

**FORT MYERS BEACH  
TOWN COUNCIL MEETING  
JULY 18, 1996**  
Nations Bank, Council Chambers  
2523 Estero Boulevard  
FORT MYERS BEACH, FLORIDA

**I CALL TO ORDER**

The meeting was opened on Thursday, July 18, 1996, 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; and Marsha Segal-George, Town Manager.

**II PLEDGE OF ALLEGIANCE**

All assembled recited the Pledge of Allegiance to the flag.

**III DISCUSSION ON ROAD WORK AND DRAINAGE PROBLEMS**

The question for the Council on all of these issues is whether the town should do the work because of immediate health and safety problems, or if they should try to get some reimbursement from the parties who caused the problem. The Council expressed a fear that if the town fixed the problem first, it would be too hard to seek recovery from the person after the fact.

**A GULFVIEW, STRANDVIEW AND OCEAN HARBOR AREA**

Before Ocean Harbor was built, the street flow of water used to flow into the drainage ditches and then to the bay. When Ocean Harbor was built, the plan was for the water from the two streets to flow into the Ocean Harbor area and then become part of their drainage system. Nine months ago a notice of deficiency from the Southwest Florida Management District was filed against Ocean Harbor because the berms and swales were not built according to plan. Since this involves private parties, it will probably go into litigation. At this point the Council is not involved and there is no quick action that the town can take to solve the problem. Rusty Isler suggested that we write a letter to the Southwest Florida Management District and tell them that we are getting complaints and ask them what the status of the notice of deficiency is and encourage them to pursue the problem. The Council agreed.

**B PALMETTO, DAKOTA AND EASY STREET AREA**

To some extent, the problem was caused because of the action of an owner on Palmetto, Greg Miller, who filled in a drainage ditch causing water to back up on all three streets. Susan Heider, who bought her house on Palmetto in 1991 said she did not have a drainage problem until Mr. Miller filled in the ditch. Mr. Reynolds said that he had just heard that Mr. Miller has agreed to put down some pipe and connect it to another existing pipe to relieve the problem. The plan has been approved by DOT and he will do the work next Wednesday. Mr. Eugene Fichter, who lives at 5556 Palmetto, said that Mr. Miller promised to fix the problem two years ago and then later denied that he caused the problem, so he doubts that a verbal agreement from Mr. Miller is enough. Ted FitzSimons suggested that perhaps the town should write a letter confirming the understanding and suggesting that the work will be done in a timely fashion, and that a copy be sent to DOT. Dorothy Norris-Shugart, who bought the house at 210 Dakota twenty years ago, said that a long time ago the Mosquito District dug a ditch to relieve the water problem. But county has only come out twice in twenty years to clean out the ditch, and they need cleaning out again. DOT has suggested installing 64' of pipe on Palmetto and connecting it into an existing inlet on Dakota for \$1989. In addition, they can fix the collapsed pipe on Lazy Way for \$5458.

**Motion:** Garr Reynolds moved and Ted FitzSimons seconded that the town authorize DOT to replace the pipe on Lazy Way and the install the new pipe along Dakota from Palmetto to Oak Ridge for \$7447. The motion passed unanimously.

**Discussion:** This money would come out of the \$247,000 that is being held by the DOT for road work on the beach. emergency. John Gucciardo summed up the needed action: The County is to connect the Dakota to Oak Ridge existing piping into Palmetto Street so that the Palmetto water has another way to go, they

need to clear the mosquito ditch on the bay side of Palmetto so that the water can flow better, and then repair and clear out the existing pipe on the gulf side of Palmetto through Lazy Way under the street and out to the canal. Greg Miller's responsibility would be to put underground piping between the mosquito ditch on one side of Palmetto and the piping on the other side of Palmetto. The part about the county cleaning out the ditch is not part of the motion, but will be priced out and addressed as soon as there is an estimate.

#### **C INDIAN BAYOU/LANARK /LAUDER**

This area also involves a standing water problem that was exacerbated by work on a private residence. The lots on Indian Bayou have a 10' drainage easement to the back bay. There are 12 to 15 homes on that rear drainage, and three or four homeowners have put landscaping, fences, trees, fill, etc. that have impacted flow. DOT has estimated it will cost between \$3240 and \$6259 to excavate the area and remove the material, depending on how much grade elevation they want to achieve. DOT also offered the solution of bypassing the drainage entirely. Dundee Road has good drainage, and the water could be drained out that way at a cost of \$4681 to replace two pipes and dig a small ditch. The negative side is that we would be adding more water to what already must be drained on Dundee. The positive side is that you would then have control over drainage and wouldn't have to rely on the easement being maintained periodically by residents. John Gucciardo suggested that the town shouldn't drag this out because the people are severely affected, but he thinks the town should write the private property owners on Indian Bayou and tell them what we think the problem is and what we think they need to do to fix it. Otherwise we will fix it and bill them. Rusty Isler thinks the letter should also go to Dundee Road so they will be informed. The Council agreed.

