

**FORT MYERS BEACH
TOWN COUNCIL MEETING
JANUARY 5, 1998**
NationsBank Building, Council Chambers
2523 Estero Boulevard
FORT MYERS BEACH, FLORIDA

I CALL TO ORDER

Mayor Anita T. Cereceda opened the meeting on Monday, January 5, 1998 at 6:35 P.M. Present at the meeting were: Mayor Cereceda; Vice-Mayor Ted FitzSimons; Council Members Ray Murphy, Garr Reynolds, and John Mulholland; Town Manager Marsha Segal-George; Deputy Town Manager John Gucciardo; Assistant Town Manager Terry Dillon; and Town Attorney Richard Roosa.

II PLEDGE OF ALLEGIANCE

All assembled recited the Pledge of Allegiance to the flag.

III INVOCATION

The Council was led in prayer by Jim Overhulser of Vineyard Christian Fellowship.

Mayor Cereceda informed the public that prior to the meeting, Council Member FitzSimons and Council Member-elect John Mulholland were sworn in by Judge Hugh Starnes.

IV PUBLIC COMMENT ON AGENDA ITEMS

There were no comments on agenda items.

V COUNCIL REORGANIZATION

Motion: Mr. Reynolds nominated Mr. FitzSimons for mayor. Mr. Murphy seconded for discussion. Mr. FitzSimons declined the nomination.

Motion: Mr. FitzSimons nominated Ms. Cereceda for Mayor. Mr. Mulholland seconded.

Discussion: Mr. FitzSimons complimented the job that Mayor Cereceda has done in leading the town for two years. He said that a lot of the success of the town is due to the efforts of Ms. Cereceda. Mr. Mulholland complimented her for her work ethic. Mayor Cereceda said she has worried that she has become too visible and the other council members not visible enough. She stressed that the success of the town has been due to all the council members and also the staff. She said she has been very proud to be the mayor and will continue to serve as long as the town wishes her to remain in the position.

Action: The motion passed unanimously.

Motion: Mr. Reynolds nominated Mr. FitzSimons for Vice-Mayor. Mr. Mulholland seconded the motion. **Discussion:** Mayor Cereceda said that Mr. FitzSimons has been part of incorporation efforts since the beginning and she is very happy to support him. **Action:** The motion passed unanimously.

VI APPROVAL OF MINUTES: DECEMBER 15, 1997

Motion: Mr. FitzSions moved and Mr. Reynolds seconded that the minutes be approved as submitted. The motion passed unanimously.

VII COUNCIL MEMBER ITEMS AND REPORTS

A MR. MULHOLLAND

Mr. Mulholland said that during the election campaign he made statements concerning safety. He requested information on the sheriff (communication, dialogue, additional protection, etc). He also mentioned that he will continue as a member of the Marine Resources Task Force.

B TED FITZSIMONS

Mr. FitzSimons had no items to bring before the Council.

C GARR REYNOLDS

Mr. Reynolds asked Mrs. Segal-George for an update on the Sanbar. She said that they are working on a plan to be submitted soon.

D RAY MURPHY

Mr. Murphy had no items to bring before the Council.

E ANITA CERECEDA

Mayor Cereceda, on behalf of the business people on the square, thanked the town for its support of the Christmas and New Years Eve celebration. She said it was successful beyond expectations. She mentioned how many people used the trolley service and she felt that it did a lot of good to provide that service. It was fun and there were no incidents that the Sheriff's department had to respond to.

VIII DRAFT DISCUSSION: SPECIAL EVENTS ORDINANCE

Mr. Dillon said this ordinance is similar to the one in Lee County but more streamlined. It is designed for the health, safety and welfare of the town, not for revenue. It will require deputies, fire protection and ambulances for large events. Chief Marcus and Captain Erne have no problem with the draft ordinance. Mr. Dillon said the organizer will have to submit a plan to the sheriff and the fire district, they will have to approve the activity and can impose more deputies, paramedics, etc. Mrs. Segal-George said she feels it is important that permitting occur on the beach. Until now it has been done downtown, and now we will have a better handle on what is going on. Mayor Cereceda said the best part is the requirement for parking so that it will not further burden traffic. The ordinance was set for first reading on February 2.

