

**FORT MYERS BEACH  
TOWN COUNCIL MEETING  
SEPTEMBER 25, 2000  
NationsBank, Council Chambers  
2523 Estero Boulevard  
FORT MYERS BEACH, FLORIDA**

**I. CALL TO ORDER**

The meeting of September 25, 2000, was opened by Vice Mayor Murphy at 6:30 p.m.

**Council members present at the meeting:** Terry Cain, Anita Cereceda, Daniel Hughes (arrived late), 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 Father Robert Murphy, Church of the Ascension

**IV. PUBLIC COMMENT ON AGENDA ITEMS**

None.

**V. CONSENT AGENDA**

**A. Review of Financial Reports - August 2000**

**B. Proclamation: Law Enforcement Appreciation Day**

**C. Request for Town contribution of \$500 for Monofilament Madness**

Items B and C were pulled.

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

Councilwoman Cereceda said she had asked to pull Item C because she'd like to see it called "Mulholland's Madness" or "Mulholland's Monofilament Madness." She suggested that we have a permanent disbursement of \$1,000 a year for that project and to come back with any request for additional funds. She has suggested to John Gucciardo doing it more than once a year.

Councilwoman Cain advised that their basic costs were for the tent, the dumpsters, the port-a-potties, the tables and the chairs. They have been receiving donations from the Town, the Pink Shell, and different marinas have donated money as well over the years.

Councilman Reynolds felt the donation from the Town should remain at \$500.

**MOTION:** Moved by Anita Cereceda and seconded by Terry Cain that the Town allocate \$1,000 within the budget for Monofilament Madness and that that be an annual distribution to fund the Estero Island portion of the Keep Lee County Beautiful project. Passed with one dissenting vote from Councilman Reynolds.

Vice Mayor Murphy read the Proclamation for Law Enforcement Appreciation Day.

**VI. ADMINISTRATIVE AGENDA**

**A. Final Public Hearing: 2000-2001 Budget**

1. Resolution establishing ad valorem tax

Public Comments:  
None.

**MOTION:** Moved by Anita Cereceda and seconded by Terry Cain that the Town Council set the 2000-2001 budget at the ad valorem rate of 1.0961 mills for the fifth year with no increase. Passed unanimously.

2. Resolution adopting the 2000-2001 budget

Public Comments:  
None.

**MOTION:** Moved by Anita Cereceda and seconded by Terry Cain that the Town Council adopt the final budget for the fiscal year 2000-200.

**Discussion:**

Councilman Reynolds stated that realizing the Mound House has already spent their \$1,031,000, he was wondering if this shouldn't be carried under revenues. Councilman Reynolds would like to see the Mound House listed with zeroes to show that that amount has been expended. Deputy Town Manager John Gucciardo explained that since we've already received and spent the grant funds, it wouldn't be advisable for him to include that in any further fiscal year revenue projection because it is no longer projected as a revenue.

Councilman Reynolds also felt that some auditors would like to see new items in parentheses. Deputy Town Manager John Gucciardo advised that the changes made to the first draft budget that we received in July have all been highlighted in color.

Vice Mayor Murphy expressed his feeling that our budget, relatively speaking, is the most simple one for a government that one would ever see.

Motion carries unanimously.

**B. FINAL PUBLIC HEARING: AMENDING COMPREHENSIVE PLAN Chapters 11 and 15.**

Vice Mayor Murphy read the ordinance.

**Public Comments:**

Bill Spikowski advised that the amendment to Chapter 11 merely updates the 5-year schedule of capital improvements adopted in last year's budget and it is a state requirement that we do that each year. There has been no policy change, but The amendment to Chapter 15 affects certain substandard lots, such as a house built across two substandard lots. Councilman Reynolds asked suppose the lots are buildable, and he was told that then they wouldn't need the protection of the special provision of the Comprehensive Plan. You could tear the house down and build two.

Chapter 6, John Gucciardo explained, was dead unless we decide to bring it back.

**MOTION:** Moved by Terry Cain and seconded by Anita Cereceda to approve the amendment to Chapters 11 and 15 of the Comprehensive Plan. She would like to make a note that the verbiage on the changing of the substandard lot, Section III, Exhibit B, was due to Dan Hughes. Passed unanimously.

