

**FORT MYERS BEACH
TOWN COUNCIL MEETING
FEBRUARY 8, 1999**
NationsBank Building, Council Chambers
2523 Estero Boulevard
FORT MYERS BEACH, FLORIDA

I CALL TO ORDER

Mayor Ray Murphy opened the meeting on Monday, February 8, 1999 at 9:10 A.M. Present at the meeting were: Mayor Murphy; Vice-Mayor John Mulholland; Council Members Daniel Hughes, Garr Reynolds, and Anita Cereceda; Town Manager Marsha Segal-George; and Town Attorney Richard Roosa.

II PLEDGE OF ALLEGIANCE

All assembled recited the Pledge of Allegiance to the flag.

Mr. Hughes said that in light of developments regarding the acquisition of Avatar (Florida Cities Water) by Lee County, he asked that an item be added to the agenda. There was no objection by the council to adding it to the agenda after the public hearings.

III PUBLIC COMMENT ON AGENDA ITEMS

There was no public comment.

**IV PUBLIC HEARING: ESTERO BAY HOTEL COMPANY IN REF. TO MATANZAS INN
95-01-003.02Z 02.01**

The Council made disclosures of any ex parte communications.

Douglas Speirn-Smith was sworn in. He has been one of the owners of the Matanzas Inn since 1984. In 1995 a CPD was approved. They also own a property at Old San Carlos and Second. A 3000' expansion to the restaurant was approved in the CPD and a second floor addition to their on-site office and manager's apartment. Since that time they have acquired a couple of different parcels and the Times Square Overlay has gone into effect. They now want a new master plan: 1) revise the restaurant expansion into a new configuration. 2) demolish the shell factory commercial building and use it for parking 3) redevelop the motel for up to 20 additional units 4) redevelop some of the parcel on Old San Carlos to a new, better commercial building. The addition to the restaurant will be done in several ways. They would add to the existing entry and waiting area. They would add 600' to the back of the kitchen. They would add 750' on the existing upper deck (outside dining), and 600' to the existing dining room. There is also an option to enclose the existing upper deck. All these are still within the approval of 1995--they are just revising it because they like this plan better. On the motel they have the option under the 1995 plan to add a second floor. Now they would like to expand that to include up to 8 additional motel units and coordinate that expansion with the existing building. Also they have a 12-unit motel and they would like to add a second floor and add 12 units. The existing CPD was to move the pool to provide additional parking, and that would be continued. Across the street they would redevelop the shell factory to a parking lot which will serve the motel and restaurant. On Old San Carlos they have two existing buildings and a parking lot. One building is two-story and the other is single-story. They would demolish the single story and expand the two-story building and provide additional parking. They have tried to go with the new vision by putting the parking behind the building. The building would be 2500' bigger but the scale is still the same. They have 156 parking spaces and that is consistent with the development regulations. All the buildings are low profile. This is a lot of change but it would be not much more intense than it already is. At the LPA the neighbors expressed concerned about parking adjacent to a canal and they were afraid the headlights would hit the homes across the canal. So the LPA incorporated a buffering into the resolution. Also there was a concern that the pool was to be moved to the canal and there would be a tiki bar. So they have agreed to no food service at the pool. There was also a concern about allowing outdoor entertainment. He did not address that at the LPA meeting but he does not agree with that provision. They intend to be a good neighbor and have been. They have had light outdoor entertainment on their upper deck for years and have not had any complaints. They have not been a problem. He would like that restriction removed. They will be accountable to the city and the neighbors in a reasonable way. The existing CPD put restrictions of no entertainment after 10 PM, no outdoor paging system, and they are not allowed to have bands (they use

solo performers). When they change the deck configuration, they will commit to put any music in an area so that the sound is directed away from the residential areas. They are a transitional property. Sea Cruz has music playing and so does the Smokin Oyster. He does not think Matanzas Inn is the problem.

