

**FORT MYERS BEACH
TOWN COUNCIL MEETING
REGULAR MEETING
DECEMBER 4, 2000
Town Hall, Council Chambers
2523 Estero Boulevard
FORT MYERS BEACH, FLORIDA**

I. CALL TO ORDER

Mayor Daniel Hughes opened the meeting of December 4, 2000, at 6:34 pm.

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

Members absent from meeting: None.

Town Staff present: Town Attorney Richard Roosa.

II. PLEDGE OF ALLEGIANCE

All assembled recited the Pledge of Allegiance.

III. INVOCATION

by **REVEREND WILLIAM DODD, ST. RAPHAEL'S EPISCOPAL CHURCH**

IV. PUBLIC COMMENT ON AGENDA ITEMS

A. Review of public comments.

Mayor Daniel Hughes addressed the public comments on the agenda. Mayor Hughes stated that most of the requests to speak before Town Council deal with the appointment to the vacancy on the Town Council. Mayor Hughes went on saying that the ones who had already addressed the Town Council on this agenda item previously could readdress it even though this was a deviation from his rule. Mayor Hughes requested the people addressing the vacancy be brief and not redundant. He said there would be a three-minute time limit in which to speak on this agenda item.

George Barber, Farmer's Market and Diamond Head.

Mr. Barber, a Fort Myers Beach resident and business owner, voiced his objection to Mr. Shawn Holiday's proposal for a Farmer's Market located on the island, because he felt that public money coming from the CRA, which State statues state is supposed to be used on public improvement not on private enterprise. Mr. Barber stated he felt public money should not be spent when it will only benefit one small section of the island where the Farmer's Market would be located and mostly just benefiting the farmers involved and not the whole town. He went on to say one section could not benefit the island and that improvements should be spread throughout the island for the whole island to benefit. He said the Farmer's Market would not be a public improvement but a private business competing with the other venders on the island. Mr. Barber stated that he has five letters from different business people objecting to the Farmer's Market project.

Mayor Hughes asked Mr. Barber if he had seen Mr. Holiday's memorandum of November 30? Mr. Barber said he had, and he had spoke with Mr. Holiday for an hour regarding the memorandum.

Mr. Barber voiced his opposition against the Town Council granting an extension to a Development Order for the Diamond Head project, because they can build what they want on the opposite side of the street, and they have a proposal with the Department of Environmental Protection to build a 100' x 95' building over parking alongside their building. He stated the main issue here is there will not be enough parking for everyone that will need to use the parking area that will be available.

Harold Douglas, vacancy.

Mr. Douglas, Estero Boulevard resident, voiced his object of Town Attorney Richard Roosa regarding the reinstatement of Anita Cereceda Back on the Town council stating he had quoted Section 4.0(b), Prohibitions, at the last meeting, which he said he believed would keep Anita Cereceda from being reinstated. Mr. Douglas wanted to know what Mr. Roosa meant when he had said that did not apply.

Mayor Daniel Hughes asked Mr. Roosa if he would like to address the question from Mr. Douglas.

Mr. Roosa answered saying that it was only necessary to read it, and if you apply the plain reading, it does not apply. Mr. Roosa said it just does not fit the factual circumstances of this case.

Mr. Douglas replied that Anita Cereceda is a former elected town official, and he stated Section 4.0(b), Prohibitions, which says no former elected town official shall hold a compensated appointed office. Mr. Douglas said the vacancy that would be appointed for the Town Council would be an appointed office position; and therefore, Anita Cereceda would be ineligible to hold this position because, it is a compensated appointed office position.

Sharon Webb, vacancy.

Ms. Sharon Webb, Bay Beach Lane resident, voiced her request to have Anita Cereceda reinstated to the Town Council to fill the vacancy, because of the excellent job she has done, and that was the wishes of the majority of the voters was to have Anita Cereceda appointed on the Town Council for a three-year term and that the wishes of the voters and the voting process should be honored.

Laurie Bagley, vacancy.

Ms. Laurie Bagley, resident, voiced her request to have Anita Cereceda reinstated, because of the positive things the town has accomplished. She stated Anita Cereceda has the experience, wisdom, and the town's best interest at heart, and Anita Cereceda was also elected to this position.

Carrie Hill, vacancy.

