

**FORT MYERS BEACH
TOWN COUNCIL MEETING
MAY 1, 2000
NationsBank, Council Chambers
2523 Estero Boulevard
FORT MYERS BEACH, FLORIDA**

I. CALL TO ORDER

The meeting of May 1, 2000 was opened by Mayor Daniel Hughes at 3:00 p.m.

Council members present at the meeting: Anita Cereceda, Daniel Hughes, Ray Murphy and Terry Cain.

Member absent from meeting: Garr Reynolds.

Town Staff present: Town Manager Marsha Segal-George and Attorney Richard Roosa.

II. PLEDGE OF ALLEGIANCE

All assembled recited the Pledge of Allegiance.

III. INVOCATION

The invocation was given by the Reverend Jeanne Davis.

IV. PUBLIC COMMENT ON AGENDA ITEMS

A. FRANK SCHILLING

Referring to the Beach & Dune Ordinance, Mr. Schilling advised that many of them did not know what is in that ordinance, but they have expressed their feelings many times relative to what he would call tampering with the beach. Ordinances that he is aware of usually set out to fix some known problem. He feels that they have maintained the beach for 25 years with no problems regarding turtles or things of that nature and have done a good job. Items such as erosion and beach renourishment need to be addressed, but, especially on private property where many of the units go right up to the mean high tide water mark, the question becomes whether or not it's appropriate to legislate how we put beach chairs on the beach, how we maintain our beach as long as we're doing it properly. What is the problem we're trying to fix with an ordinance? That needs to be clearly defined. The Marine Resources Task Force has never given him an answer. If we're trying to remake the beach into something else, then he thinks people ought to step up and say that's what we're trying to do. But we should remember that we're dealing with many stretches of private land. People don't want to be orchestrated into some of the extreme things that were proposed by the Marine Resources Task Force. We have to define what the problems are.

B. JOHN NAYLOR

Mr. Naylor advised that he is a member of the Marine Resources Task Force and that they worked on the Beach & Dune Ordinance for almost two years. They have solicited input from local residents, from visitors, from business people. They postponed actions they were prepared to take after a year of work because of some concerns that meetings would be held after the season when people had gone back north for the summer. Meetings were postponed for almost six months. There have been charettes and joint meetings with the Town Council. They have been open and consensus building regarding this ordinance. They brought together a consensus of DEP regulations, Lee County regulations, and are now under the umbrella of our own Fort Myers Beach ordinance. They are not trying to fix problems but to provide a safety net to make sure that we don't have problems, that there is a vehicle to manage our future as well as the present situation. The beach is ever-changing with erosions, tides, winds, storms. This provides us a great vehicle to really observe what's going to happen and to anticipate and have a vehicle in place. The Marine Resources Task Force sent this ordinance to Council and from there it went to

the LPA who made a few minor changes. He would encourage us to look at it not as a cure-all, but really as a safety net to help us manage our destiny just a little bit better.

C. BONNIE FEDDER

A full-time resident of the south end of the Beach, Mrs. Fedder said she just wanted to remind us of when she presented to us a petition with hundreds of signatures from visitors as well as hundreds of letters from residents and owners down on the south beach area advising they did not want to see their beach changed in any way. They understood there was one word changed in the ordinance. Instead of saying "you must put in dunes," this was changed to read "you may put in dunes." This would have saved them at their end where they don't need dunes from having to put them in.

D. CEEL SPUHLER

Mrs. Spuhler addressed live shelling and said she was most supportive of the ban on it. Recently she and Terry Cain had the opportunity to view a collection of magnificent shells that had been collected right from the flats and sandbars on Fort Myers Beach years ago. The variety and size was breathtaking, something we may never see again since some of these specimens have disappeared. To actually see what had been found on our beach then and what is found now accentuates the need for this law to be installed and enforced. This is a valuable environmental step.

E. QUINTINE LOWRY

SARAH STEPHENSON

Miss Lowry advised that she and Sarah came to this meeting to ask us to please give their team dive blocks. They have been to four meets so far this year, and the only time they've had to practice their racing was a few minutes before the race during warmups. Going off the blocks is a little hard and even a little scary, especially for the little kids on their team. It would really be great if they could practice on dive blocks at their own community pool. They are going to a lot of meets this summer and they want to show all of the other teams that Swim Florida is the best.

Miss Stephenson noted that she is also a member of Swim Florida. She would like to see dive blocks installed at their pool because it would really help her with her daily practice. She would also like to host a meet at their pool, which would not be possible unless they have all the necessary equipment.

