

**FORT MYERS BEACH
TOWN COUNCIL MEETING
AUGUST 28, 2000
NationsBank, Council Chambers
2523 Estero Boulevard
FORT MYERS BEACH, FLORIDA**

I. CALL TO ORDER

The meeting of August 28, 2000, was opened by Mayor Daniel Hughes at 3:09 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, Town Attorney Richard Roosa and Pam Houck.

II. PLEDGE OF ALLEGIANCE

All assembled recited the Pledge of Allegiance.

III. INVOCATION

The invocation was given by Pastor Bob Stuckey, First Baptist Church.

IV. PUBLIC COMMENT ON DRAFT 2000-2001 BUDGET

Town Manager Segal-George advised that the Council has placed the draft budget at the beginning of every agenda until we have our budget hearings so that anyone can comment on it. The budget hearings will be in September.

V. PUBLIC COMMENT ON AGENDA ITEMS

A. ROBIN CURLEY

Mrs. Curley is against Bowditch Point parking. She feels that the means are not worth the end when plant life and wild life are destroyed. A new parking lot will probably cost one million dollars. The park will look nothing like it does now; it will be just a generic little Disney Land park. The original plan did not encompass a parking lot at all. There will be a traffic nightmare. She doesn't see why anyone would see this as a logical thing to do.

B. BOB BARBER

Mr. Barber is opposed to any type of parking at all at Bowditch Point and has a difficult time even understanding why we're here today discussing this issue. The county commission broke their promise of several years ago that there would be no parking, and this is the kind of thing that causes the people to distrust the government. The newspaper reported that about 300 residents of Fort Myers Beach joined in to sue the county to stop this. Fort Myers Beach became a city because it didn't like the way the county government was running things and telling the Beach what to do. It's happening all over again and we're just sitting here and letting them steamroll all over us.

The county said they'd never put a building on the property but they did. They said there would never be a developer there because of traffic. There is absolutely no benefit to Fort Myers Beach to have parking at Bowditch Point, only to off-island residents. The hidden agenda of the county for allowing parking at Bowditch is the revenue from the parking meters.

Right now the county is asking for 70 spaces, but in a year or two they will ask for 100 spaces and then 200 and 300 spaces. He thinks that the Council would be well advised to fight this thing and just say to the county no, we don't want it.

C. SHARON ELDRED

Mrs. Eldred felt from reading the newspapers that everyone was for parking, but she was going to vote against it. It's already hard to make a right turn off the bridge on Saturdays in the summer. She wished to know if parking did go through, if there would be a way to revoke it, as she does not believe that it will work.

D. DAVID RICHARDSON

Mr. Richardson has run a sailing charter business on the Beach for the last ten years. His question is what power does the Town have over the county? He questions why he has to go to the county for an occupational license.

Mayor Hughes advised that the final decision on Bowditch is not going to be made by this Town Council. We requested that the county allow us to make the decision regarding Bowditch and they denied that request. Bowditch Point is county property so all we're going to be able to do is to give some input to the county. That's why we've asked in turn input from our citizens. Those who are opposed would be well advised to attend the board of county commissioners meeting on September 19 when this matter will be finalized by them. We cannot control this particular issue. We can only do the best we can to express to the county what we believe is in the best interest of our community.

Town Manager Segal-George advised that everyone who does business in Lee County must purchase a county occupational permit. The Town just chose not to charge people twice.

E. ARMAND DEGUIRE

Mr. Deguire was permitted to ask a question that did not pertain to an agenda item. He wished to know when the Mound House would be open to the public. Mrs. Segal-George advised that the Mound House was closed during the summer because there were no docents available. On Wednesday at 5:30 p.m. there is a CELCAB meeting that he might want to attend and find out more. But until we have the docent program up and running again, the state is helping us do an historic structures report on the Mound House and then there will be an archaeological study done on it. But we don't have a director at this point and we have only received one resume for the director's position. CELCAB will be discussing that on Wednesday.

Mr. Deguire also wished to know if there have been any conclusions made on the roundabouts. He was told there have been a lot of discussions but no conclusions.

VI. CONSENT AGENDA

A. Review of Financial Reports -- June and July 2000

B. Proclamation: Childhood Cancer and Blood Disorder Awareness Month -- September

C. Resolution: Joint Public Information Strategy for Flood and Hurricane Mitigation

D. Resolution: Calling for Election

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

Discussion:

Councilman Reynolds pulled Item D. for discussion. He asked why we're going through a resolution such as this when we didn't have to do it last year or the year before. Attorney Roosa explained that the supervisor of elections requires that the Town adopt a resolution.-- for Dan Hughes and Bill Thomas.

