

**FORT MYERS BEACH
TOWN COUNCIL MEETING
JUNE 5, 2000
NationsBank, Council Chambers
2523 Estero Boulevard
FORT MYERS BEACH, FLORIDA**

I. CALL TO ORDER

The meeting of June 5, 2000 was opened by Mayor Daniel Hughes at 3:03 p.m.

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

Member absent from meeting: None.

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

II. PLEDGE OF ALLEGIANCE

All assembled recited the Pledge of Allegiance.

III. INVOCATION

The invocation was given by the Reverend Bob Stuckey.

IV. PUBLIC COMMENT ON AGENDA ITEMS

A. DR. BOB STUCKEY

Dr. Stuckey stated that something that will continually face this Council is the subsidy of religious and benevolent organizations out of tax money. They who are in the nonprofit business today realize that they do not come to the tax coffer to receive things of that nature. And though he agrees with helping our children and does everything with their church's money to do that, he still feels that the principle of the separation of church and state on which our country is founded and a great part of our Constitution is something he opposes as a religious leader. He feels that we can find that money and do those things without coming to the tax coffers.

B. PETER LISICH

Mr. Lisich of Estero Boulevard advised he lived adjacent to Bowditch Park in the last building on the bay side and runs a small inn at that property. His interest in Bowditch predates his move to Fort Myers Beach and it is one of the reasons he moved here. The vision of the group that purchased Bowditch Park was that it was to be a passive setting similar to what it is today, and it was part of a larger plan to acquire public areas to prevent them from being developed and to keep them in the shape that they are in. They felt passionate about this and did bring to the Council 300 signed letters from neighbors and residents and property owners at their end of the island opposing parking. They formed the North Beach Residents Association to challenge the county's decision to proceed with parking in that park. If we look at the memo their attorney prepared, they basically lost on technical issues, last and not least of which was that the promises the county made back then they don't really have to live up to. The judge felt that it was "unfortunate that it is this type of thing that make people lose trust in their government." He hopes that we proceed to keep the park the way it is and not turn it into another incredibly intensely overused park and look at all the studies that have been done, all the traffic information -- all facts that have been brought to us before. He asks us to urge the county not to proceed to develop the parking lot until we have a bigger and broader plan for the Town in dealing with all the issues that affect that park and parking and traffic.

C. JOHN NAYLOR

Mr. Naylor is the general manager of the Pink Shell, which is right next to Mr. Lisich's house. He requests that we not rush in to undo a plan that took a long time to put together and has not yet been implemented. The original plan for Bowditch Park was that it would be a regional passive park with bike paths. The park was purchased in '89, but the bike paths were not finished until 1997. Part of the original plan called for a dock with water taxis to get people to and from there. Last week the Tourist Development Council approved the Town of Fort Myers Beach's request for monies to put a dock at Bowditch. On the agenda today is water bus/taxis. Also part of the original plan was that there would be some sort of larger parking facility in the Times Square area. That hasn't happened yet, but there are a couple of private developers who are contemplating that type of action. He would ask that we not rush into something that has already been in gradual construction for over ten years, because once we build parking at Bowditch, it will never go away. Back when all that happened, Fort Myers Beach did not exist. It really is part of home rule. We really ought to be responsible for making decisions that impact our residents, our visitors, people who work here on the island, because we should know better how to manage our accesses. He's not saying to keep it strictly for Town use, but we need to look at what was the purpose of the park and if we are going to keep it as was intended.

He would like to ask that we think about asking the board of county commissioners to certainly be part of that decision-making process, if not ultimately being responsible for that decision.

D. LORIE WOLF

Mrs. Wolf is in favor of parking at Bowditch Point. She would like for us to request the county commissioners to go forward with the approved plan to put parking in Bowditch Point. The survey taken during the March election showed that there was an overwhelming number of voters on Fort Myers Beach who are in favor of parking at Bowditch Point. (The percentages were 77.7 for and 22.2 against.) The needs of all of the voters in Lee County need to be considered. A county park should be available to anyone who lives and plays in Lee County. Parking at Times Square would not be effective for Bowditch Point when carrying beach chairs and coolers and strollers. There are over 19 acres at Bowditch and only 33/100th of an acre would be used for the parking, which would not affect the use of the park as a passive facility. This beautiful park is underutilized and more people should have the opportunity to enjoy it.

E. BARBARA KEENE

A 15-year resident of the Beach, Mrs. Keene advised that her parents were here 20 years before that. She believes that this board has voted twice to support parking at Bowditch and she asks that we continue that support. Over 77% of the voters were in favor of parking at Bowditch and there is a letter that's being circulated now on the island, Cape Coral, Fort Myers and part of Bonita commending the county commissioners for their support for the parking situation. She'd like to see 68 parking spots in the park.

F. CARLETON RYFFEL

Mr. Ryffel said that when listening to the speakers, the biggest concern he would have is a failure to understand what the bigger picture is in terms of what will happen if parking goes in at Bowditch Park. The problem will be with people who don't find parking spaces. John Mulholland had asked that he help him make sure that the decision at Bowditch Park was a Town decision. He wanted him to do this by staying on top of the county commission hearings and discussions. He and Pam Houck both felt that parking there would have a negative impact on the traffic situation and will undo the progress we've made and will make in the overlay areas, specifically the San Carlos plan and the general overlay area in the downtown Square. They also felt that the Town should address parking in our way -- with water taxis, docks, parking garage, on street parking in the San Carlos overlay district. There are also private sector opportunities going on now that will provide parking. We should continue to keep Bowditch a passive park and Lynn Hall an active park. There is a world of difference between those two parks and it's a

great asset to the community to keep them just that way.

