

**FORT MYERS BEACH
TOWN COUNCIL MEETING
MAY 5, 1997**
Nations Bank, Council Chambers
2523 Estero Boulevard
FORT MYERS BEACH, FLORIDA

I CALL TO ORDER

Mayor Anita T. Cereceda opened the meeting on Monday, May 5, 1997 at 6:33 P.M.
Present at the meeting were: Mayor Cereceda; Council Members Rusty Isler, Ray Murphy, and Garr Reynolds; Town Manager Marsha Segal-George; Deputy Town Manager John Gucciardo; and Attorney Richard Roosa.
Absent from the meeting: Vice-Mayor Ted FitzSimons.

II PLEDGE OF ALLEGIANCE

III INVOCATION

The Council was led in prayer by The Reverend Jeanne Davis, pastor of Beach United Methodist.

IV PUBLIC COMMENTS

There was no public input.

V APPROVAL OF MINUTES OF APRIL 17 AND APRIL 21, 1997

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

VI UPDATE ON THE LPA BY BILL VAN DUZER

The LPA held two meetings in April. The transportation element was discussed and they decided to proceed with Mr. Kulash to conclude this element, since the cost was prohibitive to hire a traffic consultant. They will also use input from the public and from the Chamber traffic committee. They also discussed accessory apartments and decided on a definition of non-conforming units, based on dates of zoning and FEMA regulations. They are planning a joint workshop with the Council on June 17 at which time the first two completed elements (stormwater and utilities) will be presented.

VII PROCLAMATION ON SAFE BOATING WEEK (MAY 17-23, 1997)

Mayor Cereceda read a proclamation recognizing National Safe Boating Week and encouraging all boaters to wear their life jackets. Commander Laura Hosfield accepted the proclamation and thanked the Council for their support.

VIII COUNCIL MEMBERS' ITEMS AND REPORTS

A RAY MURPHY

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

B GARR REYNOLDS

Mr. Reynolds spoke regarding the Council's action at the meeting of April 21 concerning the budget increase. He said that the bonuses alone would increase the staff budget by 8%. If you add on the position upgrades it would be about 16%, and inflation was less than 4% this year. Next year, with the two staff increases and upgrades and a bonus, the staff budget will increase about 47%. He said that was not bad if we need the staff, but he stated that if he had been at the meeting, he probably would have only been in favor of one extra staff member and would perhaps have considered another one later.

He mentioned parking at Bowditch Point. There is some opposition now to adding parking there. If the land swap had gone through, it would have meant 270-300 parking spaces, but now they are just talking about 70. The council has already expressed its opinion that there should be parking there and he hopes they do not change their stance because it is a public park and should have some parking. He hopes

the people who live in that area appreciate the problems that the people who live south of Fifth Avenue have and realize that they are getting 70 spaces which is a drop in the bucket compared to what they could have gotten.

C RUSTY ISLER

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

D ANITA CERECEDA

Mayor Cereceda said that she was opposed to putting parking at Bowditch, and she thinks the Council needs to look seriously at the issue. When the park was acquired, the residents of the north end were told there would never be parking there. The county promised they would acquire 150 spaces off-site so that the park could be accessed by tram or trolley, but they have never followed through with that promise. In addition, the parking problem has gotten worse because there were 50 parking spaces under the bridge that have been lost due to improvements on Crescent Street. Putting 70 or 100 spaces at Bowditch is going to create a problem that is not currently there, at a dead end street, without solving the real problem of parking in the whole area.

She said she left the joint meeting with the fire commission very confused about the direction they wanted to go. She would like to see the Council direct staff to continue fact-finding, including the legal ramifications on revenue sharing, if the county takes over the fire department. She feels that the district should remain independent, or the Town should take it over, but she does not feel that the Town should take over the equipment only. We need to know how the community feels about losing the fire district.

