

**FORT MYERS BEACH
TOWN COUNCIL MEETING
DECEMBER 17, 2001
REGULAR MEETING
Town Hall - Council Chambers
2523 Estero Boulevard
FORT MYERS BEACH, FLORIDA**

I. CALL TO ORDER

The regular meeting of December 17, 2001 was opened by Mayor Daniel Hughes on Monday, December 17, 2001, at 6:30 p.m..

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

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 WILLIAM DODD, ST. RAPHAEL'S EPISCOPAL CHURCH

Reverend William Dodd gave the invocation.

IV. PUBLIC COMMENT

Tom Cameron came forward from Curlew St. on Fort Myers Beach. He is coming forward this evening to give public input to help Council make decisions. He has recently been to several social and political functions and was surprised to see how many people are unaware of the single family residential rental arena. He gave examples of a softball team, volunteer fireman's group, three families in one home and eight singles consisting of four girls and four guys. These have all been personal experiences from his neighborhood. None of these rentals were single family occupants. He would like Council to consider this over the holidays.

V. CONSENT AGENDA

A. Review of Financial Reports: November 2001

B. Professional Services Agreement: Spikowski Planning Associates

MOTION: Made by Council member Howard Rynearson and seconded by Vice Mayor Terry Cain to approve the Consent Agenda.

VOTE: Motion passes unanimously.

****Mayor Daniel Hughes adjourned as Town Council and reconvened as Town of Fort Myers Beach Public Works Services, Inc. Board.**

A. Resolution on election of officers

MOTION: Made by Vice Mayor Terry Cain and seconded by Council member Howard Rynearson to nominate the slate of officers as set forth in the resolution included in the Council packets.

VOTE: Motion passes unanimously.

****Mayor Daniel Hughes adjourned as Town of Fort Myers Beach Public Works Services, Inc. Board and reconvened as Town Council.**

VI. ADMINISTRATIVE AGENDA

A. Council reorganization on areas of interest

Mayor Hughes indicated that he would follow the approach suggested by the Town Manager, if no objections were heard from Council. None were heard.

Vice Mayor Cain indicated that she was already involved with 1, 2, 11 - 3 & 4 under subject matter.

Mayor Hughes questioned if there should be a Town Council member that is a liaison for any of the other committees. He feels that it has been working fine the way it presently is. If this is formalized they would need to amend an ordinance. This was confirmed by Attorney Dick Roosa. There is no actual committee that requires a Town Council member on it.

Town Manager Segal-George expressed that she did some large groupings with regards to subject matter. It may be that more than one Council member could be involved in a couple of the groupings.

Mayor Hughes indicated that this will be reviewed and sent out. If everyone is in agreement it can be approved or discussed at the next meeting. All Council members were in agreement.

B. Public Hearing: Ordinance 01-09 - Cable Ordinance

C. Continued discussion of Cable Franchise Agreement Resolution

Mayor Hughes indicated that Item B & C would be combined together.

Attorney Dick Roosa expressed that since the last meeting he met with the attorney for the cable company over the telephone. Some changes were made to the ordinance and most do not apply to the Town. The ordinance of the County was taken and when you take a County ordinance and adapt it to a Town there are some items that are not applicable. All changes have been made and there is a memo with a list of all these changes. However, he is not ready to present this to Council until it has had the review of Comcast. He recommends that they hold the public hearing and continue this public hearing until January 14, 2002.

Mayor Hughes asked if anyone wished to address the Town Council on the ordinance establishing the television cable franchise. No one came forward. This public hearing was continued until January 14, 2002.

Mayor Hughes asked if they need to extend the existing Franchise Agreement. He understands that this will expire on December 31, 2001. Attorney Dick Roosa replied that he was told this goes until January 13, 2002. This date is on a Sunday and he feels with them meeting on January 14 they will not need an extension.