V. CONSENT AGENDA

A. Approval of Spikowski Planning Contract Extension

B. Approval of Recording Equipment Purchase

Councilman Reynolds noted that that the Spikowski's planning contract was virtually identical to the one we had and with very few changes in it and he sees no problem with it.

Regarding the recording equipment, Councilman Reynolds complimented Janeen for her attempts to get a competitive bid. It's about time that we get something that has a professional quality to it so that we can better hear the tapes.

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

Mayor Hughes stated that for the record the approval of the Spikowski planning contract is a six-month extension of his contract for professional services with just some minor modifications to delete what has been done and to add what is still pending in terms of our adoption of our land development code. Item B is \$9,000 for the audio-visual system in the chambers. He would ask, however, why there are 13 microphones. Town Manager Segal-George advised we wanted to have sufficient microphones to handle the larger committees.

Motion passes unanimously.

VI. ADMINISTRATIVE AGENDA

A. Presentation: Water Bus/Taxi

Capt. Ron Larabee advised that his firm runs water buses. He has a license through the coast guard and he is a licensed charter captain. He had some fact-finding meetings with John Mulholland last year and has here today some of the proposals they had talked about. The proposal would be to operate a water bus service for the Town of Fort Myers Beach, which would include the waterway and the beach area.

The off season would be used to test the stops to establish regular bus stops. There would probably be 10-15 stops. They would start with two boats especially designed for beach access with ramps. Docks are not needed unless going into areas that don't have that facility. They would publish and distribute the bus schedule. They are here today to request the support of the Town of Fort Myers Beach. They wish to put signs on the boat indicating Fort Myers Beach Water Bus to add credibility to the service. They'd like to provide signage where needed at the different bus stops with an identifying logo. Parking will be needed at county and Fort Myers Beach facilities where water buses can pick up passengers. A liaison officer will be needed to coordinate the efforts of the bus service and the needs of the Town. Authorize the bus service to advertise on the buses to offset the cost of operation. Allow bus service to land at designated stops on the beach to pick up and to discharge passengers. Fees, if any, should be weighed for the bus service.

User benefits: No parking problems, no traffic problems, dependable transportation, low cost.

Town benefits: Some of the traffic congestion would be alleviated.

During tourist season, local employees could use the water bus for transportation. They could start at 6:30 in the morning, obtain a day pass and be dropped off anywhere they want after work or go back to where their cars are.

A preliminary feasibility study indicated that this would be a viable project to do. If the Town Council would help them in just indicating that they would like to have a taxi service, the

venture capitalists and investors would be willing to back this project. John Mulholland had mentioned Bowditch Park, and if need be, they would add Bowditch Park on a special run.

The taxis have electric ramps on them, enabling one captain to operate the boat and also drop the ramp.

Vice Mayor Murphy indicated he was in favor of the idea of a water bus. He has no problem with advertising on the buses. The Town could advertise on the web site and at other locations. Mr. Murphy established that the fees in question were permitting fees and not passenger fees. As far as passenger fees, the cost would be from \$1.50-\$2.00 per ride. If one purchases a 5-day a week ticket, he could ride anywhere from 6:30 a.m. until the last taxi runs at a cost of about \$10.00 a day. Pick up, it was established, would be from San Carlos Island over to Estero Island. They would also run from Fort Myers Beach to Sanibel.

Capt. Larabee explained to Councilwoman Cereceda that scheduling depended on how many boats would be available and the time of the year. She asked if he had coordinated with the jet ski owners and Capt. Larabee advised he had not done anything more than what he has just presented to us because he wants to work with the Council and with the Town of Fort Myers and you can't do that unless you make a presentation first. Who would arrange where these bus stops are? Capt. Larabee stated he would do that with the liaison officer.

Councilman Reynolds said it sounded like Mr. Larabee would become a partner with the Town. Capt. Larabee advised not as an investor but only as it relates to fees. He also advised he had learned about the Town's interest in having a water taxi through a friend of his.

The boat's capacity would be 30-35 people.

Potential parking lots were discussed.

Town Manager Segal-George advised Mayor Hughes she didn't think there was any kind of development fee involved.

Vice Mayor Murphy stated that we've been after this sort of operation for a long time and as Dan Hughes mentioned, we've had a few half-hearted attempts in the past. This sound like it could be an operation that could work. He asked Attorney Roosa if this would be considered a land based operation that would have to have a public hearing. Mr. Roosa said there would be no need for a hearing. Vice Mayor Murphy suggested having a yearly contract and monitoring their success.

Councilman Reynolds asked if we would give an exclusive contract to this operation. Capt. Larabee stated they weren't looking for exclusive. If Council wants to have a water taxi, they will produce one that can withstand competition. Also stated by Mr. Reynolds is that we've had problems up and down the beach with parasailers who wanted to come in at any location. He believes as it stands right now they cannot come in unless they list a location. Would this operation have to do the same thing? He was told yes by Town Manager Segal-George. There would be established stops.

Councilwoman Cain said it sounded like a good idea to her if people will utilize it. Councilwoman Cereceda also said that it sounded like a great idea. She looks forward to Capt. Larabee's next presentation when he will have a business plan.

Mayor Hughes told Capt. Larabee he had a 100% consensus that we want him to proceed. He would ask that he goes ahead with further details and submit them to the staff so that they can come back to us as soon as possible.

B. Presentation and Discussion of Draft Interlocal Agreement: Solid Waste

Deputy Town Manager Gucciardo noted that we had a memo in our packet of his attempts to try and lay out some of the issues that we've been dealing with as we go forward to try and replace the service that we now have in operation that will continue until September 30. Lindsay Sampson was here from the county with representatives from both the county and from Superior Waste. They are hoping that after today's presentation the Council will be in a position to give direction on two interlocal agreements and two options on each of them. Depending on the

direction they receive, they may be bringing back an ordinance to be considered at our next meeting.

