FORT MYERS BEACH
TOWN COUNCIL MEETING
DECEMBER 16, 2002
REGULAR MEETING
Town Hall - Council Chambers
2523 Estero Boulevard
FORT MYERS BEACH, FLORIDA

I. CALL TO ORDER

The Regular Meeting of December 16, 2002 was opened by Mayor Daniel Hughes on Monday, December 16, 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. THOMAS SNAPP, PASTOR ST. PETER LUTHERAN

The invocation was given by Rev. Thomas Snapp.

IV. PUBLIC COMMENT

V. CONSENT AGENDA

A. Proclamation: FMB Lions Club, 50 years of service
B. Proposed Professional Services Agreement Extension for Bill Spikowski
C. Contract for Treasure of the Sea Program
D. Updates to Personnel Policy
E. Financials
F. Resolution supporting State purchase of the Babcock Ranch Property
G. Approval of December 2, 2002 minutes

Council member Bill Van Duzer pulled Consent Agenda item A. Mayor Hughes pulled Consent Agenda Items C and D.

MOTION: Made by Council member Bill Van Duzer and seconded by Council member Howard Rynearson to approve Consent Agenda item's B, E, F and G.

VOTE: **Motion passes unanimously.**

The Proclamation for the Lions Club was handed to Council member Bill Van Duzer who proceeded to read this proclamation. Mayor Hughes asked all Lions Club members present to come forward. The Proclamation was presented and a photograph was taken. (Applause was given)

Joseph Kozma, President of the Fort Myers Beach Lions Club, came forward and thanked the Mayor, Town Council and the people of Fort Myers Beach for naming January 9 as Lions Day. All the services are from the heart and they will continue to serve the community of Fort Myers Beach. He wished everyone a Merry Christmas and Happy New Year.

Mayor Hughes referred to a memo from Janeen with regard to the Treasure of the Sea Program. The Mayor requested the contract show the Town is contracting directly with Audrey Ingles, so she may not delegate any subcontractors or employees.

MOTION: Made by Mayor Daniel Hughes and seconded by Council member Howard Rynearson to approve Consent Agenda item C subject to the mentioned changes

being made prior to the contracts execution.

VOTE: **Motion passes unanimously.**

Some discussion took place with regard to Consent Agenda item D on the topic of vacation. Town Manager Segal-George indicated that she and the Deputy Town Manager would like to cash out the additional vacation time which has accrued. She explained the three choices available to the Town Council. Mayor Hughes expressed that if a maximum amount is stated this amount should be adhered too. He feels if an overage each year will take place this maximum amount should be adjusted.

Council member Van Duzer does not want to change the policy. He would rather pay out the vacation time due and handle this topic annually.

Council member Thomas would like to see the vacation time cashed out. He would like the Town Manager and Deputy Town Manager to use this time in the future, so next year this topic will not need to be addressed.

MOTION: Made by Council member Bill Van Duzer and seconded by Council member Howard Rynearson to authorize the cash out of accrued vacation time for the Town Manager and Deputy Town Manager.

VOTE: **Motion passes unanimously.**

VI. ADMINISTRATIVE AGENDA

A. Presentation by Sea Bridge representatives re: water shuttle

Rob Rogers indicated a fact sheet and material has been supplied to the Town Council. A beach shuttle will be run from points off of Estero Island to Bowditch Point park on a scheduled basis.

Mayor Hughes asked where the off island embarkations will be located? Mr. Rogers replied the first location will be a gated community in Cape Coral (Tarpon Point Marina). He has been in contact with another development that is not interested in the additional traffic in the development at this time. This community will be looked into in approximately one year as a potential location.

Mr. Rogers indicated he has cleared all hurdles with the County. He indicated he has been out on location with the Operations Manager of Lee County Parks and Recreation. Two landing locations have been established bayside. The schedules and pricing are subject to change as the project is developed.

Council member Thomas indicated this is a great idea to help keep traffic off of the beach.

