

**FORT MYERS BEACH
TOWN COUNCIL MEETING
DECEMBER 2, 2002
REGULAR MEETING
Town Hall - Council Chambers
2523 Estero Boulevard
FORT MYERS BEACH, FLORIDA**

I. CALL TO ORDER

The Regular Meeting of December 2, 2002 was opened by Mayor Daniel Hughes on Monday, December 2, 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 and 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, Attorney Dick Roosa, Dan Folke and Bill Spikowski.

II. PLEDGE OF ALLEGIANCE

All assembled and recited the Pledge of Allegiance.

III. INVOCATION BY REV. RICHARD PALMER, ST. RAPHAEL'S EPISCOPAL CHURCH

The invocation was given by Rev. Richard Palmer.

IV. PUBLIC COMMENT

Anita Cereceda is present on behalf of the Times Square and Old San Carlos Improvement Alliance to answer any questions pertaining to Agenda Item 6 -C. The Twelve Days of Christmas schedule was given to each Council member for their review.

V. CONSENT AGENDA

A. Proclamation: Do the Right Thing

B. Approval of minutes: October 21, October 22, 2002 and Nov. 4, 2002

C. Financials: October, 2002

D. Update on the Newton Property

Mayor Hughes asked Austin to step forward while the Proclamation was read. Austin showed great courage and strength during an emergency situation. Austin acted quickly to help his nine-year-old friend, Brent, who became seriously ill with chest pain while the two were outside playing. He remained focused and dedicated even though he is three years younger. The Town of Fort Myers Beach Town Council congratulated Austin for becoming the Lee County Sheriff's Office - Do the Right Thing winner. (Applause was given). The Proclamation and plaque were presented.

Council member Bill Van Duzer pulled the minutes from November 4, 2002.

MOTION: Made by Council member Howard Rynearson and seconded by Vice Mayor Cain to approve Consent Agenda items A thru D, excluding minutes from November 4, 2002.

VOTE: Motion passes unanimously.

Corrections and changes to minutes (11/4/02):

1. Council member Bill Van Duzer - Page 7 - 2nd paragraph from bottom - insert "not" between does want to betray.

2. Mayor Hughes - Public Comment (Agenda Item X) replace (?) with Jerry Mitchell.

MOTION: Made by Council member Bill Van Duzer and seconded by Council member Howard Rynearson to approve the minutes of November 4, 2002 with corrections.

VOTE: Motion passes unanimously.

VI. ADMINISTRATIVE AGENDA

A. Resolution for Alternating Lights

Deputy John Gucciardo indicated the resolution is self-explanatory. This came forward as a result of the Chamber Traffic Committee action taken along with the previous action stated by the Council in support of the alternating lights. The purpose of the Resolution is to document the support for the alternating light and also encourage the state to allow the alternating light temporarily and add to their long range budget plans.

MOTION: Made by Council member Bill Van Duzer and seconded by Vice Mayor Terry Cain to adopt the Resolution for Alternating Lights.

VOTE: Motion passes unanimously.

B. Mound House Update

Town Manager Segal-George explained that the Directors of the Mound House had asked to be on the agenda to give an update and discuss the progress. The update does show much activity and work has taken place.

Theresa Schober came forward. She explained that this evening marks approximately the mid-point of their contract between the Town of Fort Myers Beach and the FGCU Cultural Resource Management Program to manage the Mound House facility. The Directors felt this was a good opportunity to reflect on the goals for the Mound House and highlight the progress toward attaining the goals.

She briefly summarized the progress to date. Volunteers at the Mound House have been inconsistent and difficult to obtain. The Directors' intent is to standardize the materials, which are presented to the public through volunteer programming and common experiences among the volunteers. A volunteer workshop is held every Friday at 10:00 a.m. and the volunteer pool currently includes four tour guides. This growing pool of people will allow them to have the Mound House open to the public more days per week in the Spring. Self guided tours are being created for the home and grounds. Until the electrical contracting has been completed, the plans for the lecture hall in the Florida Room have been put on hold. Website design has not yet begun. Text has been started by room and time period for the Website. A student from FGCU has been identified to begin implementing the site. The intent is to have the Website up and running in March 2003. Currently, there are two FGCU student interns working at the Mound House. One is paid and the other is on a volunteer basis. These interns facilitate volunteer lead tours on Wednesday's. One volunteer is helping to produce a newsletter to be distributed in the Spring on activities, which have been happening at the Mound House.

