

**FORT MYERS BEACH
TOWN COUNCIL MEETING
APRIL 16, 2001
REGULAR MEETING
Town Hall - Council Chambers
2523 Estero Boulevard
FORT MYERS BEACH, FLORIDA**

I. CALL TO ORDER

The regular meeting of April 16, 2001 was opened by Mayor Daniel Hughes on Monday, April 16, 2001, at 6:30 p.m..

Council members present at the meeting: Mayor Daniel Hughes, Vice Mayor Ray Murphy, Howard Rynearson - Council, Garr Reynolds - Council, Terry Cain - Councilwoman

Excused absence from meeting: None

Staff present at meeting: Town Manager Marsha Segal-George, Deputy Town Manager John Gucciardo, Janeen Paulauskis, Pam Houck, Dick Roosa (Town Attorney) and Dan Folke (Lee County Planner)

II. PLEDGE OF ALLEGIANCE

All assembled and recited the Pledge of Allegiance.

III. INVOCATION BY REVEREND WILLIAM DODD, ST. RAPHAEL'S EPISCOPAL CHURCH

Reverend William Dodd gave the invocation.

IV. PUBLIC COMMENT ON AGENDA ITEMS

George Whistler has had a home on Fort Myers Beach since 1979. Traffic today is much worse than it was 21 years ago. His concern is the new two lane highway, which is San Carlos, that was built. He is afraid that someone will be shot with the road rage going on today. He feels that if they block off the right hand lane and it goes back to a single lane it would be much safer. He has been told this road is owned by the State, so he is not sure what the Town can do. If the traffic flowed smoothly he would not care if it took 25 to 30 minutes to get off the island. He has seen a lot of condominiums going in at Bay Beach. He understands that this was grandfathered in and is not sure how they can hold on to permits for this length of time.

Mayor Hughes interjected and stated that the Bay Beach matter was litigated and the courts ruled against the Town. It is a totally different situation than a building permit, it is vested rights.

He went back to his discussion of San Carlos. He would like to see someone come up with an idea to move traffic.

Mayor Hughes commented that they are hopeful that the County will do something and they have requested that they look into a number of alternatives. Everyone shares his concerns and appreciated his comments.

Councilman Garr Reynolds commented on the Traffic Committee meeting from the Chamber. They have been trying to get some type of alternating light or merge signs. Finally, after about 3 years the Department of Transportation has come down and met with them over the last two to three meetings. Last Friday they agreed that it was OK to put alternating lights there. Some money will be spent and it is approximately 1/4 million dollars. Tom Myers, Chairman of the Traffic Committee is doing some contacting to see where this is going to lead and when it can be done. It has been a concern for many years and they finally have gotten an approval to move on with this.

Mayor Hughes acknowledged that a Boy Scout Troop was present and they were welcomed. The

Scout Master of Troop 999 Fort Myers Beach came forward and stated that the Troop is working on their Citizenship of the Community merit badge. Mayor Hughes wished them luck.

V. CONSENT AGENDA

- A. Review of Financial Reports: March 2001
- B. Six month financial summary
- C. Articles of Incorporation: Public Works Services, Inc.

MOTION: Made by Vice Mayor Ray Murphy and seconded by Councilman Howard Rynearson to approve the Consent Agenda. Motion passes unanimously.

VI. ADMINISTRATIVE AGENDA

A. Public Hearing: Ordinance 01-03-Water Utility Franchise Agreement

Mayor Hughes indicated that this is an ordinance granting the Town of Fort Myers Beach Public Works Services, Inc. its successors and/or assigns a franchise to use the public places of the Town of Fort Myers Beach providing authority service area or franchise grants, scope of grants, term exclusivity, franchise fee, audit rates and charges, rate and charge protest, service rules and regulations, work in public areas, ownership of lines and equipment, assignment, Town actions, compliance with other law, plans, permits and reservations of rights, failure to comply, purchase property, commitment to provide service, severability approval and providing an effective date.

Deputy Town Manager John Gucciardo commented that this ordinance will work in conjunction with the Corporation that was just approved under the Consent Agenda. It would allow for the establishment of the franchise agreement to let this Corporation operate the water utility within the Town of Fort Myers Beach, if and when they go ahead with the purchase of this utility from the County later on this year.

