

**FORT MYERS BEACH**  
**TOWN COUNCIL WORKSHOP/SPECIAL MEETING**  
**JANUARY 29, 1997**  
Nations Bank, Council Chambers  
2523 Estero Boulevard  
FORT MYERS BEACH, FLORIDA

**I CALL TO ORDER**

The meeting was opened on Wednesday, January 29, 1997, at 6:35 P.M. by Anita T. Cereceda, Mayor. Present at the meeting were: Anita T. Cereceda, Mayor and Council Member; Ted FitzSimons, Vice Mayor and Council Member; Council Members Rusty Isler, Ray Murphy, and Garr Reynolds; Marsha Segal-George, Town Manager; and Attorney Richard Roosa.

**II PLEDGE OF ALLEGIANCE**

All assembled recited the Pledge of Allegiance to the flag.

**III PUBLIC COMMENTS AND INQUIRIES**

**A BILL WHITAKER**

Mr. Whittaker said that garbage is the most serious problem of the Times Square merchants. His garbage bill used to be about \$580 per month but he just got a letter saying it would go up to about \$2000 per month. The merchants will take care of the immediate problem, but he mentioned it to point up the seriousness of the problem. (It went up because that area has been receiving an advanced level of service during the construction period.)

**B FRAN MYERS**

Mrs. Myers, owner of Seafarer's, is proud of what has happened in the Times Square area, but when you come over the bridge, the first thing you see are two huge signs directing traffic to one person's parking area. The area looks so good but the signs are huge and ugly and she wondered if they are legal since that parking area is supposed to be for the owner's business, not as a paid parking lot.

**C CHARLES BASSINET**

Mr. Bassinet, attorney for the Strauss', said that the signs belong to his client and it is useful during construction. The new sign is not in yet. There is still a problem of where to put the garbage dumpsters. If they are put under the bridge, it will be ¼ mile away from his restaurant. Another possibility is to put it on the east side of his property and camouflage it. Regarding parking, his client would like to park some cars in front of his building (not on the pavers) for his employee's security. As for service/delivery, they would prefer that it be through the Times Square area.

**D JOHN LALLO**

Mr. Lallo of Pete's Times Out, wanted to push for letting the merchants put tables on the Square. Their business really suffered when the tables were removed for 10 days and the customers complained. They would like the County to extend the temporary permits until it is taken over by the Town. He also talked about outdoor entertainment. He thinks an entertainment permit should have to be obtained so the Town can control what goes in the square.

**E BRIAN SCANLAN**

Mr. Scanlan stated that some problems haven't been resolved regarding service providers because recently someone got a ticket at Lynn Hall Park when he didn't get his service call finished by noon. He also addressed kiosks and stated that 100% of the Times Square merchants do not want them in Times Square. He thinks it would be too hard to control, and the merchants are paying property taxes and the kiosks are not. It would be like a flea market atmosphere. He also mentioned that northbound traffic on Estero must be allowed to turn left into Times Square. As to parking in Lynn Hall park, the merchants would like to have it open all night and would like to have it free after 6:00 PM to help their businesses.

**IV CRA PROJECT UPDATE AND DISCUSSION**

**A RON GRANCHI**

Mr. Granchi, construction manager for Wright Construction, gave an update. He stated that the project began on July 17 and was scheduled for completion in 8 months and he believes they will be out of the area

by the middle of March. All underground utilities are in and have been energized up to Howard Johnson, but they will not pull the poles until new light fixture are in next week. Pavers will all be down and sealed except for areas where the poles are removed. Up lights in the north end are installed on the palm trees and all concrete including curbs and sidewalks is complete. Irrigation and landscaping are 99% complete. Blacktop patching is going on now and FPL trenchwork on private property will be patched within the next week or so. Pavement milling starts on Feb. 10 and will take two days and cause a problem with traffic because of the heavy equipment. It was suggested that perhaps VOICE volunteers can be on the other side of the bridge and direct traffic to the free parking there, and enhanced trolley service could be provided. He mentioned there will be a left turn lane from Estero to Fifth Street that will allow about 4 or 5 cars to stack up.

## **B REMAINING TOWN/CRA ISSUES**

### **1. Deliveries**

Mr. Gucciardo said that vehicles have been limited to essential (gas and grease) deliveries. Deliveries of beer, food, etc. have been operating out of Lynn Hall Park. The merchants are proposing that the Town ask the County to let Lynn Hall remain open so that two-axle trucks can use the front row of parking up to 9:00 in the morning and hand cart the deliveries in. Larger trucks would have to use the front row of traffic outside of Lynn Hall park. Trucks will need a way to get into the park, or the park will have to stay open. Barb Manzo of Parks and Rec has indicated that they will allow the parking to remain open if the Town desires. That would also cut down on the towing problems. Ms. Manzo stated that it was originally closed at the request of the merchants and hotels and the sheriff due to problems in the night. (There is only a civilian in the sheriff's substation.) She said they are willing to talk about making the meters free after 6 PM. Captain Erne said he was not here three years ago when the lot was closed, but he does not foresee it being any more problem than any other parking lot in Town.

