

**FORT MYERS BEACH  
TOWN COUNCIL MEETING  
APRIL 21, 1997**  
Nations Bank, Council Chambers  
2523 Estero Boulevard  
FORT MYERS BEACH, FLORIDA

**I CALL TO ORDER**

The meeting was opened on Monday, April 21, 1997, at 6:35 P.M. by Anita T. Cereceda, Mayor.

Present at the meeting were: Anita T. Cereceda, Mayor; Ted FitzSimons, Vice Mayor; Council Members Rusty Isler and Ray Murphy; Marsha Segal-George, Town Manager; John Gucciardo, Assistant Town Manager; and 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 Anita Cereceda.

**IV PUBLIC COMMENT ON AGENDA ITEMS**

**A AL VAN HORN**

Mr. Van Horn said that we have come a long way since the Town started. He wondered how the three staff members could spread themselves so thin. Volunteers are great and he applauds them, but there must be a reasonable amount of delegation. He hopes we will not hear any more about bare bones. Even bones need meat to survive.

**B BOB KEENE**

Mr. Keene quoted from Parkinson's Law: "The number of officials and the quantity of the work are not related to each other at all. The rise in the total of those employed is governed by Parkinson's Law, and would be much the same whether the volume of work were to increase, diminish, or even disappear. There are two forces that can be represented by almost axiomatic statements, thus: 1. An official wants to multiply subordinates, not rivals; and 2. Officials make work for each other."

**V APPROVAL OF MINUTES: APRIL 7, 1997**

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

**VI REVIEW OF FINANCIAL REPORTS FOR MARCH**

The Council had no questions or comments concerning the report.

**VII COUNCIL MEMBERS' ITEMS AND REPORTS**

**A RUSTY ISLER**

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

**B TED FITZSIMONS**

Mr. FitzSimons said that he has been getting some calls about dogs on beach. He wanted to make sure everyone understands the issue and encouraged the newspapers to help clarify the issue. The animal control ordinance applies to dogs on the beach now, not the parks and rec ordinance.

**C RAY MURPHY**

Mr. Murphy went to the volleyball tournament this weekend. It was wonderful but the garbage in Times Square was terrible and looked like it had been there for days. John Gucciardo explained that the CRA had provided four trash containers and the Town had supplemented with six more. The CRA had a contract with someone to empty the original four containers but the contract ended a week ago but the Town didn't know it. The merchants had been volunteering to empty the additional six. He has talked with the County and they are trying to fix the problem.

## **D ANITA CERECEDA**

She has been receiving reports that there are drug sales out of one of the businesses on the beach and underage drinking at another. She has contacted Captain Erne and he is going to send people to visit those two establishments.

She said she would like to see the Town get involved in the "Do the Right Thing" program, which recognizes good kids. \$1000 would fund it for an entire year. She asked Fran Myers, of the Chamber Foundation, to speak on this item. Mrs. Myers reported that the Sheriff's Department had approached the Chamber Foundation for help. The program builds self-esteem, and other communities have had successful programs. Each month they pick 12 kids to focus on. They go to the sheriff's office to get a trophy and a T-shirt. We could design a logo to put on the T-shirt if we like. In addition to the school, the community can nominate kids. The Foundation thought perhaps they could sponsor it together at \$500 each. John Gucciardo added that involvement with the sheriff on community efforts has really paid off in the past because it helps address some of the problems up front.

**Motion:** Mayor Cereceda moved and Mr. FitzSimons seconded that \$500 from the community services budget be approved for the "Do The Right Thing" program. The motion passed unanimously.

She read a resolution that she would like the Council to consider. The resolution would encourage the BOCC to purchase Virginia Beach and Bunche Beach as part of a long-term economic/tourist addition to public lands. She said that she checked with Sunstream to make sure they would not consider this adversarial. She also contacted Sanibel to make sure they would not be have a problem.

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

## **VIII PRESENTATION BY HISTORICAL SOCIETY**

Barbara Keene, president of the Estero Island Historic Society, thanked the Town Council and staff for their support and for the funding to help restore their 1920's cottage as a historical building at Matanzas Preserve. She also publicly thanked the rest of the community businesses and individuals for their donations and discounts. She gave a short history of the historic society which now has over 180 members. She invited the Council and residents to an open house on Saturday May 3 for the official opening of the cottage. There will also be a celebration of the 50<sup>th</sup> anniversary of the beach school in conjunction with this event. She also spoke about the Mound House Executive committee and passed out a list of the steering committee. There have been delays in acquiring the Mound House, so it is necessary to start doing preliminary work now so they can start immediately when it becomes available. (The new hearing date is June 2, but the Town is still trying to separate the property from the lawsuit.) The chairman of the steering committee, Tom Karson, spoke about their plans and proposals for the Fort Myers Beach Cultural and Environmental Learning Center. They are planning eco-tourism, gardens, archeological tours, etc. The property needs to be maintained especially with hurricane season coming. They need a professional arborist and will need a curator eventually. They have found someone to donate a conceptual logo, which would cost several thousand dollars on the open market. They want a conceptual drawing of what this will become. The problem is money. They would like the Council to authorize \$5000 from the \$30,000 that has been set aside in the budget, so they can explore some of the projects. Marsha Segal-George suggested putting a phone in the extra equipment office for them and connecting them to voice mail. She suggested letting the executive committee invoice for expenses up to \$5000, rather than transferring dollars to them.

