

**FORT MYERS BEACH  
TOWN COUNCIL MEETING  
FEBRUARY 2, 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, February 2, 1998 at 3:00 P.M. Present at the meeting were: Mayor Cereceda; Vice-Mayor Ted FitzSimons; Council Members Ray Murphy and John Mulholland; Town Manager Marsha Segal-George; Deputy Town Manager John Gucciardo; Assistant Town Manager Terry Dillon; and Town Attorney Richard Roosa. Excused from the meeting: Council Member Garr Reynolds

**II PLEDGE OF ALLEGIANCE**

All assembled recited the Pledge of Allegiance to the flag.

**III INVOCATION**

The Council was led in prayer by Bob Stuckey, Pastor, First Baptist Church of Fort Myers Beach.

**IV PUBLIC COMMENT ON AGENDA ITEMS**

**A BOB KEENE**

Mr. Keene spoke about the traffic study. Before the town commits to another study, he would like to see a compilation of the previous traffic studies. He also spoke about the possibility of a parking garage, which he thinks would be great provided we lose no parking at Lynn Hall, we get our 78 spaces at Bowditch, and no public money goes toward the garage.

**V APPROVAL OF MINUTES: JANUARY 5, 1998**

**Motion:** Mr. FitzSimons moved and Mr. Murphy seconded that the minutes be accepted as submitted. The motion passed unanimously.

**VI REVIEW OF FINANCIAL REPORTS: DECEMBER**

Mr. Murphy asked about certain expenditures. The council asked for an accounting of the expenditures for the holiday celebrations.

**VII PROCLAMATION HONORING MICHAEL MAY, DON SENEAL AND FRANK SIMS**

Mr. Murphy said there was a terrible accident on Estero Boulevard where a car hit a tanker and burst into flames. Because of the courageous actions of these three people, the driver survived. Mr. Senecal pulled the driver out of the car before it burst into flames, Mr. Sims pulled him out of danger, and Mr. Mays administered first aid to the victim. Mr. Murphy read the proclamations and presented them to the three citizens.

**VIII COUNCIL MEMBER ITEMS AND REPORTS**

**A JOHN MULHOLLAND**

Mr. Mulholland thanked the staff for their response to his memo on town safety. He responded to a letter regarding Villa Santini. He said Villa Santini will not become a hangout, but it will be more like Bell Tower.

He also mentioned that the San Carlos CRA has requested DEP permits for shrimp docks in the bay and he feels that a meeting should be held between the town and the CRA to discuss their needs and plans, and he requested staff to arrange a meeting.

He also mentioned that there was a recent sewage spill of about 10,000 gallons. He feels the town does not know enough about the sewage plant. He would like the town to review equipment, operating procedures, disaster plans, etc.

**B TED FITZSIMONS**

Mr. FitzSimons responded to a letter from the civic association directors regarding the town's legal endeavors. They appeared to be expressing their concern about our questionable success in the

court system, and they recommended that the town gear up to a heavier level when we have a situation that requires something special. If we consistently lose cases that we do not feel that we should be losing, it becomes known that anyone can sue the town for anything and expect to win. There is money in our budget that could be used to enhance and support Mr. Roosa's efforts to get us through these cases. It is not a critique of Mr. Roosa's performance, but a wish that when we go into court we know we have pulled out all the stops to reach that judge.

**C RAY MURPHY**

Mr. Murphy said many people have been curious about the status of the south end sidewalks, and he has been informed that it is moving along well and they are shooting for July for bids. It was suggested that the council write a letter to FDOT to express our firm wishes that this effort go through in a timely manner. Mr. Gucciardo said we are hoping to tie into next year's ISTEAFunds, but there is always the possibility that it will get pushed back. Does the council want the staff to write a letter urging them to stick to the July date so work can be completed long before the next season? Mayor Cereceda said the letter should emphasize that this is important for safety reasons.

Mr. Murphy also complimented the staff on the audit. The auditors found everything in order, and the one small item about accrued sick time will be rectified soon.