Lindsay Sampson, director of the Solid Waste Division of Lee County, advised that after review of the two interlocal agreements dealing with solid waste management here in the Town of Fort Myers Beach he believes that the information provided to us by John Gucciardo is very clear and comprehensive. We have been given two versions of the disposal agreement for our consideration. One version is for a 5-year term and the other version for a 10-year term. The 5-year agreement does have a limitation on the amount of solid waste that the county will accept for disposal. They will make plans for the amount of tonnage they will expect to see over the longer period of time. They will not consider additional disposal capacity for any municipality over and above what their current generation is if that municipality only agrees to a short term commitment. So they are looking for a longer term commitment if the Town wishes the county to make the necessary plans for disposal capacity.

Mayor Hughes asked about the escalation clause referred to by Mr. Sampson. He was told that in their operations contract with Ogden Martin, the company that operates the waste energy plant, the escalation clause relies on three separate indexes: a labor index for power plant companies, an index for the cost of chemicals and an index that shows the cost of heavy equipment. These three indexes are intended to represent the type of operation that occurs at a waste to energy facility.

Asked by Councilman Reynolds if this agreement is similar to those of the other municipalities, Mr. Sampson said that they are all extremely similar with some minor variations. But there is a big variation between the Town of Fort Myers Beach and Sanibel, which has to do with the collection of materials. Sanibel provides for their own collection, and so our agreements with Sanibel, Cape Coral and Fort Myers have nothing to do with the collection of materials. The disposal part is almost identical to that of the City of Bonita Springs.

Lindsay Sampson next discussed the assessment agreement which sets forth how the county's methodology has been arranged for determining the assessments for various types of properties. He distributed handouts for us to review. There are assessments levied to all developed properties and none levied to vacant properties. They are wholly separate from all other county operations. The assessment agreement provides that we can select an assessment method that either uses a municipal service benefit unit or a municipal service taxing unit system for levying these assessments. There are two agreements -- one with a 5-year term and one with a 10-year term. In the handout is shown a comparison of an MSBU assessment versus an MSTU assessment. For the past four years the Town of Fort Myers Beach has used an MSBU assessment as have all the municipalities with the exception of Cape Coral. With the MSBU, the assessed amount for each individual property owner is based on the average generation from each property. However, on an MSTU system, the amount that each individual property owners pays is based on the value of their property. So collectively the total value of all the property of the Town of Fort Myers Beach is associated with the total amount of solid waste that's generated, but with an MSTU plan, each property owner pays according to the value of his property. If all municipalities do not enter into an agreement with the county for the MSBU or MSTU assessment, then their division will recommend to the board of county commissioners that there be no assessment agreements with the cities and that they will simply receive these funds through a general ad valorem tax county-wide. The total payment for the Town of Fort Myers Beach is still the same whether for MSBU or MSTU, it's just that each property owner pays a different amount.

In answer to his question, Councilman Reynolds was told that duplexes are charged twice as much as a single-family home. This is done all the way up quadraplexes. After quadraplexes, a building with five apartments would be called a multi-family building and their actual per unit assessment is less than a single-family home, but they would still pay for that amount times 5.

Mr. Sampson further explained the figures given in the handout.
Deputy Town Manager Gucciardo expressed staff's preference for 10-year agreements.

MOTION: Moved by Garr Reynolds and seconded by Terry Cain that we accept the interlocal 10-year collection agreement.

Discussion:

Councilman Reynolds stated he had reservations regarding long term agreements, but after listening to the presentations he feels that would be the way to go. His main concern is that the Solid Waste Division could go up to a 6% increase per year without any reaction from us.

Motion carries 4-1. Opposed by Dan Hughes.

MOTION: Moved by Terry Cain and seconded by Garr Reynolds that we approve the interlocal agreement for municipal solid waste disposal facilities and continue our MSBU program with the county for a 10-year term. Passed unanimously.

According to John Gucciardo there is one other relatively minor issue that has to do with the clause in the current agreement between the county and Superior for the actual service they will be providing. Currently garbage collection can start on the island at 6:00 a.m. In the new agreement they have rolled back that hour to 6:30. We have not received any significant complaints about 6:00 pick up here on the Beach that he's aware of, and for purposes of conceding to fact that there could be some logistical problems here on the Beach, especially during season, they would like direction from the Council that the collection be allowed to stay at 6:00 a.m.

MOTION: Moved by Ray Murphy seconded by Anita Cereceda that the garbage collection be allowed to stay at 6:00 a.m.

Discussion:

Councilman Reynolds said he thinks the option is good and that perhaps they should start at 5:00 a.m. down in Times Square.

Mr. Sampson advised that their contracts provide for a 4:00 a.m. start for commercial customers, as long as that operation does not impact on residential areas from a noise standpoint.

John Gucciardo said that he feels confident about Superior's attention to customer service. What they hope to do starting in September is to start a public outreach so that there's an education process about the transition, numbers for complaints and things like that so that hopefully the switch over to the new provider will be as soon as possible.

Motion passes unanimously.
The existing ordinance will be modified.

C. Final Public Hearing: Animal Control Ordinance

Mayor Hughes read the ordinance into the record. It advised that this was an ordinance amending the Town of Fort Myers Beach Code of Ordinances, Chapter 21.

Public Input:
None.

MOTION: Moved by Ray Murphy and seconded by Anita Cereceda for adoption of this ordinance. Passed unanimously.

D. Resolution: Establishing Fees for Animal Control Ordinance

Mayor Hughes advised that this resolution was a corollary to the ordinance just adopted. He asked staff how we arrived at these fees. Deputy Town Manager Gucciardo stated that these fees mirror the county fees. The whole point was to have our ordinance try to match the county fees as closely as possible except for minor variations. They would be one time fees paid directly to the county as our agent.