A second Public Hearing will be held on May 7, 2001 at 6:30 p.m..

B. Discussion of 1999-2000 audit

Russ Baker introduced himself and indicated that with him from their office is the partner on the job Marty Redovan.

Russ Baker went on to indicate that the report they have in front of them is the Audit of the September 30, 2000 Financial Statements of the Town. On page 1 of the report is the Audit Report on the General Purpose Financial Statements. The opinion is unqualified, which is exactly what they would like to have for these circumstances. It is a standard letter. The next opinion they have is on page 21 and this again is a unqualified. No findings or recommendations were required to be reported. On page 27 is the required Management Letter. It is required pursuant to Florida Statutes and the rules of the Auditor General. Most of the letter is addressing specific items that are required by Section 10.554 of the Florida Statutes and rules of the Auditor General. Their opinion on State Grants and Aids Appropriations from the State of Florida is unqualified. Behind that is the Management Assertion letter that is signed by the Town Manger. This certifies that the Town has complied with each and every financial related provision of each grant. The financial information is somewhat dated. If they have any questions now would be the time for them to ask.

Councilman Reynolds had an item of clarification on page 24. It indicated Department of Community Affairs and indicates grants rewarded \$40,000.00. He asked what this was for? It was responded by several that it was DCA. Councilman Reynolds asked about the 1.23 million? It was responded The Mound House.

Councilman Reynolds went on to page 28 under Recommendations down to the last line. It was responded by Russ Baker that a typographical error exists.

Councilman Reynolds went on to page 29 and needed clarification. It is mentioned quite frequently that the Town has grown substantially in the past year. He asked what this meant? Russ Baker

replied that this is a financial comment. The financial information that is the financial reporting requirements are expanding as the Town is growing.

Mayor Hughes commented that all of the recommendations are excellent recommendations. He feels that their Manager has adequately responded to them. One of his particular areas of interest and concern is the recommendation that they review their current investment and cash management policy. He is not being critical of the staff, but he does feel that this is an area that staff is going to have more difficulty dealing with. Not only with the growth of the community and surplus funds, but with the economics of today. He is taking the opportunity to agree with their concern and recommendation and acknowledge that staff has indicated that they are contemplating additional staff to offset the daily fiscal operations. He feels that they may want to consider a consultant in the field.

Councilman Reynolds asked with the new program can it be handled in house or is there a need for it to go outside as Mayor Hughes has commented? Russ Baker indicated that he has found the staff to more than adequately handle the day to day transactions. Where the difficulty arose is with new transactions that they did not have a full accounting understanding of what to do. This happened on numerous occasions this year. Everything done in the past as far as payroll, disbursements and recording of receipts was done very well. The records were clear and concise. Janeen shows that once she has a handle on the things being done she is very capable of keeping up with them.

Mayor Hughes commented on the Changes in the Government Reporting Model. Since they are in the less than 10 million category they do not have to do this until September 2004. Is this going to be a major change? Russ Baker indicated that it is a most significant change in his career as far as governmental accounting. It requires you to depreciate fixed assets, take your general fixed asset group and general long term debit account group away. It requires a couple of different methods on infrastructure on roads, gutters and streets. In the past you would be recommended to record those in your records and you will be now be required to do this. It will require a lot of additional time from staff. It will also require management to put together an MDNA with the Financial Report.

Marty commented that they have been trying to alert Councils to look ahead. They will try to help them line out a task list to try and take them on year by year instead of waiting until the year 2004.

Russ Baker would like to thank Deputy Town Manager John Gucciardo, Town Manager Segal-George and Janeen Paulauskis for all their help.

**** Mayor Hughes announced that they would be doing something a bit unusual and off of the agenda.** He asked Town Manager Segal-George to come forward. He announced that they are recognizing 5 years of service from Town Manager Segal-George, Deputy Town Manager John Gucciardo and the Town Attorney Dick Roosa. He thanked Councilman Howard Rynearson and his wife Jeanette, who helped obtain these plaques. Councilwoman Terry Cain read the plaque for the group. Applause was given as she received her plaque.

Mayor Hughes asked Deputy Town Manager John Gucciardo to come forward. Vice Mayor Murphy read the plaque. Applause was given as he received his plaque.