Councilman Reynolds referred to the fact that Anita Cereceda had said she was resigning from the Council on July 14 as she was seeking a different public office. He wanted to know if the law had changed since then since she is in attendance at today's Council meeting. Mr. Roosa advised that the law had not changed. Anita Cereceda's resignation would be effective on the first

meeting following the general election in November. Councilwoman Cereceda stated that as stipulated by state law her resignation was submitted to the Office of Elections. It is on file there and is part of her package for running for office. It was also submitted to the government. Councilman Reynolds said he does not believe that's the way it's recorded in the minutes. He wished to know if we were following the law in allowing a candidate for a different office to remain on Council in a voting capacity, and he was told yes by Attorney Roosa. Councilman Reynolds then asked if we were creating a double standard by doing this. Mayor Hughes interjected at this point saying he failed to see the relevance of this to the resolution calling the election for the Town Council, which involves him and his opponent.

Councilwoman Cereceda advised she has fulfilled the requirements of the law to submit a letter of resignation. However, she has been advised by the State Attorney's Office that there have been challenges to this particular law, and had she not wished to submit her letter of resignation to the Town Council, that they could supply her with case law to support that decision. However, the Office of Elections notified her, as part of her political package to campaign for the county commission, that she must submit her letter of resignation for the office she currently held because her term does not expire until the following year. On the advice of Mr. Roosa, she did submit her letter of resignation. Since the Council was going on vacation, she notified us that she would be doing that prior to that leave. Her resignation was required to be submitted ten days prior to qualifying, and as required by the State of Florida she put the resignation date effective November 14, allowing her to fully participate with Town business until that point.

Councilman Reynolds asked Attorney Roosa if any council member could submit a resignation and still participate in Town business and was told yes. He then asked Mr. Roosa if he could furnish this Council with the federal and state statutes regarding this matter by Wednesday or Thursday. Councilwoman Cereceda stated that she had all that information in her election packet and would be happy to bring it to Town Hall tomorrow with the correspondence from Philander Young's office stating that she has received her letter of resignation, as well as from the Governor's office with commendations on her services, sorry that she's resigning and wishing her luck in her current election. Clearly Councilman Reynolds feels that she is trying to sidestep the law in some way and she would just like to go on record by stating that the answers from the Town Council have been that she has completed to the letter of the law her obligations and that there has been absolutely no wrongdoing and she hopes that any innuendo toward that would end at this point.

Attorney Roosa advised that he would furnish the Council with the state statute regarding this matter. There are no federal statutes for it.

Referring to item B in the Consent Agenda, Vice Mayor Murphy explained that this organization is the Candlelighters who are the parents of children with cancer. It is a large support group throughout the country, but they also have a very active chapter here in Fort Myers that he gets involved with from time to time. It's a very, very worthwhile organization that does great things. They have a lot of successes and they're also having fundraisers throughout the community this month. He urged that we all attend a fundraiser. Mayor Hughes echoed this sentiment.

Motion passed unanimously.

VII. ADMINISTRATIVE AGENDA

A. Interlocal Community Development

Town Manager Segal-George advised that the document will be coming in front of us in, hopefully signed by the county, in September. Some proposed changes are: The budget for last year was \$132,400, and this year it will be \$142,524 because of additional services, including Gloria Sago's help with the historic preservation work; the fact that we must pay for a hearing

examiner this year; the county has factored a 6% increase into their base from last year; we are receiving a \$5,000 credit for Pam Houck's work in land use and zoning matters.

Councilman Reynolds felt that there had been an automobile added onto last year's budget. He felt that \$142,524 seemed like a reasonable amount.

Mayor Hughes was advised that the county routinely adds 6% on our interlocals every year. This is based on cost of living, merit. He was also advised that the hearing examiner receives a flat fee each month that he is used. If he comes here, the cost is \$6,240. If we have the hearing downtown, the cost is 4,680. Councilwoman Cereceda felt that despite the cost the hearing examiner should come here for the code enforcement cases. Councilman Reynolds would prefer to have the hearings downtown.

Town Manager Segal-George will bring back the interlocal agreement with the change that the hearing will be held on the Beach rather than downtown Fort Myers.

Deputy Town Manager Gucciardo pointed out that changes have been made in the budget since we went on vacation. We will be provided with updated versions of those pages where there are changes as we go through the formal budget hearings.

