

**FORT MYERS BEACH
TOWN COUNCIL MEETING
MARCH 3, 1997**
Nations Bank, Council Chambers
2523 Estero Boulevard
FORT MYERS BEACH, FLORIDA

I CALL TO ORDER

The meeting was opened on Monday, March 3, at 6:33 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 INVOCATION

The Council was led in prayer by Father Thomas Goggin of Church of the Ascension.

IV PUBLIC COMMENT

A ANN MENZIES

Mrs. Menzies would rather not see signs that say "no dogs allowed", but rather "dogs under control". Her dogs are always well-behaved and she would like to take them for walks on the beach.

B GENE FICHTER

Mr. Fichter is opposed to all dogs on the beach. The sign says \$500 fine and it needs to be enforced. There are too many people who do not pick up after their animals. He volunteered an ATV and to issue warnings, nicely, four days a week for free.

C HOWARD RYNEARSON

Mr. Rynearson agrees with both speakers. He really feels there should be no dogs allowed on the beach. But people who own animals should have a place to walk their animals without hurting someone else's property. Even on the sidewalks, people do not pick up their animal droppings. If people will pick up after their animals they should be allowed, but it must be enforced on the beach. We are bare bones and he wants to keep it that way. But we'll have to put up a little money to get enforcement started to stop people who are abusing our community. Perhaps a \$100 fine the first time and then \$500 the second time would get their attention.

V APPROVAL OF MINUTES OF FEBRUARY 17, 1997

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

VI REVIEW OF EXPENDITURES

Mr. Reynolds asked about several invoices which did not seem to match with what was being paid. Peggy Salfen explained that because of the two-week cycle of Council meetings, some of the invoices were late in being paid. Now that the Council has decided to receive monthly computer financial reports, the bills will be paid weekly.

VII PROCLAMATION ON CROP WALK DAY

Mr. Murphy read the proclamation and presented it to Father Thomas Goggin, president of the Beach Ministerial Association, which is sponsoring the CROP walk on the beach. Father Goggin thanked the Council and explained that the walk is a joint effort of the churches on the beach to raise money for hunger. The walkers will go 3.5 miles from Church of the Ascension to Chapel by the Sea on March 9.

VIII PRESENTATION ON "BEACH KIDS" FUNDRAISER

Jennifer Kaestner spoke about "Beach Kids" which was begun by beach resident David Essel and tries to meet the needs of local children who are lacking essentials such as clothes and school supplies. "Beach Kids" relies on donations, and since Ms. Kaestner directs a children's theater group called Paradise Players, they have decided to

give a benefit performance. They will perform their play on Monday at 6:30 and 7:00 PM as a fund-raiser. Tickets are free but they will ask for a \$2.00 donation at the door.

IX UPDATE ON THE LPA

Betty Simpson, Vice-Chairman of the LPA, reported that during the month of February the LPA decided to continue with their present leadership. They discussed sign regulations and have formed a sign subcommittee which is studying sign ordinances from other cities. Mr. Van Duzer is studying building heights and uses. They had a public hearing on February 11 and passed a recommendation on to the Council. They are looking at possible zoning changes. At the February 18 meeting they had a follow-up to the community workshop. Carol Cunningham gave a summary of the comment sheets which were received. Bill Spikowski spoke about commercialization on the island. The next design workshop will be on March 22 from 9 AM to noon at the Methodist church. They will dedicate May to discussing traffic. They are going to take a break in July and August.

X COUNCIL MEMBERS' ITEMS AND REPORTS

A RUSTY ISLER

Mr. Isler passed out a proposed letter to the TDC supporting the attorney general's ruling that tax dollars can be used to purchase public property and encouraging them to buy the Virginia Beach property. Mayor Cereceda said her concern about the letter is that it is about a particular piece of property. She would rather send the letter supporting acquisition of property as a policy. Marsha Segal-George explained that normally the Town would look at all properties that might be available and prioritize them. She said it is important to prioritize what they think is most important to go after because lots of other people are going to want this money too if it becomes available.

Mr. Reynolds said that other places in Florida have been using TDC funds for land acquisition and he supported sending the letter. He questioned the assumption that the Virginia property would cost \$4-5 million. He thinks that just because the investor has spent that much on the property, they have not put improvements on it and the land itself is not worth that much on the open market. Ms. Segal-George replied that the only choices are to pay what the owners are asking or to go for condemnation, but you must have a real purpose for condemning it. That piece of property would have a higher price tag because of the development rights. Mr. FitzSimons said that back in the summer before the permits had even been approved through the Court system, the investors were throwing out the figure of \$5 million. The value of the property is related to the package of the development rights, and the permits allow a 154-unit convention center, 200-car parking garage and a major restaurant which is very valuable. Mr. Roosa said that the value of the property is greater because of the income value from 154 units. It would be worth a lot less if it were zoned differently and would generate less income. Ms. Segal-George said that the BOCC is talking about the issue now and have asked the County Attorney to give an opinion. On Friday the Town is planning to submit Virginia Beach on their wish list to TDC along with other fund requests. Mr. Gucciardo suggested that the Town write a letter to the Commissioners requesting that TDC funds be allowed to be used for acquisition of property, and in a separate request, that the Town put Virginia Beach on a grant application to the TDC. The Council agreed.