Mayor Hughes read the resolution into the record.

MOTION: Moved by Anita Cereceda and seconded by Ray Murphy to approve the resolution.

Discussion:

Councilman Reynolds asked if the county could change set fees. John Gucciardo said they could and that was the purpose of doing this by resolution as opposed to building it into the ordinance. It's hoped that we'll be able to match the county-wide fees so that our residents are not at any disadvantage compared to other county residents. If there were to be a change on the county level, we could by resolution change ours without having to go through the ordinance process.

The resolution is unanimously adopted.

E. Public Hearing: Petition to vacate a portion of Ibis Street

Petitioner's Representative:

Attorney James Costello said he represented Donald and Mary Corcelli. He stated he would defer further remarks on this issue which has already been presented to us in a very complete way until after other members of the public have had a chance to speak unless we have specific issues we'd like for him to address now.

Council Input:

Councilman Reynolds asked Mr. Costello if he could explain why the Corcellis wanted to do this, as it has been this way forever. Mr. Costello explained that it was a title insurability problem. Apparently from the platting of the property in the early 1950s until 1988 when the Corcellis bought the property, the property remained either within a family or within a related transaction. It was only when the Corcellis went as part of their purchase in 1988 to get title insurance on the property that these issues were raised by an underwriter. It creates for them a title problem which the underwriter suggested they get taken care of.

Public Input:

None.

MOTION: Moved by Ray Murphy and seconded by Anita Cereceda to approve the vacation of a portion of Ibis Street as set forth in the documentation we all have copies of. Passed unanimously.

F. Public Hearing: Corcelli Variance. Case No. VAR2000-00011.

A variance in the RS-1 single family residential district from Land Development Code Section 34-695 which requires a minimum lot width (street frontage) of 75 feet to permit 25 feet of street frontage for an existing single family residence. This property is located at 290 Ibis Street.

Mayor Hughes advised that this was a continuation of a public hearing.

Public Input:

None.

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

G. Introduction to Amendment to Land Development Code, Chapter 6

Town Manager Segal-George said that on Chapter 6 there would be two public hearings. One will be set for June 19 which may start at 3:00 p.m. There is a requirement that one of these public hearings will have to be after 6:30 p.m. The plan is for the second public hearing, which will be June 29, will be after 6:30 p.m.

MOTION: Moved by Anita Cereceda and seconded by Ray Murphy to approve the date of June 19 at 3:00 p.m. for the first public hearing and June 29 at 6:30 p.m. for the second public hearing. Passed unanimously.

H. Introduction to Amendment to Land Development Code, Chapter 2

The recommendation of staff for the dates of the public hearings are June 19 at 3:00 p.m. and June 29 at 6:30 p.m.

MOTION: Moved by Terry Cain and seconded by Garr Reynolds to approve the date of June 19 at 3:00 p.m. for the first public hearing and June 29 at 6:30 p.m. for the second public hearing. Passed unanimously.

I. Introduction to Amendment to Land Development Code, Chapter 34

Mayor Hughes advised this is an ordinance amending Chapter 34, Town of Fort Myers Beach transitional land development rates regarding fast foods definitions.

Town Manager Segal-George said the first public hearing would be June 12 at 9:00 a.m. and the second public hearing would be June 29 at 6:30 p.m.

MOTION: Moved by Ray Murphy and seconded by Terry Cain to approve the date of June 12 at 9:00 a.m. for the first public hearing and June 29 at 6:30 p.m. for the second public hearing.

Beverly Grady, counsel for the property owner, requested that this not be set for public hearing in light of the LPA's recommendation.

Town Manager Segal-George said she'd like to see this set for a public hearing. She received a phone call that there are folks who are against this and are preparing a petition with signatures, and she gave them the dates of these hearings.

Motion passes unanimously.

J. Introduction to Harbor Ordinance

Mayor Murphy said that staff has recommended that this be set for June 12 at 9:00 a.m. and June 29 at 6:30 p.m.

MOTION: Moved by Terry Cain and seconded by Ray Murphy to approve the date of June 12 at 9:00 a.m. for the first public hearing and June 29 at 6:30 p.m. for the second public hearing. Passed unanimously.

K. Discussion of Drainage Projects; termination ECT contract

Town Manager Segal-George advised that Pam Houck has met with Mr. Edenfield and he is here. He believes that over the summer he can get us moving on Santos and Primo, which were number one and number two on the priority list. Staff recommendation at this point is to let him do it and see if it can get done. If not, staff will be back in front of us when we come back from break.

Respecting the delay in this matter, Pam Houck advised that they have been in the process of hiring a surveyor and a contract was signed with one last week. He will be on the Santos project in the morning. There have been problems with other projects that Mr. Edenfield has been working on and he has not been able to spend the time on our projects that we had anticipated. He has promised Mrs. Houck that he will work diligently with her and will get the next two projects on line and hopefully completed by the end of the summer.

Mr. Edenfield addressed the Council advising that there were corporate decisions and local staffing issues that had gotten in the way of their being able to progress on these projects. But they have made some progress, not just on Santos and Primo, but on the other projects. Mayor Hughes requested that he make a progress report on at least a semi-monthly basis to our staff.

Mr. Edenfield noted that there are 8 projects and they are currently focusing on the top two. They hope to move immediately forward after the surveyor clears this project.

Vice Mayor Murphy expressed his disappointment that the delay has caused water in people's houses and that they will have to go through another rainy season without some work being done.