F. ROBERT LEE JOHNSON

Mr. Johnson spoke regarding dogs on the beach. He has been down here for 15 years and has seen a remarkable change in the way dogs are handled. Some are running loose. One out of 10 dog owners carry plastic bags with them. We may not be aware that a dog's feces carries a hook worm which young kids can get when playing in the sand. There is a liability that we have to recognize. Hookworms can cause some real health problems and that's one of his main concerns. If we're going to keep the dog ordinance, there should be a patrol between 7:30 and 8:30 on the beach and it would be very obvious to everybody what is going on. He is a dog lover, but the abuse to the beach that's going on at the present time he thinks is absolutely ridiculous. He doesn't know why we allow dogs on the beach when there is a state rule against this.

G. JENNIFER KAESTNER

Mrs. Kaestner was here to ask us to approve funding for additional equipment at the Beach pool. Competitive swimming has always been an expected use for the community pool. All of the fittings for the equipment that's been requested were built into the pool deck at the time of construction. The competitive swimming was started back in November and kids have been out there every school day afternoon. On an average there are 16 kids at daily practice. They're doing wonderful things and having a really good time. These kids deserve the very best that we can give them. They are excited about being able to invite other teams out to compete at their pool. The hope is that we will approve funding so that they can put their names in for the summer season and have the chance to experience the home town pride that they so richly deserve.

H. ANN LOWRY

Mrs. Lowry is Quintine Lowry's grandmother, and she said that hers is a totally impromptu request. She wanted to accompany her granddaughter here because the need for the diving blocks is great. At the first meet that they attended, some of the children were totally unaware of what a diving block was. What is needed is six of these blocks so that the children can swim competitively. The hope is that some of these children can leave this beach and go to college on a swimming scholarship and come back and teach Red Cross swimming or something.

V. COUNCIL VACANCY

A. Terry Cain, nominated by Anita Cereceda

Mrs. Cain noted that she had been encouraged by the late John Mulholland to join the Council. She had worked with him on the Marine Resources Task Force, the Estero Bay Agency for Bay Management and the Charlotte Harbor National Estuaries Program. On April 13 she and Mr. Mulholland were supposed to spend the afternoon together in Punta Gorda at the signing of the Comprehensive Conservation Management Plan of the Charlotte Harbor National Estuaries Program. This project includes cities and towns of eight southwest Florida towns, or eight counties that both she and John were involved with -- 4,400 square miles of the Southwest Florida watershed. John was very proud of this work and the fact that the Town of Fort Myers Beach was involved in it. John was her mentor and friend.

She and her husband Richard chose to live on Fort Myers Beach over 25 years ago. The biggest factor was the small town community atmosphere. Hers is the lifelong experience of living on barrier islands and the need to take care of our natural resources to ensure our quality of life and our economic structure. She feels she has a lot to learn and will be requesting a lot of help.

Mrs. Cain thanked Anita Cereceda for her nomination and her very kind words. She stated she was flattered and honored. She accepts this nomination with excitement and sadness and only wishes that it was under different circumstances.

B. Council selection

Terry Cain was approved as a Town Council member unanimously. She was sworn in by Town Attorney Richard Roosa.

Vice Mayor Murphy noted that he has known the Cain family for a long time and that we all know all the great works and deeds that Terry has done and more than her fair share. He stated that it was a tremendous asset to have her in the Town. He also stated that from this day forward, forever more, she will be known as Councilwoman Cain and not just merely Citizen Cain.

Mayor Hughes spoke to how he had had the good fortune to serve on the board of directors of the Estero Bay Buddies with Terry and has witnessed her dedication and enthusiasm for the matters relating to Estero Bay. He has also seen the fruits of her work on the Marine Resources Task Force along with her fellow members and he noted that we are very pleased to have her on the Council.

Councilwoman Cereceda explained how she broached the idea of having Terry Cain on the Council with staff before actually approaching her and how she and John Gucciardo persuaded her to come aboard.

VI. CONSENT AGENDA

A. Approval of advertising in conference issue of Florida League of Cities Quality Cities Magazine

B. Review of updated March 2000 financial report for Florida League of Cities investment fund -- an investment income adjustment was made by FLC after the original reports were approved

- C. Review of six-month financial report**
- D. Draft: Animal Control Ordinance**

MOTION: Moved by Ray Murphy and seconded by Anita Cereceda to approve the Consent Agenda. Passed unanimously.

Mayor Hughes noted that the first public hearing on the Animal Control Ordinance will be on May 15.

VII. ADMINISTRATIVE AGENDA

A. Request for funds from the Fourth of July Fireworks Committee

Joanne James and Bill Semmer noted that for the last two years they were approved for \$12,500, but they didn't need the full amount of money. Each year they only used about \$10,000. They would like to ask for \$12,500 again this year. As they get closer to the Fourth, they will come back and give us a report and let us know exactly what amount of money they need.

Regarding the New Year's Eve fireworks, Mrs. Semmer said they had a wonderful display but came up short on that and so used some of their funds from the Fourth of July that were left over. They also saved money by Bill being the primary pyrotech and blowing up all those bombs. This year they are going to get a little more high tech in. Bill Semmer explained that they're going to have to close the pier down a little earlier, possibly at noon, only past the bait house on. It's going to take much more time to set it up and they'd like to be ready at 9:00 instead of 10:00. They can guarantee that their show is going to be bigger and better.

