

**FORT MYERS BEACH  
TOWN COUNCIL  
Town Hall – Council Chambers  
2523 Estero Boulevard  
Ft. Myers Beach, FL 33931  
October 10, 2005**

**I. CALL TO ORDER**

Mayor Van Duzer called a regular meeting of the Town Council to order on Monday, October 10, 2005 at 6:30 PM.

**Members Present:** Mayor Bill Van Duzer, Councilman Don Massucco, Councilman Garr Reynolds, Councilman Ken Katcko

**Members Absent:** Vice Mayor Howard Rynearson

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

**II. PLEDGE OF ALLEGIANCE**

All present stood and recited the Pledge of Allegiance

**III. INVOCATION – Rev. Jeanne Davis, Beach United Methodist Church**

All present remained standing for the invocation.

After giving the invocation, Rev. Davis invited all present to a Paul Todd Benefit concert for Hurricane Katrina victims, where pumpkins will be sold, and hickory barbecue will be available, along with amusements for children, to take place on Saturday, October 22<sup>nd</sup> and Saturday, October 29<sup>th</sup>. Rev. Davis did not say where this event would take place.

Ms. Davis thanked Dep. Town Manager John Gucciardo for allowing her to make the announcement, and added, “You’re a good man. I don’t care what they say.” This evoked hearty laughter around the room.

**IV. PUBLIC COMMENT**

Pat Smith, of 50 Fairview Boulevard, came forward. Ms. Smith wished everyone a Happy Columbus Day. She brought attention to a 12-page, full-color brochure that had been mailed to Island residents from Town Hall, and remarked that it might have cost anywhere from \$2700 - \$4000. She said the Mound House was already costing the taxpayers \$106,000 – not counting the capital – every year, and she felt the brochure added to that. She asked about the grant revenues discussed in the brochure, because it was stated in it that 70% of the revenues were coming from grants. She said the brochure discussed \$2,000,000 spent to some point in time, and included revenues that had not arrived yet. She thought it was more like 57%, which she said was not quite so impressive as the 70% of the portion of the costs of the Mound

House paid for by grant monies to date. She said she had just learned that the \$1.03 million from Florida Communities Trust went directly to closing so that it had not shown up in the figures that had been furnished to her by Town Hall. She said there were a number of other grant revenue receipts, listed on the brochure, that did not show up in the materials given to her by Town Hall, which left a question as to exactly how much of the grant money had come in.

Ms. Smith said she had just gotten a nice brochure about Historic Preservation. She said she appreciated getting the information, as she hadn't known that much about it before. She said that, for an Island 7 miles long and less than a mile wide, the Town already had the Mound House, the Pink Shell cottage, another cottage and now the Newton House. She asked how much more Historic Preservation the taxpayers of the Town should be asked to support. She asked why taxpayers' money should be used to renovate homes of any individuals, which she felt amounted to confiscation of one taxpayer's money to support another. She said that, except for someone who was ill, elderly, or in extreme need for vitally necessary repair, the project would amount to special treatment for a few.

In support of Councilman Reynolds' request for open Council discussion of the Town Manager's evaluations, she was present when the Council approved both the bonus of \$9440 and \$15,000 worth of FEMA overtime. She said that amounted to a one-year boost in excess of 20%. She said she had been appalled to learn the Council had not read or discussed each other's evaluations before approval. She said that one Council member had said he didn't need to read anyone else's evaluation because he had already made up his mind.

Ms. Smith said the Council members were the only supervisors of the Town Manager, whoever that might be, and that they were doing so on behalf of the Townspeople. She thought it was their responsibility to take the job very seriously, and that they should inform the public as what amazing things had been done to rate such an exorbitant addition to Ms. Segal-George's well-padded benefit package.

Ms. Smith said there had been a vote at the last Council meeting on the Sun Stream building close to her neighborhood. She said the proposal included in it at least three instances of bending the rules, which she listed as the setback, the height, and 3,000 square feet of office space allowed on the ground floor. She said these were specific exceptions to the Town's Comp Plan. She said: "At the risk of being mean-spirited, but that's any time we don't join the amen chorus around here, each incumbent running for election right now, and that's you, Mr. Mayor and you, Mr. Katcko, and Mr. Rynearson who's not here, accepted a \$500 campaign contribution from Sun Stream knowing that that vote on the variances was pending. I know that's not illegal, but it looks like special favors are for sale in this Town, and perception is reality to the beholder. If it waddles like a duck and it paddles like a duck and it quacks a duck, then it just might be a duck."

## **V. CONSENT AGENDA**

**A. Approval of Minutes**

1. September 12, 2005
2. September 19, 2005

**B. West Coast Inland Navigation District Grants (WCIND)**

Mayor Van Duzer said this item was about two grants: \$30,000 for removal of abandoned vessels; \$32,000 for marine law enforcement.