Mr. Rogers added that other cities in the Country have used their waterways to accommodate traffic.

Vice Mayor Cain agreed that this is a great idea. She suggested obtaining the Lee County Trolley schedule, which will broaden the spectrum and all those coming by boat a way to get around the island and then return to the boat. Mr. Rogers agreed. Possibly in the future additional stops can be considered.

Mayor Hughes indicated the Town Council is very receptive of this plan and hopes this will get underway in the near future.

B. Comp Plan Amendment Cycle 2003

Town Manager Segal-George began by indicating this matter went before the LPA last week. This process is routinely handled each year. The only Comp Plan amendment that was presented to the LPA was the yearly amendment to the CIP.

Council member Van Duzer recommends that the Council move forward. He indicated an individual has until December 31 to request a Comp Plan amendment.

MOTION: Made by Council member Bill Van Duzer and seconded by Vice Mayor Terry Cain to proceed with the Comp Plan amendment to the annual Capital Improvement Update.

VOTE: **Motion passes unanimously.**

C. Marina Towers-Cost Assessment for Dredging Projects

Charles Cook, President of Marina Towers and Yacht Club Association, came forward. He indicated if their marina is dredged nothing will be gained. The Board of Directors has decided there is no

reason for dredging to be done in their marina. The cost should be shared with those in Laguna Shores and with everyone on the east end of the island. This area is used by many other people also.

Council member Van Duzer indicated he has reviewed the paperwork and does see the cost being shared. Mr. Cook replied that Marina Towers does not feel they should be expected to pay all the costs of opening up the channel. Marina Towers is willing to pay their share.

Vice Mayor Cain asked if the channel has been permitted? Mr. Cook replied that he has been told it has been permitted.

Mr. Cook expressed that Marina Towers finds no cause to dredge unless the channel is dredged. $8,500.00 has been put into the project with nothing to show for it.

Mayor Hughes reviewed at the time this matter first came up several years ago the Town committed to front the money for the engineering work. He expressed that the channel is presently the exit for Laguna Shores. There is a proposal this may not be their exit in the future due to another project.

Town Manager Segal-George explained that the Town is committed to helping Laguna Shores in the same manner Marina Towers has been assisted with the preliminary engineering work and permitting. A grant application has not been submitted, because the consultant does not believe it will qualify. The only possible funding available for Marina Towers will be by Marina Towers or the Town Council contributing. No outside money can be applied for.

Mr. Cook has spoken to the people at Laguna Shores. Laguna Shores has agreed to pay toward the dredging of the channel. He indicated Marina Towers consists of 16 boat owners and Laguna Shores probably has 50 or more.

Council member Thomas suggested having Marina Towers contact the Laguna Shores Homeowners Association to see the thoughts of the officers. Mr. Cook intended on contacting the Laguna Shores Homeowners Association prior to this meeting, but was unable due to time constraints. He will contact Laguna Shores to get their feelings.

Dick Shultz came forward and expressed he is a member along with Chuck Cook. The sandbar is getting larger each year. Many boats are run up on this sandbar.

Town Manager Segal-George added that the Town is spending considerable dollars to obtain permits.

Mr. Cook questioned the Town Manager if the $21,600.00 includes opening the channel. The Town Manager replied that this figure does include the channel. Town Manager Segal-George added that the issue on the table is who will put up the $21,600.00.

Mr. Cook will go back to Laguna Shores. Town Manager Segal-George will talk with Hans. She indicated there is always a possibility of putting together a taxing district.

Mayor Hughes hopes that the channel can be opened up for Marina Towers, Laguna Shores and the people at the east end of the island. After the meeting with Laguna Shores, Mr. Cook should get back with the Town staff.

Council member Rynearson would like to explore the issue of a taxing district. Town Manager Segal-George replied the mechanics of the taxing district is not an issue. The diversion interest between Marina Towers and Laguna Shores are the issues.

D. Draft Ordinance-amend Parks and Recreation- Section 13

Mayor Hughes began by reading the ordinance. The first and only public hearing will be held on January 13, 2003 at 3:00 p.m..