**D ANITA CERECEDA**

Mayor Cereceda said that she attended the Coastal Advisory Council and was elected vice-chairman. She stressed to them that Fort Myers Beach is most interested in beach renourishment, but until we have some notion about what kind of federal or state share is available, it is futile to discuss it. We are concerned about the bottom line of how much it will cost us, not what the total cost is.

She also said that she will attend the Tourist Development Council meeting on Friday where they will be discussing reapplying for some grants which we have been turned down for previously.

**IX FIRST READING: SPECIAL EVENTS ORDINANCE**

Mayor Cereceda read the titles. Mr. FitzSimons asked about section 3 if there is some way to included the term "or adjacent waters" or "waters adjacent thereto" since we have jurisdiction over that water. Mr. Roosa said that the definition of the town includes those waters already, but it might be helpful to add "within the municipal boundaries" for clarification. Mayor Cereceda asked about the 21 days and she was assured that there could be exceptions to that rule. Mr. Mulholland asked if the town was comfortable that the sheriff and the fire department will have the best interests of the town in mind regarding approving the events. Mrs. Segal-George said the sheriff is reviewing from a law enforcement perspective and the fire department will be looking at safety. They are not reviewing whether it is an appropriate event, but will express their concerns if they do not feel it is safe.

**Motion:** Mayor Cereceda moved and Mr. FitzSimons seconded that the next meeting be Feb. 23 instead of February 16 (Presidents Day.) The motion passed unanimously.

The public hearing was set for February 23 at 6:30 PM.

**XI INTERLOCAL AGREEMENT WITH LEE COUNTY ON IMPACT FEES**

Mrs. Segal-George said that this is an accumulation of funds that have been collected since 1995. It will no longer take 3 years to get the funds. Mr. FitzSimons said that if a building isn't built yet, the impacts have not yet arrived. He wished there were some way to collect the impact fees from everything regardless of whether it was permitted before we were a town or not. Mrs. Segal-George said this could be looked into but she thinks this is a vested right issue. They paid according to the laws that applied at the time. Mr. FitzSimons said \$285,000 was paid in impact fees for a project that is going up right now. Also Bay Beach has much more permitted. The money should go to the person who is impacted. Mr. Roosa said the money was collected and has already been used to offset the impact, (although to a larger area than just the town because we were not incorporated then.) Mrs. Segal-George said that it is being used for an arterial collector system instead of something the town needs. She will talk with Bill Spikowski about the issue. Mr. Murphy asked why the actual dollar amounts are not stated in the interlocal. Mrs. Segal-George said she has the numbers, but they do not have to be in the interlocal.

**Motion:** Mr. Murphy moved and Mr. Mulholland seconded that the interlocal agreement be approved. The motion passed unanimously.

## **XII RESULTS OF THE AUDIT**

Marty Redovan, of Schultz Chaipel & Co., referred to the audited financial statements for the year ending September 30, 1997. The bottom line is that we have unqualified opinions on the financial statements and the system of internal control and on compliance with laws and regulations. The Town has approximately \$1.7 more in cash as of 9/30/97 than we had at 9/30/96. Expenses went up about \$300,000, but revenues went up about \$2 million. The most important thing is the unqualified opinions. In the management letter, there was one repeat comment and no current year comments. He said he knows that the town is working to fix that repeat comment which has to do with a policy matter. Mayor Cereceda asked if there are any particular areas that the town needs to watch out for. Mr. Redovan said the town is doing a good job of documenting expenditures, and needs to continue to stay on top of travel and entertainment documentation. The most important thing going forward is making sure that grant files are handled carefully because they will require closeout audits.

