

**FORT MYERS BEACH  
TOWN COUNCIL  
Town Hall – Council Chambers  
2523 Estero Boulevard  
Ft. Myers Beach, FL 33931  
September 12, 2005**

**I. CALL TO ORDER**

Mayor Bill Van Duzer called a regular meeting of the Town Council to order on Monday, September 12, 2005 at 6:30 PM.

**Council Members Present:** Mayor Bill Van Duzer, Vice Mayor Howard Rynearson, Councilman Don Massucco, Councilman Garr Reynolds, Councilman Ken Katcko.

**Town Staff Present:** Town Manager Marsha Segal-George, Deputy Town Manager John Gucciardo, and Town Attorney Ann Dalton

**II. PLEDGE OF ALLEGIANCE**

All present stood and recited the Pledge of Allegiance.

**III. INVOCATION – Pastor Bob Brumley, First Baptist Church of FMB**

**A. PRESENTATION OF PLACQUES**

Before the presentation, Mayor Van Duzer spoke about Hurricane Katrina victims that had come to the Lee County area for refuge, of which he said there were over 100. He spoke of the Lee County Long-Term Recovery Committee, which had as one of its objectives to find housing for the hurricane victims. He encouraged concerned Island citizens to call the local Red Cross, and gave the number to call. Additionally, he mentioned a memo sent to him from the Town Attorney, in which she mentioned Director of Human Services of Lee County, and that the county was a designated site for displaced Hurricane Katrina victims. Ms. Dalton then told Mayor Van Duzer that the number of Katrina victims in Lee County had risen to 238. He asked all present to open their hearts to the victims.

Additionally, Mayor Van Duzer recounted his recent trip to Collier County, where the FMB Town Finance Director, Janine Palauskas, was recognized by Gulf Shore Business as one of the 40 stars of our community. She was given a round of applause.

At this point, the Mayor began the presentations to various citizens of the Island who were being recognized for their many years of service to the community. The plaques were presented to Harold Huber, Nancy Mulholland, Roxie Smith, Hank Zuba, Terry Cain, and Dan Hughes for their years of dedication and valuable contributions to the Town of Ft. Myers Beach.

#### IV. PUBLIC COMMENT

Charles Meador, of 112 Mango Street, came forward to comment on the Town budget. He talked specifically about the \$11,061,728 in both revenues and expenditures that are shown in the 2005-06 budget, and expressed his doubts as to whether it was really a balanced budget. He said that, of the revenues, roughly \$2,430,000 would be produced by the Town's property taxes, which he said was a \$290,000 increase in property taxes from last year. He said the expenditures rose from \$10,800,000 last year to \$11,061,728 this year. He said the cost of running Town Hall would increase to \$670,000 this year, which he said was a 36% increase; the service cost/center's cost budget item would increase to \$558,000 this year, which he said was a 42% increase; the Parks and Recreation maintenance costs would increase to \$250,000 which he said was a 29% increase; contractual services would increase to \$244,000 which he said was a 68%; the LPA would go up \$108,000 which he said was a 288% increase – which he called “the whopper”. He was curious as to how a \$290,000 tax increase would offset a \$1,820,000 increase in costs. He characterized it as being either “new math” or “smoke and mirrors”. He told the Council that their proposed budget would create an \$800,000 deficit at the end of 2006, whereas they were starting off with a \$3,000,000 surplus in 2005. He then noted that the proposed budget lowered capital improvements expenditures. He characterized the proposed budget as being like “deficit spending” and not like a balanced budget. He challenged his opponents in the upcoming Council elections, whose platforms included a balanced budget and no tax increases, to “either walk the walk or don't talk the talk”.

Kim Bridge, owner of the Silver Witch – business at 116 Crescent Street, came forward to speak about the sandwich sign issue. She said the removal of the sandwich signs had hurt the small business owners on the Island. She said they had felt a “serious crunch” in their business to do the signs' removal, and that she had had several people remark to her that they had thought her business was closed because they had not seen her signage out front. She felt it had been unfair to take the signs away in the wake of a mediocre post-hurricane season. She said many small business owners had already been struggling, and then their most strategic form of advertising had been taken away with the banning of the sandwich signs. She said she was not against regulating size, placement or other uniformity issues, but said the signs really helped bring people in. Additionally, Ms. Bridge expressed her feelings about the outdoor display ordinance, but hoped there could be a pro-rated fee structure for those business owners who might decide to have a display after the expiration date due to extenuating circumstances. She pointed out that she had been out of Town for an extended period of time, and was told she would have to pay the full amount for a shortened period of time. She thanked the Council for their time.

Robin Calabrese, of 2910 SW 29<sup>th</sup> Avenue in Cape Coral, came forward as a representative of the Greater Ft. Myers Beach Chamber of Commerce. She read a

letter that the Chamber had sent to Mayor Van Duzer, which basically requested that the sandwich sign ordinance be put back on the agenda. Further, the letter stated that the Board of Directors of the Chamber unanimously adopted a proactive position regarding the ordinance. She said many Chamber members had told the Board of Directors that the ordinance banning the signs dramatically affected their ability to attract customers, particularly if their storefronts are set back from the road. The letter also stated the Chamber Board's hope that their could be found a compromise between those wanting less visual pollution, and those who feel their livelihoods have been adversely affected by the prohibition. She said the Chamber was ready and willing to help hammer out the guidelines so that any permitted signage met esthetic criteria. Ms. Calabrese, in reading the letter, offered the Chamber's help in resolving what was characterized as a long-standing issue in the community. She said that one of the Chamber's Board would be present at the September 12<sup>th</sup> Council meeting to answer any questions the Council members may have about the Chamber's position with regard to the sandwich sign issue. She thanked the Council for their time and attention.

J.T. Webb, owner of the Print Shop, Inc. at 1661 Estero Boulevard, Suite 3, came forward to speak about the sandwich sign issue. He said he was speaking for himself as well as several other business owners. He said he recognized and thanked the Council, as well as the LPA, for all the work they had done to dress up the Island and for all the future planning that had been done. Regarding the sandwich signs, he acknowledged that there had been a two-year extension from the time the ordinance was adopted until the signs had to be removed, and that the business owners had not done any work to come up with a long-term solution to the problem. He said it was definitely a serious problem not having a sign visible from the road. He said there was a long list of local businesses that had been severely impacted as a result of the sign prohibition. He named Beach Barbecue, Tropikafe, Cuban Café, One-Eyed Dolphin, Just for Fun, St. Louis Pizza, Cordelli's Italian Ice Cream, and Away We Go as a short list of businesses that are closed, and which had been dramatically impacted by not having a sign. He said he recognized that, two years from September 13, that the new sign ordinance would come into effect that would allow only monument signs, but which he said would not solve the problem for many small businesses on the Island. He said the group of businesses owners for whom he was speaking, including himself, wanted an extension on the use of the sandwich signs until another solution could be proposed. He said they had something, although details had to be worked out, which might be a really good thing for the Island. He said they also wanted to be proactive in creating the long-term policy for signage.

Ollie Curran, a 30-year resident of Ft. Myers Beach and owner of Hair Etc. by Ollie in Seagrape Plaza, came forward. She said they had a major problem with the marquee sign at the Plaza, and that several businesses no longer there were still advertised on the marquee, but that no one could see it because the signs on it are 13 feet high. She said the A-frame signs being removed had caused her to lose business. She thanked the Council for putting the issue back on the agenda.

She also asked for an extension for the allowance of sandwich signs. She said she had had an idea she had had about uniformity in the signage while retaining esthetic and Island characteristics. She pointed out that New York had used cows, Chicago used pigs, and Miami used flamingos as symbols of their cities. She felt Ft. Myers Beach could use palm trees. She took her idea to the Flying Fish Company on Estero Boulevard, and they created a palm tree shaped sign that would attach to a post, and she had the sign with her to show the Council. She said the individual signs could be different colors, but they would have uniformity, which seemed to be an issue. She said people passing by on Estero Boulevard would see the signage. She offered the sign she had had made up for the presentation to the Council to look at and consider, along with the dimensions of the structure that could be built to hold the signs. She said she and a group of other business owners all liked the idea, and hoped the Council would consider it.

Bonnie Knisley of 464 Washington Court and owner of the Beach Barber Shop came forward. She thanked the Council for the two-year extension they had been given with regard to the use of the sandwich signs. She asked for another extension, and acknowledged that they would never be legal and something else would have to take their place, but that they needed help right now. She said that in spite of the other advertising she did for her business in newspapers and the phone book, not a day went by when someone would come into her shop and say they had not known of their existence except for having seen the sandwich sign. She said many people thought they had closed after the sandwich sign was taken down.

Don and Roberta Licker, owners of the Monkey Tree at 110 Mango Street, came forward. Ms. Licker thanked the Council for the opportunity to address them about the sandwich sign issue. She said their business was 8 months old, but was having an identity crisis because it was not located in Times Square, Seagrape Plaza, Key Estero Plaza, Santini Plaza, nor in any strip center or directly on Estero Boulevard. She said they had gone to Town Hall when they first opened their business to ensure they would be in compliance with all local ordinances, had had their signs made locally, advertised locally with folks who are members of the Chamber of Commerce, advertised in the phone book, joined the Chamber and had a ribbon cutting ceremony with Mayor Van Duzer present. She said none of the advertising they have done has brought them the day-to-day visual recognition they got with the A-frame sign they had had. She said they had learned about the prohibition, and the end of the two-year extension for use of the sandwich signs, in the local newspapers, and complied on June 1<sup>st</sup> as did all business owners. She said they were now asking the Council to help support and help promote the local businesses, both small and large. She said there was a chance their business might be noticed when one traveled south on Estero, but there was no chance they would be seen by one traveling north on Estero because of its location. She said it was difficult, if anyone called, to give directions to their restaurant. She then demonstrated what giving directions to their restaurant might sound like to someone who didn't know its location. She said if it was

different to give locals directions and landmarks to follow, she could imagine how difficult it would be for someone not familiar with the Beach. She said there was clearly a need to establish the identities and locations of the Beach businesses. She hoped the A-Frame signage would be extended until another solution could be found and agreed upon. In conclusion, Ms. Licker formally asked the Council to restore the beach access signs, as she felt it could be a start to creating a new directional way of identifying restaurants, condos, hotels and any other business on the Island. She said addresses were difficult to read from the road, but with the beach accesses numbered, it could easily be ascertained by someone driving either north or south as to whether the numbers were ascending or descending in number. She said people could be directed to the general beach area by beach access number, and then be given specific directions from that point. She thanked the Council for their time.

Mayor Van Duzer asked if the beach access sign idea could be looked into. Ms. Segal-George said they were on order, as they had all been ruined in Hurricane Charley.

Jay Light, of 151 Chapel Street, came forward. He said he was not a member of the Chamber of Commerce, but was someone who traveled Estero Boulevard almost daily. He said it was very clear that some people in the Town were interested in sanitizing the area, to get rid of what they considered to be blight. He said he was there to remind the Council that the name of the Island was 'Estero Island', not 'a sterile island'. This remark drew applause. He said he understood that part of the Town government's job was to improve the quality of life on the Island, but he couldn't figure out whose quality of life was improved by the ban on the sandwich signs. He said it was clear the merchants, who were at the meeting in force, were being hurt by it. He said from his point of view as a resident, not a business owner, he found the sandwich signs were informative, as they would tell him what the daily specials were or what the entertainment was at various establishments. He cited a recent letter in a local newspaper wherein the writer had said the ban had to be in place because FMB had to compete with Sanibel and Naples and Marco Island. Mr. Light said the reason he bought property on FMB was because it was not those places. He said every time the Town tries to emulate those places, it kills a great deal of the character and charm of the Town. He acknowledged that there were some safety issues with the sandwich signs – they shouldn't block the sidewalks, or block the vision of drivers turning onto the Boulevard from side streets. He said laws with regard to obscenity covered the content and design of the signs, but he didn't like anyone being an arbiter of taste, and felt if someone didn't like the sign or what it said, they shouldn't patronize the business. In conclusion, he said he didn't see what the benefit of the ban was, or what was being gained by it. He said he was in favor of a little bit of "funky" as it distinguished the Town from some of the other places, into which he said he did not want to see the Town turn. He thanked the Council.

Eric O’Gilvie, owner and operator of Island Water Sports at 168 I Street, came forward. He said that when he started his business 8 years ago, he realized that having the means to display a sign on the main street to draw the public to his business. He said the water sport business was unique in that they had never been allowed to have sandwich signs unless the property on which it is operating had frontage on Estero Boulevard. He said he was there to support the businesses that were “feeling his pain” now, because he knew exactly what they were going through. He said he would like the Council to consider the three water sport businesses on the Beach, which do not have Estero Boulevard frontage, and to include them when considering the issue. He said he was for sandwich signs because it helped the public find the businesses. He thanked the Council.

Angelo Oliveira, owner of Subway at 1661 Estero Boulevard in Key Estero Shops, came forward. He introduced his wife Lisa, who came forward with him. He said it had been difficult because of the transient nature of the community, and many people didn’t know they were there. He said there were a lot of people who come to the Island for a weekend or a week, and it was very hit-or-miss with regard to getting their patronage. He said it was affecting his business very negatively. He said he would appreciate anything that could be done with regard to the sandwich signs. Lisa Oliveira said that, being a new business owner on the Island – a little over a year – they had had no idea that the sandwich sign ban existed and was going to go into effect. She said the sandwich sign had brought them a lot of business, as people walking or driving by would look side to side, not up where the big signs are. She said they would appreciate being allowed to use the signs until a better solution had been formulated. She and Mr. Oliveira thanked the Council.

Rita Palumbo, owner of the Barking Bimini Café locate in the Gulf View Shops at 2943 Estero Boulevard, came forward. She said they had been opened since February 2002. Ms. Palumbo said the Island was a tourist destination with many people from all over the world passing through every day, and who didn’t know who or where the businesses were on the Beach. She said the signage played a vital role in the survival of their business. She said A-frame signs provided visibility from the road that advertising, their awning and their window signs did not. She said people weren’t able to notice her business without that sandwich sign by the road. She said not being able to use the sandwich sign had adversely affected her business. She said she had teamed up with the other businesses on the Beach in support of an extension of the use of the A-frame signs until a later date, or until such time as the Island businesses could present a detailed alternative. She said many businesses had already closed their doors because they couldn’t get the message out that they were open to potential customers. Ms. Palumbo said the Beach didn’t need any more vacant storefronts. She said a permanent solution to the crisis was needed that would be fair and equitable for all. She thanked the Council.