MOTION: Moved by Anita Cereceda and seconded by Ray Murphy to approve the request for the third year to give \$12,500 to the Fourth of July Fireworks Committee. They will give us a final figure not to exceed this amount prior to the actual event.

Discussion:

Councilwoman Cereceda ascertained with Town Manager Segal-George that the money for Fourth of July event was in the budget under Cultural Events.

The motion is unanimously adopted.

B. Public Hearing: Beach and Dune Ordinance

This is an ordinance establishing the Fort Myers Beach Beach and Dune Management Ordinance providing authority, title and citation definitions; purpose and intent of the ordinance; destruction or diminishment of dune or beach system; trash and litter on the beach; beach furniture; beach raking and rack line policy; vehicular traffic on the beach; dune systems, severability and effective date.

Town Manager Segal-George advised that this is the first of two public hearings. There will be a second public hearing on this ordinance on May 15 as it is a land use ordinance. There were a few changes from the LPA that are contained in this ordinance.

Mayor Hughes questioned Section 8B on page 4 of the ordinance. It prohibits raking on the beach and then shows exceptions 1, 2 and 3. He asked if the modification for 3, which requires Town approval, is a condition of both 1 and 2. He also asked Councilwoman Cain how she would define the mean low water line. She replied that would be the average low water line. The problem with making definitions with mean low tides and mean high tides is that every day the tides can be different. It depends upon the moon, the wind, a lot of different things. So the low tide tomorrow will not necessarily be the same as low tide today or the low tide the day after tomorrow. So you take the average of the low tide and that would be your mean low tide. Low

tide and low water are essentially the same.

A decision was made that wherever the high tide line is, we're giving them a 10-foot line on either side. These are only in extraordinary circumstances anyway, so we're talking about major fish kill and red tide. Mayor Hughes said that this would solve the problem where we have essentially no beach and a high tide, because as the water recedes our debris and rack would be seaward of that. This opinion was further debated.

In Section IX. under Vehicular Traffic on the Beach, it says all engine powered vehicles except law enforcement, code enforcement, EMS and scientific monitoring must obtain a DEP permit prior to driving a vehicle on the beach. The fire department would like for fire department vehicles to be included here. Councilwoman Cereceda noted that one of the ice cream vendors has a motorized cart and asked if it fell into this range. The question became was he was a grandfathered mobile vendor. Dick Roosa, however, said there was no provision in the ordinance for grandfathering. The vendor would have to get a DEP permit and get appropriate tires.

Terry Cain explained why she was uncomfortable with the change in 5 A. of #8 on page 3, which says "except in emergency situations due to hurricanes or flood." She doesn't feel safe letting people make sandbags off of our beach. This is because the beach deteriorates quicker and causes more jeopardy for the people who live behind the dune lines. She would like to see this exception deleted. Attorney Roosa said he thinks it's better to put the provision in the ordinance if it's an anticipated action. Councilwoman Cereceda said that when you think about it, taking sand off a beach when there is an approaching storm is like poking holes in your front door with an approaching storm. Dick Roosa would suggest that instead of saying except in emergency situations we could say this provision may be waived by specific action of the Town Council in the event of a hurricane or flood. But Terry Cain felt that no sand should be taken off the beach at any time.

The public was invited to express opinions.

John Naylor advised that raking the rack line and raking the beach are two separate issues.

Mr. Schilling said he is against excavating, but he doesn't know how we will have sand sculpturing unless we excavate sand in some form. Terry Cain said that as long as the sand stays on the beach there is no problem.

Bill Van Duzer feels that sand bags are important when it comes to protecting private property.

John Naylor stated that the rack line is not going to constitute a health hazard. It is normally your seaweed and other vegetation. You can rake it when you have red tide or fish kill or if the rack line is pushed more than 10 feet landward.

The changes that will be made in the ordinance were rediscussed.

Councilwoman Cereceda felt that the definition of a beach in this ordinance differed from the one in the turtle ordinance. Mayor Hughes told Mr. Roosa that when he brings this ordinance back on May 15, if the turtle ordinance definition of a beach differs from the one in this ordinance that he parenthetically quote it and we can look at the two definitions.

C. Public Workshop: William Teehan from the Florida Division of Marine Resources will discuss the proposed harvesting ban on live shells

Mr. Teehan said they are responding to a municipality request to restrict the harvesting of sea biscuits, sand dollars, etc., and shells containing living mollusks. Under what is now Chapter 68B26 under the Florida Wildlife Commission Code, they have made it a policy to amend municipal requests under the condition that the local city or county conducts its own enforcement of these regulations. It's overly burdensome for the Florida Marine Patrol to be counting shells in people's buckets and it is understood that the Town of Fort Myers Beach is willing to undertake its own enforcement. His commission, therefore, has decided to take this to final public hearing at its Pensacola meeting on May 25.

