

**FORT MYERS BEACH
TOWN COUNCIL MEETING
OCTOBER 16, 2000
NationsBank, Council Chambers
2523 Estero Boulevard
FORT MYERS BEACH, FLORIDA**

I. CALL TO ORDER

The meeting of October 16, 2000, was opened by Mayor Daniel Hughes at 6:30 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, Attorney Richard Roosa.

II. PLEDGE OF ALLEGIANCE

All assembled recited the Pledge of Allegiance.

III. INVOCATION BY REVEREND DON ROTH, CHAPEL BY THE SEA

IV. PRESENTATION TO BEACH ELEMENTARY STUDENTS: Florida City

Government Week poster contest winners

Children from kindergarten to fifth grade were presented with awards in addition to an award given for the best of show. Also presented was a check in the amount of \$250 from the Town of Fort Myers Beach to the supervisor of the Beach Elementary Media Center, Sara Keller.

Mayor Dan Hughes congratulated the children and thanked everyone involved in setting up this program.

V. PUBLIC COMMENT ON AGENDA ITEMS

None.

VI. CONSENT AGENDA

A. Proclamation: Florida City Government Week October 23-28

MOTION moved by Anita Cereceda and seconded by Ray Murphy to accept the Consent Agenda. Passed unanimously.

VII. ADMINISTRATIVE AGENDA

A. Wilson Miller: Supplemental Agreement for Old San Carlos

Town Manager Segal-George advised that this is the supplemental agreement to the Wilson Miller contract which would do the final design, permitting and construction drawings and basically take this project through. This is part of the CRA budget.

A mistake on the signature page has been corrected.

MOTION moved by Ray Murphy and seconded by Terry Cain to approve the supplemental agreement No. 3 with Wilson Miller regarding the old San Carlos plan. Adopted unanimously.

According to Town Manager Segal-George, last year we received an award from Florida Planning and Zoning Association for the Town's Comprehensive Plan. We were notified today that the Estero Boulevard Streetscape Master Plan has received the outstanding public report award from the Florida Planning and Zoning Association for this year, so we've now won two years in a row. There will be an awards ceremony probably on October 27 at the Gainesville conference and it would be nice if someone from the Council could attend to pick up the award. Last year Bill Spikowski received the award for us. Mrs. Segal-George said she had never heard of anyone else willing back to back.

B. Request by Chamber Foundation for signage.

Fran Myers introduced herself as the chairperson of the Fort Myers Beach Chamber Foundation. Also present was her vice president, Roxie Smith and D. J. Petrocelli from the Chamber.

Mrs. Myers noted that 8 or 9 years ago they were permitted to put the sign in the location it is in now. As we became a town there was a desire to have the sign moved to Fort Myers Beach. The location chosen was still part of Bonita Beach and the county has now given them a week to take the sign down or they will do so. A sign is proposed to be placed north of Estralita. They do not propose to move the sign that's in it's present location but will certainly do away with it if indeed we decide that we'd like to have a walk-in sign; and they will live within our sign regulations and will work with Gini Ross and this town to decide what should happen there. If we decide that we don't want the sign there, Mrs. Myers said she thinks that the sign will just go away and they'll have the other one taken down.

Their request tonight, therefore, is for a smaller sign north of Estralita on the county right-of-way welcoming people to Fort Myers Beach.

Bonita Spring is discouraging adding information to the sign that already exists and that was grandfathered in.

Mayor Hughes said he would like to see another sign put up.

Councilwoman Anita Cereceda felt that it would be wrong to move a sign that the county itself legally approved.

Town Manager Segal-George was directed by Mayor Hughes to request that an additional sign be put up. A letter will be sent to Bonita Springs and copied to board of commissioners of Lee County.

C. First Reading: Amending Ordinance 98-1 -- Special Events

At the end of June there had been a request to limit how many special events any business could apply for during the year. There is also a provision regarding asking for special events in advance for the season so that we can make sure that we have adequate deputies.

The public hearing will be November 6.

D. Invitation to fill out PSTF Survey 2000

Deputy Town Manager John Gucciardo noted that the PSTF had gotten with a professor from Florida Gulf Coast University whose class had analyzed the survey, made some modifications in form and content and we hopefully now have a document that's a better tool for gathering accurate information. Next Election Day on the 7th the PSTF will again be out at the different polling places to distribute this and to ask registered voters to complete it and either drop it off at Town Hall or at one of ten different locations that we have here on the Beach.

Mayor Hughes said his personal view is that the survey is very well done, it's very comprehensive and a well-written cover letter goes with it. He would have liked to have seen quality of life issues: garbage and refuse around businesses and private residences, unkempt landscaping and abandoned vehicles and appliances both around businesses and residences. He'd like to know if people have any level of concern regarding proliferation of motor vehicles, trailers, motor homes and vehicles of that nature in residential yards. If so, he would like to see legislation on this.

