

**FORT MYERS BEACH
TOWN COUNCIL MEETING
OCTOBER 22, 2001
REGULAR MEETING
Town Hall - Council Chambers
2523 Estero Boulevard
FORT MYERS BEACH, FLORIDA**

I. CALL TO ORDER

The regular meeting of October 22, 2001 was opened by Mayor Daniel Hughes on Monday, October 22, 2001, at 6:35 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, 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 REVEREND DOCTOR PHILIP MAKARI, CHAPEL BY THE SEA

Doctor Philip Makari gave the invocation.

IV. PRESENTATION TO “MY TOWN, I’M PART OF IT! I’M PROUD OF IT!” POSTER CONTEST WINNERS

Mayor Hughes announced that this the 3rd annual poster contest celebrating Florida City Government Week. The children of Beach Elementary School were asked to draw posters using the theme “My Town, I’m Part of It! I’m Proud of It!” Tonight they have prizes and awards for the first and second place winners in Kindergarten through Fifth grade. An overall best of the show will also be awarded.

Mayor Hughes announced the winners in each of the grades and applause was given. He also gave a presentation to the School itself. He thanked all of the girls and boys and indicated that they are very proud of all.

V. PUBLIC COMMENT ON AGENDA ITEMS

Joe Croker, 8425 Lagoon Rd., came forward and expressed that his comments should be addressed at the Town Council meeting of November 5, 2001. He will be out of town that evening and opted to address them this evening. He indicated that their community is about to achieve a milestone. As one of the members of the community he did not want to miss the opportunity to share with them his thoughts on the matter. He read a verse that he felt expressed his feelings. He indicated that since the birth of the Town the people who represent the Government of this Town would not have a member of the original Council. For the past six years both Ray and Garr have given unselfishly of their time, knowledge and efforts to help make this Town what it is today and what it will become in the future. He has not always agreed with their positions on various issues, but it is to say that he appreciates the efforts and in the final analysis this is what makes Government work. He thanked them for their contribution. (Applause was given). Mayor Hughes announced that he and the other members share in

those sentiments.

Norman Sabie, from Nature View Court came forward. He has been a member of the Friends of Matanzas Pass for many years. He asked if the CRAB committee had considered consulting with the Friends of Matanzas Pass, so that they would be aware of what has happened, what is going on and what their feelings may be toward this. This is needed to not duplicate efforts. He read a short history regarding the Friends of the Matanzas Pass Preserve. This was written by the Secretary of the committee when it was first established. He would like to see this committee and the CRAB committee work together rather than having two committees working on overlapping items. They meet on the first Tuesday of every month. The next meeting will be November 6, 2001 and they invite CRAB to join them.

Mayor Hughes announced that they do not normally comment on items such as this. They allowed him to speak longer than the allotted time of 3 minutes, because Council felt that this was important. CRAB has acknowledged the existence of the Friends of the Matanzas Preserve. The drafted work plan includes the promotion of partnership with interested groups, such as the Historical Cottage Garden Club and the Friends of the Preserve. This will be addressed when they come to this item on the agenda. He went on to comment regarding the merging of the committees. Matanzas Pass Preserve is not the sole function of CRAB, but just one of the things that they have chosen to address. CRAB has a much broader scope.

Fran Meyers on Widgeon Terrace, Fort Myers Beach came forward on the issue of pay raises for Council. She appeared at the Fire Station this week to tell them that she felt they were the lowest paid in Lee County and they needed to do something about their pay. They will now be addressing the issue. She feels that they need to open this up so that more people can run for the offices. The pay being offered only allows a person who is retired or wealthy enough to leave a business to come and spend the time required. She feels that looking at the reserves they can afford to pay more than is presently being paid. She also feels that this is necessary and should happen.

Mike Klein, Randy Lane, came forward and indicated that he was the original person who brought the item of pay raises up. He would be uncomfortable as a member of the Town Council having to discuss a pay raise for himself. He pointed out that Sanibel is not paid, but everyone else makes more. Bonita Springs is looking to get a very substantial increase due to increasing the tax rate by 1/3. The Town of Fort Myers is increasing their tax rate some 20+%, while the Town of Fort Myers Beach has been able to reduce the tax rate. They must do this tonight because if they don't they will need to wait another year to implement a pay raise.

