

**FORT MYERS BEACH
TOWN COUNCIL MEETING
JANUARY 3, 2000
NationsBank, Council Chambers
2523 Estero Boulevard
FORT MYERS BEACH, FLORIDA**

I. CALL TO ORDER

Mayor Ray Murphy opened the meeting on Monday, January 3, 2000, at 6:30 p.m.

Council members present at the meeting: Ray Murphy, John Mulholland, Anita Cereceda, Daniel Hughes and Garr Reynolds.

Town Staff present: Town Manager Marsha Segal-George, Deputy Town Manager John Gucciardo and Attorney Richard Roosa.

II. PLEDGE OF ALLEGIANCE

All assembled recited the Pledge of Allegiance.

III. INVOCATION

Given by the Reverend William Dodd of St. Raphael's Episcopal Church

IV. PUBLIC COMMENT ON AGENDA ITEMS

Mayor Murphy gave Mr. Naylor a chance to speak early even though he would not be talking about an agenda item.

A. JOHN NAYLOR

Mr. Naylor, General Manager of the Best Western Pink Shell, thanked the Council for the opportunity to participate as a sponsor in the birthday party and the New Year's Eve celebration. He did not think it could have been a better event. They will be there again next year to do the same type of party or even refine it a little bit. He would like to suggest getting together with the people, such as Anita Cereceda and Capt. Erne, who were intricately involved with the event just to kind of recap it while it's still fresh in everybody's minds and perhaps in this way pick up ideas wherein they might improve upon it. He said it was a great party and he just had a wonderful time. Everybody behaved and he thinks the Town can certainly be proud of it.

Mayor Murphy thanked Mr. Naylor for his participation and stated he doesn't know if we could have done the event as well without his contributions.

V. COUNCIL REORGANIZATION

Nominations for Mayor:

Councilman Garr Reynolds nominated John Mulholland for Mayor and Chair for Council for the year 2000. He mentioned himself as Vice Mayor and Vice Chair for the year 2000, but then withdrew same.

Councilman Hughes nominated Ray Murphy for Mayor, noting that we had two outstanding candidates for the position of Mayor.

Mayor Murphy closed the nominations and voting began.

John Mulholland received 3 out of 5 votes and is now the new Mayor.

Council members praised Ray Murphy's term of office as Mayor and also commented on the reasons for their individual votes.

Nominations for Vice Mayor:

Anita Cereceda nominated Councilman Dan Hughes as Vice Mayor.

There were no other nominations for Vice Mayor.

Dan Hughes received a unanimous vote and is now the new Vice Mayor.

The remainder of the meeting was conducted with John Mulholland as Mayor and Dan Hughes as Vice Mayor.

VI. CONSENT AGENDA

A. Review of Financial Reports -- November 1999

MOTION: Made by Anita Cereceda and seconded by Ray Murphy to accept the financial reports. Passed unanimously.

B. Resolution on Charter Amendments

Pulled by Vice Mayor Dan Hughes.

Pointed out by Mr. Hughes was that in the second Whereas clause, it says "this ordinance is enacted pursuant to..." He asked Mr. Roosa if he were referring to the original ordinance 99-10 or to this resolution. He was told that "ordinance" should be changed to "resolution."

Deputy Town Manager John Gucciardo stated that they had checked the form of the resolution with the Elections Office, and what he has just handed out is a very slightly modified version of the one that was in our packets. The change is that Section I has the date of the election. Also slightly modified is the language in questions 1 and 2 so that they exactly reflect the language in the ordinance. For example, it now says that the election will be held on the Tuesday five weeks before the general election. Vice Mayor Dan Hughes noted that the original election in the Town could then be in September.

MOTION: Made by Dan Hughes and seconded by Anita Cereceda to accept the resolution with the charter changes. Passed unanimously.

VII. ADMINISTRATIVE AGENDA

A. Public Hearing: Community Resource Advisory Board

Councilwoman Cereceda asked to pull this from the agenda and bring it back in March after she has had a chance to write what this group is actually going to do.

It was determined that we could still open the public hearing tonight and then continue it to a date certain of March 20.

Public Comment:

None.

Public comment will be continued to March 20.

Mayor Mulholland read the ordinance establishing the Fort Myers Beach Community Resource Advisory Board.

MOTION: Made by Anita Cereceda and seconded by Dan Hughes to move the public hearing to a date certain of March 20, 2000. Passed unanimously.