#### **D WASHINGTON STREET**

Mr. Reynolds mentioned there have been complaints about trees hanging over the street on Washington, making it hard for the trucks to get by, especially the trash trucks. Although the trees are on private property, the county engineer said that anything that sticks over the road is the responsibility of the owner of the right of way, which is the town. He gave an estimate of \$350 to cut the trees. Mr. Reynolds thought he should be able to do it for less than that, and that it should be able to come out of the DOT money. He will check further to see if he can get a better price.

### **IV CONTINUING DISCUSSION ON THE BUDGET**

Joe Workman asked about the item in the budget allocated for local charities. Marsha Segal-George explained that the sum was put in so the town could look at some of the human services needs and see if there are some gaps that aren't being addressed. Currently it looks like the churches are taking care of some of this, and she thought that perhaps the interfaith council could administer the money. Mr. Workman said that once something like that is in the budget, it will never get out and there will be a clamor for the money. It seems to him that the Council should put that money in the contingency fund and if there came a real emergency, people could come to the council and ask for funds. Mr. Workman did not think this is something the council should do, nor should it should be turned over to the ministerial association. Mr. FitzSimons and Mayor Cereceda expressed an opinion that the item should stay in the budget, and Mr. Murphy, Mr. Isler and Mr. Reynolds thought it should be left out and the money put into the contingency fund instead.

The only items that any council members have been called about are human services, the utility tax and training.

John Pine asked about the contingency fund and the reserve. Marsha Segal-George said the plan is to build up to a 15% reserve over three years at 5% per year. Part of the reason the contingency is so high this year is because the county has not completed their budget and we don't know what they are going to do with things such as Bay Oaks. The reserve is different. We are really trying to build that to 15% over three years at 5% a year. She defines contingency as planning for the possibly unexpected. Reserve is for the totally unexpected. We already need to take about \$15,000 out of contingency to cover our obligation to fund the Mainstreet program. (It was clarified that the salary for the administrator of the program will not be on the town's payroll. It will be on the chamber's foundation until a Downtown Redevelopment Authority is formed.)

The Council agreed that \$70,000 is not enough for legal services. The Council discussed whether Mr. Roosa should stay as the interim and if he would consider going on retainer if he was given a year's commitment. They thought perhaps the workload might get smaller after all the interlocals and ordinances are passed but there will also be unforeseen legal fees. The Council agreed that they are generally satisfied

with Mr. Roosa's work. They thought the line item should be bumped to \$90,000 or \$100,000. Mr. Isler said that if the staff will give him copies of the bills, he will make an analysis of where Mr. Roosa's time has been spent. Mr. FitzSimons wondered if perhaps the town could use a legal advisory committee of people in the town who are willing to consult on issues. Marsha Segal-George thought that most of the retired attorneys are not licensed in Florida, and Florida laws are quite different.

Regarding the travel and training budget, it was pointed out that this figure is for the whole staff and Council. For instance, the Florida League of Cities meeting in Boca Raton in August would probably cost about \$800 to attend and someone from the town should be represented because they are going to announce Fort Myers Beach as a town and there are a lot of good seminars.

Marsha Segal-George brought up the topic of the minutes. She feels that too much of the Administrative Assistant's time is spent doing minutes, and she would like to have Lorraine do them, but not come out to the meetings. Mr. FitzSimons thought that perhaps the minutes are too detailed and should be condensed. Mr. Isler suggested the town should look into a better recording system where the tapes are continuous and don't have to be changed, and then just do very brief minutes. It was discussed that perhaps the town should keep dual tapes anyway in case someone accidentally erases one. It was decided to look into a new tape machine and that the Administrative Assistant should try the new abbreviated minutes to see how long they would take.

Mr. Isler asked about the progress on the bookkeeping system. John Gucciardo said we cannot choose our software package until we hire an auditor so we know it is compatible with what they need. In the meantime, if anyone needs data on what has already been spent, it can be generated manually.

The public hearings on the budget are tentatively scheduled for September 2 and 16, but since September 2 falls near the Labor Day weekend, it may have to be moved to August. The Council decided that the budget should be put on the agenda for every meeting from now on so the public can have more input.

The meeting was adjourned at 9:25 P.M.

Respectfully submitted,

Peggy Salfen  
Administrative Assistant