Having read through some of our past minutes, he has discovered that there was some

confusion as to the definition of mollusks and econoderms. Any living mollusks with the exception of oysters, hard clams, Venus clams, bay scallops and cocinas will be allowed to continue to be harvested. Hermit crabs are neither econoderms nor mollusks.

The only counties in the state of Florida that ban the harvesting of live shells are Lee and Manatee. But there is a marine life regulation that the Commission oversees that covers about 300-400 species of both fin fish and invertebrates, and certain mollusks and econoderms are included in that. To harvest those creatures you have to have a marine life endorsement, a restricted species endorsement and an aquatic license.

In order to harvest any salt water product in the state of Florida, with the exception of a couple of oddballs that weren't thought about back in the 50's when the definition was formulated, you have to have a salt water aquatic license.

The exclusive authority over the regulation of harvest and marine species is in their agency. Neither of the two counties have come back to the Commission regarding problems with enforcement and asked them to step in, nor to Mr. Teehan's knowledge have they written citations. He would suspect that if we had a major commercial violation, the marine patrol would be called in.

Town Manager Segal-George said she'd like for code enforcement to be able to deal with any violations.

Mayor Hughes suggested changes in some of the wording in the regulations, such as substituting "municipalities" for "cities."

Mr. Teehan was thanked for his presentation.

D. Request from Swim Florida

Councilwoman Cereceda noted that this was on the agenda at her request. The equipment being asked for will enhance the function of the pool. The total expense is \$9,700.

MOTION: Moved by Anita Cereceda and seconded by Ray Murphy to approve an expenditure to Swim Florida not to exceed \$10,000 for the equipment that has been requested and that it be purchased as soon as possible and put into place at the pool.

Discussion:

Vice Mayor Murphy advised he had received a call from a member of the Pool Foundation who was a little taken aback that this request hadn't been brought to them. It got him thinking that here we have a committee in place that has been specifically charged with fund raising and they were hurt that this hadn't been at least run by them. He doesn't know what the proper protocol in these situations are and would like for it to be clarified.

Deputy Town Manager Gucciardo stated there was a lot of confusion over this. Referring to a February 14 memo from John Munsey at the pool requesting additional items, he said he noted it had been copied to the Council. When he didn't hear from any councilmembers asking to bring this forward, he did not pursue it. He only found out a few weeks ago that it had not been copied to us and that we were not aware of the request. At that point it was agreed that we would put it on the agenda and move it forward. At that point, he made it part of the Pool Foundation agenda, but their meeting was canceled. The memo that was handed out to us from Brian Munsey was just received today by John Gucciardo, and this is why it hadn't been made a part of our package. It is a result of conversations that he and Janice have had with Brian over the course of the last two months. Since they had underspent the money for capital improvements in this year's budget, the Council agreed with their recommendation that they can in fact go above the line item.

Vice Mayor Murphy ascertained with John Gucciardo that typically if something comes forward from the pool, that the Pool Foundation's recommendation would be sought if it has to do

with funds.

Councilwoman Cereceda reminded us to keep in mind that the Pool Foundation is not a Town committee but an independent group that is not governed by the Sunshine Law.

Deputy Town Manager Gucciardo stated he was a little concerned about the \$10,000 cap in the motion as there may be shipping charges for the purchases. Councilwoman Cereceda said she would rephrase her motion.

MOTION: Moved by Anita Cereceda and seconded by Ray Murphy that the equipment that has been requested to be purchased for the pool as outlined in the memo before the Town Council should be purchased as soon as possible and put into place.

Discussion:

Vice Mayor Murphy said he was glad that Councilwoman Cereceda had referred to the memo because all they had requested today were the starting blocks. Ms. Cereceda agreed that there were more than that, such as back stroke flag poles.

Mayor Hughes noted that they needed seven lane dividers, but only six starting platforms. He would check that out.

John Gucciardo felt that the purchases could be made by the end of this month.

Motion is adopted unanimously.

E. Resolution setting a public hearing on a petition to vacate

MOTION: Moved by Ray Murphy and seconded by Anita Cereceda to set a public hearing on a petition to vacate.

Discussion:

Asked where this property was, Town Manager Segal-George said it was at the end of Ivy Street. There was a companion variance to this vacation that went in front of the LPA and will be coming in front of the Council a week from today.

Mayor Hughes said that the motion in effect is to adopt the resolution to set this public hearing for the 5th day of June.

Motion is unanimously adopted.

VIII. COUNCIL MEMBERS ITEMS AND REPORTS

Councilwoman Cereceda said she won't be able to attend the meetings of the Bicycle/Pedestrian Advisory Board and she would like for us to suggest a replacement. The Board sees results coming from Fort Myers Beach.

