

**FORT MYERS BEACH
TOWN COUNCIL MEETING
JANUARY 24, 2000
NationsBank, Council Chambers
2523 Estero Boulevard
FORT MYERS BEACH, FLORIDA**

I. CALL TO ORDER

Mayor John Mulholland opened the meeting on Monday, January 24, 2000, at 9:00 a.m.

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

Excused absence: None.

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

II. PLEDGE OF ALLEGIANCE

All assembled recited the Pledge of Allegiance.

III. INVOCATION BY REVEREND JEANNE DAVIS

IV. PUBLIC COMMENT ON AGENDA ITEMS

A. CARLETON RYFFEL

Mr. Ryffel talked about the basis for the lawsuit filed against Lee County as it relates to Bowditch Point. The court date for the trial is February 9, 10 at 9:00 a.m.

The park was to have been passive with twelve parking spaces designated for the staff and handicapped. The zoning for C-F3, which doesn't allow conditions, was incorrect because it's not applicable for property larger than 10 acres like Bowditch Point. The parking meets the threshold for a major DCI. The property should have been zoned as a planned development, specifically CFPD, which would allow conditions, such as parking. Had the property been properly zoned, the increased intensity in parking would have required a public hearing. Since this was not done, the county has usurped the Town's power and authority. He would ask Council to pass a resolution, which will be further explained during the agenda item discussing Bowditch Point

B. JOHN FRANKEN

Mr. Franken is president of the Dolphin Watch Condo Association. He has been a part-time resident for 15 years and advised he has seen some good improvements since the Town incorporated. Rather than placing 150 parking spaces at Bowditch Point, he feels that the money would be better spent by constructing a mid-island bridge that will enable more access to the island.

C. JEANNE BRADLEY

Mrs. Bradley would like for Bowditch Park to remain passive. Fewer cars crossing the bridge will have a positive impact on traffic and she suggests using trolleys from Summerlin.

D. SAM SCHMITT

Mr. Schmitt moved here with his family in 1972 and doesn't find the Beach as spectacular as it once was. He feels that Bowditch Park should be a passive park. He presented a January 19 editorial with several signatures as a petition.

E. CARL STUTTS

Mr. Stutts stated that parking was never intended at Bowditch. Putting 70 spaces there will only make a traffic jam at the north end of Estero Island. He read editorials from the News-Press that supported his feelings. He added that nothing has been mentioned about the security and safety of the park after dark. The park is open 24 hours a day.

F. ROBERT HALLER

Mr. Haller stated that his family has been coming here since 1965. He'd like to know if the Town is going to assume control of the park, if the county will grant the funds to the Town to carry out Phase II, which will include docks and nature trails.

G. BOB BARBER

Mr. Barber said that the county made promises that there would be no parking at Bowditch and we should force them to keep their promise.

H. PETER LISICH

Mr. Lisich recounted how the county had assured the hearing examiner during the rezoning of Bowditch Park that there would be no parking there.

I. LARRY GROVER

Mr. Grover said he would leave his statement with the Council as part of the record, since it duplicates much of what has been already said.

V. CONSENT AGENDA

A. Review of Financial Reports -- December, 1999

MOTION: Made by Ray Murphy and seconded by Dan Hughes for the approval of the financial reports. Passed unanimously.

B. Resolutions: Palmetto/Easy Street

Town Attorney Dick Roosa made comments that were inaudible.

MOTION: Made by Ray Murphy and seconded by Anita Cereceda that the first resolution, #0003, for the Town Council be approved.

Discussion:

Vice Mayor Dan Hughes ascertained that the plans and specifications were on file with the Town Clerk and that we were accomplishing steps 1 and 2 of the special assessment procedure tonight. Attorney Roosa gave input, but his remarks were inaudible.

Councilman Reynolds stated that he believes the people have been paying long enough on their assessments. He feels that the Town should pay for the cost of that construction and put it in the condition that we would expect for it to be in and where the county would require it to be. It would seem to him that if anybody should have to pay these fees, the builders should have to pay them. Despite agreeing to pay half of them, he still feels that it's something the taxpayers at large should be responsible for -- that and any other street on this island.

Vice Mayor Dan Hughes stated he doesn't believe that we should be paying 50% of the costs on each and every street. There are unique circumstances dealing with each street.

MOTION: Made by Ray Murphy and seconded by Anita Cereceda that the first resolution presented, #0003, for the Town Council be approved. Motion passes unanimously.

MOTION: Made by Ray Murphy and seconded by Anita Cereceda that the second resolution that levels the assessment on the individual properties be approved.

Discussion:

Vice Mayor Hughes said he had no problem with the text of the resolution itself. He does have a question on the assessment roll, which is attached as an exhibit. He questioned the amount assessed for each property owner. Attorney Roosa said that each year the interest would go down. Vice Mayor Hughes would like for "including interest" to be added to the first payment.

Councilman Reynolds stated that the assessment of \$97 plus the total interest brings the first year's payment to \$251.

Attorney Roosa said that a small assessment like this shouldn't be drawn out over 20 years, but only 10 years.

Councilman Reynolds asked why a lady was being assessed when she lived on Dakota rather than on Palmetto or Easy Street. Pam Houck explained it was because her property fronted Palmetto.

MOTION: Made by Ray Murphy and seconded by Anita Cereceda that the second resolution that levels the assessment on the individual properties be approved. Motion passed unanimously.

Attorney Roosa explained that on March 6 property owners have the right to object to their assessment and perhaps get it adjusted. This hearing is set by the second resolution.

MOTION: Made by Anita Cereceda and seconded by Ray Murphy to commence this project as soon as possible.

