

**FORT MYERS BEACH  
TOWN COUNCIL MEETING  
NOVEMBER 19, 2001  
REGULAR MEETING  
Town Hall - Council Chambers  
2523 Estero Boulevard  
FORT MYERS BEACH, FLORIDA**

**I. CALL TO ORDER**

The regular meeting of November 19, 2001 was opened by Mayor Daniel Hughes on Monday, November 19, 2001, at 3:00 p.m.

**Council members present at the meeting:** Mayor Daniel Hughes, Vice Mayor Terry Cain, Howard Rynearson - Council, Bill Thomas - Council, Bill Van Duzer - Councilman.

**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 THOMAS SNAPP, ST. PETER LUTHERAN CHURCH**

Reverend Thomas Snapp gave the invocation.

**IV. SWEARING IN OF NEWLY ELECTED COUNCIL MEMBERS**

Attorney Dick Roosa asked Councilman Howard Rynearson to come forward and completed the swearing in process. Congratulations and applause was given.

Attorney Dick Roosa asked Councilman Bill Thomas to come forward and completed the swearing in process. Congratulations and applause was given.

Attorney Dick Roosa asked Councilman Bill Van Duzer to come forward and completed the swearing in process. Congratulations and applause was given.

Ray Murphy from 8402 Estero Blvd. came forward to say goodbye to the Council. He congratulated Bill Thomas and Bill Van Duzer as the new members of the Council. Also, Howard Rynearson for his election. He wanted to thank everyone for the best six years of his life. He hopes that the new Council members enjoy and work at this as they have in the past. He is proud of everyone and wishes the best of luck. Applause was given.

Mayor Hughes thanked Ray Murphy and stated that he looked forward to seeing him in the future.

**V. COUNCIL REORGANIZATION**

**MOTION:** Made by Councilman Howard Rynearson and seconded by Councilman Bill Van Duzer to make Daniel Hughes - Mayor and Terry Cain - Vice Mayor. **Motion passes 4 to 1. Councilman Bill Thomas dissenting.**

**Discussion:** Councilman Terry Cain expressed her thanks for this nomination. Mayor Hughes also adopted these remarks and appreciates the motion.

Councilman Bill Thomas indicated that the people nominated are very qualified, but he thought that it was the intent of the charter to have the Mayor on a rotating basis. This has been done in the past and he cannot support this motion.

**VI. COUNCIL COMMITTEE APPOINTMENTS: Regional Planning Council, MPO, TDC, Traffic Committee and Horizon Council**

Town Manager Marsha Segal-George announced that these are all Council appointed Boards and Committees. Elected members of the Town Council must hold the positions. She distributed the dates and times each of these Boards meet. She added that there is no emergency with regards to the appointments. If the Council would like to make these appointments at the next meeting it would not cause any harm.

Mayor Hughes announced that Councilman Howard Rynearson attended the Traffic Committee and TDC meetings. Ray Murphy was the representative for the Horizon Council, MPO and Regional Planning Council.

Mayor Hughes went down the line of Council Members to see the types of interest each member had for the committees. Vice Mayor Terry Cain and Councilman Bill Thomas expressed interest in the Regional Planning Council. Councilman Bill Van Duzer would like the MPO. Councilman Howard Rynearson would be interested in keeping the TDC and Traffic Committee, and both Mayor Hughes and Councilman Bill Thomas expressed interest in the Horizon Council.

Councilman Bill Van Duzer asked if there could be two members appointed to any of the committees, such as an alternate. Town Manager Segal-George believes that they do require alternates. If someone cannot make it the next person needs to be there to vote. She believes that the Traffic Committee and Horizon Council do not require an alternate.