B. Council Appointments

1. Local Planning Agency

Two seats are available for appointment to the LPA, as Bill Van Duzer and Dave Smith have completed their terms. Both members have requested reappointment to the LPA Committee. In addition, Carleton Ryffel has requested to be considered for appointment to the LPA.

Bill Van Duzer and Dave Smith have both been reappointed to LPA membership.

2. Marine Resources Task Force

Nine people wish to continue on the committee of the Marine Resources Task Force. This committee consisted of thirteen people and some have not responded. It was established that we still want thirteen members on the Task Force. Ginni Smith and Arden Arrington have not applied for reappointment, giving us two vacancies. John Naylor and Ilene Barnett wish to be considered for membership, as well as Sharon Faircloth, Russell Davison and Jerry Sternagel. Questioned was whether

there was anyone we felt might no longer be eligible for membership. No names were forthcoming.

The two new members who have been added to the Marine Resources Task Force are Sharon Faircloth and Russell Davison. Reappointed are Heather Stafford, Terry Cain, Joel Bellucci, Edwin Everham, Bill Perry, John Mulholland, Eve Haverfield, Tom Cameron, Joe Workman, John Naylor and Ilene Barnett.

3. Public Safety Task Force

Deputy Town Manager Gucciardo stated that the ordinance calls for nine people to sit on this board. Eight of the nine have asked for reappointment. Joe Browne left this task force about a month or so ago, leaving one vacancy. This vacancy is being sought by Carolyn Van Duzer.

MOTION: Made by Ray Murphy and seconded by Anita Cereceda to approve the appointment of Carolyn Van Duzer to the Public Safety Task Force along with the other reappointments. Passed unanimously.

4. Cultural and Environmental Learning Center

Town Manager Marsha Segal-George advised that everyone on this committee has asked to be reappointed except for Cindi Bear. This leaves one vacancy but there have not been any applicants for it. We have been advertising all of these committees and will continue to advertise this one.

MOTION: Made by Dan Hughes and seconded by Anita Cereceda that we cast a ballot for the eleven incumbent members of the Cultural and Environmental Learning Center who have expressed their desire to be reappointed. Motion passes.

Anita Cereceda advised that she had personally invited and requested two different residents of Connecticut Street to take the open position on CELCAB and, unfortunately, they have declined.

C. First Reading: Town of Fort Myers Beach Public Works Agency

Mayor Mulholland read the ordinance.

Town Manager Segal-George advised that this has been set for a public hearing on January 24, 2000.

D. Resolution: Budget Amendment

Deputy Town Manager Gucciardo stated that the CRA/DRA that we authorized was not originally a budgeted item, so when the '98-'99 budget was prepared it was not anticipated as a line item. The Council authorized bonding for up to \$500,000 for payments to the DRA. As a result of the audit, staff indicated that they had actually spent \$155,000. All this budget amendment does is authorize movement from reserved dollars to that line item to the DRA.

MOTION: Made by Ray Murphy and seconded by Anita Cereceda to approve the budget amendment resolution. Passed unanimously.

E. Approval of cleaning contract for Town Hall

Town Manager Segal-George said that a memo in our packets explains that they didn't feel that the cleaning being done was sufficient. Because they wanted more cleaning done, they got a price from our existing contractor and then went out to bid. The bid offered for approval is for more service for less money than we're currently paying.

MOTION: Made by Ray Murphy and seconded by Anita Cereceda to approve the bid for the cleaning contract.

Discussion:

Vice Mayor Hughes stated that in the contract in Section II under Contractor's Personnel the contractor has provided that they shall maintain worker's comp and liability insurance in an amount

acceptable to the owner, the owner being the Town. The certificate of insurance that is furnished in the package shows adequate public liability but it does not show any worker's comp coverage. He would suggest that our standard contract should provide that we either be given a certificate or actually be named as additional insured. The latter is much more preferable, because a certificate of insurance states right on it that you are given 30 days, but the notice imposes no obligation or liability of any kind upon the insurer for failure to give the notice. You could have somebody working here who didn't have liability or worker's comp and not know it unless you were named additional insured, and then they are required to give you notice. If you are just a certificate holder, they exculpate themselves with this clause.

Councilman Murphy suggested amending the motion to show those changes. Councilwoman Cereceda said that she agreed.