Mr. Hughes asked if he would object to a restriction that does not allow outdoor entertainment except to a certain area on the upper deck. (The LPA resolution would prohibit it on the entire CPD.) He asked about the deck expansion and the first floor expansion, where there are mature palm trees. Would they have to be removed? Mr. Speirn-Smith said they may have to move them but they do not intend to eliminate them. Mr. Hughes said there is an exterior staircase that accesses the upper deck which would have to be eliminated. Mr. Speirn-Smith said the staircase would remain but be reconfigured. Mr. Hughes asked about the enclosure area that has storage and trash. Mr. Speirn-Smith said it would have to be moved. They have a few parking spaces to spare if they need to move it where some spaces are. Mr. Hughes asked about a hedge that appears to be on the public right of way. He asked if it is a required buffer, and if so, can it be on public right of way? Mr. Reynolds asked why he felt he had to take his building to the edge of the seawall. Mr. Speirn Smith said they will only be going within 6' of the seawall. The motel buildings will not be any closer than they are now. Mr. Reynolds asked what the justification of going to 20 extra units is. Mr. Speirn-Smith said they are eliminating a structure (shell factory) that has a whole lot of intensity. By eliminating this commercial use, some of that additional intensity can be transferred to the motel site. Under the overlay there are provisions for this amount of density in this location. Mr. Reynolds said that in the Comp Plan the density was raised from 6 to 10, and Mr. Speirn-Smith has gone way beyond that in his request. He has never seen any busy traffic at the shell factory. He is also concerned about outside entertainment. Why not have it inside and entertain his guests instead of the neighborhood? Mr. Speirn-Smith said his entertainment is consistent with what many people come to the beach to enjoy. They have not been a problem in the past and don't intend to be. He often stays at the motel and he hears the Sea Kruz and the Smokin Oyster music as much or more as what he hears from his place. He said he did not even know it was a problem until the LPA hearing. Based on input from the neighbors he feels they can do a better job and address it satisfactorily. It is an integral portion of what they do on the upper deck. Mr. Mulholland said there seems to be a discrepancy on the noise. Is it possible complaints would come in and he wouldn't hear it? Mr. Speirn-Smith said it is possible, but there has never been a complaint filed with the Sheriff's Dept. They have performances from 5 to 10 PM. Now the music is located on the northwest corner so the amplification points toward the canal. He would flip that so the entertainer is on the canal side and the amplification is pointed toward a more commercial area. Ms. Cereceda said she found it impossible to believe that he has not had a complaint filed since everyone else in that area has, but she called the West District and it is true. Mr. Murphy said in the event they enclose the upper deck, would the performer play inside? Mr. Speirn Smith said that is possible, but part of the proposal is the addition of an outside deck. He handed out a proposal of where the entertainer could be located.

Pam Houck, principal planner with Lee County Development Services, was sworn in. She said the applicant has adequately addressed the specifics and she will address the recommended conditions. The case was reviewed under the new Comp Plan. It is in the Pedestrian Commercial district and all the uses are consistent with that category. Objective 3D in the Comp Plan strives to revitalize the downtown core area. The removal of the shell shop and the additional of the parking lot and use of the San Carlos parcel are consistent with that objective. The hotel/motel is in a platted overlay. Section 4C6 of the Comp Plan allows up to 3 motel units as a density for 1 residential unit. At 6 units per acre, they would be allowed 45 motel units with density cap of 10. The proposed 43 units is with that range so it is consistent. The Old San Carlos parcel is permitted for up to 4 residential units which they have requested. The applicant has opted to go into the Times Square overlay. All the uses are consistent except the restaurant expansion over water which the applicant has withdrawn. Staff is recommending the following conditions: 1) must be consistent with the master concept plan of December 1998 and the LDC except as conditioned 2) within 30 days of rezoning they must file a notice of election into the Overlay (which has now been satisfied) 3) limited by the site development regulations and the setbacks as listed in the overlay plan; 4) driveway access from Third Street be provided to line up with the proposal as outlined by Victor Dover. The following deviations have been requested: 1) deviation to the waterbody setback from 25' to 6' (staff recommends approval limited to the expansion of the upper deck only) 2) deviation from the requirement that parking spaces must be on site (staff recommends approval) 3) deviation to allow the driveway on Second Street (recommend approval) 4) deviation to exceed the equivalency factor on motel units (recommend approval) 5) deviation to allow four units to be located on the Old San Carlos parcel (staff

denies this request because it is not necessary) 6) deviation to allow a package store on the Old San Carlos parcel (staff recommended approval because this use is permitted in the Overlay. The LPA chose to deny, but if a package store is applied for sometime in the future, it could be reviewed at that time.)