The interlocal agreement is co-terminus with out fiscal year.

B. Request by North Beach residents to address Council on Bowditch parking -- Carleton Ryffel.

Carleton Ryffel referred to a letter he had sent to the Mayor and to Town Manager Segal-George this morning in which he and the North Beach residents thanked them for the insightful and accurate article involving Bowditch parking that had appeared in the Beach Observer. The article referred to alternatives to putting 68 more parking spaces in the park and their feeling that Bowditch Park should remain passive and that certain improvements should be made if the parking is put in. As far as he's concerned there would be no greater neighborhood intrusion on this island than the planned additional parking at the park.

Councilwoman Cereceda summarized what took place at the meetings at Town Hall with Carleton Ryffel, John Naylor and Town Manager Segal-George. She had also spoken at length with Larry Raimondi. She had felt that we needed to find a compromise and decide what we could do to implement parking and decrease the impacts for the north end island residents; how we can get the county to participate in improvements that are beneficial to the north end; how we could mitigate any environmental damage that would be done with the creation of parking there. Robin's picture shows where some parking could be put that would not destroy any of what remains as the natural aspect of Bowditch Point. Town Manager Segal-George has put together a memorandum that reflects what was talked about at that meeting. People think that there are recreational facilities at the park, but there aren't any. But political pressure is being exerted on the county commission to put parking spaces there. In the meantime the direct route to the park from Summerlin is being cut in half.

Councilman Reynolds still feels there would be no difficulty in accepting 70 parking spaces at the park and that the majority of the residents would like more parking spaces. With 17 acres of land available, he doesn't think that additional parking would be injurious. He'd like a chance to talk to people who want the parking and would like this matter to be tabled for two weeks.

Mayor Hughes said he has only received one phone call for parking at Bowditch.

Councilwoman Cain does not think that Bowditch is a safe park since it is surrounded on three sides by water. In our packets there is an article dated December 4, 1999, on rezoning of Bowditch by the county. In it they state that there is a limited safe beach area and that swimming will be limited to the first 600 ft. of beach. They also said there would be two lifeguards in that first 600 ft. She can envision a fatality happening at the inlet. The Town needs to know who will be responsible if something happens.

Vice Mayor Murphy didn't feel that it would make any difference if everybody was back from vacation or not to discuss the parking issue. He and some of the people he has spoken to don't need parking at Bowditch. Promises that the county made have been broken and he would

ask them to leave the park passive. The park was paid for by tourist development dollars not by tax money. He also is concerned about the liability for swimming at the park.

Mayor Hughes addressed Attorney Roosa, noting that Bowditch Park is owned and operated by the county yet it is within the corporate limits of Fort Myers Beach, which includes the 1000 ft. from land out into the water. If people start using that as a bathing beach, who is responsible for the safety of bathers? They are in our waters but they are using a county facility. Attorney Roosa stated he is sure that a plaintiff would file suit against both the Town and the county, but he feels that the ultimate decision would be that the county would be the responsible party if there were liability.

MOTION: Moved by Garr Reynolds and seconded by Dan Hughes that we recommend to the county that there be 70 parking spaces.

Discussion:

Councilwoman Cereceda said that she had discussed this with people who were in favor of parking at Bowditch. And she feels that the desire for people to be able to comfortably use our beaches is something that she thinks has concerned us from day one and continues to concern us now. She would not like to see any parking spaces at Bowditch, but she doesn't believe we're going to get anywhere holding that position. The pictures that Robin showed us and the outline that Marsha Segal-George has presented to us offer a healthy place for discussion and a compromise that doesn't jeopardize the north end neighborhood. Anything that does cause problems should be eliminated. And we have stated on record that the Town of Fort Myers Beach will not remove Australian pines, which are a part of our natural Florida habitat.

Councilwoman Cain said that she agrees with Anita that we have to give the county something. She thinks perhaps we could suggest 17 more parking spaces to add to the 13 already there. On one July day she counted 100 people in the park.

Councilwoman Cereceda also feels that the park should have definite hours of operation.

Mayor Hughes also feels that we must compromise on parking. In the last paragraph of the Town Manager's memo it says "if the county would agree to participate financially with the Town in the master planning and construction of necessary improvements to north Estero Boulevard." Whatever help we can get would be in the best interest of this community.

Motion fails with 4 nay votes.