Mr. Isler also mentioned that the official stand of the Town regarding Bowditch Point has been to let the process go through channels. He thinks the Council should instead take an aggressive stance in opposition to the land swap. He is afraid that if it goes through all channels and comes to the Council and gets turned down, that the Town might get sued. Mr. Roosa expressed an opinion that the Town would not be likely to be sued for refusing the land swap although there is no guarantee. Mr. Isler decided not to pursue the issue since it seemed that the majority of the Council was in favor of letting the process take its course.

B TED FITZSIMONS

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

C GARR REYNOLDS

Mr. Reynolds handed out a paper summarizing the views about Bowditch that he has gathered from other people.

He also mentioned a letter he received today from a woman who was concerned about the purchase of the Troutman property. He wanted to assure her and others that the Town would not be using ad valorem money for this, but would be applying for 2020 money, etc. for the purchase.

He also mentioned the problem of dogs on the beach and suggested possibly designating a certain beach for dog walking. He thought perhaps Bowditch point where it is dangerous to swim might be a good location. It was pointed out that it is County property.

He also mentioned the new double striping before the crosswalks and extra wide lines. New signs will also be put up. These things should help but he felt that the Town needs more driver education.

D RAY MURPHY

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

E ANITA CERECEDA

Mayor Cereceda mentioned a letter she had written to Elaine McLaughlin asking for a meeting about spring breakers. She asked the Council to give her some direction about how the Town feels about spring breakers because the media is getting the idea, apparently from TDC, that the Town is opposed to them. Mr. Isler felt they have the right to be here and should not be discriminated against. Mayor Cereceda asked if the Council agreed that we will welcome anyone and everyone to our island, as long as they “use us but don’t abuse us.” The Council agreed it should not be considered a negative thing, but not necessary promoted, although the crowd should be self-limiting due to available hotel space.

XI FIRST READING OF THE CONTRACTOR’S LICENSE ORDINANCE

Mayor Cereceda read the titles. Public hearing was set for March 17.

The Council took a break at 8:25 PM and reconvened at 8:38 PM.

XII DRAFT DISCUSSION OF PARKS AND RECREATION ORDINANCE

First reading was set for March 17. Mr. Roosa explained that the definition of parks means we already have parks (Times Square, Town Hall, public beaches that are not the county’s, etc.) This is identical to the County’s ordinance and intended to cover some gaps.

XIII RESOLUTION ON PURCHASE OF BUFFER LANDS WITH SANIBEL

It was explained that this came out of the joint meeting with the Sanibel City Council. It would encourage preserving land between the two islands. It is not intended at this time that residents would be taxed except through 2020 funds, etc.

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

XIV NEW BUSINESS

A EXECUTION OF GRANT WITH FLORIDA COMMUNITIES TRUST FOR THE MOUND HOUSE

Marsha Segal-George explained that the grant forms have been completed and it requires action by the Council to execute it.

Motion: Mr. Murphy moved and Mr. Reynolds seconded that the mayor be directed to sign the grant. The motion passed unanimously.

B EXECUTION OF GRANT WITH FLORIDA DEPARTMENT OF STATE ON MAIN STREET

Motion: Mr. Murphy moved and Mr. FitzSimons seconded that the mayor be directed to sign the grant. The motion passed unanimously.

XV TOWN MANAGER’S ITEMS AND REPORTS

Marsha Segal-George reminded the Council that Walter Kulash will be making a presentation to the LPA on traffic calming tomorrow night and she encouraged their attendance.

XVI TOWN ATTORNEY’S ITEMS

Mr. Roosa mentioned a letter that was forwarded to the Town from the County regarding a request for an extension of construction permits at the Best Western Pink Shell Beach Resort. They contend that the possible land swap may influence their plans for a convention center and they would like an indefinite extension until that has been decided. Mr. Gucciardo told the Council that generally the first request for an extension is granted

administratively. This is a first request but it is different because they are asking for indefinite extensions. It was decided to put it on the agenda for the next meeting.

XVII PUBLIC COMMENTS

A DAN PARKER

Mr. Parker reported that the Charter Review Committee is having its first meeting tomorrow night at 6 PM. Ilene Barnett was elected as chairman at their organizational meeting. He noted that all changes must be approved by the Council and again by the public in a referendum. The committee would like to give regular updates to the Council.

B BOB GAYDOS

Mr. Gaydos asked the Town to pass a resolution affirming the water restrictions set forth by the Southwest Florida Water Management District. The fresh water supply is getting low and we may soon find it too low for bathing, drinking or putting out fires. It is not unusual to see condos washing off their concrete which is a waste of our freshwater supply. We should use water resources, but not abuse the privilege. It is the duty of the Council to protect the Town. The staff was directed to check with the water district to see if a resolution would be appropriate at the next meeting.

The meeting was adjourned at 8:57 PM.

Respectfully submitted,

Peggy Salfen
Recording Secretary