Mr. Mulholland clarified if this was reviewed under the new Comp Plan. She said yes. He also asked clarification about the density. She said it is consistent. He asked about traffic. She said there is no problem particularly with the elimination of the shell factory.

Mr. Hughes asked how we can we be sure the parking will be used for these uses, and how can we prevent the public from using it. Ms. Houck said it would be done by signage that it was for the restaurant and motel use only. It was clarified that the whole property would be in the Times Square overlay. The platted overlay is only on Crescent. Ms. Houck said they are proposing dwelling units on top of the commercial. She should have included that and she will recommend approval.

The public hearing was opened.

A JIM SHENKO

Mr Shenko was sworn in. He owns on Primo Drive across the canal from this property. His primary concern is the noise level outside. He has never called the sheriff but if Mr. Speirn-Smith wants him to he will. He would rather bring it to the council in a more civil manner. If someone drops a knife on a dining plate you can hear it. You can hear the noise of people eating. He has no problem with these. But he does object to the entertainment noise. He likes music but he doesn't want someone else to force it on him. Music should be in an enclosed setting. Currently the music aims at his house, and now Mr. Speirn-Smith wants to change it so it points at his brother. He also addressed the parking where lights shine into his house. He would like some buffering since they are redoing it anyway. He really doesn't want a two-story building behind him, but he doesn't see how he can fight that one if it complies. He thinks the pool being moved behind the two-story building will be noisy, and if possible he would like it somewhere else. Also he would request that food and beverage not be allowed at a tiki bar, and if it is not there, why have the tiki hut there at all. His is afraid it would become an overflow. He does not see why they need a variance to 6' from the canal. He also asked if the on-street parking would be allowed to meet the density requirements. It is very congested down there. Ms. Cereceda said there has been entertainment there for the last few years. Has it bothered him? He said he doesn't prefer to hear it. She asked if there is some way to accommodate both of them. Does he think relocating the singer would help him? If complaints do occur it could be removed. The Bridge is notorious for noise and she would vote to have it removed. But Matanzas has not historically been a problem. Mr. Shenko said outdoor entertainment 40' from a residential neighborhood is not a good idea. He hears the Bridge and he hears the Coast Guard telephone when it rings. But he was there first. He does not want the property values to suffer. Mr. Reynolds said he does not think there is a way to have outdoor music without disturbing the neighbors.

B JOHN RICHARD

Mr. Richard said he has lived on Crescent since 1990 and he has never heard any music problems from Matanzas Inn. He lives about 4 houses up from the motel.

The public hearing was closed.

Ms. Cereceda said she wants to accommodate Mr. Shenko but she does not want to deny Mr. Speirn-Smith. It was clarified that we have a noise ordinance, but it is unenforceable and people can only use breach of peace. Mr. Hughes said he is sympathetic, but Mr. Shenko admitted there are elements of other noise and to solve his problem we would have to cut down commercial activities in the whole neighborhood. Mr. Mulholland wondered if something could be done to mitigate the noise. Mr. Reynolds said he has three problems: too much density, building 6' from the canal which is unnecessary, and he does not believe the parking is adequate. Ms. Cereceda suggested adding that this must conform with the look of Mr. Dover's vision.