Discussion:

Vice Mayor Hughes asked if we had a firm contract and was told we did.

Councilman Reynolds felt that an elderly couple approximately two blocks from the location would not benefit at all.

MOTION: Made by Anita Cereceda and seconded by Ray Murphy to commence this project as soon as possible. Motion approved unanimously.

C. Approval of Town Hall lease

MOTION: Made by Ray Murphy and seconded by Anita Cereceda to go forward with the recommendations of staff regarding the Town Hall lease.

Discussion:

Vice Mayor Hughes said that his primary concern about the new lease is that it's a fixed five-year term. The original lease was for less than two years and then it was renewed for an additional three years. In 1997 it was renegotiated for two. He does not think it would be appropriate for us to obligate ourselves for a full five years at this time. There is a considerable increase in the square footage from what we are now paying, from \$5.30 a square foot to \$8.00. This is really not a lot in terms of the going rate, however it is a high percentage increase. We have put ourselves in a position where we really don't have any choice to renew this in some way, but he doesn't feel we should go to five years. He would like us to ask John Gucciardo to see if he can't negotiate something for one or two years with possibly options. John Gucciardo asked if perhaps an annual lease with four renewal years would be preferable.

Councilwoman Cereceda said she would just as soon buy this building and rent it to NationsBank than have NationsBank rent it to us, as we're not going anywhere. We need to look long term. To her, this is a holdup and she doesn't like this lease.

Councilman Reynolds echoed Anita Cereceda's feelings. We should shop around right now.

Councilman Murphy said that when we first moved into this building, it had been his suggestion that we purchase it. He hears comments being made that there are other places on the island to investigate and he would like to know where they are. The fact of the matter is that the landlord made us a sweetheart deal when we first came here that we jumped all over. And in

defense of the landlord, what he's trying to do now is recoup some of those rents that he lost then. The rent is still below the market rate regardless of the increases that are being proposed. He thinks it would be irresponsible for this Council to go on a yearly renewal for the town hall. What happens if it's not renewed? Then what do we do, where do we go?

Chairman Mulholland said that after checking with staff, he believes that the balances with NationsBank are in the millions. He thinks that the bank should give a more favorable treatment to the Town in its charges. He does not think they are treating us like a first class tenant. He knows of no other place on the island for us to be housed.

Councilwoman Cereceda said that she withdraws her second to the motion.

Motion expires for lack of a second.

MOTION: Made by Anita Cereceda and seconded by Garr Reynolds to direct staff to 1) proceed with negotiations with Lincoln Property Management to negotiate perhaps a more favorable rate on our lease, less of an increase, but also to investigate the potential of acquiring the property; 2) to negotiate a lease at least through the end of this year that would take us to January 2001, whereupon perhaps we would have some strategic planning about the long term future of where town hall will be located.

Discussion:

Councilman Reynolds said he wasn't sure that 2001 is far enough to reach out, that we can't do much in that length of time. He would like to see us go to at least two years out or possibly even three.

Vice Mayor Hughes asked John Gucciardo if the management would be willing to go month to month and was told by Mr. Gucciardo that he felt that they would. His concern, he said, is tying up our lease for five years.

Councilwoman Cereceda said she thinks we need something more than what is presented to us here. The rate is not her concern but the commitment.

John Gucciardo explained that his reference to month to month was not an indication that NationsBank would go indefinitely month to month, but that during the course of negotiating a lease we could go on a month to month basis so that we don't have a deadline of a week from today. He feels that perhaps a solution that would be optimum would be a one-year renewal with four extensions at our option. This way we're not locked into something nor fearful that it would be pulled out from under us. We could also talk about the square foot dollar value.

Councilman Reynolds said he had six possible sites listed.

Town Manager Marsha Segal-George said she was going to set up a retreat for Council in March and we can put the discussion about the future of town hall on the agenda and that Councilman Reynolds could share alternate locations at that time.

Councilman Reynolds went ahead with listing possible sites: a) the office building on Lover's Lane, b) Santini Plaza; c) Helmrich Plaza; d) a half-acre lot at Estero and Dakota; e) close to two acres on the south end of the island where there's a pink house on the right on the gulf; f) a pink house with two huge lots one block south of Sterling Street.

MOTION: Made by Anita Cereceda and seconded by Garr Reynolds to direct staff to 1) proceed with negotiations with Lincoln Property Management to negotiate perhaps a more favorable rate on our lease, less of an increase, but also to investigate the potential of acquiring the property; 2) to negotiate a lease at least through the end of this year that would take us to January 2001, whereupon

perhaps we would have some strategic planning about the long term future of where town hall will be located. Motion passes unanimously.

D. Bid award for trash compactors

Town Manager Segal-George explained that we had received one bid for the compactors and she believes the bid to be a very good one. She is requesting that the Council accept the bid and approve the lease program with full warranty, which shows at \$590 a month. We need to remember that this will be split between us and Tim Englim, as he is paying for one compactor. The Town will be paying for the second compactor, and then that price will then be split between the Town and the effective property owners. We're getting ready to go into season. The Council has already authorized them to wire the two locations for the compactors, and they have done that. All we need now are the compactors. These compactors are of the type that we need. They have the most extensive state-of-the-art deodorant system that's available and they also have movable carts so that the garbage can be wheeled out from these compactors to the street. What she is asking is if the Council will award this bid and authorize the Mayor to sign the document after it is approved by the Town Attorney.

MOTION: Made by Ray Murphy and seconded by Anita Cereceda to accept the bid for the trash compactors and to approve the lease program with full warranty, which shows at \$590 a month.