Mayor Mulholland stated that the motion was amended to include the changes to the contract as specified by Vice Mayor Hughes. Vice Mayor Hughes said he would also request that the Town Attorney get us a certificate that names us as additional insured, preferably, but at the very least a certificate that sets forth all the coverages required. Attorney Roosa, when asked, said he was in agreement with these changes and that he did not feel there would be any problem in getting what Mr. Hughes had requested.

MOTION: Made by Ray Murphy and seconded by Anita Cereceda to amend the motion approving the cleaning contract to include the changes as specified by Vice Mayor Hughes. Passed unanimously.

F. Discussion of pool facility rental options

Deputy Town Manager Gucciardo stated his hope that the memo included in our packets is fairly self-explanatory. They've had requests for use of the pool for private parties from approximately 7:00 p.m. to 10:00 p.m. It is the recommendation of staff that we experiment with this to see what happens. The pricing shown reflects only the cost of the Management staff that would be on hand to make sure that the facilities are operated safely. We're not looking to make a profit on this kind of thing. Mr. Gucciardo has outlined some policy issues that we can discuss tonight before going forward.

Issues discussed: making a profit, insurance, bonding, a standard waiver of liability, alcohol consumption, recorded music.

Attorney Roosa said he would discourage the consumption of alcohol at the swimming pool. Vice Mayor Hughes felt if alcohol consumption is done in moderation and we're protected in terms of liability coverage and waivers, he wouldn't have a problem with that. But he would suggest that we discuss with the Management Corporation their experience in these matters and what they've done in similar situations. If they feel that their personnel are not qualified or desirous of dealing with parties where alcohol is served, then he would have a different view. But if they have had some experience in these matters, do not find them to be a problem and feel that they can handle them, then he's not opposed to it. Councilman Murphy said if we're going to charge and try to make a little profit and the Town is protected from a liability standpoint, he doesn't think that a little alcohol in moderation is such a bad thing. He does feel, however, that the person giving the party should be required to fill out an application detailing the size of the group, whether there will be alcohol served and whether some higher form of supervision, such as an off-duty sheriff, would be required. Councilwoman Cereceda advised that in principal she, too, is not opposed to the consumption of alcohol, but she agrees that the best course of action at this point is to get professional advice on the situation.

Deputy Town Manager Gucciardo said that at this point he thinks he has pretty clear direction from Council that we're not opposed to renting the pool facility out. Staff can come back to us with specifics now on how the process would work, what requirements would be made both in terms of insurance and perhaps some options on bonding, as well as more specifics regarding what would be allowed and not allowed based on the experience that the Management Company has had. They can also put together some options for us on some premium charges above the operating cost and let us make a decision based on that. Mayor Mulholland asked if anyone had a problem with this suggestion and no one did.

VIII. COUNCIL MEMBERS ITEMS AND REPORTS

Councilwoman Cereceda said she will bring us an accounting of monies in and out for New Year's at our next meeting. She expects to be incredibly in the black, and that will largely be due to the efforts of her mother and father and their friends who stood all day long and sold T-shirts and managed to make about

\$5,000 for the Town of Fort Myers Beach instead of the Pier Peddler. It was an incredible event. She saw Chief Markus today and he was very pleased with the way things went. Ken Erne was also very pleased. We only had one problem, and that was with the flower girl who sells roses who insisted that it was her job to sell them in the Square. Ms. Cereceda said she assured her she was not allowed to do that, and she literally had to get four deputies. The girl told one of them a few choice words, and that's when they actually got her. There were three arrests, and these were handled very well. All of them were minors with open containers. Ed Lawler, whom she talked to all day on the walkie-talkie, had the place cleaned by light of day. He deserves what we're paying him and also a big thank you.

Councilwoman Cereceda said she appreciates the Council putting up the money that they did. She appreciates the sponsors. And all of the effort was worth it when the fireworks lit up the Beach and as far as you could see all you saw were faces. It was just awesome. And most of all, she'd like to thank her mom and dad. Without them she wouldn't have been able to do it. She will bring us an exact accounting, but next year whoever does the event will not have to come begging to the Council for money.

Councilman Reynolds read into the record a memo to the Town Manager dated December 20 regarding opening U. S. mail addressed to Town council members. The memo indicated that approximately two years ago when council members were asked for permission to open their mail, that he, along with Ray Murphy, requested that his mail not be opened. This request has been honored excepting on rare occasions until recently when his mail was opened accidentally several times. He outlined the steps he told Debbie and Janeen to take whenever this happens. He advised that he had decided against bringing this memo to our December 20 meeting but had brought it to tonight's meeting because his interaction with staff had become an issue at the December 20 meeting. He also wished everyone a prosperous and happy New Year 2000.