## **XII INTERLOCAL AGREEMENT WITH LEE COUNTY FOR BAY OAKS REGIONAL PARK**

Mrs. Segal-George said this interlocal is a reflection of what was projected in the budget. It is for both the recreation center and the community park. It will be based on 50% of net. She said there is an informal agreement that if there is any reduction or addition of services, she will be informed. Also there is a citizens advisory committee, which has several members appointed by the town, although it has not met yet. The general feeling is that the center is being run well now, and the plan is to basically let them alone. Mr. FitzSimons would like to add "personnel as well as facilities". Mr. Gucciardo said he felt like it was implicit because the figures were based on a certain level of personnel. Mr. Roosa felt like it was covered in section 3. Mayor Cereceda said this will be our single largest expenditure to date and we only have limited input. Even though it is being run well, she would like to make sure that it is plain that it is our money and we need some decision-making capacity, more than what a steering committee will report to us. Mrs. Segal-George said we do not have the staff to do it. We can have input, but the only other way is to get involved in the day-to day operations. Mayor Cereceda said she doesn't like that we are saying "here is a check, do what you have been doing." Mr. Roosa said we have a copy of the budget and that will tell how the money is being spent. Mayor Cereceda said she would also like to see what the county is planning for the future of the center. Mrs. Segal-George said they are conducting surveys to see what percentage of users are on-island and off-island. She thinks that based on that survey, we will be asked to increase our percentage, but there is also a lot of tourist use.

**Motion:** Mr. Murphy moved and Mr. Mulholland seconded that the interlocal be approved. Mayor Cereceda, Mr. Mulholland and Mr. Murphy voted in favor of the motion. Mr. FitzSimons voted against the motion. The motion carried.

## **XIII OLD BUSINESS**

### **A INVESTMENT OPTIONS FOR CARRYOVER MONEY**

Mr. Gucciardo said that the staff had given the Council two options: that some surplus be invested with other local institutions, or that we put all the surplus funds with the League of Cities investment trust, which has higher yield, but the money will go out of the community. Neither choice will affect our budget adversely. Mr. FitzSimons said he understands about keeping money in the neighborhood, but he likes the idea of putting it in FLC trust for the better interest. Mr. Murphy agreed. It is a significant difference in money. It sounds nice to put it in local banks, but they really aren't local anymore. Mr. Mulholland agreed that they are not local, but branches of giant chains instead. Mr. Gucciardo said he has received another fax from FLC which talks about their intermediate term bond portfolio, which would be fine because we would not need daily access to the funds, which has a current return of 8.49%. We can get about 5.1% with the local CDs. Mayor Cereceda said she was in favor of leaving the money locally.

**Motion:** Mr. Murphy moved and Mr. FitzSimons seconded that the money be placed with the higher yielding account at Florida Municipal Investment Trust. Mr. Murphy, Mr. FitzSimons, and Mr. Mulholland voted in favor of the motion. Mayor Cereceda voted against the motion. The motion

carried. Mr. Gucciardo said that that council will need to pass a resolution at the next meeting in order to join the fund.

#### **XIV NEW BUSINESS**

##### **A APPROVAL OF CONTRACT TO HIRE HOWARD MARLOWE AS LOBBYIST FOR BEACH ISSUES**

Mr. Gucciardo said that the staff recommendation is to hire Mr. Marlowe, who is already a lobbyist with the county. The staff feels that the renourishment issue involves a significant amount of money for the Town, and that it would be important to hire him to push for the completion of the GRR by the Corps of Engineers, and also to focus on the federal channel dredging project, which can hopefully cut down on the cost of renourishment by providing an additional sand source. The county is asking us for \$5000 (1/3 of Mr. Marlowe's fee from 1997), and also \$8333 to cover 1/3 of his fee for the coming year. His contract would still be with the county and will be coordinated with the CAC, of which our mayor is vice-chair. Mr. FitzSimons suggested that we have enough sand for the existing residents, and that the benefit will be mostly for the people coming across the bridge. Mrs. Segal-George stressed that the extra beach also protects the town in case of a major storm. Mayor Cereceda said that it will cost \$13,333 to keep us in the loop for money that is available, but it doesn't buy us anything. Mr. Mulholland said keeping the options open is a significant thing and would be worth it. Mr. FitzSimons said he feels that the tourism industry should pay part of the percentage. Mr. Gucciardo said he thinks the TDC's position is that they are already paying \$825,000 for the beach effort and that they are constrained in how they can spend that money and he does not think they will believe they can do that legally. Mr. Murphy said \$13000 is not a huge chunk, but he doesn't like the idea of paying for last year's bill. He thinks it is important going forward and we should contribute to that cause. Mrs. Segal-George said that she thinks that by the end of this fiscal year we should have more information about the federal dredging and also whether federal money might be available. Mr. FitzSimons suggested tabling this until the next meeting when we will have more information.