**MOTION:** Made by Vice Mayor Terry Cain and seconded by Councilman Howard Rynearson to appoint Councilman Bill Thomas as the representative for the Regional Planning Council and Vice Mayor Terry Cain as the alternate. **Motion passes unanimously.**

**MOTION:** Made by Mayor Daniel Hughes and seconded by Councilman Bill Thomas to appoint Councilman Bill Van Duzer as the representative as the MPO with Councilman Howard Rynearson serving as the alternate. Councilman Howard Rynearson will be the representative for the TDC and Councilman Bill Van Duzer will be the alternate. Councilman Howard Rynearson will be appointed to the Traffic Committee as the representative. Mayor Daniel Hughes will be appointed to the Horizon Council as the representative. **Motion passes unanimously.**

**VII. DISCUSSION OF COUNCIL AREAS OF INTEREST**

Mayor Hughes announced that Janeen had prepared a memo with a list of the Council areas of interest. When the Town was incorporated they assigned these areas of interest to the five different seats. Therefore, over the years when you were elected to a seat you would inherit these areas of interest. He indicated that they do not feel this makes much sense. This may not be a person's area of expertise. He asked if they wanted to have areas of interest assigned to particular Council Members? He feels that they should continue. After talking with Town Manager Segal-George and Deputy Town Manager John Gucciardo it was decided that some of the categories are not relevant and out dated. It was decided that Town Manager Segal-George could submit a new list of categories at the next meeting. The Council can

review this before the next meeting and submit their preferences. The Council will designate the areas of interest on December 17, 2001.

**VIII. PUBLIC COMMENT ON AGENDA ITEMS**

None.

**IX. ADMINISTRATIVE AGENDA**

**A. Resolution: Certifying Election results**

Mayor Hughes announced that Resolution 1-01-36 certifies that Howard Rynearson, Bill Thomas and Bill Van Duzer were elected in the recent election.

**MOTION:** Made by Vice Mayor Terry Cain and seconded by Councilman Howard Rynearson to adopt Resolution 1-01-36. **Motion passes unanimously.**

**B. Presentation by Island Arts Association: A Seaside Celebration**

Carl Connelly of 2801 Estero Blvd. came forward. He approached the Council and passed out some literature. He sent a letter to the Town and also came before the Council approximately one month ago to discuss the formation of an Arts Foundation. They have received back from the Secretary of State the Articles of Incorporation. They have been granted a charter as a non-profit corporation in Florida. They are trying to bring an expanded venue of artistic events to the beach. No playhouse exists on the beach. You cannot always depend on donations. A brunch will be held on the beach. A lot of interest has been expressed. All performers will be local. He put in front of the Council a proposed budget, and they feel it can be stuck with. He has asked the Town to contribute \$1,000.00. The Arts Foundation is also preparing a consolidated calendar, which will try to reflect all events. He is asking that the Town consider their request and allocate whatever they can.

Councilman Bill Van Duzer asked staff if this money is available in the present budget? Mayor Hughes replied that it is.

**MOTION:** Made by Councilman Bill Van Duzer and seconded by Councilman Bill Thomas to approve the Town's contribution of \$1,000.00 toward the Seaside Celebration. **Motion passes unanimously.**

**Discussion:** Bill Thomas mentioned the discussion of conflict with the Chamber dinner on this evening. The Chamber dinner starts at 7:00 p.m. and this celebration ends at 5:30 p.m. He does not see a conflict.

**C. Presentation by Chris Swenson, CRSPE, Inc.**

Chris Swenson introduced himself as President of CRSPE. They were retained by the Town several months ago to do a study of the beach. He thanked the Town for the opportunity to work on this study. It has been a fascinating effort and a lot of fun. He thanked the Citizens Advisory Group, Chamber and all the other governmental agencies involved.

They needed to determine the technical feasibility of some concepts originally presented in a concept paper presented to the Town back in February. An initial projection of the costs and revenues was made to pay for these concepts. This was communicated with the effected governmental agencies, and began a very initial public involvement and public outreach effort. Finally, a stand-alone effort was made to determine the revenue generated in Lee County from the tourism on Fort Myers Beach. In direct expenditures each year in the Town of Fort Myers Beach they have \$194, 600,000.00. When people have their wages paid and they spend their

money it grows even further to \$327,000,000.00. He pointed out that these are conservative numbers. Only the first day's expenditures are included for seasonal residents. Lee County residents who come down for the day are not included.