**C. PRESENTATION BY WILSON MILLER: OLD SAN CARLOS STREETScape**

Dr. Richard Woodruff, Director of the Wilson Miller office in Fort Myers and also Director of Planning for Fort Myers/Naples, advised that his assistant Matt Horton was the one who did all the work. Easels were set up containing presentation boards. After being introduced, Mr. Horton described the options the company had for us to consider.

One option is to widen streets, provide shade trees for pedestrian comfort and provide vehicular access and parking. Utilities will be underground. Attention will be paid to general aesthetics and maintenance. There will be 15-foot sidewalks. Travel lanes are narrowed to 10 feet with patterned crosswalks at the intersections. They would encourage us to use real brick instead of concrete pavers. Benches and trash receptacles will be at each of the intersections

Both concepts are similar in that they do contain the shade trees, street lights and other amenities. The one major difference is that Option A includes parallel parking on both sides of the street whereas Option B contains angled parking on one side of the street and parallel parking on the other side. There will be 10 feet of sidewalk on either side of the street, 10-foot lanes and 8-foot parallel spaces.

Dr. Woodruff advised we should not feel that we have to select either Plan A or Plan B. He cautioned that if we put the parking between the sidewalk and the building itself, we will find that people will stop their cars half way in the zone and block the sidewalk. Or we will find that some people will decide to double stack and block the

sidewalk. Others may bring a boat in and decide they won't have to unhitch it. No matter which plan we go with, we can mix and match certain components of it.

Recommended is that when we get down to the water's edge, no matter which plan we select, something of interest should be created that is in the middle of the area which is side to side in the right-of-way. This will draw people from Times Square and encourage them to walk to that destination. Redevelopment will also draw people to the area.

Stay with what's easiest to clean, easiest to replace.

Town Manager Segal-George advised that this project would fall within the CRA and it is anticipated that the funding would come out of our settlement with the county. And more than likely there will be some type of assessments of property owners down the street. No dollars for this project would come out of the Town's general fund. Right now there are enough funds to go on to the next phase and do the design for this project so that we'll be ready for construction should we hopefully reach some arrangement with the county. Mrs. Segal-George also feels there are sufficient funds to do undergrounding of utilities now.

Deputy Town Manager Gucciardo's remarks were inaudible.

**Discussion:**

Councilwoman Cereceda said she'd like to see us move forward with the parallel parking in Option B. She'd also like to see some suggestions about what that focal point at Snug Harbor could be.

**MOTION:** Moved by Anita Cereceda and seconded by Terry Cain to move forward with the parallel parking in Option B.

Vice Mayor Murphy said he was all for this and feels it will be an improvement for the area. He also likes the suggestion regarding real pavers instead of stamped asphalt.

Councilman Reynolds complimented Wilson Miller for their presentation. He would also compliment the business people who are willing to take on a project without expecting all the taxpayers to do things for them. He thinks the plan is excellent.

Councilwoman Cereceda said she doesn't think we should consider anything but mature trees. It would be worth the cost.

Motion passed unanimously.

Town Manager Segal-George advised that she will have to bring the change order to Wilson Miller's existing contract back in front of the Council for the design.

**D. PROCLAMATION: NATIONAL ESTUARIES DAY**

Vice Mayor Murphy read the proclamation and he introduced the director of the Charlotte Harbor Estuaries Program, Mr. Robert Rudolph.

Noted was that estuaries are unique environments where the rivers meet the ocean and are vital components to the world's ecosystem and serve as nursery grounds for two-thirds of the fish and shellfish consumed by Americans, as well as improve water quality by filtering pollutants, act as buffers to protect shorelines from erosion and flooding and

provide essential food and habitat for birds, fish and other wildlife. The Town Council of the Town of Fort Myers Beach supports the designation of September 30, 2000, as National Estuaries Day and urges the general public to recognize the importance of this natural resource.

Mr. Rudolph advised that 20 years from now our water quality will be better than it is today.

#### **E. INTERLOCAL: COMMUNITY DEVELOPMENT**

Town Manager Segal-George advised that this interlocal had been approved by the county commissioners.

**MOTION:** Moved by Anita Cereceda and seconded by Terry Cain to approve the interlocal agreement with the board of Lee County commissioners for community development services.