**Motion:** Mr. FitzSimons moved and Mr. Mulholland seconded that this item be moved to Feb 23. The motion passed unanimously.

##### **B PLAN FOR TREESCAPING**

Mrs. Segal-George said that the request for treescaping came out of the LPA workshops. She clarified that this proposal is for side streets only, not Estero. This is an attempt to do this project with very little bureaucracy so that money goes toward trees instead of something else. She would hire someone to do a handbook for the town, that would only include trees, not bushes or landscaping. The book would include 12 trees, with pictures and horticultural information. Neighbors would meet and agree on a tree for their street and how many they would like to buy. They would contact Town Hall, and we would help put them in touch with somewhere to get the best price. She would like the Council to consider a matching program to pay for half the cost. The handbook would cost under \$1500, then we would reproduce the book and make it available to residents. Mayor Cereceda said she is willing to help spend time on this. Mr. Mulholland asked if there was any estimate how much this would cost the town if the program went over well. Mrs. Segal-George said they do not, but we have a lot of transportation money and this would encourage people to walk and not use their cars. Mrs. Segal-George said the MRTF also plans to come to the Council with a similar plan to stencil warnings on storm drains warning people that whatever goes into that drain goes directly into the bay.

**Motion:** Mr. FitzSimons moved and Mr. Mulholland seconded that the Town Manager be authorized to develop a handbook not to exceed \$1500 and that the Town split (50/50) the cost of approved trees with neighborhoods. The motion carried unanimously.

##### **C TOURIST/PARKING/TRAFFIC ISSUES**

###### **1. Pedestrian overpass at Times Square**

Mrs. Segal-George stated that this is a request to help pay for feasibility and design of a pedestrian overpass with elevators on both sides that would eliminate the stoplight. The overpass would benefit the Town and also Seafarer's Mall, so they are proposing that the Town pay 70% and Seafarer's pay for 30% of the study. They would design the overpass and come back with a video to show how it would

look and work. Then the council would decide whether to proceed with the actual construction. Rob Fowler said this is not a new concept. The original plan by the University of Florida for the area said there are three essentials to make the area work: a centralized public parking facility, traffic flow, and involvement of private enterprise. This would be a private and public venture and would benefit both. There is no other place to put this, and that is the area where the pedestrian traffic flows right now anyway. He handed out a concept sketch that shows only that it can happen, but it does not address the details. David McKee from Consulatech Engineering reported that the project is doable from the standpoint that the permits can be pulled. Four entities will have to be consulted: FDOT, the county, the Town and DEP. DEP may require a construction control line permit, depending on where the overpass ends up being constructed. The exact location will depend on where the utilities are, property lines, etc. Mr. Fowler said you could design a white elephant that no one will use. They need to make it attractive for people to use and also make it so it is the only logical way to cross. Both sides would have an elevator and a landing and stairs. Mr. Mulholland asked how you induce people to use the overpass. Mr. Fowler said you use landscaping and benches so that it does not look like the obvious way to cross is on street level. They will not remove the possibility of crossing on the street in case of emergency, and there will always be someone who wants to jaywalk. Mr. FitzSimons asked if more people cross the street at Times Square than at the south end, such as Santini. Don't we have a whole problem of crossing Estero at any point, not just this one? Most of the pedestrian deaths have been at the south end, not at Times Square. He thinks it is going to be difficult to convince people who are in a hurry to use the overpass because it adds a burden to the pedestrian, and he doesn't think it solves the overall problem. He says it also uses up real estate that might be better used to the benefit of the whole community. If this is for the improvement in traffic flow, it needs to be added to the list of all traffic flow items and see how this stacks up against them. It is a 15 mph turn anyway and that won't change. Mr. McKee said the state feels that tourists will use it as a novelty and therefore help the traffic problem. Mr. Murphy said he feels we need the overpass and people can be encouraged to use it and it has to help the traffic problem. Mayor Cereceda asked how long it would take to construct. Mr. Fowler said it would probably take about four months for utilities and building the infrastructure. The bridge itself would be built off-site and lifted in place in only about 2 days. Traffic flow will not be terribly affected. The feasibility study, survey, architecture and virtual reality would cost about \$14,000. If the council is interested, Mrs. Segal-George said she would bring an agreement to the meeting on the 23<sup>rd</sup> that would set out the details. Mr. Murphy suggested a 50/50 split. Mr. FitzSimons suggested that our 50% come from the TDC. He thinks this should also be tied into the town taking over Estero Blvd.