Mayor Mulholland thanked Mr. Reynolds for his report, advising that he thinks he made it in good faith. He questioned Mr. Roosa, however, if it was correct that any mail coming to Town Hall should be considered public property and that anyone could look at that mail. Attorney Roosa said that was correct. There are certain statutory exceptions to this, but he doubts if any of those would apply because they're quite limited. In 1997 we adopted a Council communications policy and mail practice procedures that said that all mail coming to Town Hall is opened, stamped and distributed. This was passed by Council and is consistent with the state law. And it's also an accommodation for us to have our mail opened, plus the fact that if it comes to the post office box or to this address then it's paid for by the taxpayers. In our official capacities we should discourage our friends and relatives from addressing private mail to our post office boxes.

Councilman Reynolds said he had trouble with this and he still asserted that he did not believe that individual mail should be opened. Mayor Mulholland told Mr. Reynolds that he respected his views but did not agree with them.

Councilman Reynolds referred to a recent newspaper article about Bowditch Park being for people and not cars. He would very much like for one acre of that park to be dedicated to parking purposes so that the people of Lee County can visit and enjoy that park. That will leave 16 acres for public use. He hopes the Council will give that some thought and he thinks we should back the County commissioners on that.

Councilman Reynolds asked if we had to pay for the ambulance and the fire truck at the New Year's Eve celebration. Town Manager Segal-George said she hadn't read the response she had gotten yet in that regard.

Commenting on the amicus brief of Fort Myers Beach, Councilman Reynolds told Attorney Roosa that he is sure that all of us on the Council appreciate his efforts and are hoping for his and our success in that. As a layman, it appears to him that Mr. Roosa has done a very very good job in presenting the Town's case. He hopes it works for us.

Councilman Reynolds expressed his regrets at not being able to attend the New Year's Eve party because he was in bed with the flu.

Referring to the topping off party at the Edison Beach House, Councilman Reynolds advised that it seemed that he was the only council member representing the staff in town. Mr. and Mrs. Yaks graciously thanked him for coming and Mr. Yaks gave him a personal tour of the facility up to the second floor. Mr. Reynolds remarked on the layout of the rooms and how they had a gorgeous view of the beach and the gulf. The elevator operates by hydraulics, which is unique for an elevator. There is no doubt that the building is a very fine and solid structure. The architect is outstanding. Mr. Yak's business will be a welcome addition to the beach and will offer a good service to vacationers.

Vice Mayor Hughes asked Attorney Roosa about mail arriving at Town Hall that is marked "Personal and Confidential." Attorney Roosa said that he felt that this mail should still be opened, but it may not become a public document, depending upon its contents. It's not a question of whether or not the Town employees have the right to do this.

Vice Mayor Hughes commented on the New Year's Eve celebration and birthday party. He thanked Anita Cereceda and her family for a terrific job and the time and effort spent. He also commended the ladies handling the birthday party. The trolleys were packed all day and it was a good thing that they had been engaged for transporting passengers.

Vice Mayor Hughes would like for us to look at the policy on reorganization in the charter. The way he reads it, the reorganization was to take place at the first meeting following the general election in November. If the charter amendment passes, the Town Council will be fully elected in November and there would be a lame duck period in there of two months.

Vice Mayor Hughes wished his fellow council members, the citizens of this community, people present tonight and our visitors a very healthy, happy and prosperous new year.

Councilman Murphy said he had no items to report and only wanted to wish everyone a happy new year.

Mayor Mulholland reported on Palmetto/Easy Street. Mr. Roosa has said that we must have 100% of the residents paying the monthly charge, which is contrary to information he had that only 51% of the residents needed to pay. He asked Mr. Roosa for an explanation. Mr. Roosa said that under a voluntary program, the Town would pay up to half of the cost and the property owners would pay the other half. An assessment program generally is paid 100% by the benefited property owners. That's where the Town determines that it's in the best interest of the community to improve the road and goes ahead and improves it, determines the cost and then levies an assessment lien against the benefited property owners for the cost of that improvement. At the workshop, the consensus of the Council was to go with a voluntary program. We don't even need the consent of the property owners. All we need to do is to show that the benefit of the improvement increases the value of the property more than the cost of the improvement and we can then levy the assessment. Town Manager Segal-George stated that we have the following situation. The Council has agreed to pay half. We have a bid that has been accepted and is running out of time as far as being a good bid and being able to hold the contractor to the bid. We have no way of getting 100% of the property owners to agree. So to move off of dead center so that we can get this done and use this bid, the question is, is the Council willing to impose an assessment on these property owners for 50% of the cost? And if we do that, it is her understanding that if Dick does the legal documents that are necessary, then we can proceed forward and all of the property owners in the area would have to participate.