#### **Discussion:**

Councilwoman Cereceda explained that this was an interlocal agreement between Fort Myers Beach and the board of county commissioners for community development services that we've had from Day One. Community development is planning and zoning and review of cases, permitting processes, etc. Councilman Reynolds added that since we don't have a department we contract these services out.

Town Manager Segal-George noted that we have added the services of Gloria Sago, who is the historic preservation planner with Lee County, and she will be working with the LPA to fulfill their responsibilities under the Comp Plan. We also added dollars for the hearing examiner, and they will be holding their hearings here in the Town. The first hearing will be October 10. Also, there was the routine increase that the county tacks on every year.

Motion passes unanimously.

#### **F. BID AWARD: SURVEYS FOR DRAINAGE PROJECT**

Pam Houck advised that we have two surveys underway. She is in the process right now of requesting easements from the property owners for the one on Santos. We are also in the process of going out for bids for a contractor on that. Also in process is surveying Primo. Mr. Edenfield received the bid which she has listed in her memo. They have a combination of low bidders between Wilson Miller and Coleman. Mr. Coleman is the one who has done the two projects that are underway. Mr. Edenfield has recommended that we stay with the same surveyor and believes it will provide the Town with a valuable data base for the future.

Hopefully the Lennart project will be the next one, according to Pam Houck.

Pam Houck was asked by Town Manager Segal George to explain the process to everyone, which she did. She advised that the easements are the key points -- the willingness of the individual property owners.

**MOTION:** Moved by Anita Cereceda and seconded by Terry Cain to award the bid to James R. Coleman & Associates, Inc. Passed unanimously.

### **G. DISCUSSION OF POOL CONTRACT**

Deputy Town Manager John Gucciardo recommended that we go with the second option he had brought to us, which shows not only the terms of the contract, but the numbers that would be plugged in. The summary memo in the front indicates that what we're looking at is that the new budget would be \$148,000 in terms of the flat fee to Champion Corporation, the successful bidder. The fee would be paid on a biweekly basis. We would also be responsible for the utility costs -- the FP&L bill, to heat the pool. The total outlay then would be budgeted over the period of the next year. We also have an understanding with Champion that at the end of the upcoming year we would reassess the situation and are recommending in what would be our third year of operation some kind of percentage split of the revenue.

Councilman Reynolds felt that the numbers showing usage of the pool were rather high. John Gucciardo said that they have broken it down in terms of fees collected, which are far beyond their original projections. They've seen a tremendous number of users during the summer months. They are hoping that Champion will help them pump up usage during the off-peak hours months.

Michael, a lifeguard, advised that he used the pool probably more than other people. He wanted to congratulate the Town for having the foresight to support the pool. It was fabulous there this summer, packed from 10:00 a.m. to 7:00 p.m. seven days a week. The contract also includes two youth swimming group and a master's team. It has really drawn the community together.

Deputy Town Manager Gucciardo advised that while the memo reflects \$156,000 that we will have spent, the Pool Foundation contributed \$50,000 of that for this last fiscal year and are projecting \$25,000 for the upcoming year. This is an incredible effort on their part John felt and he wanted to thank them for that.

Mr. Gucciardo also noted that any time you out source something like this, there is always that concern that the assets of the Town be maintained properly and that the best interests of the Town residents are looked after whenever decisions are made about operations. But they think they've built those kinds of protection into the contract and they do intend to have a staff member oversee the operation.

**MOTION:** Moved by Anita Cereceda and seconded by Terry Cain that we use the new agreement to pay the \$148,000 to Champion and that we set aside the \$28,000 for utility costs. Passed unanimously.

### **H. DISCUSSION OF PROPOSED WATER UTILITY SETTLEMENT AGREEMENT**

Attorney Roosa advised that the county has gone ahead with the acquisition of this system, and that should happen this Friday. When it does happen, we will be purchasing the system from the county rather than from Avatar. David Owen assures that that will not generate additional cost to us. Basically, the county has incorporated our desires in the settlement agreement. We still need to work on a bulk portable water purchase

agreement and we need the engineer's input on this. The only concern that's not expressly addressed in the contract, although implied, is that if it's not financially feasible we're not going to purchase the system. And they have no right of specific performance to require our purchase of it. Mr. Roosa would recommend that we approve the settlement agreement and go on to the next step -- a public hearing where we will have a presentation to the Council sitting as the utility agents to determine that it's economically feasible for us to acquire the system and that it's to the public's interest that we make that acquisition. There will be sufficient staff to present each of those issues in a resolution for us to decide.