The desirability of Fort Myers Beach as a destination is also at stake. The quality of life for Fort Myers Beach is the bottom line. The first steps in the process are very simple. Design a system able to accommodate the total demand. Developing the cost for the system is not that much more difficult. Developing fund options is more tricky, but even this is attainable. The designation of a combined package that can be supported by full-time residents, part-time residents, visitors, business community, Town Council and other effected governmental agencies is the most challenging. Fort Myers Beach solutions revolve around increased capacity. The solutions revolve around transit. Transit does have the potential to provide significant additional capacity. He does not normally propose transit alternatives.

He expressed that they need vehicles outfitted for beach goers. They need to consider vehicles that are unique to an island setting. A suggestion was for an open-air tram down Estero Blvd. They also need to look at the possibility of ferries. Enhanced on island service, so people can get around once they get to the beach. Very importantly they need to enhance the pedestrian and bike friendly elements of the island, so people have alternatives to the car. He took them to Vail, Colorado and explained that they have a Town that is doing very much what is being proposed for Fort Myers Beach. He went into great detail about their transit system and why it works so well. You can go to [www.nextbus.com](http://www.nextbus.com) to review further. It is installed in about 12 transit systems across the United States. It is real time information. It works and makes their transit system very viable. The remote intercept lot would be most likely in the Summerlin/San Carlos area. Long term they would be looking at needing capacity of about 750 to 1000 vehicles. This would make a huge difference in the traffic coming on to the island. He indicated that they would be looking at a parking deck, and this also makes a great hurricane shelter.

The operating costs would included a trolley service operating from 5:00 a.m. to 1:00 a.m. - 10 to 15 minutes between trolley's. The annual cost would be approximately 2.8 million dollars. It is not that cheap, but compared to capital improvements it is not that expensive. He explained that the entity will normally contract to own the system after five years of use. They included \$25,000.00 a year for maintenance. Depending on technologies that exist in five years the cost may go up and down. Annual operating cost of approximately \$100,000.00. He indicated that this is a very good buy. They took a look at the grant potential. The grant potential for operating costs is very poor. He indicated that they would need to pay for the operating costs themselves. He expressed that there may be grant dollars available for the parking structure. If they need to annualize it over a 20 year period they would be looking at about 1 ½ million dollars a year. They also have the option of pay as you go. Grant opportunities are available for toll facilities. He also feels that they have some strong grant opportunities on the trolleys. Lee Tran has told them that they think FTA would look favorably on this. A lot of good ideas exist in the current Streetscape Plan for the pedestrian, bike and trolley stop. The numbers can be massaged quite a bit, but they wanted Council to be aware of the figures, and this is why they have a 4 million dollar placeholder.

How does this get paid for and balance the use between two modes? Tolls need consideration. There is no magic pot of money, and competition for State and Federal dollars is at its highest. The tolls will help drivers move on to transit. They needed a starting point to discuss the types of rates to be charged. He discussed the Sanibel tolls. For every car that crosses the Sanibel Causeway the County collects an average of \$1.86. They developed a toll system, for study purposes only, for the Town of Fort Myers Beach. This was based on Sanibel. The average toll would be \$1.07. The off-peak season toll average would be .87 cents and peak season would be \$1.46. Peak season full toll average is \$2.03, off peak is \$1.31 and annual \$1.62. This is about ½ of Sanibel's \$3.00. If you have a discount the peak would be .67

cents, off peak .51 cents and annual is .56 cents. This is compared to .97 cents for Sanibel. Peak tolls (January to April) \$4.00 and discount \$1.50. He referred to a graph being shown to the Council. The highest the toll would be at times other than January to April would be \$3.00 and \$1.00. This would bring in annual revenues of about 7.5 million dollars. The majority would be toll revenue. It balances will with the needs. Numerous other options exist. He indicated that the toll facilities would fit. He discussed some types of rebates for the Town citizens, so they are not impacted totally by the tolls. He discussed other revenue sources.

Where do they go now? The question needs to be should they go ahead and try to do this? Do they want to make the existing situation better? The work done to date has been based on a limited amount of public involvement on existing studies. More information needs to get back to the citizens on Fort Myers Beach. The specifics of how need to be developed, if the decision is made to move forward. They recommend the Council consider implementing some of the transit elements as soon as possible. The Next Bus for \$100,000.00 is a bargain given what it could do for the Town of Fort Myers Beach. They recommend starting discussions with Next Bus now to see what they could get in as soon as possible. Grant money is available to the Town for this study. Money is available for the Town to go much deeper in this project.