D. Discussion of options on Crescent Street signage

Bill Morris came forward and expressed that he was retained by the Town to look at a situation with the signage for the Crescent Street area. This effects the traffic circulation getting off the beach, and promoting some traffic movement toward the gaming areas. The option that they have been exploring is the installation of approximately 12 different sign locations. This will give advanced warnings and advise drivers not familiar with the area the ability to make decisions for getting to their destinations. This would replace the existing signing scheme that has been in place for some time. It is designed to be a bit more simple and clearer than the multitude of directions that have been provided previously. Most of the signs will be 2ft. X 3ft. in size. The average cost per sign will be about \$800.00. These signs would be the standard DOT type. They would be green with white lettering to provide information for the drivers using the roadway network.

Mayor Hughes asked how many would be removed? Bill Morris replied that he is not sure.

Council member Thomas asked if they had thought of having color code on the signs? Would this be a benefit to the driving public? Bill Morris replied that there is some benefit to using color schemes. The only difficulty is making people aware of what scheme is for what purpose. They are going to use the standard traffic guidelines that are set forth by the federal government for informational

signs used on roadways. Most drivers are familiar with this coloring scheme. There are some instances

where they are referring to the gaming boat, and these will be a split color for a recreational type purpose. He is not 100% certain that this is correct.

Council member Van Duzer questioned how high they will be? Bill Morris replied that the bottom of the sign is required by State and Federal standards to be 7 feet above the ground and sidewalk. The sign edge is required to be 2 feet from the edge of pavement or from the travel lane.

Mayor Hughes discussed the approval of temporary signage for Seafarer's. He asked where this fits in? Town Manager Segal-George replied that they could look at this. She does not feel the signage for Seafarer's would have any impact. This will be just temporary.

Mayor Hughes asked how long it would take to get the signs? Bill Morris replied that this would be done under a contract situation. He is unsure how long it would take.

Town Manager Segal-George expressed that this would probably need to go to bid and would take at least 3 months.

Vice Mayor Cain commented that Crescent Street seems to have too many signs presently.

Town Manager Segal-George indicated that they were trying to deal with the problem of all the signs at the corner of Estero and Crescent. They were trying to move this signage around, so it would have some value. Anyone who presently comes to this corner gets confused with all the signs and this does not accomplish a lot.

MOTION: Made by Council member Bill Van Duzer and seconded by Council member Howard Rynearson to instruct staff to proceed with this project for approximately 12 signs at the estimated cost of \$800.00 each. This motion to include a review with the Times Square Merchants and with their approval it should go for immediate bids.

VOTE: Motion passes unanimously.

E. Introduction of Ordinance 02-01: Land Development Code Chapters 1, 2, 6, 14, 22 and 26

Mayor Hughes began by reading the heading for the above ordinance.

Bill Spikowski, Planning Consultant for the Town, came forward. He indicated that this evening they would like Council to formally set the two public hearings to adopt this ordinance. The first date selected would be January 7, 2002 at 6:30 p.m.. The second would be February 4, 2002 at 6:30 p.m.. The Local Planning Agency held their formal public hearing last Tuesday. Council will be provided a memo by the end of the week including a summary of their comments and motions concerning this ordinance.

He went on to comment on two other changes. One is that the Marine Resources Task Force, on Wednesday evening, went over some additions to this. They are including the Beach and Dune Management Ordinance into Chapter 14 of the Land Development Code. It is so closely related to the sea turtle provisions it did not make sense to have one in the Land Development Code and one out. This Task Force has also been working on dealing with a new problem that the DEP is no longer issuing a number of the permits the Town used to defer to. On Wednesday they approved a solution to this problem that they would like to adopt as part of this ordinance. The Town would be establishing its own permitting process for beach raking. The other change is regarding the enforcement provisions in Chapter 14.

Mayor Hughes discussed Chapter 26 on boathouses. He indicated that they would need to be brought into compliance with current regulations by January 1, 2004. Do they know where they are and do they get notice of this? Bill Spikowski replied that they do not have an inventory of where they are and they do not intend to provide individual notice. The LPA discussed this provision at some length and they were concerned that this time period will be less than two years. The LPA was divided if this should be extended one year or several more years.