Ms. Cereceda also asked if she should begin attending meetings of the Coastal Advisory Committee. John Gucciardo said staff was going to bring this forward to Council at our next meeting to make a formal appointment. This is one of those committees where not only a voting member is needed but also an alternate voting member. It probably would be helpful if Anita could attend the next meeting on May 24. At that meeting or at the next one they will ask Council to make a formal appointment of an alternate member.

Councilwoman Cereceda reported that the Earth Day celebration in Times Square that Shawn Holiday orchestrated was really lovely and very well attended. The music was very nice and the flautist was tremendous. It was quite a success.

Councilwoman Cain said she was at the meeting for the Agency for Bay Management this morning. Brought up was whether John Mulholland's seat would be filled. This was a business

meeting mostly pinpointing the fresh water inflows that we're receiving right now down the Caloosahatchee from Lake Okeechobee and the outrageous amounts of water that are being pushed down towards us. People feel that we need to do something right now to stop it. This may take some time. Van Stalling, a member from Bonita, has lawyers working on this in Washington, D.C. right now. Mrs. Cain said she asked what the Lee County towns could do collectively.

After the business meeting, Ms. Cereceda advised, they had a visit at 10:00 a.m. from the Army Corps of Engineers, who since June 1993 have been doing a restudy of the Florida Everglades. In July 1999 the Restudy Comprehensive Plan was submitted to Congress for approval, and in August 1999 the Southwest Florida Feasible Study was initiated. They are now calling it the Southwest Florida Study. It will take 3-5 years to complete. There will be implementation when the study is completed and only if it's funded. She finds this disheartening. The Sanibel Captiva Conservation Foundation (SCCF) has sent a letter to the Southwest Florida Regional Water Committee and so has Fran Stalling. Ms. Cereceda said she would like to know what the Council would like to do regarding our fresh water inflows. Mayor Hughes said he shares her concern about this and that he's sure the other council members do also. He's had discussions with her and our Manager, who suggested that perhaps the Town should consider filing for a temporary injunction in this case, because if they are in fact doing this now, this would be the only practical relief that we could get. Before long the damage will be totally done. He asked Marsha Segal-George for her comments.

Town Manager Segal-George advised that everybody has been writing letters and she thinks that these issues with regards to what's happening to us and to the barrier islands with respect to the water quality issues although we contribute to the South Florida Water Management District is the fact that we have no control and we don't get any real response to the letters. The only way she knows to get people to take notice and be willing to talk and try to work out something is to get in their face by getting a restraining order and basically say that they can't discharge any water until the merits of the case can be resolved. And if it's going to take them three years to do a study to be able to present information to show the merits of their case, then she guesses they shouldn't be able to discharge for three years.

Mayor Hughes said that perhaps our attorney can look into the feasibility and the desirability of filing a TRO (temporary restraining order) which is preliminary to a temporary injunction.

Mayor Hughes stated that he and John Gucciardo attended a meeting called by John Albion, Chairman of the Board of County Commissioners. All the towns were represented there and its purpose was to deal with the hurricane shelter deficit prevalent in Lee County. John Gucciardo further explained that the county is required under their comp plan to meet certain hurricane shelter standards but are having trouble getting to that point. The funding mechanism that they've used in the past to retrofit existing buildings so that they are capable of housing people in an emergency was under the old hazards fund and this fund has not contributed money to any of the other cities. The point of the discussion was to see if there was a way that the cities and the county could work together to try and close the gap on that deficit. There was pretty much of a consensus that we would like to work with the county as well as the other cities. The way it stands now is that staff level meetings will go on and another meeting will be held in May and elected officials and staff will be back in June. Commissioner Albion feels that we need to try to plug into the next fiscal year's budgeting.

According to Mayor Hughes, it has been determined that one out of five persons require a shelter during an emergency and then a factor of 70% of occupancy is added in; 60,000 spaces are needed and there are only 28,000 spaces on hand. The key thing here is that they are seeking funding on the basis of population and not on the basis of the ad valorem tax base. John Gucciardo said we really don't have any firm ideas about numbers, which is something that staff hopefully will be working out in May.

IX. TOWN MANAGER'S ITEMS

None.

X. TOWN ATTORNEY'S ITEMS

(Inaudible.)

Mayor Hughes ascertained that we haven't heard from Judge Rosman but that all the briefs have been filed and are just awaiting his decision.

XI. APPROVAL OF MINUTES: MARCH 15, MARCH 20 AND APRIL 6, 2000

MOTION: Moved by Ray Murphy and seconded by Anita Cereceda to approve the minutes of March 15, March 20 and April 6, 2000. Passed unanimously.

Our 3:00 p.m. agenda is hereby concluded. We temporarily adjourned to reconvene at 6:30 p.m.

B R E A K

The May 1, 2000 meeting was called back to order at 6:34 p.m.