## **2. Traffic Study**

Mrs. Segal-George said there have been lots of traffic studies, but the problem is documenting who the people are in the cars. TDC claims that the traffic problem is caused by the seasonal residents, and we contend that it is caused by tourists. The study would be funded by the Town, the County, and Sanibel. Mr. Gucciardo said we also do not know how much of the traffic is caused by day-trippers from Lee County. Mrs. Segal-George said the survey would be done in February and March of next year. This is more of a survey, not to solve traffic problems, but it will affect allocations and blame.

## **3. Metering Beach Accesses**

Mrs. Segal-George said the issue is that the TDC says if we meter the accesses, they will no longer pay for maintaining our beach accesses. We would have to use the money collected to maintain the accesses. The Town feels that we should be able to use the money without going through TDC as long as it was used for beach issues. Sanibel is in favor, and she has already spoken with Don Stilwell and Commissioner Judah. It would give the town more flexibility for the use of funds. This would only involve the 33 gulf access, not the bay accesses. Mr. FitzSimons asked what the payback time is for the installation of meters. Mrs. Segal-George said she could get that information. He also said that Sanibel does not allow parking on right of way, and Mrs. Segal-George said we could also do that by ordinance if we wish. Mr. Roosa clarified that Sanibel does not use meters, they use tickets and dispensers which would probably not be practical on such small accesses because the machines are very expensive.

## **4. Parking at Lynn Hall Park**

Mrs. Segal-George said that Don Stilwell has said that the county would be willing to talk about pulling parking out of Lynn Hall and developing it further as a park if an alternative parking solution could be found. The county is willing to help find a solution and better utilize the park for activities. It does not necessarily involve a parking garage. Victor Dover said that he believes that if a parking garage is warranted, the private sector will come forward, but for two years, that has not happened. We are

continuing to try to solve the parking problem without expending public funds. Mr. FitzSimons said someone previously priced it out (in 1990) and it would cost \$8000 per parking space to build a parking garage. That would make the spaces in Lynn Hall cost a lot of money. He suggested that perhaps the Town should take over Lynn Hall Park. If the county income from parking at Lynn Hall is more than \$200,000 per year, Mr. Murphy questioned why the county would be willing to give that up.

The Council took a break at 5:33 PM and reconvened at 5:53 PM.

Mayor Cereceda wished Mrs. Segal-George and Dick Roosa happy anniversary for having completed two years with the Town.

#### **D. REQUEST TO SUPPLEMENT VOICE VOLUNTEERS WITH OFF-DUTY DEPUTIES**

Mr. Gucciardo said that between Christmas and New Years, some private individuals came forward to pay for off-duty deputies to direct traffic at Times Square before the VOICE volunteers started. The VOICE volunteers work from about 10 AM to 2 PM and from 2:30 to about 5:00. The Chamber traffic committee has suggested starting the volunteers a little earlier and letting them go to about 4 PM and then hire deputies until 8 PM (or midnight during spring break.) It would cost about \$5000 for officers until 8 PM through Easter, and another \$2000 to hire them until midnight during the month of spring break. The merchants are strongly in favor of this and he thinks there is a good possibility that they will help with the cost.