Council member Van Duzer also has concerns with the boathouses. How will this be enforced? Bill Spikowski replied that there are two ways. One way is that it will continue to work the way it presently

does, and nothing will be happen unless someone calls in a complaint. The Town could send out the enforcement officer out to identify ones that would be in violation.

Mayor Hughes indicated that this will be set for the first public hearing on January 7, 2002 and for the final public hearing on February 4, 2002.

F. Introduction of Comprehensive Plan Amendments

Bill Spikowski came forward and indicated to Council that this is the time of the year to decide which amendments to the Comprehensive Plan they would want to consider next year. He expressed that the only one they will have to do is number 1, and this is a state mandate. It has been done each year and is updating the capital improvements element. The Council has discussed previously the substandard platted lots. This is now the subject of litigation and he has described in his memo a couple of alternatives.

Mayor Hughes felt that these should be handled individually. Number 1 will be handled due to it being a requirement. He asked for Council's input on Number 2. It could be revisited and he is unsure if his position will change. He does feel that it merits a further review.

Council member Van Duzer would like this to be readdressed. He suggested some discussions on this. He has reviewed both cases and he feels one has merit and the other does not.

Council member Rynearson would like to know how many cases they would be dealing with before they go much further. Mayor Hughes replied that this is being looked into.

Mayor Hughes asked for any opposition from Council on this matter. None was heard. He asked Bill Spikowski to look at the various alternatives on revisiting the policy on substandard platted lots.

Bill Spikowski expressed that there will be a public hearing before the LPA and one before the Council. At this point if Council does not want to proceed it can be turned down. If Council does want to proceed it will go up to the State for review and a second hearing from Council.

Bill Spikowski went on to discuss the third item, which is new. It has not been considered by the LPA because this came up at the last minute. The Town's attempt to purchase the Newton Property with Florida Community Trust money fell just a little short. The State gives special consideration for projects that further a Town's Comprehensive Plan in regards to the scoring. With some fairly minor changes to the plan they feel the score can be improved for next year. This will hopefully be enough to obtain this grant.

Mayor Hughes feels that this is something they should go forward with. He asked for opposition from Council. None was heard. They will move forward with this item.

Mayor Hughes thanked Bill Spikowski for his very fine analysis and memo.

G. Discussion of Times Square Maintenance MSBU

Council member Thomas brought to the attention of Council that the memo forwarded to them for this matter is unsigned. He does not feel that this is a practice Council should be getting involved with.

Attorney Dick Roosa replied that Council should consider this.

Mayor Hughes does not have a problem with this in this specific case. He is familiar with where it is coming from. He indicated that Council member Thomas has a good point in general. He feels that in this situation it was an over site.

Council member Rynearson would like to continue this to the next meeting. They would be able to get some input and possibly put some conditions on this.

Anita Cereceda came forward and indicated that she did fax this document. She was running late and trying to get it forwarded to Town Hall to be included in Council's packet. She would be happy to sign anything to confirm this matter.

Vice Mayor Cain would like to discuss this matter and would like them to come to some kind of conclusion and solution. She was hoping that they could achieve this tonight.

Anita Cereceda feels that there is no solution. Whatever decision is made will be enforced. The issue is very simple. Businesses that are not directly attached to this project are being assessed a maintenance fee. The new issue that has come forward is when improvements began on Old San Carlos Blvd. will all businesses in the Times Square downtown area be assessed part of the tax initiated for the improvements on this street? The Town is in need of clearing the books and how do you

accomplish this when people are unwilling to pay. One of the huge points of irritation for everyone was that they received a bill in April that was retroactively charging them for maintenance. The compromise that was discussed was if Council were able to forgive 1999, and then they would pay 2000.

Mayor Hughes decided to take the first issue of a waiver. Town Manager Segal-George indicated that the 1999 merchant share would be \$17,409.50.