XII. WILSON MILLER PRESENTATION -- continued from April 17 meeting.

Dr. Richard Woodruff was called upon to commence this presentation. He advised that members of the Wilson Miller staff had returned for this meeting. Dr. Woodruff also commended us for our professional and courteous attitude during their presentations.

The focus tonight will be on the Center and Fifth master plan and then the concepts for aesthetic improvements along Estero Boulevard.

Dr. Woodruff reminded us that they are not here to solve the Estero Boulevard traffic congestion and, fortunately, with the change in seasons, traffic congestion has become a smaller issue for the next couple of months. And even though they are not solving our problems, they are not going to make them worse. They believe that all the recommendations they have given will be either traffic positive or traffic mutual, but none will be traffic negative. Dr. Woodruff stressed that our comprehensive plan is what must direct and guide us as we go forward.

Addressing cruising, Dr. Woodruff said that what they found out about cruising after talking to the sheriff's department is that although aggravating, it is not against the law. Teenagers are primarily the ones who are involved in cruising activity. It typically occurs in the evening hours, but during spring break it can occur 24 hours a day. Other than spring break, it occurs around 9:00 p.m.

Circulation at the intersection of Center and Fifth was looked at. It can be widened.

Recommendation 1

Recommendations have been made for roadway management. There are many ways to conduct traffic management and they are recommending for Fort Myers Beach three primary techniques and two secondary techniques. One technique is a traffic calming, slowing issue. Another is a refuge island which is basically landscaping or other types of improvements. The third technique is the fold out.

Recommended is that there be 16 primary traffic management locations approved for further study for design purposes and that there be 17 secondary traffic management locations.

For San Carlos Boulevard, use a primary traffic management technique.

For Bay Road, use a secondary traffic management.

Recommendation 2

This takes the same approach as Recommendation 1 and deals specifically with trolley stops. They have identified 20 primary locations and 15 secondary locations. The primary trolley stop has a trolley pull off, a pedestrian shelter, pedestrian lighting, benches, brick or concrete pavers and an intensified landscaped edge. Left out for the secondary location is the shelter and the pull off.

Recommendation 3

This recommendation has to do with cross walks. In a typical cross walk there will be pedestrian paths, additional landscaping and lighting. Another type of cross walk would be a median refuge cross walk with a refuge in the middle of the attributes of a typical cross walk. Beach access cross walks have much more surface area changes. There are 41 locations for typical cross walks, and 20 locations for beach access cross walks.

Recommendation 4

This recommendation deals with landscaping. There is a rhythm to landscaping where shade trees are interspersed with palm trees and flowering trees. All landscaping will be low maintenance ones. Shrubs are recommended for ground cover.

Recommendation 5

It is believed that the south end of the island will become more and more important to us as a community and to folks who are coming onto the island. The option is to begin at the south end of the pass and bring a landscaped gateway feature all the way onto the island itself. There are enhancements that can occur on the bridge and at the toe of the bridge. Suggested is that Council authorize a gateway feature to be studied here to be brought back with specific components and that it should be given the flexibility of covering the entire area.

The budgeting process here will be the capital improvements budget.

Public Comment:

A. Dan Haggerty

Mr. Haggerty stressed the importance of emergency vehicles reaching their destinations on time. He feels that roundabouts impede traffic. He would ask us to vote no to any roundabouts on Estero Boulevard including at the bridge.

B. Al Bloomquist

Mr. Bloomquist said he thinks that every dollar should be going into improving the traffic flow rather than planting trees or putting roundabouts in.

C. Roxie Smith

A 40-year resident of Fort Myers Beach, Mrs. Smith referred to the CRA meetings that used to be held on the Beach. The two common things heard at those meetings were traffic and Estero Boulevard Streetscape and beautification. Conceptually, what she has seen through these charettes and presentations of Wilson Miller is that they are very very similar and almost identical to what the CRA spent five years talking about. She thinks that Wilson Miller is very much on the right track, at least with what the community wanted a couple of years ago and she assumes that they still do. She doesn't know if traffic calming will work, but sees no harm in trying it. Nothing else has worked.

D. Al Van Horn

Mr. Van Horn reminded us that Wilson Miller is not charged with solving the traffic problem. The question we must ask ourselves is if indeed a roundabout will continue a traffic flow. The biggest gripe we hear is that the cars that are backed up are simply not moving for minutes at a time. There is no way during season that we're going to proceed from the south end

to mid island at 35 miles an hour and from mid island to the north end at 25 miles an hour. But he's happy if he's moving at a snail's pace rather than just sitting there and not moving at all.

E. Johanna Campbell

Mrs. Campbell referred to the fact that at Wilson Miller's first presentation here we were all given little round stickers to put on a priority list. Roundabouts received the biggest number of stickers. We should keep in mind that there are a lot of people interested in trying something innovative on the Beach. With respect to street trees, they were a very good selling point for the condominium where she used to live. Planting on the street will only enhance our property here and make this island a better looking place. She was sorry to read in the papers that the medians on the boulevard have been eliminated. Naples has medians up and down 41 that are lined with lush vegetation and nobody there seems to have a problem with them. She would like to have that kind of atmosphere here on the Beach.