Madonna Plivelich, representing the new owners of the Brick House at 1661 Estero Boulevard in the Key Estero shops, came forward. She said the Brick House was directly impacted by the patronage of the other shops in Key Estero. She said she would like to put changes in the menu and daily specials on a sandwich sign outside, but didn't realize it would not be possible until recently when she learned about the ban on those signs. She added that she had just moved to the Island recently, and had met many people at this meeting whom she had not known before, and whose businesses and their locations had been unknown to her. She felt the lack of signage had contributed to that.

Jane Plummer, of 340 Fairweather Lane, came forward. She said she was a 16-year resident of the Beach, and was the owner of a new business called Curves, located at 1661 Estero Boulevard in the Key Estero Shops. She said she tracks where her patrons come from and how they found out about her business, and that since she had opened in November of 2004, 147 people had signed up from the A-frame sign alone. She showed a picture she had taken of the Key Estero Shops, and pointed out that there was no signage for new businesses there. She said she had asked Ms. Plivelich, who had come forward earlier, if she knew where the new tanning salon was on the Beach, to which Ms. Plivelich had replied she didn't. Ms. Plummer had told her then that it was right upstairs from the Brick House, and opined that lack of signage was the reason. Ms. Plummer asked if the Council members could tell where the new wedding chapel was located by looking at the pictures she had taken of Key Estero Shops. They could not. She asked if the Council members knew where several other small businesses were located, and made the point that they were trying to exist with difficulty because no one knew they were there. She told of an instance where she had been in a business located a block away from her Curves business, and someone there had told her they had just joined Curves on MacGregor in Ft. Myers. When Ms. Plummer had asked her why she had not joined the Curves on the Island, the woman had told her that she had not known it existed. Ms. Plummer said she did a lot of advertising in the newspapers and with mailings, and had offered a free summer to new patrons, and said she had gotten very little business because there was not designation as to their location. She said the A-frame signs worked for business owners, and the issue needed to be revisited. She told the Council that if they wanted businesses on the Island, they had to help figure something out to help them. She said if a person didn't already know where the businesses were specifically located, he or she would not be able to find it. She told the Council that the business owners needed their help. She added that signs were very important, and one would go out of business without one. She said there was no place for her to have a sign for her business. She told the Council to think about whether they wanted the businesses on the Island, to think about the business owners' tax dollars and how they vote.

Linda Pribble, owner of Tropical Toys and Treats at 2943 Estero Boulevard in the Gulf View Shops, came forward. She said that, in addition to lifting the ban on sandwich signs, she was also requesting that the Council reconsider the cost of the

outdoor display permits, and hoped the \$200 fee for one display, or \$400 for the two maximum displays allowed, could be lowered, or that the initial \$200 would be a one-time fee with a subsequent yearly renewal fee of \$50 per year. She referred to Mr. Meador's remarks about the budget, and said pointed out that the budget is affected by the businesses represented by the people in attendance at the meeting. She said the businesses paid taxes, and had a direct effect on everyone and the quality of life on the Island through payment of those taxes. She said esthetics seemed to be a big issue, and was the only reason she was given as to why the ordinance against the sandwich signs was enacted. She said something had to be done to help the businesses and the tax base, so as to keep from having empty buildings that attract vagrants. She said she had counted 36 campaign signs on the way to the Council meeting, so she knew the Council was well aware of what it takes to sell something, including oneself. This drew enthusiastic applause. She then showed to the Council the sandwich sign she had with her, which she and some of her neighboring business owners in the Gulf View Shops had paid someone to construct so as to comply with the then-existing regulations regarding sandwich signs. She said it had been an investment, and asked if they could use it until another solution was found. She thanked the Council for their time.

Sandi Suter, of 291 Palermo Circle, and a 28-year resident of the Beach, came forward. She said she had been in business on the Island, Sanibel and Captiva for 26 years selling real estate. She said they had taken their sandwich sign down before the expiration date on the extension, and had not noticed any drop in business as a result. She said she was fortunate in that her business was located on Estero Boulevard. She said the sandwich signs were "visual clutter", but that there had to be something that could be agreed upon. She said there would be a tenant/landlord situation with regard to some of the major signs in front of some of the plazas. She asked that the sandwich signs not be allowed, although she said she didn't know what could be done. She then announced that Jeff Werner was going to be reading a letter from Tom Babcock about the issue, and that she endorsed its contents 100%. She thanked the Council.

Jeff Werner, of 7150 Estero Boulevard, came forward. He referred to a memo from Dave Sharples that was included in the Council members' packets for this meeting, wherein Mr. Sharples described the history of the sandwich sign ordinance. He then read from a letter written by Tom Babcock, which he said clearly stated his feelings. In this letter, Mr. Babcock asked why some business owners continued to complain about the ban on sandwich signs when it had been legislated in a democratic process, and that the current sign ordinance aligned with the Town's Comp Plan, and that it took hours of committee and Council time to develop. Mr. Babcock's letter went on to say that building and maintaining a business was challenging, and how a business plan would recognize the importance of location, and trade-offs often had to be made – the example was given that being located in Times Square or directly on Estero Boulevard would give more visibility, but being located in a plaza would probably provide more

parking. Reading further in Mr. Babcock's letter, Mr. Werner said that business owners should have known that sandwich signs could not be a part of their business plans particularly if they were a member of the Chamber of Commerce. Mr. Babcock, in his letter, further stated that after traffic, the biggest issue facing the Town was improving the functionality and attractiveness of Estero Boulevard, and felt removal of the sandwich signs was a step in that direction, in that it would reduce visual pollution. Mr. Werner read from the letter that in order to compete for tourism, retail business, restaurants, entertainment and residential living, the Town had to follow the vision of the Comp Plan. He also read Mr. Babcock's comment that visitors to other resort areas had no trouble finding businesses there without sandwich signs cluttering their roadways, beaches and sidewalks, and that while it was important for the Town to differentiate itself from other resorts areas, that it should be done without excess signage. Mr. Werner then added that what was good for the Chamber may not be good for the Island.

Herb Acken, owner of Estero Beach Café and Island resident, came forward. He said he had come ready to fight, with pictures of empty businesses up and down Estero Boulevard. He said he was in the service industry on a resort island, and that everyone else there was too. He said his job was to attract and entertain visitors and residents of the Island, with a safe and fun atmosphere for everyone. He felt everyone needed to lighten up and take themselves less seriously, himself included. He said he was tired of negativity, and the stifling of creativity, and was tired to beg for his rights to be given back to him. He said that others justified the ban on sandwich signs as being a cost of doing business on Ft. Myers Beach, which he found unjustifiable. He said he had heard the argument that the business owners knew the ban was coming and should have planned accordingly. He countered by saying that there were numerous things in the code that were not enforced, or were enforced selectively, and gave as an example the fact that all trolley stop bench signs were supposed to be at least 25 feet from the right-of-way, according to the "hallowed, award-winning plan". He said it was unreasonable to expect the business owners on the Island to know what will or will not be enforced at any given time, depending on the prevailing moods. He said the Council members were all grown men and that he respected all of them, and planned to support some of them in the upcoming election. He felt it was safe to say that just about all the business owners on the Beach would be more than happy to stay out of politics if the politicians would stop telling them how to run their businesses, which he said was not capitalism. He asked the Council to do the right thing and lift the ban at this meeting. He thanked the Council, Elvis-style.

Betty Simpson, of 180 Curlew, came forward and greeted the Council. She said the ordinance, which bans the sandwich signs, was aligned with the award-winning Comp Plan. She said there had been a lot of hours of work put into the ordinance, and understood that many business owners could not attend any of the meetings about it, but that there had been many opportunities for public comment during the meetings about it. She said she understood building and maintaining a

business was a challenge, and after listening to the business owners who had spoken at this meeting, she realized they had a lot of concerns. However, she opined that the people who had worked on the ordinance had been asked to think about the attractiveness of the Island, and removing sandwich signs had been one of the things that had been done to reduce visual pollution. She said she wanted to see the Town continue to follow the vision of the Comp Plan, and wondered if there was something else that could be done to help the businesses, as it was very important to have them all. She hoped something could be done, but felt they had to consider the efforts that went into the Comp Plan. She thanked the Council.

## **VI. CONSENT AGENDA**

### **A. Approval of Minutes**

- 1. June 6, 2005**
- 2. June 13, 2005**
- 3. June 27, 2005**
- 4. July 8, 2005**

### **B. Financials:**

- 1. Month of June**
- 2. Month of July**

### **C. Proclamations and Resolutions**

- 1. Proclamation of National Drug/Alcohol Addiction Recovery Month**
- 2. Proclamation of Industry Appreciation Week**
- 3. Resolution 05-21 Recommendations to the South Florida Water Management District**

### **D. Renewal of Pool Contract**

**MOTION:** Vice Mayor Rynearson made a motion to approve the items in the consent agenda. Ken Katcko seconded the motion.

Councilman Reynolds had a question on the June 13 minutes on Page 8, Paragraph 6, 4<sup>th</sup> line, in which he was quoted as saying that he was in agreement with something that he was against. Councilman Reynolds had difficulty finding the exact passage in the minutes, and commented that it must not have been important. He apologized for the time it was taking to find it, and when he did, he said that he was not in favor of paying the directors of the Mound House for extra work that they do on a separate contract.

Vice Mayor Rynearson didn't think they could change verbatim minutes. Town Attorney Dalton believed the proper procedure would be to listen to that portion of the tape. Mayor Van Duzer said that was what he was going to suggest, and then asked if there were any questions on any other part of the consent agenda.

Councilman Reynolds commented on the 205 page verbatim agenda (sic). He didn't know how much it had cost to have it done, but he liked it because it told everything that each one of them had actually said in the meeting. Mayor Van

Duzer pointed out to Councilman Reynolds that he would have an opportunity to talk about how he felt about the verbatim minutes later on in the meeting, but right now he should just address the content. Councilman Reynolds responded that the reason it was so bulky was that the meeting had been five hours long. He said he had found reading the minutes enjoyable and had thought “they” had done a good job.

Councilman Massucco said the thing Councilman Reynolds had been talking about had been 207 pages long, double-sided. He said it was a lot of work to get through it. He said having the minutes done in verbatim transcript style had been an experiment, and hoped that they wouldn’t go through that procedure again. Ms. Segal-George said they would not. Councilman Massucco said he was not against verbatim, but he thought it was excessive. He thought Rachel Lambert had told him that Mrs. List had been retained for her transcription services, whose transcripts he had felt had been excellent.

Mayor Van Duzer asked if there were any other items on the consent agenda that needed to be discussed. Hearing none he called the question, but then remembered that there had been one question on the June 13<sup>th</sup> meeting, and asked that someone look into that and then report the findings to the Council.

Mayor Van Duzer then commented on the 200+ paged verbatim minutes, in which none of the Councilmen were indicated by name, and he felt there had been numerous errors in it. He said he had noted on his copy of those minutes that he did not like the form of it and that he had liked the way the minutes had been transcribed prior to it. He said he had gotten a memo from Rachel Lambert saying that the minutes would not be done by the verbatim transcription service any more.

**VOTE:** The motion was carried unanimously.

**V. ADMINISTRATIVE AGENDA**

**A. Special Events Request for Funding**

**MOTION:** Vice Mayor Rynearson made a motion to approve \$50,000 for the overall amount to be set aside for special event funding, and then decide who would get what amount on an event-by-event basis. Mayor Van Duzer seconded the motion.

No questions or comments from the Council being heard, Mayor Van Duzer called the question.

**VOTE:** The motion carried unanimously.

**B. Final Public Hearing: Ordinance 05-22 LPA Membership**

Mayor Van Duzer asked Attorney Dalton read the ordinance into the record, which she did.

Mayor Van Duzer then opened the public hearing. No one came forward to address the issue. The public hearing was then closed, and the issue was brought back to the Council for a motion and discussion. Hearing no motions, Mayor Van Duzer made a motion.

**MOTION:** Mayor Van Duzer made a motion to adopt the ordinance. Ken Katcko seconded the motion.

Vice Mayor Rynearson said the only reason he had contested the ordinance was out of fairness to the rest of the committees, as he felt the LPA should have 7 members like the other committees, but that he was not going to fight it.

Councilman Massucco said “this” had been going on since April, when he had first proposed the change in membership size for all the committees. He said it had been a simple request that had turned into a personality contest. He said he still believed that seven people could run the LPA just as efficiently and effectively as nine or more people. He said he could not support the ordinance.

Councilman Reynolds recapped the situation for those present who perhaps didn't know what the ordinance was about, explaining that it had been decided to make the memberships of all the Town committees the same number, that being seven. He said the LPA members had not had an opportunity to talk about it, and had gone to the Council asking to be able to retain their nine members. He said he didn't see any reason not to restore the LPA membership to nine members. He believed there should be no less than seven, and no more than nine, LPA members.

Mayor Van Duzer said he had an opinion but was not going to offer again. He called the question.

**VOTE:** A roll call vote was called.

Mayor Van Duzer – aye  
Councilman Katcko – aye  
Councilman Reynolds – aye  
Vice Mayor Rynearson – no  
Councilman Massucco – no

The motion carried 3 – 2.

**C. Resolution 05-25: Referendum for November 8, 2005 Election**

Mayor Van Duzer began to open the floor for a public hearing on this, but Town Attorney Dalton told him it was not required for a resolution.

**MOTION:** Vice Mayor Rynearson made a motion to pass the resolution.

Mayor Van Duzer said they still needed to read the resolution into the record before voting on it, and asked the Town Attorney to do so, which she did. When she was done reading it, Mayor Van Duzer explained the resolution to the public in attendance. He said it would place to referendum questions on the ballot – one having to do with the Town Charter relating to the Council elections being amended to eliminate the primary election prior to the general election and adding a provision for a run-off election after the general election; the other referendum question had to do with the idea that the Council could not impose tolls on the bridge without approval from the electorate. He said both of the questions would be on the ballot.

Mayor Van Duzer pointed out that a motion had already been made, and then Councilman Massucco seconded the motion. Mayor Van Duzer asked for discussion from the Councilmen, and hearing none, called the question.

**VOTE:** The motion carried unanimously.

**D. Qualifying Candidates for Seats 4 & 5 Elections 2005: Resolution 05-26**

Mayor Van Duzer asked if this did not require a public hearing either, and Ms. Dalton said it did not, and then asked if he wanted her to read the resolution into the record. When he said he did, she read the resolution.