Town Manager Segal-George indicated that Janeen has been in contact with the auditors on this matter. Since 1999 they have placed on their books the expectation of these revenues coming in from the merchants. These were built into the budget. If they cannot get 1999 and 2000 closed by December 31, 2001 they will have an audit exception with regards to these two revenue amounts. She also discussed that they have had to transfer money into this account from the general fund in order to pay for maintenance. They have now transferred \$20,000.00 from the general fund to this account in order to pay maintenance. She has two ways of collecting funds. One way is to threaten, and they have tried this and been less than successful. The property can have a lien placed on it. The restaurant tables can be taken away. These would be policy types of direction that she would need to have from Council.

Council member Rynearson asked when the ordinance took effect? Town Manager Segal-George replied that it was July 1, 1999.

Town Manager Segal-George explained an idea that was brought to her by Vice Mayor Cain. If a merchant would come current for 2000 by December 21, 2001 this was excuse the payment for 1999. If they do not do this they will still owe for 1999.

Attorney Dick Roosa explained that the traditional way of collecting assessments is to place a lien against the property and then foreclose on the lien.

Council member Thomas feels that the merchants should pay all the maintenance. This was in the budget and he does not feel that they should start exempting people from back taxes. He feels that they could give an incentive that they will not be charged interest. If they do not pay on time they should begin charging interest.

Council member Rynearson feels that Vice Mayor Cain has a good idea. He asked if she could amend her suggestion and take it back to when the ordinance started. They would be forgiving ½ of a year when there was no ordinance.

Town Manager Segal-George commented on how they would compensate those who have already paid. She has talked to the auditors and they have a process where they would offer credits against 2001.

Much discussion was held regarding those who have changed ownership over the past few years and whether or not they should be assessed. Town Manager Segal-George commented that it is her understanding the ordinance reads that it is ultimately the property owners responsibility. If the businesses are not going to pay then the property owner will have too.

MOTION: Made by Council member Bill Van Duzer and seconded by Vice Mayor Terry Cain to inform those that have not paid for 1999 and 2000 that if they pay the entire billing for 2000 before December 31, 2001 the 1999 assessment will be forgiven.

Discussion: Council member Rynearson can support only half of the motion. The ordinance was in effect in July. He feels that legally they need to pay.

Councilman Thomas feels that they are rewarding people who do not pay their taxes on time and punishing those who do pay on time. He cannot support this.

Janeen came forward to explain that they are discussing the fiscal year of 1999/2000 and 2000/2001. If they are going to relieve half of the year it would actually be half of 1999/2000 and not half of 1999.

Mayor Hughes discussed that the initial billing that went out was from October 1, 1999 (after the ordinance) until September 30, 2001. The first bill went out in April of 2001 and covered the period from October 1999 until September 2001.

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VOTE: Above motion was withdrawn by Council member Bill Van Duzer and Vice Mayor Terry Cain.

Council member Thomas feels that if he were a merchant in the beautiful Times Square area where so much has been done he would be more than happy to pay the taxes.
Anita Cereceda pointed out that this is a special assessment.

MOTION: Made by Council member Howard Rynearson and seconded by Vice Mayor Terry Cain to forgive 50% of the 1999/2000 fiscal year. They must pay by December 31, 2001 in order to receive this benefit.

Discussion: Council member Van Duzer questioned if this will work.

Vice Mayor Cain is in favor of making this decision, but she is also in favor of being firm after December 31, 2001.

Council member Thomas does not feel that they should be giving up \$8,500.00 that was in the budget.

VOTE: Motion passes 4 to 1. Council member Thomas dissenting.

Mayor Hughes feels that they need to look at the ordinance and the method of assessment. There should be a provision for the future regarding the date for payment. You must pay within a certain time period or a penalty will be assessed.

Attorney Roosa commented that if the bill is not paid by the tenant they can place a lien against the property. He proposes that he brings a resolution to the January meeting imposing a lien on those properties where the payment has not been made.