Asked for a projection date by Councilman Reynolds, Attorney Roosa advised that the closing is 60 days after the final determination, so it's on a tight schedule. We need to get the agreements ironed out.

**MOTION:** Moved by Garr Reynolds and seconded by Anita Cereceda that we approve the water utilities settlement agreement. Passed unanimously.

## **VII. COUNCIL MEMBER ITEMS AND REPORTS**

Councilwoman Cain said that Fort Myers Beach should be very proud of where it stands on environmental issues. Saturday was the Coastal Cleanup, which was phenomenally successful. There were more residents and families in attendance than she has ever seen previously plus two buses of Fort Myers high school students. Over 1500 pounds of trash was collected from the Beach and Matanzas Pass Preserve.

Last Wednesday and Thursday Councilwoman Cain attended the Florida Shore and Beach Preservation Association Conference, along with a few others. She was happy to see that Fort Myers Beach's renourishment plan was a topic of interest there.

Mayor Dan Hughes arrived at the meeting.

On Friday Councilwoman Cain went to Bartow to vote as a member for the Charlotte Harbor National Estuaries Program. We are the southernmost portion of this program. Robert Rudolph is the new director. We've gone from the comprehensive conservation plan to implementation. Issues are being voiced and stands are being taken. The Bosphorus Mining Company was there to sit at the table with the Charlotte Harbor National Estuaries Program and they are very concerned about an areawide environmental impact statement. It was a unanimous vote to request this from the Army Corp of Engineers, and it will not only research water quality but also water quantity.

Last Thursday Councilwoman Cain was on San Carlos Island and she gave them an update on the Harbor Plan.

On Friday Councilwoman Cain had a great lunch at the Horizon luncheon.

On Saturday the Estero Bay Buddies had a cleanup at the Estero Bay Buffer Preserve area off of Broadway and Estero. The opening will be November 18. The Sahdev property is gorgeous.

Councilwoman Cain advised that we have a voting seat on the Agency for Bay Management. The controversy that's going on now is in regard to a letter that was drafted and was pretty strong. She will be happy to give a copy to anyone who wants one. The

controversy has been over what is the role of the ABM.

Monofilament Madness will be October 29.

**MOTION:** Moved by Ray Murphy and seconded by Dan Hughes that Terry Cain be nominated as the official member from the Town Council in the Agency for Bay Management. We will also seek to find an alternate from the Marine Resources Task Force.

**Discussion:**

Councilwoman Cereceda felt it would be better to have someone else from the Town represent the Town Council since Terry Cain is already a representative for the fishing industry at the Agency for Bay Management.

The motion was withdrawn.

Councilman Reynolds would like to see the Chambers' sign on Black Island moved nearer to the south end of the bridge.

Regarding the Bay Beach lawsuit which we lost, Councilman Reynolds said he never had been strong about it. He thought it was about time that we start negotiating something for no other reason than to get a plan from them regarding what they envision for their future. Attorney Roosa stated that he had made an offer to their attorney, Jim Humphries, by way of settlement. Mayor Hughes said that when he was aware that negotiations seemed to stall he made a direct attempt to resurrect them with the Bay Beach developer, Kitty Taylor. He noted that the Council wasn't unanimous in what they were willing to do and it failed and that resulted in litigation.

Councilman Reynolds offered the following items for Council's consideration:

1. Adopt procedures that work well. The board of county commissioners has full discussion on a subject before moving for a motion for adoption.
2. Establish Council decorum by not allowing any councilmember to feel privileged to criticize another member or to interrupt another member.
3. The Chair should be more aware of all councilmembers' behavior and should not concentrate on any one member.
4. The Chair should not allow people in the audience to talk aloud with immunity while issues are being discussed by councilmembers.
5. All councilmembers should differentiate between the importance of Council business and their personal, petty gripes or grudges.
6. Allow each councilmember's comments to stand on their own merits. As the odd man out, he finds the corrections and criticizing of two councilmembers almost every week. This does not promote the proper atmosphere for constructive and creative sharing of information that will lead Council to better discussions and better decisions. The public has suffered from such inappropriate behavior. He asks if we can have this on the agenda sometime and have an open discussion here in Council and see if we cannot improve the effectiveness of our Council.