**Motion:** Mr. Murphy moved and Mr. Mulholland seconded that the deputies be hired from 4 PM until 8 PM, and from 4 PM until midnight during spring break. **Discussion:** Mr. FitzSimons asked if this wouldn't be logical to be included in an MSTU. He questioned the benefit to the entire island community. Most of the residents know better than to try to travel during the worst hours of traffic. He is not sure it will help traffic move better and faster. Mr. Gucciardo said the perceived benefit is that manually controlling traffic does two things: it moves traffic in both directions more consistently, and it allows the person controlling it to stack up several pedestrians before stopping traffic rather than letting one or two pedestrians stop traffic. Mr. Murphy said that Mr. FitzSimons is retired and may not see the problem the same as the other residents who must commute. He hears the complaints from people trying to get back home. He thinks anything we can do to encourage better traffic flow should be tried even if it is a band-aid. What other options do we have short of building more lanes on Estero? Mr. Mulholland said we don't have one grand solution that no one has thought of, but we can do a series of small things. **Action:** Mr. Murphy, Mr. Mulholland, and Mayor Cereceda voted in favor of the motion. Mr. FitzSimons was opposed. The motion carried.

Mr. Gucciardo asked the Council if they want to direct staff to begin discussions with the county about the possibility of the town taking over Estero Boulevard. The council agreed.

#### **E DISCUSSION OF DEP APPLICATIONS**

Mrs. Segal-George summarized the three DEP applications. They are supposed to come before the CRA committee this week and the commissioners next week. She feels that it is important that the council take a position on them. The MRTF has already considered them and made recommendations. She asked if they want the MRTF to consider these applications first in the future and then bring recommendations to the Town. Mr. Mulholland said the MRTF thought the San Carlos permit left out a lot of information, and they felt that the application was lacking and didn't recognize the town's jurisdiction or the Aquatic Preserve. Regarding Black Island (request for 10 slips), they did not believe this would be in their jurisdiction since it is at Big Carlos Pass, but they felt that the issue is speed in that area. The council may have to address that issue as soon as the slips are in. The MRTF did not have an unfavorable opinion about the sewage line at the south end. Mrs. Segal-George asked the council what kind of letter they would like sent in response. She thinks the docks in the bay will narrow public waters for private purposes. Mr. Mulholland said the problem is we don't have communication with San Carlos Island and he encouraged the staff to set up communication. Mr. Roosa said he is worried about zoning. Usually adjacent public property carries the zoning that is landward. Therefore you would expect it to be developed along residential lines. He is concerned they would be using property within the town that is not properly zoned.

Mayor Cereceda said she does not want to go to war with San Carlos Island, so she would like to have some communication with them directly. Mrs. Segal-George said she has tried, but they just come from different perspectives. They filed this proposal and did not come to us first, and she feels we have to comment to the DEP. It is her understanding that the DEP will not approve an application if the jurisdiction does not approve, but if the town does not take a stand, they could very well permit it. We do not have the luxury on this particular issue to wait and talk. We must take a stand, but can work on communication for the future. Mr. FitzSimons said there should be a harbor plan stating how we are going to control what is already out there. This dock would require that we give up three acres to another community. Why did they pick this area that belongs to someone else? He is concerned because shrimp boats are not required to have on-board holding tanks. How are we going to guarantee a clean anchorage? Do they really need this--how many boats have been turned away because there was not enough space? These vessels would be unattended which could be a problem in case of a big storm. If they need the anchorage, they can find it on their side of the property line. Mr. Mulholland noted that the MRTF will be bringing a harbor plan to the council in the future.

**Motion:** Mr. FitzSimons moved and Mr. Mulholland seconded that a letter be sent to DEP showing strong opposition to the San Carlos CRA application. **Discussion:** It was suggested that the letter should state our concerns along the same lines as the MRTF and also adding Mr. Roosa's concerns about zoning. Mr. Murphy said he would agree to the motion with the provision that the town and San Carlos Island sit down to discuss these issues before they are brought to us in a hostile manner. Mr. Murphy agreed to be the emissary from the Town. **Action:** The motion passed unanimously.