VI. CONSENT AGENDA

- A.** Review of Financial reports: September 2001
- B.** Proclamation: Drug Awareness Week
- C.** Proclamation: Alzheimer's Awareness Month
- D.** Proclamation: Florida City Government Week

MOTION: Made by Vice Mayor Ray Murphy and seconded by Councilman Howard Ryneerson to approve Consent Agenda Items B, C and D. **Motion passes unanimously.**

MOTION: Made by Vice Mayor Ray Murphy and seconded by Councilman Howard Ryneerson to approve Consent Agenda Item A. **Motion passes unanimously.**

Discussion: Councilman Reynolds pulled item A. The reason for pulling this item was due to the fact that approximately one week ago he wrote a letter to the Office Manager. He asked for a salary package for each employee. He

has noted a difference and would like to see the package with all items complete along with bonus, retirement, etc..

Mayor Hughes suggested that Councilman Reynolds meet with staff to try and reconcile this.

VII. ADMINISTRATIVE AGENDA

A. Discussion of Old San Carlos Plan and assessments

Dr. Richard Woodruff with Wilson Miller came forward and indicated that he has Matt Horton with him, who is the Landscape Architect. Over the past several weeks they have been working with staff to look at the assessments and improvements of Old San Carlos. He has a status report. In June, they were given authorization to take this matter to the next level. They had told Council at this time if they could not have it under construction by the end of the summer they would not recommend it. Construction has not been done. Where they stand today is that they have met with the property owners, on a number of occasions, and have worked with them to look at the final improvements. He took a minute to look at some of the improvements. Matt Horton will focus specifically on the feature being recommended. He expressed that they are predominately rebuilding the entire road surface and sidewalks. The construction is occurring within the existing right-of-way. They are working with FPL due to the need for easements in regards to the under grounding of utilities. FPL is in the process of finalizing their plan. They have also tried to look at some of the issues regarding the transition zone, between the end of the right-of-way and their property. Not all properties are right up to the right-of-way. The transition will be very important. Within the next week they will have their engineers meet with each of the property owners to be sure that they have identified the proper transition. When they send all of the specifications a section will be included, so that if you are a property owner and have a transition they will be able to pre-determine the cost and not the assessment costs on the private property. They do not have to use the contractor, but will have a pre-determined fee.

He focused on two changes to the Plan. Several options were originally given. One was to put the sidewalk in a direct alignment and have parking closer to the building. Originally, they rejected this, but for several reasons have come back to it. One of the primary reasons is for drainage purposes and the other is as they have redevelopment they will see better arrangement with the sidewalk continuing straight. They are still recommending perpendicular parking, but that this parking be between the face of the building and the back of the sidewalk or right-of-way.

He went on to draw their attention to the far end near the waters edge. He held up an enlargement, which contains the type of improvements they would like consideration on at a further date. Matt Horton came forward and expressed that they were asked over the summer to come up with a concept for the end of Old San Carlos. All three concepts have been done in the enlargement being shown by Dr. Richard Woodruff. They have created a pavilion in the background of the water feature that can be seen from Times Square, and possibly an area that could be a display for public sculpture in the water feature. Also, a linear feature that would terminate into a pavilion that would offer shade for users of the street. They were to incorporate the possible access for the water taxi. They left 10 to 12 feet on either side of the water feature, but staying within the right-of-way provided a hard surface that the water taxi could load and unload passengers.

Councilman Rynearson commented that where this is laid out would be private property. Matt Horton replied that this would be within the public right-of-way.

Councilman Reynolds expressed that he had talked with Ed sometime in the beginning of the year. They went all around and Ed indicated that he has permission from the County to

use this area. This is not eternal.

Mayor Hughes responded that to his knowledge he has no rights in the right-of-way and he is unsure of how the County could grant this.

Matt Horton indicated that they did have a meeting last Wednesday with the property owners. At this time they did also meet with Mr. Fowler and Ed. A follow-up meeting was held on Thursday morning. They are looking at various issues they have. His hope is that the Council, at a future date, will allow them to bring a final plan that will show how various elements can be accomplished. At the present time it is still their goal to have the necessary documents finished by the second week in November, so that they can get this project on the street for bidding. They anticipate receipt of the bids in December and return of bids to Council in January/February. It was their goal based upon Council's direction that if they could not accomplish this before the start of season it would not be started until after season. Easter falls late in March and it is their present goal to have it to them, so that construction could begin approximately the second week of April. They project 120 days to 150 days of construction. By giving the contractors more time they may get better bids. This is the status report at this time.