Regarding the newsletter, Councilman Reynolds stated there was a lot of good information in there. He would like to see larger print and shorter articles.

Councilman Reynolds referred to a letter from a Stacey Burnhart. He had called

this lady in response to the letter. She and her husband have some real problems. He doesn't understand why the sheriff would give them a hard time for catching a shark. Town Manager Marsha Segal-George said there is a county ordinance that prohibits shark fishing and the problem is that they were not shark fishing but they caught a shark. There is a legal bag limit on sharks that allows you to keep one shark. However, what do you do with a shark when you catch it? What Mrs. Burnhart's husband did was beach a shark, which is when the deputy came in saying if you catch a shark you have to cut the line. Mrs. Burnhart said they would like to keep one shark if they catch one shark.

Vice Mayor Murphy commented on the Beach & Shore meeting at Captiva and said it was very informative. He was also at the RPC or Regional Planning Council meeting where the discussion came up about the Agency on Bay Management and the vacancy that we have. He would like for Councilman Jay Aarons of the new city of Bonita Springs to be the representative of the Regional Planning Council.

Vice Mayor Murphy also attended the Industry Appreciation Luncheon down in Harborside, along with Terry Cain. It was a very nice affair. He went in Mayor Hughes' stead and presented the proclamation to the chairman of the Horizon Council. He said a few words on Mayor Hughes' behalf and gave his regrets for not being there.

Regarding the controversy over the sign ordinance, Vice Mayor Murphy feels this has nothing to do with the Town of Fort Myers Beach and doesn't feel we should spend energy fighting someone else's problems.

Vice Mayor Murphy appeared before the county commissioners last Monday and the results weren't very successful. He also referred to articles in the News-Press which he had found to be misleading. If it's the Council's wish to pursue this further, he's open. Mayor Hughes said an alternative would be to file a suit, but he's not inclined to do that because it would be costly and he doesn't know if the community would support that. We should encourage them to go ahead with Phase II.

Councilwoman Cereceda said we could toll the road or we could close it to local traffic only. Attorney Roosa said he had anticipated that we might want to file a lawsuit and so he went to the county records to find errors but found none. He did get the development order that authorized the development and sent it to Bill Spikowski. One of our most serious problems with this is that in our Comprehensive Plan we did approve the parking spaces in the development of that park. We said in terms of parking that we would do all that we could to cooperate and allow parking on that site. He doesn't feel that we would get very far in the courthouse with any sort of action trying to stop that. He feels that our proposal of still pursuing the development as originally agreed to is legitimate and something that excepts the parking as it's going to be, but at least, especially in terms of adding the dockage, would provide for another means of access to the park and perhaps somewhat relieve the traffic problem. He does not think that our solution is a legal solution and that it would have to be a political solution. Councilman Reynolds said he would encourage Council to drop it, forget it and not try to carry this any further. Councilwoman Cain said she was apprehensive about encouraging them to go further with what they're going to do. She also feels that maybe the county did exactly what they were going to do. Vice Mayor Murphy referred to a 1997 letter from Beverly Grady, then with Pepper Martin, in which zoning was questioned at the park. Attorney Roosa said he didn't think the Town could raise that issue because of our Comprehensive Plan. If the zoning is inappropriate, the county would be obligated under the terms of the

Plan to bring it into compliance.

Mayor Hughes asked what the law in Florida is on the right of a local municipality to enforce zoning ordinances against another larger governmental unit. Attorney Roosa said he believes they would be subject to our zoning categories with the exception of public schools. And recently Congress passed a bill that said that no local government can prohibit the location of religious establishments or prisons. This is a federal law that would pre-empt a state law.

Mayor Hughes noted that there are other issues than parking at Bowditch and we should see what we can hope to accomplish that's in the best interest of the community.