E. Letter of possible support for Getaway Marina

Vice Mayor Cain began by indicating she has filed the proper paperwork with regard to a voting conflict on this matter. She expressed that she is associated with the Getaway Marina.

Town Manager Segal-George provided some background information. A couple meetings with the owner of Getaway Marina, Chris Swenson and Council member Rynearson have taken place. Possibilities for the future have been discussed. The filing of permits with regard to the expansion has taken place. Getaway Marina is looking for a letter of support from the Town. She has not drafted any letter at this time, but wanted the Town Council to be aware before any such letter is written.

Council member Thomas is not familiar with the drawings. He would like to go to the Getaway Marina and see the potential plans for the project. The drawings are quite confusing.

Town Manager Segal-George indicated if any Town Council members were interested she would be willing to coordinate this meeting. The Town is trying to talk with anyone who would be willing to provide a service that could be used by the Town in the future.

Council member Rynearson commented on his meeting. He mentioned the possibility of a water taxi from this location and Trolley stop. Getaway Marina is willing to work with Town in any way and they would like the Town's support for their docks. He suggests that the Town Council support Getaway Marina.

Council member Van Duzer would like to move forward on this matter. He sees this as a positive.

MOTION: Made by Council member Howard Rynearson and seconded by Council member Bill Van Duzer to write a letter in support of Getaway Marina on their dockage.

Discussion: Council member Thomas has concerns with the commitment on the part of the Town.

Town Manager Segal-George explained the manner in which she would draft a letter on behalf of the Town. The specifics with regard to issues in permitting are unknown and she would be uncomfortable discussing matters that she has no knowledge of.

Mayor Hughes has some of the same concerns as Council member Thomas. He does not have a problem with the manner in which the Town Manager has explained the letter will be written.

Town Manager Segal-George will draft the letter and give it to the Mayor for review. If the Mayor is uncomfortable with the letter, the matter will be brought back before the Council in January.

It was decided that copies of the letters will be provided in all Council member boxes for review and their initial of approval.

VOTE: **Motion passes unanimously. Vice Mayor Terry Cain abstained from the vote.**

F. Consideration of letter from City of Cape Coral re: Dock Permits

Mayor Hughes began by reviewing some articles along with the letter from Cape Coral. The issue before the Town Council is whether or not to adopt a resolution to support the City of Cape Coral. This would be similar to the steps taken by Bonita Springs.

MOTION: Made by Council member Bill Van Duzer and seconded by Council member Howard Rynearson to adopt the Cape Coral resolution and remove any items which do not pertain to the Town of Fort Myers Beach.

Discussion: Attorney Dick Roosa suggested a letter of support be written by the Mayor.

Mayor Hughes read from a letter. Council member Van Duzer suggested the Town Council direct staff to take this letter and prepare a resolution which covers the points of interest pertaining to Council. This resolution can be put in all Council members boxes for review and initials of approval.

Town Manager Segal-George indicated a resolution cannot be passed in this manner.

Mayor Hughes indicated he is in support of a motion to adopt a resolution similar to that of Cape Coral and adapt it to the Town of Fort Myers Beach.

VOTE: **Motion passes unanimously.**

G. Selection of Two Appraisers for Newton Property

Dan Folke provided a memo. Florida Communities Trust requires two appraisals to be completed.

Four local appraisers on the approved list were contacted. Two declined, but two did submit letters of bid. Both came in at $4,500.00 each. Staff is asking for authorization to move forward and have the appraisals completed for the fees as indicated.

Mayor Hughes questioned if the appraiser fees are within reason? Town Manager Segal-George replied that the Mound House appraisals were much more. Attorney Dick Roosa indicated this is a unique property. This will not be appraised as residential property and will take special consideration.

Dan Folke added that in addition to the appraisal as required by the guidelines of Florida Communities Trust, the appraiser must be available for questioning by Florida Communities Trust staff. These are the two firms who did the Mound House appraisals and have been through the process.