Chris went on to discuss open road tolling. This is simply a way to collect tolls and all that is needed is an overhead gantry, which is the same type of mechanism that holds a road sign. A transponder reader, camera and some fancy software to collect the tolls. He gave his opinion on why this may be a more viable option than the last time they talked. He showed the Council a shell of a current Lee County transponder. Sun Pass uses the same system. He expressed the Governor Bush has indicated he is very interested in this concept of open road tolling. The electronics have accelerated considerably, and the interest of the State is there.

Town Manager Segal-George expressed that as soon as they receive notification of the certification they will also receive a three party agreement from the State. The Council will need to decide whether or not they want to accept these grant monies. This will come some time in December. If it is accepted the next step would be to advertise for proposals of firms to do the work under this grant.

#### **D. Discussion of Council support for Lee County over-pavement project on Estero Boulevard**

Town Manager Segal-George indicated that they have a memorandum in their packets. This is the Estero Boulevard shoulder work roadway enhancements. It is for the part of Estero Boulevard that is owned by Lee County. She mentioned one error in the memo. Dakota south should be changed to Donora south. There is far more of the project. Metro Engineering did do the specs for north Estero Boulevard, which is owned by the Town. The only issue is that the Pink Shell will be building new buildings. They do not want to repair Estero Blvd. until they are complete with some of their construction work. They will need to go down and talk to Pink Shell to discuss the time line. She indicated that Councilman Ryneerson has been working on this for a long time. He has worked really hard. The County is asking for the Council to reaffirm their support for the project.

Mayor Hughes expressed that this is a good memo. He appreciates the work that Councilman Ryneerson has done on this.

**MOTION:** Made by Councilman Howard Ryneerson and seconded by Vice Mayor Terry Cain to show support to the County regarding the Lee County over-payment project on Estero Boulevard. **Motion passes unanimously.**

**Discussion:** Councilman Ryneerson explained that from Donora north there will be a lot of drainage. This will be taken block by block and will eventually go all the way. He indicated this should start some time after Easter.

Mayor Hughes commented that this does not involve any commitment of funds by the Town for contribution of this work.

**E. Direction requested on potential Sheriff/EMS/Park addition at Lynn Hall Park**

Town Manager Segal-George indicated that this is a project that has been in the works close to a year. This came up as a way to try and replace the existing trailer at Lynn Hall Park. This option was to look at whether or not the bathhouse at Lynn Hall Park could be expanded. A couple weeks ago Councilman Ryneerson presented an option to the Council, which was Option #3. The Council gave direction for her to find out from the Architect the cost to take it to the point of getting sufficient detailed drawings to obtain construction estimates. Also, they could determine whether or not it could be permitted by DEP. They have come back with a figure of \$15,700.00, which will get them to the point of sufficient detail to go to the County, Sheriff's Dept. and Fire Dept. for discussion.

Mayor Hughes questioned who the other agencies would be to make this project work? Town Manager Segal-George replied that this would be the Sheriff's Dept, Fire Dept., County and the Town. There is also a possibility of TDC and County Parks. The agreement would be between four parties.

Mayor Hughes asked if the Council was being asked to approve the \$15,700.00 as well as the \$32,500.00? Town Manager Segal-George replied no.

**MOTION:** Made by Councilman Howard Ryneerson and seconded by Councilman Bill Van Duzer to authorize staff to enter into a contract with Parker/Mudgett/Smith Architects to accept their proposal for the preliminary design construction costs estimate for \$15,700.00. **Motion passes unanimously.**

**Discussion:** Councilman Ryneerson had lunch with Captain Erne about three weeks ago. A discussion was held regarding the old trailer existing. He has figures on leasing a new trailer. He indicated that the Sheriff's Office has no difficulty staying in this trailer, as long as it was safe. A firm has indicated that it may not be safe. He suggested to the Captain having a contractor come in and give them figures to look at the structure of the bottom of the trailer and fix the leaks. They could try to leave this trailer in place vs. leasing another trailer. The repair option would be much cheaper. At a later date they can discuss paying this bill, so they will not have to lease another trailer.