Ms. Carrie Hill, resident, voiced her request to have Anita Cereceda reinstated, because she feels safe because of all the things Anita Cereceda has done for the town in standing up all the people and for the environment of the town, and she wanted Anita Cereceda to keep on doing these things for the town.

Bill Van Duzer, vacancy.

Mr. Bill Van Duzer, resident, voiced his request to have Anita Cereceda reinstated to the vacant Town Council seat for the good of the town. He requested that Anita Cereceda be able to finish her term on the Town Council.

Jim Bagley, vacancy.

Mr. Jim Bagley, resident, voiced his request to have Anita Cereceda reinstated to the vacancy and serve out the balance of her term on the Town Council. He said that would help the continuity of the Town Council over the next year.

Dr. Joe Croker, vacancy procedures.

Dr. Joe Croker voiced his opinion on how the Town Council's procedures. He said all the citizens hold in common the greater good of the town and that is what best for the town now and in the future. He said because of the complexities and effects of many of the decisions the Town Council make in the town's behalf, experience is an important issue when making the selection for the vacancy, but that is no the only issue. He said of the three citizens running, only one is not eligible by Charter to seek reseating in the November 2001 election. He went on to say this vacancy was created by the required resignation of one of the candidates running for the vacancy—but that candidate is the one not eligible to run in the November 2001 election.

The remaining candidates have the opportunity to get the experience on Fort Myers Beach before the November 2001 election and be seated as an incumbent. This approach would allow for the continuation of the harmonious, forward progress the Town Council has created for the town over the past five years. He stated that he had petition consisting of nine pages with names of citizens who feel the same as I do with respect to the way the vacancy should be filled, and I would appreciate your consideration.

Al Van Horn, vacancy.

Mr. Al Van Horn, Fort Myers Beach resident, starting out saying he felt that Anita Cereceda should have already been reinstated to the vacancy on the Town Council and serve out the balance of her term on the Town Council because of the overwhelming public support for Anita Cereceda.

He said the other remaining inexperienced candidates should activity run for a seat in November 2001 by learning the issues and earns the credentials to run for a Town Council seat.

V. COUNCIL VANCANCY: TABLED FROM NOVEMBER 20 MEETING

A. Review of the qualifications needed to hold the council vacancy.

Mayor Daniel Hughes asked Mr. Richard Roosa if it were necessary to take off the table when it was tabled to be specifically to be put on the agenda for the December 4 meeting. Mr. Roosa said, no. Mayor Hughes said the vacancy issue needed to be resolved. He said the only issue is who is the most qualified and the most experienced for the Town Council seat vacancy and that it should go to whoever has demonstrated that they deserve to be on the Town Council by being active in town matters and having the motivations and best interests for the good of the community.

Garr Reynolds.

Mr. Reynolds pointed out that you could get experience and contribute to the community other than being on the Town Council. He went on to say that what is needed for the Town Council vacancy is someone who says what they believe and believes what they say is best for the community and diversity. He said he was not sure that the Town Council just needs the experience to do the best for the community. He said he hoped the Town Council would look at the larger picture and pick the right person that will do the good for the whole island.

Terry Cain.

Ms. Cain commented that there is balance and diversity on the Town Council right now. She said Anita Cereceda was one of the people that created the balance and diversity and Anita Cereceda was the person that added balance to the Town Council. She said that Anita Cereceda always put the people first and balance needed to be reinstated to the Town Council. She believed balance could be accomplished with the reinstatement of Anita Cereceda.

Ray Murphy.

He said anything he said right now would be redundant to what he said two weeks ago.

B. Review of motions given for vacancy.

Mayor Daniel Hughes stated they needed a motion for the vacancy.

MOTION: Ms. Terry Cain made a motion to reappoint Anita Cereceda to the vacancy. Mayor Daniel Hughes seconded the motion.

Discussion:

Mayor Daniel Hughes asked if there would be any further discussion. Mayor Hughes saying hearing none, he said to call the roll. Terry Cain, aye; Ray Murphy, nay; Daniel Hughes, aye; Garr Reynolds, nay.

Mayor Daniel Hughes said the votes were tied. Mayor Hughes asked if there were any other motions.

MOTION: Mr. Ray Murphy made a motion to appoint Mr. Harold Rynearson to the vacancy. Mr. Garr Reynolds seconded the motion.