**MOTION:** Councilman Massucco made a motion to approve the consent agenda. Councilman Reynolds seconded the motion.

Councilman Reynolds asked to pull the September 12, 2005 minutes and Item B.

Mayor Van Duzer indicated the motion on the table was for the approval of the September 19, 2005 minutes only.

**VOTE:** The motion carried unanimously, approving the September 19<sup>th</sup> minutes.

Regarding the September 12<sup>th</sup> minutes, Councilman Reynolds believed all the Council members had received his written request for corrections made.

Mayor Van Duzer asked which page Councilman Reynolds had cited for corrections. Councilman Reynolds indicated Page 43, Line 3.

Town Attorney Dalton said that in such instances in the past, the Council had asked to have the portion of the tape in question transcribed verbatim, but it was up to the Council to decide how to handle that.

Mayor Van Duzer said the real minutes were the tapes of the meetings.

Councilman Reynolds said it was allowable and expected that corrections would be made if something were wrong with the transcription. Mayor Van Duzer said he was not begrudging him that at all.

**MOTION:** Councilman Massucco made a motion to approve the minutes of September 12, 2005 with corrections. Councilman Reynolds seconded the motion.

**VOTE:** The motion carried unanimously.

Regarding the grants, Councilman Reynolds expressed appreciation to Matt Feeney for securing the \$30,000 for the removal of derelict vessels, and the \$32,000 for marine law enforcement.

Councilman Katcko thought getting the grants was excellent. He said there were a lot of very specific requirements with regard to how the grant money can be used. He

said financial reports were required, and felt it would be very difficult to misspend or hide grant money because of all the requirements attached to these grants.

**MOTION:** Mayor Van Duzer made a motion to approve Item B. Councilman Reynolds seconded the motion.

Mayor Van Duzer told Mr. Feeney had had done a superb job regarding the grants.

**VOTE:** The motion carried unanimously.

## **VI. ADMINISTRATIVE AGENDA**

### **A. Presentation Regarding the Transit Authority – Presented by Steve Tindale and Joel Rey**

Joel Rey, a senior transportation planner with Tindale Oliver and Associates, came forward and introduced the members of his project team: Bill Ball, a principal in Mr. Rey's firm; Glen Aylert, Director of the Lee County Metropolitan Planning Organization (MPO); Steve Meyers, Director of LeeTran.

Mr. Rey said he and his team were currently doing a project for the MPO and the County, related to LeeTran, which was currently a County department. He said their project's aim was to build a consensus and to develop an action plan for transitioning LeeTran from a County department into a transit authority. He said a major portion of the study was the creation of an action plan, which would be a plan for the implementation of the transition. He said the first step consisted of making presentations to all the municipalities in the County for educational purposes, so that it was understood what a transit authority was and how it would benefit, in this case, the Town of Ft. Myers Beach.

Mr. Rey said there had been a series of studies that had been completed, starting in spring of 2002. The first study was called "The Funding and Governing Study", which had come about because LeeTran had been looking for additional sources of funds. The purpose of the study had been to try to identify additional sources of funding that had not been utilized, and to look at the governance structure of LeeTran to see if it should transition to something else. He said another study, of one particular source had seemed to hold some promise and interest in the minds of the municipalities and the Lee County – Municipal Service Taxing Unit (MSTU) – had been conducted in the summer of 2003. The result of that study revealed that the MSTU did not have as much promise as had been originally expected. At that point, another study was begun to find short-term funding solutions for the transit agency while looking at the long-term, which was the changing of the governing structure. He said the primary findings of the three studies had been that the moderate growth scenario for the transit agency was preferred and adopted in the last transit development plan. He said it had also been determined from the studies that, in the long-term, LeeTran should transition to a transit authority. In the interim, he said the

municipalities felt the best source of funding was general fund revenues to support the transit agency until the transition could take place.

Mr. Rey explained that a transit authority is a governance structure, noting that there were several types of transit authorities. He said it was a governmental or political entity created to represent two or more jurisdictions, and depending on how one is set up, it can have the authority to levy taxes. He said the two basic types of transit authorities his team had been considering for LeeTran were the regional transit authority and the independent transit authority.

Mr. Rey then explained the differences between the two types of authorities under consideration. He said they were almost identical, but in the case of the regional type, it was implemented as a special region, as opposed to a special district in the case of an independent authority. He said the regional type was more prescribed by state statute because according to Chapter 163, there were already requirements for how that type of authority would be created. He said this meant there was not much leeway in the creation of the authority, and that the requirements were simply assumed from that particular chapter of the Florida state statutes. He explained these requirements: board representation is derived by a population-based formula; and, the dedicated funding source is ad valorem-based.

