

**FORT MYERS BEACH
TOWN COUNCIL MEETING
SEPTEMBER 11, 2000
NationsBank, Council Chambers
2523 Estero Boulevard
FORT MYERS BEACH, FLORIDA**

I. CALL TO ORDER

The meeting of September 11, 2000, was opened by Mayor Daniel Hughes at 6:33 p.m.

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

Members 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 AGENDA ITEMS

A. ROBIN CURLEY

Mrs. Curley is against Bowditch Point parking but feels we will have to bend toward the county's wishes. We should remind them however that this was not in the original plan.

B. PETER LISICH

Mr. Lisich lives adjacent to the park. He feels that we of the Town of Fort Myers Beach are the ultimate permitting authority for Bowditch Park. He would encourage us to revoke the permits that we've already issued for the development of parking in the park and put the ball back in the county's court.

C. JOHN NAYLOR

Mr. Naylor felt that the reality is that there will never be enough parking to satisfy all the people who want to use Fort Myers Beach whether local or from out of town. He wishes the park could remain a passive park as the county commissioners originally voted for. He asked that we support a compromise.

D. ROXIE SMITH

Mrs. Smith advised she has been fighting parking at Bowditch since 1987. She originally fought against the county buying the property because she did not think a park was the proper usage for it. She was then told it would always be a passive park. Once you fill the park with concrete and destroy the native vegetation in it, you can't get it back. She hopes it never turns into a swimming beach like Lynn Hall. We may be better off talking to the county commissioners about a compromise, because they've had the opportunity to keep their promises but apparently have chosen not to do so.

E. JERRY SAWYER

Mr. Sawyer felt that if a vote were taken, it would be overwhelmingly for parking at Bowditch.

F. HAROLD DOUGLAS

Mr. Douglas talked about the difficulties of exploring the park when there is no parking available there excepting for the handicapped parking.

G. ROBERT FRENCH

Mr. French declared that the park was of no value to the handicapped. He felt there was no reason why we shouldn't have reserved parking morning and afternoon for a small service charge. If we can't come to some agreement over parking, the park should be sold and put back on the tax rolls.

H. CARLETON RYFFEL

Mr. Ryffel stated that he represents the North Beach Residents Association, which is about 300 people. Their preference is that there be no parking at Bowditch Park. There are parking opportunities outside of the park in different locations as well as the consideration of a parking garage. The county could make the park a preserve and get back the money that it cost to buy the land. Parking at Bowditch will be a major neighborhood intrusion and there should be mitigation provided for that. As a compromise he would suggest 30 spaces; remove the loading area that's on Estero right at Lynn Hall Park so that the trucks no longer block the land; digital signs that alert people when Lynn Hall Park and Bowditch Park are full.

Mr. Ryffel also stated that swimming is dangerous at the park and lifeguards should be installed there as originally promised. Our Streetscape project should address safe bicycle and pedestrian access to the park

VI. CONSENT AGENDA

A. Proclamation: Industry Appreciation Week

A resolution to declare September 18-22 Industry Appreciation Week

B. Proclamation: Citizen Day or Week

Recognizing September 17, 2000, as Citizenship Day and the week of September 17-23, 2000, as Constitution week: the 213th anniversary of the adoption of the Constitution of the United States.

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

VII. ADMINISTRATIVE AGENDA

A. Public Hearing on Draft Budget for Fiscal Year 2000-2001

Our fiscal year ends on September 30.

There will be a second and final public hearing on this matter on September 25.

Public Comments:

None.

Councilman Reynolds advised that the projection was that the pool could be operated for \$80,000 and it's already over \$300,000. Deputy Town Manager Gucciardo explained that the \$80,000 projection was made by the Pool Foundation very early on before there was a glimmer of what the pool would look like and how it would operate. When the Town incorporated, staff's projection was that the operating expenses at the pool would be \$250,000-\$300,000.

Councilman Reynolds also questioned the accuracy of the census figures. He was told we haven't gotten the results of the Year 2000 census yet.