Discussion:

Mayor Daniel Hughes asked if there would be any further discussion to appoint Mr. Rynearson. Mayor Hughes saying hearing none, he said to call the roll. Garr Reynolds, aye; Daniel Hughes, nay; Ray Murphy, aye; Terry Cain, nay. Mayor Hughes asked if there was any another motion.

MOTION: Mr. Garr Reynolds motioned to table to the next meeting. Motion failed for lack of a second motion.

Discussion:

Mayor Hughes said they needed another motion to put on the floor. It was asked if it would be possible to go to a special election? There was discussion on the appropriate procedures to use if there were a special election held or if the charter were to be amended to meet the requirements of a special election. The cost factor was also discussed. Mayor Hughes asked Mr. Reynolds if he wanted to re-present his motion to table until the next meeting. Mr. Reynolds motioned to table to date certain of the next regular meeting of 12/18/2000. Mr. Hughes seconded the motion. Mayor Daniel Hughes asked if there would be any further discussion on the motion. Mayor Daniel Hughes asked all those in favor say aye. All was in favor.

VI. CONSENT AGENDA: APPROVAL OF THE WEATHER WAGON CONTRACT

A. Review of the weather wagon contract.

Mr. Garr Reynolds said he would like to withdraw that and to pull it. Mayor Hughes said okay, but they would discuss it. Mr. Reynolds said he did not feel that that the weather wagon would enhance the accuracy of weather advisory for the island, because there is already technical advice regarding the weather advisory on the whole of Lee County and no one source is completely accurate when it comes to the weather. He went on to say he felt if there were a weather wagon on the island, people would become confused of whom to rely on for the most accurate information on weather advisory.

Mayor Daniel Hughes pointed out the weather wagon contract not only deals with the advisory information regarding a tropical storm or hurricane, but it is also a review of our all-hazard plan, making recommendations, a seminar for town residents, and it provides guidance for the town for preparation against storm damage, and protection of the town residents.

There was further discussion on the prospect of the weather wagon and the effect it has on the island thus far and that Mr. Zieloft, head of the weather wagon, brings a calming effect to the town when a storm or tropical hurricane is forecast. It was mentioned that it is the total effect of the flow of information and communication between the Town Council, the weather wagon, EOC, the fire district, the sheriff's office, and all the other agencies involved in preparing and reacting to these situations. This flow of information between the different types of agencies helps the Town Council in their decision-making process.

MOTION: Mr. Ray Murphy motioned to approve the weather wagon contract without the cost of living increase. Terry Cain seconded the motion.

Discussion:

Mayor Daniel Hughes asked if there would be any further discussion on the motion. Mayor Daniel Hughes asked all those in favor say aye. Ray Murphy, Terry Cain, and Daniel Hughes voted aye. Garr Reynolds dissented.

The motion was passed with a three to one vote.

VII. ADMINISTRATIVE AGENDA

A. Review of the request for extension of development order for Diamond Head.

Robert Pritt, representative for Diamond Head.

Mr. Robert Pritt stated he was there on behalf of Beverly Grady, the attorney who normally appears, but she had some type of surgery. Mr. Pritt read the letter that was sent to the Town Council regarding the Diamond Head request for the extension of the development order. He went over the merits of the Diamond Head project and why he felt the extension should be granted, and he requested a meeting, when the vacancy had been filled, with the five members on the Town Council regarding the merits of the Diamond Head project.

Mr. Garr Reynolds stated that the Town Council did not have any knowledge about the Diamond Head development order and did not feel the Town Council should extend the development order for that reason. He said he wondered why it had taken Diamond Head six years to complete the project. He said it should have gone to the LPA. Mr. Reynolds asked of Attorney Roosa why had this request come to the Town Council. Mr. Roosa answered he did not feel the LPA knew anything about the development order either.

An attorney from the LPA stated there are two different issues in front of the Town Council that are being mixed together. She said one is a request by Diamond Head to extend the development order that was granted six years ago and that was the development order that allowed them to build the Diamond Head Hotel. She went on to say as part of that development order, there was a Phase II to that original development, and that was the part that dealt with the parking deck and 30 additional units that were not built at the hotel. Diamond Head has put together a plan to use some of those units that are in the original development order. On that issue, the LPA voted against allowing that. She said because of what transpired at the LPA and the desire of the applicant to change their application, they now feel they need additional time, and they are trying to preserve those units that are in that are in that development order to allow them to be able to use those units in some manner or another in the presentation that they wish to make again to the LPA and then come to the Town Council, and they can only do that if this extension of the development order presented to the Town Council is passed.