He said that, in the case of an independent transit authority, there was a lot more flexibility in the creation of the authority, where a special district would be created through the state-enabling legislation process. He said the board composition would be determined by the participating municipalities, and was not necessarily population-based. Additionally, with an independent transit authority, the funding sources utilized to fund it could be determined by the members as well.

Mr. Rey, indicating a map on display in Council Chambers, showed the existing routes provided by LeeTran. He said in all, seventeen local routes were currently offered by the County department, from approximately 5:00 AM until 10:00 PM, and operated seven days a week, although Sunday service was somewhat limited. He said during any peak period there were 48 vehicles in service. He said the system also provided complimentary ADA transit service through its Passport program, as well as some commuter assistance service, such as vanpooling, through its Conexus program.

Mr. Rey said bus service had been growing and that Steve Meyers and his team had been doing a great job attracting new riders. Citing validated federal statistics taken from the National Transit Database, Mr. Rey reported that ridership, over the last five years, had increased ridership from 2.27 million to over 2.5 million. He said that was important because when they had done the earlier studies in 2002 and 2003, the system had ridership of about 2.32 million. He said his group had developed a chart a few years ago, which showed what ridership could potentially do over the subsequent five-year period after the fiscal year 2003. Indicating the chart, he said the purple line at the bottom showed a constant status quo of 2.32 million riders. He said the red line showed, if nothing was done with the service and continued to operate at status quo,

one would expect to have reached ridership of just over 2.5 million by the year 2008. Mr. Rey said the moderate growth scenario was preferred by the municipalities and the County Commissioners, which was indicated by the blue line on the chart that showed that by the year 2008, about 2.9 million riders could be expected.

He said that, based on the graphic he had shown the Council previously, and which had been updated with the most validated data, the yellow star indicated, in fiscal year 2004, LeeTran's current ridership, which had already almost exceeded the projection on the status quo line of 2008. He said ridership projections had basically been rendered obsolete already, based on the current performance. He said they did not have the ridership figure for fiscal year 2005 as yet, but he believed it would be higher than in fiscal year 2004.

Mr. Rey said the system was growing and successful, without the benefit of any significant increases in funding, and in answer to the question as to why one would choose to fund transit, he discussed the benefits of transit.

In the area of social benefit, Mr. Rey said there were a lot of people who did not have any way of getting around for a variety of reasons. He said transit provided an important mobility option for those individuals. For people with cars, Mr. Rey said transit gave them yet another transportation option. He added that it was environmentally beneficial to get as many people out of their cars and onto buses as possible. He said this would also reduce traffic congestion. In terms of economic benefits, Mr. Rey said a major benefit was that the workforce could be expanded by providing transportation for people who otherwise don't have any. He said reduced traffic congestion also produced an economic benefit.

With regard to Ft. Myers Beach specifically, Mr. Rey said the benefit of LeeTran transitioning to a transit authority was that the Town would have greater ownership of the transit agency. He said currently, because it was a county department, all decisions relating to it were made by the Board of County Commissioners. He said that while the Town had input via its representation on the MPO, it could be somewhat filtered; in the case of a transit authority, the Town would have direct representation. He said the Town would also have more input with regard to the customization of the Beach's service, and would be able to support the existing service success that had been occurring.

Specifically related to the Town, Mr. Rey discussed some of the possible future transit services. Indicating the map again, Mr. Rey said it had been developed for the long-range transit element, and that it showed current service, represented by blue lines. He said all the other lines on the map represented new services that had been proposed as needs through the year 2030. He said the lines circled in red applied primarily to the Town, and included: potential Park & Ride lots to serve the current trolley service as well as increased frequency of the route currently provided; water taxi service to the potential routes, and could include ferry service from Ft. Myers

Beach to the Sanibel Lighthouse Park, as well as another service from Coconut on the mainland to Lovers Key. He said they were all potential options of future service.

Mr. Rey said his presentation at this meeting was strictly educational, but at some point, they were going to return to Council to ask for the Town's input as to what type of authority should be implemented, how the board should be composed, or even whether the transition should occur or not.

Mr. Rey said the County hoped that all the municipalities would opt to support the creation of a transit authority, in which each would participate, and that if even just a few chose not to, the idea would probably be abandoned in favor of maintaining the status quo, leaving LeeTran a county department.