**MOTION:** Vice Mayor Rynearson made a motion to approve the resolution. Councilman Katcko seconded the motion.

Attorney Dalton said she had written a memo explaining why Council Seat #3 was not included in this resolution, and wanted to be sure that all the Council members had gotten a copy of the memo. She briefly explained that the resolution for Council Seat #3 was addressed in the special Town Council meeting, and which had addressed the primary and general election procedure for the Seat #3. Mayor Van Duzer asked if another meeting had to be held if there ended being a run-off. Attorney Dalton said the resolution that was passed provided that if one person got a majority of the votes, then the election would be declared over at that time. But, if no one person got the majority of the votes, then the top two vote-getters would proceed to the general election. She said because of technical requirements regarding giving notice, there would need to be a special meeting the day after the primary, in order to comply with the statutory requirements regarding the notice.

**VOTE:** The motion carried unanimously.

Councilman Massucco asked if he could make a statement. He said that the question that was going to be on the referendum was something that he had

worked on for three years. He said he was neither for nor against tolls, but he simply wanted the question to go to referendum to allow the Townspeople to decide about the toll issue, and it was finally going to be on the ballot in the upcoming election.

**E. Revisit “Sandwich Signs” – Requested by Mayor Bill Van Duzer**

Councilman Katcko asked if he could make a statement before discussion began, to which Mayor Van Duzer replied in the affirmative. Councilman Katcko said he would first like to “pull what was usually pulled” on him by handing out something to his fellow Council members at the last minute. This drew lots of laughs from the dais and the audience. Councilman Katcko jokingly remarked that he hoped they all enjoyed reading it in the next three seconds while he explained what it was about. This caused another ripple of chuckles. Councilman Katcko thought most everyone knew that he was in favor of revisiting the sandwich sign issue. He said he had discussed the matter with the Town Attorney, and pointed out that he had had a sandwich sign at his place of business, the Hammerhead Beach Gym. He said it had helped visitors locate his business, and because of that, it had created financial gain for him. For that reason, he said he would be abstaining from voting to revisit the sign ordinance dealing with sandwich signs. He said the Town Attorney had advised him that he could participate in the discussion if he wanted to do so. But, Councilman Katcko thought the people who had come to speak during the public comment segment had spoken well, and he thanked everyone who had done so, both those for and those against the use of sandwich signs. He said he felt it would be a conflict of interest for him to participate in the discussion or the vote, but felt that the Council had gotten all the information they would need to make a decision. He said he had also filled out a form stating that he would not vote on the issue in the future should it come before Council again.

When Mayor Van Duzer asked who wanted to lead off the discussion, Vice Mayor Rynearson pointed out that the Mayor had been the one to bring it back to Council as a way of implying that Mayor Van Duzer ought to lead off the discussion.

Mayor Van Duzer then explained that he had been on the LPA when the issue had come up, and had been on Town Council in 2003 when the start of the ban on sandwich signs had been postponed for two years when the Council voted for that extension. He thought it had been over with then, but had since gone back and read all the minutes relevant to it, to be sure he had understood correctly what had taken place. He said it came down to a final issue with him, and a difficult one, as it split him. He said he believed time and effort had been put forth by the LPA and the Town Council, so as to try to come up with an appropriate answer to the problem. He felt that everyone had acted justly and honorably, and that it was difficult to back up on those decisions that had been made. However, he said the bottom line was that he didn’t want to do anything to hurt businesses on the Island, just as he didn’t want to do anything to hurt the residents. He said that for

all the years he had been involved in the Town, he had always had the feeling that if people worked together as a team, that the business and residential portions of the community could come together. He went on to say that, with the information that he had heard at this meeting with the statements made on both sides of the issue at the presentations during public comment, he found that it was a battle that he would probably never win. He thought it was a shame, because he felt so much more could be done if everyone worked together. He said the Town had told the business community two years ago that the sandwich signs were going to be prohibited, and had given a sunset date. He said people had been encouraged to take a look at the ordinance at that time, and to use the intervening two years to come back to the Council with how solutions as to how it could be handled. He said there had been meetings and discussions advertised, but no one had come forward or said anything about it. He said it was very difficult, but he didn't want to see people go out of business because they couldn't have proper signage. Mayor Van Duzer said he felt that it had all been done properly, as Dan Hughes had said to him earlier. But Mayor Van Duzer said he did not have a problem with going back to any issue to take another look at it if the Council could get cooperation of the parties involved. He said he felt as if some people had been threatening toward the Council during their remarks at this meeting, and he said those who made threats could "kiss off". But he said there were others who had said they had been remiss for not coming forward before, and who had asked for help, and he said he wanted to help those people. He said he wanted to help them immediately, and wished to take some sort of emergency action that would allow people to use their sandwich signs for another three to six months with the understanding that if it doesn't come to a conclusion, it would go back to the original plan that eliminated sandwich signs, although he was sure he would be told it couldn't be done. He said the discussion about it had started nearly seven years ago, and that two years ago it was concluded by the passing of the prohibition of sandwich signs with the two-year extension before it went into effect.

Mayor Van Duzer said it was a very difficult situation for him to be in, and that he was not trying to be in the middle of the road about it, but just didn't want to injure anybody, neither business owners or residents.

**MOTION:** Mayor Van Duzer made a motion to find a legal way within the Town's system to allow people to use their sandwich signs for a six-month period, and to use that time to work out signage problem. He expressed his belief that there were ways to do it.

The motion failed for lack of a seconder.

Vice Mayor Rynearson said he was not against the businesses making money and having advertising, and that he had said that all along. He believed there were other ways to get the businesses seen, other than sandwich signs. He told Mayor Van Duzer that he had not supported his motion because he felt six months was

too long. Mayor Van Duzer interjected with “three months”. Vice Mayor Rynearson also felt they needed a legal opinion on whether the Council could do it anyway. He said he had taken the stand repeatedly that he was against sandwich signs, but, addressing the business owners in the audience, he said there were ways for “you people” to get some advertising out. He said he was really happy to hear that there were people starting to come up with alternative ideas that he thought would work. He thought the palm tree sign idea was great and needed to be explored. He said the Town Staff had another idea. He thought everyone needed to sit down together over the next three months and discuss ideas and to figure out how it could all work so everyone would be happy, just as they should have done two years ago when the ordinance banning sandwich signs had been passed. He pointed out that there were residents who didn’t want the signs, and business owners who did, and that he understood both points of view. He said that sandwich signs were not the only answer, and that other ways of accomplishing the same thing had not yet been explored. He said the businesses “fell down” because they had been given two years to come up with alternatives, and none of them had come forward during that time.

As a point of order, Councilman Reynolds pointed out that two people had spoken for about fifteen minutes without a motion on the floor. Mayor Van Duzer said he had made a motion but it had failed. Vice Mayor Rynearson said he was making a point and that he would make a motion when he was done. He added that he had not talked for fifteen minutes. Councilman Reynolds said that the Town Attorney had told him a few months ago that a motion should be on the floor before a discussion took place. He asked Ms. Dalton if she had changed her mind about that advice. Ms. Dalton said that she had given him accurate advice at that time. She went on to explain that the Chair has the ability to waive that requirement, and that it was the Chair’s sole prerogative to do so or not, but in general a motion is to be on the floor, according to Roberts Rules of Order. Councilman Massucco asked the Mayor if he had made a motion, and Mayor Van Duzer said that he had but it had failed. Councilman Reynolds asked if they could have another motion. Mayor Van Duzer said he was trying to be kind and generous as he always was to the Council people who wanted to say something. Mayor Van Duzer then asked Vice Mayor Rynearson if he was done speaking, and Vice Mayor Rynearson said he supposed he was. Mayor Van Duzer then revised his motion.

**MOTION:** Mayor Van Duzer made a motion to find a legal way within the Town’s system to allow people to use their sandwich signs for a three-month period, and to use that time to work out the signage problem. Councilman Massucco seconded the motion for discussion.

Councilman Reynolds said he had not seconded the motion, although he had agreed with everything Mayor Van Duzer had said, because he was not agreement with either the three- or six-month extension. Councilman Reynolds said that the business owners on the Island had had the sandwich signs “forever”, and he didn’t

understand why they had been voted out. He said he had always been for the sandwich signs. He opined that the big businesses liked them also, because he thought he had seen one out in front of the Diamondhead all the time. He said the businesses needed those signs, and he didn't know of any other way for them to get their message out, especially the restaurants because their menus change daily. He said the reason the issue probably came up was because the signs had been "violated so much" and gave the example of one sandwich sign having said "YOU MUST STOP HERE", and another example of people putting signs out that were unreadable and sloppy. He thanked the business owners who had come to this meeting, but pointed out that the night the ordinance was passed, not one of them had been at that meeting, and felt that if they had been at that meeting, it would have made a difference. He said that one person, in response to the fact that no one had been there to argue against the ordinance, told him that they shouldn't have to be there. He said while that was true, he felt it might have turned out differently if someone had been there, as he felt the people who had spoken at this meeting had presented some great ideas and reasons, and he knew they wouldn't have come if they didn't feel strongly about having the sandwich signs. He didn't believe anyone should have to pay to put a sign out, and historically the businesses had not been required to pay a fee to do so. He wondered why they would have to pay now, just because the Town was now incorporated. He said they made their own signs, and carried them in and out of their businesses every day, and he did not feel they should have to pay to put them out. He explained they were asked to bring their sandwich signs in at night for safety reasons, and felt that most business owners had been cooperative and some had not. He said that one of the biggest arguments he had heard against the sandwich signs was that they were not wanted on the sidewalk, and thought perhaps kids were pulling them onto the sidewalks, or maybe a business owner or two did it also. He said it was known that it was a violation to put anything on the sidewalk, but it had happened, which was another reason why the issue came to a head. Councilman Reynolds said he had voted against banning the signs every time it had come up in Council. He felt the business owners should have them. He then told Mayor Van Duzer that if his motion had been to return the privilege of using sandwich signs completely to the business owners, he would have seconded it immediately because he believed the business owners needed them. He added that he did not believe they should have to pay for that privilege, and that he didn't see why the Town had to make money off of it. He said if it had to be, he felt the application fee should be \$10 each year, which would help keep it regulated. He said he did not agree that they should have to pay \$200 to put out a display, and it was just a money-making project for the Town to charge that. He commented that if one looked at the Town's budget, they would see it wasn't needed.

Mayor Van Duzer asked Councilman Reynolds not to take exception with his following comment, and then pointed out to him that there was no charge for sandwich signs levied by the Town. Councilman Reynolds responded in the negative, as Mayor Van Duzer explained that the \$200 permit fee was for outdoor

displays, which was not the issue at hand. Councilman Reynolds said it was an issue because they were talking about the sandwich signs, and there had been a \$200 fee mentioned. He said he would like the sandwich signs back without fees, except for a \$10 application fee for regulatory purposes. He asked if he could offer an amendment to Mayor Van Duzer's motion, whereby the legality of sandwich signs would be restored completely, as it had been historically on the Island. Mayor Van Duzer said he would not accept that amendment. He added that he didn't want to get into the legalities of the issue, although they would have to momentarily. He pointed out that when the ordinance had been passed, Councilman Reynolds was not a Councilman at the time. Councilman Reynolds said he hadn't said that, and Mayor Van Duzer countered that he had said it. Councilman Reynolds said he wasn't sure, but he may not have been. Mayor Van Duzer reiterated that he had not been on the Council at that time. Councilman Reynolds said he didn't think he had been two years ago, but last spring for discussion and moving the ban forward, he had been adamantly opposed to it because he had spoken with several small business owners, several who had called him. Mayor Van Duzer said it was true that Councilman Reynolds had voted on it in the spring. Mayor Van Duzer then made it very clear that there had never been a charge for anyone to put out a sandwich sign. Councilman Reynolds asked if there would be one if they were allowed to be used again. Mayor Van Duzer said there had never been a charge. Councilman Reynolds said he knew there hadn't been.

Mayor Van Duzer asked if anyone else had comments. Vice Mayor pointed out that the seconder of the motion wanted to speak. Councilman Massucco said the most important part of Ordinance 03-06 was the sunset clause, which gave the business owners two years before the signs were banned completely. He said that during that two-year period, the Council had heard nothing from any business owners. He acknowledged that he was not on Council when the ordinance had passed, but from the history he was aware of, no one had appeared before Council to speak against it. He said he could not see changing the ordinance now, and felt it should be left in place. But, he didn't want his statement to sound like a death knoll to the business owners in attendance. He asked them to come in to Town Hall, to talk and negotiate about it. He said that while he didn't want to extend the use of sandwich signs, he didn't want this to be the end of the discussion. He cited Vice Mayor Rynearson's comment that a lot of good ideas had been presented at the meeting as alternatives to the sandwich signs. He felt the ordinance that was in place had to be complied with, which he felt was the Council's duty and responsibility. He reiterated that he did not want the discussion to end, and felt it was an important issue and that he was not against the business owners. He said he wanted to see something happen that would help them.

Vice Mayor Rynearson said that he would like to get a legal opinion, and asked if it was legal to extend sandwich sign use for three months. He added that if the extension was granted, it had to be with the understanding that the business

owners had to come back and sit down with the Town Staff and work it out with different ideas. He said it needed to be worked out, but if the extension was illegal, then it couldn't be granted. He suggested that the item be continued until December 1<sup>st</sup> so that all the ideas could be discussed and a workable solution could be found.

Attorney Dalton said that if the Council wanted to move the motion forward, the only way it could be done legally would be to go through the normal process of sending it through the LPA and then back to Council, which she acknowledged was a lengthy process. She said the other alternative would be to declare an emergency on the issue and to bring an emergency ordinance forward. Ms. Dalton said that the issue at hand did not qualify as an emergency under the existing ordinances and the Town Charter, as far as she knew. She said if the Council so willed it, she would be happy to research it to see if an economic issue of this ilk qualified as an emergency to satisfy the requirements of the emergency ordinance.

Mayor Van Duzer, in response to Ms. Dalton's remarks, said he wanted to read a few things to both her and the Council members. He said he had researched the minutes from 2003, and read: "The motion was made by Councilman member Bill Van Duzer, and seconded by Mayor Dan Hughes, to approve sandwich signs in all commercial areas within Ft. Myers Beach with restrictions. The restrictions included the signs must be professionally made, fit in with the size limitations and time limitations. These signs are not to be allowed on the sidewalks to interfere with passage on the sidewalks or in parking spaces. The motion should be reconsidered to include the same dates as the sign ordinance..." and then Mayor Van Duzer said it was amended to include the sunset clause for two years. He said that as part of the conversation, on which he was basing what he was asking for at this meeting, the following notes were made: "The feeling of Council were to allow it for two years to see how it was going and then to extend or modify it." He added that the Chamber of Commerce had been in favor of that recommendation. He felt the Council needed to find a legal way, in fairness to people, to bring the signs back so that the business owners could have sandwich signs for a limited period of time – three months – and then have the issue come back to Town Council to make a final decision on it.