**Motion:** Mr. FitzSimons moved and Mayor Cereceda seconded that up to \$5000 be made available from the funds that have been budgeted for Long Property operation. **Discussion:** The Council discussed the obvious criticism that the Town is spending money on something they don't own yet. Marsha Segal-George said the grant is completed, and she feels confident that the sale will go through. **Action:** The motion passed unanimously.

## **IX PUBLIC HEARING ON ADOPTION OF REVISED BUDGET**

Mayor Cereceda read the titles and opened the public hearing. John Gucciardo clarified that this is a technical requirement. When the budget was put together, there were some revenues that we were not sure of, so we left them out. Now they have come through and need to be received (cable, increased gas tax, grant for Long property, etc.) In order to spend the funds, they must be in the budget. There was no public comment. The public hearing was closed.

**Motion:** Mr. Murphy moved and Mr. FitzSimons seconded that the ordinance be approved. On a roll call vote, the results were as follows: Mr. Isler, aye; Mr. FitzSimons, aye; Mr. Murphy, aye; Mr. Reynolds, absent; Mayor Cereceda, aye. The motion passed unanimously.

**X RESOLUTION REQUESTING FUNDING FROM THE STATE DEPARTMENT OF ENVIRONMENTAL PROTECTION BEACH EROSION CONTROL PROGRAM**

John Gucciardo explained that the county is the sponsor of the program to put the erosion control program in place. We are lending our support to the county to act on our behalf.

**Motion:** Mr. Murphy moved and Mr. Isler seconded that the resolution be approved. The motion passed unanimously.

**XI RESOLUTION ON TREE PROTECTION**

Marsha Segal-George said that this request came from Captiva Island, and that Sanibel is also approving it. It requests a change in a section of the county land code. Particularly on Captiva, there are large homes being built where they are tearing out all the vegetation and putting very little back. If the code is changed, it will not affect us, but the change will be sent to the LPA to consider when they look at this issue in the comp plan.

**Motion:** Mr. FitzSimons moved and Mr. Isler seconded that the resolution be approved. The motion passed unanimously.

**XII NEW BUSINESS**

**A YEAR END REVIEW**

Marsha Segal-George reminded the Council that April 1997 was when she became permanent and the staff was hired. She mentioned that each member of the staff had written a reflection of their perspective of the past year. She feels that it is incredible what has been accomplished in the last year. They were able to save the beach renourishment project, the pool, and the CRA project. They have gotten involved in the Mound House. The staff has been overwhelmed by an incredible set of problems and issues, such as back bay and harbor issues, and the work load has grown. She feels that she has proved to the Town and Council what can be done with three people stretched to the maximum, but she feels they are at the point where they need to have help. They need a clerical person to handle phones so Peggy Salfen can move to office manager. Since the Town doesn't have separate departments, she and John Gucciardo need someone who would be able to help handle the subject matter they handle on a daily basis. She would like to move Mr. Gucciardo to Deputy Town Manager and add an assistant town manager. The Town's expectations have risen on what they expect the Town to do for them, and there are many meetings which the staff needs to cover (such as issues regarding the back bay, coastal issues, etc.) Regarding salary, she is proposing a raise for Mr. Gucciardo and Mrs. Salfen based on the change in the upgrade of job description and responsibility. She is also asking for a performance-based merit bonus of 5% for all three. The bonus will not add to base salary. She referred to a paper showing what other cities similar to ours are doing about raises, and she feels that it is reasonable. Mr. Isler agreed that it has been a great year, partially because of such a small staff who has taken ownership. He suggested hiring one position first to see how that meets our needs. Two is quite an increase to absorb into the organization. He felt that the one position should not be clerical, so they could help with the bigger issues. He noted that the comparison list runs about 7%. John Gucciardo said the comparison was to raises, and did not consider position upgrades. Mr. FitzSimons said that he has spent a great deal of time in the office to help out by taking telephone calls. One telephone call uses 1/3 of the staff, and the calls are not always productive. The three people in the office all work well together and are efficient in getting the job done. But he is also conscious of the elevation in the things we are involved in, and there are more things out there that we should be involved in. He does not think we are giving them adequate coverage now, and avoiding the meetings is not fair to the Town. We must be involved in things that do or will impact us. There are things on the horizon that will require more work such as Mound House. He supports the proposals in staff and compensation. Mr. Murphy agreed that staff has done a great job and are overwhelmed. He doesn't have an objection to adding more staff. He noted that the new positions and raises will add about \$80,000 additional cost and he wanted to make sure that the budget had been examined. Mr. Gucciardo assured the Council that it had. He clarified that the staff is just trying to fill gaps, and that one position is not more important than another. Mrs Salfen is most impacted by what is going on in the front lobby, and the clerical help will allow her to focus on a job for more than 15 seconds at a time and be more efficient at what she does. The staffing request would fill two separate needs. Mayor Cereceda said the Town has been incredibly frugal, but it is not in the Town's interest to be penny wise and pound foolish. In addition, the