Attorney Dick Roosa indicated both of these gentlemen are qualified as experts before the Circuit Court.

MOTION: Made by Council member Bill Thomas and seconded by Council member Bill Van Duzer to accept the proposal by Woodward Hanson and Michael Maxwell for $4,500.00 each to complete the appraisals for the Newton Property.

VOTE: **Motion passes unanimously.**

H. Authorization for purchase of Beach Access Parking Meters

Damon Grant is before Council to request authorization and approval to purchase the parking meters on the Beach Accesses. Staff would like to move forward and purchase 130 meters from PON Inc., in the approximate amount of $45,000.00.

Mayor Hughes asked if these would be the same meters that are being placed on Old San Carlos? Damon Grant replied that PON was utilized on Old San Carlos. Town Manager Segal-George indicated they would like all meters to be the same.

Council member Rynearson asked if additional meters are being purchased as spares? Damon replied eight extra will be available. He is unsure at this time if additional need to be purchased.

MOTION: Made by Council member Howard Rynearson and seconded by Council member Bill Thomas to accept the request of staff to purchase 130 meters in an amount of $45,000.00.

Discussion: Mayor Hughes commented that information on this topic was obtained at the joint meeting with Sanibel. The benefits with the parking revenue are being used for beach patrol and maintenance.

Town Manager Segal-George indicated the Town of Fort Myers Beach is looking to put trash cans at all Trolley stops and have better trash pickup along Trolley stops and at the Beach Accesses. She indicated the intent is to try an increase service levels.

VOTE: **Motion passes unanimously.**

VII. COUNCIL MEMBER ITEMS AND REPORTS

Council member Bill Thomas - Discussed pictures he took in Houston of benches. He suggested using the same type of benches which are on Lenell and in Times Square. These will hold up better in the weather.

Mentioned comments made at the last meeting by the Mayor with regard to roundabouts on Amelia Island and how well they worked. He indicated that the roundabout he was on recently is the center of all accidents. Roundabouts are nothing new. When traffic increased the roundabouts became ineffective. The roundabouts are being removed in New Jersey and surrounding states at a very high cost to the taxpayers. He cannot see putting in a roundabout at a high cost to a taxpayer with the possibility of needing to remove it at a future date.

It has been a most enjoyable year on the Council serving with his fellow Council members. He is looking forward to working with all Council members in the upcoming year. He wished everyone a wonderful holiday season.

Council member Howard Rynearson - Went to the Square for some of the Twelve Days of Christmas Events. The Times Square area does look great. He talked to Bob Rockwell with regard to the fountain. Skateboards are being run in this area and the top part of the fountain has been chipped. He would like signs.

Town Manager Segal-George replied that this matter is being working on. Skateboards are banned under the ordinance unless it is posted they are allowed. Signs are not wanted because it creates sign litter.

He wished everyone Merry Christmas and Happy New Year. Much progress has been made this year and everyone should be very pleased and proud.

Council member Bill Van Duzer - Wished staff, Council and the residents of Fort Myers Beach a very joyous and happy holiday season.

Vice Mayor Terry Cain - She feels the Beach Access is great and contains much information. Commented on the letter received from Jack Bright. She read the letter aloud. Activities on the island have been super. She met with a gentleman in Bonita with regard to the Harbor Plan. He has a grid for getting rid of derelict vessels in the Estero River. Apologized for not providing copies of this grid to Council. Wished everyone a Merry Christmas and Happy Holidays. She feels they will have a grand New Year.

Mayor Daniel Hughes - Commented on the joint meeting with Sanibel. He felt the meeting was productive and interesting. Two areas the staff will explore jointly with Sanibel are the joint traffic matters (Summerlin and San Carlos) and the relationship with the TDC. He commended staff and indicated Town Manager Segal-George put together a very good program. He was also impressed with the Sanibel staff reports.