Attorney Dalton reiterated that if it were the will of the Council, she would certainly investigate it and bring back a legal opinion promptly. Mayor Van Duzer asked her to do that, and if necessary, to schedule a special meeting for this item alone. Vice Mayor Rynearson said he would agree to that, but the motion would have to be withdrawn until the legal opinion was given as to whether it could actually be put into effect. He felt it was important enough to have a special meeting if it was needed. Mayor Van Duzer asked if there was a consensus on Council to go forward with this idea. Councilman Massucco asked if that meant they were extending the use of sandwich signs. Mayor Van Duzer said that they couldn't grant the extension without knowing if was legal or not. In

response to that, Councilman Massucco said he would try any door they could to help the people. Mayor Van Duzer thought no one wanted to hurt anybody, and proposed that they find a way to do it. He said they would be told if it was improper.

Councilman Reynolds remarked that two Councilmen already expressed concern that extending the use of the signs would be illegal. He asked the Town Attorney if they could vote to extend the use of the signs while the legality of it was being investigated and until the LPA came back with a recommendation. Attorney Dalton thought the Council was talking about an emergency ordinance, and very specific grounds would have to be found per the emergency ordinance and the Town Charter. She said that to her knowledge an economic issue of this type did not qualify as an emergency, but suggested the Council give her an opportunity to further investigate the question: Does economic harm of this type qualify to constitute an emergency? She did not think it was the direction of the Council to go forward through the LPA process.

Councilman Reynolds said he was still not getting a clear answer from the Town Attorney to his question as to how the Council could move the extension of the use of the signs forward. Ms. Dalton said the methodology that the Council would use would be an emergency ordinance, and it was not clear to her that the situation qualified as an emergency, and in legal prudence she wanted an opportunity to investigate it further to determine if economic harm qualified under the Town's ordinance and Charter sufficiently to move forward with an emergency ordinance. Councilman Reynolds then told the Mayor that if he did drop his motion, if they could then take it up again at the first meeting in October. Ms. Dalton said she would have the answer prior to that time.

Councilman Reynolds made a motion to bring back the item with an update from the Town Attorney with regard to granting an extension on the use of sandwich signs. Ms. Dalton believed there was already a motion to that effect on the floor. Vice Mayor Rynearson said there was. Councilman Reynolds said he made one, and Ms. Dalton said Mayor Van Duzer had not withdrawn his motion. Vice Mayor Rynearson felt they didn't need to make a motion, but to give direction to the Town Attorney. Mayor Van Duzer concurred and told Councilman Reynolds that they had given the Town Attorney direction without a motion. He explained that she had informed them that they could not vote for an extension without going through the LPA, which could be done with a resolution from the Town and Council, and that would take time. He said Ms. Dalton was going to investigate as to whether they could grant the extension on an emergency basis, and that he did not want to wait until October 1<sup>st</sup>. Councilman Reynolds said there was another Council meeting two weeks hence, and Mayor Van Duzer said they could have a meeting a week from this date if it was needed. Councilman Reynolds said that was a land use meeting, and Mayor Van Duzer said that was what they were discussing. Ms. Segal-George said that meeting had been cancelled. Mayor Van Duzer asked how long it would take to set up a special meeting. Ms. Segal-

George said it could be set up for the following Monday (September 19<sup>th</sup>) at 10 AM if the Council wanted it. Mayor Van Duzer said he would like the Town Attorney to look at it, and determine if there was any legal basis for the Council to grant the extension and to let the Council know what she advised. He said if there was a possibility that it could be done, then the meeting could be set up for Monday. Ms. Dalton said she would be glad to do it. Mayor Van Duzer asked if he had agreement on that plan with the rest of the Council. Vice Mayor Rynearson asked if the Mayor had withdrawn his motion, and Mayor Van Duzer said he was withdrawing his motion. Vice Mayor Rynearson asked Councilman Massucco if he would withdraw his second, to whom Councilman Massucco responded in the affirmative, adding that he had another comment he wanted to make. The motion to take immediate action was formally withdrawn by Mayor Van Duzer, and Councilman Massucco formally withdrew the second. Mayor Van Duzer asked the Town Attorney if she thought they were okay legally on the issue at this point, and she told him they were. She said the direction to her from Council was quite clear, and said she would be glad to assist in that matter. Councilman Massucco asked if Ordinance 03-06 would stay in place, and Ms. Dalton said the sandwich signs were not permitted at this time.

No vote was taken on either motion.

#### **F. Appointment to MPO Sub-Committees**

- 1. Citizens' Advisory Committee**
- 2. Bicycle Pedestrian Coordinating Committee**

Mayor Van Duzer remarked that there were many fine citizens who were willing and eager to serve on both committees.

**MOTION:** Vice Mayor Rynearson made a motion to appoint Tom Babcock to the Citizens Advisory Committee and appoint Roger Johnson to the Bicycle Pedestrian Coordinating Committee. Councilman Massucco seconded the motion.

Councilman Massucco said he had hoped Mr. Babcock would be at this meeting because he felt he would be quite an asset to the Citizens Advisory Committee. He said he had been on the Charter Review Commission and had done an excellent job. He thought the Lee County MPO Subcommittee would cherish Mr. Babcock's input. He said he was not as familiar with Mr. Johnson, but he thanked him and Mr. Babcock for volunteering, and remarked that it was very gratifying to see people come forward.

Councilman Katcko jokingly said he wanted to go back and appoint Mr. Babcock to his position on the Town Council if he could. This elicited some laughter, and Mayor Van Duzer dryly informed Councilman Katcko that he was out of order, and then asked him if he was back with Council now (he had withdrawn himself

from the sandwich sign discussion). The Councilmen engaged in some light banter for a minute.

Mayor Van Duzer pointed out that there was a motion, a second, and that there had been discussion, and then called the question.

**VOTE:** The motion carried unanimously.

### **G. TMA Action Plan Funding**

Marsha Segal-George pointed out that the Councilmen had a memo in their packets, and then another she had written to the County Commissioners Board which she had copied for their packets as well. She said that earlier that day, she had also included some statistics with regard to the 2005 Season Test Park & Ride. She said it seemed like some of the data from the survey had been particularly relevant while talking with some of the Council members earlier about it. She said her memo was concerned only with the Park & Ride trolleys, but it also showed the action plan for the TMA and their goals and objectives. She said the main issue tonight was the Park & Ride. She said the expenses for the Park & Ride had gone up substantially, and that the TMA was recommending that two trolleys be added to the service, which LeeTran did not have in their fleet. Those additional trolleys would have to be leased or purchased. She pointed out a break-out of expenses and costs from LeeTran included in their packets, with regard to the cost of the Park & Ride service as well as the Beach Trolley service, and that those two needed to be kept separate. She said Board of County Commissioners had had a budget hearing the previous week, and Town Staff had been present at that meeting, during which Commissioner Judah had raised the issue of the Park & Ride. Ms. Segal-George had been under the impression that the item was going to be handled by the County, but she found out that it had not been. She cited a letter she had written to Commissioner Judah last June, and which she had copied for them to see, in which she had said that particularly for this upcoming season with all the construction that would be going on at Summerlin, that the County should pick up the entire cost for the Park & Ride. She said everyone was going to have a problem getting to the Beach because of the construction this season, and traffic was going to be shunted to Pine Ridge Road. She said there were questions as to how much traffic that road could actually handle, and pointed out that there had been a 30% increase in traffic coming to the Beach last season – 15% because of the Sanibel tolls, and 15% due to general growth in Lee County, which was continuing to grow. She said the Town was facing tremendous increases in traffic, with a major intersection being torn up during season, which was creating a really bad situation. She said there had also been talk about additional dollars being put into advertising for tourism. She said, as result of that, a request had been made that, as project cost of that intersection construction, the County should pay for the Park & Ride. In a conversation with Commissioner Judah, Ms. Segal-George learned that he was less than impressed with the level of support – or lack thereof – coming from some of the other Commissioner with regard to that request. She

said she had some additional data she would send to Lee County with regard to the breakout, in that as a result of the survey that had been done on the 200,000+ Park & Ride patrons, it was found that Ft. Myers Beach residents comprised only 4% of the riders, international and non-Lee County Florida residents comprised only 11% of the riders, Lee County residents comprised 25%, states other than Florida comprised 60% of the riders. She said the statistics clearly showed that the service was not mainly for Beach residents. She said the other piece of information she felt was interesting was how much money had been spent on the Island by Park & Ride patrons, and which she felt would be particularly relevant for the small businesses on the Island. She said she had attached a memo from Chris Swenson that summarized the expenditures that were pulled out of the survey, but pointed out that over 50% of the Park & Ride patrons spent \$20 or less on the Island. The survey showed the average expenditure was \$35.60 and 90.7% of the riders stayed on the Island for 8 hours or less. She said she was bringing all this information forward because the Park & Ride last season was very a successful test, and the majority of the costs were paid for by the Town to see what would happen, and she felt it was established that a significant number of cars could be taken off the road. However, she said it was equally clear that the cost of the project should be a Lee County cost, not the Town's. She said the next County budget hearing, where they would make the ultimate decision on the Park & Ride, was going to be held on September 22<sup>nd</sup> and it would be before the Town's last budget hearing. She said this item was on the Council's agenda for this meeting so as to make the Council aware of the costs with regard to the Park & Ride, the fact that Lee County was being asked to pay for it, and to bring the Council up to date with the action plan and the strategic plan of the TMA.

Vice Mayor Rynearson remarked that the figures were staggering, and were very impressive. He said he could not see the Council asking the residents of the Island to pay close to \$500,000 or more for a Park & Ride that only 4% of the residents use. He suggested that the Council send Lee County the message that if they don't fund it, he didn't think the Town should. He said it had been proven to the county that the Park & Ride works, and he felt it was up to them to fund it. He felt that sentiment ought to be sent to Lee County "in a nice way".

Councilman Massucco then read from a prepared statement on this issue. He felt it was appropriate because it concerned the TMA and their plan. He remarked to Ms. Segal-George that the memo she had sent to the Council was very comprehensive and informative, but it had put into very clear focus what things had to be done in order to accomplish the ambitious TMA plan. He read: "The funding to achieve success of those plans is extremely complex and relies heavily on State and County cooperation." In his statement, Councilman Massucco spoke of his apprehension about the scope and the consequences "of such an immense undertaking". He said he understood the need for traffic mitigation without any doubt, but the benefits didn't seem to warrant the escalating costs or the traffic mitigation everyone is hoping to achieve. He said he had a problem with the proposed bus terminal to be located in Summerlin Square Plaza, as such a

terminal would have the capability of bringing hundreds, if not thousands, of visitors to the Island, the thought of which he found frightening. He said that had created additional doubt in his mind about Beach Renourishment, because a larger beach would accommodate larger crowds. He said the Town had offered free trolley service to encourage the onslaught of visitors to and from the Island in a dedicated lane, while residents sat in traffic queues trying to get on and off the Island. He felt the more cars that were prevented from coming onto the Island, the more cars were encouraged to take advantage of the easier ride, which resulted in the same traffic queues as before, but with the addition of possibly thousands of visitors who may have opted not to come to the Island at all, except for the enhanced trolley system and the proposed enhanced beach. He said he was concerned for Island residents and the possible decline of the quality of life they could suffer as a result of the proposed plan. He reiterated that he was totally against the bus terminal, as he felt it would be counterproductive to the goals set by the TMA. Councilman Massucco then thanked the TMA for their hard work, but again stated that he felt he was in conflict with some points of their plan. He said the action plan was very ambitious, but that more discussion was needed.

Councilman Katcko said that, like most residents, he had been disappointed that traffic hadn't been more like last September with all the additional trolleys. He said it didn't matter how many statistics were thrown at it, the traffic was still backed up to Santini Plaza coming from the south, and backed up as far as K-Mart, coming from the north. He called it "horrendous". He said there was no way he could justify spending more than was spent last year on trolleys, and entertained the idea of spending all the trolley money on something else. He said the Park & Ride had been a test to see if people could be persuaded to get out of their cars, but it did not achieve the desired result of making it easier for the residents to get on and off the Island. He said that goal was what the TMA was supposed to be all about. Councilman Katcko believed that no matter how many trolleys were used in the Park & Ride, it wouldn't make a dent in the traffic. He said that Lee County was going to be at a buildout of 1.6 million, which was three times what it was currently, and people were just going to keep coming. He felt that the Town had really stepped up to the plate and done its share to try to be innovative in solving traffic issues, but he definitely felt it was time for the County to take a look at the fact that it was the Lee County residents, not the Island residents, who were causing the problem, and to fund more trolleys. He pointed out that on holiday weekends, when it is needed the most, LeeTran has no trolley service available. He said other cities in Florida, including Naples and possibly Bonita Springs, had extra trolleys on the long weekends, whereas Lee County left the Beach with none.

Councilman Reynolds found Councilman Katcko's remarks interesting because he is a member of the TMA, which he felt gave Councilman Katcko an inside point of view. Councilman Reynolds said he agreed with just about everything Councilman Katcko had said. He said that he was against the Park & Ride service, and felt it had not proven anything to him. He said the Town had spent

\$600,000 to have a bunch of people come to Island. He said spoke derisively about bringing people over for free. He invited anyone who did not live on the south end of the Island to come down and see what the traffic is like when it was time to come back toward Times Square. He said no one would like it when they saw the hordes of people. He said he might have exaggerated about the hordes, but in years past he remembered seeing groups of people crossing the street from Diamondhead to Times Square, and last year he had seen groups of twenty and thirty people crossing together. He said it was ridiculous, and asked why anyone want to bring 100,000 people to the Island. He said he had heard the figure of 200,000 who had used the Park & Ride, but said that figure was based on a round trip. He supposed it sounded better to some people, if one was trying to prove the success of the Park & Ride. He said there was a “bunch of people” coming over for free. He said when they were done roaming around, they would get a free trolley back to their cars, which they also had parked for free. He said it didn’t take a genius to see what was happening there. He asked who benefited, and said that when that many people walked by someone’s business, of course the business would benefit. But, he said that would not be true if the business was in Santini Plaza, or Seagrape Plaza. He said he was not knocking the idea that some businesses would get a benefit, but he stated that the tax payers should not be paying for it. He said he wouldn’t want the Park & Ride even if the County was paying for it. He said he could not see how the Island or the residents would benefit from all those people coming over to the Beach. He said he knew a lot of people would never have come to the Beach had it not been for the huge sign on Summerlin advertising the free service. He said he could not see it slowing down, in numbers or cost. He pointed out that the number of trolleys and the hours of service were set to be increased for the coming season. He said he had not been elected to try frivolous programs such as this one, and while he didn’t mind testing things, he felt this test had failed in that it had created more problems than it had solved. He said to have people sitting in traffic trying to come home, with eight buses an hour speeding past them, bringing visitors to the Beach, was ridiculous. He said he would rather sit in traffic with everyone who wanted to come to the Beach, rather than allow the visitors to go pass everyone to get there. He said he felt very strongly about it.