Transportation reserves were also questioned by Councilman Reynolds, as well as insurance, which he said didn't serve him when he was sued.

MOTION: Moved by Garr Reynolds and seconded by Dan Hughes to appoint a committee of persons who have had past experience in dealing with insurance problems to study the proper kind of insurance the Town should have.

Mayor Hughes asked Attorney Roosa if there was coverage that could have been purchased to defend Councilman Reynolds. Attorney Roosa said Mr. Reynolds was sued as an individual and not as a councilmember.

Mayor Hughes said he had no objection to asking the Council to take an overall review of our total insurance coverage and see if it's adequate and at the same time seeing if under the circumstances whether we could have purchased insurance that would have covered the suit against Garr Reynolds individually.

Motion fails 4-1.

Mayor Hughes addressed the CIP budget for transportation items and discussed the Streetscape project as it now stands in the capital improvement plan. He said we need to look at funding. He felt that we should move the funds out of the Streetscape and back to reserves -- restricted reserves for transportation items. He still wants to pursue undergrounding our utilities and try to develop cost estimates for this. Then we can transfer those funds back out of reserve.

MOTION: Moved by Dan Hughes and seconded by Ray Murphy to eliminate Estero Streetscape \$1,400,000 and keep it as a line item.

Discussion:

Mayor Hughes said that by eliminating the \$1,400,000 we can reduce the \$1,700,000 to \$300,000. The other \$300,000 is for other miscellaneous transportation capital improvements which is not affected by the motion. Transportation reserves will then be \$2,906,707. The \$1,400,000 that we moved out of Streetscape will drop to the bottom line on pro tanto and be added to the transportation reserves.

Vice Mayor Murphy asked staff if the separate drainage items that we identified were still moving forward, and he was told yes. He agrees with Mayor Murphy that we should identify the funding sources. We've got a lot of time and money invested in this project so he doesn't want to back burner it completely but pause and reexamine the funding sources.

Questioned was whether we could take money out of the restricted funds for drainage.

Motion unanimously approved.

Councilman Reynolds brought up the subject of a public park on the gulf. He sees nothing in the budget concerning this. Town Manager Segal-George advised that there are a couple of funding options that are available to the Council without using Town funds. If Council wants, something can be put into the budget as being funded by outside sources. Mayor Hughes didn't feel that we can afford valuable beachfront property for a small, local park. Nor has he had any groundswell of enthusiasm from people on the island to have a park. Councilman Reynolds would like to see a line item under land acquisitions specifically worded gulf public park. Mayor Hughes said we could do this and show zeroes to remind ourselves it's a matter of continuing concern.

Public Comments:

A. Dennis Miller

Mr. Miller said that as far as he knows the Beach School that owns Playworks, which has fallen into disrepair, are looking for funds to take care of that. They also need to put a few things in there such as restrooms. If we're looking to spend some money on a park, that might be a place where we could spend some money. The property is owned by the school board. Mayor Hughes

said he would think that if it's school district property, they're the ones who should be funding money for it.

B. PUBLIC HEARING: AFA RENTALS, INC., CASE #80M2000 0024, ALPHONSO DEPAOLO, PRESIDENT.

Input of Counsel for Petitioner:

Beverly Grady reported that unfortunately the letter notice sent out advised the DePaolos that the hearing was at 9:00 a.m. They did come here at that time but are unable to be here this evening.

The property is zoned C-1 and designated Boulevard under the Comprehensive Plan. The site has been in operation for gas, supplies and repairs for 20+ years. The buyer wishes to modernize the facility with a new gas operation and a drive-thru convenience store. The development order application has been replaced with a new limited review development order application for the site, which was rejected by the county.

Ms. Grady explained what would be happening on the site, as she has done in previous hearings, and how the request conforms to our Comprehensive Plan and our Land Development Code.