Vice Mayor Murphy said he went to Clearwater for the round-a-bout presentation, which he found to be very interesting. He brought back the case study and took a bunch of pictures which he will make available to everybody. He noted that it was a little bit different from what we had envisioned and talked about. He said that Clearwater Beach is very similar to Fort Myers Beach in many ways. They have a gateway feature that is a fountain.

Mayor Hughes complimented the staff, in particular Marsha and John, for their work on the budget, saying they did a good job as usual. He thanked Janeen for keeping him updated whenever he called.

Councilman Reynolds said he had spent 2-1/2 days over at the Florida Shore & Beach Association on Captiva. He thought the meeting was really loaded with information and gave a lot of summaries of each project. The good thing to him was that the seminar dealt mostly with the state of Florida. He learned that they are going off shore more now for sand. He feels that the safety factor is the biggest sale for beach restoration.

Councilman Reynolds asked Mayor Hughes if he would agree to encourage the points he mentioned earlier to be brought before Council for discussion. Mayor Hughes said he had decided it wasn't really appropriate for him to respond at this time. But one point made was that we should have a discussion before a motion and that's not the way things are done. You have to have a motion on the floor before a discussion as per Robert's Rules of Order. He also told Mr. Reynolds that he feels he hasn't been denied his opportunities nor has he been interrupted any more than he has interrupted other people. We've all interrupted at times. As for being denied the opportunity to present his motion of resolution at the last meeting, that is not the case. A resolution was proposed and he could have moved to table it. In fact he was even asked if he would like to move to table so he could present his motion. But he voted with two other councilmembers to defeat the resolution. Mr. Hughes said he did not feel that Councilman Reynolds was being treated any differently than any other councilmember by the Chair.

Attorney Roosa suggested that all councilmembers be furnished with copies of our rules and procedures. Councilman Reynolds could then feel free to suggest some modification of them.

#### **VIII. TOWN MANAGER'S ITEMS**

No report.

#### **IX. TOWN ATTORNEY'S ITEMS**

No report.

**X. PUBLIC COMMENT**

None.

**XI. ADJOURNMENT**

The meeting was adjourned at 9:06 p.m.

Respectfully submitted,

Lorraine Calhoun  
Transcribing Secretary

### **Items for Action September 25, 2000**

1. Motion was passed for the Town to allocate \$1,000 within the budget for Monofilament Madness and that that be an annual distribution to fund the Estero Island portion of the Keep Lee County Beautiful project.
2. Town Manager Segal-George advised that she will have to bring the change order to Wilson Miller's existing contract back in front of the Council for the design.
3. The Town Council of the Town of Fort Myers Beach supports the designation of September 30, 2000, as National Estuaries Day.
4. Motion passed to approve the interlocal agreement with the board of Lee County commissioners for community development services. The hearing examiner will be holding hearings here in the Town. The first hearing will be October 10.
5. The new budget for the pool would be \$148,000 in terms of the flat fee to Champion Corporation, the successful bidder. The fee would be paid on a bi-weekly basis. We would also be responsible for the utility costs -- the FP&L bill, to heat the pool. The total outlay then would be budgeted over the period of the next year. We also have an understanding with Champion that at the end of the upcoming year we would reassess the situation and are recommending in what would be our third year of operation some kind of percentage split of the revenue.
6. Attorney Roosa advised that the county has gone ahead with the acquisition of the water utility system, and that should happen this Friday. When it does happen, we will be purchasing the system from the county rather than from Avatar. Basically, the county has incorporated our desires in the settlement agreement. We still need to work on a bulk portable water purchase agreement and we need the engineer's input on this. The only concern that's not expressly addressed in the contract, although implied, is that if it's not financially feasible we're not going to purchase the system. And they have no right of specific performance to require our purchase of it. Mr. Roosa would recommend that we approve the settlement agreement and go on to the next step -- a public hearing where we will have a presentation to the Council sitting as the utility agents to determine that it's economically feasible for us to acquire the system and that it's to the public's interest that we make that acquisition. There will be sufficient staff to present each of those issues in a resolution for us to decide. Attorney Roosa advised that the closing is 60 days after the final determination, so it's on a tight schedule.
7. The opening of the Estero Bay Buffer Preserve area off of Broadway and Estero will be November 18.
8. Monofilament Madness will be October 29.