Councilman Rynearson asked if they would be given more than one choice at the end of Old San Carlos? Matt Horton replied that "yes" once they have worked out the various options they will be bringing this back for them to officially vote on. At this time they can look at different options that they have come up with.

Vice Mayor Murphy feels that it is a very good plan. He feels with what they have to work with this is a very fine, workable plan. If there are other options to look at he would be happy to do this.

Dr. Richard Woodruff indicated that the second Wednesday they will be having another meeting with the property owners in this room. The purpose will be to finalize issues regarding street light design, street furniture and trash receptacles.

Mayor Hughes expressed that he seconded the remarks of Vice Mayor Murphy. He feels that this is attractive and will be compatible with what the property owner intends to do with his property. He hopes that they will be able to utilize the existing docks, if Snug Harbor is demolished.

Carol Cunningham stated that also at the meeting held with the property owners it was discussed the calculation of the assessments, and the recommendations that will be made to the Town Council. The assessment program primarily follows Chapter 170, specifically, and is a very straightforward way of the Town providing assessments and levying the assessments against the benefited properties. All of the improvements that are anticipated under this program qualify under Chapter 170. This Chapter also identifies a method for allocating the assessment among the property owners. Proration according to the front footage of specially benefited properties. This is the method of assessment that is recommended. The assessments were then based upon the total project costs. The costs are still in the estimate phase. The estimate was used provided by Wilson Miller and added to it an estimate for under grounding utilities of \$700,000.00. The total rounded is 1.6 million. They do not have a firm estimate from FPL for the under grounding of utilities.

There are 22 properties under 13 ownerships along Old San Carlos Blvd. There are approximately 2, 100 feet of frontage of private property along Old San Carlos Blvd. that will be included in the assessment program. She has provided several attached tables. Under the recommended option, which is the Town paying 50% and the property owners and DRA paying the other 50% - The property owners are paying 20% of the 50% and the DRA pays 30% of the 50%. The 50/50 split is consistent with the split that the Town has used in special assessments elsewhere.

Carol went on to state they have 4 properties that have a minor change in terms of the amount of frontage. A couple properties the property owners noted that they were a couple of

feet off. She has researched these and recalculated. They have approximately 13 feet fewer than what she had on the table. It will be add \$1.00 per frontage foot to the cost. The cost per frontage foot that she is working with is \$152.60. She indicated that they did go through a number of options to determine what portion of the 50/50 split the property owners should pay. The most reasonable and feasible method will be Option A. This provides a reasonable cost to the property owners. They do not want to overburden with assessments.

She noted that the Times Square improvements had a substantial beneficial effect on property values. She created some tables demonstrating this. Not only in increase in property, but also the increase in the use and benefit of the area. She commended the Town's foresight and years of hard work to bring about the improvements.

She reviewed several payment options. They wanted to provide some flexibility to the property owners, but also provide a short enough time period for payback that the dollars will be available to re-circulate for the next project, and also provide for some efficiency in the administration for collection. Payment Option 1 is designed to encourage up front payment as soon as possible after the finalization of the assessment roll. To encourage this they are recommending a reduction be given as an incentive for up front payment. She used an 8% interest rate as an example. In Option 2 they could pay in annual installments - five installment payments to be made with accruing interest over a five-year period. Option 3 would be deferred payment up to five years. At the end of five years it would be due with accumulated interest. She indicated that it is up to the Town as to the time period over which these payments may be stretched. She recommends using an interest rate of 1% above prime at the time the assessment role is established.

Mayor Hughes announced that he would like to discuss the apportionment of cost. Carol Cunningham is recommending Option A. Deputy Town Manager Gucciardo indicated that this information is for discussion only and no action is to be taken this evening.