Mayor Daniel Hughes asked if there was a motion.

MOTION: Mr. Ray Murphy motioned to approve the extension of the development order for Diamond Head to the 60 days it would take to go back before the LPA and a total of 90 days to get the request back to the Town Council. He said it was only on this specific issue to approve their request for extension until the Town Council renders a decision on the zoning case. Mayor Daniel Hughes asked if the 90 days would be the restricted time period for completion. Mr. Ray Murphy said he did not feel it should be restricted to the 90 days, because it would deal specifically with the one zoning case, except it will get Diamond Head moving, so it would be a tentative 90 days. Mr. Daniel Hughes seconded the motion.

Discussion:

Mayor Daniel Hughes asked if there would be any further discussion on the motion. Mr. Ray Murphy stated he felt Diamond Head should be accorded the same respect that the Town Council has given to others on the Beach. Mr. Daniel Hughes stated he felt this is a procedural due-process question and not a substantive one. He said he felt Diamond Head should have the opportunity to present their plan and not be denied on a procedural basis. Mr. Hughes said he wanted to make it perfectly clear that he was absolutely not expressing any opinion that might be deemed to be favorable in terms of the

merits of what is presented to the LPA. Mayor Daniel Hughes asked if there would be any further discussion. Mr. Garr Reynolds said he has trouble voting on something that he has no basic knowledge or information leading up to this request. Mr. Reynolds went on with further discussion on this matter to voice his disapproval. Mr. Roosa stated that the Town Council was strictly going to vote on the extension of the development order only, that the Town Council would not be responsible for anything else involving this issue. Ms. Terry Cain was concerned about the time factor that had evolved with the Diamond Head development. Mayor Daniel Hughes asked if anyone else wanted to comment on this issue. Mr. Pritt requested that the Town Council extend the development order at least until there would be five members on the Town Council.

MOTION: Mr. Ray Murphy withdrew his motion and offered another modified motion to meet with the approval of the Town Council. Mr. Daniel Hughes withdrew his original motion and seconded the modified motion.

Discussion:

Mr. Ray Murphy stated he felt that there would not be much movement with this motion at the present meeting and moved that it would be discussed at the meeting on the December 11, which this issue was already tabled for that meeting. Mr. Pritt requested if the extension could be granted until the next round, because the attorney for Diamond Head may not be available because of her surgery. The Town Council debated the dates available to grant this request.

B R E A K -- 8:45 - 9:00

B. Grant application for reverse 911

Deputy Town Manager Gucciardo advised that to identify a particular area and get a prerecorded message one should dial two of those phone numbers within that geographic area. The deadline is coming up for the grant application and if we're successful in this fiscal year, we'll have very little financial ties to it and we'll be able to buy into the system. But there could be an ongoing maintenance obligation on the part of the Town. It's a contract with the vendor and also a per call cost if and when the system is ever used. If they were granted the funding, it would first be brought back to the Council and the fire district for their concurrence on whether or not to go forward with it at that point.

Vice Mayor Ray Murphy said he thought this was a great idea and asked for a ballpark estimate on the annual maintenance. Mr. Gucciardo said that the annual cost is somewhere around \$10,000, depending on the vendor that we use. The cost would include not only the testing of the system twice a year, but also a responsibility on the vendor's part to keep the numbers up to date.

C. Update on Voice Volunteers

Deputy Town Manager Gucciardo advised that the sheriff's voice volunteer program is in need of people to man the different spots. With the consent of the Council, staff will go ahead with some ads in the local paper to try to get Beach residents to sign up for that program. It is not guaranteed that they will only be assigned to traffic details here. Some people, however, are being put through the program and it is hoped that they will be out there by the first of the year.

They've also been asking since the beginning of November to have auxiliary deputies from the sheriff's office but haven't been as successful as they wanted. As soon as they can have the streets manned, they will have the auxiliaries out on the weekends and then, hopefully, after the first of the year be able to go to seven days a week.