L. Discussion of Nations Association request for donation

Town Manager Segal-George referred to a memo from her in our packets and advised that Rev. Suarez's request for 300 children is beyond our capabilities to accommodate anywhere. There really are no private beach locations that could accommodate that many children. Making a choice to go to Lynn Hall is something they would have to work out with the county. The pool was offered as a possibility because it's an area that's under the Town's control, but pool management felt that anything more than 100 children at a time would be too many.

Mrs. Segal-George advised that the estimate of a contribution of \$2,000 would be the price of waiving the fees at the pool for those children and \$5.00 per child for lunch.

Rev. Suarez's presentation was recapped for Councilwoman Cain who had not been present when it was held. Vice Mayor Murphy advised that he still thinks that it's a worthy cause for the Town to be involved in. It's one day where we can make a difference in the lives of a lot of children.

Town Manager Segal-George noted that there was just no way to accommodate 100 kids at the pool and 200 someplace else. Mayor Hughes said this was his feeling as well, but that he did support the concept. Councilman Reynolds stated he didn't see the connection with a pool and a day at the beach and was told that in his letter the Rev. Suarez had requested access to the pool and the beach. Mr. Reynolds said he's for the concept of bringing children here but not an unlimited group and not for an unlimited number of times.

Councilwoman Cereceda suggested getting some of the resorts at the south end to accommodate the children and their chaperons.

Vice Mayor Murphy felt that maybe we should talk to Rev. Suarez some more about this.

MOTION: Moved by Dan Hughes and seconded by that we offer to Israel Suarez and the Nations Association a sum not to exceed \$2,000 to be expended for these outings with further details to be worked out between him and the staff.

Discussion:

Councilwoman Cereceda said she thinks what the Rev. Suarez is asking for is our help and she thinks we can help him with facilities and assistance without saying here's some money. She could see offering them the pool on several different days.

Vice Mayor Murphy advised that the volume of children was what was at issue.

Town Manager Segal-George advised that the Nations Association received funding every year from the county for its outreach programs.

Motion fails for lack of a second.

M. Request from BOCC for Town Council's position on Bowditch

Town Manager Segal-George discussed her memo in our packets. She has learned from Don Stilwell that the county has received information that the judge had ruled in the lawsuit filed by the north Beach residents to stop the construction of parking at Bowditch. He wished to know the Council's current position on the parking.

Councilman Reynolds said he wished to point out that the court has ruled that the county does not need our permission. He thinks the county is coming back to us because we had asked them to delay putting parking in the park.

Vice Mayor Murphy said his answer to the county would be to wait until we have control of these facilities and let us make the decision on what should be done.

Mayor Hughes said if Mr. Murphy is tying it in with the takeover of all county parks and Lynn Hall and Bay Oaks, etc., he's not prepared to go that far. He feels that our response at this point should be don't proceed because we want to make a decision here at the Town and we feel that we will get a better input from the citizens. He's not totally opposed to some parking at Bowditch. As Carleton Ryffel said, it's the cars that don't park there that they consider to be a problem.

Terry Cain said she had gotten parking spaces at Bowditch by calling ahead and asking for parking tags. She has gotten as many as five tags at a time.

Councilman Reynolds reminded us that the park is a county facility.

MOTION: Moved by Anita Cereceda and seconded by Terry Cain that the Town Council forward to the county administration staff members and to the chairman of the Lee County commission, John Albion, that the Town of Fort Myers Beach maintains its position that arrangements and negotiations should be made to enter into an agreement like the county has with Sanibel at Bowman's Beach, so that the Town of Fort Myers Beach administers and makes all decisions with regard to any type of impacts or changes with regards to Bowditch Point, and that ultimately the decision for parking and its implementation lie with the Town Council.

Discussion:

Councilman Reynolds asked that if the motion passes and communication is made to the Council, then the vote on the motion should be set forth in the communication.

Mayor Hughes asked if this motion as presented was adopted, would it in any way jeopardize the availability of funds for the dock. He was told no.

Town Manager Segal-George said that when the park was purchased, it was purchased with impact fee dollars and tourist development dollars.

Attorney Roosa stated that as Councilwoman Cereceda has frequently pointed out, one of our provisions in our comprehensive plan is that the entire island is a living park. If we could couch this statement in terms of our position as a Town, it is that the entire island is a living park and this is part of the island and, therefore, it needs to be considered as part of the total facilities that are available to all Lee County residents and not separated as an independent decision. That's why this decision should be made by this Council, because we're in charge of the entire park.

Motion carries 4-1. Garr Reynolds dissented.

Councilman Reynolds said he felt that everyone in the county should be able to enjoy this as a park but that we can't do it without parking. He has no objection to the Town having all those facilities and had voted for same.

B R E A K -- 5:50 P.M.

Council reconvened at 6:35 p.m.

N. Adoption of Estero Boulevard Streetscape Project

Dr. Woodruff introduced the staff of Wilson Miller that has worked on this project. He advised that they will ask us this evening to adopt the master plan for Estero Boulevard, which will be in compliance with our comprehensive plan. The master plan is designed to implement the vision established by our residents as outlined in the comprehensive plan.

Dr. Woodruff described the basic six steps that were used to go about their work: gathering data, analyzing it, developing concepts, evaluating the alternatives, looking at the solutions and coming up with an implementation strategy.

One of the first things we will have to do according to Dr. Woodruff is a utility study and a drainage study, and that should begin as quickly as possible. Then we should begin to negotiate the overall control of Estero Boulevard. Thirdly, they would recommend that we go ahead and put out the proposals to actually take the conceptual plans and make them concrete, specific plans where we can put them out for bid. If we're going to do something this coming year (winter 2001 and spring 2001), it's going to be something that can only begin once these other steps have begun. They believe that the place to begin is the north end for reasons already explained. However, if we have the optimistic view that controlling Estero Boulevard can be done in a reasonable time fashion, then that certainly should change our opinion on the priorities.