She stated that about one million dollars were spent to put sand at Lynn Hall Park, and now 2/3 of it is gone. The AVP tournament graded the sand, made two pits, and a berm, but did not put the beach back like it was when the tournament was over. Since then we have had a couple of bad stormy days and high tides. Now there is a pool there, it looks like a cesspool, and sand is washing away every day. Miller Lite and the County need to rectify the problem. We need to send a clear message to parks and recreation that if anything is going to happen in our town, we should be consulted because we are left with the results. Mr. Gucciardo said he has talked to parks and recreation. They are unhappy also and are still working out the liability with the AVP people. Hopefully it will be rectified soon. He also mentioned the whole problem of the special event process. We have been trying to have the county continue to do special event permitting but it hasn't worked. So now we are trying to work out our own format. We can't tell the county what to do on their land, but hopefully the lines of communication will be better. Mayor Cereceda said we can say "it's not ours," but if a complaint comes in, it comes to us and people expect us to do something about it.

IX FIRST READING OF AN ORDINANCE CONSENTING TO ESTABLISHMENT BY LEE COUNTY OF AN MSTU FOR LAND PRESERVATION

Marsha Segal-George explained that the county has decided that they want 2020 to be funded as a separate line item and that all the cities must agree. It was discussed at the joint meeting with Sanibel that the Town must go along with it or the commissioners may take this as an excuse to not implement the program. At this point, it looks like Cape Coral may not go along. The Town has already talked with the other cities to try to encourage them. Mayor Cereceda read the titles and the ordinance was set for public hearing on May 19.

X RESOLUTION REGARDING TDC MEMBERSHIP

Marsha Segal-George stated that this was a result of the joint meeting with Sanibel. It would have to be placed on the TDC agenda in June and we will ask their support, and then it would go to the county commissioners. It is also on Sanibel's agenda for tomorrow.

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

XI NEW BUSINESS

A FUTURE WORKSHOP AGENDAS

Mr. Gucciardo reported that the Charter Review Committee has finished their work and has given the Council their suggestions for changes. Before the Council moves to the next step of public hearing, they might want to have a workshop with the committee to have an exchange of ideas and see where they were coming from when they made the changes. Since May 15 is the boat parade and the road and bridge will be closed, it was decided to move the workshop to May 29. Mr. Roosa encouraged them to

have the workshop, but he was not sure it was understood that whatever the committee recommended should go to the voters. The public hearing is for public information only. He passed out a copy of the revisions in a form that includes strikethroughs and underlining. The vote will only be on the changes, not the entire charter. Mr. Gucciardo reported that he will be putting out a memo on the election question including voting and charter amendments. We will need two public hearings on the charter.

The Council discussed the need for a fireworks ordinance. It was decided that the real problem was how to enforce it. Mr. Gucciardo suggested that he talk with the fire marshal and the sheriff's department and bring it back to the Council if needed.

The Council also discussed whether they need a workshop on towing. Mayor Cereceda reported that a letter is going out to the merchants in Helmerich Plaza and the towing companies this week asking for a meeting. The Council will schedule a workshop later if needed.

It was decided to keep the two regular meetings in June, July and August, but not to schedule any workshops unless needed.

Marsha Segal-George reminded the Council that they will have a joint meeting with the LPA on June 17 at 7PM.

XII TOWN MANAGER'S ITEMS

Marsha Segal-George noted that the Town has a copy of the traffic study ordered by the County regarding parking at Bowditch. She said it is interesting how many trips are generated per parking spot. The parking issue will be before the Commissioners this Wednesday. The county staff is recommending 70 spaces at a cost of \$148,000, and they are estimating they will generate \$80-90,000 per year.

Mr. Gucciardo reminded the Council that the turnover of Times Square to the Town will be this Friday at 4:00 PM, followed by a block party organized by the Times Square merchants association. There will be a 12-piece band, and they are hoping for a financial donation to help with the cost of \$900.

Final permits for Times Square restaurants' use of the square have been worked out. It has been recommended that there be a charge of \$7 per square foot for use of the land. The merchants association is asking that it be deferred, and that the Town give them one year of free use. It is up to the Council, but he will not be recommending that because they've had their first season and seen the benefits. Also the Town is paying maintenance costs on the Square already.

He reminded them that the off-shore powerboat races will be May 15-19. The parade of boats will be May 15 and Estero will be closed. The parade will end at the pedestrian mall and the organizers would like permission to put three boats in the mall to draw people. They will assume all liability for cleaning and security.