Discussion:

Councilman Reynolds said he takes it that this includes both compactors and was told yes by Chairman Mulholland.

Chairman Mulholland said it seemed like a good deal to him with warranty, 100% parts, labor and maintenance at a monthly cost of \$590.

Vice Mayor Hughes asked if Tim Englim had agreed to the lease, and he was told yes.

Town Manager Segal-George advised that Mr. Englim had agreed to participate in this as long as we need him for backup.

MOTION: Made by Ray Murphy and seconded by Anita Cereceda to accept the bid for the trash compactors and to approve the lease program with full warranty, which shows at \$590 a month.
Motion passes unanimously.

VI. ADMINISTRATIVE AGENDA

A. Public Hearing: Town of Fort Myers Beach Public Works Agency

Mayor Mulholland read the ordinance.

Public Comments:

None.

MOTION: Made by Ray Murphy and seconded by Dan Hughes for approval of the ordinance.

Discussion:

Vice Mayor Hughes stated that we are establishing this public works agency with the hope that we might be able to acquire the water supply system presently owned by Avatar and being sold to the Government Utility Authority.

Chairman Mulholland stated that in his view, the agency would be good for the residents in that it would stabilize the rates. We would not get a rate increase as might happen if Lee County

gets control of the water works.

Councilman Reynolds asked Mr. Roosa if this agency would have an impact on the court case. He was told that it would not make a difference one way or another.

MOTION: Made by Ray Murphy and seconded by Dan Hughes for approval of the ordinance. Motion passed unanimously.

B. Discussion of Bowditch Park

Town Manager Marsha Segal-George advised she had been asked by Council to talk to the county about some issues regarding Bowditch Park and to also find out the status of the lawsuit between the county and some of the property owners on the north end. Carleton Ryffel is here to speak at greater length about this. This is an interesting subject for her because she was the county administrator when Bowditch was first purchased. She was also part of the administration that made those promises that everyone refers to, which she guesses gives her a unique perspective with regards to this particular park.

Regarding her memo, she had a lengthy conversation with John Yarborough from Lee County regarding her questions about Phase II and why certain things hadn't happened. The county has always had the funds and she doesn't believe they were the issue with regards to Phase II. She believes it was more that the county got out of the park building business and did not want to do Phase II. They also said that with regards to the boat docks, they were waiting for Matanzas Pass to be dredged -- for ten years!

The water taxi issue had also been discussed. Mr. Yarborough had explained that the administration had not been particularly interested in pursuing that alternative and so it was dropped.

Mr. Yarborough said that Mr. Stilwell was very interested in having a dialogue with us about the Town taking control of Bowditch, Lynn Hall and the beach accesses. She told Mr. Yarborough that the Council would have to discuss it and give her direction before we would enter into any kind of dialogue.

Regarding funding, if the Council wants to go forward, some of these funding issues will have to be tied down ultimately in some kind of interlocal agreement with the county. As far as she knows, the maintenance of Bowditch is paid for with tourist development dollars, as are the beach accesses. Lynn Hall Park maintenance is being paid for with the revenue from the parking meters. She sees no reason why these same dollars cannot come to the Town to pay for these same types of services.

Of time sensitivity for us is that in the spring are the funding cycles for tourist development dollars for grants and also for boater improvement dollars. So if the Town is going to pursue taking over the park and getting grant dollars to build the docks, then that's something that we need to prepare grant applications for within the next 60 days.

Public Comment:

A. Carleton Ryffel

Mr. Ryffel said that what he had just handed us was the heart of the points he would make in any presentation as to why we should not allow further parking at Bowditch Point. What this does is it puts it in the context of a resolution and defines what our attitudes are and why we would be asking the county commission not to do anything further with regards to parking.

Mr. Ryffel also referred to an editorial that talks about having a choice between two kinds of parks -- an active park and a passive park -- and the value of each of them, and how Bowditch Park provides elbow room and gives people a more peaceful beach experience.

One of the reasons why he thinks that Bowditch should remain a passive rather than an active park is that he doesn't think it's the safest place in the world to swim on Fort Myers Beach due to currents near that point. If it's going to become more active, we should definitely consider

lifeguards down there.

The most important thing to remember is there should be no compromise about allowing any more parking at Bowditch. If one space goes in you might as well put in one hundred, because the impact is going to be from the people who don't find the spaces.

Mayor Mulholland advised that he was totally in favor of the Town taking control of Bowditch, Lynn Hall and the beach accesses. He has no reason to believe we would lose the tourist development funds if we took over the park. He is in favor of bringing water taxi service to the Beach, particularly from the foot of the bridge between Snug Harbor and Matanzas to go out to Bowditch Point. And, hopefully, with the advent of a parking garage in Times Square where we could run trolley service, we would have good service for the residents and anyone else who want to use that park. He thinks that we can use the park and get people there with a minimum of difficulty.

Discussion by Council:

Councilwoman Cereceda asked Marsha Segal-George who she thought had the better chance of getting things implemented, us or the county, and was told us. She also asked if Mrs. Segal-George felt that we would be successful in negotiating an interlocal for the TDC dollars and would it be better to take the park and then negotiate an interlocal. Mrs. Segal-George said she thinks we would have to negotiate an interlocal with regards to taking the park. The county commission in one sense doesn't technically allocate the tourist development dollars. They come from a recommendation from the tourist development council and then to the county commission. But she thinks that we should be able to take care of all those issues with one document. We should do it all together.