Mayor Hughes said he personally feels that the criteria of existing Fort Myers Beach jurisdiction should be deleted. This is because when we do these other things, hopefully we will have accomplished the acquisition of jurisdiction over that.

Dr. Woodruff discussed Teko. He said their plan was to bring a gas line under the river to the island by the end of the spring of 2001. They have also said that their proformer shows them that the area where they plan on placing gas is from the Pink Shell at the north to the Red Coconut at the south. They are going to be working on the outside of the right-of-way and the suggestion of how we can piggy back on their construction costs is a very valid one.

MOTION: Moved by Anita Cereceda and seconded by Ray Murphy to accept the phasing tables of the Estero Boulevard Streetscape Master Plan as presented by Wilson Miller as part of the overall conceptual package. The final implementation will occur when implementation activity begins and ranking.

Discussion:

Councilman Reynolds said he is having trouble voting on priorities to begin the program when he's not sure we've even decided which of the programs we have initiated. For example, if we take the core area and say we're going to start that first, he has not approved or disapproved the roundabout. He does not think we've reached a conclusion on that.

Dr. Woodruff stated that the motion simply talks about what approach we're going to take as far as ranking the priorities. He sees nothing in this motion that in any way obligates a Council person to vote for or against any of the things recommended in the report. This is simply on the issue of phasing of the projects. Are we accepting these tables as guidance only or are we voting for a specific order of phasing?

Councilman Reynolds also stated that we don't know how long it's going to take to get the boulevard under our control. So we're voting on something which we don't even know anything about. He doesn't know what we're going to have in the plan. He doesn't know when we can initiate some of the plan because we're talking about property that doesn't belong to us. So until those things are cleared up, we only have one option, and that is to start planning for number 1. We can do that because there's no roundabout required in that area.

Vice Mayor Murphy said his interpretation of what we're doing this evening is giving the overall endorsement of this master plan. What we've done in weeks prior to this is we've taken each section and voted on it that evening and given it our approval. Now we have the whole package and we're trying to endorse that this evening. Now as far as the priorities, he doesn't think that we're going to be deciding on the ranking order this evening. Dr. Woodruff agreed that this is what they have asked for us to do this evening.

Councilwoman Cereceda rephrased her motion as follows:

MOTION: Moved by Anita Cereceda and seconded by Ray Murphy to simply accept these matrixes as part of the overall plan as a way to prioritize our projects when the time comes, but it is not saying this is the prioritization.

Discussion:

Mayor Hughes said that his understanding of when the time comes is when we have further studies, particularly on the utilities situation, so we know what we're into in the particular areas in terms of the scope of work that has to be done in those areas.

Vice Mayor Murphy said that in his mind the issue of control of Estero Boulevard is not going to be a big problem. All we have to do is say this is what we plan on doing with Estero Boulevard. He doesn't know how anybody in their right mind would turn down ownership after a presentation like that. This is just another step as far as he's concerned in the acquisition of Estero Boulevard. Mayor Hughes said he totally agreed and that Objective 1A of our comp plan is to improve the functioning and appearance of Estero Boulevard. That's the law of our town and it is our obligation and duty to do so.

Motion is unanimously approved.

MOTION: Moved by Ray Murphy and seconded by Anita Cereceda for approval of the Estero Boulevard Streetscape Master Plan.

Discussion:

Councilman Reynolds said he received this at 3:00 p.m. today when the meeting started and how can he be expected to vote on something he has just received. He hasn't had a chance to look at it. Mayor Hughes said he picked his up on Friday by Councilman Reynolds said his wasn't in his box on Friday. He would like for the motion to be tabled.

Motion withdrawn.

MOTION: Moved by Garr Reynolds and seconded by
to table the Estero Boulevard Streetscape Master Plan. Motion
fails for lack of a second.

Discussion:

Attorney Roosa felt that the only thing new in the document was the chart. He said if he had read all the prior materials he would have no problem voting for the motion.

Councilwoman Cereceda said we could make this an agenda item for our June 12 meeting, thus giving Mr. Reynolds a week to read the document. This was found acceptable and Wilson Miller will not have to return.

Dr. Woodruff said it was their position that the scope of services that we assigned to Wilson Miller has now been accomplished. If we move to proceed with this project, it will be Wilson Miller's intent to be a competitor for additional services. Mayor Hughes stated he would certainly hope they would be.

Councilman Reynolds said that Mr. Roosa has indicated that this is not a final project and he asked if this is approved if we could make appropriate changes. Dr. Woodruff explained that this is a conceptual master plan that says that this is what we think the island wants as of June 5, 2000. But everyone should understand that as they move forward, we can change the plan. Mayor Hughes added that the final implementation cannot occur until we're able to arrive at a satisfactory funding mechanism. And that can only follow after detailed engineering plans.

Public Comment:

A. Mrs. French

Mrs. French said that the speaker made the statement that this would be the Town's biggest project. Our Town's biggest project will be after we try to rebuild after a hurricane. It's not if we get hit but when we get hit, and we had one or two pretty close calls last fall. The hurricane of 1960 practically devastated the island. She feels we need that center lane all the way to the end of the island because it will help to speed evacuation. And if we're going to spend that much money, we might as well build another bridge to speed evacuation rather than spending it all on beautifying. You can dodge some things, but you can't dodge a hurricane very well.

Attorney Roosa quoted from page 5 of Section 4 where it says that "The Estero Boulevard Streetscape Master Plan is a statement of the dreams, hopes and aspirations of the ... Town of Fort Myers Beach. It has been the Wilson Miller team's privilege to assist the Town in the process of visioning for the future..." This document is what we asked Wilson Miller to put together -- a conceptual plan. There is nothing binding in the document and by adopting it we're not committing to the proposals. But if everything were as we would hope them to be, this is what we would have.