E. Update on the Flood Plain Management Plan Progress Report

Deputy Town Manager Gucciardo stated that as part of our involvement in the National Flood Insurance Program, the Town participates in the community rating system. We were awarded a certain rating which then corresponds or results in discounts on flood insurance premiums. One of our obligations is to go through a yearly recertification and each year by October 1st we're given a list that the community rating service people want to see how we're doing on. One of the things they asked for this year was a progress report on our Flood Plain Management Plan. This is a plan that we adopted by resolution back in September 1998. The plan included a list of 7 goals and objectives under the element section and we are being asked to analyze how we did so far on those and that's included in the report titled "Progress Report on Elements of the Original Plan." Part of the requirement is that not only are these results presented to us, but also to the local media and the public, which is being done tonight. This has been sent in already and we have every indication that our recertification has gone well. We have two more years to go under the original application, at which point we will have a reevaluation. At that point our rating level can be adjusted.

VIII. COUNCIL MEMBERS ITEMS AND REPORTS

Councilwoman Cain reminded everyone that Monofilament Madness was coming up on October 29. The Estero Bay Buddies received a grant from the Boat U.S. Foundation to make baggies that they'll hand out that day with Keep Lee County Beautiful, Estero Bay Buddies, The Town of Fort Myers Beach Marine Resource Task Force and the Boat U. S. Foundation on them. There will be all kinds of neat stuff to put in the baggies from DEP. Mrs. Cain said she thinks the support that this community has given this event is outrageously wonderful. The Town of Fort Myers Beach has decided to make this a line item. They have also received a donation from Best Western Pink Shell. Mid-Island Beach Marina and Fish Tale Marina are giving up areas to put dumpsters to collect the trash. Water sports companies and Rusty's Water Taxi are all supplying equipment. Right now they have three pontoon boats, one from Rusty's Water Taxi and two that are being loaned to us from Mid-Island Beach Marina. Needed is a lot of people to sign up to use this equipment.

Councilwoman Cereceda advised that at the last CELCAB meeting there was a discussion of holiday festivities. They got to meet the ladies who are working on the historic structure

report.

Councilman Reynolds advised of his trip to Cincinnati. He also talked about the sexual harassment charges against him and told John Gucciardo that he is in a decision-making situation that may conflict with his boss's opinion. He requested that neither of them be put on a judging panel.

Regarding Bowditch Pointe Park, Councilman Reynolds said he had met with Roger Clark from Parks & Recreation. They walked through the entire park and examined a lot of the Australian pine trees and Mr. Clark convinced him that they should go. Besides, county policy dictates that any development of vacant land requires the removal of all exotics. They will be replaced with appropriate native trees, bushes, grasses, flowers, etc. Mr. Clark also sent him some things that he faxed to Janeen to copy for everybody on Council. Mr. Clark promised that no soil would be taken out of the park.

Councilman Reynolds said that since the media is always interested in what occurs at Town Hall, he thought it would be nice to have a box placed for the media in an appropriate location with any material that comes before Council. Attorney Roosa was asked if he saw anything wrong with this and his reply was no. Daniel Hughes stated that our full agenda is made available to the press. Town Manager Segal-George said that if we would like to copy things that come in during the week for the press it can be done.

Regarding a public park, Councilman Reynolds said an irate gentleman had called him last week because he thought he was promoting a park concept only for the Sand Bar Motel location. On June 29 a memo was given to everyone that clearly says there are two large building lots gulfside near the south end of our island and there are one or two acres located about six houses north of that, as well as a third location in the vacant lot of the old Sand Bar Motel. That is the only one that had the infrastructure already in it -- sewage, water, electricity. This was explained to the gentleman.

Mayor Hughes referred to an article in the News-Press wherein the county approved the acquisition of a tract of land in North Fort Myers and he thinks that they should be commended for that. He intends to write a letter to them on behalf of the Town of Fort Myers Beach saying that we commend them for their action in acquiring a rather significant tract of land on the shoreline of the Caloosahatchee River that will benefit the higher area and that it's good for the environment, the ecology and demonstrates an awareness by the county commissioner of the need to acquire these properties that become available from time to time.

IX. TOWN MANAGER'S REPORTS

A. Request to change workshop date from November 9 to November 8.

Town Manager Segal-George advised we had scheduled a workshop at our last meeting for November 9 at 9:00 a.m. One of the council members has a conflict on that date and she wished to know if it's acceptable to move it to Wednesday, November 8 at 9:00 a.m. There were no objections.

B. Town Council Reorganization date and Inauguration Ceremony

The charter changes when we reorganize and it looks like it could occur on November 20, which would be our first regular meeting after the election. This is Thanksgiving week and some people will be out and staff will be short-handed. Mrs. Segal-George needs to know exactly what date and what we want planned so that they can try and deal with it. In the past there would be an inauguration where new council members would be sworn in and there would be a party here at Town Hall. We need to tell her now what we'd like to do for that day and find

out from Attorney Roosa what needs to be done on that date and if any of it can be pushed into that first meeting in December. Mayor Hughes noted that whoever is elected will be installed during the first meeting following election, which is November 20.