Mayor Hughes went on to discuss the recommended option. He is not entirely convinced that a 50/50 split is an appropriate analogy to this situation. He feels that they should look at the benefit to the property owner vs. using a percentage. This is a very difficult question. He sees some valid rationalization to having the owners pay for new items and not pay for replacement items. The less you charge the property owners the more you encourage them to go ahead with their improvements, but an increase in assessed valuation is not as significant as they seem. This is his feeling and he has not made a decision at this point.

Councilman Rynearson would like to see them go to a workshop to discuss the matter.

MOTION: Made by Councilman Howard Rynearson and seconded by Councilwoman Terry Cain to direct staff to put this matter of the Discussion of Old San Carlos Plan and assessments on a workshop agenda at the earliest possible date. **Motion passes unanimously.**

Discussion: Councilwoman Cain questioned if a workshop had just taken place with property owners? Carol Cunningham replied that they had a meeting to show the property owners the exhibits presented this evening along with an overview of what has been presented this evening.

Councilwoman Cain asked if the property owners had given input to which Option they preferred? Carol Cunningham replied that there was a lot of discussion. They seemed pleased that there were payment Options to choose from. The property owners were pleased to see that Option A was the recommended choice.

Councilman Rynearson would like to see a workshop with the Council and Carol Cunningham.

Vice Mayor Murphy complimented Carol on the report. He feels that it was very well done. If they start batting around numbers they could be here all night long. He feels a workshop or meeting needs to be established.

Mayor Hughes asked if they would be issuing special assessment bonds to fund this? Town Attorney Dick Roosa replied that it has not been considered. The intent was to borrow the money from the CRA account and replenish the CRA account.

Councilman Reynolds mentioned that other areas of improvements had a 50% assessment to the property owner. He asked if Carol had known this would she have looked at this situation differently? Carol replied that "no", not necessarily. The 50/50 split did seem to be a precedent that the Town had established.

Dr. Richard Woodruff indicated that over the last 18 months it has been his pleasure to work with this Council. He echoed the sentiments of the good Dr. earlier and he thinks the two colleagues that are rotating off their public service should be duly noted for their leadership. They have stood strong for their conviction on many projects. He expressed their very best wishes to the outgoing members of Council, and to whomever the new members are.

B. Matanzas Pass Vision Statement and Work Plan

Mayor Hughes indicated that this is a CRAB project. They have received a memo from Rick Sowash, Chairman of the CRAB committee.

Chairman Rick Sowash came forward and thanked the members of Town Council for this opportunity to speak before them. He is before them to request their endorsement for the Matanzas Pass Preserve Vision Statement and Work Plan. March thru May the members of CRAB have participated in visionary workshops to develop a Mission Statement. With guidance from Carol Cunningham the Board implemented a model to help prioritize projects. All projects they felt would enhance the quality of life for the citizens of their community. Estero Boulevard Streetscaping Project prevailed as one of the top projects. Another project that ranked was the Hidden Path Concept. No matter what project was discussed the common theme throughout was broadening education. The project that ranked before the CRAB Board was increased utilization of Matanzas Pass Preserve. Collectively the Board agreed that an increased in awareness and use of the Preserve is possible. This project could incorporate components of other prioritized projects together. By using the Preserve and the existing footpaths as a base they could extend out and start developing the Hidden Paths, which can provide pedestrian safety. The Board felt strongly that he come before them and ask for the Council's endorsement of this project. They believe with the Council's endorsement that they can show Lee County Commissioners and Lee County Parks and Recreation that the Town of Fort Myers Beach embraces a plan that working together Matanzas Pass Preserve can become a better place.

Councilman Reynolds expressed that the Friends of the Preserve are a well-established group and he is concerned that they were not contacted? Chairman Rick Sowash replied that they were contacted.

Councilman Rynearson suggested making a spin off from CRAB just on the nature preserve, and have this committee be a co-committee. They can appoint a liaison between the two and will not have to be staffed by Town, but the two will be working together. He feels that this may work. He feels that CRAB is doing a great job.

Vice Mayor Murphy feels if the groups work together this should be sufficient. It would not be necessary to form another committee. He would like to keep this cooperation going.

Mayor Hughes asked if there would be a problem adding to the Vision Statement, next to last paragraph, following with "the help of the Lee County Parks Department" insert and Friends of the Matanzas Preserve. They felt that their toes had been stepped on and they feel that they should have input. Norman Sabie suggested a merger of the two committees, but this is not feasible.