Mayor Hughes asked for the timetable, if everything should go well? Councilman Ryneerson feels it could take up to 2 years.

Councilman Ryneerson went on to give figures. To lease a trailer for lease purchase is \$27,325.00. A lease agreement is \$20, 493.75. If they leased it by the month they would be paying out \$955.47. This is an old estimate. For a lot less they can make the trailer structurally sound.

Town Manager Segal-George has had discussion with Councilman Ryneerson and prefers not to be involved with the repairs. She does not want to pick up the liability  
Mayor Hughes indicated that they will wait for further feedback on this issue.

**F. Public Hearing: Ordinance 01-08 - Cable Franchise Fee Agreement**  
(Final public hearing on December 3, 2001)

Town Manager Segal-George read Ordinance 01-08.

Deputy Town Manager John Gucciardo indicated that the Council has been copied on different versions of a proposed ordinance, and also a Franchise Agreement that would run in tandem with the ordinance. They are attempting to put the Town in a position where the cable service now presently being provided by Comcast will continue beyond the end of this year. This is when the current agreement expires. The ordinance before Council is a mirror image of the ordinance now in place at the County level. The second document is a Resolution prepared by Town Attorney Dick Roosa, which is slightly different than the Franchise Agreement originally proposed. The logic behind the changes is that the Resolution would be used to grant the actual Franchise Agreement, and can be used to modify, if necessary, any of the terms of the ordinance. Since the last meeting they have had an opportunity to review the document delivered by Comcast. A meeting was also held this afternoon to go through some of the proposed changes. They are recommending to the Council that they proceed with the public hearing, and continue this item for consideration on December 3. Also, to continue the item potentially until December 17. This is well within the time period that they need in order to have it resolved before the end of the calendar year, and will allow them more time for Attorney Dick Roosa to get with the Comcast attorneys.

Mayor Hughes opened the public hearing. He announced that this will be continued until December 3, and also to December 17. Hopefully, it will be finalized on December 17.

**G. Continuing discussion of Cable Franchise Agreement**  
(Final discussion on December 3, 2001)

Mayor Hughes indicated that this item will also be continued for the next two meetings.

**X. COUNCIL MEMBER ITEMS AND REPORTS**

**Councilman Bill Van Duzer** - He would like to have the discussion of public comment on non-agenda items to placed on a future Council agenda for consideration. He would also like to see the lot split ordinance come back before the Council. His concern is that this is in the Comprehensive Plan and there is no way for a resident to address this without going through a lengthy and costly process. He is not looking to change the ordinance, but to change the requirement. He ran on the basis that he believes in private property rights, and he feels what has been done in this particular case has violated those considerably and would like to see it addressed.

He thanked his family members for being present on this special occasion.

**Vice Mayor Terry Cain** - Thanked Mayor Hughes and those members of the community who went up to Tampa for the ranking of the Estero Bay projects to try and get the Estero Bay Project back on the "A" list. The meeting went very well. The final vote will happen on December 5.

Mayor Hughes, Councilman Ryneason and herself went to the Florida League of Cities meeting on November 8. This was a very interesting meeting because the Marketing Manager for the Florida League of Cities Department of Financial Services was present. All gained new incite on different things that could possibly be done for the community financially.

Enchanted Evenings is coming up for the Mound House. Saturday, December 8 from 5:00 p.m. until 9:00 p.m. and Sunday, December 9 from 5:00 p.m. until 9:00 p.m. Music and luminaries will be present. They have been told that the big boats will not make it as far down to the Mound House.

Saturday was a great day at Lovers Key for Great Outdoor Adventure Day. They opened up a new walking and biking trail. It was attended by quite a few people.

Sunday the 11<sup>th</sup> she was at the pier for the Veteran's Day Ceremony. It was very

moving.

CELCAB is doing lots of new neat things. The Mound House will be looking a lot prettier very soon on the outside.

MRTF is an amazing group of people working hard. She indicated that they will be seeing a Canal Survey coming out in the Beach Access.