XIII TOWN ATTORNEY'S ITEMS

Mr. Roosa reported that he has spoken with Jack Peterson about the CRA, and it looks encouraging that it can be modified to be a downtown CRA, and revenues will belong to the town, not the county.

XIV PUBLIC COMMENTS

A LARRY RAIMONDI

Mr. Raimondi is opposed to parking at Bowditch Point. He has not heard a single person on the north end say they want parking there. He is concerned that Don Stilwell feels that the county can do this without coming to the town, and he thinks he is wrong. He would like a town meeting to see how people really feel about it. He thought that incorporation was to control our destiny. He said that the decision to ask the county for parking was not an agenda item, so there was no opportunity for the public to say anything, and now the county thinks the town is in favor of it. When the park was approved, it received support from the community because they said all parking would be off-site.

B CARLETON RYFFEL

Mr. Ryffel asked the Council to rescind the letter asking for parking at Bowditch because the impacts were not considered and there was no public input. It would totally disrupt the traffic circulation in Times Square and Crescent Street. It doesn't matter whether they put in one spot or 100, because traffic is caused by people who can't find parking, not by those who find a spot and stay all day. The problem can be solved with off-site parking, perhaps at the old fried chicken place, the donated Pink Porpoise site, or elsewhere. The Commissioners promised there would be no parking, and the hearing

examiner (when the property was zoned) based his opinion on the premise that there would be no parking there. He thinks it is our island and it should be our decision.

C DAN PARKER

Mr. Parker is not for or against parking, but would like to see the Australian pines remain at Bowditch even though they are not native. He went on a cruise to Jamaica, Mexico, and Cayman and they all had Australian pines. Sanibel kept their pines near the lighthouse. They are worth the shade.

D BOB GAYDOS

Mr. Gaydos spoke at a previous meeting about garbage, and is pleased to report that the problems have been resolved, but you shouldn't have to spend this much energy to be good neighbors. He also had asked for a resolution declaring a water emergency, and aquifers have dropped 5 feet since April 30. Good neighbors should not wash their sidewalks or their cars. He also mentioned the litter in Times Square and the sand in the gutters. He hopes they will be fixed before the dignitaries arrive for the ribbon cutting.

E PETER LISICH

Mr. Lisich is opposed to parking at Bowditch. He wants the decision brought back to the island, because the best interests of the town and the county are not necessarily the same. He doesn't want Bowditch to become a parking lot. Lynn Hall is a parking lot, and we don't need another. The traffic study says that Lynn Hall Park generates 26 trips per day per spot, and if Bowditch is the same, you would get 218 trips during peak time, or 368 trips per day compared to the 150 that currently go there. That is a 145% increase during the peak morning period and 140% during the afternoon peak. He does not feel that that is acceptable. The north end is predominately residential (RM2). There would also be a 14% increase to the bridge traffic, which is unbearable. The hearing examiner's report said you can't afford to take an acre of land to be used for parking because it is worth in excess of \$1 million and if you capitalize the cost, it comes to \$100,000. Light and security is really bad at night even with no parking lot. He urged them to look at the whole picture, and bring the decision home for the people who have to live with it.

Marsha Segal-George said that she has seen comments in the newspaper that Mr. Stilwell will talk with the Town and have a hearing, but she hasn't heard that from him. If it passes on Wednesday, there still should be time to address lighting and security. She has heard that the county is not against looking at the larger problem. However the Council did send the letter requesting parking, and the staff must stay on the course the Council has set unless directed otherwise. Mr. Roosa said if the county is consistent with the zoning plan, they could get a building permit for the parking lot without consulting the Town. Otherwise it would have to go before the LPA and the Council, the same as with any other development. Mr. Reynolds said that the Council was not following its own rules not to get into a discussion after public input. They should consider what comes in public input, and maybe put it on a future agenda.

IV ADJOURNMENT

Mr. Murphy moved that the meeting be adjourned. The meeting adjourned at 8:00 P.M.

Respectfully submitted,

Peggy Salfen
Recording Secretary