XIV RESOLUTION ON AQUATIC PRESERVE

Mrs. Segal-George said there has been some confusion about the exact legal boundaries of the Aquatic Preserve. Some parts of Estero Bay may not be in the preserve. We would send this resolution to the State Department of Environmental Protection and ask them for a ruling and a map. The boundaries will affect many issues with San Carlos Island. Mr. Mulholland said that this will be very helpful to the MRTF.

Motion: Mr. Murphy moved and Mr. FitzSimons seconded that the resolution be adopted. The motion passed unanimously.

X RESOLUTION ON THE BUDGET

Mr. Gucciardo said this is in response to a meeting with the auditors. They pointed out that we have a line item budget and the council must adjust the budget periodically to match the approval of expenditures. Each of these items has been previously approved, but the budget had not been amended.

Motion: Mr. Mulholland moved and Mr. FitzSimons seconded that the resolution be adopted. The motion passed unanimously.

XI OLD BUSINESS

A UPDATE ON PARKING PERMIT TAGS

Mr. Gucciardo said that we are phasing out the county parking tags, which allowed people to pay a flat price and park in county parks and also town parking spaces. Now we have removable tags that are good for parking under the bridge and behind Wings. Currently 25 have been sold, and the town will allow 30 to be sold. They are available to the public.

B UPDATE ON THE POOL

Mr. Gucciardo said there is a memo in the packet regarding the pool foundation. The next meeting will be on January 22. The land acquisition phase is almost finished and they are now ready to start on design of pool. On the 22nd there will be a presentation by the county for different design options. The foundation will be forming a subcommittee to determine what the pool should look like. He asked the council if they want to be directly involved, work jointly with the pool committee, or let the subcommittee and foundation decide by themselves. He said that former-councilman Isler is willing to be involved in the subcommittee. They are at least 1.5 to 2 years away from construction. Mr. FitzSimons asked if they are considering a standard competition pool or a different type of design. Mr. Gucciardo said they are probably not considering a basic box because they want to use it for aerobics, children's recreation, etc.

The county is more than willing to work with us rather than just using an off-the-shelf design. Mayor Cereceda suggested we have a workshop in the near future about the pool, design, cost, fund-raising, etc.

XII NEW BUSINESS

A CONTRACT WITH LEE TRAN REGARDING TROLLEYS

Mr. Gucciardo said there is a contract in the packet for supplemental trolley service. The county has agreed to a larger core level of service during peak season. They have also agreed to a rerouting of the trolleys that will eliminate north-bound trolleys from making a left on 5th Street. That will also mean the route will go by the parking lot under the bridge and hopefully encourage more people to park there and ride the trolley. The supplemental service from the end of January to April 15 will cost the town \$31,000, which is less than last year. He estimates we will be able to get about \$12,000 of that back from private businesses. Mr. Mulholland suggested a trolley hot line. Some people had a hard time getting home from the New Years Eve party because some of the drivers do not know the beach well. Mr. Gucciardo said that those drivers were in from Naples. The regular drivers will know the route. Mr. Reynolds said he thinks it will be very helpful to have the change in trolley route to Crescent Street.

Motion: Mr. Reynolds moved and Mr. FitzSimons seconded that the contract be approved. The motion passed unanimously.

B INVESTMENT OPTIONS OF CARRYOVER MONEY

Mr. Gucciardo said that it had been suggested that the Town spread some of the funds to local institutions, or the Council may prefer that the money is simply put in the place where we can get the best rate of return. The League of Cities will give a higher rate of return (6.9% - 8%) than the local banks (5.5% approx.) He said there had been some sentiment that it would be good to support some of the local businesses. He said that we budgeted about 4% to be conservative, so any decision should not throw the budget off. He said he has talked with other cities who have invested with the League, and they have said that the League has a conservative reputation and that they have a large group investing with them. Mr. Murphy said he would like to wait to discuss this again. It will be put on the agenda on February 2.