Theresa continued to report that tours have been conducted at the Mound House on Wednesday's and Saturday's from 10:00 a.m. through 2:00 p.m., since October 12, 2002. They have reached more than 100 people to date. The Holiday Event Schedule includes an Open House on both December 14 and December 18. Chamber music, fresh baked cookies and a theatrical performance are some of the activities planned. Various Civic Organizations will be participating in decorating the house. The Living Archeology Lab was initiated in November and will be moved to the Mound House garage in January to be opened to the general public. Presently, a Historic Preservation Grant is being written at the request of CELCAB to update the Historic Structures Report for the Mound House. A grant was submitted to Florida Humanities Council to support a lecture series. This grant was not funded. She reported the reason for denial was due to the lack of the infrastructure support to produce a lecture series in the Spring. Long term programming may or may not include restorations for portions of the home with state grant funds pending the recommendation of the updated Historic Structures Report. She and Corbett recommended to CELCAB the entire space of the Mound House be used as exhibit spaces to support informational displays covering significant historic periods represented at the Mound House, which is also part of the management plan.

Theresa discussed the name change of CELCAB. The Directors felt the existing name was cumbersome for logo and brochure. The name has officially been changed to "The Mound House - A Cultural Museum and Environmental Learning Center." An emblem change has been requested. New logo

designs will be explored by holding a community-based contest. The intent is to have a new logo established by January or February 2003. An informational brochure has been drafted. They are also in the production of a high quality brochure, which is limited on text and big on pictures to attract people to the Mound House. FGCU has expressed an interest in running continuing education programs at the Mound House. These programs cannot be finalized until the issues with the electrical are resolved. Mayor Hughes questioned the Historic Structures Report? Theresa replied the initial report was designed to professionally recommend a particular time period for restoration. The second report, as updated, will be very similar. This will be a more detailed restoration plan that will include actual information on what is present that could be restored to support gaining additional grant dollars. CELCAB has revisited on numerous occasions the topic of whether to restore the home and how to go about the restoration. The Directors have tried to bring forward options available. She reported that Bob Sanford felt a restoration would be between \$300,000.00 and \$400,000.00 with the Town's component being less than \$50,000.00.

Council member Thomas asked for an electrical update? Theresa replied the Electrical Engineer is developing the specifications for the complete house. Town Manager Segal-George added this will then go to bid and the bids will be brought back before the Council. Theresa indicated the goal is to have the electrical completed by May 2003.

Mayor Hughes and the Town Council expressed their condolences to Corbett for his recent loss.

C. New Year's Extension of Premises Request

Damon Grant began by making a few corrections to his memo. Plastic containers will be utilized for alcoholic beverages. Mayor Hughes mentioned a generic ordinance to be considered to have this language automatically apply.

Town Attorney Dick Roosa replied that no one reads the ordinance when a permit is issued. The language should be included on the permit for a reminder.

Damon reported that staff is requesting the Council approve by vote the extension of premises and the open container in the Times Square area for the New Year's Eve celebration beginning at 12:00 p.m. on December 31, 2002 and continuing until 2:00 a.m. on January 1, 2003.

MOTION: Made by Council member Howard Rynearson and seconded by Council member Bill Van Duzer to approve the extension of premises and the open container in the Times Square area for the New Years Eve celebration beginning December 31, 2002 at 12:00 p.m. until January 1, 2003 at 2:00 a.m.. Plastic containers will be utilized for alcoholic beverages.

VOTE: Motion passes unanimously.

D. Update on LPA/Historic Preservation Projects

Dan Folke gave an update. The Historic Subcommittee has developed a brochure and was distributed to the Town Council. The brochure gives a little history of Estero Island and includes some of the goals and benefits of Historic Preservation. The Committee hopes this will create some additional interest. This brochure has been approved by the LPA and will be printed up very shortly.

Dan discussed several individual designations. On December 10, at the LPA two designations will be considered. The first is the second cottage, which has been moved to the Estero Island Historic Society site. The second cottage for consideration is the original Pink Shell Cottage. This has been moved to 385 Estero Blvd.. The property owner intends to restore the cottage to its original condition. The third individual designation in January will be St. Raphael's Episcopal Church. An update of the workshop held on November 12 was provided. The main topic pertained to historic districts. Direction was given to staff from the workshop to communicate with the property owners between Bay Road and School Street to get initial reactions. A neighborhood meeting will take place between the property owners, Dan Folke and Gloria Sajgo. The benefits would be discussed to see the type of interest which may be generated. He mentioned the two cottages being held on the Flint and Doyle property for the Town of Fort Myers Beach. Cottage's 5117 and 5125 were chosen due to their unique design.