Mr. Speirn Smith clarified that none of the application references the Dockside property. The shell factory is next door. He thinks that if they switch the orientation, they will be pointing the noise at their own building. That area of the deck is already fenced. Mr. Mulholland asked if the experiment of moving the entertainment doesn't work, if he would be willing to do something else. Mr. Speirn-Smith said he probably cannot mitigate to the satisfaction of everyone on the beach, but they will do the best thing they can possibly do. The other entertainment noises continue after his music finishes at 10 PM. Ms. Cereceda asked why they have the tiki bar since it cannot be used. Mr. Speirn said a tiki bar is not planned. There may be an umbrella pavilion. Mr. Murphy said he assumed that was for shade purposes. Maybe they could say no food or drink in the pool area period. Mr. Speirn-Smith said this is a small motel

pool and it is not a food and drink area. The pool closes at 10 PM and that is strictly enforced. Mr. Hughes said he feels there should be some buffering along the parking area on Crescent and he would like that added as a condition. Mr. Speirn-Smith said without any knowledge of the specifics, he would agree to the concept. Mr. Hughes said he would like to specify that they maintain the parking buffer on Crescent. Mr. Speirn-Smith said they currently maintain it. Mr. Hughes said the LPA resolution does not state that it incorporates by reference the conditions in Z95-074 adopted by the county in 1995. Ms. Houck said she believed it was the LPA's intent to have that included. Mr. Mulholland asked about Mr. Shenko's comment on on-street parking. Mr. Speirn-Smith said he was not sure what he was referring to. On Old San Carlos, one of the properties has had parking on the right of way and they are continuing to get credit for that grandfathered parking. If the town later adopted a plan for Old San Carlos, it would not preclude that plan. There are 10 spaces on Old San Carlos and none on Crescent.

Motion: Mr. Hughes moved that the development be approved in accordance with the LPA resolution with the following modifications: In the first whereas clause, add the word "restaurant"; Condition #2 is no longer relevant since they have already filed notice of election, but it should be added to the whereas clause that he has submitted that already; add a condition that would read "conditions of approval in resolution Z95-074 remain in full force and effect except as modified or amended in this resolution; add a condition that the applicant must provide a buffer along the parking lot as it abuts Crescent Street per the requirements of chapter 10 of the LDC; modify condition 6 to say the tiki bar will be eliminated; and add a condition for a driveway access on Third Street (condition 5 of the staff report). Mr. Mulholland seconded for discussion. **Discussion:** Mr. Murphy is sympathetic to Mr. Shenko's concerns but you can't single out one person in that area for the noise of entertainment. Ms. Cereceda suggested conditioning it "outdoor entertainment is permitted in the area designated by Mr. Speirn-Smith's proposal and only from 5 PM to 10 PM. **Amended motion:** Mr. Hughes moved to add "no outdoor entertainment is allowed except as set forth in the submittal of the applicant". Mr. Mulholland seconded the amendment. **Discussion:** Mr. Reynolds said the owner could operate without this. Why should people be allowed to throw their music at their neighbors? The LPA indicated it was not a good idea. **Action on the amendment:** All in favor except Mr. Reynolds. The amendment carried. **Discussion on the main motion:** Mr. Reynolds said he believes that all parking should be on-site and that entertainment should be contained inside. Mr. Speirn Smith said he would agree to buffer the pool with vegetation and also the parking along the canal. He said the plan shows mostly existing parking and when they widened Crescent they took some of his parking so it is constricted there, and the overlay removes the buffering requirement. He will do whatever he can. They can commit to trees but if the intent is a full buffer, he is not sure there is room. Mrs. Segal-George said the overlay does not eliminate buffering. If you can't comply you need a deviation which was not asked for. **Action:** Mr. Mulholland, aye; Mr. Hughes, aye; Mr. Reynolds, nay; Ms. Cereceda, aye; Mayor Murphy, aye. The motion carried.

The council took a break at 11:15 and reconvened at 11:27 PM. Councilman Reynolds did not return due to illness.