C. Discussion of Bowditch Park

Everyone had a copy of the resolution of the Town of Fort Myers Beach addressing the planned parking lot at Bowditch that was prepared by Attorney Roosa.

MOTION: Moved by Terry Cain and seconded by Dan Hughes to approve the resolution of planned parking at Bowditch Point as presented to us.

Discussion:

It was suggested that we have something saying "or other non impervious surface." Town Manager Segal-George advised that the shell will pack almost as badly as concrete and that Bill Spikowski suggested using some form of turf block so that there will be drainage. This should be specified and not left up to chance.

Councilwoman Cereceda stated that in light of the 50% cutback on the transportation route that was essentially designed to take people from Summerlin to Bowditch, she'd like to see this incorporated in the resolution. Attorney Roosa suggested making a finding that they have proposed to reduce access by trolley and then we can make a recommendation that they not reduce access by trolley.

Councilman Reynolds said that in Section II. under Recommendations we should add that the county has agreed to build an additional 30-shell parking spaces. Attorney Roosa said that we want to strike "shell" there, too, and replace it with "non impervious." Councilwoman Cain said her motion was for 30 spaces including handicapped.

MOTION: Moved by Garr Reynolds and seconded by Dan Hughes to amend Section II. A. of the motion to include 30 additional impervious parking spaces.

Discussion:

Mayor Hughes established with the Town Manager that her concept was that this was going to be in a different location. It is 30 parking spaces. The present parking where there is handicapped and employee parking spaces would remain intact.

Motion fails.

Discussion:

Suggested was changing the motion to read "if the county builds and agrees to cap the parking at 30 impervious parking spaces, including the existing spaces, in recognition of the following."

Councilwoman Cereceda asked how we were going to put the gate in there. Attorney Roosa said that we could add before B on the second page that parking is to be gated to preclude parking after dark. Councilwoman Cereceda felt we could even note that parking is gated and monitored at Lynn Hall Park, Lover's Key, etc.

Vice Mayor Murphy said he was not going to support the resolution because he's not that naive to think that situations don't change. With him it's a matter of principle. If people are told one thing and we do another, it just erodes our credibility and he doesn't want to be a party to that.

Attorney Roosa stated that maybe one of the first findings in Section I. should be that the board of county commissioners are determined to add additional parking to Bowditch. Councilwoman Cereceda said that we could even be firmer in saying that the county commission had chosen to change direction or not uphold the original goals and objectives that were designed for Bowditch Point.

MOTION: Moved by Garr Reynolds and seconded by _____ to amend the motion to strike out in item B. 2. both "Lynn Hall" and "Lynn Park" and then put the word "when" between parking and lot. It would read like this: "The county provides electronic signs that alerts visitors to Bowditch parking lots when full."

Motion fails for lack of a second.

Mayor Hughes asked Attorney Roosa if In Section I. K. "additional docks at the park" should read instead "additional docks proposed for the park." Mayor Hughes was told that the docks have been authorized and will be constructed. Attorney Roosa suggested saying "additional docks authorized at the park will make it more accessible by water taxi."

Attorney Roosa was advised by Mayor Hughes that he could add "would appear to be" before "determined" in the statement "there will be an additional finding that the board of county commissioners have changed direction and are determined to add additional parking.

Councilwoman Cereceda asked if we could achieve something by skipping all of this hoopla and sending a resolution instead to the county commission supporting the original goals and objectives of Bowditch Park and requesting that they implement the additional phases to the development of the park to facilitate and encourage activity and usage of the park as was

originally stated in their goals and objectives. And should at some future date the necessity for parking arise, that it be addressed within the context of their implementing their original plan. What the board does not talk about at all is the lack of implementation of the original plan, only about the fact that the park is underutilized.

Attorney Roosa suggested preparing two resolutions: one along the lines of what we've said here for this one, and an alternative resolution that was just proposed endorsing the adoption of the original plan and its implementation. Councilwoman Cereceda said that this would accomplish Councilman Reynold's request to extend the issue to another meeting so that more people could participate in the hearing process. It does not say that the Town of Fort Myers Beach opposes parking at Bowditch, so we're not taking the position that there should not be parking there. And it does put the ball back where it belongs with the county doing what it was supposed to have done from the beginning and its failure to enact the original plan.

