

The question is not whether the neighbors knew because it was public record. Mayor Cereceda asked if we could table until a presentation is made on appeal to the LPA. Then Mr. Roosa can do some research on what he believes is vested and how strong our position is. Mr. Roosa said we are either going to grant it or deny it. If you grant it there is not quid pro quo. They would no longer be required to give a site plan. They might want to but won't be required. She asked Mr. Humphrey if this deal is only good today. Mr. Humphrey said he can sense they are not comfortable with it. He hasn't spoken with the client yet, but if it goes to the LPA for review that is what they are looking at: vesting and estoppel. He does not see why Stardial would want to do the site plan. He can't tell what policy decision they will make.

Motion: Mr. Mulholland moved and Mr. Reynolds seconded that the resolution be tabled until it goes to the LPA and the council. Discussion: Mr. Hughes said he would still want opinion of counsel regarding vesting. When it comes back to council he is going to want to know what our legal position is to determine how much ground we have. He doesn't want to get us in more litigation. Mr. Murphy questioned, when goes to LPA, is that the determination they will be asked to do, the question of vesting? Yes, on the height issue only. Mr. Roosa said there is no exposure by tabling, but they are losing an opportunity, and that is a value judgment. They know they will have their right a year from now, but there is some value to having it now. Mr. Murphy said it is a tough call. He can see Mr. Roosa point of view. He has been there himself and time is worth everything. But he can see that the will of the council is to send it to the LPA. Mr. Hughes said he felt it was a path we should pursue and hopefully get a site plan, but his decision is ultimately swayed by Mr. Spikowski's remarks that they can't develop this without coming in with a site plan. It does delay them and we will get a site plan. It was agreed that the town attorney should Action: The motion carried unanimously.

XIV DRAFT RESOLUTION: CREATING THE 1998 CHARTER REVIEW COMMISSION

MSG said this came out of the workshop last week. The members have not been contacted yet. Mr. Hughes asked why it says that the commission will be 6 months before. Mr. Roosa said that is just quoting the charter.

Motion: Mr. Murphy moved and Mr. Mulholland seconded. The motion carried unanimously.

XV INTERLOCAL AGREEMENTS WITH LEE COUNTY

A BAY OAKS

Two significant changes are acknowledged advisory committee, and extend the 50/50 split for five years. Can this be terminated by either party without cause for five years. Mr. Gucciardo said there is no option for termination, but he is not sure it couldn't be terminated.

Motion: Mr. Murphy moved and Mr. Mulholland seconded that the interlocal be approved. Discussion: see above. Action: The motion carried unanimously

B COMMUNITY DEVELOPMENT

Mr. Reynolds asked on page 3, he has heard several times that the county is in the business of selling building permits. It is very expensive to get permits today. He is wondering if there is some way that all fees would be turned over to the town and then we pay more for them to do their job. Their way they wouldn't be so loose in issuing permits if they don't get money from it. Anytime you make a change, it is another fee. If the money came to the town, they might be more reluctant to sell permits. We are paying them \$88,000 which he thinks is reasonable because they make a lot of money. He thinks you would have a lot of trouble getting the county to reveal how much they make in permits. Mr. Mulholland said this is the essence of government lite. We don't have to have a large staff. He does not think it is in the town's best interest. Mr. Reynolds said they would still charge and collect fees and we would probably pay them a part of the fee for collecting it. Then the money would come to us. Mr. Hughes said this does have a 60-day termination clause. If they should terminate on us, we would be in a pretty tough spot. Who would we get to do that? Mr. Roosa said there are private engineering firms that will do this, or maybe the city of Fort Myers. Mr. Gucciardo said we did try to negotiate with some private firms, but it was not cost effective and their record was not good. We would be in trouble if they terminated. But we have a good working relationship with this department, and they do collect the fees. Our residents are paying the same fees as if they had not incorporated. He doesn't think the county is unhappy. He asked about the quarterly payments. Mr. Gucciardo said it is quarterly in arrears. Mr. Reynolds said maybe council should consider asking them to change to 6 months, because that would give us time to find another source. Mr. Gucciardo asked if he could make a suggestion, but if they have a problem, there would not be enough time to get this approved before Oct 1. Is it OK

Motion: Mr. Hughes moved adoption of the interlocal as presented with the request staff seek a longer termination if possible. Mr. Murphy seconded. The motion carried unanimously.

XVI NEW BUSINESS

A LPA SIGN ORDINANCE

Need to direct the town attorney . MSG said they approved unanimously. The LPA worked incredibly hard on this and it is the hardest thing she has ever drafted. It is unique. It is a mix of what they thought were some of the better sign ordinances across the country. Mayor Cereceda said the realtors did not seem to have any objection to the new rules. Mr. Mulholland said the LPA should be commended for their good work. They hammered out many of the objections as they worked along. Mr. Hughes agreed and said that Ron Kidder's committee looked at many ordinances around the country. He appreciated how difficult it was for MSG to put together this ordinance. Mr. Roosa was directed to put this in ordinance form.