Councilman Murphy said that he thinks the promises that were made to the residents of Fort Myers Beach should be upheld, and if that means taking over the park, then he's all in favor of that. He also thinks that we should own everything that's on this Beach, everything that's within our territorial borders. He doesn't feel there will be a big problem finding funding sources.

Vice Mayor Hughes said he feels that we should do everything we can to divert the county's efforts to pursue parking on Bowditch. In general, he does favor the acquisition of Bowditch, Lynn Hall and the beach accesses. He's not sure that he would extend that to Bay Oaks and other areas though. However, he would have to know that the takeover of any of these properties would not create a burden on the general revenues of the Town and that we would be able to obtain funding for any capital improvements and to receive funds from whatever sources for annual maintenance and operation and not have to go into our general corporate revenues to do so.

Councilman Reynolds stated that Bowditch is a Lee County Park and will remain one even if turned over to the Town. He said he feels strongly that a park that was bought with county taxpayers' money should remain a county facility, or at least be set up in such a way that county people can visit. We have seventeen acres at Bowditch and he'd like to see an acre of it set up for parking. People have suggested keeping it passive and yet we're going to put children's playgrounds there. Boat docks and fishing docks should be done as well as water taxis. Regarding promises that were made, he lived here at that time and did not see those promises in the News-Press. If someone made promises behind the scenes, that's a little bit beyond the rules of the Sunshine Law. When the Pink Shell almost bought the park, he did not hear any of us protesting. Mr. Reynolds discussed the difficulty of visiting the park without having a handicap sticker on your car. He feels that everybody on the island deserves the chance to visit the park.

MOTION: Made by Anita Cereceda and seconded by Ray Murphy that we send in appropriate form a request to the county commission that they withdraw the permits for parking at Bowditch Point or allow them to expire and delegate any and all future decisions regarding

that park to the Town Council of Fort Myers Beach depending and contingent upon a successful negotiation of an interlocal agreement, which would turn over control of the park to the Town and assure the Town of continued funding for operation and maintenance from the Tourist Development Council.

Discussion:

Councilman Murphy said that what he was going to suggest was that we instruct the Town Manager to aggressively enter into negotiations with the county to acquire the park with the funding in mind. It looks like we're moving that way and he appreciates the motion.

Councilman Reynolds said he liked Councilman Murphy's statement regarding everything on the island belonging to the Town. The thing that scares him about this is that the county commissioners held their ground on this because it's a county park and they can't go in any other direction because they want to be able to have their people off island visit there too. That's why they want parking there and he doesn't believe they're going to back away from that. Trolleys were mentioned as transportation to the park, but that's not the way one wants to visit a park.

Councilwoman Cereceda said she'd like to amend her motion for the last sentence to read: "Successful negotiations with the county for an interlocal agreement, which would turn over control, responsibility and park resources to the Town with assurances for continued funding and operation and maintenance from the TDC."

Councilman Murphy said he would like for the issue of the parking spots to be held in abeyance while these negotiations are going on.

Mayor Mulholland said it's going to come to a decision for the county in early March. He thinks we should do something before the county does something.

The amended motion is now on the floor.

MOTION: Made by Anita Cereceda and seconded by Ray Murphy that we send in appropriate form a request to the county commission that they withdraw the permits for parking at Bowditch Point or allow them to expire and delegate any and all future decisions regarding that park to the Town Council of Fort Myers Beach, depending and contingent upon successful negotiations with the county for an interlocal agreement, which would turn over control, responsibility and park resources to the Town with assurances for continued funding and operation and maintenance from the TDC.

Discussion:

Vice Mayor Hughes asked for a clarification on the motion. Is the motion saying that it is our stated policy that we wish to acquire these properties provided that the funding and so forth can be demonstrated to be available to us? He was told yes. He said that his problem was that the county can't do that. The county is not even a party to some of the funding that's available. Mrs. Segal-George advised that the county was a party to all of it. There is no way that we're going to get a guarantee that the tourist development dollars will always be available. All she was mentioning in her memo is that we should be able to have the dollars that the county is currently using to take care of their beach parks as long as that policy stays. The county has a board that makes recommendations regarding TDC funds, and they ultimately decide the policy as to how those tourist development dollars are allocated.

Councilwoman Cereceda advised that her decision is not to put parking at Bowditch.

Councilman Reynolds reiterated that he is very much against not having parking at Bowditch.

MOTION: Made by Anita Cereceda and seconded by Ray Murphy that we send in appropriate form a request to the county commission that they withdraw the permits for parking at Bowditch Point or allow them to expire and delegate any and all future decisions regarding that park to the Town Council of Fort Myers Beach, depending and contingent upon successful negotiations with the county for an interlocal agreement, which would turn over control, responsibility and park resources to the Town with assurances for continued funding and operation and maintenance from the TDC. The amended motion passes unanimously.

B R E A K -- 15 MINUTES

C. Appointments: CELCAB and Times Square Advisory Board

Councilwoman Cereceda asked that we pull CELCAB. She was hoping to speak to Lee Conger and Paul Abrahams and some other people on their street to see if she could convince one of them to take this appointment.

Councilman Murphy felt that we should go ahead and act on it tonight since the others have not acted on it yet.

MOTION: Made by Ray Murphy and seconded by Dan Hughes to approve the CELCAB appointment of Robert Rigot. Passed unanimously.

MOTION: Made by Anita Cereceda and seconded by John Mulholland to approve Mr. Whitaker as the fourth member of the Times Square Advisory Board. Passed unanimously.