Mayor Hughes questioned the necessity to obtain the owner's consent to designate a property as a historic preservation site? Attorney Dick Roosa replied there is no requirement consent is received. However, this must be based upon a study and factual determination to justify a structure as historical.

VII. COUNCIL MEMBER ITEMS AND REPORTS

Council member Van Duzer - On November 6, he was invited to speak to the Chamber Board of Directors. He brought them up to date with items happening within the Town. On November 7, he attended the local League of Cities at the Veranda. The cooperation of this organization will be of extreme value in the future. On November 8, there was a Traffic Committee meeting, which is where tonight's resolution was developed. A lot of cooperation took place at this meeting and the resolution was requested by the County Commissioner. On November 11, he attended the Estero Island Historical Society meeting at St. Raphael's. On November 12, he attended the Public Safety Task Force meeting. Several days later he attended the Chamber luncheon and provided a speech. On November 19, he attended the Civic Association meeting. On November 21, he attended the Business After Hours, which is a Chamber meeting. On November 22, he attended the MPO meeting. November 27 was the Chamber legislative meeting with regard to Chapter 34. This was an interesting meeting and a group is working toward this issue. On December 5, he will go to the joint MPO meeting with Charlotte County, which will be held in Fort Myers. Happy Holidays to everyone. He is very glad to see Council member Bill Thomas back with the Council. (Applause was given).

Vice Mayor Terry Cain - Began with a memo from the Friends of the Matanzas Pass Preserve. They will be the facilitators of the Treasures of the Sea Program. She feels it is great the Friends of the Preserve will facilitate this matter. She hopes that Council will agree to start the program this week. The contract will be forthcoming. Audrey Inglis has been chosen. Vice Mayor Cain commented that she should be an asset to the program.

MOTION: Made by Vice Mayor Terry Cain and seconded by Council member Howard Ryneerson that the Friends of the Matanzas Pass Preserve bring forward their contract to begin the program of Treasures of the Sea. **Motion withdrawn.**

Discussion: Town Manager Segal-George added that she hopes to bring forward a contract on December 16 to the Town Council. She prefers approval for paying Audrey Inglis in the interim be established. She needs to know the agreed upon compensation, which she has heard is \$20.00 per hour.

MOTION: Made by Vice Mayor Terry Cain and seconded by Council member Howard Ryneerson to allow the Friends of the Matanzas Pass Preserve to provide invoices/vouchers for payment until the contract is presented on December 16, 2002 for Audrey Inglis.

VOTE: **Motion passes unanimously.**

Vice Mayor Cain continued that she graduated from Leadership Lee County. This is a long program. She encourages others to participate. She has been in Tallahassee twice since the last Council meeting. The Marine Resources Task Force is working toward the canal workshop for the future and the educational program. She attended the Agency for Bay Management meeting. She urged the public for a volunteer to sit and represent the Town. She can no longer attend due to a conflict.

Council member Bill Thomas - Is glad to be back on Fort Myers Beach after being away for 7 weeks. He was busy in Houston with his camera taking pictures of Trolley benches and bus benches. He reported that no advertising took place on any of the benches. The benches are the same type as proposed on Fort Myers Beach. He feels these benches without advertising will be a great asset to Fort Myers Beach. None of the Kiwanis type sponsorship plaques presently displayed should be removed. He thanked everyone for welcoming him back.

Council member Howard Ryneerson - Passed out a flyer with regard to the Offshore Power Boat Race Christmas Party. Everyone is invited including Town staff. He will be going to Washington to a traffic seminar. He thanked Dan for a tremendous job with regard to the Mound House. He also thanked Dan and Terry for the great job on the Harbor Plan. (Applause was given).