Mayor Van Duzer said that some of the people on the Council had said that surveys and studies should not have been done to try to determine how to take care of the traffic problems, and that the Beach needed its own traffic mitigation agency. He said the TMA had been established with the idea of allowing that agency to try things to see if something would help with the traffic. He thought the Council had supported the TMA, and that the TMA had developed the Park & Ride program and had given it a try. He said that if that program failed, then something else could be tried. He didn’t think the Town should stop trying to address its traffic problems, and then alluded to a solution he has had which no one supported, but he didn’t elaborate about it. He said that the Council had been told last year that 15% of the people who usually went to Sanibel had opted for FMB because of the Sanibel tolls, and that there was an increased density in Lee

County. He said people who come to Lee County want to go to the Beach. He said the problem was not going to correct itself, but then speculated that perhaps it would because if it got bad enough, people might stop coming to the Beach. He went on to say he didn't think that would really happen, however, because most people on vacation were willing to sit in line for an hour or two to get to paradise. He said the TMA had asked that the Town try the Park & Ride to see if people could be gotten out of their cars, so it was tried and it worked, but he couldn't say that it had been good or bad for the Island. He said the only way they could find out was if they didn't do it so as to compare this year's traffic to last year's. Mayor Van Duzer said he was on the MPO, and had been criticized for asking to have an additional bridge built to another beach area because he felt it would be the County's salvation in that it would give an additional beach area for people to go to without having to drive on Estero or Hickory Boulevard to get to it. He maintained his belief that this was the solution, but the MPO had told him repeatedly that it couldn't be done for environmental reasons. He said he had gone to Tallahassee to speak to the environmental people there, and they had told him it was possible, but for some reason the County couldn't get past that. He said he had told the MPO that if they couldn't find more beach area in Lee County, that they should take ads in the newspapers telling all the people they could come to Ft. Myers but that they could not come to Ft. Myers Beach. He felt at some point they were going to have to say "No, you are not welcome." He felt that was un-American and wouldn't work anyway, and said he didn't know what to do about the traffic. He said that we had the traffic and we had to live with it, and he didn't like it either. He thought the Town should try things and continue to try things to see if the problem could be solved. He directed a comment to Councilman Reynolds, wherein he said that they might come up with things that just bring in more people. He reiterated that he felt the only solution was to open up more beaches and access to them.

**MOTION:** Mayor Van Duzer made a motion that the Town not expend any Town funds for the Park & Ride this year, and nicely tell Lee County that they would have to finance it totally if they wanted it to continue. Vice Mayor Rynearson seconded the motion.

Councilman Katcko asked if that meant the trolley service would be cut back if no Town funds were used. Mayor Van Duzer said the Beach would still have its standard trolley service, and clarified that his motion was specifically with regard to the Park & Ride service only. Ms. Segal-George further explained that if there were no Park & Ride service, the Town would still be given what is called "core service", which she believed was close to what the Town had currently – one trolley per hour from Summerlin Square. Mayor Van Duzer reiterated that the communication from the Town to the County about the Park & Ride funding should be mannerly. He said he was ready to write a letter to the Board of Commissioners asking them to consider putting the funding of the Park & Ride in their budget. He thought the Park & Ride did help, and no one knows what it would have been like had it not been running last season. He felt it had gotten

people out of the cars, as they had counted 50,000 cars parked in Summerlin Square for the purpose of taking the Park & Ride during last season. Ms. Segal-George said that the survey done on the riders showed that a high percentage of them would have driven their cars to the Beach if there had been no Park & Ride. She offered to provide those percentages to the Council, and went on to say that they were not people who decided to come to the Beach because of the free ride, but would have come to the Beach anyway. She added that it had been thought that younger families would have comprised a high percentage of the ridership, but in fact it had been mostly retirees who would have driven to the Beach if not for the Park & Ride. She said all the statistical information could be shared with Lee County. Vice Mayor Rynearson opined that it was important to share the information with the County so that they could see what the figures were.

Mayor Van Duzer said he thought there was a consensus, and Vice Mayor Rynearson pointed out that he had made a motion that had been seconded. After a bit of good-natured banter, Mayor Van Duzer asked Councilman Katcko if he was ready to vote on the motion having had his question answered about it. Councilman Katcko said he was not comfortable with the wording. He said it was obvious that the Council was not approving the increase of trolley service to 8 trolleys as the TMA had requested. He said it also meant they were doing a rollback from 6 to the previous year, and asked if the Town had contributed at all in the year previous to last year. Ms. Segal-George said it had. Councilman Katcko said the motion would take them back further than that and not contribute anything, and he wasn't sure he was comfortable with rolling it that far back. He said he wanted to take it back to how it was the year before last, but the motion called for contributing nothing. Vice Mayor Rynearson said they were going back to core level service. Mayor Van Duzer said it was only with regard to the Park & Ride. Ms. Segal-George explained the way it broke out was that \$100,000 would go to the Beach Trolley, and about \$40,000 for the Park & Ride upgrade. Deputy Town Manager John Gucciardo said the numbers were approximately correct, but said the point was that before the experimentation started the County would offer their core level Park & Ride service, as well as their core level Beach Trolley service, and what the Town had been doing was to add one additional trolley to the Beach service and to make the Park & Ride free. He said that was the Town's contribution or level of enhancement. He thought what the Council was saying was to get the Town back to that point, or to potentially not contribute to the Park & Ride – which would mean it would no longer be a free ride, and to only finance the extra trolley on the Beach. He was not sure which of those scenarios were being proposed. Councilman Katcko said that was why he had been confused.

Mayor Van Duzer said his motion was meant to say that the Town was not going to pay additional funding for the Park & Ride that the Town paid last year. He said the motion stopped there because if the County decided to pay for it, he thought Councilman Reynolds might have an issue that he would like to address because if the County said they would pay for the Park & Ride, he wondered if

the Town Council would want the service. Ms. Segal-George said it could be adjusted on the 26<sup>th</sup> (of September, at a Council meeting). She added that the motion, as it stood, meant that the Town would go back to paying for the extra trolleys on the Beach during season, and paying for the core Park & Ride service so that it would be free, but would only make one trip per hour. Ms. Dalton clarified that the motion eliminated the enhanced level of service. Vice Mayor Rynearson asked if it meant the motion would simply cover the fares on the Park & Ride without increasing the service, and Ms. Segal-George said that was correct. Mayor Van Duzer thought that Councilman Katcko had worded the intent more clearly with regard to the Mayor's intent in his motion, when he had asked if the motion meant that the Town would go back to the level of service, for both the Park & Ride and the Beach Trolleys, as was in place two years ago. Councilman Reynolds thought it meant that the Town would drop funding for the Park & Ride. Ms. Segal-George said that was not the case, in that the motion still called for the funding level that existed two years ago, when the Town paid so as to make the Park & Ride free to people using it. Ms. Dalton explained that it was the enhanced level that was being dropped. Mayor Van Duzer asked for a clarification as to what the situation had been two years ago with regard to the Park & Ride service. Ms. Segal-George explained that when the Council created the TMA, they had the plans, one of which was to upgrade the Park & Ride system. She said that prior to that time, the Town had contributed to the Park & Ride in season so that it would be a free service to riders. Vice Mayor Rynearson said the Town paid the fares for core-level service, with which Ms. Segal-George concurred.

Councilman Reynolds asked how they could justify paying people's fares to come to the Island, yet the Islanders using the trolley on the Beach had to pay. He couldn't understand why residents would have to pay any amount more than someone visiting from the mainland. Mr. Gucciardo explained the logic of the Council when the decision had been made to do it had been that by making the Park & Ride free, it would encourage people not to bring their cars to the Island.

Councilman Katcko said he would be in favor of the motion, but he suggested that the 25-cent fares on the Beach Trolleys should also be eliminated, and that the Park & Ride should no longer be free. He also wanted an additional Beach Trolley, along with the core level of service, during season, for the residents' sakes. Ms. Segal-George asked him to clarify his suggestion. Councilman Katcko explained that, two years ago, the Park & Ride fares and an extra Beach Trolley were paid for by the Town. He said he wanted the fares for the Beach Trolley service to be paid for by the Town, instead of the Park & Ride fares, and also to add the extra trolley on the Beach during season. Mr. Gucciardo said he understood Councilman Katcko's suggestion, and pointed out that it was different from the motion that had been made, which Councilman Katcko acknowledged. Vice Mayor Rynearson said Councilman Katcko had mixed the Beach Trolley service in with the Park & Ride service, and Mayor Van Duzer's motion had only to do with the Park & Ride service, and felt the Beach Trolleys weren't a part of

the motion. Councilman Katcko thought they should be included in the motion, because it had mentioned going back to the arrangement of funding that was in place two years ago. Vice Mayor Rynearson said it was only with regard to the Park & Ride. Councilman Katcko said he was simply asking for an amendment to the motion on the floor.

**MOTION:** Councilman Katcko made a motion to amend the first motion to include funding to cover Beach Trolley fares during season. Mayor Van Duzer seconded the motion.

Vice Mayor Rynearson asked if the Beach Trolleys were now being brought into the motion, and added that he had no problem with that. Councilman Katcko confirmed that was what his amendment was about. Mayor Van Duzer seemed to think Councilman Katcko's idea was a good one as long as the Town could afford. Mr. Gucciardo clarified what he thought the motion was at this point: For the Town to pay for an extra trolley on-island, to fund all the fares on the Beach Trolleys, and not to contribute to making the Park & Ride free. Vice Mayor Rynearson added that it meant that the Town would fund no part of the Park & Ride, which was acknowledged by Mr. Gucciardo and Mayor Van Duzer, who wondered if the Town could afford it. Councilman Katcko stated that the Town would save hundreds of thousands on the Park & Ride, and Ms. Segal-George said the Town could afford it. Ms. Segal-George said they would have to find out what the fare box was on the Island trolleys, because that would be what the Town would have to pay to make them free, and she didn't know what that amount was. She said she would have that information available to the Council in time for the final budget hearing.

**VOTE (on the amendment to the motion):** The motion carried unanimously.

**VOTE (on the original motion made by Mayor Van Duzer and seconded by Vice Mayor Rynearson):** The motion carried unanimously.

Mayor Van Duzer asked the Council needed to discuss anything else with regard to the TMA's Action Plan. Ms. Segal-George said no, but she hoped it was clear that all the other items on the plan would be coming back to the Council, but she had just wanted the Council members to see what was on the list.

## **H. First Public Hearing – Budget and Millage**

### **1. Tentative Approval of Millage 2005 – 06 Resolution 05-22**

John Gucciardo said the two issues at hand were a discussion and decision on the proposed millage rate and the proposed budget. He said the first thing that needed to be announced, as reflected in Resolution 05-22, the tentative rate that had gone forward and the trim notice, was .8500, which represented an increase over the rollback rate (0.7498) of 0.1002 mils, or 13.36 per cent over the rollback rate.

Mayor Van Duzer asked the Town Attorney to read Resolution 05-22, which she did. After the reading of the Resolution in the record, just as Mayor Van Duzer was going to open the Public Hearing, Ms. Segal-George asked Attorney Dalton, in case the Council wanted to give direction with regard to the millage, if they could put a motion on the floor before the Public Hearing. Attorney Dalton thought it would be more proper to have the hearing first. Councilman Massucco commented that he would like to make the motion to roll back the millage rate to .75, an unprecedented rate. Ms. Dalton and Ms. Segal-George said he could put that motion on the floor if he wanted, but Ms. Dalton reiterated that she thought it would be procedurally better if the hearing was held first. Councilman Reynolds said he would rather hear from the public first. Mayor Van Duzer understood Councilman Massucco's point of view, in that the motion could influence the public, but he said he would rather follow procedure. The Mayor then called William Shenko forward to give his testimony in the Public Hearing. Councilman Massucco said he would not yet make the motion, and apologized to Mr. Shenko for "stepping on his toes".

William Shenko came forward, and responded to Councilman Massucco's apology by saying it wasn't the first time, but not by him. He did not state his address, and said he had laryngitis, which he believed would come as a great relief to many. He pointed out that it was 9:00 PM, that the Town was 74 days into the budget process, and that it was the first public hearing of any kind with regard to the proposed budget for 2005-06. He said most other cities were wrapping up their budget process, but the Town was just beginning theirs. He said he knew that the Council didn't feel that way, but the public did. In his opinion, last year's budget had been written with no comparison to prior years' expenses, on a line-by-line basis, and with no percentage increase on a line-by-line basis, so that one would know how much was being spent in each column. He said these observations had been brought forward last year, and had been completely ignored by Staff this year. He said this year's proposed budget did not include any comparisons to last year's budget figure, last year's actual expended figure, and this year's proposed budget figure. He added that this year's proposed budget did not separately account for grant money in and grant money out, and was lumped altogether so that nobody really knew where the money was spent. He said he quickly went through other towns and cities did in the area. He said Sanibel's budget had a line-by-line comparison back to the year 2002; Lee County goes back to 1997; and Naples goes back to the year 2002. He sung the praises of Cape Coral's budget, saying it was award-winning. He said he had come forward because the Council had 18 days left to do 90 days of work. He said there would be a ton of work involved in trying to figure out the percentage increases, and felt there was no reason why the Council should have to do that much work. He said the budget, as prepared by the Town Staff, should be in a way that they and the public could easily read and understand it. He said FMB's budget had never been prepared that way, and never would be, unless Council pressed the issue. He recommended that the Council should require that the budget be prepared so that each item can be compared easily, in terms of dollar and percentage increases,

with previous years. He thought the grants should be run out separately, and should include how much tax money had been used in grant-funded projects. He felt that, as the budget was written, it was going to be a waste of everyone's time, and the Council would not be able to make an informed decision about it. His remarks were met with a smattering of applause.