Mayor Hughes asked Councilwoman Cain if she had any objection to withdrawing her motion at this point and having our attorney draft a new resolution that incorporates the number of issues that we've discussed here and at the same time draft a second resolution along the lines suggested by Councilwoman Cereceda. Terry Cain said she had no objection and Dan Hughes also said he had no objection as the one who had seconded the motion. Attorney Roosa said we will have to decide this at our next meeting on September 11. Councilwoman Cereceda suggested that someone attend the county commission meeting tomorrow and say something about what we've come to here, otherwise it will be distorted before we ever get to that September 11 meeting. Mayor Hughes said that there will be a very articulate article in the News-Press and in the Observer that clarifies all of these matters that we discussed today. He wouldn't feel comfortable going to the commission meeting and telling them what we haven't done.

Carleton Ryffel said he was a little bit concerned about getting it to the commission in time. For clarification he asked if it was 30 spaces including the handicapped ones or 30 new spaces. Told that this would be including the handicapped ones, Mr. Ryffel said he didn't think that would fly and Mayor Hughes agreed. There will be public input again on this matter at our next meeting.

D. Discussion of CRA litigation

According to the Town Manager, the county commissioners now recognize that the CRA was cut down in size and we're basically back to the same issues of what should be the base year, the money that was left over in the project and whether or not they have the right to put restrictions on that or whether we have the right to be treated like the Fort Myers and Cape Coral CRAs.

B R E A K -- 5 MINUTES

E. Discussion of Water Utility Settlement

Deputy Town Manager Gucciardo gave an update of what's been going on over the summer months regarding the possible purchase of the water utility system. We have not yet gotten the draft settlement agreement from the county attorney's office, but David Owen did promise that he would get it for us in September. We have tried to work out what we'll need to do during the due diligence period, that is, an evaluation of the water system, the engineering aspects of it and also the financing of it. We have gotten another engineering firm to do an evaluation of the system itself. Burton, who has been our consultant on this from the beginning, has agreed to do the financial evaluation. His work should be done by about the 25th of September. At the same time we've made outreach to SunTrust Bank, who has agreed to do the financing on the purchase assuming that the settlement can be worked out and assuming that finances prove to be what we think they are.

One other aspect that we will have to address at some point is the operations, the buildings, the service. We had hoped that we could follow the lead of the county on that in terms of at least the first year or five or six months working with whomever they had doing that aspect for their system. But the problem there has been that with personnel changes downtown, that has not progressed forward on the county's side either so, again, we're kind of at a standstill position there.

Mayor Hughes asked Attorney Roosa why we couldn't have had the county simply assign to us their rights under their contract with Avatar rather than having a sale to the county and then a resale to us? Attorney Roosa said that we could have but the county wasn't interested in doing that. The other problem is the time factor. Avatar has notified the county that they intend to close September 28 and we're not prepared to close by that time.

Deputy Town Manager Gucciardo advised that what we're trying to verify is that the numbers generated by the system will be, in fact, enough to cover the purchase price, the debt service on that purchase price, operations cost and also put money aside for future expansion.

F. Recommendations on Pool Facility by the Pool Foundation and status report on Operations contract.

Deputy Town Manager Gucciardo advised that an issue in regards to the pool has to do with feedback from the Pool Foundation on various issues. A second issue has to do with our current negotiations with Champion on our operations contract for the upcoming year. These matters are in two separate memos which the Council can make recommendations on.

Another memo has to do with our ongoing negotiations with Champion. Our contract has been extended until October 30 so that it coincides with the new fiscal year. Two options have been given. Meetings have been set with representatives from Champion at the end of this week. The hope is that at our September 11 meeting we'll have the final recommendation with numbers filled in as to how the new contract might work. Our projection is that a year of operation of the pool will cost the Town about \$92,000.

If we go to the second option, Mr. Gucciardo said, they would be paid a flat fee and they would also collect the revenue and be responsible for the expenses. Subtracting out the fee that we would pay them and the revenue that they would generate, if there was excess revenue they would then share that with the Town. The Town Manager noted that the county had made this same kind of arrangement with the Minnesota Twins when we entered into the spring training contract.

MOTION: Moved by Ray Murphy and seconded by Terry Cain that we accept the recommendations of the Pool Foundation: In regards to the dress code, no street clothes, cutoffs or thongs; the pool will open at 9:00 a.m. for seven months rather than ten months; there will be no charge for the facility by independent groups; the master swimmers program will not add to the operational cost of the facility; see that swimming lessons for children continue to be offered at the current price of \$40 per session and that the cost be paid by the Town under its scholarship program contributed to by the Kiwanis for any child who is a resident of the Town or attends the Beach Elementary School; that Champion not be allowed to pursue sponsorships for local businesses due to the concerns about the Town's ability to keep it tasteful, as it is felt that this type of effort is best left to the Foundation.