D. Enhanced trolley service

According to John Gucciardo, the update memo indicates a fairly significant increase over what they have been paying in the past years for the actual trolley service on the Beach from Grandview up to Bowditch. They can go from the third trolley that Lee Tran will be providing up to a fourth trolley starting around mid-December until about a week after Easter. Operational cost will go from about \$31/hour to almost \$37/hour. Total cost to the Town will be from \$36,000 spent last year to approximately a little over \$40,600. The park and ride from Summerlin to Times Square will be free instead of 25 cents a ride. The cost to the Town will jump from \$11,500 to almost \$13,000 for a total cost of \$53,000. This is significant because \$45,000 had been budgeted and the cost will be either over-budget on that item or at budget because it is still anticipated that there will be contributions from the private sector and from the park system.

John Gucciardo answered questions from the Council members. He noted that on park & ride, rider ship based on Lee Tran statistics went up from 46,300 to over 71,000, which Lee Tran attributed directly to the fact that it was made free.

MOTION: Moved by Ray Murphy and seconded by Terry Cain to approve the recommendation for enhanced service, including what we've done in the past from 12/14 at the newly adjusted rates.

Discussion:

Councilman Reynolds said he would reluctantly go along with the motion but said the suggestion to reduce this from 12/14 to 1/21 received about a one-third-reduction cost just for those few days, which he feels is worth considering. Mayor Hughes told Mr. Reynolds that he agreed with him as it points out it cuts off \$4,000 on the subsidy.

Mayor Hughes asked Vice Mayor Murphy if he would consider modifying his motion.

MOTION: Moved by Ray Murphy and seconded by Terry Cain to approve the recommendation for enhanced service, including what we've done in the past at the newly adjusted rates.

Discussion:

Vice Mayor Murphy asked if in other words we should just cut out the quarter from 12/14 to 1/22. Mayor Hughes said that would save us four grand. It would just be cutting the subsidy for a little over a month and it doesn't change the service.

Motion passed unanimously.

E. Update on Times Square Farmer's Market

Shawn Holiday summarized his memo, which addressed concerns and questions by council members and citizens. Regarding Mr. Barber's comments earlier, he advised that he was correct, as they'd had a lengthy discussion on the phone last week. During that conversation he had stressed to Mr. Barber that he was an event coordinator and that the farmer's market had not been his idea but an idea of the Times Square Advisory Committee. He had been asked to formulate a protocol for it, which he had done. He noted that it would be up to the vendors to meet all sorts of health codes, permitting, occupational licensing with the Town and the county. He has talked with the state agricultural services department here in Lee County and has learned that vendors are largely exempt from a lot of regulations as far as taxes if they go to the grower and buy their produce in cash. They're also exempt if they pay by check for less than \$1,000. If they are growers they are exempt. All these items do come under the Division of Food Safety. It's up to the vendors to go by the guidelines supplied by the City of Fort Myers.

There is a waiting list for the Fort Myers Beach Farmer's Market with vendors eager to come here. Businesses on the Beach that engage in activities concerning the sale of produce, fish, flowers will be contacted and given the opportunity to participate in this enterprise.

Mayor Hughes asked what would be done about sanitation. Mr. Holiday said they are looking into arrangements as far as using a bathroom at the nearby Dockside Restaurant or Matanzas Restaurant. If not, a portable port-a-let will need to be looked at. Mr. Holiday also said that vendors will be required to read and sign additional guidelines. They will have to be responsible for their own sanitation meeting all sorts of food and safety and health regulations and all the permitting processes. The Board of Health will inspect the market.

Councilman Reynolds asked about parking spaces. He was told that there was unregulated parking right now. Town Manager Segal-George advised that right now it's within our lease with the state. People just park down there and we can take control of that area and fence it off. Councilman Reynolds said that because of where we'll be putting the farmer's market, we would be losing 20 parking spaces and asked how we were going to accommodate extra people coming in there. Mr. Holiday told him that the area would accommodate both the vendors and the parking. He does not believe that the farmer's market will introduce extra traffic in the area but that people will use it as a convenience and maybe even get on the water taxi that Rusty operates, get on the trolley, use a bicycle.