Regarding Black Island, the council did not believe that this was in our jurisdiction. Mrs. Segal-George noted that their plans have no pump-out facilities. The MRTF was concerned only about the speed in the area. It was decided to make comments without taking a position on this application.

Regarding the sewer line hookup at Big Carlos, the Council decided to take the same line as the MRTF.

## **XV TOWN APPOINTMENTS**

### **A VACANCY ON THE LPA**

Mr. FitzSimons spoke for Dave Smith, a long-time resident who has been very active in the Town and was active in the incorporation effort. Mr. Mulholland also mentioned that Mr. Smith served on the Charter Review Committee. Mr. Murphy said he feels there needs to be more balance on the LPA and all our committees. We need to get younger people on the committees because they are the future of the island. Because of that reason, he would have to support Jennifer Kaestner. The results of the first ballot: Dave Smith, 2; Jennifer Kaestner, 2. The Council decided to vote again at the next meeting.

### **B TWO VACANCIES ON THE MARINE RESOURCES TASK FORCE**

Mr. Murphy spoke for John Naylor. He felt he would bring a balance to the board from the business community. Mr. Mulholland said both of the people who resigned from the committee were from the business community and he agreed that Mr. Naylor would be a good choice.

**Motion:** Mr. Murphy nominated Mr. Naylor and Mrs. O'Shea. The motion was seconded by Mr. Mulholland. The motion passed unanimously.

### **C VACANCY ON HARBOR BOARD**

**Motion:** Mr. Murphy nominated Eileen Barnett. Mayor Cereceda seconded the motion. The motion passed unanimously.

### **D VACANCY ON CHARLOTTE HARBOR NATIONAL ESTUARY PROGRAM**

**Motion:** Mr. Murphy nominated Terry Cain. Mr. Mulholland seconded the motion. The motion passed unanimously.

## **XVI TOWN MANAGER'S ITEMS AND REPORTS**

### **A ST. PATRICK'S DAY EVENT**

Mrs. Segal-George said Shawn Holiday has been trying to see what could be done on short notice this year, with the idea that it could be expanded next year to become an annual event. He has

been checking into who would be available for entertainment. It would probably start early in the evening and would probably cost about \$2000 for entertainment. Mr. Murphy said what he really wanted was a St. Patrick's Day parade, not a party in Times Square. He wants to March down Estero Boulevard to Times Square. Whatever else you want to plan in Times Square would be fantastic. Mrs. Segal-George said they did not feel they had enough time to organize a parade. Besides the Shrimp Parade will be three days earlier, on March 14<sup>th</sup>. Mr. Murphy said he would be happy to form a committee to plan the parade. It does not have to be a Town-sanctioned affair, but he just wants permission to start the tradition. He does not need a budget. Mayor Cereceda asked if there would be a problem closing the street. Mr. Gucciardo said LDOT has told him they will need a couple of weeks to coordinate the bridge closing, but it could be done.

**Motion:** Mayor Cereceda moved and Mr. Mulholland seconded that the Town support the idea of a St. Patrick's Day parade. The motion passed unanimously.

#### **B MAINSTREET BIKE RACKS**

Mayor Cereceda said she would like more information from Shawn Holiday. The Council agreed to move this item to February 23.

#### **C PREPARATION OF AN ANNUAL REPORT FOR THE TOWN**

Mrs. Segal-George said this proposal is for an insert in the Observer at a time when it would reach more people on the island. Mr. FitzSimons asked the purpose or objective. Mrs. Segal-George said she has heard that we don't do enough to communicate. Other governments routinely do these things. Mr. FitzSimons asked if it could be supported with advertising. Mrs. Segal-George said it will be pretty factual, and it would put the town in the position of asking for advertising. She said the focus is mainly to people on the island, not visitors. Mr. Gucciardo said some communities do random telephone questionnaires. We could have a box in the text asking what hasn't been addressed that they want to see done. It would get our message out and also gets some response. Larry Ihnen said \$1300 would be for insertion and printing, \$400 for typesetting and graphics, \$200 for proofs, \$1400-1500 for designing, supervising, writing and editing copy. The Town will get an extra 1000 copies that the Town can put in Town Hall, the post office, etc. It will be 4-page tabloid on 50-point newstock in full color. Mr. Mulholland said communication with the residents is something good to strive for and 24 cents per copy seems like a pretty cheap way to do that. Mr. FitzSimons said he did not like the idea of rushing to get it done this season. The concept is OK but he questions whether it is necessary since we are such a compact community and everyone drives by Town Hall every day, and we have a web site. He has difficulty seeing the benefit. Mr. Ihnen said you have a good core of people attending meetings, but this helps you reach people who don't attend the meetings. Direct mail is far too expensive.