Vice Mayor Hughes said that he feels that the voluntary part should be only as to whether that particular street is going to be improved, that 51% of the people be used to trigger the project. But as far as payment for it, that can't be voluntary. In his view, that has to be shared by all of the property owners on that street through regular assessment proceedings, and he would be in favor of doing that. We have accepted the policy of 50% and he's willing to stick with the 50% of the cost to be paid by the Town. But he does think that every property owner who's benefiting from this should pay their share.

Councilman Reynolds said he would have no objection to the Town accepting the responsibility not only for those two streets, but also from the end of Anchorage and several other locations.

MOTION: Made by Dan Hughes and seconded by Ray Murphy that we convert the Easy and Palmetto Streets road improvement project to a mandatory statutory special assessment proceeding and instruct the Town Attorney to take whatever action and draft whatever documentation is required to implement that.

Discussion:

Councilman Murphy said that he's for that same position that Vice Mayor Hughes just stated. He believes the work should be done. He believes that if we can't get any kind of consensus down there or at least some kind of super majority or whatever they are looking for, that some kind of assessment should be made because he believes it's in the public welfare. But he also believes that we have a standing policy here whereby we like to advertise these things and get them on the agenda so that the public is given a chance to comment on them before any action is taken.

Vice Mayor Hughes noted that Councilman Reynolds had mentioned that Easy Street is a private

road. We adopted an ordinance that states that if we don't improve private property, then we require that we either get an easement or it be dedicated. Mayor Mulholland stated that the road has been dedicated. It's a public use. Attorney Roosa said that he didn't think it had been dedicated and that what we would need is an easement. If it's a private road, then we'd need a construction easement if nothing else and then we would ultimately need a perpetual easement for roadway purposes or a dedication for the municipality. That means then that we have to maintain that road in the future. We fix the potholes and so forth.

Mayor Mulholland said that the motion has been made and seconded. He asked if it stood as made and was told yes.

MOTION: Made by Dan Hughes and seconded by Ray Murphy that we convert the Easy and Palmetto Streets road improvement project to a mandatory statutory special assessment proceeding and instruct the Town Attorney to take whatever action and draft whatever documentation is required to implement that.

Mayor Mulholland said he would like to congratulate Anita Cereceda for the outstanding job she did as the project manager of the New Year's Eve celebration. It was safe, it was crowded, it was noisy, it was beautiful and it was really good. He wishes to make it clear that his criticism of the fire department charging us for equipment to be on standby was not intended or implied to be against any of the firemen. He thinks their services are beyond question. He just had a problem with whoever made that cost to the Town.

Mayor Mulholland stated that he has been a member of the Agency on Bay Management, which is the agency for Estero Bay, since he's been a member of the Council. The land use hearings that we've been having more and more of fall on the second Monday of the month and so do the ABM meetings. He will, therefore, be resigning from the Agency on Bay Management. He represented the Town on that agency and if anyone on the Council has suggestions for a replacement, he would welcome them. He will be sending a letter to ABM later this week.

Regarding water taxis, Mayor Mulholland said that he is still looking into areas of service and will have more on that very shortly.

At the December 20 meeting, Mayor Mulholland stated, it was decided that he would appear before the Board of County Commissioners and sort of lobby them to ask them if they would delay their decision on the parking at Bowditch Point. They listened very intently to him and to John Naylor, and the eloquence paid off. They indicated that the contract bid they had expires in 84 days and they gave us 84 days in which to complete our plans or do something. So we will have to make a decision on Bowditch sometime before early March.

On December 21, Mayor Mulholland attended a mediation session with Mr. Richard Roosa and Mr. Michael Ciccerone, the attorney that we hired to help the Town on the lawsuit with Star Dial. They spent about 4-1/2 hours there and made a good, honest, concerted effort to appeal for settlement with Star Dial, but they hit an impasse.