Discussion:

Councilwoman Cain and the directors were complimented by Councilman Reynolds for coming up with this progress report.

Members of the Foundation were invited to give input:

Fran Myers stated that they wanted to say how thrilled they were to have this report that comes back with such a positive, because they really did anticipate having to raise \$250,000 a year and now they're down to about \$140,000. And people still are giving. They're getting ready to do the plaques on the side of the wall. The bricks have all been delivered and so the brick pathway with the names will be put on momentarily.

Ceel Spuhler advised that after 25 years of working on this project, to be able to look over there now and see the utilization of that swimming pool is a neat, neat feeling. And while the Foundation does want to raise funds, they want input in other areas too and they appreciate very much our listening to their recommendations.

Motion was adopted 4-0 with Councilwoman Cereceda not being present at this time.

DINNER BREAK

G. Status of Beach Restoration Project: Local Share Funding

Deputy Town Manager Gucciardo referred to his memo and he advised that right now we have \$6-\$8,000 set aside for the coming year. It's the hope of the county staff to be able to finalize numbers sometime probably in late October or early November and then go ahead with the construction project.

Mr. Gucciardo also referred to maps in his office that identify the different sand source locations in various places in the Gulf of Mexico. The engineers will determine which of these sources is the best.

Mr. Gucciardo asked for feedback from the Council regarding the newsletter that went out. Regarding the budget, he needs input from us as to whether that's something that we need to make a line item for because currently it's not in the budget for next year.

Mayor Hughes congratulated the staff on the newsletter.

John Gucciardo explained that 88% of this project is the recreational benefit, and there is still some ongoing discussion about who picks up that 88%.

Regarding the 12% allocation to Beach property owners, it was recommended that the cost be absorbed by the general fund. Councilman Reynolds felt that that was something that everyone should participate in, and this was echoed by Mayor Hughes and Vice Mayor Murphy. Mr. Gucciardo stated that Carol Cunningham has done a separate analysis for us which shows how we can spread that cost out if we want to go in that direction.

H. Financial Bailout of Transportation Disadvantaged Program

How much should be allocated for Good Wheels was discussed.

MOTION: Moved by Ray Murphy and seconded by Garr Reynolds that after John Gucciardo finds the appropriate percentage that we participate in this bailout.

Discussion

Councilman Reynolds advised that there are two people in dire need of having food brought to them. Town Manager Segal-George asked for their names so that they could try to get them other services for housebound people.

Councilwoman Cain suggested that the Senior Friendship Center be called.

Motion adopted by the four members still present.

I. Discussion of Town Park: available properties

Town Manager Segal-George suggested that we have a workshop regarding these properties. Properties still available were discussed. Mayor Hughes thought the prices being asked were outrageous. Vice Mayor Murphy will bring information he obtained regarding gulf front properties to our next meeting. Councilman Reynolds felt we only need property from mid island to the south end.

J. Review of draft Request for Proposals: Master Drainage Plan for Estero Boulevard

Town Manager Segal-George advised that the estimate of the price for this work is \$500,000. She'd like to see the Council discuss the streetscape project and the CIP in a workshop. TECO will start to bury gas lines in certain parts of the island after the first of the year and we'd like to bury utilities wherever they bury gas lines and save on costs. We need to discuss how we want to proceed from there and also financing.

We have survey maps that show us where rights-of-way are.

The consensus of opinion was that a workshop should be set up.

K. Request for fast track sidewalk repairs: properties in front of McDonald's, Seafarer's and Ocean Jewels

These properties would like a sidewalk in front of their area as soon as possible. We only have a conceptual plan at this point. We will have to engineer that area sufficiently for construction drawings. We can ask them to share the cost of the engineering with us, which Vice Mayor Murphy said sounds reasonable. Mayor Hughes agreed.

L. Discussion of Gas Tax Memo

Town Manager Segal-George explained that during the summer we were in danger of losing most of our gas tax money. Since then the waters have smoothed. But we still have no agreement with the county so we always face the possibility that they will come up with some new way of looking at gas tax and we will pay the penalty. At this point the gas tax memo is just informational and, at least for the next year, we're safe.

Attorney Roosa said we're not likely to get a permanent agreement with the county. It will be on a year-to-year basis forever.