Mayor Hughes asked Mr. Roosa to come forward. Mayor Hughes read the plaque. Applause was given as he received his plaque.

Mr. Roosa thanked everyone and commented that is has been a real team effort. In all of his assignments in municipal law it has been a real pleasure to work with staff and Council members. They have all worked with the same goal in mind and this is what has made the Town as successful as it is. A short break was taken for cake and beverages.**

C. First Reading: Resolution 01-09: Amending Resolution 00-04 (Palmetto/Easy Street assessments)

Vice Mayor Ray Murphy read that this is a resolution of the Town of Fort Myers Beach Florida replacing resolution 00-11 declaring special assessments for the reconstruction of Palmetto Street and Easy Street providing authority, assessment, final assessment role, priority of lien interest and method of payment. Legal proceedings instituted upon failure of property owner to pay special assessment or

interest when due, foreclosure, service of process, expenditures for improvements, assessment role, sufficient evidence of assessment and other proceedings, variance not material unless party objection material injured thereby, severability and effective date.

Mr. Roosa commented that this should be set for Public Hearing on May 21, 2001.

D. Discussion of recommended Town sign by the Times Square Advisory Board

Pam Houck, Service Delivery Coordinator, commented that the Kiwanis Club approached the Times Square Advisory Board with their desire to have a sign placed at the base of the bridge. The sign would be to advertise service organization and would also be a welcome sign to the Town. She has attached a couple of sketches of the sign. The Advisory Board has recommended that they move ahead and have the sign installed. The Kiwanis Club will pay for the full cost of the sign.

Mayor Hughes asked which side of the bridge this would be on? Pam Houck responded that it would be on their side on the right as you come down the bridge.

Councilman Reynolds asked why the group decided that they wanted such a large sign? Pam Houck replied that the sign will meet the sign regulations. The sign can be made smaller. The base of the sign will be mounted right on the ground. Councilman Reynolds recommended a smaller sign of possibly 4x6.

Councilwoman Terry Cain feels that whoever designed it probably had in mind the different service organizations that needed to be listed and they would need this space. Pam Houck responded that this is correct.

Vice Mayor Ray Murphy feels that they have always needed signs welcoming people to Fort Myers Beach. He feels that the sign needs to say "Welcome to the Town of Fort Myers Beach". They have spent almost six years creating their own identity. They need to identify themselves as such. He would like to see this on there. He has seen the signs with the service organizations before and if done correctly they do look nice. If they are not done correctly they will look cluttered. If it is designed and maintained in a nice way it would be OK. He would like to see one down at the other end of the island.

Councilman Rynearson asked if they have the final say on the design of the sign? It was responded that "yes" they would. He thinks it is a good idea.

Pam Houck discussed that the sign is to be made from concrete. All the details of the material have not been established. They wanted to get the approval of the location first. She would be glad to bring the final design back to the Council for their approval.

Mayor Hughes agrees with Vice Mayor Murphy and Councilman Reynolds that it should say "Welcome to The Town of Fort Myers Beach". If you are going to have a sign it needs to be something significant. As long as it does not cause a visual hazard to traffic he feels that it would be acceptable. Perhaps the Town should consider spending the money to put a sign at both ends and make this a Town project instead of the Kiwanis. He does not feel that the cost of the signs would be a really significant item in the overall budget.

Councilman Reynolds feels that this should be a Town project and the North and South ends should be done at the same time. If they should decide to have spaces for groups or organizations they can still do this. He feels that the present way it is set up will be too cluttered.

Councilwoman Terry Cain feels that it is great that the Kiwanis would like to pay for this. She likes the design of the sign and she thinks that it would be tastefully done. She is in favor of this and feels that it will be very costly.

Councilman Rynearson would like to go back to the Kiwanis and propose that they put one at both ends of the island.

MOTION: Made by Councilman Howard Rynearson and seconded by Councilman Garr Reynolds that it be taken back to the Kiwanis and ask them if they would like to make it a combined service club organization donation, and put one at the North and South end. Add the Welcome to the Town of Fort Myers Beach and give them the design as to how many service clubs would be on it. Motion passes

unanimously.