Ms. Grady advised that the LPA heard their appeal and did uphold the staff report, but it did include in its recommendation additional recommendations, including that the applicant may utilize all of the C-1 uses currently available. If we do uphold the LPA contrary to staff's request, the client would request that we include the same finding that the LPA included in its resolution. In our Whereas clauses we should actually include the full decision of the LPA as to what it did recommend. They would also request the recognition that what they're requesting is a gas station that does have food service and goods but is similar to the more modern version of what's being built. It would require a change in our actual interpretation. The client would request an interpretation that does reverse the staff and direct that we can proceed in the C-1 zoning district and the other two and proceed with limited review as long as what we're doing is equal to or less than the intensity of what's already on the site.

Attorney Roosa advised that as to whether that should be a limited review process has not yet been determined by the LPA. He believes that's scheduled for tomorrow.

Bill Spikowski noted that the Comprehensive Plan, which is the law of Fort Myers Beach, does not have an exemption for limited review. The word "new" does not refer to new buildings but to new commercial activities. If it's expanded commercial activity on a property, such as a restaurant, the drive-thru, a convenience store and late night hours, our plan says that the Town Council will reevaluate it's compliance with the criteria in Policy 4B5 at a CPD area. The applicants don't want to do that and are trying to find a way around it.

Mayor Hughes stated that we're still operating under the county's language. He asked Mr. Spikowski if he found this inconsistent with the Comp Plan 4B5. Mr. Spikowski said it's not inconsistent, it just supplements it. There are two separate regulations. We will be reconciling them, but in the meantime, the Comprehensive Plan prevails.

County Staff Input:

Dan Faulk advised he had prepared the staff report in our packets. He would recommend that we uphold the LPA's recommendation in regards to the information in the zoning letter. Because the Land Development Order says development orders must be preceded by rezoning, that was one of the reasons the development order was denied and it has been appealed.

Staff has made the finding that the Taco Bell is in fact a new or expanded use to the subject property. Staff is mainly considering what the impacts of the new or expanded commercial are going to be to the surrounding neighborhood. Staff feels that the Taco Bell should be rezoned to the CPD District. Dan Faulk doesn't think there is any question that the development order had

to be denied based on the zoning and Land Use category. Even if a limited review development order were issued, Staff feels that the Comprehensive Plan sort of supersedes that.

Public Comment:

A. Dennis Miller stated he felt that an expansion would be different from what was now in place.

Beverly Grady rebutted Staff's statements.

MOTION: Moved by Ray Murphy and seconded by _____ to take the recommendations of the LPA in saying that we uphold the administrative interpretations made by Development Services Division on behalf of the Town that the development orders for new and expanded commercial uses located in both the C-1 district and Boulevard Future Land Use Category must be preceded by rezoning to one of the PD Planned Development districts.

Discussion:

Dan Hughes said he thought it wouldn't hurt to ask Staff to expedite this matter. He feels the client felt that they're not precluded from applying in their application for a CPD for any of the uses that are permitted in the C-1 district.

Motion is seconded by Councilwoman Anita Cereceda.

Discussion:

Vice Mayor Murphy wished to go on record as saying that preliminarily when we first heard about this case we were going to pass an emergency ordinance to exclude all drive-thrus on the island. He stepped up to stop that process and is glad that he did. He feels that the property owner should come forward with a planned development and present it to the LPA and to the Staff and get the thing going.

Councilwoman Cain said she didn't think any property rights had been denied and that we're trying to include the rights of the community as well in this process.

Councilman Reynolds said he agreed with the above speakers.

Mayor Hughes said he was also in accord with those comments, particularly the issue of property rights. He does not view this as any deprivation of property rights. Ms. Grady raises a good point on hours, and he feels that we ought to take a look at having some general ordinance provisions on hours.

Motion is unanimously adopted.

