

**FORT MYERS BEACH
TOWN COUNCIL MEETING
MARCH 1, 1999
NationsBank, Council Chambers
2523 Estero Boulevard
FORT MYERS BEACH, FLORIDA**

I. CALL TO ORDER

Mayor Ray Murphy opened the meeting on Monday, March 1, 1999, at 6:30 P.M. Present at the meeting were: Mayor Murphy, Vice Mayor John Mulholland; Council Members Daniel Hughes, Garr Reynolds and Anita Cereceda. Also present were Deputy Town Manager John Gucciardo, Town Attorney Richard Roosa, Jim Lavender, Bob Taylor, Chris Seller, Terry Cain, et al.

Excused absence from the meeting: Marsha Segal-George.

II. PLEDGE OF ALLEGIANCE

All assembled at the meeting recited the Pledge of Allegiance.

III. INVOCATION BY THE REVEREND DICK TAFEL OF THE NEW CHURCH

The Council was led in prayer by the Reverend Dick Tafel.

IV. PROCLAMATION: READ ACROSS AMERICA DAY (MARCH 2, 1999)

The proclamation was read by Mayor Ray Murphy.

V. PUBLIC COMMENTS ON AGENDA ITEMS

A. ROBERT HALLER

A visitor to the Beach since 1966 and a property owner since 1976, Mr. Haller stated he resides at 100 Estero Boulevard next to Bowditch Pointe Park. He is here tonight to listen to the discussion by Jim Lavender and also to support Carleton's Ryffel's request to have a traffic impact study done with regards to parking at Bowditch Pointe Park. This study should give the Council members concrete information on which to base any action with regard to the parking.

Mr. Haller gave the Council members the original park plan. The park was to be unique and have activities that used natural resources available to the site. In the first phase of the plan, exotic vegetation was to be removed and native vegetation was to be enhanced. This has been completed. In Phase II of the plan are delineated the structures and improvements to be added to the park. Mr. Haller stated that Lee County has not followed its own plan and he suggests to the Council that it have the traffic impact study done before supporting the Lee County parking plan. This should be done before Phase III is implemented.

B. JEAN MATHEW

Mrs. Mathew is the manager of the Main Street Program. She advised that she is the one who requested item 3 under the Consent Agenda -- Letter supporting the historic society grant application. She explained that Main Street has been working with the Estero Island Historic Society to submit a grant proposal to the Southwest Florida Community Grant Fund for equipment to get more of our senior citizens on videotape to record the history of the island.

The audio-visual people at the Cypress Lake Magnet School are going to get the students there to help them with the editing, an endeavor that will be educational for the students.

The grant proposal has been written and they are now at a stage where they are asking different agencies in the community for letters of support. No voluntary commitment is required of the Council.

C. DR. JEAN BRADLEY

Dr. Bradley has been coming to Fort Myers Beach since about 1965 and has owned

property here since 1976. Last week she delivered to us a letter stating her feelings and the feelings of most of her neighbors who live next to the park. She would like for us to give her letter our deepest thoughts, especially the items for Phase II as recited by Bob Haller. Much has been said about the park not being used, but Dr. Bradley feels it is being used more than we realize. We have to remember the type of usage that was planned for this park and she wouldn't want to see more hard surface that is detrimental to the environment.

D. CARLETON RYFFEL

Mr. Ryffel is also a resident of 100 Estero Boulevard. He noted that we discussed at our last meeting prudent actions that the Council could take prior to allowing installation of parking at Bowditch Park. All residents will be affected, not just those at the north end of the island, due to the traffic increases on the overall traffic circulation system. It is critical that we do not make traffic congestion more critical than it already is. Motorists who can't find parking at Bowditch will search for it elsewhere, causing more backups of cars coming over the bridge. He had requested an in-depth traffic analysis of parking at Bowditch to be paid for by the Town with no participation by the County. He has contacted several firms that do traffic analysis and has found one that has not done business with the County in the past. They gave him their modus operandi and estimated costs.