F. Betty Simpson

Mrs. Simpson made note of the fact that the Town hired Wilson Miller to plan a project to improve the safety, efficiency and the appearance of Estero Boulevard. She itemized what people expressed they wanted on Estero Boulevard at the charettes that were held. She would like to commend Wilson Miller, and specifically Dr. Woodruff, for the fine job that they have done in addressing all of these different issues. We will probably never eliminate our traffic problems, but if we can just keep moving in the traffic, it will be beneficial to us.

G. Dan Parker

Mr. Parker said there are software programs that will show us just how efficient a roundabout would be. We can get a second opinion through such a program.

H. Robert French

According to Mr. French, two weeks ago something was said about putting a roundabout on Aberdeen, which is in a residential area, and everyone will be detouring around it. Also, curbs will put the water down the side streets or we'll have to buy a property and condemn it to build underground storages.

Our speed limit is not 30 and 35 mph, but today he tracked traffic at 40 mph. The speed limit should not be lowered but raised 5 mph. Accidents do not happen because of speed but because of poor maintenance of the car. He doesn't think we've looked at the whole picture.

A divider will impede a fire truck from getting across traffic to put out a fire. People living on either side of the divider will increase traffic and tie it up. A lot of people will leave the island because of this.

I. Dorothy French

Mrs. French congratulated the planners for the use of their new symbols on the map. She finds them to be very appropriate for Fort Myers Beach. On interstate maps those little triangles represent camping places, and she thinks that's what we feel we have most of the time during the season.

She asked if the Wilson Miller plan called for curbs up and down Estero Boulevard and was told yes. She wondered, therefore, how one would pass the weekly garbage and trash trucks. Many places have trash receptacles right out on the edge of the road and there's no way to get around trucks ahead of one. This will cause more road rage and frustration.

If we plan on having landscaped central islands, we will have the beautification trucks doing repair work now and then, also adding to the traffic. A curb would keep cars waiting in line, unable to pass around the trucks.

Dr. Woodruff was asked to respond to some of the statements made. Raised curbs will only be used in certain sections, such as at trolley points. Regarding Aberdeen, it is on the list for secondary traffic management techniques, which are limited to intensified landscaping and surface treatment. Medians have not been eliminated throughout the island, but there are certain areas where one cannot be put in. There are opportunities, however, to put them in the 80 and 100 foot zones, such as down in the southern end of the island. They would like to remind us that

installing a roundabout at Central and Fifth does not close off other traffic options. Those people who come to Crescent and want to go around to the bay side will still be able to come in at the bridge. Parties coming from the north end to Central and Fifth can come to the roundabout to get into the traffic flow, or they can continue to do what they do today: turn before you get to the large parking lot, come under the bridge area, circling and approaching that intersection. There is no plan that is going to be 100% without warts. They believe that Mr. Bloomquist has valid concerns, but still believe that they have met the test of being traffic neutral to traffic positive. But they would remind us that of all the options available to us, the roundabout is the one option that goes beyond traffic management and gives us the ability to have a true gateway feature that adds an addition and a welcome and a compliment to the island beyond what any other option would give us. They would still recommend a roundabout to us.

Dr. Woodruff advised that they have utilized the software package to model the entire intersection at Central and Fifth with respect to the fire truck issue, but he would also remind us of the fact that they have not altered our other options for getting through that intersection.

Council members expressed their feelings about each of the recommendations that had been made and voted on same.

Recommendation 1

Road management, traffic management locations.

MOTION: Moved by Anita Cereceda and seconded by Ray Murphy to accept Recommendation 1. Passed unanimously.

Recommendation 2

Trolley stop locations.

MOTION: Moved by Anita Cereceda and seconded by Terry Cain to accept Recommendation 2.

Discussion:

Mayor Hughes advised that he had some reservations regarding the scope and the size of some of the primary trolley stop techniques. He's not convinced that we need to be quite so elaborate, but he's willing to proceed at this point with further design to enable us to get some cost estimates.

Councilwoman Cereceda noted that every time we have made any type of overture or effort to either improve trolley service or make it less expensive or make it easier and more convenient for people, ridership increases and there are less cars on the road. Whatever we can do to continue to improve the level of service of the trolley, its convenience and desirability to use it she thinks is making a good step forward.

Motion passed unanimously.

Recommendation 3

Cross walk locations.

MOTION: Moved by Anita Cereceda and seconded by Ray Murphy to accept Recommendation 3.

Discussion:

Councilwoman Cereceda asked how many cross walks exist and how many are being

proposed here. She was told there are about 28 or 35 in existence. She also commented that in the charettes mention was made of improvements of cross walks to increase pedestrian safety, and that appears to be what is happening here.