**Motion:** Mr. Murphy moved and Mr. Mulholland seconded that the annual report be prepared. Mr. Murphy and Mr. Mulholland voted for the motion. Mayor Cereceda and Mr. FitzSimons were opposed. The motion failed.

#### **D DRAFT OF BUSINESS INSPECTION ORDINANCE**

Mrs. Segal-George said this ordinance would address the problem of when she tries to send an inspector and they are turned away. Now our inspectors can be arrested for criminal trespass. This would say that if you are open for business to the public, that includes our inspectors. It was clarified that this regarded commercial properties only. Fire inspectors are already covered by state statute, and building inspectors are allowed anywhere a building permit applies. Mr. Murphy said he would feel more comfortable if it was clarified that this would be complaint-driven only. Mr. Roosa said these businesses are open to the public and you expect them to comply with the ordinances that are in place. It only applies to parts of the building where the public is allowed. There was no objection from the council to proceeding with the ordinance.

#### **E FRANCHISE REGARDING SEWER**

Mrs. Segal-George asked the Council to give Mr. Roosa some direction regarding the idea that came up at the joint meeting regarding looking into some type of franchise agreement on sewers. The Council agreed that it was a good idea to pursue the possibility.

**XVII TOWN ATTORNEY'S ITEMS**

Mr. Roosa reported on the status of the Town's lawsuits:

Ganim -- a motion has been filed but there has been no ruling.

Carlslake – the court ruled that the suit was not timely filed, and it was dismissed. They have subsequently amended, but the judge has not issued an order to show cause

Freeland – one question was about the impact of the health, safety, and welfare of community because of traffic generated, and the other was that they had not filed for a permit so we could review their activity. The case is not over. The judge ruled that there was insufficient evidence that there was an imminent danger so he denied the injunction. Regarding the second question, the judge said that administrative procedures had not been exhausted yet. That has been our position all along--that they have failed to file the proper application for us to review. The only thing that was ruled was that he did not have to stop his business at this time. Since then we have filed for failure to have an occupational license and that is set for hearing next Monday before the hearing examiner.

Bogdanski – they have filed for writ of certiorari but the judge has not issued a show cause order. Mr. Roosa said he needs authorization to represent the town in this case.

**Motion:** Mr. Murphy moved and Mr. FitzSimons seconded that Mr. Roosa be authorized to represent the Town in the Bogdanski case. The motion passed unanimously.

**XVIII PUBLIC COMMENT**

**A JOE CROKER**

Dr. Croker said that he has been appointed by the Chamber as liaison between the Chamber and the Council. He will sometimes be here representing the Chamber, and sometimes he will be speaking personally. He wanted to find out how this would be handled, whether he would get 6 minutes to speak.

He asked if the special event ordinance meant that any event would require a permit. If a CPA was holding a seminar on financial planning at Holiday Inn, would he need a permit? He said that sometimes he himself puts on seminars and he needs to know if he must apply for a permit. How about Chamber luncheons and after-hours events?

**B DAN PARKER**

Mr. Parker reported that 92 spaces are currently available for parking meters at gulf beach accesses, but there are 10 more accesses coming, and we do not know how many spaces they will have.

Mr. FitzSimons congratulated the staff for the good results of the audit.

**XIX ADJOURNMENT**

The meeting adjourned at 7:30 PM.

Respectfully submitted,

Peggy Salfen  
Recording Secretary