E. JOHN NAYLOR

Mr. Naylor, General Manager of the Pink Shell, stated that he concurred with Carleton Ryffel regarding the importance of doing the traffic impact study.

F. JACK HENRICKSON

Mr. Henrickson also discussed parking at Bowditch Pointe. He asked that we not restrict Bowditch Pointe from all residents by trying to please a few.

G. DAN PARKER

Mr. Parker asked that the residents of the south end of the Island be considered when planning parking for Bowditch Pointe.

H. DAVID SMITH

Mr. Smith lives in the 6200 block on Estero Boulevard. He stated that he has been to Bowditch Pointe one time in the last 12 years because of the lack of parking. It seems ludicrous to him to think of having another traffic study and asks that we please allow for parking at Bowditch Pointe.

I. CHARLES RAMSEY

Mr. Ramsey, who lives at 100 Estero, advised that his neighborhood is a dead end with a very narrow lane. They were promised no parking. He backs Mr. Haller's suggestion to at least complete Phase II.

J. PETER LISICH

Mr. Lisich of 131 Estero suggested getting some bike paths in Bowditch Park and continuing the use of the trolley. He sees an abundance of people using the park. If an open parking lot is put there, off-island parkers will get the benefit of it and not the residents. Make it a Beach residents only parking lot.

K. SANDY SUTER

Mrs. Suter advised that she uses the park and rides her bike to it. She feels that Peter Lisich may have been on to something wherein you can limit the exposure there to being just Island residents.

VI. CONSENT AGENDA:

A. Items to be pulled for discussion by the Council

Anita Cereceda requested that items 5 and 6 be pulled.

Asked was if we approve item 3, are we in effect directing someone to write the letter? The response was yes.

A motion was made to approve items 1-4 of the Consent Agenda. This motion was then amended to include only items 1-3.

MOTION: Made by _____ and seconded by _____ that we

approve Consent Agenda items 1, 2 and 3. Passed unanimously.

Garr Reynolds, with reference to item 4, said he believed we had approved 20 new rooms but that 24 additional rooms are shown on the resolution. He was told that 24 new hotel units had been approved.

MOTION: Made by _____ and seconded by _____ that we approve Consent Agenda item 4. Passed unanimously.

B. Motion to approve balance of items

Mayor Murphy was told that what was up for discussion is not the merits of the decision but only the language of the resolution as to whether or not it coincides with the decision made at the public hearing, and he agreed.

With reference to item 6, Garr Reynolds stated he believed that the scheduled uses of Hotel Casa Playa had been amended to a maximum of 35 efficiency rooms. It's not clear what happens to the five units that are remaining there now. Is there anything stating that those five units as they stand now will remain five units? Mr. Reynolds was told that this was addressed in item 5.

Anita Cereceda wished confirmation that we're not voting on the action but on whether or not the resolution is correct. This was confirmed by Dan Hughes. All we're doing here is reviewing this resolution to see if it conforms with what we approved.

C. Consideration of items pulled for discussion

Anita Cereceda said she had requested that items 5 and 6 be pulled so that the minutes would reflect that she was not in support of them and she apologized for having pulled them.

MOTION: Made by Anita Cereceda and seconded by _____ that we approve Consent Agenda items 5 and 6. Passed unanimously.

CONSENT AGENDA

1. **Approval of Minutes: February 11, 1999**
2. **Resolution supporting the incorporation efforts of Bonita Springs**
3. **Letter supporting the historic society grant application**
4. **Resolution approving rezoning at Matanzas Inn**
5. **Resolution approving Lisich request at Pink Shell CPD**
6. **Resolution approving Lisich request at Casa Playa**

VII. ADMINISTRATIVE AGENDA

A. Discussion on parking at Bowditch Park with Jim Lavender

Mayor Murphy was asked if the schedule could be changed to allow Jim Lavender and Bob Taylor from the county to come up together. Bob Taylor's interest has to do with the pool issue coming up a little later on. There were no objections.