E. Request for federal funding on Traffic Congestion Study

Town Manager Segal-George indicated that they have received a memo from herself and Chris Swenson. There is a tighter time line with regards to applying for a grant. She is asking for permission to apply. They do not have to accept it if they receive it. They are going to apply for \$500,000.00. There is a 20% local match requirement, if they receive the grant. The University of South Florida is willing to do the actual grant application at no cost. If they are approved for funding this will mean that they will waive all possible Federal dollar problems with regards to the bridges, as far as having problems in the future.

Mayor Hughes has reviewed the memos and feels that they have everything to gain and nothing to lose by moving ahead.

MOTION: Made by Vice Mayor Ray Murphy and seconded by Councilwoman Terry Cain to move forward with the application. Motion passes unanimously.

Discussion: Councilman Reynolds asked what the money can be spent for? Town Manager Segal-George understands that it can be used for any of the studying that they will have to go through to make a choice with regards to tolling, traffic congestion and any kind of consultant work with regards to the Trolley and Ferry system. It would basically cover most of the expenses that would lead them to the point of being ready to make a decision with regards to whether or not to pursue the Trolley, Ferry and Tolling scenario. It is for gathering the data that they would need.

F. Update on Film Festival: Shawn Holiday

Town Manager Segal-George commented that she did not believe Shawn Holiday would be present this evening for the update. She announced that they will get information to the Council on the Film Festival regarding the events that will be going on.

VII. COUNCIL MEMBERS ITEMS AND REPORTS

Councilman Howard Rynearson - He has met with a couple of Commissioners in Town and will continue to meet with all to let them know who he is. He has spoken with a few, Ray Judah especially, regarding obtaining a little help with Estero Blvd.. His concern is the sand between the sidewalk and pavement, and possibly having it cleaned up and paved for a bike path. It is a band-aid, but would help for now. He made the statement that he would take this through the Commission and help in anyway he could. He would need from the Council a written proposal that they would like this done and have it signed by the Mayor by June 1. He thinks that it would be a good thing to do and help clean up the island, and give additional bike paths. He suggested going to the gulf side and paving back to the poles and felt maybe we can get the Trolley's off the road a little bit. John Albion also gave the nod and he will talk with the rest.

Town Manager Segal-George commented that herself and Councilman Rynearson had discussed this matter. The problem they have is that it must come through some kind of staff manner. If any of the Commissioners bring this forward without some type of staff input it will not go anywhere. To move this along she feels that they need to utilize an engineer to try and put some description together of what this would entail, and give a cost estimate. She suggested using Chris Swenson who has a really good relationship with the County staff and engineers.

Mayor Hughes felt that possibly some of the data needed to move this project along would be available in the Streetscape that Wilson-Miller put together.

Vice Mayor Murphy feels that they need to obtain more information and put this on a future meetings agenda.

Mayor Hughes directed the staff to discuss this further with Chris Swenson and Wilson-Miller. They should get a rough idea on the cost to have them work up something sufficient. This will put on the next agenda.

Councilman Rynearson has been asked questions regarding the evaluation, raise and bonus for Town Manager Segal-George. He does not feel that it should be put on one mans shoulder to do this. He would like to see the whole Council take part in it.

MOTION: Made by Councilman Rynearson and seconded by Councilwoman Cain to have a Workshop on Monday, April 23, 2001 at 9:00 a.m. to discuss the evaluation, raise and bonus for Town Manager Marsha Segal-George. Motion passes.

Councilman Garr Reynolds - He commented on the Traffic Committee Report. Once everyone has read it he would like everyone to consider that they have not been pursuing controlled growth. There are huge pending projects that cannot go forward with building permits until they change the Comprehensive Plan and Land Development Code. Some items are included in this that he does not agree with.

He is concerned that someone is planning the Town for them and rerouting traffic without consulting the community.

He read a memorandum for Town Manager Segal-George dated April 11, 2001 regarding the Sawyer's. He was asking for clarification on an item included in that memo that indicated one Council member had been spoken to. He was under the impression that they had spoken to all the Council members. If it is directed toward himself or anyone else on the Council it should not be.

He commented on some cards that are going to be produced and given out to certain residents who will need to get back on the island after a Hurricane situation.