B OPERATION COCONUT PLANTATION

Mr. Murphy said he has spoken with Mr. Myers and some other people. There was some concern in the papers about what doing and where. Behind the Red Coconut was chosen because it was volunteered. There are already people there who water trees back in the Matanzas preserve, and he is one of them. They are just looking for some seed money and he doesn't know how much that will be. Saturday is the beach cleanup but the Myers have also said there is a boyscout troop sayaying at the red coconut who is looking for a service project. We have a lot of coconuts already and some trees donated from the Langlois family. . There is also some information in the newsletter about starting a town project on private property, but the goal is the beautification of Estero. It won't happen overnight. But in the future, if we get to the point where we have a surplus, we could make them affordable to the residents. It is not profit driven. We are not intending to sell coconut trees

Motion: Mr. Hughes moved and Mayor Cereceda seconded that no more than \$2000 be approved for this project. Discussion: Mr. Reynolds said he has heard concern that coconuts will fall on cars and pedestrians. Is there another palm we can use? Mr. Murphy said the coconut is our tree on this island and what we use at Times Square. You do have to maintain them or they can be a hazard in storms. Action: Motion carried unanimously.

C CONTRACT WITH ARDEN ARRINGTON

Mr. Mulholland said he has been over the contract and would recommend it. He met Mr. Arrington about two years and was one of the founders of the MRTF. He got a lot of talented people on the committee. He has the capacity to work. We are fortunate to have someone of his talent and background do this for the town.

Motion: Mr. Mulholland moved and Mr. Reynolds seconded that the contract be approved. Discussion: Mr. Hughes agreed about the comments about Mr. A. He asked about article 6 asking if there should be a requirement that be presented every month. MSG said there hasn't been a problem with that so far. Mr. Reynolds said we couldn't have found someone more capable and enthusiastic. He has done so much over there already. His concern is for the future to keep our budget under control. He hopes he will keep an eye on expenditures. Mayor Cereceda said she appreciates the attention and respect generated for the town and the interest generated throughout Lee and Florida and the country in heritage and eco-tourism and the essential of environment to our town. The mound house is a nice manifestation of that. Mr. Reynolds said he has some concerns about having an office located there for his business of tours. Mr. Arrington said haven't addressed that yet. He intends to stay at fish tail for now unless steering committee decides that would be appropriate. Action: The motion carried unanimously.

D REQUEST TO DIRECT THE TOWN ATTORNEY TO AMEND THE VESSEL CONTROL ORDINANCE

Mr. Mulholland said he feels a necessity for the council to realize we have to take some steps in Estero Bay. The state wants to make the whole bay a manatee zone and be idle speed. One of the things he tried to push is using water taxis to relieve our traffic. If have idle speed, no one will use. If have speed in the channel and have idle speed everywhere else. We have people not acting responsibly on boats and jet skis. This is a way to give the town some flexibility, keep the boaters happy, and solve some of problems. Mr. Roosa asked where he would change it. Mr. Mulholland (look at first part of tape 3 side 1) Mr. Reynolds asked where most of the grass beds are. Mr. Arrington said they are not in the channel, but out of the channel you get into water that is 2-3 feet deep.

E REQUEST BY MAYOR CERECEDA TO ATTEND THE 1998 LEADERSHIP SOUTHWEST FLORIDA PROGRAM

Mayor Cereceda said this is a step from Leadership Southwest . There is also a Leadership Florida. The correct price is \$400 deposit, full price is \$950.

Motion: Mr. Mulholland moved and Mr. Murphy seconded. The motion passed unanimously.

F REQUEST FROM THE MAINSTREET PROGRAM
Rescheduled for Sept,21.

XVIII TOWN APPOINTMENTS

MSG said do you want to advertise. Rod Vayo submitted his name at the same time as Mr. Bonkowski. Mr. Murphy said is Mr. Vayo is still interested.

XIX TOWN MANAGER'S ITEMS AND REPORTS

A SCHEDULE OF MEETINGS FOR LAND USE HEARINGS

November land use would normally be Nov. 3, election day. Mayor Cereceda suggested Monday November 9 at 9:00 AM. The council agreed.

B Mobile vending

MSG said we have had some problems with someone who is selling lemonade. She is trying to apply for a permit. We are trying to find a way to deal with this issue on a larger scope and not allow mobile vending on the beach. We have two icecream guys who are now grandfathered. We have been telling everyone that it is not allowed. Mr. Roosa provided two draft ordinances where it would be expressly prohibited. Also in parks and rec ordinance it would include the beaches as part of our park system. When we adopted the county rules it did not include them.

C AUTHORIZATION REGARDING PEDESTRIAN OVERPASS

Not to exceed \$15000 to be split equally with Mr. Weibe.

Motion: Mr. Hughes moved for cost estimates and bid specs. Murphy seconded. Discussion: Mr. Mulholland said originally he was enthused. But that was based on some significant improvement in traffic. He is not convinced we can see until spend the dollars so he can't support. Mr. Reynolds agreed for the reasons already expressed. Action: Reynold and Mulholland opposed. Passed.

XX TOWN ATTORNEY'S ITEMS

Mayor Cereceda asked if Mr. Mulholland would be able to go tomorrow. Mr. Roosa said we could fax them a copy and they could share it.

Motion: Mr. Hughes moved adoption of the resolution and Mr. Mulholland seconded. The motion passed unanimously.

XXI PUBLIC COMMENT

XXII ADJOURNMENT

Adjourned 11:30 PM.