Mr. Lavender advised that where we are now, after a Council vote and a Board of County Commission vote, is that it was determined that a parking lot would be designed and constructed at Bowditch to have exactly 78 spaces. The design is complete now and we're in the final stages of obtaining our development order. We've submitted to the state DEP for the state permits. Mr. Lavender said he expects that as soon as the development order is issued that the North Estero Island residents group will appeal our development order. None of the other phases have been funded. With respect to the park being used for Beach residents only, the park was constructed with regional park impact fees, which are collected county-wide, and our impact fee ordinance does not allow that those parks be restricted from use by other residents of Lee County.

Questions:

John Mulholland asked the size of the park and how much acreage parking would take up. He was told that the park was 16 acres and that parking would take up no more than an acre.

Anita Cereceda asked questions: Was any TVC money used in the purchase? No.

What has been the hold up? We had to wait some time before a judge ruled that we could go ahead. Designing took some time.

Will there be any conflict with a dredging project or the spoil location? No.

What will be the surface of the parking lot? The parking lot will have only pavement on the actual traveling surfaces. The parking areas would be bumpered and they would be much like our beach accesses.

Mr. Mulholland asked if the pavement would allow water to run through it. The water will run off the travel surface but it will percolate through the parking area. Mr. Lavender explained what agencies would regulate this.

How big will the spoil area be? I don't know. I just know it won't occur on the parking area construction site. Roger Clark of Parks & Rec will be working with the Marine Sciences group to revegetate the area that's going to be disturbed.

Dan Hughes noted that several residents had addressed the issue of the second phase, which included a boat dock and a fishing dock. Are there any plans to complete that second phase, and if so, what effect might it have? There are no plans right now to spend either additional regional impact fees or tourist taxes at Bowditch. However, the Board and the Tourist Development Council will revisit their capital improvements program once a year and that project will be starting in about another month. The fishing pier was never intended to be a long-term dock. It was just going to be a pick up, drop off dock. It never got funded. I believe I recall that once the parking lot was done, if there was still a demand for a dock that we would consider it in a later discussion.

Attention was called to the letter that John had sent regarding the removal of spoil from Matanzas Pass. Jim Lavender stated that it was tricky because there was a wetland at the end of Bowditch, but he thinks we have a nice plan.

They told us originally that there would be no parking at Bowditch. What is your recollection? Jim Lavender said he thought that people felt that by the time Bowditch was constructed, there would be a reasonable parking alternative, and that hasn't occurred.

What is the timetable now? Jim Lavender explained the normal process but that he believes that the process will be stopped once the development order is challenged and then we'll go through some sort of appeal or hearing process to determine if the county is in fact within its rights to build a parking lot and to grant this development order.

John Mulholland asked who decided on 78 spaces? Mr. Lavender explained how this number was arrived at, admitting it was not through a scientific process.

Mr. Mulholland stated that it bothered him to use valuable park land for parking only 78 cars. We have a garage in the planning stages that would have ample parking and it could be arranged for buses or trams to carry people from this garage, yet we don't even look at this possibility. Mr. Lavender stated that in all fairness, at the time parking was being discussed there was no parking garage on the table. But there is now and that may very well be something else to look at.

Expressed was that more opinions were needed regarding parking at Bowditch.

B. Pool Update

John Gucciardo advised that we had a memo in our packets about the current status of the construction on the pool and that they had a graphic display that they would pass around showing the latest concept of the pool. It also includes some of the elements that may be eliminated due to cost constraints. At this point we need some direction from the Council in terms of a policy decision. The project itself was budgeted at about 2.7 million dollars. About one million dollars has already been expended for land acquisition and legal costs. We are about \$216,000 short of the money that has been estimated as needed to complete the project.

Turning to the next to the last page in the memo, John pointed out the items that could be eliminated from the project or added on later and those that would be necessary. The policy decision that we're asking the Council to give us some direction on is should we start looking at

cutting items off the list or should we start looking at revenue sources to make up the shortfall?