Mayor Hughes questioned whether or not they needed to look at the ordinance. Town Manager Segal-George does not feel that the ordinance is defective. She mentioned that there was a lot of discussion with regards to how the tiers were organized. A lot of discussion was also between the Council and the merchants with regards to tiers. The lowest tier does not have any improvements in front of them, but they are paying based on the improvements around them. There are property owners that are sitting on a sidewalk across from the improved sidewalk that is not the Town's, and the Town has no responsibility with regards to it. She feels that the tier approach and how they were all assessed is still appropriate. There are a lot of things that are being done to this area that are not being included in the assessments.

Mayor Hughes replied that they will leave the ordinance as is. They will see if the Alliance or the Times Square Advisory Board comes before the Council to adjust the ordinance at a future date.

H. Update on Traffic Control and Trolley plans for season

Mayor Hughes announced that they have a joint memo from Deputy Town Manager Gucciardo and Michelle Mayher.

Deputy Town Manager Gucciardo expressed that they wanted to bring Council up-to-date on some of the things they do on an annual basis to gear up for season. This includes working with the VOICE volunteers, Sheriff's office, auxiliary deputies and with Lee Tran. Certain areas MAY go over budget, because of some increased costs. They do not have the hourly rates for the Sheriff's deputies, and there is some talk of expanding the hours for the auxiliary deputies on the weekends. Lee Tran estimates are in and the hourly rates are slightly higher than last year. It has gone from \$32.00 per hour in fiscal year 2000 to \$37.00 in fiscal year 2001. This year it will be about \$40.00 per hour. The overall plan is the same. The VOICE volunteers will be used until 4:00 p.m. - 7 days a weeks. This will be supplemented by the auxiliary deputies coming in from 4:00 p.m. to 8:00 p.m.. It was suggested if enough deputies are available they can use them until Midnight on the weekends. The suggestion for Lee Tran is that they will go with four Trolley's and enhance the service by supplementing the .25 cent

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fee from Summerlin to the beach.

Council member Rynearson questioned having additional deputies during the holiday season. Deputy Town Manager Gucciardo replied that it probably cannot be done. The VOICE volunteers come at their convenience and most are not available during the holidays. He will see what can be done.

Vice Mayor Cain thinks that it would be great to have them from 8:00 p.m. to Midnight on the weekends. Deputy Town Manager Gucciardo replied that the idea came from the Public Safety Task Force. He feels that there is some merit to this.

VII. COUNCIL MEMBER ITEMS AND REPORTS

Council member Bill Thomas - Referred back to the December 3, 2001 meeting regarding confidential lawsuits. He has correspondence stating that this is violating the Sunshine Law. He asked for Attorney Dick Roosa to comment on this.

Attorney Dick Roosa replied that he believes there may be a misunderstanding. The amendment was an addition to the Council rules and procedures, which allows for the appointment of an attorney to represent a Town official in an otherwise statutorily classified action. This is an ethics complaint. Ethic complaints are confidential by State law until such a time that they have been resolved. Once they have been resolved they would become of public record. This procedure allows for an attorney to represent a public official, but it is in full compliance with the government and the Sunshine Law. The government and Sunshine excludes confidential matters.

On December 5th he attended the Florida Gulf Coast University - Getting results through performance management. Everyone from Council attended this meeting.

On December 9th - Celebrate the season holiday home tour (Fort Myers Women's Club) visited 7 homes. This was very impressive.

On December 9th - Enjoyed the luminaries and holiday tree at the Mound House. The Archeology Society and Pilot Club did a fine job.

On December 12th he attended and spoke at the Laguna Shores holiday party at Charlie Brown's.

On December 16th he attended the boat parade. He enjoyed this very much.

He wished everyone a Merry Christmas and Happy New Year.

Council member Howard Rynearson - Also went to the Mound House and luminaries. He feels that the Pilot Club and Service Clubs did a wonderful job. He went to a meeting where they were cut up terribly. Rebecca Harris has decided not to renew her contract with them. He feels that they should pay her, her salary for one month and terminate immediately or keep her for a month and see if they can find a replacement. His first choice is to terminate immediately. This is good business.