D. Draft: Proposed Taxi Ordinance

Deputy Town Manager Gucciardo advised that they had tried to show us the changes from the county language that the Town is suggesting. There were no changes of substance. The game plan would be that if we adopt an ordinance that is similar in effect and substance to what the county has, we would then enter into an interlocal agreement and have the county administer it, basically issue the certificates and issue the stickers that would be placed on the vehicles. Enforcement, of course, is done either through the sheriff or code enforcement. In a voice mail from Audrey Vance there were suggestions that language be added to our stickers that recognized the county's stickers and certificates so that separate forms would not have to be issued for the Town. The process would be to have Dick Roosa work on the final draft for our consideration at a future meeting.

MOTION: Made by Ray Murphy and seconded by Dan Hughes to move this proposed taxi ordinance forward.

Town Manager Segal-George said she would like to set the Council meeting at 6:30 p.m. on Tuesday, February 22, because Monday, February 21 is a holiday. She would propose this date for the first reading on the taxi ordinance. But if we could have it ready by February 7, we could do it then.

Discussion:

Vice Mayor Hughes referred to an earlier discussion that came out of the Public Safety Task Force regarding having a valid Florida driver's license. John Gucciardo said that the intent was just to indicate that those entities that hold certificates to operate in the Town hire drivers with Florida drivers' licenses. The idea was that if you have transients, you're more likely to have problems than with Florida residents with Florida licenses. Vice Mayor Hughes felt that driving a taxi from another state to Florida was the same principle as engaging in interstate commerce.

Asked by Vice Mayor Hughes who was the designee mentioned in K on page 4, John Gucciardo explained that we intend to designate the county staff to do most of the administration for this ordinance.

Vice Mayor Hughes asked if certificates and licenses were synonymous. He was told no. On page 6, IV., "license" should read "certificate."

Page 7 under "Driver's Standards" where it refers to a driver operating a vehicle for hire in more than one state, "by any other state of the United States" has been struck. Vice Mayor Hughes feels that striking this phrase is an unconstitutional restriction on the interstate clause of the U. S. Constitution.

MOTION: Made by Ray Murphy and seconded by Dan Hughes to move this proposed taxi ordinance forward. The motion was passed unanimously.

The first hearing on this ordinance will be on February 7.

John Gucciardo advised that the Chamber of Commerce had been copied on this as they also had an interest in seeing it progress.

Mayor Mulholland praised Vice Mayor Hughes for helping us tremendously on all these legal problems for two years. He wondered if it would be possible for him to do his reviews before the meeting as it would expedite our meetings. Mr. Hughes said he would try to do so but that they would still have to be brought up at the meeting.

E. Discussion of technology options for Council

Mayor Mulholland said he is trying to improve communication between the Council and the resident. Each council member will be afforded a billboard on the Town Web site where he or she can discuss items. There will be an e-mail address for each councilperson, which will be public information. Councilman Reynolds said he could see a Sunshine violation in this. Dick Roosa said he didn't feel it would be practical to let everybody have direct access to the postings on the e-mail. Vice Mayor Hughes admitted to computer illiteracy but his willingness to go to computer school. Councilman Reynolds felt that what we had before worked out very well. He'd have trouble discussing something that everybody on the Council would have exposure to. Mayor Mulholland said that this would be in addition to what we already have in place. Councilwoman Cereceda said that any idea is worth a try. Ray Murphy said he thinks we should be on TV.

Mayor Mulholland said he is also proposing that the Council be given a lap top computer to use to keep the notes of the meeting and what transpired as a handy reference at future meetings. For instance, we could look up how councilpersons voted in past meetings. Councilwoman Cereceda felt that this would be very helpful.

Town Manager Segal-George said that one of the other things staff had also talked about was whether all the council members would like to have laptops. They could then communicate with us by e-mail and also download documents to us by e-mail. There is some value to her to be able to communicate with the Council by e-mail. There are other governments where all of the council members do have laptops and they are hooked up to e-mail also.

Councilwoman Cereceda said that she thinks it's a great idea and it might be a good way to

connect ourselves to the outside world, too.

The laptops could be taken anywhere but would be used strictly for Town business. Town Manager Segal-George said they would supply the support to make sure that we're hooked up properly. How we use the laptops would be outside of the staff's purview.

Councilman Reynolds said he didn't see why anybody would have a need for this except the Mayor.

Councilwoman Cereceda suggested getting three laptops and having them available to anyone who chose to use one.

Councilman Murphy said he's all for the technology and moving forward, but personally he doesn't know how much he would use it when restricted to just Town business. It might be of some value if it eliminated all of the papers that we get in our mail bins all the time. He wouldn't mind an e-mail address here however.

Councilman Reynolds said he would like to buy his own laptop and be able to use it for personal business as well.

Councilwoman Cereceda stated that she thinks we need to update our system here at Town Hall with some type of overhead opaque projector so that when people come here to make presentations we don't have the mish mash of the posters, etc. We also need to get rid of the podium and get a simple stand that does not block the Council.

Mayor Mulholland asked staff to look into projectors for the Council meetings.

F. Discussion of Beach Renourishment and Channel Dredge Projects

Deputy Town Manager John Gucciardo said he was hoping to have an update of his memo for us as a result of the Coastal Advisory Council meeting this afternoon, but there is no news from that meeting. He will be attending a meeting of the Florida Shore and Beach Preservation Association in Melbourne the first week in February and, hopefully, he'll have some updated material for us when he returns.

We do need to start thinking in serious terms about funding sources for the restoration project. He doesn't have an actual dollar amount for us yet, but it will be somewhere around one million to possibly three million dollars.

G. Discussion of pool facility rental options

Vice Mayor Mulholland told John Gucciardo that he liked what he was proposing and recommending. He would suggest to the Council that we follow his recommendations.