Jeff Werner, of 7150 Estero Boulevard, came forward. He thanked the Council for allowing him to speak again before them. He said the initial budget that had been presented to the Council on June 15<sup>th</sup> had a proposed figure of \$10,987,599 for the 2005-06 year. When he went on line to review the budget, he said he had found the figure inflated to \$11,061,728 – an increase of \$74,129. He said the estimate of revenues from property taxes increased, and magically, the extra \$74,000 was absorbed into the projection of next year's expenditures, and thought it was odd that those expenditures had not existed just three months ago. He said he knew that the Council members had all had the opportunity to review the budget analysis that Pat Smith had provided to them in the last week of August. He hoped they had reviewed her spreadsheet as carefully as he had. He said supported all the activities of the Town – promoting transportation alternatives, the arts, music, film, history, recreation and environmental responsibility are what set a town apart from just a mere assemblage of homes, condos, storefronts and hotels on a picturesque strip of sand. He said it gave the Town its character and cohesiveness, but he said he knew that careful scrutiny of the line items in the budget would reveal a little bit of fat, not the least of which he felt was the contingency and reserves, now budgeted at \$3,070,646. He said he knew the Council had done their homework and had scrutinized each line item, and so thought they would agree that the reserves were a bit over the top. He implored the Council to roll back the millage again, but he asked them to be bold this time. He suggested rolling it back from .85 mils to .65 mils. He said that would reduce the revenues to just over \$572,000 after the 5% cushion mandated by State Law. He said that, even if the Council did not trim any of the fat from the Town's expenditures, that amount would equal just 19% of the Town's hefty reserves, and only 5% of the Town's total proposed budget. He felt the Council could surely justify that decrease, to keep the Town from becoming a town of haves and have-nots. Mr. Werner's remarks drew applause.

Mayor Van Duzer asked if anyone else wished to speak. As no one came forward, he then closed the public hearing, and brought the issue back to Council.

Councilman Massucco remarked that, by all indications, the Town's financial stability could warrant the .75 rollback, and said Mr. Werner's suggestion of .65 had hit him "like a ton of bricks". He felt a .75 rollback was in order.

**MOTION:** Councilman Massucco made a motion to rollback the millage rate for the year 2005-06 to .75 mils. Councilman Reynolds seconded the motion.

When Mayor Van Duzer called for Council discussion, Mr. Gucciardo politely interjected with a comment in which he said that if the intent was to roll back the millage rate to .75, in fact it should be specifically 0.7498, rather than rounding up, as it would technically be a tax increase if it were set at .75 mils. In response to those remarks, Councilman Massucco amended his motion to indicate .7498 as the proposed rollback. Mayor Van Duzer asked how much that would take off the ad valorem tax revenues. Mr. Gucciardo said it translated into \$286,580. Mayor Van Duzer what the total had been in the budget, and Mr. Gucciardo thought the contingency figure in the budget was around \$490,000. Mayor Van Duzer said he wanted to know how much was in the proposed budget for the projected expenses for the Park & Ride. Mr. Gucciardo thought that had been up to about \$410,000 with the bulk of that having been eliminated earlier in this meeting, even considering the cost that has yet to be calculated for the cost of paying the firebox on Island trolleys this season. He said those dollars would be saved out of the supplemental gas tax appropriation, which are restricted, and so would not just go back into the general fund, but were restricted for use on traffic mitigation.

Vice Mayor Rynearson said the Council needed to keep the gas tax reserve in mind. He said Estero Boulevard was going to come on line, and the Town would need that money so that it could pay its share, and some of the revenue reserve would also need to be used. He thought .7498 was a fair rollback. He said the Council needed to keep in mind that if the Town wanted to move forward, reserves would be needed to spend on various projects that were coming on line.

Mayor Van Duzer said that other towns had borrowed money in order to get past Hurricane Charley, and the Town had not needed to do that, because the Town had had reserves and had done a good job getting at least 90% of that paid back to the Town, although he did not mention how it had been paid back. He did not agree with Mr. Werner's comment during the public hearing that the Town's reserves were out of line. He added that he had heard and read so much conversation about the Town's budget. He said he had spent the weekend looking at the proposed budget, and pointed out it was just a guideline. He thought people should look at the monthly statements, as opposed to the budget, because the budget was strictly a guideline as to what the Town thought would be brought in and paid out. He said he had looked at Pat Smith's information, to which Mr. Werner had referred during his comments in the public hearing, and Mayor Van Duzer had found it more complicated than the Town's proposed budget. He said that people had said the budget was complicated and was an attempt to cover something up, and he disagreed. He said anyone could get a copy of the budget for free, and that it should be read, starting with the summary on Page 1. He thought it made good sense, was a reasonable document, was balanced, showed what is projected in carry-overs, and felt an issue was being made over the way it was written for political reasons, which he felt was a shame. He thought the budget was not complicated because the Town was not as big as Lee County or Cape Coral. He said the Town had always maintained an accounting system, and was audited on a regular basis, and had gotten through all the audits in a timely

and reasonable manner. He said it was time to get off the idea of using whatever could be used to criticize what gets done in the Town, and stated the Town had been very cost-efficient in what it had done. He said that was proven by the fact that the millage rate had been repeatedly cut back. He said when the Town started, the rate was 1.47mils, and now it was almost half that. Councilman Massucco pointed out that they had not taken a vote on that as yet, which the Mayor acknowledged. This evoked a few chuckles around the room. Mayor Van Duzer said he realized that some people didn't have the value in their homes to save them or did not qualify for a Homestead Exemption, which would make a difference to them, but he pointed out that the Town did not set the property values, and did gather taxes from those properties. He said the tax on his home – those taxes paid to the Town - was less now than when the Town incorporated. He said if he took all the candidates running in the election, and added all their taxes – those going to the Town – it would amount to about \$800. He felt it needed to be looked at in a realistic way, because the Town only got 4½ % of the Island homeowners' ad valorem taxes. Vice Mayor Rynearson pointed out that Ft. Myers Beach had the lowest rate in Lee County.

Mayor Van Duzer asked if the Council was ready to vote on the motion, and Councilman Reynolds said he had not had a chance to speak on it, and that only the Mayor had. He said this jokingly, and admitted that it hadn't been just the Mayor who had had the opportunity to speak. He made a point of saying he had just been kidding, and Mayor Van Duzer said it was okay because he had taken it that way.

Councilman Reynolds said he went through the budget and thought it had been difficult to decipher. He remarked to the Mayor that if it wasn't difficult for him then he must have some "special talent". He asked why the budget did not show what the past years' expenses had been, and said it had never been included in the budgets he had read over the years. He alluded to remarks made during the public hearing in which someone had said it was common practice to include those figures in many surrounding towns in the area. He said every budget he had seen had included them. He thought both men who had spoken during the public hearing had had some good points, but did think dropping the millage rate to .65 was a big drop that would take some getting used to. He said the Council had just saved a half a million dollars by not paying the fares for people to come to the Island (on the Park & Ride), and he felt the Island residents would be very happy about that. Councilman Reynolds then commented on the film festival figures. He said he enjoyed the film festival, but that in 2003-04, the film festival had earned \$32,500, but had cost the Town \$133,000; in 2004-05, the festival had earned \$36,000, but had cost the Town \$135,500 in tax dollars. He said it was not a good investment. He said he had spoken with someone who had asked him how a town the size of FMB could afford the festival, and Councilman Reynolds had not responded, as he had had no idea. He thought that needed to be looked at.

Councilman Massucco asked if he could raise a point of order, and was given the nod to do so. He went on to say that there were two things before Council, the first being the millage rate, and felt the discussion should be held to that, and not the budget. Councilman Reynolds acknowledged that, and said it was a good point. Mayor Van Duzer admitted that he had “gone off the edge, too” with regard to discussing the budget when the item under discussion was the millage rate.

**VOTE:** The motion carried unanimously.

## **2. Tentative Approval of Budget 2005-06 Resolution 05-23**

Mayor Van Duzer gave Councilman Reynolds the floor. As Councilman Reynolds began to speak, Attorney Dalton interjected that the resolution had to be read into the record before discussion was begun. Attorney Dalton then read Resolution 05-23 into the record. Mayor Van Duzer said it was a public hearing, but that the testimony had already been given by those who had wanted to speak about the budget as well as the millage rate. However, he opened the Public Hearing at this time. No one came forward, so Mayor Van Duzer closed the Public Hearing and returned the issue to the Council.

Councilman Reynolds said the point he had wanted to make was that they had dropped the millage rate without any problem, and probably could drop it further, but was unwilling to do that at this time. He said he was concerned with the Town being engaged in a project that would not pay for itself, like the film festival and the mooring field – which he said cost the Town \$247,000 and was earning the Town much less. He mentioned Beach Renourishment, which he said would cost \$910,000 although he understood that it wouldn’t cost the Town that much. Addressing Mr. Gucciardo, he asked why, on pages 26, 27 and 28, the items were broken down differently in the right column than they were in the left column. Mr. Gucciardo said those were the capital improvement budgets, which were broken down into transportation and non-transportation capital improvements. He said that on Page 26, both the transportation and non-transportation items appeared for the current year. He said Pages 27 and 28 showed five-year projections. Councilman Reynolds said he knew that they were projections, and then moved to the subject of Contractual Services, which he felt were high for a Town Attorney. He thought the Town Attorney/Outside Service, appearing as one line item, should be separate items, noting the \$250,000 amount that appeared there. Mr. Gucciardo said it would not be a problem to try to separate those items. Councilman Reynolds said he had never noticed combined that way before. Mr. Gucciardo said the difference was that, in previous years there had been an agreement with the prior Town Attorney so that the amount could be isolated, and then another figure had been added in for outside counsel. He said he understood that the arrangement for the current Town Attorney was on an hourly basis, so that there was no set figure, and offered to work up some estimates if he wanted that. Councilman Reynolds said he took “outside service”

to mean a different service or different person. Mr. Gucciardo said they would try to break it down between in-house and out. Councilman Reynolds thought they should be individualized so that they would mean something. He then brought up the Engineer Appraisal item of \$175,000. He thought that was high for an engineer with no real projects being done, and asked why the figure was so high. Mr. Gucciardo said that line item covered a gamut of things, including the consultants that have to be hired for projects such as the drainage project, as well as survey work, canal dredging, channel dredging, or any other thing when the Town has to go outside the Town's in-house expertise. Councilman Reynolds said he had figured that, but asked how much the item had been last year. Mr. Gucciardo said that, in the financial statements included in the Council's packets, the July 31 numbers would show the amount and the actual amount to date. Councilman Reynolds then brought up the CRA expenses and improvements amount of \$425,000. He assumed the improvements would be made somewhere in Times Square, and asked what kind of improvements they would be. Mr. Gucciardo said that, at the end of the budget, four pages in from the back, there was a separate budget for the Downtown Redevelopment Agency – the CRA/DRA – and within that budget, he pointed out the capital projects listed. He said the \$425,000 represented \$350,000 to finish the Old San Carlos project, and an additional \$75,000 for improvements to North Estero Boulevard within the CRA district. Councilman Reynolds said the figure was \$475,000 and Mr. Gucciardo corrected him that it was \$425,000 that combined both the Old San Carlos and the North Estero Boulevard project costs. Councilman Reynolds moved to the next item of concern to him, which was the LPA planning consultant fee \$112,500, and asked if it was for one individual. Mr. Gucciardo said that, for the most part, it was for Bill Spikowski. Councilman Reynolds said Mr. Spikowski was employed by the Council for considerably more than that. He wondered why it was so much, but did not wait for a reply and said he had no more questions. He then added that he had found a lot of places in the budget that could be tweaked.

Councilman Katcko had one correction he wanted to make on the back page of Resolution 05-23, and from the ensuing remarks, it became obvious that Councilman Katcko's name had been excluded from the Resolution. He joked that he didn't mind not being responsible for the budget by not having his name included. Mayor Van Duzer said it had been corrected in the revised resolution that had replaced the erroneous one. Councilman Katcko said the first few items on the budget had been taken care of during the Park & Ride discussion earlier. He said one big issue that no one had mentioned was that the proposed budget showed the Town operating on deficit, which was created by using carry-over funds of \$3.8 million, and which, if deducted from the proposed \$11 million budget, should make the proposed budget actually \$7.2 million if it was desired to operate the Town on the projected revenues. He said he had discussed this issue with the Deputy Town Manager, and he had explained that it could be caused by certain operational costs occurring in a year, and that the Town was using those funds to pay for them. Councilman Katcko pointed out a deficit was created

because of that, mentioning the items Road and Drainage Maintenance at \$250,000; Transportation Capital Improvements; Canals; North Estero Improvements - \$700,000; side street resurfacing - \$100,000. He said the Town would only receive revenue of about \$380,000 to pay for those projects. He said instead of extending the carry-over and cutting into it every year, while it was true the Town had a Contingency and Reserves of \$2 million, his idea would be use a portion of the \$3.8 million carry-over to fund a dedicated emergency fund. He said that money could be used any way the Town wanted, and if it disappeared, he asked what reserves would really be available in the event of a big disaster. He recommended the Council look at creating an Emergency Fund and/or a mini capital fund. He thought they should work within the revenues, and should stop using the carry-over. He thought the budget was quite easy to read, but he did like the suggestion of having the previous years' data included and percentages of increases and decreases, which he thought would be helpful to anyone who wanted to look at the budget. He said he would like to see a legend created, with all budgets – monthly and yearly – to explain such acronyms like CIP, DRA, TIF and MSBU. He said there was a mini-legend on Page 27, but it didn't list all of them. He said there was a glossary, but that did not have all the terms listed either. He said he would like to see a one-sheet legend that included all terms that government people used all the time, but which no one else was familiar with. He commented that he was only 44 years old, but the green highlighting was not good. This comment was found to be very amusing by those in attendance. There ensued a brief exchange of joking comments about the need for reading glasses and the choice of colors for highlighting purposes. Councilman Katcko then said he wanted to look into the amount it would cost the Town every year if the \$10 Resident Parking pass were eliminated. He thought it should be free for all year-round residents. He said several surrounding municipalities had done that, but it might be a huge figure. He commented on the Transportation Capital Improvement Plan, which he said was running on a deficit and depleting the Town's reserves every year. He asked if there were any projections as to when that fund would run dry. He wondered if \$300,000 was continuing amount the Town would be receiving, and cited Page 27 for reference. Mr. Gucciardo said that the figure represented the supplemental gas tax, and the agreement the Town has with the County would bring it through the 2008 fiscal year. Councilman Katcko said the projection in the budget had it through 2010, where it showed a revenue of \$300,000. He wondered past 2010 if the Town would be spending what it was getting in. Mr. Gucciardo said the Town would still get an allocation from the gas tax beyond the supplemental dollars, but that Councilman Katcko was correct in that it would drop down to \$300,000. He said the budget had been projected out to 2010 because only five-year projections were done. He said that, at this point, it could be assumed that the Town would still have at least \$300,000 coming in from the regular gas tax allocation. Citing Page 28, Councilman Katcko then had a question about the Beach Restoration Project, where \$910,000 had been budgeted for this coming year, and \$10,000 for the next four years, and asked what that cost was. Mr. Gucciardo said it was known that once the project was done that there would be costs associated with monitoring the efficiency of

the project, and the County did not know what that cost would be on an annual basis. He said the best estimate he could get from the County with regards to the Town's portion of those monitoring costs had been \$10,000. Councilman Katcko said he had no further questions at that time, but said if he came up with any more he would ask.