Deputy Town Manager John Gucciardo commented that he felt Councilman Reynolds had misinterpreted what was said at the Chamber Traffic Meeting. In an evacuation situation all residents would be asked to leave. Once the weather event has passed, if there has been substantial damage to the island no access will be allowed by anyone. The first people back on the island would be the damage assessment team. The damage assessment team are designated by Lee County Emergency Operations. The Council is on the emergency damage assessment team to a certain extent. Once it is clear and the extent of the damage is understood people will be allowed back. The Sheriff's office will be monitoring this and any island resident that has a Photo I.D., which shows an island residency, will be allowed back on to assess the damage or come back to take up residency. The reason for the Chamber having the passes is because they recognize that there are members of different businesses that would need to get back on for minor repairs or assessments, and these people for the most part are not island residents. Town residents do not need any type of pass issued by the Chamber to get back on the island.

Councilman Reynolds stated that some problems still exist with the Trolley's not pulling over. Steve Myers, the new director of Trolley Services, would like to be called when there is a problem.

Councilwoman Terry Cain - Mentioned that she had just attended a wonderful Easter Egg Hunt. It was very successful and the kids had a great time.

Vice Mayor Ray Murphy - Read the minutes of the March 19, 2001 meeting. He was surprised to read about the parking at Bowditch which indicated that the County feels that such a sign would not accomplish anything significant. He felt that they had indicated this sign would be a savior to them to let everyone know what capacity the lot was filled.

He agrees that the Town Council meetings should be televised.

Mayor Daniel Hughes - He reminded everyone that this Wednesday at 6:30 p.m. is the Volunteer Appreciation Dinner for all the sub-agencies and committees.

He spoke last Thursday to the Rotary Club. He did get the opportunity to discuss the Tolls with them. He also discussed the settlement of Bay Beach and the settlement of the litigation with the County on the CRA. They were very friendly and made some good remarks regarding the Town and what has been accomplished since incorporation.

VIII. TOWN MANAGER'S ITEMS

Deputy Town Manager John Gucciardo reminded the Council that the Public Safety Task Force will be sponsoring the 2nd Public Safety Awareness Day on May 12, 2001. It will be on a Saturday from 9:00 a.m. until 2 p.m.. They will be purchasing a banner for the second time to advertise this across Estero Blvd.. Apparently, there was a mix up as to the placement of the banner from last year and it cannot be found. They promise to be more responsible with where it gets stored from year to year.

IX. TOWN ATTORNEYS ITEMS

Town Attorney Dick Roosa mentioned that the County Commission are going to bring up the CRA settlement at their April 24 meeting.

X. APPROVAL OF MINUTES: March 19, 2001

Corrections and changes to minutes:

1. Page 6 - 2nd paragraph needs to have the words "and failing to do so" following the statement: after making considerable efforts to find a prominent Irishman.
2. Page 6 - 3rd paragraph needs to have the word "alternate" inserted before member.
3. First page - last line needs to read Koreshan.
4. Page 4 - next to the last paragraph refers to Councilwoman Cain explained that the original plans for the building did include a second floor. This should read Town Manager Marsha Segal-George.
5. Page 2 - Councilman Reynolds feels that he must have made some comments regarding the parking at Bowditch. He feels very strongly about this issue.
6. Page 5 - Two words have been left out following the statement Council is now being asked to make should then read "Council members".
7. Page 5 - Next to the last paragraph reads the Chamber feels a regular merge lane might be to confusing to the public. Councilman Reynolds feels that Lee DOT has been arguing this.
8. Page 5 - Should read 5 to 4.
9. Page 5 - Councilman Reynolds wanted to say that he did not see it as a unanimous vote.
10. Page 7 - Approval of Minutes (Correction #5) It was not purchased by TDC money, but was bought by taxpayers - needs to have the words "and impact fees" added following this statement.
11. Down to #6 - next to the last sentence, and should be "but".
12. Page 8 - Discussion - should read "Councilman Reynolds stated to Mr. Hughes that we are setting a new precedence just because you do not agree with my corrections."

MOTION: Made by Councilman Howard Rynearson and seconded by Councilman Garr Reynolds to approve the minutes of March 19, 2001 with the corrections noted. Motion passes unanimously.

XI. PUBLIC COMMENT

None.

XII. ADJOURNMENT

The meeting was adjourned at 8:55 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

Janeen Paulauskis
Transcribing Secretary