V PUBLIC HEARING: PETER AND SUSAN LISICH 95-07-043.02Z 02.01

VI PUBLIC HEARING: PETER AND SUSAN LISICH 95-01-034.03Z 02.01

Carleton Ryffel was sworn in. They are requesting to transfer 7 units from one project owned by the applicant to another project owned by the applicant. The net effect is zero, and is similar to what the council approved at the Pink Porpoise. There are currently 5 units at the Pink Shell. They were granted 12 units on that site. He would have to tear down that building and reconstruct. It can be 4 stories over parking. He prefers to transfer those additional 7 units to the Casa Playa. Both are CPD's. Casa Playa has 28 units. The additional units would be accommodated in the current footprint. There would be no outside appearance change. Additional parking would be by valet parking. They comply in height since there is no change to the exterior of the building, and they were issued a traffic impact exemption because there is no net effect change in density. But the LPA insisted they prepare a TIS. The traffic consultant said there would be no change. It is compatible with the neighborhood because there is no change in outward appearance. The adjacent buildings are taller and more massive and the existing Casa Playa is set 200' off Estero while ones across the road are 25' from the road. The first property would remain as is with 5 units. It is 2 stories over parking, which is more consistent with what is in that area already. The LPA

unanimously approved this request at their second hearing. Currently at Casa Playa there are four units on a floor. The unit on the bay side will split the one unit down the center by adding a firewall making one additional unit per floor. He has written a letter dated September 7 stating why this is consistent with the Comprehensive Plan. Mr. Mulholland asked about the valet parking. Mr. Ryffel said there are few restrictions. It will reconfigure what is under the building. He can make up the spaces he needs under the footprint. The rest of the property stays the way it is. There is a resident manager who lives on the site and that person will handle it 24 hours per day. A lot of people do not come with a car and they will probably not use all those spaces. Mr. Hughes said in Lee Co. Resolution Z95-017 it permitted 59 units: one building for 42 units and one for 12 units. That does not add up to 59. Mr. Ryffel said he did not know why the discrepancy. Ms. Cereceda asked if this request were denied, could Mr. Lisich sell those 7 units to the Pink Shell? Mr. Ryffel said he is not a lawyer, but he thinks he could.

Ms. Houck said this is a request for an amendment to a CPD approved in 1995. She said there is a 42-unit building and a 12-unit building approved but there are also 4 existing cottages, one of which is a duplex, which brings the CPD up to 59 units. Approving this will eliminate 2 floors and a couple of deviations that were needed for the increased building height. She said this request is compatible and has no net effect on traffic and she recommends approval. She submitted a memorandum from an engineer stating there will be no increase in traffic.

Regarding Casa Playa, the request to add 7 units within the existing building will have no effect on traffic and does not increase the height of the building. To meet the off-street parking requirement, they must use valet parking. She recommends requiring a Type 12 limited review order which would review the parking lot development. As long as it complies, she would recommend approval. Mr. Hughes said that condition 3 of LPA resolution adopts the county resolution in its entirety which says there will be 59 units in the CPD. We would be reducing the number of units from 12 to 5, but that leaves intact the number 59 for the whole CPD. Somewhere it should say that we are reducing the CPD by 7. Ms. Houck said we can add a condition saying that a maximum of 52 units can be built. Mr. Roosa said it can be added to #5. Mr. Mulholland asked about the parking. She said they need 11 additional spaces and they have shown a plan to the LPA. If the dimensions of the spaces are consistent, it can be approved. Mr. Hughes said the Casa Playa resolution condition #2 amends the schedule of uses to a maximum of 35 efficiency units. He thought there were 28 efficiency units now, but when you split them they won't really be efficiency units anymore. It should be 21 efficiency units and 14 non-efficiency. Ms. Houck said in the LDC they are broken down into efficiency and business. She based her recommendation on efficiency. At the LPA hearing, the applicant clarified that the one unit that would be divided into two on each floor would be business units without kitchen facilities. Ms. Houck said the applicant wants efficiency units.

The public hearing was opened.

A BILL PATTERSON

Mr. Patterson lives across the street. When Casa Playa was built, the owners planned for this because they put a wet bar on both sides. But the fire marshal caught him. Now they are asking for permission. They have 31 parking spots and there is no way he can put 11 spaces under the building. Some people fly in, but some have campers or trailers. They tied up traffic the other day because something couldn't be parked there. The 31 spaces he has now are not the right size. Also where do his cleaning and management people park? Don't do this to our city.