**Motion:** Mayor Cereceda moved and Mr. Reynolds seconded that the parking lot be left open all night and the parking meters be free after 6 PM.

**Discussion:** Mr. FitzSimons thought that if there were a parking attendant monitoring the meters, it would be a safety feature. Ms. Manzo guessed that an overtime ranger to check meters would probably cost about \$16 per hour. Mr. Judah said that he thinks it would be a security problem to leave the park open and he doesn't think the commissioners will accept the request without security. He said that if the Times Square merchants provided security for the area it would probably be OK.

**Amended motion:** Mayor Cereceda amended the motion providing that some security would be provided by the local merchants. After discussion, Mayor Cereceda, Mr. Reynolds, Mr. Isler, and Mr. Murphy voted in favor of the amended motion. Mr. FitzSimons voted against the motion. The motion carried.

**Discussion:** Mr. Reynolds questioned whether the Town should give up something for free which would compete with the private parking lots. Ms. Manzo did not think it would be a problem. Mr. FitzSimons thought the meters should be charged until midnight. Ms. Manzo said that she will see how much the meters bring in at night and see if it is enough to cover someone to be there.

**Amended Motion:** Mr. FitzSimons moved that the meters be kept functioning until midnight. There was no second.

### **2. Garbage pickup**

Mr. Gucciardo said there were 6 options outlined in the agenda. Howard Duel from Kimmins Recycling said that there are now dumpsters in Lynn Hall Park and Kimmins has been providing daily service. The merchants have been paying a rate based on their out of season service. The service now is about three times greater than in the past. They could use a compactor in the area (smaller, less noticeable, can be camouflaged), that would cost about \$23,000 as opposed to about \$18,000 in the past. If they put it under the bridge, they can use a larger compactor (fewer loads) which would cost about \$19,000 per year. Rick Klontz of Lee County Solid Waste believes that there has been a dramatic increase in business in the area and therefore a great increase in garbage. He recommended using compactors. The merchants will have to decide among themselves based on percentages of past usage how much they will have to pay for the compactor. A compactor could be placed at the far side of Lynn Hall where the park's dumpster is located.

**Motion:** Mr. Murphy moved and Mr. FitzSimons seconded that the merchants move toward option E (compactor located off-site and garbage delivered to the compactor by separate vehicle.) The motion passed unanimously.

Captain Erne cautioned that you cannot drive a golf cart down Estero, and therefore the transfer of garbage would have to be by something like a pickup truck. Mr. Isler said he thought it would be cheaper in the long run to get the smaller compactor picked up every night than to buy a shuttle vehicle and pay insurance etc.

### 3. **Vehicle traffic**

Mr. Gucciardo asked for clarification on the wording in the resolution closing the road. He recommended that everything be prohibited except that which can't be eliminated (i.e. mopeds, employees cars, etc. be prohibited but gas delivery and grease pickup be allowed. Mayor Cereceda mentioned that carts for handicapped persons must be allowed. The Council considered whether to prohibit bicycles (except walked), skates and skateboards, but decided to wait to see if there is a problem before making a ruling.

**Motion:** Mr. FitzSimons moved and Mr. Murphy seconded that vehicular traffic be limited "to the highest degree possible". Before voting, it was clarified that the motion meant "motorized" vehicles. The motion passed unanimously.

### 4. **Bollards and Emergency Access**

Ms. Prather said that the original plan was to have stationery bollards that could be unlocked for emergency vehicles. Due to safety considerations, they changed them to unlocked bollards. They have now lost 8 at \$120 apiece, so they are trying PVC bollards and hopefully they can eventually work out a way to lock them. The PVC ones can be run over by the emergency vehicles if necessary and replaced for about \$10. The Council agreed that by turnover, the County must find some way to make the bollards lockable.

### 5. **Traffic flow**

Ms. Prather explained that there is no room for a left-turn lane onto Crescent. It would cost \$26,000 to redo the curb and then the sidewalk would be narrower, which may create a pedestrian hazard. The left turn onto Fifth Street northbound will remain. John Davis, Lee County Traffic Engineer said that there are signs (going south on Estero from Pink Shell) near Lynn Hall and again near Wings saying that you need to turn left there in order to exit the island. This is to eliminate turning left out of Fifth Street onto the bridge. Mr. Gucciardo explained that the problem at Crescent is that people leaving the Top of the Mast parking lot must turn right and then have no way to leave the island without turning left on Crescent. Marsha Segal-George mentioned that when the county decided to drop the sidewalks on the bay side, there was no mention that we would lose the left turn lane. Mayor Cereceda suggested that since the project created the problem, the CRA should have to come up with a solution. Ms. Prather stated that they are out of money and they are at the end of the project. Marsha Segal-George suggested sending a letter to the County stating the issue and asking for assistance.