IX. TOWN MANAGER'S ITEMS

Town Manager Segal-George said that the Council is going to need to suggest some kind of direction with respect to Bowditch. It is her understanding that at least one County commissioner would like to see the Town take over the operation of Bowditch. She doesn't know if this is something that we want to consider.

Some other issues with regards to Bowditch that probably need to be talked about are 1) the dock situation. There was always the original plan to put docks in at Bowditch, and the County has not done that. Mrs. Segal-George does know that grant money is available as far as docks there. She and Mayor Mulholland were looking this morning at the public parking situation over on San Carlos Island and also possible slips for water taxis. There would be the ability to take people from the parking lot on San Carlos Island and then to Bowditch by water taxi if we had docks there.

Another issue that needs to be discussed is the dangerous swimming beach at Bowditch that comes into play if the park has greater utilization. There's an undertow there and a very swift current. When that park was originally established, there was a lifeguard there, just as there was a lifeguard at Lynn Hall Park. So those are issues that are out there. We don't have to discuss it tonight, but she can put it on our agenda for our next meeting for discussion.

Mayor Mulholland said that he was most anxious to discuss Bowditch Point and he thinks that making it an agenda item would be good if his colleagues agreed. He asked the Town Manager from where we were getting the money to maintain Bowditch. Her reply was that currently the County receives the money from the Tourist Development Council for the maintenance of Bowditch and she would assume that those dollars would then come to the Town to maintain that park if that was something that the Council was interested in.

Councilwoman Cereceda said that she would like to see the Council pursue taking over Bowditch Park.

Town Manager Segal-George said that she was going to ask the Council if we wanted to have a retreat again this year. She was looking at March or April for a retreat, but these issues with regards to the County Commission and Bowditch are going to come a lot faster than that. She asked how we would prefer to discuss them. Would we want to do a workshop? Would we like to make it an agenda item?

Mayor Mulholland was asked if the idea was to take Bowditch over so that we can control whether there is going to be parking or not. Town Manager Segal-George said that's one issue. Another issue is the docking situation, if the Town would like to see boat docks there. She has talked with Bill Spikowski. As a compromise we could do a smaller parking lot than what the County originally planned and do boat docks. It doesn't have to be absolutely one way or another way. There should be options that are in the Town's best interest to talk about.

Dan Hughes said he didn't think we had any choice but to have this on the agenda as quickly as possible in light of the Mayor's comments on the deadline that we've been given by the County board. He then asked if anyone knew what is going on with the lawsuit by the Homeowner's Association. Mayor Mulholland advised that it was indicated that it would come to trial in February. Mrs. Segal-George said she thinks that's their next court date and didn't think we were going to get an update on that before our next meeting.

Councilman Reynolds stated that he understands that Carleton Ryffel and Mr. Raimundi who were active in the case withdrew from it.

Mayor Mulholland stated that then Bowditch is on the agenda for the next meeting.

X. TOWN ATTORNEY'S ITEMS

Attorney Roosa requested that he not attend the January 6, 8:00 a.m. meeting. If two council members show up, we would still be able to continue with this meeting. That's why this meeting is being continued until Thursday morning. He was told that there would be no objection to his non-attendance.

XI. APPROVAL OF MINUTES: DECEMBER 13, 1999

MOTION: Made by Dan Hughes and seconded by Ray Murphy to table the minutes of December 13, 1999.

Discussion:

Vice Mayor Dan Hughes expressed displeasure at the order in which the motions and discussions are given.

Town Manager Segal-George said she knows Janeen has tried to help Lorraine do the minutes the way we keep thinking the Council wants them to be done, and no matter what we seem to do, it's not working. So she would like the Council to entertain going to summary minutes, because we're just spending too much time trying to find a way to deliver the minutes.

Mayor Mulholland said that perhaps we can have a meeting with Vice Mayor Hughes and the Town Manager and come to a meeting of the minds.

MOTION: Made by Dan Hughes and seconded by Ray Murphy to table the minutes of December 13, 1999.