The public hearing was closed.

Mr. Ryffel noted that the legal description on the LPA resolution is incorrect for Casa Playa. (It should be lot 20 instead of 37). The STRAP is correct. On the bottom of the page, the number "28 units" is incorrect and should be "35." As far as the parking, it is there and it meets code and there will be no problem meeting the condition. They will go through a limited review. If they don't have it, they won't build it. The spaces are the standard size, but the valet parking spaces can be a different size.

Ms. Cereceda said this building was approved before we were incorporated. Those seven units do not exist--they are only on paper. The traffic study talks about the relocation of 7 units, but there is no relocation because they don't exist. There will be a creation of 7 new units at this time that will add traffic. She suggests we leave the Pink Shell as the county approved it. She thinks that it would probably be very difficult for him to develop that 5-unit house into a 12-unit hotel. Mr. Hughes said if we reduce the Pink Shell from 59 to 52, we are reducing the potential in that area. Mr. Murphy said whether you have 7 units on the ground or 7 units on paper, that is 7 units you can take to a lender and you can sell them. Whether built or not, they are 7 units. It is an exchange of units much like the Pink Porpoise. Mr. Mulholland

asked Ms. Houck how staff looks at this. She said the 7 units have been approved and they can be built. They are real units.

Mr. Hughes said on the LPA resolution on the Pink Shell, it talks about the development order. Why don't we say the development order is void instead of being amended. The five units are already there. Ms. Houck said the development order was for the whole Pink Shell including the 42 units. So you can't void the development order. If you don't amend it, they would be able to build it. Mrs. Segal-George said the LPA was concerned that there be a sufficient paper trail that what is now approved at 12, will now be approved only for 5.

Motion: Ms. Cereceda moved that the request to eliminate 7 units from the Pink Shell CPD be denied. Mr. Mulholland seconded for discussion. **Discussion:** Mr. Mulholland asked if she doesn't want to eliminate 7 units from that area. She said she wants the CPD to remain as it was approved by the county. **Action:** Mr. Mulholland, nay; Mr. Hughes, nay; Ms. Cereceda, aye; Mayor Murphy, nay. The motion failed.

Motion: Mr. Hughes moved to approve the Pink Shell request adopting the language of the LPA resolution adding condition #3 that the number of units in Resolution Z98-017 be reduced from 59 to 52. Mr. Murphy seconded the motion. **Discussion:** Ms. Cereceda said that if something isn't physically there, the door is still open for possibilities. Mr. Hughes said he understands the concern, but if we had passed her motion, we would not have reduced the potential density. **Action:** Mr. Mulholland, nay; Mr. Hughes, aye; Ms. Cereceda, nay; Mayor Murphy, aye. The motion failed.

Motion: Mr. Hughes moved that the application regarding Hotel Casa Playa be approved according to the LPA resolution with the corrections as pointed out by Mr. Ryffel. Mr. Murphy seconded the motion. **Action:** Mr. Mulholland, nay; Mr. Hughes, aye; Ms. Cereceda, nay; Mr. Murphy, aye. The motion failed.

Motion: Mr. Hughes moved that both matters be continued until the next regular council meeting. Ms. Cereceda said a point of order is that a vote to reconsider can only come from the winning side. Mr. Roosa said none of the motions had action. Three council members must vote for something in order for it to be valid. Mr. Murphy seconded the motion to continue. All voted in favor except Ms. Cereceda. The motion carried.

VII PUBLIC HEARING: LIGHTHOUSE ISLAND RESORT, INC – Continued until a later date

The council took a break at 12:50 and reconvened at 12:57.