B R E A K -- 5 MINUTE

B. First Public Hearing on Amending the Comp Plan Chapters 11 and 15

Bill Spikowski noted that we had our last hearing on this matter on June 5 when we were considering three amendments to the Comprehensive Plan. We rejected the third one. The first two are attached to our ordinance. Even though the ordinance will have taken effect, the amendment won't be in legal force until the state sends us a letter saying it's okay with them. The merits of this one page is simply changing our capital improvements element page to match last

year's budget and the other is to match last year's budget, and the other is the minor change on substandard platted lots. There's no changes in substance from our last meeting.

The second hearing will be September 25.

C. Public Hearing: Amending Comprehensive Plan Chapters 11 and 12.

E. Discussion of FMB Film Festival. Shawn Holiday.

A grant was applied for with TVC and some funds were received. This will be the first film festival in Lee County. A gentleman who runs the Sarasota film festival is willing to come and help us. There is also the opportunity for sponsorships.

The festival will be the beginning of May 2001. Shawn Holiday said there were a lot of different routes that we can take with this.

SunStream has been contacted and has agreed in principle to act as one of our hosts for accommodations.

Part of the TVC money will be used to attract visitors. There are only about 200 seats and 4 screens at the Beach Theater. We won't be selling a lot of tickets.

Town Manager Segal-George said that one idea is to actually have a movie on the beach with the screen out by the water as has been successfully done in Marco.

Councilwoman Cereceda said that advertising has to be 2-1/2 hours drive away so the promotion for the event would be outside of the county. Any promotion that we did locally could not use the TVC funds. She thinks the festival is a great idea.

MOTION: Moved by Anita Cereceda and seconded by Ray Murphy that we move forward with the film festival on Fort Myers Beach with final approval of budget and funds as set for the first meeting in November.

Discussion:

Town Manager Segal-George said we had the basic budget and they can bring back more detail. But they didn't want to go any further until they knew that the Council would be supporting it.

Vice Mayor Murphy asked if in this interim period before we have a final budget set up we were willing to pay Shawn \$25 an hour for part-time work as he has requested for the Mound House.

Town Manager Segal-George said that we also need to pay the guy from Sarasota who will be helping us.

MOTION: Moved by Anita Cereceda and seconded by Ray Murphy that we move forward with the film festival on Fort Myers Beach and to pay Jody Kilbassa(?) and Shawn Holiday at their hourly rates in the interim period until a report is available to us in November. These payments will be applied to their fees.

Discussion:

Councilman Reynolds had trouble understanding why we would have to pay someone just to present a program to us. He doesn't see how most of the residents are going to benefit with an expenditure of \$42,000, just the businesses.

MOTION: Moved by Anita Cereceda and seconded by Ray Murphy to approve conceptually the Fort Myers Beach Film Festival allocating hourly funds to both Shawn Holiday and Mr. Kilbassa of \$25 per hour.

Discussion:

Shawn Holiday advised that Mr. Kilbassa had agreed to consult for \$3,500 with a \$1,500 contingency if he should spend more time than he anticipated with the \$1,000 retainer. Any motion with regards to this should not exceed the budget that we have before us.

Asked by Councilwoman Cereceda what kind of consulting he'd be doing with Mr. Kilbassa between now and November, Shawn Holiday said that we're going to need him for the logistics for the film festival. We do have the center for the art students. The media director said they're going to be a volunteer base for us.

MOTION: Moved by Anita Cereceda and seconded by Ray Murphy to approve conceptually the Fort Myers Beach Film Festival allocating hourly funds to Shawn Holiday of \$25 per hours and pay Mr. Kilbassa a retainer fee of \$1,000 to apply to a potential fee of \$3,500, plus \$1,500 contingency as pointed out by Mr. Holiday.

Motion unanimously approved.

D. Resolutions on parking at Bowditch.

Two resolutions were before us that were prepared by our Council. One will be called the compromise resolution with the changes we had requested Attorney Roosa to incorporate into it at our last meeting. In the other resolution we are recommending that there be no parking.

MOTION: Moved by Dan Hughes and seconded by Terry Cain to adopt the compromise resolution.