Over the ensuing week or so, Mr. Rey said he and his cohorts would do presentations to the rest of the other Lee County municipalities such as the one they were doing at this meeting, and had already presented to Sanibel-Captiva. Based on the input they receive from the municipalities, he said they would begin drafting an Action Plan, and will then send information to all the municipalities prior to a Transit Summit which will be held on December 14<sup>th</sup>, which would allow for the gathering of the governing bodies of all Lee municipalities at the Southwest Florida Regional Planning Council offices. He said at this meeting they would discuss the options open to them, based on the input from all the municipalities. He asked the Council members to think about whether the Town could support and participate in a governing structure such he had described, and if so, to consider how the board should be composed, and what type of funding source or sources would make the most sense.

Mayor Van Duzer, having seen this presentation as a member of the MPO, felt that the County municipalities needed to consider the creation of some sort of transit authority. He believed if it were done properly it would help mitigate traffic, as people didn't use the transit system as it currently existed. He felt it would take a lot of effort and salesmanship to make it work. He pointed out that in other countries one would use the transit systems rather than rent a car to get around, and he felt that was needed in the U.S. so as to reduce the consumption of petroleum products which are used not only as fuel for vehicles, but are also used in the building of roads. He told Mr. Rey his first concerns about the idea of a transit authority had to do with funding, but felt an authority should be created. He thought the funding should be established by the need.

Councilman Massucco asked if Mr. Rey had said that 100% participation of all Lee municipalities was required in order for an authority to be established. Mr. Rey said if either a regional or an independent authority were established, then technically 100% participation would not be required. Realistically and practically, however, Mr. Rey believed 100% participation was necessary. Regarding funding, Mr. Massucco asked if the people who used the system would be the ones to pay for it. Mr. Rey said they could and already do through payment of fares. He said the

provision of transit service was heavily subsidized around the world, and if people riding in the system paid for the actual cost of the ride, it would be unaffordable, and therefore felt relying on the users to fund the cost of the system was nearly impossible, as the fare box only paid for about 25% of the actual cost of each ride. Councilman Massucco opined that Ft. Myers Beach was rather unique, and wondered what the benefits of participating in the authority would be for the Town. Mr. Rey said there was a lot of traffic congestion on the Beach, and Park & Ride service could keep a lot of cars off the Island. Councilman Massucco said the Park & Ride was very controversial in the minds of the Islanders.

Mayor Van Duzer asked if there were comparison figures available from other countries where the primary mode of transportation was such as what they had been discussing. Mr. Rey cited Canada, where the municipalities are required by law to have a fare box recovery rate of 65%; otherwise, they would lose their governmental assistance. He said the Toronto Transit system was incredible and had millions of users, yet they found it very difficult to maintain the 65% recovery rate. He said the U.S. had some of the lowest fare box recovery rates, yet some of the highest subsidies from the government. He attributed this to the country's automobile-oriented culture. He said there were a number of countries around the world where data was available in terms of subsidies and other funding sources. He said there were very few systems in the world that were 100% funded by the revenues they generated.

Mayor Van Duzer said he had been amazed at Tokyo's transit system, and related that there was a rule in that city that if one lived within a certain distance of it, that one was not allowed to drive one's car into it. As a result, the system had a recovery rate of about 85%, with very little governmental subsidy. He said the bullet train in Japan was very expensive to ride. Mr. Rey concurred that Japan's system did work well, and pointed out that they had the population densities to support it. He added that London had also created an auto-restricted zone in their central area, which had boosted the usage of transit. He said the more people got out of their cars and into using the transit system, the lower the subsidy would have to be. Mayor Van Duzer said that the population in Lee County, currently a half a million, was soon going to be a million and a half, and that something needed to be done. He envisioned all the roads needing to be expanded to ten lanes in order to move the cars, and Mr. Rey said it would make Florida like California – something he personally did not want to see happen.

Councilman Katcko believed the Town should participate in discussions about the formation of a transit authority. He said he had problems with such an entity having the authority to levy taxes, and was concerned about the effect that would have on Island residents. He said that, in spite of the amount of money spent and the additional Park & Ride service that had been offered last season, the Townspeople had not experienced increased mobility or reduced congestion. Councilman Katcko said he liked the idea of the ferries, an alternative he felt may help. He felt the Town should continue talking about the options with regard to establishing a transit authority.