Councilwoman Cereceda said she had changed her mind regarding alcohol. She thinks there should be none since it's near the school and kids. The pool is a youth facility to her.

Vice Mayor Hughes said he liked the distinction that was made between permitting it for deck parties (which are generally after hours) but not for pool parties. But if alcohol is not allowed at deck parties, we should scrap the whole thing.

Councilman Reynolds said he was against it.

Councilman Murphy said he was fine with this proposal as it stands.

Mayor Mulholland said he didn't see a problem with this at all. It would in no way be mingling children with alcohol.

John Gucciardo noted that on the second page are some of the recommended charges. These were discussed.

MOTION: Made by Ray Murphy and seconded by Dan Hughes

to approve the recommendations for the pool as written with the understanding that these types of things can also be changed. We would charge \$50 per hour for the deck and \$75 for the pool at exclusive parties. Motion passes 3-2 with Councilwoman Cereceda and Councilman Reynolds opposing.

John Gucciardo advised that with reference to the special recommendations regarding Bay Oaks, an e-mail today from Brian Peterson of the Bay Oaks Advisory Group indicated that they would be discussing this at their next meeting and they may have some input. Vicki Massey indicated that she needed some direction for putting together a team night at the pool. We can always reconsider the positions we have taken.

Vice Mayor Hughes said he would ask that what we just approved includes an indemnification and hold harmless clause and that our Town Attorney make a determination and draft the language.

John Gucciardo advised that on the last page is a copy of a programming questionnaire that Champion sends out to all their members.

VII. COUNCIL MEMBER ITEMS AND REPORTS

Councilwoman Cereceda said she feels totally useless at the Traffic Committee for the Chamber. We need to decide what kind what kind of role we want to play there and what we hope to accomplish. She doesn't believe the committee accomplishes much. She would like to have a clear direction in March about what her role should be there, or she does not want to attend meetings any more.

She'll give us a presentation on the final bills for New Year's Eve when she returns from her trip.

The trolley news is a perfect example of what we can do when we initiate something and do it, Councilwoman Cereceda said. Almost 11,000 people rode the trolley from 6:00 p.m. until 2:00 a.m. That's unbelievable. Almost 3,000 people rode it from Summerlin Square.

Councilwoman Cereceda said that the City of Sanibel helped us every step of the way and she would like for the Town Council to make an overture to the new city of Bonita Springs and allow the participation and assistance of our Town Manager and our staff to the city like Sanibel did for us until they are on their feet. Their election is March 14. They have no council. They have a transition team that is floundering. She would like for them to be assisted in their first few meetings. She has talked to the Town Manager about it and she would like to see us agree to that.

Councilman Murphy said he agreed with Ms. Cereceda philosophically, but that we were not quite in the same position as Sanibel as far as staffing goes. If the Town Manager feels that she could help them and that it would not impinge on her duties here, then that's fine.

Town Manager Segal-George said that she spoke with Bonita Springs last week and that they're in a real quandary for their first meeting. She told them that if the Council had no objection, she would help them run their first meeting, but that's all she offered. There are firms offering to help them on an interim basis. We don't have the resources to help them run the city as an interim measure, but we certainly can help them get to the place where they can get people who can do that for them. Mayor Murphy said that as a good will gesture on the part of the Town, he's all for that.

Councilman Reynolds said it would be all right on a very limited basis.

Vice Mayor Hughes said he was in favor of helping them, but he's troubled by the vagueness of what Anita Cereceda is offering. If they need to talk to us, they should come here and the Town Manager should not have to go there. It would be a good will gesture, but he doesn't know how much time our staff could really lend to this.

Councilwoman Cereceda suggested leaving this up to our Town Manager's discretion as to how much time she would allot to the assistance of Bonita Springs. In eight weeks they're going

to have to have a council elected and a mayor elected and they're going to have to have a meeting and they have no one to help them out. All decisions are not going to happen at the first meeting.

Mayor Mulholland said that he thinks we all agree that we'd like to give them help. He would leave the time the Town Manager gives up to her discretion.

Town Attorney Roosa said he thinks there should be formal action from this Council directing Marsha Segal-George to offer this assistance. Because without this direction, she's really without authority, she's without legal status, she's not acting as our Town Manager assisting Bonita Springs. We should wait until the next meeting and prepare a resolution so at least there will be a document to the extent of welcoming Bonita Springs to the brotherhood and then directing our Town Manager to offer and perform her services. Mayor Mulholland asked Attorney Roosa if he would draft such a resolution.

Councilman Reynolds asked if we could vote on acquiring laptops.

MOTION: Made by Garr Reynolds and seconded by Dan Hughes that we try for a period of time the billboard on our Web site for the use of all council members to do Town business. Passed unanimously.

MOTION: Made by Garr Reynolds and seconded by that we buy the Chair a laptop for approximately \$2,000 for meetings of the Town Council and other meetings that he might be in charge of, such as MRTF. Motion fails for lack of a second.

Councilman Reynolds noted that the Shrimp Festival will be March 18 and they are asking that everyone participate. The parade will begin at 10:00 a.m. down near the library. If you're off the island, you have to get on by 8:00 a.m. because they're going to have a 5K run that starts around 9:00 a.m. He suggests that the Town gives \$10 or \$25 to the Fort Myers Beach Lions Foundation who are sponsoring the festival although we do not have to be in the parade. He try to get a convertible for anyone who needs one.

Regarding the transcriber's letter regarding giving summaries to meetings, Councilman Reynolds said he is afraid that not enough information may be given. Motions should be verbatim. And if anyone reads something which they say should be for the record, it should be included in the minutes.