She also went to a meeting for the canoe and kayak trail. Some professionals came down from Canoe and Kayak Magazine. They spent time kayaking on Fort Myers Beach. One is from Virginia and the other is from North Carolina. They loved the area, and she feels that it will be a great asset to the community.

**Councilman Bill Thomas** - He mentioned that he would also like the public to speak on non-agenda items at the beginning of a meeting. He made a statement to the News-Press, if he was elected this is one of the issues he would like to do.

November 11, he was on the Pier and also attended the VFW Hall. He indicated that this was a very impressive ceremony for the veterans that have done so much for this country.

**Councilman Howard Rynearson** - He feels that since they are a newly formed Council and are going to be live on TV he feels that they should be wearing coats, ties and dress slacks. When they represent the Town they should look professional. It does not apply to staff at this point.

**MOTION:** Made by Councilman Howard Rynearson and seconded by Mayor Daniel Hughes that the Council should dress in coats, ties and dress slacks for future Council meetings. **(Motion was not completed)**

**Discussion:** Councilman Van Duzer commented that he will go along with any decision made. He is opposed. He was told if he was fortunate to get on the Board it would not be the requirement to wear a tie.

Attorney Dick Roosa indicated that a Motion is not necessary at this point. They will treat this as a recommendation from Councilman Rynearson. If it proves not to work they will need to formalize it in the form of a motion.

**Mayor Daniel Hughes** - Mentioned the Southwest Florida Meeting and indicated that it was a good meeting. It is a very good organization and they are receiving good input from the monthly meetings. He recommends that the two new Council Members join in attendance of these meetings.

Attended the VFW celebration that Councilman Thomas referred to.

He expressed that his wife is present at this meeting and it is their 46<sup>th</sup> wedding anniversary. (Applause was given)

Received a couple of nice letters. One is from the Department of Environmental Protection and refers to the matter that Vice Mayor Cain commented on. A hearing is set for December 5. It is a very important matter.

Another letter was received from the Alzheimer's Resource Center thanking Mayor Hughes for forwarding the Proclamation that was adopted by Council on Alzheimer's month.

## **XI. TOWN MANAGER'S ITEMS**

**Town Manager Segal-George** - Announced that Barbara Hill and Rebecca Harris are present with the possibility of putting up a Memory Tree with lights at the point at the Mound House.

Rebecca Harris, Director of the Fort Myers Beach Cultural Museum and Environmental Learning Center, came forward. At the October 15<sup>th</sup> meeting of CELCAB the members agreed

to have special holiday events planned at the Mound House. The theme is Enchanted Evenings at the Mound House and will be held over two consecutive nights.

At the November 12<sup>th</sup> meeting the CELCAB members voted to allow advisory board member Barbara Hill to investigate the possibility and feasibility of incorporating a special tree complete with lighting ceremony for their holiday celebration. She is present today to answer any questions that may arise from Barbara's request.

Barbara Hill came forward and indicated that she currently serves on the CELCAB Advisory Board, and is past president of the Fort Myers Beach Pilot Club. She is present to ask for the help of the Council to purchase an 18-foot fresh cut tree from Canada. It would be delivered the first week of December. She has received a price of \$775.00, which includes delivery, securing it for stability and all of the lighting. After the holidays the Town would be responsible for dismantling it and disposing of it. This was her idea and she felt this tree would be appropriate to remember the victims and families from the events of September 11, 2001. Since the tree will be located on the Mound House property and lighted each evening it can be enjoyed by the whole community. She received a very generous price for the tree. The tree should have cost much more. Semmer electric will provide everything needed at no cost. Everyone she has spoken to would be glad to help and support it.

Town Manager Segal-George expressed that there is sufficient dollars in the budget, if this is an expenditure the Council wishes to approve.

**MOTION:** Made by Councilman Bill Thomas and seconded by Councilman Howard Rynearson to spend \$775.00 for the tree plus the cost of dismantling and disposal.  
**Motion passes unanimously.**

Rebecca Harris invited Council to attend the Tree Lighting Ceremony on December 9 between 7:30 p.m. and 8:00 p.m.