Councilman Reynolds thought ferries would be very beneficial. He said the Town's experience with the increased trolley service last season had been regarded by some as a success, but felt success wasn't always a good thing. He explained that the increased service had successfully brought a lot of people over to the Island, but had been unsuccessful in helping the people who lived on the Island. He said the Council was looking for something that would be beneficial to the residents of the Beach. He said it was unacceptable if a "success" one way created another thirty to forty minutes of driving time just to drive three or so miles up the Island. He said that was not success, and that was what had happened last season. He thought perhaps it would help the Town more if Lee County were to be more successful in making Bonita a more desired destination on its system. Councilman Reynolds asked if Mr. Rey knew exactly how many riders there had been on the Park & Ride last season during peak time, as he had heard conflicting figures. Mr. Rey said he didn't have the figure for peak time, and Councilman Reynolds said the most commonly stated figure had been around 100,000 riders. He said there had been 7 buses per hour coming onto the Island, and 7 per hour returning to the mainland, which he said created a traffic problem in itself. He said because of the frustration of Islanders over the increased loads of people being dropped in Times Square, the Council had voted unanimously to discontinue paying for Park & Ride. He asked why the Town would want to participate in a program such as was being discussed when it was such a tiny little place that was already overpopulated during season, with up to as many as 45,000 people when the off-season population was around 7,000. He didn't believe the Town needed help bringing more people to the Island, although he understood Mr. Rey's point that a busload of people would cut down on the numbers of cars being driven onto the Island. He said that unfortunately, the PR people advertised all over for people to come to the Island via Park & Ride, which he felt had brought people to the Island who otherwise would not have come. He said a survey had shown that only 4% of Island residents actually used the Park & Ride. He said the increased Park & Ride service, with a dedicated trolley lane and free fares, had been an experiment last year and believed the majority of the Townspeople had not thought it had been successful, and that the Council had also believed it had been unsuccessful. Thus, he said there were many questions that had to be addressed before the Town got further involved. He said the Islanders had the perception of people riding for free on the Park & Ride, zipping by on a dedicated lane, while they were forced to sit in traffic. He doubted the Islanders would be comfortable with such a system.

Mr. Rey said he was not familiar with all the facets of the Park & Ride experiment, but suggested that, if the Town was willing to participate in the development of a transit authority and had a say in the direction the transit took, a lot of those decisions would be impacted by the Town's input. He said if the Town decided not to participate, and an authority were to be established, the Town would not have any influence on those decisions. He said if the Town was on the board, it would have more input in determining how, what and when service would be provided. Councilman Reynolds clarified that the Town and the Council had had complete

involvement in the establishment of last year's Park & Ride increased level of service, and had enjoyed excellent cooperation from the County.

Mayor Van Duzer thanked Mr. Rey for his time. He pointed out that no one on the Council was prepared at that time to make a commitment, but that they would give the matter careful consideration. Mr. Rey said the purpose of his presentation at this meeting had not been to get commitment, but had been for the purpose of giving the Council the data, and to announce that the summit would be held in December.

### **B. Presentation by Historic Preservation Subcommittee**

Prior to the presentation, Mayor Van Duzer alluded to "the walking grandmothers" and that many people might take exception to his referring to Ms. Simpson and Ms. Smith in this way. They replied that if that were so, it would be because they didn't know the history of "the walking grandmothers" or the yellow ribbon. There was no further explanation.

Betty Simpson of 180 Curlew Street came forward to explain why the Historic Preservation Subcommittee had requested a slot on the Council's agenda. She said they had come to provide additional information about, and to clarify the preservation activities of, the Preservation Subcommittee.

Ms. Simpson read from a brochure: "The goal is to preserve our Island heritage so that future generations can enjoy and appreciate how our Island has grown, and to preserve the charm and character this Island holds dear." She said the formation and work of the subcommittee was a major step in accomplishing that goal. She said the Town had early on identified the importance of protecting and preserving its heritage and resources, and was thus an important segment of the Comprehensive Plan. The Town then asked the LPA to establish a subcommittee that would work jointly with the Estero Island Historic Society to aid the staff in the accomplishment of this endeavor.

Ms. Roxie Smith, an Island resident and subcommittee member, then discussed some of the subcommittee's accomplishments:

- The creation of the brochure from which Ms. Simpson had read the goal. She said the purpose of the brochure had been to create an interest in historic preservation, as well as to educate the public about the importance of it. To date, she said the brochure had already been distributed to the majority of Island residents, but the subcommittee hoped to distribute many more in the near future.
- Continuously updating the inventory of the historically significant structures on Ft. Myers Beach. She said there were currently over 100 structures on the list, which she said appeared in the Comp Plan, Pages 13-14 and 13-15. She said that, unfortunately, many of the structures on the list had been lost either to redevelopment or hurricane damage.
- Ongoing, the subcommittee continued to encourage the historic designation of properties and structures that meet the required criteria. She listed some

structures that had already been designated: The Beach School, the Historic Cottage, a few other beach cottages, and St. Raphael's Church.

- The design of a plaque used to identify suitable and significant sites and buildings for walking tours or virtual tours. Over much suppressed laughter – due to the condition of the sample plaque she had with her – Ms. Smith said the plaque was still in the approval process.
- Assistance in the lengthy process to qualify designated historical structures, as the owners must agree to follow and adhere to required criteria and guidelines. Ms. Smith felt there was some confusion regarding historic designation, in that not all old structures meet the criteria.