O. Public Hearing Amendments to Comprehensive Plan

Referring to our comprehensive plan, Bill Spikowski stated that once a year the Town will accept amendments to the plan from private parties. This year we have no privately requested amendments, but tonight we have three public hearings initiated by the Town.

1. 2000-1 Text Amendment.

Our 5-year schedule of capital improvements must be updated every year. This is done as part of our budget process.

Public Comment:

None.

MOTION: Moved by Ray Murphy and seconded by Terry Cain for approval of the 2000-1 text amendment. Passed unanimously.

2. 2000-2 Text Amendment.

This is also an amendment to the text of the plan, particularly Chapter 15, which is the procedural section of the plan that describes how the plan is implemented. This section comes as a request of the Town Council this past October, and the question that came up at that point was whether the Town should continue to be as lenient as Lee County had been in guaranteeing perpetual developability of very small lots. In our plan the Lee County method was carried forward unchanged, which meant that somebody could tear down a house that was built across three lots and build three houses on those lots even if the lots are too small. The Council said we're not sure we want to do that. At the local planning agency hearing they felt fairly strongly that Mr. Spikowski's original proposal had gone too far and what they suggested was that if somebody owned two adjoining vacant lots and those lots were too small they should not lose the right to build a house on each of those lots. However, if somebody had built a house across those two lots, they had in effect made the decision to combine those lots permanently. What was recommended in the language Mr. Spikowski has modified to reflect today is that in the case where somebody had built a house across two or three lots, that decision is recognized as a consolidation of those lots and the ability to build a house on each in the future would not be possible. So it's somewhat of a middle ground on the spectrum of the current lenient approach and some of the more restrictive approaches that were possible.

Public Comment:

None.

MOTION: Moved by Ray Murphy and seconded by Anita Cereceda for approval of the 2000-2 text amendment of the comp plan guaranteeing perpetual development rights on substandard platted lots.

Discussion:

Councilman Reynolds said if he understands correctly, Bill Spikowski is saying that this would disallow three substandard lots with a building crossing them from going back to individual lots. He was told this was correct. And similarly if a house that crossed two lots were torn down, only one house could be built back if the lots were substandard. Mr. Spikowski said it does not change what we adopted a year ago, which allows us for comprehensive plan density purposes only to count to the middle of the street.

Mayor Hughes said will have to vote against the motion because he would like to totally prevent building on a substandard lot.

Motion passes 4-1 with Dan Hughes dissenting.

3. 2000-3 Future Land Use Map.

Bill Spikowski stated this is a proposed amendment to the future land use map. This amendment was also initiated by the Town. When the plan was originally adopted, they included a concept called the platted overlay along the strip of lots between Crescent Street and the canal going over toward Primo. This would allow affordable housing for service workers as recommended by the Wallace, Roberts & Todd studies done for the Estero Island CRA. Mr. Spikowski said when he had drawn that part of the map for us, he had referred to one part of the WRT study, but in another part of the study, they may have intended to include a larger area. So the purpose of tonight's hearing is really to decide what we want to do. We don't have to follow exactly what they recommended, of course. It doesn't make a huge amount of difference, but it will affect the rights of the property owners who are basically between Crescent Street and the Sky Bridge.

The map attached to the memo dated May 25 shows basically three alternatives. The first alternative is if we don't amend the plan at all, the higher density area for affordable housing will only be between Crescent Street itself and the canal going to the east of Crescent Street.

The second alternative would be adding land that, depending which page of the WRT study we're reading, they may or may not have intended to be included, which includes the Lighthouse Resort, some property owned by the Matanzas Inn and the Sundeck Apartments and a couple of other small lots which are between Crescent and the Sky Bridge.

The third alternative would be to include everything between the Sky Bridge and the canal. That is also advertised for us tonight should we choose to. It would include Seafarer's Village and the Helmrich Plaza and Ocean Jewels. None of the owners have expressed any interest in taking advantage of this and it's really only advertised this way to give us the maximum latitude if we choose to expand this area.

Public Comment:

None.

Bill Spikowski advised that the LPA voted 6-1 to recommend to Council not to proceed with any changes.

If used for affordable housing, 10 units per acre would be allowed.

Councilwoman Cain asked Mr. Spikowski if he knew why the local planning agency did not see fit to extend it underneath the bridge where that area is a bit depressed. Mr. Spikowski said he thinks they're ambivalent about the entire concept and its workability, but he thinks the bigger factor was that about two-thirds of the area we would be expanding it to is owned by the Lighthouse Resort, which has already gotten approval for hotel purposes. The other part of that property is owned by the Matanzas Inn, which has no interest in taking advantage of this, although he always thought it might apply to them since they have quite a number of employees. It basically ends up only applying to two or three small scattered property owners, all of which have higher densities than this today.

Councilman Reynolds asked Mr. Spikowski if he had computed how much this would increase the density in and around Fifth Street and San Carlos Boulevard. He was told that there was a good chance density wouldn't increase at all because nobody would take advantage of it. If the Lighthouse is successful in upgrading and renting out their more valuable land, he doesn't know if anybody would take advantage of it.

MOTION: Moved by Anita Cereceda and seconded by Terry Cain to not adopt the proposed amendment. The platted overlay area would stay the same as it is. Passed unanimously.

VII. COUNCIL MEMBER ITEMS AND REPORTS

Councilwoman Cain reported being at a Keep Lee County Beautiful meeting on May 25. LEESCAPE is asking for a partnership between Keep Lee County Beautiful and themselves as far as the tree donation. She thought we might have them make a presentation about what they're doing as far as getting donations of trees and monies for our future streetscape plans.