Regarding the traffic flow at Top of the Mast, it looks like it will be OK, but the time to ask for more signage would be before turnover. Mr. Gucciardo asked the Council to study the area or the pictures of the area. Mr. Gucciardo will look into whether Top of the Mast has a permit to charge for parking in their lot or if it is only supposed to be parking for the restaurant business.

Mr. Gucciardo said that the remaining issues have to do with things after the turnover. He recommended tabling the remainder of the items. Mayor Cereceda suggested moving the public comment time to this point in the agenda, so that the public would not have to wait until the end of the meeting.

## **V PUBLIC COMMENTS**

### **A BILL WHITAKER**

Mr. Whitaker said that an informal consensus of the Times Square merchants shows that most would prefer having a compactor on the other side of the park. Ms. Manzo said there is a possibility that perhaps a cart could be donated to the merchants or the Town for hauling across the parking lot. Since the merchants have to pay for trash removal, he asked the Council to listen to their wishes.

### **B TOM MYERS**

Mr. Myers said that the portion of the street in front of Seafarer's and West Coast Surf is Center Street and belongs to the County. That seems to be an ideal place to locate the dumpsters. It will take 7-14 days to remove the light poles (they will be cut off rather than pulled.) He thinks the traffic problem is because of merging traffic, not the traffic light. As to the left turn at Crescent, perhaps the Mainstreet program can help with the project.

### **C NORM PRIMEAU**

Mr. Primeau of West Coast Surf Shop agreed that the traffic problem is caused by sightseeing, not the traffic light. Regarding garbage, he would like to make his own deal on trash removal.

**D        BRIAN SCANLAN**

Mr. Scanlan said he talked to some fellow merchants and they are very interested in having the parking lot open, but perhaps only until 1 or 2 AM. They agreed that having the merchants provide security would be a viable option.

The Council took a break at 8:58 PM. and reconvened at 9:15 PM.

**VI        POLICIES AND PROCEDURES**

Mayor Cereceda turned the meeting over to Vice-Mayor FitzSimons since she and Andy Priem worked on the manual.

**Motion:** Mr. FitzSimons moved and Ray Murphy seconded that items 1,2 and 3 be approved as to be amended herewith. After the following amendments, the motion passed unanimously:

Phone list: FitzSimons is misspelled. Marsha Segal-George would like her home number not to be listed. Change "hm" to "res". Marsha Segal-George's phone number should be changed to 765-0202. It was decided that page 2-1 be removed from the manual and kept in their personal files since it is not a policy or procedure.

Page 2-2 the number for Captain Erne is 466-2400, and the number for Erne should be labeled "FMB Substation" instead.

Page 2-4 has wrong e-mail addresses. Change Peggy M. to Peggy B.

Section 3: Change Wednesday to Monday. Thursday becomes Tuesday. The agenda is to be finalized on Wednesday at 4 PM. It was clarified that these rules apply to regular Council meetings, not workshops. Paragraph 2, put a period after Library. Paragraph 4, sentence 2 to be removed. Page 3-3, the last paragraph should be removed.

Page 3-5, # 3 "and inquiry" to be removed. The order of #4, 5, and 6 should become 6,4, and 5. #7 and #8 should be reversed. On #14 remove "and Inquiry". Add "proclamations and presentations" before #3. #14 add "(not limited to agenda items)".

Page 3-6 – change to "in the mayor's absence". Bullet 2, remove "articles of incorporation". Bullet 4, remove "and inquiry"

Page 3-8: Minutes, paragraph 1, remove "on a computer". Change "throughout" to "of."

Paragraph 2: should read "Once completed, the minutes are provided to Council members for approval at their next meeting. Once approved by Council, the original is filed in a secured file."

Page 3-9: 4<sup>th</sup> line from the bottom, change "ding so" to "doing so."

Page 3-10: "potential conflict of interest" instead of "tightrope"

page 3-12: The Council questioned whether someone must be a resident to be on a committee. It was decided to let the section stand as written.

Page 3-15-17: It was decided to pull this section and let Marsha Segal-George rewrite it as it actually happens.

**VII        ADJOURNMENT**

**Motion:** Mr. Murphy moved and Mr. Isler seconded that the meeting be adjourned. The motion passed unanimously. The meeting adjourned at 10:49 PM.

Respectfully submitted,

Peggy Salfen  
Recording Secretary