Chairman Rick Sowash replied that they had no problem adding this in. He feels that the wording should be in a nature that includes all instead of specifics.

Vice Mayor feels that they should be specifically named. Mayor Hughes does also. Mayor Hughes expressed that they may want to have general language, but state specifically including the Friends of the Preserve.

Councilman Cain mentioned that Tom Myers sits on CRAB and is one of the Friends of the Preserve. This to her would be the logically liaison.

Mayor Hughes does not see anything regarding the issue of the carrying capacity of this Preserve. In the Vision Statement he feels that one of the goals should be the determination of what in fact is the carrying capacity of the nature preserve, and establishing the guidelines for determining this. Also, to ensure that the capacity not be exceeded. Chairman Rick Sowash replied that this has come up in discussion at the meeting. There have been no studies done to determine what this would be. This would be part of their planning.

MOTION: Made by Councilwoman Terry Cain and seconded by Councilman Howard Rynearson to approve the Vision Statement and Work Plan including the comments with the help of Lee County Parks Department and Friends of the Matanzas Pass Preserve to evaluate the progress of the implementation of the Master Plan. Complete periodic updates as necessary. Include the carrying capacity for the Preserve and make part of the Vision Statement.
Motion passes unanimously.

Discussion: Councilman Reynolds does not feel good about where this is going. He feels that they are taking the responsibility away from a committee that has been operating for years. The most they need is a representative to work with these folks. He feels that this is as far as CRAB should go with this.

Vice Mayor Murphy feels that this Vision Statement is complimenting the work of the Friends of Matanzas Pass Preserve. There will be an ongoing working relationship between the two. He will support the motion.

C. Discussion of memo from CRAB: Leadership Program

Chairman Rick Sowash indicated that on May 2, 2001 the Chairs had a meeting to share what was happening within their committees. The purpose of bringing the Chairs together was to increase awareness of what the various committees are doing and minimize duplication. This has been quite successful and has enhanced communication between committees. An idea of

creating a program that would be an outreach to the Town citizens came out of this meeting. At the August 1, 2001 meeting CRAB began discussing the merits of a Leadership type program with Carol Cunningham. At the October 2001 meeting a proposed Pilot Program was presented and further discussion followed. He is present this evening to present a Pilot Program for the Community Leadership Program. The Community Resource Advisory Board is asking Council to approve and fund a Pilot Program.

Carol Cunningham indicated that the program was modeled loosely on the Lee Grows Program. The intention was to be a little broader in the reach than the Lee Grows. The program was designed in five sections. The Pilot Program was designed to be able to reach people who work or those who would be available during the day. It is designed to encompass three Saturdays and two Wednesday over a three-week period. The program is also designed to help people understand the vision of the Town. A budget is proposed for the Pilot Program. It is designed to accommodate a maximum of 25 people. She feels a more realistic budget for the Program would be approximately \$3,200.00 rather than the original suggested amount. Lots of possibilities exist. Everyone is very enthusiastic about this program.

Vice Mayor Murphy feels that this is a great program.

MOTION: Made by Vice Mayor Ray Murphy and seconded by Councilwoman Terry Cain to endorse and approve the Leadership Program. Direct staff to make the appropriate transfer from reserves to budget the amount requested. **Motion passes unanimously.**

Discussion: Councilwoman Cain is very excited about this program and can see a lot of people becoming involved.

Mayor Hughes expressed that it is possible that they may generate so many people that it will become difficult to limit and chose the 25 people. Carol Cunningham responded that it would be a first come first serve basis.

Mayor Hughes asked Deputy Town Manager Gucciardo if this would be a problem including this in the budget? Deputy Town Manager Gucciardo replied that it would not. It would need to be stated in the motion to move the funds from the reserves.

Councilman Rynearson feels that it is a tremendous way to educate people along with relaying the correct message.

Councilman Rynearson asked at what point they will consider doing the tour. Will they wait until they have the 25 people? Carol replied that it is designed to occur right after season. She would like to cultivate a large pool of potential participants. It could be done with a group of 20 to 25 and she does not feel that this would be a problem. A tremendous amount of detailed planning will be done.

