staff communicate with the County with regard to the signs. Town Manager Segal-George does not believe the Town should become involved with the placement of signs due to liability. She would like the County to improve the crosswalk situation.

Vice Mayor Cain requested of staff to communicate with the County to move forward with a plan for the improvement of the crosswalks for this season.

Jerry Mitchell from 8100 Lagoon Rd. came forward and supports Dan Parker. He commented on the Mound House. He asked for the goal of the Mound House? Many dollars are being spent on this home. He added that he has been down to the Mound House twice and the gates were chained. He felt that the Directors would be present 40 hours per week.

Vice Mayor Cain commented that the Mound House is open to the public on Wednesdays and Saturdays.

Mayor Hughes suggested making an appointment with the Directors of the Mound House to receive an explanation of the goals and objectives of the Mound House.

Jerry Mitchell is an exterminator and advised CELCAB they should be careful of choosing a company for termite elimination.

Jerry discussed parking meters on the beach accesses. He is in support of tolls and suggested one flat fee for coming over a bridge as opposed to charging in two separate locations.

Pam Thomas came forward and commented on the traffic lights. She feels the left lane should be twice as long on green as the right. She resubmitted her suggestion of making a trolley stop with a covered roof and the back to contain a plastic door which opens with cubicles for newspapers. A trash barrel and recycle bin could be located behind this trolley stop along with bike racks. She suggested a bike area where anyone can rent a bike for a few dollars. When a person is finished riding a bike there is a drop off area and you are able to ride the bike all around the island for no charge. On the bikes are advertising for the businesses in the area. The advertising pays for the bikes. She also feels bikes should go against traffic.

Mayor Hughes commented that moving with traffic is a state law. He expressed that very innovate ideas have been provided. Estero Blvd. is presently not their jurisdiction.

XII. ADJOURNMENT

The meeting was adjourned at 8:20 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