VIII FLORIDA CITIES WATER

Mr. Hughes read a resolution as follows: Whereas the Town has a vested interest in making sure that its residents receive fair utility prices; and the Town's ROW and property is used by the transmission lines, etc. connected with the Florida Cities Water Utility; and Lee County's desire to purchase this water utility must be balanced by the government mandate that government delivers its service at the lowest possible price or that if profit is involved that those rate payers must receive the benefit of their payments (which would require profit to pass back to the Town); and Florida Law provides that in circumstances like this, the County must seek and receive the consent of the affected municipality for the very reasons that have been stated; and The Town has hired a rate specialist to analyze rates which at preliminary indication show a substantial increase; and the town has attempted to create a dialogue with the County as to what the Town feels would be a fair settlement of the Town's concerns which could lead to a consent vote by the Council; and the County has shown little inclination to participate in such discussions and seems to only want the council to be comfortable with a substantial rate increase; now therefore, be it resolved, that the Town Manager is hereby authorized and directed to instruct our special counsel to promptly file suit against Lee County to litigate the issue of the right of the County to purchase Avatar Holdings, Inc. Utility Facilities (Florida Cities Water Company) without the consent of the Town Council of the Town of Fort

Myers Beach, as required by Florida Statute 153.03(1), and to seek injunctive relief barring the consummation of said purchase and the issuance of revenue bonds in furtherance thereof."

Motion: Mr. Hughes moved and Ms. Cereceda seconded that the resolution be adopted. **Discussion:** Mr. Roosa would like to add "Whereas further efforts to resolve this with the county would prove fruitless." He said you must exhaust administrative remedies first. Mr. Hughes and Ms. Cereceda agreed to the amendment. Mr. Murphy said he gave the county an opportunity to negotiate and they did not. **Action:** The motion carried unanimously.

Mr. Murphy said that he attended the annual meeting of Friends Of Lovers Key Saturday, and he gave a review of what has been happening with the town since incorporation and focused on items of mutual interest. He talked about the MRTF and what they are trying to accomplish. One of their questions was how he feels about the proposed incorporation of Bonita Springs and their including the park in their incorporation. He replied that he hoped that if Black Island and Lovers Key should be annexed into any town, it should be Fort Myers Beach. The president of FOLK and Jim Gibson both responded positively in that direction. Mr. Murphy said he has spoken with some people on Black Island and the overwhelming response so far is that if there is annexation, that it should be to the Town. He will be looking for the support of the council at a later date. It is a subject they should be looked into. There have already been talks about their being included in our beach renourishment project. Mr. Mulholland said he feels staff should start looking into it. It would be a wonderful addition to the town. Mrs. Segal-George said it could be talked about at the retreat in March. Ms. Cereceda suggested putting it on the agenda in order to get some public comment and then Mr. Roosa could look into the legalities. She said she sees Fort Myers Beach going through Little Hickory Island. They feel it would make more sense because they are also a barrier island community. Mr. Murphy noted that the park ends beyond New Pass. Mr. Hughes asked the status of the Bonita Springs incorporation. Could they jump in there ahead of us? Mrs. Segal-George said they will have a vote in late fall. The legislature has already given their blessing. Ms. Cereceda said she would like to see a resolution to support Bonita Springs in their incorporation effort.

VIII PUBLIC COMMENT

A PETER LISICH

Mr. Lisich said he is disappointed. He didn't take the time to enlighten them on the history of the project because they had already done that at the LPA hearing and thought they would just be addressing points of law. He said they started acquiring the parts of Casa Playa in the early 90's. It was discussed that it might be better to have this during the hearing because it will not be part of the record.

B BILL VAN DUZER

Mr. Van Duzer said he has enjoyed going to the Matanzas Inn for years, but they asked to increase the outdoor seating by 50 sq. ft. That moves it closer to a residential neighborhood. It is commercial intrusion into a neighborhood. It doesn't compare to the Smokin Oyster. That is 50' away from a neighborhood. You have to draw the line and say this is the stopping place. They say they are going to turn the entertainment, but no matter which way they aim it, it is going to intrude.

IX ADJOURNMENT

Motion: Mr. Mulholland moved and Mr. Hughes seconded that the meeting be adjourned. The meeting adjourned at 1:20 PM.

Respectfully submitted,

Peggy Salfen
Recording Secretary