M. Discussion and scheduling of joint workshop with Bonita Springs City Council

Town Manager Segal-George said she was sure that Bonita Springs would love to have a workshop with us, and if we want to schedule one this fall, we can. Mayor Hughes asked the Town Manager to schedule a workshop.

N. Review of Elder-Friendly Community correspondence

A letter was in our packets that the Town Manager had sent to Dr. Gemma Fernandez, secretary of the Florida Department of Elder Affairs. She had challenged Fort Myers Beach to be the first elder-friendly community in the nation. Mrs. Segal-George sent her a letter saying we would love to take up her challenge. She wrote back indicating that there is a lot of bureaucracy that we have to go through. There is a sample resolution in our packets, which we can prepare and then have the doctor come and address us. There was no objection to doing this.

Councilman Reynolds felt that denying parking at Bowditch was against the elderly.

O. Introduction to Ordinance amending Comprehensive Plan

Town Manager Segal-George advised that we will have two hearings in September regarding the Ordinance amending Comprehensive Plan. The dates will be September 11 and September 25.

VIII. COUNCIL MEMBER ITEMS AND REPORTS

Councilman Reynolds said he was disappointed that we did not vote on the new council member tonight. He felt that the Town Manager was interjecting her wishes to the local politics, but he does appreciate the fact that she acted promptly in getting some possible sites for a town park.

Regarding the Seafarer's Restaurant, Councilman Reynolds stated that he doesn't remember the Town Council approving that and it's below flood stage. Town Manager Segal-George advised that part of what is going on at Seafarer's is absolutely by the Council.

Mr. Reynolds advised that he'd had no intention of offending anybody.

Councilwoman Cain reported on the Bay Management meeting. They are about ready to produce a letter to send out to the county in regard to permitting. They would like for them to be a little stricter on their enforcement. A member at the meeting said they hear that the Zamboni, the thing that cleans the beach, is being used on Fort Myers Beach. She has since learned that the DEP has permitted the Zamboni in one local beach area and another Zamboni is being used under an old beach raking permit. She called DEP about this and they said they did permit the one under the (?) tire regulations, but they had it in for review with the Protected Species Department. Mayor Hughes asked whether if something in our ordinance was more restrictive than DEP's regulations, if we would be pre-empted by DEP. He was told yes by Attorney Roosa, but that it is his understanding that they will take that into consideration when issuing a permit.

Councilwoman Cain also reported on a wonderful presentation on canal management by Mr. McGhee at the MRTF meeting last week. She asked the Council if we would like for him to make a presentation, and Mayor Hughes said he'd like one. The presentation would take an hour and we wouldn't be able to fit one in in September, but could have it later.

There is a memo from the PSTF, Mrs. Cain said, regarding the Hurricane Preparedness Seminar tomorrow night at Chapel-by-the-Sea. Also, the Coastal Cleanup which is hosted by the Pilot Club is scheduled for 9:00 a.m. until noon September 16. The base will be at the Beach Elementary School. Monofilament Madness is October 29.

Mayor Hughes asked about the status of the approval of Harbor Plan B -- the Mooring and Anchorage Plan. He was advised by Town Manager Segal-George that a Waterway Advisory Committee would be meeting next week. She has asked the county to pay the \$4,000 permitting fee. We're not submitting yet, but it's being worked on right now. We might have our DEP permit by the first of the year.

Vice Mayor Murphy said he wished to congratulate the Estero Bay Buddies for their recent cleanup on Estero Bay. He was told that the grand opening for the Sahdev property will be November 18. It will coordinate with the Koreshan weekend.

Mayor Hughes reported that he along with Vice Mayor Murphy attended the Florida League of Cities. There were some very interesting speeches. He had conversations of mutual concern with the Mayor and some council members of Bonita Springs. He thinks they will be favorable about meeting with us about the issues of Black Island and Lovers Key.

Mayor Hughes referred to an editorial in the News-Press -- Take time to scrutinize your TRIM notice. We and the staff should give ourselves a pat on the back. His own notice gave evidence of the fact that if we adopt the preliminary budget, our taxes will be less than they were last year.

Mayor Hughes also commented on a political notice that has been in the paper several times now that refers to the high indebtedness in which we have placed the Town. He had hoped that whoever had written this might be here tonight. This Town has no liability, no long term

debt, no indebtedness other than some accounts payable in the ordinary course of business. The notice should be corrected.