In response to something said by Pat Smith during public comment, Roxie Smith clarified that no public money had been spent on the restoration of the Pink Shell cottage, but rather had been funded privately by Roxie Smith herself. Additionally, no tax money had been invested in the historic structure of the Beach School, nor in the Historic Cottage. She said most of what was valued and loved in the Town's historic resources had been paid for through membership, private donations or private funding, and taxpayers' money had not been used.

- Identified several areas in the Town that would be suitable and appropriate for an Historic District, although no formal action had been taken on that as yet. As an example, she said the area where the Beach School was located, including the Methodist Church, the Historic Cottage and the Library, was felt by the subcommittee as having the potential to make a nice historic district.
- The subcommittee effected completion of the Preservation Element of the Comp Plan over the summer months.

She said preservation was an ongoing task, which the subcommittee members felt was of great value to the Town. She said the hope of the subcommittee, stated on the brochure, was "to appreciate, protect and promote the historic resources of Ft. Myers Beach as the Town develops and evolves over time." She said it was a big task that couldn't possibly be accomplished without the assistance of the Estero Island Historic Society.

Ms. A.J. Bassett, the curator of the Estero Island Historic Society, came forward. She said she had lived on the Island for sixty-five years. She said there was a brief history of the Island in the aforementioned brochure, but there was much more history on the Island than what was mentioned in the brochure. She said the Historic Society recorded the documents of the Island's history, and were proud of what they had accomplished to date. She said the Island had a lot of history – even if it wasn't "a St. Augustine" – some of which was ancient history. She said our island first emerged from the Gulf waters in 3000 BC, more recent than the formation of Sanibel, Captiva, Useppa and Pine Island. She said all the islands had been home to the Calusa Indians, who had roamed the islands as early as 1566 AD.

Ms. Bassett asked Betty Simpson if she knew, in addition to the Mound House, where the other four mounds were located on the Island. Ms. Simpson said she did not, and asked where they were. Ms. Bassett said that, unfortunately, they had been bulldozed to make a road, now called Estero Boulevard, in the 1800's. Ms. Bassett said it had taken nearly 40 years to complete Estero Boulevard, and was eventually paved from north to south.

Ms. Bassett asked Roxie Smith if she knew about the owner of the Koreshan home on the Island, or where the home was located. Ms. Smith said she didn't know about it. Ms. Bassett said the owner had died in his two-story beachfront home in 1908, and then later a hurricane had erased all traces of his home and his tomb with the eternal flame. Ms. Bassett then mentioned the Koreshan sawmill, and asked if anyone wondered where it had been located. She said it had milled most of the Florida pines and mahogany trees on the Island to make wood for the structures as well as to build boats, for in the 1800's, the only method of transportation to and from the Island was via the waterways.

Ms. Bassett asked the Mayor if he knew the location of the first Ft. Myers Beach post office. He did not. She said it had been part of the International Trading Company store, and had been built out to the channel in the Back Bay to service coast-wide people and the mail, from Sarasota to Key West, and had been called the Carlos office. She said the location was now known as Snook Bight Marina. Incidentally, she mentioned there had been six buildings that had housed the Ft. Myers Beach Post Office, four of which remained.

Ms. Bassett said a lot of landmarks had already been lost on the Island to paving, hurricanes and development, but the history had not been lost. She said the title of one of the Historic Society's calendars was "Lost Traces of Early Places". She said there were still remained many structures pertaining to the Island's history, and the preservationists wanted very much to designate them historic so that future generations would know more about the history of the Island, and the importance of historic preservation.

Ms. Bassett told a story about how Crescent Street got its name. She asked those present to imagine being back in 1921, driving a Model T south on McGregor Boulevard to Bunche Beach, to arrive at a sandy lane that brought one to a small wooden, rickety bridge – the first bridge to Ft. Myers Beach. As one crept across the bridge over Matanzas Pass, she said one would land on another sandy road called Crescent Street, which one took out to the Gulf of Mexico onto the white sugar sands of Crescent Beach. She said it had not been renamed Ft. Myers Beach until 1925.

Ms. Bassett said that, like those who had come before, many arrived on the Beach to stay. She that, whether one arrived over the first wooden bridge, the swing bridge, the south bridge or the Sky Bridge, the journey made one a part of the history of the Island.

Ms. Bassett recounted the emergence of the Town from its very beginnings to current day. She said the Town was now challenged to manage its growth and traffic.

Ms. Bassett said the Historic Society and the Preservation Subcommittee were dedicated to preserving the history of the Island, and hoped those present now understood and appreciated why they felt it was so important. Ms. Bassett then distributed something to each of the Council members, which she described as a “special reminder of who we are”, although it was not specifically stated what that was. She thanked the Council for allowing Ms. Simpson, Ms. Smith and her to make their presentation.