office is getting ready to face a dramatic reduction in volunteers during the off-season even though there is still a lot of work to be done during that time. She supports the proposal.

**Motion:** Mr. FitzSimons moved and Mayor Cereceda seconded that the proposed staffing and salaries be approved. Mr. FitzSimons, Mayor Cereceda and Mr. Murphy voted for the motion. Mr. Isler was opposed. The motion passed.

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

#### **A DISCUSSION OF POLICY REGARDING RIGHT OF WAY VEGETATION TRIMMING**

Mr. Gucciardo said that the street committee has been addressing requests for action, and if it is the Town's responsibility, the Town hires someone to do the job. Sometimes there is vegetation that is actually on private property, but is obstructing public property. So far the problem has not been large and the Town has been taking care of the trimming. The street committee is concerned that the Town could be setting a precedent where the Town could be asked to do more than they should, especially with the rapid rainy season growth. He suggested a compromise of first writing the property owner (if there is not a safety factor) and asking them to trim. It was suggested giving owners a time frame, then have the Town do it and bill the owner. This may present a problem during the low season with owners being gone however. It was noted that Lee DOT just does the trimming themselves, but they already have a crew, and the problem does not come up as often because Estero Boulevard has wider easement. The Council agreed to try the approach of contacting owners first.

#### **B CRA UPDATE**

Mr. Gucciardo reported that the CRA says the project is done, and they are signing off with Wright Construction and are planning a celebration on May 9. (It is hoped that the Times Square merchants will put on a block party after the ribbon cutting.) He has been trying to finish up things that are an issue to the Town. The loss of the southbound turn lane is most serious, and he had just heard this afternoon that they have gotten approval to do that lane out of the leftover CRA funds. The problems with signage don't involve that much money, and the Town may need to deal with that after the turnover. The Council agreed to Mr. Gucciardo's recommendations.

Mr. Roosa stated that the CRA was not in existence when we incorporated, so no tax was collected for 1996. When we became a charter county, it could be that revenues began again in January 1997. We are proposing that there be a CRA to generate revenue to maintain the area, and are working on the possibility of reducing the Estero Island CRA down to the downtown area and substituting the Town millage for the county millage. We would then start to generate funds. We have to get the blessing of the BOCC to do this now that we are charter county. He feels this would be better than creating a new DRA.

#### **C BOWDITCH POINT**

Mr. Gucciardo said that the county staff is now trying to make some sort of parking at Bowditch. On Feb. 17, the Council voted to send a letter asking for parking there. He has a proposed site plan that the County put together a year ago, which involves 70 spots, and it looks like that plan will be recommended to the county. It was also mentioned that the town has the appraisals and traffic studies from Bowditch and Virginia Beach.

### **XIV TOWN ATTORNEY'S ITEMS**

#### **A GANIM/TARRICK APPEAL**

Mr. Roosa stated that he needs approval to represent the Town in the Ganim/Tarrick appeal.

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

#### **B DRAFT DISCUSSION OF ORDINANCE CONSENTING TO AN MSTU FOR LAND PRESERVATION**

Mr. Roosa also spoke about the need to adopt an ordinance regarding the 2020 program. It will be substantially the same as the one that was in their packet at the Sanibel meeting. First reading was set for May 5, with public hearing on May 19.

### **XV PUBLIC COMMENTS.**

#### **A AL VAN HORN**

Mr. Van Horn wanted to address the comments by the Mayor about antagonizing Sunstream. He would submit that given the history of the Virginia Avenue saga and Diamondhead, this community is clearly on record as opposing it from the outset. So this should not put us in an antagonizing position, but a reinforcement of our original position.

**B ANY PRIEM**

Mr. Priem spoke for the Charter Review Committee. Their final meeting will be on April 29, and copies of the proposed revised charter are in the possession of the Council.

Regarding Virginia Beach, he hoped there would be a possibility of retiring some development rights.

**C BOB KEENE**

Mr. Keene thanked the council and staff.

**XVI ADJOURNMENT**

**Motion:** Mr. Murphy moved that the meeting be adjourned. The meeting was adjourned at 8:30 P.M.

Respectfully submitted,

Peggy Salfen  
Recording Secretary