Discussion:

Vice Mayor Murphy said his opinion hadn't changed on this issue. He still doesn't embrace the compromise. He then proceeded to read a statement that praised the natural resources of Bowditch Park. Regarding renourishment, he advised that in addition to protecting us during hurricane season, this will also create more usable beach thereby relieving some of the pressures that we are now facing with the usage on the beach. Lovers Key State Park will be doing the same. Continuing, Vice Mayor Murphy stated: "We are not discouraging people from using the beach. We are trying to make it better for all of them. This evening I challenge the Lee County Board of County Commissioners to join with this Town Council and the private sector in a partnership to enact and effectuate the original stated goals for the preservation of Bowditch Point Park. Much of the work and planning has already been accomplished, and much of the envisioned private sector participation is now moving forward. This is a defining moment in the relationship between Lee County and the Town of Fort Myers Beach. What was right and promised in 1987 is even more right and desirable in this year of 2000. Politicians and their unkept promises for the most part all fade off into oblivion eventually, but it is the good and righteous works of true statesmen that will live forever."

Councilman Reynolds felt that a few people from the north end had come here to try and deprive a county of voters of the privilege of being able to visit a county public park. The park was not bought by TDC money nor was it bought by taxpayers' money. He feels we should proceed with 70 parking spaces as planned; we should keep the same level of trolley service; we should install electronic signage to indicate when the Bowditch parking space is filled, and we should consider gating the parking area to restrict parking after dark. The county should pay for two lifeguards to serve park visitors and take other necessary measures to rope off and place proper signage along the north end of the park to prohibit swimming in that area. Use a permeable material for the parking lot to make it environmentally friendly. There should be additional docks as proposed by the county to make the park more accessible by water taxi and

other boaters. He said he had read this resolution carefully and found many of the items to be inconsequential and not relevant to the issue. He'd like to knock out all of the Whereases that were added to this resolution and get on with the findings. He'd like for all the council members to reconsider the resolution and send something to the commissioners that would really make sense.

Councilwoman Cain noted that contrary to popular belief, there is parking now at Bowditch and all it takes is a phone call to park there. She is supporting the compromise.

Vice Mayor Murphy wished to know where it said that the county commissioners would not reconsider their position and go back to their original promises.

Mayor Hughes felt that if the county commissioners were not going to go for zero parking, we should get what we can get out of here, and he indicated that we might not get this if we take a hard-nosed position.

Councilwoman Cereceda said she is not going to support the compromise.

MOTION: Moved by Garr Reynolds and seconded by _____ to call the question and have a roll call. (To adopt the resolution suggesting that we opt for 30 spaces.)

Cain, aye; Murphy, nay, Hughes, aye, Reynolds, nay; Cereceda, nay.

MOTION: Moved by Ray Murphy and seconded by Anita Cereceda to approve the no compromise alternative. Passes 4-1 with Garr Reynolds dissenting.

F. Bid awards on Lenell and bridge maintenance.

Pam Houck advised that the first bid award is for the Matanzas Bridge maintenance work. She recommends that we take the bid from Lawler's Maintenance.

MOTION: Moved by Ray Murphy and seconded by Terry Cain to approve staff's recommendation to approve the contract with Lawler.

Discussion:

Councilman Reynolds said that this is a state bridge, which shouldn't cost us a penny. He doesn't understand why we're entering into another contract to do a job that somebody else is supposed to be doing. Town Manager Segal-George advised that this has been in front of the Council and this is Council direction and that's why we're doing it. Mr. Reynolds felt that the cost was ridiculous and there were people on the island willing to do it cheaper.

Vice Mayor Murphy advised we had entered into an agreement with the state whereby we would take over the responsibility of this and they would just reimburse us for it, thereby ensuring us that we would have regular maintenance done on the bridge. We have put it out to bid, the bids are back and now we're voting on the bids.

MOTION: Moved by Ray Murphy and seconded by Dan Hughes to call the question. Passed 4-1 with the dissenting vote from Garr Reynolds.