Mayor Daniel Hughes - The two trips to Tallahassee were memorable. He reported on the Harbor Plan. The DEP approved two out of three of the issues. The Governor and Cabinet overruled the DEP. Much implementation still must be completed. Bill Van Duzer did an outstanding job addressing the Chamber. He also attended the traffic meeting. A call was received late this afternoon from Carol Green

(State Legislature). Carol indicated that some efforts were made to contact people on the Harbor Plan. She did make some contacts, but never received a response back. She congratulated the Town on the success of the Harbor Plan. Her main reason for the telephone call was to respond to the letter with regard to parasailing written by Deputy Town Manager Gucciardo. She feels some legislation should take place. This matter will be pursued and she will be back in contact with the progress. Additional discussion took place with Carol with regard to the gambling boats and docks. He reported on Amelia Island with regard to the street and roundabouts. A memo and pictures to the Town Council will be forthcoming. He hopes to see everyone at the Twelve Days of Christmas programs.

VIII. TOWN MANAGER'S ITEMS

A. Committee Member re-appointments

Town Manager Segal-George reported on her trip to Great Britain and Paris. These areas are dealing with many of the same issues. Congestion pricing is happening in London.

A meeting will be held on December 13, 2002 with Sanibel at 9:00 a.m. on Sanibel.

The Newton and Harbor Plan are wonderful accomplishments. Some incredible staff people have worked on these projects and must be recognized. Dan Folke worked forward on the Newton property when it had failed last year. Julia Campbell also worked hard putting together all of the plans and goodies brought forward to Tallahassee. Fran Myers participated with the Uncommon Friends.

The Harbor Plan is a project which was worked on for 4 ½ years. Michelle has worked to keep track of all information and assisted Michael from Coastal Engineering to keep a continuing application moving forward. Julia was also involved in this project. It is important to take note of those who have worked on these projects.

Town Manager Segal-George recommended only having one Council meeting in January. This meeting will be held on the 13th. This will be the meeting the committee re-appointments will be discussed. All committee members will need to put in writing whether they wish to be appointed. Ads will need to be run for submission to be appointed to available positions.

Deputy Town Manager Gucciardo - He has asked Michelle to tie up loose ends with traffic control issues at the Square and line up VOICE volunteers. Also, coordinate with LeeTran for the expansion of Trolley service by both LeeTran and the enhanced service. She is doing a great job, as usual, getting them ready for season.

Mayor Hughes announced that Deputy Town Manager Gucciardo appeared before the Condo Association of Fort Myers Beach as the speaker of the day. He discussed the various Public Works Projects, Old San Carlos and Beach Renourishment. He did an excellent job and was very well received. Many questions were asked and this was a very positive meeting.

IX. TOWN ATTORNEY'S ITEMS

None.

X. PUBLIC COMMENT

Bob Burgess has been a resident on the beach since 1987. He has lived on both the north and south end of the island. He addressed the noise ordinance. The police cannot enforce the current noise ordinance. The noise level meter only will register the base response. Currently, there are bands up on 15 story buildings who play throughout the neighborhood, which cannot be monitored. He addressed the large problem at the north end of the beach with businesses. He expressed that the music is so loud the residents cannot watch a T.V. show or talk on the phone for a four-hour time block during season. He cannot live a normal life during season. He is not against music or outdoor entertainment. This issue is strictly volume. A change in the law must take place. A solution may be a review of the Sanibel/Naples noise ordinance. The best solution would be to only allow music to extend to the property line only. He invited all Council members to come to his home during the week between 4:00 p.m. and 8:00 p.m. to see what he must put up with on a daily basis.

He went on to mention a permit for a band at the corner of Estero Blvd. and Santos in Palermo Circle. This permit was irresponsible. This entertainment should have been at the public beach or Bowditch Point. He will donate his time working toward a solution to this issue.

Deputy Town Manager Gucciardo reported that he has had ongoing discussions with the Sheriff's Office about the noise ordinance with a slightly different result. Town Manager Segal-George replied that Town staff will work on these issues and reply back to Mr. Burgess.

Edwina Foster from 2440 Cottage Ave., Fort Myers Beach came forward. She walks daily from Palermo to past the Red Coconut. The garbage and debris is numerous. More waste cans should be provided, possibly every other block. She lives on the water at Chappel Street. Dozens of homeless people are on the streets. She is not comfortable walking alone at night. She suggested the Kiwanis be asked to remove their benches from Mango and Chappel, because this is where the homeless come after hours. She really loves this Town and feels these issue can be addressed.

XI. ADJOURNMENT

The meeting was adjourned at 8:17 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