Mayor Hughes commented that there is no reference in terms of session leaders or resource persons to anyone on the Town Council. Carol replied that this was very much a part of the discussion with CRAB and the Advisory Board Chairs. She

intended to insert Town Council member under the speakers for each session.

D. Request from Times Square and Old San Carlos Improvement Alliance

Anita Cereceda came forward and indicated that she is representing the Times Square and Old San Carlos Improvement Alliance. She is present to address any questions that they may have regarding the proposal included in their packets.

She indicated that they have come together to form a commitment to promote themselves in a positive manner, not only to the visitors but to the residents. Hopefully, they will be able to preserve the small town, small business nature that is the basis of the commercial district. They have formed a not-for profit organization. There is no money being requested from this Town to pay anyone. The sole purpose is to promote and preserve the integrity of the business community. A financial basis already is established to make the proposal before Council. It is their hope that the Council will look to the Alliance as a resource for input on issues concerning the downtown redevelopment area, as well as a vehicle for promoting the island. It is their goal to work with other organizations already present throughout the community, and to share in the production of community events throughout each calendar year. It is their further commitment to present to the Council by June of 2002 an annual calendar of events for budgeting purposes.

The Farmers Market and Street Performers were not their creation. They are willing to assume responsibility for overseeing these projects and further their success, if the Council wishes to continue these programs. The proposal before Council is an estimation of costs based upon last years expenses. The Alliance agrees fully to share in the financial commitment equally. They are not asking the Town to fund or share in the funding of the fireworks. This does not mean that they will not have them. They hope to have a firework display, but if they do these monies will be solely generated by the Alliance. They believe that they can continue the great tradition of community events in Times Square and the Old San Carlos area. They look to the Town for support in this effort and are hoping that they see the commitment on their behalf to the overall improvement of the quality of life for residents and visitors.

MOTION: Made by Vice Mayor Ray Murphy and seconded by Councilwoman Terry Cain to approve the not to exceed amount of \$11,000.00 to be matched equally by the Alliance for the production of the New Years Eve 2001 celebration, assuming that a celebration is appropriate at the time. **Motion passes unanimously.**

Discussion: Councilman Reynolds expressed that they have done a great job and he agrees with what is being done 100%. Not only are they getting the job done, but they are doing it with less money from the Town.

MOTION: Made by Councilman Howard Rynearson and seconded by Councilman Garr Reynolds to have the Times Square and Old San Carlos Improvement Alliance assume responsibility for the Farmers Market and Street Performers. This would include the funding that was approved last year. **Motion passes unanimously.**

E. Discussion Council pay increase

Mayor Hughes indicated that some comments were made at the beginning of this meeting. This issue was brought up at the last meeting by Mike Klein, and this is the reason for it appearing on today's agenda.

MOTION: Made by Councilman Howard Rynearson and seconded by Vice Mayor Ray Murphy to increase the Council pay to \$1200.00, Mayor to receive an increase to \$1400.00. **Motion passes 4 to 1. Councilman Garr Reynolds dissenting.**

Discussion: Vice Mayor Murphy indicated that when the original Council served they received no pay. The discussion came up as to whether or not they should be paid. He supported this at the time. He felt that it excluded a lot of people. He agrees with Councilman Rynearson and the speakers who spoke earlier. Although, it is not a salary you could make a living at it could be helpful in replacing some of the lost income you may incur. They need to bring themselves in line with other committees.

Councilman Reynolds expressed that his objection to the salary increase is that Council is turning this into a full time paying job. If someone cannot manage their own living wage he does not feel comfortable with them trying to run their Town. He feels they need more dedication than they do pay. He feels that they should join Sanibel and have no pay as they have had for the past 26 years.

Councilwoman Cain agrees with Vice Mayor Murphy regarding revenue loss. She travels for the Town and does not turn in receipts for gas or food. She sees it as opening the pool of people that are qualified to serve. She feels that it may give a wider range of incentive to work for their community.

Mayor Hughes expressed that under the law, if this is approved, it will remain in effect for 4 1/2 years. He does not want to preclude what might be in the best interest of the Town in the future. He favors the pay increase and feels that it is the correct way to go.