Councilman Reynolds expressed concern about the open market on Mango Street run by Charlie Whitaker in May. Mr. Holiday said that Mr. Whitaker was enthusiastic about participating primarily during season. It may impact his business but he would like to participate if it wasn't for the personnel problem. Mr. Holiday is trying to work out some sort of arrangements where service groups could use Mr. Whitaker as the wholesaler and provide the personnel who would be a fund raising mechanism for the service groups and the impact on his business would be diminished.

Councilwoman Cain said she was wondering if we could encourage the people on the Beach to be part of this instead of bringing vendors from off-island. Mr. Holiday said that was the way he originally saw it being presented to himself.

Mayor Hughes referred us to the original motion on page 4 of the October 9 minutes, which was subsequently modified. And then on page 6 we readdressed the issue and restated the motion.

Councilman Reynolds told Mr. Holiday that even though he had given us a really good direction for what had been proposed, he still had the same concerns he had before, which is if we're going to put money into doing an enterprise, he'd rather see a program initiated that would help our present businesses that are in operation. He doesn't see where we need to bring these extra folks from off the Island to come in here and supply our people. He doesn't see a farmer's market as a good thing for our businesses on the Island.

Mr. Holiday said that he thinks that the reason the Times Square Advisory Committee asked for this particular enterprise in this location was to revitalize the area, which is vastly underutilized and has been since the Sky Bridge has been installed. And although private dollars are in the works now to reinvest in that area, they have not yet materialized and he believes there is a lot of underutilized property there that with this small incentive can be turned around; more tax revenue would be generated from that particular area and we'd be extending the success that we have in Times Square all the way to the bay side and eventually at Crescent Street. Councilman Reynolds said he didn't find the property was too much underutilized.

Pam Houck stated that Shawn Holiday has addressed all of the concerns of the Times Square Advisory committee in his memo and it is their recommendation that these guidelines be followed. Councilman Reynolds said he's concerned about businesses we might hurt.

MOTION: Moved by Garr Reynolds that we reject this program in lieu of the fact that we want to do what we can to help our present businesses.

There was no second to the motion and it was not voted on.

Mayor Hughes said it is his understanding that the farmer's market would not receive any inherent rights to keep operating and could be terminated at any time. He has never lived in a community that did not have a farmer's market other than this one, and he has never heard the question raised as to the negative impact on other commercial activities in that down. We're talking about something that's one day a week and for a few hours a day and he doesn't consider that to be a considerable impact. We're not in the business of stifling competition. His concern is that it does not become a flea market. Vice Mayor Murphy said he agreed with him wholeheartedly and that we're trying to help the businesses here, not stifle them. And as a consumer, he looks forward to competition.

MOTION: Moved by Terry Cain and seconded by Ray Murphy that we support the farmer's market for a trial period and look at it in September to see how it's going and encourage the local businesses to be part of it.

Discussion:

Mayor Murphy asked if they would consider instead of saying until September of next year that the market just be reviewed at any given time by the Town Council and that it could be terminated at any given time. This was agreed to.

MOTION: Moved by Terry Cain and seconded by Ray Murphy that we support the farmer's market for a trial period and that it be reviewed at any given time by the Town Council and that it could be terminated at any given time. Local businesses could be encouraged to be part of it.

Passed by a 3-1 vote with Garr Reynolds dissenting.

F. Request to designate the Times Square area and Lynn Hall Park as appropriate areas to allow open containers for New Year's Eve.

Minutes have been supplied showing exactly what we did last year.

Town Manager Segal-George advised that there were businesses in the area that feel that it is unfair to suspend open containers for the Square area and Lynn Hall Park and not for other areas on the island.

MOTION: Moved by Ray Murphy and seconded by Terry Cain that we approve the recommendation the boundaries of the pedestrian mall should be Times Square and Lynn Hall Park for open containers for New Year's Eve.

Passed unanimously.

VIII. COUNCIL MEMBER ITEMS AND REPORTS

Councilwoman Cain reported that they had a great opening of the Mound House with a ribbon cutting on Saturday morning and 5 or 6 generations of the Case family were there. The daughter of the Agners flew in for that event because her parents are the people that collected the shell collection that is now displayed and on loan to the Town of Fort Myers Beach.