MOTION: Made by Council member Howard Rynearson and seconded by Council member Bill Van Duzer to pay the severance pay and give Rebecca Harris one months notice and terminate immediately.

Discussion: Council member Van Duzer was terribly upset by the information he had received. He feels that they should retain her services while they advertise for someone new. Hopefully, this can be done within the next 30 to 90 days.

Mayor Hughes announced that this is an unusual situation. There are people within the audience who have come to see if this matter would be brought forward this evening. This is not on the agenda, so they were unable to address this at the beginning of the meeting. If they vote on this matter the public will not be able to be heard.

Attorney Dick Roosa replied that the issue can be addressed to the Council members, if anyone objects to public input. Mayor Hughes asked for objections. None were heard.

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Mayor Hughes asked if anyone wished to address Council.

Ceel Spuhler came forward and read her letter to Council. Her recommendation as a member of CELCAB is that she fulfill her yearly contract. They would be fortunate to have this segment completed professionally. She has lead them on the right track. Her concern is that they will lose momentum. She would like Council to consider her to continue working through the archeological dig in January and

February.

Fran Myers came forward and indicated that she is the Chairman of CELCAB. She is unsure what to say and indicated that this is an uncomfortable situation. She agrees with a lot of what has been said by Ceel Spuhler, but does not feel that they will lose their momentum. The people who were hired to do the dig are very capable, and regardless of who is at the house the momentum of this dig will continue. It was a very uncomfortable night on Thursday. A lot of derogatory things were said. She hopes that this will not ruin what is upcoming for next years events. She has talked with the Pilot Club and plans to extend an apology to all of them. The items said at the last meeting were very unprofessional.

Roxie Smith came forward and indicated that she is also a member of CELCAB and a charter member of the Pilot Club. Fort Myers Beach Pilot Club was taken to task for no reason in her opinion. She indicated that they are a service club who were present to help and went beyond their expectations. She is very much afraid that some seeds for animosity between the Town and service clubs have been sewn. They are a community who loves the Mound House. She agrees with Fran and feels that the apology needs to come from the Town. She also does not feel that when an employee has decided to move on they should stay any longer than necessary.

Garr Reynolds came forward and indicated that he does not know Rebecca Harris very well. Some very fine things have been said about her. It seems to him that she has done some good things. It could have some long time effect on her future employment. He feels that Council should give a little time to see how things work out. He hopes that they do not have too immediate of a response. He suggested delaying this until the next meeting. Someone should speak with her to get her feeling on this matter.

Council member Van Duzer feels if staff can generate the feeling that this will not be a problem this could effect the decision being made.

Council member Thomas feels that an apology is in order. Rebecca Harris should be the one apologizing. They need to do what benefits the Town of Fort Myers Beach. They need to have a smooth transition.

Vice Mayor Cain also supported that this was an uncomfortable situation. Everyone was pretty surprised and taken back. Most people felt that the events were a success. Rebecca did not feel this way. She will not renew her contract and she would give staff guidance to begin to advertise again. She would like to see a smooth transition. Rebecca will move on to other employment, but this community will remain to support the Mound House. She does not want to alienate anyone in the community.

Mayor Hughes commented that he just found out about this situation on Friday. They spent much time filling this position. He is concerned about acting hastily when it effects the Town and the individual in question. He cannot excuse her comments. Her usefulness to the community is probably at an end. He does not feel that they should have a void. They need to use all efforts to try and find a replacement for the Mound House as quickly as possible. Let Rebecca know that as soon as they find a replacement they would ask for her resignation. He does not feel that they should act on this, this evening. He does not hold it against her that she will not renew her contract. He feels that she is being honest. He cannot support the motion as it is. He feels some wounds need to be healed.

VOTE: Motion fails. Council member Howard Rynearson voting aye. All other members opposed.

Mayor Hughes commented that the consensus seems to be that CELCAB should work to find a new Director as soon as possible. Town Manager Segal-George commented that CELCAB is a volunteer board and her staff would need to run the ad for this position. There may be a conflict between the desire for credentials and the Director position, which does require a person to do different things. She commented that Council may need to speak with CELCAB about this at the workshop. She would

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suggest delaying advertising until this time. The workshop will be held between CELCAB and Council on January 17, 2002.