Town Attorney Dick Roosa indicated that if this ordinance will be adopted at the next meeting it should also be introduced. Mayor Hughes read the ordinance for introduction purposes. The public hearing will be held on November 5, 2001.

MOTION: Made by Mayor Daniel Hughes and seconded by Councilman Howard Rynearson to set the proposed ordinance for Public Hearing on November 5, 2001. **Motion passes unanimously.**

F. Discussion of Inauguration date

Deputy Town Manager Gucciardo expressed that the Town Manager indicated that this was a carry over item. It is the Council's decision regarding the scheduling of the Inauguration Date.

Vice Mayor Murphy felt that it would be nicer to have the Inauguration separate from a regular meeting.

MOTION: Made by Vice Mayor Ray Murphy and seconded by Councilwoman Terry Cain to have the Inauguration on December 3, 2001. **Motion passes unanimously.**

G. Discussion of Times Square Paver options

Damon Grant came forward and reminded the Council of the August meeting. At this meeting they had discussed three options for the pavers. It was decided that they would want to further investigate Option 2, which was the staining of the pavers. He has had four contractors come forward with proposals. The low bid was Complete Painting and Restoration and the second was US Brick and Block. Each one had different applications of putting these on. It was decided by staff and Council that the penetrative stain was the one they liked the most. The one coat appeared to leave more texture on the paver, which would prevent slickness. Maintenance issues also need to be addressed. After the last meeting he felt that it was the Council's intention to keep the existing pavers for another 3 to 5 years. The staining option appears to be the best option and the most affordable. He indicated that he has one revision to the memo. He knows longer recommends US Brick and Block due to a revised proposal he had received. They have changed the time frame that they can complete the work in and also will need to take up the whole Times Square area while completing the procedure. This will not allow anyone access to any of the areas containing pavers. He would like to recommend Complete Painting and Restoration. They came out and gave the demo and also had their manufacturers out.

MOTION: Made by Councilman Howard Rynearson and seconded by Vice Mayor Ray Murphy to move Complete Painting and Restoration with one coat. **Motion passes unanimously.**

Discussion: Mayor Hughes had some concerns regarding the color of the stain between both companies. Damon Grant responded that each one contains color.

Councilwoman Cain felt that the Complete Painting and Restoration did a good job with the test case.

Councilman Rynearson indicated that he felt it very important to state in their contract that they must accept the pavers before the sealer goes down.

Councilman Reynolds asked what colors will be used? Damon replied that they will keep with the colors presently there.

H. Amendment to Bulk Water Purchase Agreement

MOTION: Made by Vice Mayor Ray Murphy and seconded by Councilman Howard Rynearson to approve the amendment to the Bulk Water Purchase Agreement. **Motion passes unanimously.**

I. John Mulholland Stewardship Award

Councilwoman Cain indicated that this is a Community Recognition Program that was brought forward by the Marine Resources Task Force. It is a project that they have been working on for a little bit. They wanted to do something to recognize the people in the community that do things specifically for the environment. They need to recognize the unknown people of the beach.

She brought everyone's attention to the Giving Tree. They called two people to create their tree and wanted it to look a little different. They were hoping to have a Red Mangrove tree. She indicated that she had spoken with David and he had measured the school wall. He came back with the measurements and the amount he would be able to do the job for with a price not to exceed \$5,800.00. This includes the leaves, which are brass plates (300), sketches/design work with changes, full piece model clay, make a model and install the creation.

She indicated that this is a long-term project and was hoping that it would last 50 years. It would be nice to have John's name on this Stewardship Award. It would be announced in the Beach Access.

People could nominate or write a one-sheet form. The nominations would be scaled down and then be brought forward to Council.

MOTION: Made by Vice Mayor Ray Murphy and seconded by Councilwoman Terry Cain that the Town Council commission Mr. David Meo to do the sketch design and create the bronze tree for a price not to exceed \$5,800.00. **Motion passes unanimously.**

Discussion: Councilman Reynolds commented that he knew John Mulholland better than most. He indicated that he probably respected him more than anyone. He expressed that people in the community have concerns regarding the selection of one person to be recognized. He believes that this is something that should be more universal rather than just an individual. The idea is wonderful, but he is unsure if they should put one persons name on it. Everyone that has served on the Council has done some special things. He would like Council to consider this.