Regarding the letter dated January 4 from Chief Markus, Councilman Reynolds said he had some legitimate concerns about all these entrances into Estero Boulevard, one being a long median which would be closed off to his equipment. We should work with him on this. His letter of January 3 was in response to our question about why he was charging the Town for rescue equipment on New Year's Day. He gave good reasons for doing so but gave no reasons for not charging the Town. For instance, the residents of the Town are already paying for this service, and if you look at the equipment involved, they did not require additional personnel for this operation. If the fire department is to remain in operation for this community, Mr. Reynolds would suggest strongly that they include the Town as part of their regular and required fire and rescue coverage. Finally, if this cannot come about voluntarily, the Town may have to consider dissolving the present fire department as we know it in the future and establishing a fire department for the Town of Fort Myers Beach where we don't have to pay them every time something has to be done.

Councilman Reynolds next reported on a letter from Al Bloomquist, who has some real good ideas and whose paper was entitled "Island Traffic Congestion." He has a background in this and obviously had given a lot of thought to his letter and the many issues suggested in it. The one thing Mr. Reynolds doesn't agree with him on is the mid-island bridge idea, as he feels that another bridge can bring as many automobiles on to the island as it can take off and is not a viable idea for improving the traffic problem.

He had received a letter from National Media Services in Fort Myers, Councilman Reynolds reported, and had talked to Mr. Paul Rose, Jr., a producer, who said he had a wide range of video services available that he could offer to the Town. He would encourage a member of staff, perhaps John, to investigate these proposed services and how they may be integrated to make video records of Town Council meetings that we have been discussing and possibly other special events.

Regarding the Chamber of Commerce letter, Councilman Reynolds advised he liked very much what Petro is promoting, and that is the idea of the one-cent sales tax. Mr. Reynolds had indicated before that that is probably the fairest tax that we can have. Also, a lot of people are coming here but they are not paying their share of the impact fees. They need to pay their way a little more.

Mayor Mulholland told Councilman Murphy that he hoped plans were in progress for the St. Patrick's Day parade since he was the founder and grand marshall and driving force behind it. Councilman Murphy noted that the Shrimp Festival is going to be on the 18th. On St. Patrick's Day on March 17th, he'd like a march down the south end of the island, closing the boulevard for 45 minutes to an hour. He hasn't spoken in detail about it yet with Father Goggin, who afforded the Church of the Ascension as the termination point for the parade last year, although he is confident that he'd be happy to do that again. He asked Council what our preferences are as far as having two parades. Having it on the south end eliminates the inconveniences we would have if we had it on the north end. He's amenable to whatever the Council wants to do. Councilman Hughes said we could just have a big parade weekend. Mayor Mulholland said that what was done last year was fine. He's all for it and will give whatever help is needed.

Chairman Reynolds requested that a three-minute limit be given for public input.

Panels were put up on Little Estero Island, Mayor Mulholland reported, that indicated the area is a critical wildlife refuge. The panels were done professionally and look very very good. Two of the panels are on turtles and two are on the wildlife refuge.

Mayor Mulholland referred to the Guide distributed by the Public Safety Task Force. The MRTF also received copies, and since half of the Guide concerns travel on the water, Marine Resources will perhaps make minor suggestions. But all in all, they are very much in favor of the Guide and commend the PSTF for their job.

Councilman Hughes referred to the copy of the order in his packet wherein the court granted summary judgment in the Long Estate case. The plaintiff is withdrawing their request for damages. We'll have to wait until the 30-day appeal period passes before we can set up a closing.

Regarding the retreat, Councilman Hughes said he felt that was a really beneficial session we had last year and he would like to see us do that again in March.

Councilman Hughes said he was pleased to find that we did not have the sales tax matter on the agenda. We have been informed by Marsha that we have not been requested to contribute any funds towards that. In fact, none of the municipalities are doing that at this point. He feels very strongly that a local government or any governmental entity should not expend taxpayers' money to promote a particular tax or referendum.

Councilman Hughes feels strongly that a mid-island bridge is not a viable alternative at all. He feels that another bridge would actually exacerbate the traffic situation rather than relieve it.

Councilman Murphy advised that the Horizon Council had asked him to continue to serve on it and he has agreed. The Southwest Florida Regional Planning Council has elected him to treasurer. If there are no objections by Council, he would like to continue serving on these two boards. There were no objections forthcoming.

VIII. TOWN MANAGER ITEMS

None.

IX. TOWN ATTORNEY'S ITEMS

A. Resolution: Initiating the Conflict Resolution Procedures (CRA)

Town Attorney Dick Roosa explained that what this resolution does is start the process to allow for the managers to get together to see if they can resolve the problem. And if they can't resolve the problem, then for the Town Council and the county commissioners to get together.

MOTION: Made by Ray Murphy and seconded by Anita Cereceda for approval of the resolution.

Discussion:

Dan Hughes wished to know who normally would be present at the assessment meeting. Attorney Roosa advised that so far normally nobody. But he would assume that county manager, the Town Manager and whoever was responsible for that department would be there.

Councilman Reynolds said he had reservations about this county thing, because they were permitted by law to hold back these TIF bonds for the CRAs and spend them on unincorporated areas and not necessarily on Fort Myers Beach. They were telling us that if we don't use these funds, then they're going to spend them someplace else. They collected this legitimately. Did they not have the right to spend those in unincorporated areas of Lee County? Attorney Roosa stated that it is our position that they did not have that right. Town Manager Segal-George said that they also did not spend it. It went into the general fund.