Mayor Hughes noted that the question is called.

MOTION: Moved by Ray Murphy and seconded by Terry Cain to approve the recommendation of the staff for Lawler Maintenance. Passed 4-1 with the dissenting vote from Garr Reynolds.

Pam Houck advised that the next bid was for the design and engineering on the Lenell Road sidewalk. Two bids were received. The low bid was for \$5,000 from Morris-DePew Associates, Inc.

MOTION: Moved by Ray Murphy and seconded by Terry Cain to take the low bid of \$5,000 of Morris-Depew Associates, Inc.

Discussion:

Mayor Hughes noted that this will be paid for out of the special assessment.

Motion approved unanimously.

G. Edison Beach House.

Pam Houck advised that they have requested that the case that was heard by the LPA on June 13 be remanded back to staff and the LPA for review, revising their master concept plan.

MOTION: Moved by Ray Murphy and seconded by Anita Cereceda that we remand the zoning case back to the LPA at the request of the petitioner. Motion unanimously approved.

H. Portable Water Utility Settlement

Deputy Town Manager John Gucciardo noted that we had a copy of the memo and a copy of the draft settlement agreement that was delivered very late last month. Avatar is still looking at a closing around September 29. David Owen has suggested and we have agreed in principal to set up a meeting for next week wherein Dick Roosa and John Gucciardo would meet with the county attorney's office and also other members of Public Works. We would start working out the transition from the county to the Town. The language in the draft settlement allows for 60 days beyond when the settlement has been signed for a closing between the Town and the county. Mr. Gucciardo's concern is if the county were to go ahead and close and if there was some period of time before we were in a position to close, could David Owen give him an estimate of what additional costs would be incurred above and beyond the purchase cost. His impression was that that would be minimal.

Mayor Hughes was advised that setting a public hearing now would be premature.

Mr. Gucciardo brought us up to date on the progress that has been made so far.

VIII. COUNCIL MEMBER ITEMS AND REPORTS

Councilwoman Cain reminded us about Coastal Cleanup Day this Saturday.

Councilman Reynolds thanked Attorney Roosa and Councilwoman Cereceda for the state statutes regarding candidates running for different offices.

Also, it was reported to Councilman Reynolds that maybe a letter was sent to local ministers suggesting how they should give blessings to Town meetings. This evidently grew out of a letter that the Sawyers wrote wanting public prayer to be more interreligious.

Councilman Reynolds felt we shouldn't be getting new information at the last minute if we're voting on a complicated item.

Councilman Reynolds noted that the Chamber Traffic meeting was at 10:00 o'clock on Friday, and he forgot to go. Regarding the Streetscape and roundabouts, the Traffic Committee might have the idea that this is on hold, which seems to infer that maybe the Town, meaning the Council he presumes, might be changing directions on the roundabout. He told the committee he had not heard any further discussions on the subject or mention of a change. Mayor Hughes said that Streetscape is on hold and that's where the roundabouts are.

Town Manager Segal-George was asked about radar guns by Councilman Reynolds. She advised that the Chamber had asked her if the Council might be willing to pay for radar guns. She thinks that the issue was that not all of the sheriff's deputies are equipped with radar guns and that they wanted to purchase one or two to use on the island. She suggested that they go through Public Safety and that Public Safety could make a recommendation to the Council.

Regarding the New Year's Eve celebration, Town Manager Segal-George said it was her understanding that the Chamber is putting together some kind of proposal with regards to New Year's. When she gets something, she will bring it to us.

Mayor Hughes noted that he had attended the Golden Coconut award, a very fine event. He found the article in the News-Press with the headline "Beach lighting sending turtles to their death," to be disturbing. Another article chastised us for not raking the beaches. He will be going to an out-of-town meeting and will be an hour late getting to the Council meeting.