Councilman Massucco jokingly asked if they could legally accept whatever it was that had been given to each of the Councilmen. Councilman Reynolds asked if accepting this “special reminder of who we are” obligated them to anything, which Ms. Bassett said it did not. Mayor Van Duzer joked that he was insulted by the size they had given him. A lot of people present laughed along with the Councilmen as they bantered with the ladies who made the presentation.

Mayor Van Duzer said the ladies had made a very nice presentation, which sparked a round of applause for them.

Councilman Massucco felt a lot of the presentation had been meant for him, regarding his ION Program proposal, and he felt he should respond. He wanted the ladies who had made the presentation to understand that he fully understood that Historic Preservation was an element in the Town’s Comp Plan. He said he had made his first mistake when, in his proposal for the ION Program, he had described it as a replacement for the preservation program. He said in fact it was not a replacement for the HPP, but rather it was intended to take it one step further, in that it would reach out to people whose homes were not qualified for historic designation, but who might qualify for some assistance in the repair of their homes. He said he would never want to “step on the toes” of the Historic Preservation Program, and asked them to please understand that.

Councilman Massucco said his second mistake had been to attach \$250,000 as the proposed amount of money that could be made available for his program. He said it was an arbitrary number, and if the ION Program moved forward, that figure could be reduced because it would be implemented on a trial basis at first. He said if there was little or no interest, the ION Program could simply be eliminated. He wanted to see how many people would take advantage of it, and that was why he had proposed it. He asked the ladies who had made the presentation to please accept his apologies if he had offended the Historic Preservation Program, as he had not meant to do that.

Councilman Reynolds said if the records were checked, they would find he was one of the first people to become a lifetime member of the Historic Society. He said he had been happy to do so as he believed in Historic Preservation. He said he didn’t believe it to the extent of not turning a few stones to question. He recalled two

situations that had come before Council, regarding historic designation, that had been questionable – St. Raphael’s Church, in that there had been a question of the Town giving grant money to a church; and the home on Ms. Bassett’s street that didn’t appear to be worth rehabbing, which belonged to someone from out of Town who had had no intentions of living in it.

Councilman Reynolds thought the 50-year “thing” should be part of the criteria, but he believed anyone who lived on the Island who wanted to rehab their structure should. He said there were probably many people, who had lived on the Island for many years, living on Social Security, and who were being priced out. He felt if the house was fifty years old, and the person who owned it lived in it and needed assistance, the Council should consider giving that assistance. He felt if a person could afford to do that work themselves, due to their being in good financial shape, he felt it would be an insult to the taxpayers in Town to give any money to that person. He believed the present budget for the preservation program of \$40,000 with no more than \$20,000 granted to any one individual, was adequate. He didn’t believe it should be a carry-over figure, so that it never accumulated beyond the \$40,000. He believed if anyone living on the Island could not afford to rehab their own structure, with the exception of those on Social Security, they probably needed to live somewhere else. He admitted it may sound mean to say so, but he didn’t believe passing on costs to residents was the way to go.

Councilman Reynolds felt there were many residences on the Island, fifty years old or older, with no characteristics at all. He didn’t believe 50 years alone qualified a home for preservation. He said he had written a “stinging criticism” because he had not have taken a bribe of any kind to vote for some project that had come before the Council recently, although he did not elaborate as to which project it had been or what bribes had been proffered to him. He said that particular project had not been worthy of designation in any way at all.

He said he did appreciate the Historic Society on the Island, and that he had volunteered a lot of time in the past at the cottage, but hadn’t lately because Council business seemed to take up a lot more of his time recently. He said there was very dedicated group of individuals in the Society. He mentioned Jo Hughes, and said he wished she could have been at the meeting, as she was a tireless worker. He said he liked the little museum at the cottage, and said he didn’t know what would happen if the Newton House was moved to that location. He said one thing that had disappointed him regarding the Historic Society had been when he had pushed very hard to save the Newton Home, which he described as the most celebrated family that ever lived on the Island, he had not gotten any support at all from the Historic Society. He said consequently, if it didn’t get moved, it would go down. He felt if the house did get moved, it shouldn’t be made the responsibility of the Historic Society unless they were given funds because the Society was always struggling for funds, although he felt they had been doing a good job taking care of the cottages that were in place already. He said the Newton House had special characteristics that should be preserved, but felt if and when it got moved, it would no longer be a

homestead. He said if any house deserved historic preservation, it was the Newton House. Councilman Reynolds told about his relationship with the Newtons, developed through chance meetings on their walks on the beach.