Vice Mayor Murphy agreed that the opening of the Mound House had been a great day. He also reported that on Tuesday, the 21st, he and Mayor Hughes and some other people from the Town were at the courthouse to see the commissioners sworn in. They told us that whatever we need on the Beach they're right there for us. Mr. Murphy attended his first Smart Growth Task Force meeting, which is in the formative stages right now. Last night he attended the Chamber of Commerce annual dinner which was very nice. Florida has a bid out to win the site for the 2012 Olympics. He happened to be driving by Edison Mall, saw the truck and drove in, and he was the only elected official there and thereby represented all of Southwest Florida. He brought some brochures with him tonight. The fellow in charge of getting the games down here is a former county commissioner from Hillsborough County.

Mayor Hughes said he would second what had already been said about the Mound House. We have the National Register of Historic Places Registration Form and he feels that the Mound House Historic Structure Report was well done and very interesting. The Condominium Association of Fort Myers Beach on Wednesday at 3:00 p.m. at the Chapel-by-the-Sea will have John Gucciardo and Steve Boutelle talk on the beach renourishment project and the need for the easements, etc. He has read the attorney's initial brief in the case of Fort Myers Beach v. Star Dial and he thinks they did an excellent job in drafting that. He is hopeful that we might have some success there on the appellate level. Vice Mayor Murphy also thought the brief was very well done. Mayor Hughes said it certainly pointed out what we considered to be the problems with the trial court ruling. We have receive a letter from the Department of Community Affairs that they have completed their review of the adopted Comp Plan amendment and have issued notice of their intent to file it. Town Manager Segal-George asked for a copy.

Vice Mayor Murphy read from the Comp Plan Amendment that "the end result is a case which can only be described as a procedural mongrel violating every known tenant of Florida Law."

Councilman Reynolds said he wished to remind the Council that we still have people calling with their concerns about dogs using the beach excessively without any control and owners not picking up after them. Mr. Reynolds said he was disappointed when walking the beach in the morning to see so many people picking up shells still. Town Manager Segal-George advised that signs are on order and as soon as we get signs in, they will be posted. It will also be on the radio station once that gets up and running.

IX. TOWN MANAGER'S ITEMS

No report.

X. TOWN ATTORNEY'S ITEMS

Councilman Reynolds asked Attorney Roosa if he could report on Bay Beach. Mr. Roosa said it would be up to Bay Beach to file a response to our brief and then we will have an opportunity to file a reply brief if need be. It would probably not get to oral argument before six months.

XI. APPROVAL OF MINUTES: OCTOBER 9, 2000 AND NOVEMBER 6, 2000

MOTION: Moved by Ray Murphy and seconded by Terry Cain that we approve the minutes of October 9, 2000.

Passed unanimously.

Attorney." **Corrections and changes to minutes of November 6, 2000:**

1. On page 5 in the first paragraph under special events after "was told no" add "by the Town
2. On page 7 regarding the concert at Marina Santini where it says "the son of Ray Murphy" this is incorrect. The following sentence should identify the park as Bowditch Park.
3. On page 9 under Town Attorney's Items the sentence attributed to Mr. Roosa that this may be his last Town Council meeting was really said by Mayor Hughes.
4. Under C. of Public Comment, the name should read Nancy Henneberger.

MOTION: Moved by Dan Hughes and seconded by Ray Murphy that we approve the minutes of November 6, 2000, with corrections as noted.

Passed unanimously.

XII. PUBLIC COMMENT

A. HAROLD DOUGLAS

Mr. Douglas advised that there is a gentleman on this island, Richard Kestner, who on January 13, 2001, will be celebrating his 100th birthday. He will be honored by a lot of different people but Mr. Douglas thought that congratulations by the Town Council would please him tremendously. Mayor Hughes said this was an excellent thought and he hereby directs the staff to draft a resolution that we can adopt prior to his birthday.

B. JOE CROKER

Mr. Kestner would like to be acknowledged by Willard Scott and Mr. Croker suggested that maybe somebody could find out if Willard Scott will be on Sanibel at that point in time and perhaps come over and present the resolution. The speaker also suggested that the resolution be plasticized and mounted on mahogany or some wood frame.

C. ANGIE CROKER

Remarks inaudible.

D. HOWARD RYNEARSON

Mr. Ryneerson advised that he had about 205 people he could have brought here tonight to take up our whole night but didn't.

XIII. ADJOURNMENT

The meeting was adjourned at 10:15 p.m.

Respectfully submitted,

Lorraine Calhoun &
Eve Selenke
Transcribers