Vice Mayor Murphy congratulated Anita Cereceda for her campaign. He thought she did a great job although she wasn't elected. He attended the Golden Coconut award, which was a great affair. He noted that there had been an interesting article in the Naples Daily News about the resurgence of the discussion of the Coconut Grove bridge. The Horizon Council luncheon is coming up and we have a table. On September 20 he is going to Clearwater where there will be a seminar on roundabouts.

Councilman Reynolds advised he has never been in a group before where there is so much hostility. Mayor Hughes ruled him out of order.

IX. TOWN MANAGER'S ITEMS

Town Manager Segal-George advised that CELCAB had asked her to transmit two issues to us. One is that we re-advertise for the director's position. In our packages we have the job description and the dates and times that it was advertised. We only got one applicant. CELCAB wanted to change the advertisement and would like to again advertise in the News-Press, the Observer and Naples Daily News. They would also like the advertisement to appear on two Web sites. They would like to close the ad by December 1 and then recommend some of the Council after the first of the year. She needs the Council to authorize the readvertisement.

MOTION: Moved by Ray Murphy and seconded by Anita Cereceda that we readvertise the director's position with the changes and suggestions in the job description that are in the memo. Passed unanimously.

There is one applicant for the job, Shawn Holiday, as shown in the third paragraph of the memo. At the meeting, CELCAB wanted to hire Shawn on a hourly basis as an interim measure to handle the docent program, special events, grant coordination and act as a director until a new director is hired. After the meeting Shawn advised he's willing to work on special events and to coordinate the docent program. He's not willing to assume any functions of a director on an interim basis, such as grant supervision. CELCAB would like to get the docent program up and running as soon as possible, hopefully in October or November. Without Shawn we don't have a whole lot of alternatives right now. He charges \$25 an hour for part time work.

In the last paragraph of her memo, Mrs. Segal-George said, she brought up all of the issues that we have right now: Shawn is handling the street performance at Times Square; we have the possible farmer's market on Old San Carlos; we have the docent program at the Mound House, special events at the Mound House and the film festival. Special events will have to come to the Council. The docent program will run between Shawn and CELCAB. We need more volunteers and they have to be trained. Shawn will have to coordinate the program and make sure that people show up when the Mound House is open for tours.

MOTION: Moved by Terry Cain and seconded by Ray Murphy that Shawn Holiday is hired in the interim of having a director at the Mound House to run the docent program and special events at \$25 an hour.

Discussion:

Councilwoman Cereceda felt that we were nickel and diming ourselves. She asked if we could discuss this further at our next meeting, and was told we could.

Motion passes.

X. TOWN ATTORNEY'S ITEMS

Attorney Roosa advised we have appealed the Star Dial Investments lawsuit and we held off on filing a brief because we thought there was a possibility of settlement, but there seems to be no possibility of settlement at this time. We filed one extension on the initial brief and we're going ahead.

XI. APPROVAL OF MINUTES OF JUNE 19 AND JUNE 29, 2000

MOTION: Moved by Ray Murphy and seconded by Terry Cain to approve the minutes of June 19, 2000. Passed unanimously.

MOTION: Moved by Ray Murphy and seconded by Terry Cain to approve the minutes of June 29, 2000. Passed unanimously.

XII. PUBLIC COMMENT

None.

XIII. ADJOURNMENT

The meeting was adjourned at 11:00 p.m.

Respectfully submitted,

Lorraine Calhoun
Transcribing Secretary

Items for Action September 11, 2000

1. A resolution was passed to declare September 18-22 Industry Appreciation Week.
2. September 17, 2000, is recognized as Citizenship Day and the week of September 17-23, 2000, as Constitution week: the 213th anniversary of the adoption of the Constitution of the United States.
3. Our fiscal year ends on September 30. There will be a second and final public hearing on the budget on September 25.
4. Portable Water Utility Settlement. Avatar is still looking at a closing around September 29.
5. First Public Hearing on Amending the Comp Plan Chapters 11 and 15. The second hearing will be September 25.
6. The film festival will be the beginning of May 2001.
7. Saturday is Coastal Cleanup Day.