Councilwoman Cain responded that the reason John was picked was due to the fact that he was active in every single Monofilament Madness. The day that he past away he was going up to sign a document that he had worked 3 years on for this Town. The MRTF feels very strongly about this being the John Mulholland Stewardship Award. He was instrumental in creating this document that 8 counties are now using and implementing to be sure the environment is kept the way it is today.

Mayor Hughes appreciates Councilman Reynolds concerns. He does not have a problem with this. He did indicate that they cannot name something after everyone that serves the Town. They need to be careful that they do not establish a precedent. He will support this.

Town Attorney Dick Roosa expressed that the naming of certain facilities after a person is always an issue in every governmental

agency. The State of Florida adopted rules that they would not name anything after a living person. This is perhaps a good rule. The unique situation here is that while serving in office he past away. Thousands of people will not qualify under these very unique standards.

VIII. COUNCIL MEMBER ITEMS AND REPORTS

Councilman Howard Rynearson - He has some preliminary plans for the substation for the Sheriff at Lynn Hall Park. He is trying to move forward and get this to an architect to get some real figures, so funding can be decided. He reviewed both plans with the Council. He recommends plan number two and would like to direct staff to hire someone. Discussion was held regarding funding. There are several ways to fund this project, but they need to know where they are going before funding can be established.

MOTION: Made by Vice Mayor Ray Murphy and seconded by Councilman Howard Rynearson to move this forward to staff. **Motion passes unanimously.**

He indicated that the lunch he had with the Captain was very productive. Lights and tail lights on bicycles was discussed. This is a state law. The Captain will enforce this law. He feels that they need to go to the businesses that are renting bicycles and if they are renting them overnight they need to be warned they need proper lighting. He does not want to see anyone killed on the roads.

Councilman Garr Reynolds - Mentioned at the traffic meeting last week they talked about tolls. None of the tollbooths seems to be acceptable. Everyone he talks to on the island feels the same way. He hopes that they will let this idea fall aside.

John Wilson was there and the big figure he heard about the damage on the island has not proven out. His estimate was about 2.2 million.

The Trolley is scheduled to start December 13 and run through April 15th.

The VOICE people will start the 1st of January. They are still unable to get one person from Fort Myers Beach.

John Davis discussed the illuminators. They will be doing these again on February 1st for approximately two weeks.

He feels the Town of Fort Myers Beach needs their own Traffic Committee with a liaison going over to the other Traffic Committee.

Councilwoman Terry Cain - The pool had a Splash Bash on Monday the 15th. This was a lot of fun.

She was at a CELCAB meeting on the 15th. They will be bringing forward a date to have a workshop between CELCAB and Council.

Tuesday the 16th - She attended the Board of County Commissioners meeting. The Higgins/Kelly property was passed with a unanimous vote to go forward for appraisals.

The MRTF is going to be coming forward with a canal survey to send to homeowners. This should be coming before Council with a few little changes.

This Sunday is Monofilament Madness. Show up and clean up.

Mayor Hughes - Expressed that there was a Coastal Advisory meeting and on their agenda they had impact on the beach from Gabrielle. He asked if anything came out of this that would pertain to Fort Myers Beach? Deputy Town Manager Gucciardo replied that this was just a recap on damage from Boca Grande down to Bonita.

On October 11th at the Chamber Luncheon the President of Gulf Coast University spoke. He was asked about their decision on the Marine Laboratory. He indicated that they have made

a decision. It will not be on Black Island or Lovers Key, but will be on San Carlos at the Murphy Oil property.

Tomorrow he will attend the Red Ribbon Luncheon and give to them the Proclamation that was adopted this evening on Drug Awareness Week.

He wondered how many were going to the Barrier Island Seminar on Sanibel next Monday? He is looking forward to this.

IX. TOWN MANAGER ITEMS

None.

X. TOWN ATTORNEY'S ITEMS

None.

XI. APPROVAL OF MINUTES: SEPTEMBER 24, 2001

MOTION: Made by Councilman Howard Rynearson and seconded by Vice Mayor Ray Murphy to approve the minutes of September 24, 2001.

Motion passes unanimously.

XII. PUBLIC COMMENT

None.

XIII. ADJOURNMENT

The meeting was adjourned at 10:25 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