Mentioned the Governor's luncheon. He thanked the Governor for his approval and the cabinets approval of the Harbor Plan. The Governor acknowledged him and was heard by many at the luncheon.

Discussed a proposed letter to the President from the National League of Cities asking for municipalities to express concern at funding for first responders.

Commended Deputy Town Manager Gucciardo for following up on the lengthy presentation from the individual at the last meeting who expressed problems with enforcement of the noise ordinance. The Town is working toward doing whatever can be done to control this situation.

Discussed a letter from Nancy Mulholland of the Pilot Club with regard the successful Luminary Night. She expressed thanks for allowing them to share in the Twelve Days of Christmas celebration.

VIII. TOWN MANAGER'S ITEMS

Town Manager Marsha Segal-George - Discussed an add-on to the agenda, which is a request from the Spirit of the Holidays Committee. There are 23 families on Fort Myers Beach with a total of 55 children they are trying to assist during the holidays. A series of fundraiser's have been held, but they are still short. They are asking the Town Council for help in the amount of $500.00.

MOTION: Made by Council member Bill Van Duzer and seconded by Vice Mayor Terry Cain to provide the $500.00 being requested to the Spirit of the Holidays Committee.

Discussion: Council member Rynearson would like to see the businesses of the island work together as a community. If funds are raised on the island he would like to see the funds stay on the island.

VOTE: **Motion passes unanimously.**

Mayor Hughes added that this is in no way a precedence for contributing to specific charities or individual situations.

Deputy Town Manager John Gucciardo - Explained last Friday no one was able to attend the Chamber Traffic meeting due to the joint meeting with Sanibel. He touched base with John Davis and Chris Swenson with regard to their position on the alternating lights. The Florida Department of Transportation is very receptive to the idea of the alternating light, but also the enhancements to this project which came from the County. A proposal of a maintenance agreement, which can be approved at the state level administratively, is being proposed. He feels that FDOT and Lee DOT are trying to keep this simple and streamlined, which is a very positive reaction. John Davis will be preparing some aerial photographs to be modified to show the realignment of the lanes. He will also put together some cost estimates in terms of redoing the lanes. John Davis is concerned about the cost and will try to keep cost down as much as possible. John Davis is optimistic that this matter will be approved in January and in place by February.

Town Manager Segal-George feels there is good cooperation with the state and county.

Deputy Town Manager Gucciardo discussed the lighted crosswalk experiment. The product has been delivered last week. John Davis will look into installation at Red Coconut.

IX. TOWN ATTORNEY'S ITEMS

Wished Council and Staff a Happy Holiday.

X. PUBLIC COMMENT

Jerry Mitchell commented on the lighted crosswalk. He does not feel it should be at the Red Coconut. Accidents have been closer to the Holiday Inn. He feels this will be a better location.

Discussed the appraisal for the Newton Property. He questioned what this is needed for? Mayor Hughes expressed that he may discuss this with Town staff.

Town Manager Segal-George added that the Town cannot pay more than the appraised value of the property. Until the state was willing to give the money to pay for the Newton Property there was no reason to obtain an appraisal to determine how much by law they can pay. This is exactly what is being done.

Jerry Mitchell continued to ask questions. Mayor Hughes explained that Town Council meetings are not the place to engage in dialog with the Town staff. Staff can be contacted directly to answer questions.

Jerry Mitchell questioned the water dock? Mayor Hughes indicated the Town Council has received no specific information on this matter at this time.

Wished everyone a happy holiday.

Julia Campbell came forward and expressed they are wrapping up the last day of the Twelve Days of Christmas on Friday. She hopes to see everyone out there. The films will start close to 6:00 p.m..

Ted Reckwerdt came forward and wished everyone a Merry Christmas and Happy New Year. Commented on the Marina Towers dredging project. Discussed the sandbar and feels this is a navigation hazard.

XI. ADJOURNMENT

The meeting was adjourned at 8:30 p.m..

Respectfully Submitted,

Shannon Miller
Transcribing Secretary

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.