Councilman Massucco said he would also like figures from past budgets as a comparison to be included in the proposed budget. Although he didn't know how far back the figures could go, he wanted to see, minimally, the figures from last year. Mr. Gucciardo said he understood it could be useful, but the Council had never asked Town Staff to include those figures before. He said it could be done, but wasn't sure it could be done before the next meeting because the packet had to be prepared in time for the Council members to review it. He reiterated that the monthly financial reports furnished to the Council do have the budgeted amount and the actual amount to date, so that the numbers were there to review. Councilman Massucco said that it would be more helpful to have those figures consolidated into the budget. Mr. Gucciardo said he understood that, but again mentioned the time constraint with regard to preparing the packets for the Council's next meeting.

Councilman Reynolds said he wanted to make a correction, in that adding those figures had been mentioned by him before this time. He said if Mr. Gucciardo searched his records he would find a reference to it. Mayor Van Duzer said it had been mentioned, but the Council had not instructed Staff to do it at that time. Councilman Reynolds confirmed that.

Councilman Reynolds said he wanted to make a statement before the question was called. He referred to the Mayor's earlier comments that the statements made by those who spoke during the Public Hearing had been politically motivated, and he disagreed with that opinion. He said they had been speaking thus since before the announcement of candidacy, otherwise they would be suspect.

On a lighter note, Councilman Massucco asked if the word "garbage" could be stricken from the Town's budget, which amused everyone in the room. Mr. Gucciardo said he was exactly right. Councilman Massucco thought "trash" was much more sophisticated.

Mayor Van Duzer then closed the hearing, and moved the item forward to the September 26<sup>th</sup> agenda.

## **VIII. COUNCIL MEMBER ITEMS AND REPORTS**

Councilman Massucco, joking that he was going to do something that Councilman Katcko despised, distributed an item to each Council member. Mayor Van Duzer asked why he hadn't given it to them ahead of time, and Councilman Massucco said, again in fun, that although he knew it irritated everyone, it was only quarter 'til ten, and that they had plenty of time. There was

some chuckling in response to that. Councilman Massucco read his statement, which was about a program he had come up with called “The Replacement of the Historic Preservation Program”, which he said was not so much a replacement, but would absorb the Historic Preservation Program (HPP). He said it had bothered him for some time that, simply because a property had reached the age of 50 years, it would automatically become eligible for consideration as a HPP candidate, and if qualified, and that the owners would then receive funds to help pay for improvements of the property. He questioned the idea of giving the residents’ tax dollars to a certain segment of Island residents only. In response to his concerns, he had developed a replacement program called “Improve Our Neighborhoods”, or, using the acronym, “The ION Program” which he hoped would be viewed favorably by the Council and homeowners alike. He said it would allow many more Island residents to qualify for matching funds from the Town to assist in the upgrading of their property, regardless of its age. He said ION mirrored a program that had been instituted in Boston many years ago, and that had been a great success from its inception. He said the Council would have to determine how much money would be made available in terms of matching funds the Town would award. He explained that those wishing to participate would submit an application to the Town, similar to the HPP program. He said the current allocated amount for that program was \$40,000 per year, which might only serve one or two homes a year. Under his program, he felt it would serve many more homes, and in the process would lead to esthetically improved neighborhoods, which he said would improve the quality of life Island-wide. With regard to funding, he recalled that during the 2004-05 pre-budget process that he had proposed removing the line item “Future Land Acquisition”, which had been budgeted at \$250,000; the majority of the Council had voted in favor of his proposal, and the item had been removed from the budget. He proposed reinstating the \$250,000 into the 2005-06 budget to fund the ION program on a trial basis for one year. He felt that, because of the extreme storm damage as a result of Hurricane Charley, the program would be well utilized. He noted that he had distributed a detailed description of the program, as well as the specifications for eligibility, with his statement. He acknowledged that adjustments would probably have to be made on some details before the program could be offered to Island residents.

**MOTION:** Councilman Massucco made a motion to take the steps necessary to implement his proposal were taken A.S.A.P. in order that funding in the amount of \$250,000 could be included in the budget presently under consideration by Council.

Mayor Van Duzer said that, procedurally, a Council member can be asked to have things put on a future agenda during Members Items and Reports, but could not make a motion for a vote-on item. He asked Councilman Massucco not to make that motion. Councilman Massucco said he was anxious to get it “on the board”, and Mayor Van Duzer said it was agreed-on policy. Councilman Massucco asked if it could be put on the agenda, and it was. Mayor Van Duzer said he would not

comment on Councilman Massucco's proposal, but would wait until it appeared on the agenda. Councilman Massucco said it was no problem. Mayor Van Duzer asked if there was anything else he wanted to bring up, and Councilman Massucco said he had gotten a notice in his Council packet about the film festival, in that many people seemed to be opposed to the money spent on it. He then noted that Janine Paulauskas had been given a commendation letter for the excellent job she had done with the film festival, and thought the film festival, and things like it, were really good for the Town, and that he was looking forward to an even bigger and better one next year.

Several Councilmen then told Ms. Paulauskas that they had seen her picture in a magazine several times.

Councilman Massucco then said anyone who had missed the VFW remembrance had missed a great time. He announced that there would be another next September, and encouraged people to come.

Vice Mayor Rynearson commended Councilman Massucco on the good job the VFW had done on the remembrance. He said there had been a lot of speakers, and that everyone had done a good job, except that Connie Mack had gone on a little too long. He then congratulated Ms. Paulauskas. She thanked him.

Councilman Katcko had several things he wanted to address, and distributed an item to each Council member as he joked to Councilman Massucco that he wasn't "one up" on him (see Councilman Massucco's remarks above), which drew some laughter from around the Council chambers. Councilman Katcko, referring to the last Council meeting when a representative from the Ramada Inn property had requested special event permits in excess of the six allowed. He had voted against it because he had felt, at that time, he had not gotten adequate information from the applicant in order to make a good decision. He said that, within a week after that vote, he had arranged to have a meeting with the property owner, Dave Meyers and his manager, Ken DiBiaggio. At that meeting, he explained to them his concerns, and toured the property. The item he had distributed to the Council was a letter from Ken DiBiaggio that contained information about parking and estimates of attendance at past events. Councilman Katcko pointed out that most of their events had under 300 attendees, and then read aloud the list events they proposed for the future. He said that, after receiving the information, he wanted to bring the request for those permits forward to a future agenda for reconsideration by Council. He said his fears had been addressed, and his questions had been answered. It was confirmed that it would be on a future agenda. Next, Councilman Katcko spoke about hurricane evacuation and hurricane seminars. He asked the Town Staff if they had a list of the names and addresses of the people on the Island who might need assistance with evacuation if it were necessary. Mr. Gucciardo said that, with regard to disabled people, the Town had a Special Needs roster that was advertised and promoted by the Fire District and Lee County emergency operations. With regard to people who may

not own an car or have the ability to move themselves, there was no roster kept by Town Staff, but that was addressed by a LeeTran program, where buses or trolleys are sent out to pick people up at designated sites and to take them to public shelters. He said this program was also advertised around Town. Regarding hurricane seminars, Councilman Katcko said he had attended the August 2<sup>nd</sup> seminar and it had been very good. He recommended that 2 seminars be held - one in March or the first week of April, and one later – so that the 40,000 seasonal residents are informed before hurricane season began.

Mayor Van Duzer asked that all the items that had been brought up during Member Items and Reports be put on the agenda so that it was part of the public record.

Another item Councilman Katcko wished to put on the agenda was his suggestion that the Council draft a letter of support to Sen. Bert Saunders, as well as Connie Mack and the Lee County Commissioners. The letter would be in support of their proposed bill that would make “Save Our Homes” a portable deduction one could take with them once they sold their home. Councilman Katcko said the bill had failed in the House two years in a row, and Sen. Saunders was introducing it again this year. He explained how the bill would work. He said the Lee County Tax Appraiser, Ken Wilkinson, who authored the “Save Our Homes” deduction said he was in support of the bill. He thought it was a great idea, and thought the Council should support it.

Councilman Katcko then thanked Councilman Massucco for inviting him to the VFW 9/11 Remembrance Day, and said it was a very good event. He said it had been very well attended, and applauded Councilman Massucco for organizing it. In conclusion, Councilman Katcko mentioned that he had attended the Horizon Council meeting on September 9<sup>th</sup>. He said for those people who believed off-Island issues didn't affect the Island, he said one of their big issues was workforce housing; another issue was that land available for commercial development was dwindling because of residential development in Lee County, which was contrary to their Comp Plan. Councilman Katcko said he had more items, but would save his “book” for the next meeting.

Councilman Reynolds said he admired Councilman Katcko for having all those nice things to say, because he had something that was not going to be very nice to say. He said he had been viciously attacked by the Town Manager on two occasions this summer, which he said he didn't appreciate at all. He said he had a few comments on her distorted views of his character in her story about Hurricane Charley, which had been published in the Sand Paper the 5<sup>th</sup> and 12<sup>th</sup> of August. Councilman Reynolds said it might “be in order” for Ms. Segal-George to reassess her behavior as it related to her position and the way in which she dealt with the community and with individuals. He listed out some examples of what he characterized as inaccuracies and false statements that had appeared in the aforementioned newspaper story. He said those and other regularly-occurring

articles were unnecessary. He said that she had stated in her article that he had come to her and Mr. Gucciardo to declare Mayor Bill Thomas unfit. He said it was a sensitive issue, and would rather not address, but because she had, he had no choice but to do so. He said people on the Island knew that he would not go to her for advice, and couldn't believe she had said that. He said she would be the last person he would seek out for advice. He believed she knew that Mayor Thomas had been very ill from August forward, and that many people had suggested that he should step down as Council chairman. He said this was a common thought throughout the community, and had been expressed in comments at some Council meetings. He said he felt the same, but had made no move to get him declared unfit, as she had stated in her article. He said he would not have done that to him and his wife, but had hoped they would have come to that decision themselves. He said he had never come to the conclusion that Bill Thomas was not his friend in spite of his illness, and he felt the same today. He said she should feel shamed for making that statement. He said that since her first year on the job, Ms. Segal-George had tried to impugn his character in many manners. He asked her if she thought it was about time to grow up. Councilman Reynolds then took up a statement made by Ms. Segal-George in her article that he had come off the Island the day after the storm, and said she knew that was not true, because he and his wife had left the Island the same day her family had left, and that Ms. Segal-George had arrived at the Hilton Gardens Hotel on College Parkway after he and his wife had arrived there. He felt she had no other reason to put such a false statement in the paper except to slander him. Councilman Reynolds then said Ms. Segal-George's friend, Mr. Carl Conley, editor of the Island Sand Paper, had made a statement in one of their articles (hers and Mr. Conley's), which said he had not arrived back on the Island for three days after the storm. He said it was nonsense, and that the record would show that he was back on the Island at 11:45 AM on Saturday, August 14<sup>th</sup>. He said there was not five feet of water as had been stated in her article, and no van vehicle could be driven in five feet of water as was reported. He said that Mr. Conley also refused to run a one-paragraph response to refute Ms. Segal-George's articles. After Councilman Reynolds asked him to run it a second time, three weeks later, Mr. Conley did publish it. Councilman Reynolds asked Ms. Segal-George what was going on her and Mr. Conley, and asked if either of them realized that they had misquoted documented records and events. He said he had pictures to prove it along with unspecified "other things". He said he had been personally attacked in Ms. Segal-George's articles. He said she and Mr. Conley could "let up" because neither she, nor Mr. Conley, nor he were running for Council. He said that Ms. Segal-George stated in her article that he had been at the Bridge checkpoint stirring up trouble. He said that was a twisted comment. Referring to another statement in Ms. Segal-George's article, Councilman Reynolds said that everyone else knew there had been unrest at the Bridge checkpoint, and asked why she hadn't known about it. He said he had stopped to talk to the very upset and angry residents at the checkpoint at noon on the Monday after the storm, and that the unrest had already been reported at the Sunday or Monday morning meeting. He said he had experienced serious disgust at Ms. Segal-George's actions when he

had spoken with those residents. He said, as an aside, that he was stating things strongly because she had really torn him up in her articles, but had still softened up his comments for the meeting. After he met with the residents at the Bridge checkpoint on Monday, he had brought news back the one o'clock meeting where Mr. Gucciardo had been in charge. He thought, if Mr. Gucciardo looked back at that meeting, he would find that he had been very rude to Councilman Reynolds by refusing him the privilege of speaking at the meeting to relate what he had just learned at the Bridge checkpoint. Councilman Reynolds said he had refused to be censored because the residents needed information about what was happening and they were not allowed to visit their homes. Councilman Reynolds said that Ms. Segal-George had known about the unrest, but had refused to acknowledge it. He recalled that Mr. Gucciardo and Chief Markus had done all the talking at the meeting. The next issue Councilman Reynolds took up was a statement Ms. Segal-George had in her article that he had missed many meetings, which he said was not true. He said he had missed the first meeting on Saturday because no one from Town Hall had called him. He said he found out from another Councilman that there had been a meeting, and had gone to Town Hall at 11:45 AM and had found the doors locked and the parking lot had been empty. He said that when he had arrived for the evening meeting, Mayor Van Duzer had "yelled" at him, and had demanded of Councilman Reynolds to tell him why he had not been at the earlier meeting, which Councilman Reynolds said was not a good way to win friends and influence people. He said that, in her article, Ms. Segal-George had stated that he had documented damages on the Island but had never given her the pictures he had taken, which Councilman Reynolds said was not true. He said that when he had explained what he had been doing during the first meeting, for over three hours, because he could not find the meeting, that Ms. Segal-George had said that Mr. Gucciardo would be going out to assess the damages and to take pictures. In spite of what he called that uncooperative statement and attitude, Councilman Reynolds had made a CD of pictures he had taken and had brought it to the front desk in Town Hall. He said it had been put into an envelope with a note on it. In conclusion, Councilman Reynolds felt there had been no need for Ms. Segal-George to make an attempt to rewrite history, and added that he had spent enough time explaining what he called "this nonsense". He said that Ms. Segal-George was always trying to portray him as a bad person, and he didn't think he was. He stated that Ms. Segal-George seemed to think that she could fool the people, but he doubted it. He said Lincoln said it best, but did not cite a particular quote. Councilman Reynolds said some people who attended the emergency meetings might back her story as she stated it, but there were some very good people at those meetings who he believed would not. He said it appeared that she sometimes used the Town's checkbook to spread power. He said that while that may work with some people, it would not work on those residents and businesses that have pride, ethics and a feeling of self-worth, and he said he happened to know that there were many "of them" out there. He said she was aware that they had elected him three times in spite of her newspaper and in-counsel assaults against him. He said he hoped that they would not listen to her again. He said that she knew very well that Howard Rynearson hadn't spoken to

him in over a year, which he said was another sensitive topic, but felt needed to be said.