A seat becomes vacant on the Council on November 14.

We have to have a swearing in on the 13th.

Councilwoman Cereceda noted that the state statute reads that she will hold the seat until the vacancy is filled. She will be an officer until a successor has been selected and sworn in.

Town Manager Segal-George stated that if we want to have an inauguration the way we've done it in the past, if we do it on December 4 that will give us the most time to prepare for it.

Vice Mayor Murphy felt that the quicker we act on the vacancy, the better it will be. The appointee to the vacancy would be appointed on November 20 and would be sworn in on that date and then we would vote on the reorganization on that same date. He felt that anyone who hadn't been inaugurated before, like Terry Cain, should be inaugurated on December 4.

MOTION moved by Ray Murphy and seconded by Terry Cain that the above-mentioned actions will take place on the dates suggested. Passed unanimously.

C. Discussion of the status of CRAB Committee

Town Manager Segal-George noted that we've only received four resumes from people who wish to serve on the CRAB Committee. We've never gotten enough applications to appoint the committee. The goal is seven members. We've only been advertising in the Observer. Mayor Hughes said he would suggest that we advertise some more.

D. Town property at corner of Crescent Street and Fifth Avenue.

This add-on item has to do with the Lighthouse Island Resort. A situation has come up in their construction where they need to use a small piece of the Town's right-of-way. Tom Kolar explained why they felt this was necessary. A small easement is needed for water and utilities. Mayor Hughes stated that as he sees this, the Town owns a fee simple title and Mr. Kolar and his company would agree to maintain this in perpetuity. Attorney Roosa said we could do this by way of license.

MOTION moved by Dan Hughes and seconded by _____ that we grant to the Lighthouse Island Resort a license to do the installation of a portable water fire line and a back flow preventer on our property at Crescent and Fifth in consideration of their agreeing to maintain that small parcel and landscape it to our satisfaction.

Discussion:

Mayor Hughes asked if we could give them an interim license to start this with the understanding that it will become a formal agreement. As a license it can be terminated by us at any time without cost.

The motion was seconded by Anita Cereceda.

Vice Mayor Murphy asked Mr. Roosa if there was a downside to the Town in granting this easement for the purposes stated and was told no.

Motion passed unanimously.

X. TOWN ATTORNEY'S ITEMS

None.

XI. APPROVAL OF MINUTES: August 28, 2000

MOTION moved by Anita Cereceda and seconded by Terry Cain that the minutes of August 28, 2000, be approved

Corrections and changes to minutes:

Mayor Hughes would like to see under VIII. Council Member Items & Reports, paragraph 2, the sentence "Town Manager Segal-George advised that part of what is going on at Seafarer's is absolutely by the Council," made clearer. Mrs. Segal-George said she felt that what she said was that what was going on there had been approved by the Council."

MOTION moved by Anita Cereceda and seconded by Terry Cain that the minutes of August 28, 2000, be approved with the correction noted.
Passed unanimously.

XII. PUBLIC COMMENT

A. BOB GAYDOS

Mr. Gaydos said he'd really like for us to consider installing a flag pole with a United States of American flag outside the building, either on the building or free standing. He'd like to see it fly at half-staff in honor of those military personnel who lost their lives on the military ship that was attacked.

Town Manager Segal-George said we could ask our landlord if that would be permissible.

B. BOB FRENCH

Mr. French said he'd be very much in favor of a flag if we could assure ourselves that it would be put up in the morning and taken down at night.

Mayor Hughes said his understanding is that it's not required to take the flag down anymore if it's lighted.

C. JOANNA CAMPBELL

Mrs. Campbell said she'd like to thank the Chamber of Commerce for their generous offer to provide a sign at the entryway to Fort Myers Beach. But she is of the opinion that the Town Council should erect the sign for the residents of this island. Also, if we have a concept or a design that's coming out of the Estero Boulevard Streetscape, she'd like to see that incorporated into the design of the sign. She would prefer that the sign be a community effort instead of just the Chamber of Commerce's.

XIII.ADJOURNMENT

The meeting was adjourned at 8:13 p.m.

Respectfully submitted,

Lorraine Calhoun
Transcribing Secretary

Items for Action October 16, 2000

1. We were notified today that the Estero Boulevard Streetscape Master Plan has received the outstanding public report award from the Florida Planning and Zoning Association for this year, so we've now won two years in a row. There will be an awards ceremony probably on October 27 at the Gainesville conference
2. First Reading: Amending Ordinance 98-1 -- Special Events. The public hearing will be November 6.
3. There will be a workshop on Wednesday, December 8, at 9:00 a.m.
4. A seat becomes vacant on the Council on November 14. We have to have a swearing in on the 13th. If we want to have an inauguration the way we've done it in the past, if we do it on December 4 that will give us the most time to prepare for it.