C AIR TRAFFIC PATTERNS OVER THE BEACH

Tom Merrill said he has recently noticed an increase in flight patterns over the beach. He has been watching it and they are changing, to the detriment of the beach, and without our being informed. Previously the planes would come across Fort Myers and make a turn to the airport. The approach pattern has been moved further and further south until it is now over the gulf and straight across the island. It will impact our property values and tourism. He spent the day at the airport and they were helpful. There are approximately 70 flights per day, but all do not come over the beach, because the airport tries to disperse them somewhat. The airport is adding a second runway in 7-12 years, which will also impact us. Unless we do something it will get worse. He asked the council to take a stand and decide what should be done and perhaps form a study committee. Mrs. Segal-George said we received a report today from the airport authority, and that Mr. Ball is willing to meet with her. Mr. FitzSimons said we used to have military flight patterns over the beach. So we are better off in some ways than we used to be, but he doesn't disagree that it is a factor for our island. He understands that there are some government programs in place to help reduce airline noise. Mr. Reynolds said where he lives has been in the flight path for years. It is not usually a bother unless they were too low. He thinks altitude is the key. He recommended forming a committee. Mr. Mulholland said he had a pilot visiting at his home and he said there was a difference in the altitude they were using. He also agreed that a study committee should follow up. Mayor Cereceda suggested that Mrs. Segal-George gather more information and see if there is anything that can be changed.

XIII TOWN APPOINTMENTS

A REAPPOINTMENT TO LPA (ROXIE SMITH AND DAN HUGHES)

Motion: Mr. Murphy moved and Mr. Mulholland seconded that Ms. Smith and Mr. Hughes be reappointed to the LPA. The motion passed unanimously.

B APPOINTMENT TO VACANCY ON LPA

Mayor Cereceda said the town received six nominations. Since they had not all had time to read them all, she suggested that this item be put off until February 2.

C APPOINTMENT TO VACANCY ON MRTF

Mr. Mulholland said he has found out that there will be two vacancies on the MRTF. (Mr. White will be sending his letter of resignation.) It was decided to extend the deadline for all of the vacancies since there was not much time for people to respond. The new deadline will be January 23, and a decision will be made at the February 2 meeting.

D ANNUAL REAPPOINTMENT OF MRTF MEMBERS

Mrs. Segal-George said that according to the ordinance they must be reappointed every year.

Motion: Mr. Mulholland moved and Mr. FitzSimons seconded that all sitting members be reappointed. The motion passed unanimously.

XIV TOWN MANAGER’S ITEMS AND REPORTS

Mr. Gucciardo said that we originally thought VOICE volunteers would start before Christmas but they did not start until this week. From Dec. 26 until the VOICE volunteers started, some businesses came to the town and asked to fill that need. They raised the funds for an off-duty deputy for a week. He named the businesses that contributed and thanked them publicly.

Mr. Mulholland asked about the complex duplex and the issue of the safety of Smuggler’s Cove. Mrs. Segal-George said she has asked Bobby Stewart and the condo association to check on this.

He also asked about San Carlos CRA funds and her letter to Don Stilwell. Mrs. Segal-George said she will copy the council when she receives a response.

XV TOWN ATTORNEY’S ITEMS

Mr. Roosa said that the injunction hearing was on December 19th and the court has not ruled yet.

XVI PUBLIC COMMENT

A RUTH TIFFANY

Ms. Tiffany said that on December 18 she was awakened by a noise that sounded like thunder. Four huge garbage dumpsters were being deposited by her house. She counted 11 times that a Lee County truck came to those four boxes, unlocked the containers, emptied stinky garbage, and banged them shut. When Kimmins comes to empty the dumpsters, they lift them up and slam them back and forth to get all the garbage out. In addition to the noise, they smell terrible. She would like something done. Mayor Cereceda said that the dumpsters were moved by Lee County, after there was a tumult about their previous location. It is not a permanent location. She cannot tell them when they will move, but they will be moved. The whole issue has not been resolved and is caused by the fact that the county made no plans for garbage removal in the CRA project.

B MARJORIE YOUNG

Mrs. Young said that the dumpsters are within 6 feet of her window. They come in at 5:00 AM and were also there at 12:20 one night. The smell is terrible and her health is very bad and it doesn’t do her any good.

C LOIS SALTWELL

Ms. Saltwell said she is Mrs. Young’s tenant. The dumpsters are right by their windows, the stench is terrible, and she is sure the flies will be bad soon. There must be a better place for them.

XVII ADJOURNMENT

Motion: Mr. FitzSimons moved adjournment.

The meeting adjourned at 8:00 PM.

Respectfully submitted,

Peggy Salfen
Recording Secretary