Mrs. Cain received a notice from the Army Corps of Engineers stating she is cordially invited to participate in a public workshop regarding the Southwest Florida study. The first workshop is scheduled for June 7, 2000 at 7:00 p.m. at the Estero High School, 21900 River Ranch Road, Estero, Florida.

Mrs. Cain met with Ray Judah regarding the deep well injection of fresh water. There was a presentation by the Youngquist Brothers who would be happy to give us a presentation anytime we asked for one. This is in regards to what to do in case we have another heavy fresh water inflow from the Okeechobee into the Caloosahatchee.

Mayor Hughes asked if all the seaweed on the beach has been determined to be a result of the release of the water from Lake Okeechobee down to the Caloosahatchee. Terry Cain said she'd had one visual that told her it was coming over the Sanibel bar, which means that it was coming this way instead of the seasonal spring drop of the weeds coming this way. She also has a couple of calls in to the Sanibel Captiva Conservation Foundation to the gentleman who goes out and takes the samples of the water, and he can tell us where the fresh water is.

Vice Mayor Murphy said he had received a letter today addressed to him as the mayor, and he gave it to Mayor Hughes. It is from the South Florida Water Management District telling us why the water was released.

Ray Murphy has also been receiving calls from some folks on Lenell who are curious about the sidewalk project down there. Pam Houck told him today that it is going to be brought forward on June 19.

Councilman Reynolds reported that several residents from time to time wonder why we don't have parks south of Lynn Hall Park on the Beach for the use of local residents and tourists. He was told there is no public land. Mr. Reynolds felt there was a possibility of using the lot at the SandBar. That would be an excellent addition to this island for the benefit of all of us. Also, two or three lots have been mentioned down near Island's end which are rather good-sized lots. With adequate landscaping and parking that would be a wonderful addition also. He would suggest that Council give this some thought.

Councilman Reynolds also mentioned a luncheon held last week at FGCU where Dr. Merlin spoke. What he likes about what's going on there is promoting the ethics situation. If they get this ethics program going at FGCU, it will be the first in the nation.

Mr. Reynolds said he has read that the sand dunes are going to be 2-3 inches high, which he doesn't feel can be called a sand dune. But what residents are objecting to is allowing weeds and grasses to grow in areas they'd like to reserve for use by children and visitors.

Regarding Palmetto and Lazy Way, Mr. Reynolds said, it seems that road work got to a point and then stopped. He's been told that nothing has been happening now for a month. He has told people to call John Gucciardo. Town Manager Segal-George advised that Pam Houck is the one who should be called. Pam Houck said this will be coming to Council on the 19th. There are two changes in work orders and some redesign on some of the drainage structures.

Mayor Hughes commended the staff for the closing on the Mound House deal. We are now the proud owners of the Mound House.

Mayor Hughes also noted that we've been getting some good publicity both on television and in the print media regarding our prohibition on live shelling. He thinks that now we have to educate the public. Town Manager Segal-George advised that one of the things we will be doing is signage at all beach accesses. We are also finalizing the radio station and this is one of the pieces of information that tourists are going to get.

Dan Hughes advised we had the lowest tide on Saturday that he's seen here in fifteen years and starfish and sand dollars were being picked up by the dozen.

VIII. TOWN MANAGER'S ITEMS

No items.

X. TOWN ATTORNEY'S ITEMS

Town Attorney Roosa said he is pleased to report that the county is pursuing it's appeal on the Water Management decision. They filed two different appeals and both are up before the Second District Court of Appeals. This is significant because if it is determined that they can't do what they did without obtaining a permit first, that would be what it might take to help protect our interest in this area.

The other news is that on the Star Dial Bay Beach litigation -- no action; County Bond validation -- no action; CRA -- no action; utility purchase -- no action. But he keeps monitoring all the time.

X. APPROVAL OF MINUTES: APRIL 17, 2000 and MAY 1, 2000

MOTION: Moved by Anita Cereceda and seconded by Ray Murphy to approve the minutes of April 17 and May 1, 2000. Passed unanimously.

XI. PUBLIC COMMENT

None.

XIII. ADJOURNMENT

A motion to adjourn the meeting was made by Garr Reynolds and seconded by Terry Cain. The meeting was adjourned at 8:28 p.m.

Respectfully submitted,

Lorraine Calhoun
Transcribing Secretary

Items for Action June 5, 2000

1. Town Manager Segal-George said that on the amendment to Land Development Code, Chapter 6, there would be two public hearings. One will be set for June 19 which may start at 3:00 p.m. There is a requirement that one of these public hearings will have to be after 6:30 p.m. The plan is for the second public hearing, which will be June 29, will be after 6:30 p.m.
2. The recommendation of staff for the dates of the public hearings for the amendment to Land Development Code, Chapter 2, are June 19 at 3:00 p.m. and June 29 at 6:30 p.m.
3. The first public hearing on an ordinance amending Chapter 34, Town of Fort Myers Beach transitional land development rates regarding fast foods definitions will be June 12 at 9:00 a.m. and the second public hearing is set for June 29 at 6:30 p.m.
4. The first public hearing for the Harbor Ordinance is set for June 12 at 9:00 a.m. and the second public hearing is set for June 29 at 6:30 p.m.
5. The approval of the Estero Boulevard Streetscape Master Plan will be an agenda item for our June 12 meeting, thus giving Councilman Reynolds a week to read the document.
6. The Army Corps of Engineers is having a public workshop regarding the Southwest Florida study. The first workshop is scheduled for June 7, 2000 at 7:00 p.m. at the Estero High School.
7. Pam Houck said that the matter of road work on Palmetto and Lazy Ways will be coming to Council on the 19th. There are two changes in work orders and some redesign on some of the drainage structures.