Vice Mayor Murphy said he agreed with some of the comments. When you talk about safety on Fort Myers Beach, this is probably one of the worst areas that we have going. We know of people who have been hit in the cross walks the way they are right now. They sorely need immediate attention and he's all for improvements in the cross walks.

Mayor Hughes said he also believes this was a very serious safety factor. He likes the idea of lighting up the raised bump.

Motion passed unanimously.

Recommendation 4

Landscape design and rhythm, including a palette of shade trees, medium sized trees, palm trees flowering trees, shrubs, ground cover.

MOTION: Moved by Ray Murphy and seconded by Terry Cain to accept Recommendation 4.

Discussion:

Councilwoman Cereceda said that this is probably the least significant of the plan, but she loves it. It will certainly change the boulevard.

Mayor Hughes advised the members of the public that this was gone over at our last meeting;

Motion passed unanimously.

Recommendation 5

This has to do with the concept of creating a gateway at the south end and doing a future study of the area that goes from the toe of the bridge all the way through to the beginning of the island.

Mayor Hughes noted that when Bonita Springs recently incorporated, they incorporated that area right up to our bridge. So if we were to do anything on the south side of the bridge, we would have to get their concurrence. Dr. Woodruff agreed, saying that we would have to have intergovernmental cooperation for that to be accomplished.

Mayor Hughes asked Dr. Woodruff what exactly we are asking him to do here. We were given three alternatives. Dr. Woodruff advised that the contracts with Wilson Miller are for conceptual work. What they're talking about here would be a recommendation that we accept and endorse the concept of a south gateway. We have been shown several options. A design concept with some company, be it Wilson Miller or someone else, would need to be authorized at a future date with the Council. We are not obligated however to have a consultant do anything nor for him to design it on both sides.

Mayor Hughes asked with so much flexibility here, when Wilson Miller comes back in two weeks how are they going to give us numbers on what the costs are going to be. Dr. Woodruff said they would not look to give us cost estimates on the south gateway because that's simply too fluid. Maybe it would be more appropriate for us to simply acknowledge the receipt of Recommendation 5 conceptually but take no action on it. We can decide the direction we want to take at a later date.

Councilwoman Cereceda said she feels that in an ideal world, that is the best way to create that gateway as opposed to waiting to get over the bridge.

MOTION: Moved by Anita Cereceda and seconded by Ray Murphy to accept Recommendation 5, the aesthetic improvements of the south end gateway on a conceptual basis. Passed unanimously.

Contract II -- Center Street/Fifth Avenue

Three recommendations have been made by the consultants: traffic management technique of a circle; pedestrian improvements for that zone and the installation of that as a gateway feature. Cross walks are necessary to channel pedestrians to cross at particular locations and not jaywalk.

Council members gave their reasons for wanting a gateway appearance at this location along with some concerns.

MOTION: Moved by Anita Cereceda and seconded by Terry Cain that we move forward with a roundabout.

Discussion:

Councilwoman Cereceda would like to see the cost estimates broken down when Wilson Miller returns to us. Dr. Woodruff said that what they would give us is a hard scape number and then several levels of landscaping. But when it comes time to actually get into the final design, he would encourage a lot of public input, including possibly a design committee to look at a specific feature, such as water or statues.

Motion passed unanimously.

XIII. PUBLIC COMMENT

A. BOB PETERSON

Mr. Peterson stated that tonight for the first time they heard that there was a computerized traffic study of the turnaround. He wished to know if we will ever be able to find out how the computerized program for regular vehicles came out. Was it greatly improved? Greatly worsened? Dr. Woodruff said that in our final report will be included the level of service analysis for the unsignalized intersection as it exists today during peak season, the roundabout, and the signalized intersection. All three of these conditions have been analyzed with the software spoken about. It will be available at the June 5 meeting.

B. AL BLOOMQUIST

Mr. Bloomquist said he'd just like to point out to Council that we are losing the center turn lane in all of the intersections that are shown. This will have a very definite effect on southbound traffic. Now we're going to have a problem.

XIV. ADJOURNMENT

The meeting was adjourned at 8:17 p.m. The next meeting will be held on May 17.

Respectfully submitted,

Lorraine Calhoun
Transcribing Secretary

Items for Action May 10, 2000

1. The first public hearing on the Animal Control Ordinance will be on May 15.
2. There will be a second public hearing on the Beach and Dune Management Ordinance on May 15.
3. It is understood that the Town of Fort Myers Beach is willing to undertake its own enforcement of banning live shelling. Mr. Teehan's commission, therefore, has decided to take this to final public hearing at its Pensacola meeting on May 25.
4. John Gucciardo felt that the purchases for Swim Florida could be made by the end of this month.
5. A public hearing on a petition to vacate will be June 5.
6. At the May 24th meeting of the Coastal Advisory Committee or at the following one they will ask Council to make a formal appointment of an alternate member.