### **VERBATIM**

**Councilman Reynolds (Addressing Vice Mayor Rynearson):** *“I ask you, does this promote good working relationships between Council members? You and Bill Van Duzer only speak to me grudgingly. How does this help Council and the Town Hall working relationships? You will also recall that I fought for practically six weeks for Howard’s appointment to Council after my favorite candidate, Bill Thomas, could not get a second. I stuck with Howard. Now I wish that I had known him better.”*

He then told Ms. Segal-George he had a little wisdom to pass on to her, that being that all stories didn’t have to have a hero and a villain, and that some had only a hero. He said that she would decide to give some thought the next time she felt the need to rewrite a piece of local history, or the urge to attack someone. He said that during the Hurricane Charley “business”, she had been no heroine, and he had not been the villain as she had portrayed him to be. He requested that Ms. Segal-George be professional in her job, and act in a manner that a person in her position as a top Town administrator should. He said if she could take his advice seriously and with an open mind, that one day she would thank him and maybe follow that advice. He said he had not wanted to address these issues, but Mr. Conley had not allowed him to make a response and he had had no other way to do it. Before concluding his statements, he told Councilman Massucco the VFW Remembrance Day had been a very good recognition for 9/11 and he had enjoyed it.

Mayor Van Duzer related something to the public he had learned from a memo regarding trash pickup, in that it was going to change starting October 1<sup>st</sup>. He said at that point, recycle and regular trash would be picked up on Mondays, and horticultural trash would be picked up on Wednesdays, as part of the new agreement with the trash collection company. He also announced that there was a Horizon Council luncheon on September 23<sup>rd</sup> at Harborside, and trusted the Council members would attend. Mayor Van Duzer then said he was so frustrated he was not going to say anything further.

### **IX. TOWN MANAGER ITEMS**

Deputy Town Manager Gucciardo said he had handed out a memo to the Councilmen about two grants the Town had received notification of recently, which were part of the FEMA Flood Mitigation Assistance Program, used to elevate homes that were subject to repeated flooding. He said it was part of a funding cycle that had begun in January of 2004, the applications for which the Town had been working on through the spring and summer last year. He said the Town had just received notification that it had been successful in being awarded two of those grants. He said he brought it up at this meeting was to get confirmation from the Council that the Mayor had the authority to sign those two

grant agreement. He said it was basically a pass-through, and that the Town was obligated to the State to do a few things, and the sub-grantees (the property owners) would have the same obligations to the Town. He said they were waiting to hear back from FEMA in terms of fine-tuning the two documents he had given the Council copies of, and which dealt with the scope of work and the dollar amount. He said once those were confirmed with FEMA, and FEMA would sign an agreement for the Town, and the Town would then sign the agreement with FEMA with the Council's permission, and then the work on the two properties would begin. He said the Town had been successful in getting one of the grants in 2003, and had now been successful in getting two 2004. He added there were another three projects in the application process for the 2005 cycle.

Vice Mayor Rynearson asked if Mr. Gucciardo needed a motion or just direction, and Mr. Gucciardo indicated that direction was sufficient. Vice Mayor Rynearson said it was fine with him. Mayor Van Duzer said it was approximately \$245,500 in grant money that was going to be available to help two homeowners on the Island reconstruct their homes. Mr. Gucciardo said it was Staff's hope that the more success the Town met obtaining the grants, the more interest there will be in the grant program from different folks on the Island.

Councilman Reynolds asked why this item had not been on the agenda, and said that Council members couldn't have brought it to the agenda during Items and Reports. Mayor Van Duzer explained that Mr. Gucciardo was asking for direction only. Councilman Reynolds had thought someone was going to make a motion. Mr. Gucciardo said he had not had the information until after the Council packets had been made up. He said he didn't want to wait until the next meeting for direction in case the contracts came in from the sub-grantees before then. He said he wanted to be able to move them as quickly as possible. Councilman Reynolds said his only point had been that everyone had to follow the same rules. He said Council members had had items they had wanted to make a motion on during Council Member Items and Reports and were not able to. Mayor Van Duzer explained that Mr. Gucciardo had asked that the Mayor be able to execute the agreements on behalf of the Town. He pointed out that there was no financial responsibility or obligation to the Town. Councilman Reynolds said he knew that, as he had read the memo, but had just wanted everyone to get their items on the agenda. Mayor Van Duzer said Mr. Gucciardo had not been able to do that, and if one referred to the Council's policy manual, one would find an allowance to put things on the agenda in an emergency-type situation, and that was what Mr. Gucciardo had asked for. Councilman Reynolds said he was not questioning the circumstances that led to the item being introduced as such. He said two Councilmen would have made motions already, and were not allowed to, but Mr. Gucciardo was being allowed to make a motion. Mayor Van Duzer said Mr. Gucciardo's request didn't require a motion. Councilman Reynolds told Mr. Gucciardo that he had no problem with what Mr. Gucciardo had been saying, but had wanted to get a procedure established that applied to everyone. He started to say that if there was no motion required...but Mayor Van Duzer said that Mr.

Gucciardo was asking for a consensus, and one of the reasons it was brought up was because it was perceived that Councilman Reynolds had a problem with Mayor Van Duzer signing documents. Councilman Reynolds said he did have a problem with anyone signing documents without coming through Council. Mayor Van Duzer asked if that meant every time he signed a letter it had to be approved by Council. Councilman Reynolds said that was not what he meant, and Mayor Van Duzer asked him if it was necessary to get into "that". Councilman Reynolds said the Mayor was manufacturing things now. Mayor Van Duzer said he wasn't.

Town Manager Marsha Segal-George said she there was not point in responding to Councilman Reynolds, and Councilman Reynolds interjected a thank you. Ms. Segal-George said she did not agree with anything he had said, and Councilman Reynolds cut her off by saying he didn't believe anything she had said, either. Mayor Van Duzer strongly asked both the Town Manager and Councilman Reynolds to "just cut it". Councilman Reynolds began to speak, and Mayor Van Duzer loudly insisted that he "cut it, now!". Councilman Reynolds, raising his voice, said he was not going to, and Mayor Van Duzer told him he was out of order. Councilman Reynolds loudly said he was not out of order. Mayor Van Duzer said that Ms. Segal-George had the floor, and Councilman Reynolds loudly interjected that she had attacked him enough, and that he didn't have to take any more criticism from her. Ms. Segal-George quietly told Councilman Reynolds that she didn't have to take it from him. Councilman Reynolds replied that she wouldn't have to if she didn't go to the paper with "all these things" in a paper that wouldn't allow him to respond.

Ms. Segal-George shifted back to what she had wanted to discuss, which was that the Beach was getting some red tide in the Gulf, and that the Town was monitoring what was happening with regard to the fish kills, and that the Town had received a lot of reports that day in connection with the red tide. She said the Town had made TDC aware of what was happening, and that the Town was keeping a close eye on it. She said the Town's vendors in case the situation moved to Phase II, which would entail picking the dead fish up off the beach. She said it was at a borderline state, where it was a bit uncomfortable, but they were still hoping the tide would take it out. She wanted everyone to know the Town was aware of it, and had made arrangements for removal of dead fish and debris if it became necessary.

#### **X. TOWN ATTORNEY ITEMS**

Ms. Dalton said her item had been brought to her attention by the Supervisor of Elections after agenda had been set and closed for this meeting, and was the reason why it had not appeared on this meeting's agenda. She said she had prepared and faxed a memo to all but one of the Council members, and then apologized to Councilman Massucco because she hadn't known he had a fax number, or she would have faxed it to him as well. She said the memo had been sent Friday, and was in regards to the Election Canvassing Board, and that the

Town was required to select a Council member to serve on the Board for the primary and the general elections. She said it was a three-person board and, by statute, the Supervisor of Elections had a seat; a judge, who served as Chair and was appointed by the Administrative Judge of Lee County, had a seat; and a Town Council member would have the third seat on this board. She said neither the Mayor, the Vice Mayor, nor Councilman Katcko could serve on that board because they were running for office, which would create a conflict of interest. She said either Councilman Massucco or Councilman Reynolds could serve on that board as a Town representative, and that the memo she had sent explained the duties, the time frame and the times of the obligation, and at the end of the memo a name and phone number appeared for the contact person if further information was desired. She said the Council could appoint a person to fulfill those duties if it was the will of the Council, with the other person appointed as an alternate. She said two people could be appointed, and then the allocation of responsibilities could be discussed between those two people.

Vice Mayor Rynearson asked Councilman Massucco if he would accept that appointment. Although there was barely an audible response, Vice Mayor Rynearson said thank you, implying that Councilman Massucco had given a positive indication other than verbal.

Mayor Van Duzer asked Councilman Reynolds if he would serve as an alternate, and he said he would, but said he had spoken with Ms. Dalton at length about it, and had explained to her that he had company coming to Town but if a situation arose he would be glad to work it out. Mayor Van Duzer asked that it be noted that Councilman Massucco agreed to serve on the Election Canvassing Board as the Town's representative, and that Councilman Reynolds had agreed to serve as the alternate. Ms. Dalton told Councilman Massucco to contact her if he had any questions or needed her help with anything. He made an off-mike reply, and Ms. Dalton thanked him.

Councilman Katcko, addressing Ms. Dalton's item, noted that if the Council preferred, a Town Clerk or other Town representative could be named to serve on the board, and that it could be accomplished by Charter amendment. He thought it would be a good idea in the future for a Council member not to have that duty. He asked how the Council could go about accomplishing that. Ms. Dalton said she had been thinking about requesting the Town to review some aspects of the Charter in the future, as she thought there were some areas that may need to be addressed and/or updated. Mayor Van Duzer thought it ought to be put on a future agenda for Council's consideration. He said it couldn't be done for the upcoming election, and thought it would have to be done by referendum. Vice Mayor Rynearson thought a good time to address it would be during the Council's retreat.

## **XI. PUBLIC COMMENT**

As Mayor Van Duzer opened the floor for public comment, Councilman Reynolds if the change in the Town Charter discussed during Attorney Items would have to be done by referendum, but the Mayor had already pointed that out during the discussion of it, and did not respond to Councilman Reynolds' question.

Ray Murphy came forward. He congratulated the Council on the tentative approval of the rollback rate. He said he had always endorsed the rollbacks in years past. He hoped they would adopt it at the final hearing. He said he would be remiss if he didn't mention an observation he had made during the vote with regard to Vice Mayor Rynearson's vote. He said it was a glaring because in year's past, the Vice Mayor had vehemently opposed any rollbacks and had voted against them, but this year – an election year – the Vice Mayor had wholeheartedly endorsed a complete rollback. He found it very interesting, and wanted to know what had brought about the Vice Mayor's change in philosophy. Mr. Murphy hoped Vice Mayor Rynearson would address this issue in the local media so that everyone could know what his reasons were for his change of heart with regard to a millage rate rollback.

Ollie Curran came forward and thanked the Council for listening to the business owners who had spoken earlier in the meeting. She hoped they would look at the design she had presented to them as a possible alternative to sandwich signs. She thought a workshop could be held to see if something nicer than A-frame signs could be agreed upon and created.

Jane Plummer asked the Council to challenge the TMA, since there was now a survey that showed the percentage of people riding the trolley from off Island to the Island was over 50% non-Islanders. She pointed out that with Bay Oaks, they are made to contribute 50%, and she felt the TMA should challenge Lee County to participate in bringing the Park & Ride trolleys to the Island. She felt the Town residents appreciated, whether it was 20,000 cars or 250,000 people per year, that they hadn't driven their cars onto the Island. She reiterated that she thought it would be a good challenge for the TMA to get the County to help pay for the Town's problem that the County was creating. She also requested a copy of the minutes Mayor Van Duzer had said earlier in the meeting that he had read with regard to the sandwich sign meeting two years ago, because Ms. Plummer did not recall that he had asked the businesses to come back with an alternative, but could only recall that he had given them rules and regulations. She felt that, until the sandwich signs had been completely removed, the business owners had had no idea how much it was going to hurt them, and was why they had not spoken out against the ban before. She felt the Town was at risk in terms of losing some businesses on the Island, and thought alternatives needed to be looked at. She felt monument signs might not be the right answer either because it was below car level. She said if it was desired to get people to go to businesses and park their cars, they needed to be able to find the businesses. She asked the Council to keep an open mind. She said issues can come back, and can re-look at the Comp Plan,

because they had to deal with life as it was today. She added that she thought the rollback was a wonderful thing, but a reserve did need to be maintained by the Town in case of an Island-wide catastrophe. She thought the Council needed to be conservative with regard to what was being given back, and what might need to be asked for because of storm damage. She thought the portable deduction Councilman Katcko had discussed was a fabulous idea, because she thought it would benefit everybody.

Jeff Werner came forward. He commended the Council for passing Resolution 05-21, which dealt with recommendations to the South Florida Water Management District. He thought the resolution was well-crafted, to the point, and demanded the urgency needed to solve the crisis of Lake Okeechobee and the Caloosahatchie River. He said that all the other issues discussed and debated this evening would be moved without clean water surrounding the Island, which he said would cause the end of the Ft. Myers Beach lifestyle. He thanked the Council for their foresight and action.

## **XII. ADJOURNMENT**

Mayor Van Duzer adjourned the meeting at 10:32 PM.

Respectfully submitted,

Jo List  
Transcribing Secretary