**Deputy Town Manager Gucciardo** - Discussed the fund raising effort being run by the west district of the Sheriff's Office in memory of Deputy Michael Shostak who had been assigned on the beach. He would like to have the camera crews and print media to help publicize the fund raising effort by the Sheriff's office. He is also asking if the Town Council would like to consider making a donation. He has copies of this flyer for the media.

**MOTION:** Made by Mayor Daniel Hughes and seconded by Vice Mayor Terry Cain for the Town to give to the Deputy Shostak Fund in the amount of \$2,000.00 payable to First Union National Bank.

## **XII. TOWN ATTORNEY'S ITEMS**

Attorney Dick Roosa has been notified by the County attorney's office that the last public hearing by the Board of County Commissioners on the school impact fee ordinance will be November 27<sup>th</sup>, if any of the Council Members have special interest in attending.

Mayor Hughes questioned if they would be adopting the same as the County? Town Manager Segal-George replied that they were going to be consistent with them.

Mayor Hughes is in favor of this impact fee. Attorney Dick Roosa expressed that he does not feel it will carry a great deal of influence if a member of this Council appears. It has been pretty much decided. Mayor Hughes would be willing to send a letter showing their support.

### **XIII. APPROVAL OF MINUTES: October 15, 2001 and October 22, 2001**

**MOTION:** Made by Councilman Howard Rynearson and seconded by Vice Mayor Terry Cain to approve the minutes of October 15, 2001 and October 22, 2001. **Motion passes unanimously.**

### **XIV. PUBLIC COMMENT**

Tom Cameron agrees with moving public comment to the beginning of the meeting. He mentioned that he is a 12 year resident of Curlew St. He is present to propose information to the newly elected officials for consideration on behalf of the resident families on this island. He read Section 34-691 of the existing Zoning Code. He also read his letter that he wrote to the editor. He agrees with the single-family applications. If it applies to the permanent residence as a single family then the renters should be single families. This is his point.

Town Manager Segal-George replied that the LPA has been working with this subject of short-term rentals. Key West and other areas have tried to deal with it, and it is subject that is very difficult to deal with. The LPA did have a workshop and Mr. Cameron did attend. She does not feel anyone has any great fixes or real answers. There are a number of issues that need to be resolved. The hope is to come back with something in the Land Development Code that will give a tighter definition. There is an issue of those who buy property for investment purposes and use them as rentals. It is not a subject that has easy solutions. She indicated that Council will be speaking with the LPA on this matter. No real good answers exist at this point.

Mayor Hughes indicated that these are matters that are pending at the LPA level and will be coming to the Council. All matters that Mr. Cameron brought up are very serious and valid concerns. Hopefully, they can arrive at a reasonable solution for everyone.

Joe Croker came forward and expressed his opinion on the dress code. He does not feel that it is absolutely essential, but does understand where Councilman Rynearson is coming from. His conclusion is not what the Council looks like when a decision is made, but what the community looks like after the Council says what it says.

Dan Parker indicated that Mr. Swenson's presentation was very nice. He gave a few facts regarding Vail. Vail is ½ mile by ½ mile. The Town was designed so the residents could get to their homes by driving an outer perimeter road. The question is driving time vs. cost to residents. He feels that this is the most important question that they should have. He does not feel that they should have an expenditures going out for this Bus System. Grants are taxpayers money and he hopes that they look at it in this respect. This Town is not designed like Vail, Colorado.

Garr Reynolds congratulated everyone on a good beginning for Council. He complimented Mr. Cameron on his presentation. It is a very appropriate subject and needs to be dealt with. Some strange things are happening. He mentioned that in the area where he lives some people have been sleeping in a tent for approximately one week. The Sheriff's office has been called, but the tent was there last evening. A number of vehicles stay on the public access of Dakota. They have been there for a week now, and he believes that they may be staying in these vehicles. He was awakened by slamming doors at 2:30 a.m. and called the Sheriff. When a resident calls he feels that they should receive action faster. He suggested talking to District 4. He wished everyone the best and asked that they keep the residents in mind. He was very happy to be associated with the members of Council. (Applause was given)

**XV. ADJOURNMENT**

The meeting was adjourned at 5:30 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