Bob Taylor, who is with Lee County Planning Construction, explained how they select the firm that they feel can best handle a project. This firm in turn seeks subcontractor bids for all the various trades and then offers the county a guaranteed maximum price for the project. Bob Taylor was told that some of the figures shown were astronomical and he gave reasons for it, including the fact that costs go up in season. Asked if holding up the project would help, Mr. Taylor replied that then the costs of materials might go up. We are a long way down the path and to shut down right now is going to cost some money. Mr. Taylor also advised that there have been no other projects budgeted while this money is being consumed.

Upon questioning by John Mulholland, Mr. Taylor explained that the primary purpose of the pool foundation was to get the operating and maintenance funds under control. They really aren't involved in the construction funding end of it.

Asked about cutting costs by eliminating the play structures and slides, Mr. Taylor advised that the play structures and slides greatly increase the use function of the facility. They bring people in. They tend to justify the user fee that will be put into place and they are cost effective.

C. Presentation from the MPO consultant on the Barrier Island Traffic Study.

Our initial concerns had to do with the form of the information to be obtained, the lack of a weekend survey date and the mechanical logistics of the survey process. The first two issues have been resolved and tonight's talk will focus on the final issue. Council approval of the consultant plans will be sought.

Don Scout introduced his associates and advised that they were here to give us an overview on the traffic surveys that are planned to be done over the next three weeks and completed by the end of March. The questions that will be asked are in our packets. A completed draft report is scheduled for early May and there will be a presentation back to this board sometime at the end of May or the beginning of June. The final report will be on June 30.

Chris Seller talked about the public involvement aspect. Cards will be handed out for the recording of comments. Press releases have been prepared and sent to the print media and public service announcements have also been sent to TV stations.

Oliver R., who is with Florida Transportation and Engineering, advised that his firm has conducted surveys like this over the past five years in probably 200 locations throughout the State of Florida. He will be on site during this survey and explained why they had selected the location between School Street and Gulf Beach Road. Four to six interviewers will be doing the survey. Interviews of each driver will take only a minute or two. They do not propose any reduction of the 25 mph speed limit. The Florida Highway Patrol will assist them with traffic.

Questions:

John Mulholland asked why the survey was being done on the Beach. He was told that the Town had requested participation in the survey and is funding their portion of it. Also putting up a third of the money each is Sanibel and the County. The survey has been designed primarily to analyze travel patterns, influence travel behavior and to manage our transportation systems in such ways that we can mitigate the congestion problems that we experience.

Anita Cereceda asked if our fire department would receive advance notification of the fact that the survey would take place in the middle lane. They should also notify the Chamber of Commerce. She was told that this would be done.

Will they be doing a traffic count and will it be in the report? Yes to both questions.

How the hours of the survey were determined was explained.

The reason for an earlier traffic study was explained.

MOTION: Made by Anita Cereceda and seconded by _____ that we approve the consultants' plans as presented this evening. Passed unanimously.

B R E A K -- 8:37 - 8:48

D. Public Hearing: Loitering Ordinance

Ray Murphy read aloud the loitering ordinance.

A council member said he liked the format of this ordinance better than the original draft of it. It addresses the concerns that were expressed at the earlier meeting.

MOTION: Made by _____ and seconded by _____ that we approve the ordinance as presented this evening. Passed unanimously.

E. Discussion on additional code enforcement services -- Memorandum attached

John Gucciardo stated that this is something that grew out of our experience with some of the cooperative efforts between code enforcement and the sheriff's office. There are a series of issues that keep coming up over and over again and it appears that we need additional code enforcement services in the Town. In the memo is a breakdown of what it would cost to add an additional officer and equipment and also to increase the time that Ginni Ross, who specializes in the sign ordinances, spends out here on the Island.

Questions:

Asked how many enforcement problems or warnings are given each month, John Gucciardo advised that he didn't have the exact number but that they were substantial.