XII. PUBLIC COMMENT

A. JOE CROKER

Dr. Croker said he'd like to welcome the newly organized Council and also wish us a happy New Year and success in all our endeavors as their (the residents') representatives in the coming year. He noted that many of them in this room come down to hear transactions from the city's business, which, from what

he understands, the Sunshine Law dictates that we do in the open. He commends us because we do this in the open. But he feels that the meetings could be conducted in such way that he could still see Monday night football. Anything that does not concern the operation of the business of the city but is more procedural in its format could be done somewhere other than in the public domain. They (the residents) come down here because they live here, they have an interest in the city, they have an interest in us and what we do for them, to them and with them. The logistics of how that works or doesn't work is embarrassing, particularly when we have visitors from other communities here, when we have professionals from other communities here. Some of the shenanigans he has seen going on in this room during the past two years are appalling. Now everybody said tonight that it's a new year, it's a new beginning, it's a new century. We've had a purging again tonight. Let's let the purging be a complete flush out and wipe out. And if that cannot be the case, he would suggest and strongly recommend that when these internal conflicts arise, we provide a place on the bottom of the agenda immediately after the word "adjournment" to iron out those problems so that they can see the city business conducted and still go home at a reasonable hour.

B. ROBBY ROBINSON

Addressing Town Manager Segal-George, Mr. Robinson said she had said there was a time limit on the bid on Palmetto/Easy Street and had advised him that she couldn't tell him exactly what that is. His concern is how long it's going to be for that next bid. This has been going on for two and a half years. Town Manager Segal-George said she would try everything she knows to hold the bid so that as soon as Dick Roosa gets the legal work done we'll be able to move forward. Mr. Robinson said he doesn't want to start from scratch again and Mrs. Segal-George said that she didn't either. The plan is that we're going to try and make sure that the bid holds and Dick is going to try to get the legal work done and we'll move as quickly as we can.

C. DON PETRIE

Mr. Petrie try said he was from the infamous Easy Street. He just wanted to thank the Council tonight for addressing this problem and coming to a swift resolution of the problem, which he thought initially was going to send everything down the drain when he heard that we needed 100% of the property owners to agree. He is glad that Mr. Roosa has given us a different opinion that allows us to address this problem in a different way. And that each homeowner will be assessed equally, he thinks is fair for all of them. He thanks us all and wishes us good luck in the New Year.

XIII. ADJOURNMENT

Mayor Mulholland advised that this meeting will be continued to January 6 at 8:00 a.m., which is the time for the Estero Boulevard Streetscape Charette. He extends an invitation to everyone here to please attend and bring their friends and residents because we need participation in this. It's going to be a very big undertaking by the Town and it's going to cost money. He thinks the results will be well worth it and we'll be happy with it, but we're going to have to decide what we're going to do.

Respectfully submitted,

Lorraine Calhoun
Transcribing Secretary

Items for action from the meeting of January 3, 2000

1. John Naylor suggested getting together with the people, such as Anita Cereceda and Capt. Erne, who were intricately involved with the New Year's Eve event just to kind of recap it while it's still fresh in everybody's minds and perhaps in this way pick up ideas wherein they might improve upon it.
2. John Mulholland is now the new Mayor and Daniel Hughes is the new Vice Mayor.
3. Public Hearing: Community Resource Advisory Board Councilwoman Cereceda asked to pull this from the agenda and bring it back in March after she has had a chance to write what this group is actually going to do.
4. Mayor Mulholland read the ordinance establishing the Fort Myers Beach Community Resource Advisory Board. The public hearing will be moved to a day certain of March 20, 2000.
5. Bill Van Duzer and Dave Smith have both been reappointed to LPA membership. Two new members have been added to the Marine Resources Task Force: Sharon Faircloth and Russell Davison. Carolyn Van Duzer was approved to fill the vacancy left by Joe Browne about a month or so ago in the Public Safety Task Force. Town Manager Marsha Segal-George advised that everyone on the Cultural and Environmental Learning Center committee has asked to be reappointed except for Cindi Bear. This leaves one vacancy but there have not been any applicants for it. We have been advertising all of these committees and will continue to advertise this one.
6. A public hearing of the Town of Fort Myers Beach Public Works Agency has been set for January 24, 2000.
7. Deputy Town Manager Gucciardo said that at this point he thinks he has pretty clear direction from Council that we're not opposed to renting the pool facility out so that staff can come back to us with specifics now on how the process would work, what requirements would be made both in terms of insurance and perhaps some options on bonding, as well as more specifics regarding what would be allowed and not allowed based on the experience that the Management Company has had. They can also put together some options for us on some premium charges above the operating cost and let us make a decision based on that.
8. Councilwoman Cereceda said she will bring us an accounting of monies in and out for New Year's at our next meeting. She expects to be incredibly in the black.
9. Discussion of Bowditch will be put on the agenda for our next meeting.