MOTION: Made by Ray Murphy and seconded by Anita Cereceda for approval of the resolution. Motion passes unanimously.

B. Resolution: Initiating the Conflict Resolution Procedures (Utility)

Attorney Roosa explained this resolution.

MOTION: Made by Dan Hughes and seconded by Anita Cereceda to initiate the conflict resolution procedures.

Discussion:

Councilman Reynolds asked why this resolution was not incorporated in the first resolution. Attorney Roosa explained why (inaudible). He added that the resolutions were completely separate.

MOTION: Made by Dan Hughes and seconded by Anita Cereceda to initiate the conflict resolution procedures. Motion passes unanimously.

Town Attorney Dick Roosa asked the Council to have an executive session on February 7. Town Manager Segal-George said that we could do this at 5:00 p.m. if that was acceptable to everyone.

MOTION: Made by Ray Murphy and seconded by Dan Hughes to have an executive session on February 7 at 5:00 p.m. Motion carries 4-1 with Anita Cereceda opposed.

X. APPROVAL OF MINUTES: DECEMBER 13, 1999, DECEMBER 20, 1999 AND JANUARY 3, 2000

Town Manager Segal-George said she'd like to withdraw these minutes and reschedule them for February 7. Vice Mayor Hughes said he would definitely be in favor of that.

XI. PUBLIC COMMENTS

A. BILL WHITAKER

Mr. Whitaker's remarks regarding FDOT were inaudible.

XII. ADJOURNMENT

The meeting was adjourned at 11:10 p.m.

Respectfully submitted,

Lorraine Calhoun
Transcribing Secretary

Items for action from the meeting of January 24, 2000

1. The court date for the Bowditch Point trial is February 9, 10 at 9:00 a.m.
2. Attorney Roosa explained that on March 6 property owners have the right to object to their assessment and perhaps get it adjusted. This hearing is set by the second resolution.
3. Motion made by Anita Cereceda and seconded by Garr Reynolds to direct staff to 1) proceed with negotiations with Lincoln Property Management to negotiate perhaps a more favorable rate on our lease, less of an increase, but also to investigate the potential of acquiring the property; 2) to negotiate a lease at least through the end of this year that would take us to January 2001, whereupon perhaps we would have some strategic planning about the long term future of where town hall will be located. Passed unanimously.
4. The bid for the trash compactors was accepted and the lease program with full warranty, 100% parts, labor and maintenance at a monthly cost of \$590 was approved.
5. Motion passes to establish a public works agency.
6. Of time sensitivity for us is that in the spring are the funding cycles for tourist development dollars for grants and also for boater improvement dollars. So if the Town is going to pursue taking over the park and getting grant dollars to build the docks, then that's something that we need to prepare grant applications for within the next 60 days.
7. A motion was made by Anita Cereceda and seconded by Ray Murphy that we send in appropriate form a request to the county commission that they withdraw the permits for parking at Bowditch Point or allow them to expire and delegate any and all future decisions regarding that park to the Town Council of Fort Myers Beach, depending and contingent upon successful negotiations with the county for an interlocal agreement, which would turn over control, responsibility and park resources to the Town with assurances for continued funding and operation and maintenance from the TDC.
8. The first hearing on the taxi ordinance will be on February 7.
9. Beach Renourishment and Channel Dredge Projects. We do need to start thinking in serious terms about funding sources for the restoration project. Mr. Gucciardo doesn't have an actual dollar amount for us yet, but it will be somewhere around one million to possibly three million dollars.
10. A motion was made by Ray Murphy and seconded by Dan Hughes to approve the recommendations for the pool as written with the understanding that these types of things can also be changed. We would charge \$50 per hour for the deck and \$75 for the pool at exclusive parties. Motion passes 3-2 with Councilwoman Cereceda and Councilman Reynolds opposing.
11. Councilwoman Cereceda said she feels totally useless at the Traffic Committee for the Chamber. We need to decide what kind what kind of role we want to play there and what we hope to accomplish. She would like to have a clear direction in March about what her role should be there, or she does not want to attend meetings any more.

12. Councilwoman Cereceda will give us a presentation on the final bills for New Year's Eve when she returns from her trip.
13. Councilwoman Cereceda said that she would like for the Town Council to make an overture to the new city of Bonita Springs and allow the participation and assistance of our Town Manager and our staff to the city like Sanibel did for us until they are on their feet. Attorney Roosa said that we should wait until the next meeting and prepare a resolution so at least there will be a document to the extent of welcoming Bonita Springs to the brotherhood and then directing our Town Manager to offer and perform her services. Mayor Mulholland asked Attorney Roosa if he would draft such a resolution.
14. A motion was made by Garr Reynolds and seconded by Dan Hughes that we try for a period of time the billboard on our Web site for the use of all council members to do Town business. Passed unanimously.
15. Councilman Reynolds noted that the Shrimp Festival will be March 18 and they are asking that everyone participate. The parade will begin at 10:00 a.m. down near the library. If you're off the island, you have to get on by 8:00 a.m. because they're going to have a 5K run that starts around 9:00 a.m. He suggests that the Town gives \$10 or \$25 to the Fort Myers Beach Lions Foundation who are sponsoring the festival although we do not have to be in the parade. He try to get a convertible for anyone who needs one.
16. Councilman Murphy noted that the Shrimp Festival is going to be on the 18th. On St. Patrick's Day on March 17th, he'd like a march down the south end of the island, closing the boulevard for 45 minutes to an hour.
17. A motion was made by Ray Murphy and seconded by Dan Hughes to have an executive session on February 7 at 5:00 p.m. Motion carries 4-1 with Anita Cereceda opposed.