Do we presently have part-time people assisting Dave Crabtree? The plan is for Dave Crabtree to give full-time service to the Island, Ginni Ross's time would be increased to about 25% of her time here and then a new person would give about 75% of their time.

Garr Reynolds did not feel that there was enough work for a full-time code enforcement officer at a salary of \$52,000. He would like to see how many warnings and violations have been written over the past year before we decide that we need an extra person. John stated that the survey made by the Public Safety Task Force determined that a great deal of the issues that seem to be of high concern to the residents were not law enforcement issues per se, but quality of life issues that came under the heading of a lot of the code enforcement. Also noted was that most of what we've done so far has been complaint-driven. We have done some proactive work in conjunction with the Sheriff's Department and adding additional resources would allow us to do more.

The cost of a vehicle was also a concern.

A motion was made by John Mulholland and seconded by Anita Cereceda that we approve the ordinance for additional code enforcement, but Ms. Cereceda subsequently withdrew her second and no one else came forward to second the motion.

F. Approval of "Treasures of the Sea" grant from Charlotte Harbor National Estuary Program.

This grant requires an in-kind matching requirement where Town Hall Staff will assist in taking _____ telephone bookings for the beach walks.

Terry Cain gave a history of the "Treasures of the Sea" grant. She brought to tonight's meeting the two original copies of the contract for funding. The contracts have been signed by the Southwest Florida Regional Planning Council because the national Estuary Program works within that office. Early action demonstration projects require 25% match-in-kind services. The Town would actually be providing more than the 25%. Final approval by the Council and the Mayor's signature will get us this funding.

Questions:

How much is this grant for? The total grant costs \$9,683.08.

Anita Cereceda confirmed that the in-kind match would have Town Hall staff assisting in taking telephone bookings for beach walks. She wondered if the Marine Resources Task Force could volunteer hours for this service and she was told that this was a great idea.

Terry Cain advised that there were no costs for her services now, but she hopes to be the naturalist in the grant and get a small funding.

Terry was told that she did a great job on the grant application.

Dick Roosa advised that there were some slight oversights and inconsistencies in the grant that he would like to see cleared up, but that he would take these up with Marsha.

Asked where she had gotten her figures that we had 20,000 year-round residents on the Island, Terry Cain advised that she gets her statistics from a booklet put out by Lee County.

MOTION: Made by _____ and seconded by _____ that the Town provide the in-kind matching requirement that is necessary for the "Treasures of the Sea" grant. Passed unanimously.

VIII. COUNCIL MEMBERS ITEMS AND REPORTS

Anita Cereceda advised that she has seen many incidences where people are not paying attention to the emergency vehicles on the road. She will suggest to the Traffic Committee making up a flyer for

hotels or condominium associations to educate people in the necessity for pulling off the road for emergency vehicles.

Ms. Cereceda thanked John Gucciardo for the work he has done with the sidewalk recap, the pool recap and the coastal advisory dredging project recap. John advised that with respect to the sidewalk,

he had been told that the contractor would not be paid until the final walk-through and approval and acceptance has been gotten from FDOT, LeeDOT and the Town.

John Gucciardo asked that anyone who receives calls about the sidewalk to refer the calls to him. He has been trying to keep a running list, especially of the property owners along there.

Anita asked if we were going to put a time on when the evaluation for the Town Manager was to occur and if we were going to evaluate our Town Attorney, and whether or not there was going to be public input for either of these items. John Mulholland advised that he had asked for an evaluation to be done for the Town Manager at the first Council meeting in April.

There is a Tourist Development Council meeting this Friday, and Anita wondered whether or not we wanted her to stay as the representative of the Council or if the Mayor should always be the representative there. The Council felt that it would be fine if Anita continued as representative.

Garr Reynolds registered a complaint regarding an LPA member taking his seat at the last meeting.