IX. TOWN MANAGER'S ITEMS

A. Request to schedule administrative appeal for AFA Rentals, Inc., on September 11 agenda.

Town Manager Segal-George advised that the DePaolos went to the LPA regarding appealing a denial of their development order and being told to rezone to CPD. Now the appeal has to come to the Council. Instead of on September 18, they would like for their appeal to be heard on September 11 at our regularly scheduled meeting. Mayor Hughes said it would be fine with him and no one voiced any objection.

B. Special Event request: POLO, Inc. -- Sean Williams

Sean Williams, a CPA, advised that POLO is a professional organization for leadership and opportunity. They meet on a monthly basis and their primary objective is civic and charitable. They participated in the beach cleanup at Lovers Key. They also have special events, such as Jazz on the Green, where they raised \$100,000 for the Children's Hospital. They hosted mud volleyball and raised several thousand dollars for the March of Dimes, and also hosted the Friday Jazz Festival at Bell Tower. They have given over \$50,000 to local charities. They'd like to give the block party they generally hold downtown Fort Myers on Fort Myers Beach this year.

Attorney Roosa said that this would fall under our Special Events Ordinance.

They are promoting safe, responsible fun, and any participants who have a need will have free taxi rides home. Three deputies will be available. They have liability insurance. The Town will have indemnification from liability.

Mayor Hughes felt that it was obviously a good organization that took up charitable causes that will comply with their rally rules. He had no objections. Town Manager Segal-George will issue a special permit.

X. TOWN ATTORNEY'S ITEMS

A. Pending Items

Attorney Roosa stated that we have processed the appeal for Star Dial and are attempting to have it resolved before we go to the trouble of filing a brief. He's being held back by their attorney right now and is under the impression that we may have to file the brief. There are almost as many unanswered issues as a result of the court's order as there were before the court addressed the issue. It had been his hope that the parties would agree to some settlement, but so far that has not occurred.

The county lost its case with the Florida Water Management District for a temporary injunction. There is still a lawsuit pending regarding whether or not the Water Management District violated any laws by what they did.

XI. APPROVAL OF MINUTES OF JUNE 12

MOTION: Moved by Ray Murphy and seconded by Terry Cain to approve the minutes of June 12.

Motion approved unanimously.

XII. PUBLIC COMMENT

Praise was given for the new sound equipment.

XIII. ADJOURNMENT

The meeting was adjourned at p.m.

Respectfully submitted,

Lorraine Calhoun
Transcribing Secretary

Items for Action August 28, 2000

1. Those who are opposed to parking at Bowditch Point would be well advised to attend the board of county commissioners meeting on September 19 when this matter will be finalized by them.
2. Two draft resolutions regarding parking at Bowditch Point will be brought to the September 11 meeting.
3. Our contract with Champion has been extended until October 30 so that it coincides with the new fiscal year. Two options have been given. Meetings have been set with representatives from Champion at the end of this week. The hope is that at our September 11 meeting we'll have the final recommendation with numbers filled in as to how the new contract might work.
4. Town Park: available properties. Town Manager Segal-George suggested that we have a workshop regarding these properties. Vice Mayor Murphy will bring information he obtained regarding gulf front properties to our next meeting.
5. Master Drainage Plan for Estero Boulevard. Town Manager Segal-George advised that the estimate of the price for this work is \$500,000. She'd like to see the Council discuss the streetscape project and the CIP in a workshop. The consensus of opinion was that a workshop should be set up. TECO will start to bury gas lines in certain parts of the island after the first of the year and we'd like to bury utilities wherever they bury gas lines and save on costs. We need to discuss how we want to proceed from there and also financing.
6. Mayor Hughes asked the Town Manager to schedule a joint workshop with Bonita Springs City Council.
7. Dr. Gemma Fernandez, secretary of the Florida Department of Elder Affairs, had challenged Fort Myers Beach to be the first elder-friendly community in the nation. Mrs. Segal-George sent her a letter saying we would love to take up her challenge.
8. Town Manager Segal-George advised that we will have two hearings on the Ordinance amending Comprehensive Plan. The dates will be September 11 and September 25.
9. Hurricane Preparedness Seminar will be tomorrow night at Chapel-by-the-Sea. Also, the Coastal Cleanup which is hosted by the Pilot Club is scheduled for 9:00 a.m. until noon September 16. Monofilament Madness is October 29.
10. The grand opening for the Sahdev property will be November 18. It will coordinate with the Koreshan weekend.
11. The DePaolos appeal regarding denial of their development order and being told to rezone to CPD has been moved up from September 18 to September 11 at our regularly scheduled meeting.