Vice Mayor Cain suggested moving ahead and start advertising right away.

Town Manager Segal-George commented that she feels there has been great forward movement in regards to the Mound House in the last 7 or 8 months. She is sorry that Rebecca cannot see or understand that significant progress has been made. She will re-advertise for the position and use the same scope of duties as in the original ad.

Council member Rynearson feels that Rebecca Harris should apologize to the service organizations. Mayor Hughes will have Town Manager Segal-George discuss this with her.

Council member Rynearson wished everyone a Merry Christmas and Happy New Year.

Council member Bill Van Duzer - Discussed alarm systems on Fort Myers Beach. He would like some reasonable control. He has had conversations with the Sheriff's Dept. and the Town. He understands that there may be a process to leave a name and address with some authority, so if these problems exist they have someone to contact. He has had several instances in his neighborhood where alarms have gone off for days.

Vice Mayor Cain commented that there is a way to take care of absentee owners. This may fold into what is being working on for vacant homes.

Town Manager Segal-George will talk to Bill Spikowski and Attorney Dick Roosa will also look into this.

He wished everyone a Merry Christmas and Happy New Year.

Vice Mayor Terry Cain - Discussed the survey in the Beach Access. They have two canal surveys back at MRTF.

She went to David's art presentation. David is the artist making the John Mulholland Stewardship award. The structure is 8 feet long on a piece of wood. She discussed the structure to Council. It was very interesting and exciting.

Attended the Larry Castello service.

Attended the Historic Cottage to see the holiday decorations.

This morning there was an emergency CAC meeting in regard to the Tourist Development Council paying for an emergency Beach Renourishment at South Seas Plantation.

Mayor Daniel Hughes - On the 7th he had his first session at the Horizon Council. They had a 5 hour retreat.

He served as Howard's assistant serving orange juice at the Red Coconut for the fund raising breakfast.

The Chamber had a nice luncheon on the 13th at the Red Coconut.

The boat parade was held on the 15th. He also went to the Historic Cottage afterward.

On the 13th he and Deputy Town Manager Gucciardo met with Bob Jayne's. They met regarding the concerns of funding for beach renourishment. A good meeting took place. He has agreed to set up a joint workshop with the Town.

Last week he was on FOX T.V. regarding parasailing. This morning he was on WINK radio for an interview.

He suggested having a retreat before March 2002. Town Manager Segal-George will look into this.

VIII. TOWN MANAGER'S ITEMS

None.

IX. TOWN ATTORNEY'S ITEMS

None.

X. APPROVAL OF MINUTES: NOVEMBER 19, 2001, NOVEMBER 27, 2001 AND DECEMBER 3, 2001

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Corrections and changes to the minutes of November 19, 2001:

1. Council member Thomas - Page 9 - Motion needs to state vote: **Motion passes unanimously.**

MOTION: Made by Councilman Howard Rynearson and seconded by Vice Mayor Terry Cain to approve the minutes of November 19, 2001, November 27, 2001 and December 3, 2001 with a correction.

VOTE: Motion passes unanimously.

XI. PUBLIC COMMENT

Garr Reynolds came forward and asked when it would take effect that the public could speak on any matter before the meeting. It was responded by many that it took effect today. He discussed the Town policy of paying legal fees for Council members, Town employees and members of all Town Committees without revealing the reason for representation. He discussed a situation that had happened to him while on Council. He reminded Council of these events because on December 3, 2001 they passed a Town policy. He believes that by passing public disclosure of a complaint and keeping it a secret is breaking the Sunshine Law. Using taxpayers funds to defend a complaint that may not be as a result of his or her employment appears to be unlawful. He requests that Council bring this policy back to the next agenda for discussion and consider revising it. Merry Christmas to everyone.

XII. ADJOURNMENT

The meeting was adjourned at 9:30 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