Mr. Reynolds announced he had two pieces of property for Staff to consider purchasing. He described the properties and locations. He also read aloud a letter he had given to Ray Judah, Chairman of the Metropolitan Planning Organization, on Friday, February 19. It gave his regrets for resigning as Chairman of the MPO and his willingness to continue as a member and a representative of the Town of Fort Myers Beach.

Dan Hughes stated that he would like to commend John Gucciardo on the National Fund Insurance Program Community rating. We have received a memo dated February 25 that we're going to have a rating of 7.

Dan Hughes also referred to a letter from Don Stilwell in which he expressed the hope that each of the incorporated municipalities in the County would adopt the same ordinance. Mr. Hughes said he thinks that's a good idea. He would like for our Town Attorney to present to us an anti-littering ordinance in the same form as the one that is being adopted by the County, which deals with both the public property owner and the private property owner.

Mr. Hughes referred to a letter from a Frances Moynihan who tripped on a sidewalk and fell and bruised her face. She is making a claim for payment of her glasses. Mr. Hughes seemed to be the only council member who received a letter from the lady. The amount she is seeking is \$88. If she fell in the County right-of-way they could turn the claim over to them. Mr. Hughes said he had looked at the sidewalk where the accident took place and found that the street adjacent to the sidewalk was sunk. It has been reported back to him that the County agreed and is going to fix the sidewalk.

Mr. Hughes referred to a joint meeting that had been set with the Town Council and Florida City Waters. Ray Murphy said it had been set for the 8th but will be rescheduled without penalty. He read a letter from Jim Yeager. Dan Hughes stated that council members should be individually notified of the next meeting.

John Mulholland stated that he would like to ask the Town Attorney to modify the ordinance that allows dogs to roam under V.O.I.C.E. control on the beach and the beach accesses to say that they must be under leash control. Also, the dog walker must visibly carry a scooper with him.

IX. COUNCIL APPOINTMENTS: METROPOLITAN PLANNING ORGANIZATION

Ray Murphy said that when Garr Reynolds announced that he was resigning from the MPO as vice chairman, he was contacted by the County people who advised him to speak with the Council and fill that vacancy. It is Ray Murphy's understanding that the vice chairman becomes the next chairman. Both Ray Murphy and Anita Cereceda expressed interest in filling the vice chairman position, but Mayor Murphy advised that he was willing for Anita to fill the position. It was determined that there can't be two representatives from the Beach on the MPO and, therefore, if Fort Myers Beach can fill the vice chairman position again, Garr Reynolds said he will not seek membership. It had been his understanding, however, that the vice chairman position would be passed on to Sanibel this year.

MOTION: Made by Dan Hughes and seconded by Garr Reynolds that we nominate Councilwoman Anita Cereceda to serve as our representative to the MPO with the understanding that she will assume the position of Vice Chairman of that organization. Passed unanimously.

X. TOWN MANAGER'S ITEMS

A. Pool Update

The attached memo includes a summary of the construction cost estimates to date. Direction will be sought from the Council on the possible need for additional revenue sources or potential project cuts.
(See VII., B. -- Pool Update.)

B. Channel Dredging

The attached memo includes a summary of the Army Corp. of Engineers' plans relative to this project. Direction will be sought from the Council on possible options for the placement of beach compatible sand.

John Gucciardo stated that we can expect to see the hydrocyclone technology being used and the channel being dredged from a point off of Bowditch and back around the back end of the Island and under the bridge into the turn-around lane. We have volunteered to do some of the work, which is helping them obtain the easements for the beachfront properties both north and south of the pier. Sand will be dredged out of the channel and either pumped or trucked to different locations north or south of the pier.

A little direction is being sought from the Council on the placement of the sand. The Army Corps of Engineers has already cost factored in spreading the sand as described. If it is determined that the sand will be placed elsewhere, it will be at the Town's cost. John said he wasn't successful in encouraging residents to have sand put into the center part of the Island where there is the most erosion. There would be a significant cost involved and no engineering structures could be put in place. All council members were in agreement that it would be too expensive to move the sand to mid island.

The removal of exotics is a goal of the County.

C. Volunteer Appreciation Dinner -- We would like to hold the 2nd annual volunteer

appreciation

MOTION: Made by Anita Cereceda and seconded by Garr Reynolds that we hold the 2nd annual volunteer appreciation dinner on April 8. Passed unanimously.

D. Selection Panel on Estero Blvd. Streetscape design consultant --

The Town Manager would like to form an interview panel consisting of the Chairman of the LPA, Chairman of the Public Safety Task Force, Chairman of CELCAB, the Town Manager and a representative from the Town Council to interview the consultants

submitting letters of interest for the Streetscape Project. The panel would use a grading grid to rank the consultants and offer their recommendation to the Council.

Anita Cereceda expressed a real interest in doing this and there were no objections.

E. Citizen Update Insert -- Last year we did an insert to the Observer in the form of a Town Annual Report or Update. Would the Council like to do this again this year?

Anita Cereceda declared that this was a great idea in concept last year but a lousy product. The type was too small to read. She would hate to see us put out a similar product.

Garr Reynolds stated that rather than have an insert, he would like to see three copies made of the annual budget and have them available in Town Hall for anyone who wanted to come in and pick up one free.

Everyone was in agreement to do another insert, but one that is more readable than last year's was. Anita Cereceda volunteered to proof it. Suggested was that it should incorporate a summary of the budget and copies should be made available at Town Hall.

XI. TOWN ATTORNEY'S ITEMS

A. Proposed Resolution establishing a permanent judgeship for the Fort Myers division of the District Court.

Dick Roosa advised that the Southwest Florida Federal Judgeship Committee has asked Bob Britt to coordinate the local attorneys and request their governing board to adopt this resolution. We do not have a judge or staff to support the beautiful federal courthouse in downtown Fort Myers. The only way it is going to come about is through political clout from the business representatives and from the local government. Attorney Roosa asked that we adopt this resolution.

MOTION: Made by _____ and seconded by Garr Reynolds that we adopt the resolution as presented, urging Congress to give us a permanent federal judgeship in the Fort Myers division of the U. S. District Court. Passed unanimously.

Attorney Roosa advised that the lawsuits from Publix and SandBar were voluntarily dismissed today.

Attorney Roosa talked about the government utility purchase from Avatar. He outlined some of the frustrations that the staff is going through in trying to resolve this matter. We're not getting the cooperation we need with regard to disclosure. The lawsuit will probably be filed tomorrow or Wednesday. Notification has been received from the Circuit Court Clerk that they will be forwarding the fines and forfeitures that have been collected from traffic. The County Attorney has acknowledged that we're entitled to those fees going back to January 1, 1996.

XII. PUBLIC COMMENT

A. PETER LISICH

With respect to Bowditch Park, Mr. Lisich said he found it ironic that we're presenting a piece of paper regarding the dredging where they're now going to also use the park for a spoil area on top of the parking lot. He advised that about 1350 residents had opposed putting parking in the park. He is president of the North Beach Residents Association that is funding a lawsuit because they feel that the Town hasn't taken a strong stand in either direction regarding turning the park into a parking lot. Mr. Lisich stated that Jim Lavender would agree that this would destroy the nature of the park.

XII. ADJOURNMENT

The meeting was adjourned at 10:27 P.M.

Respectfully submitted,

Lorraine Calhoun
Transcribing Secretary

Hours of Minutes of Town Council

1:45	2:35	:50	:50
4:25	5:00	:35	:35
6:15	7:20	1:05	1:40
9:30	9:50	:20	2:00
12:45	1:10	:25	2:25
1:35	2:30	:55	3:20
10:45	11:40	:55	4:15
12:05	1:05	1:00	5:15
5:00	5:45	:45	6:00
6:30	8:25	1:55	7:55
11:40	12:30	:50	8:45
10:20	11:00	:20	9:05 (9:00)