Councilman Katcko joked that he had just finished reading “War and Peace”, with the implication that Councilman Reynolds had spoken for a long time. Councilman Reynolds laughed and said, “Don’t be cute.”

Councilman Katcko thanked the ladies for their excellent presentation and for all their hard work toward the preservation of historic properties on the Beach. He believed the Mound House and Newton Park were great examples of history not being paved over, and thought the residents should be proud of their preservation for public use.

Mayor Van Duzer said historical preservation was part of the Town’s Comp Plan, a document that everyone cited as being very important. He said he became involved in historic preservation, and as a contractor, felt he probably shouldn’t be interested in it. But, he said the ladies who had given the presentation at this meeting had won him over years ago. He said it had been the citizens of the Town who had initially said they wanted to save and protect historic sites on the Island, and had set the guidelines for it and had determined there would be relief from building regulations and some financial incentives. He said the Townspeople had also determined that, between the LPA and the Historical Preservation Subcommittee, they themselves would decide whether a structure was historic or not. He said those citizens had never said there wasn’t a structure on the Island worth preserving, but felt if a structure had existed on the Island for fifty or more years that it would be worthy of consideration for preservation. He said if the characteristics of its original structure were present in such a building, then it was worth preserving. He thought the Council had made a grievous error when it had considered recent projects and had deemed them not worthy of preservation. He said there were financial figures in existence that proved that people did not pursue historic designation for their own gain. He said once a structure was given the designation, no one could remove the designation, alter the structure, or tear it down. He said the recent case that had come before them had been in regard to a structure on the Island owned by a woman who lives in Ft. Myers. He said the cost to preserve the structure, to bring it back to historical significance, would have been around \$80,000. She had asked for help through the preservation program, and the Council had denied that help. Mayor Van Duzer said she was now paying for the renovations herself, with plans to live in it and rent it out during season, and her costs were now in the neighborhood of \$30,000. He said that proved that it cost more to preserve than to simply renovate, and if the Town planned on preserving some of the structures on the Island, incentives were needed for the owners of those properties. He felt it was important, and that the citizens of the Town had demanded that historic preservation be considered by way of the Comp Plan.

Mayor Van Duzer said preservation was part of the history of the Island, and he hoped the idea of it didn’t slip away. He thanked the ladies for their presentation, and

remarked to A.J. Bassett that she was truly the Island's historian. Ms. Bassett quipped that she was old enough to be.

Councilman Massucco said the HPP program that provided assistance to qualified properties, and the Community Block Grant Development Program that provided help to low- and moderate-income families. He said there was nothing in existence for the average person who was just "getting by", and that was the type of person he wanted to help, and was the reason he had proposed the ION program. He said his program offered no incentives other than matching funds, whereas the Historic Preservation program offered relief from building regulations, financial incentives, relief from zoning and flood regulations, all of which he felt were heavy incentives. He added that, just because a person owned a house on the Island worth \$300,000 for which he had only paid \$100,000 years ago, it did not mean he could afford to do the work on it that might need to be done. He said he did not like or agree with the statement made by Councilman Reynolds, wherein he said that if a person couldn't afford to do his own renovations, he should probably move elsewhere.

Councilman Reynolds said he had not meant (his statement) in the bad way Councilman Massucco had interpreted it. He restated his position as such: "If the person, even though he lived in a nice home, if he couldn't do it, then we should go ahead and assist, then maybe if that's not sufficient, then then perhaps might take up and moves (sic)." He didn't want to be misinterpreted to mean that he would turn anyone away in need.

Mayor Van Duzer, before moving to the next agenda item, mentioned that the proposed ordinance regarding "Tree City" designation had been pulled from this agenda and would be on the agenda for October 24<sup>th</sup> to allow Town Staff to better prepare the related data. Mayor Van Duzer asked if any of the Council members objected to that. No one objected, and Mayor Van Duzer asked Town Manager Marsha Segal-George to put it on the October 24<sup>th</sup> agenda.

**C. Councilman Reynolds requests that:**

- 1. The last five Town Manager's evaluations, done by each Council member, be mailed to each Ft. Myers Beach voter**
- 2. Council rules not be subject to arbitrary changes**

Councilman Reynolds said that two things had happened since the Town Manager's evaluations had been turned in at the February meeting of Town Council. For one, Councilman Reynolds said he had not seen a full-page from Mayor Van Duzer's evaluation of the Town Manager dated February 28, 2005. He said he was not suggesting that anything was wrong to "Mr. Van Duzer", but that he had just not seen it. He pointed out that the Town phone number, rather than the fax number, appeared on the pages, which he thought was unusual.

Councilman Reynolds said that Mayor Van Duzer had stated at the 2-28-05 Council Meeting that he had turned in his evaluation that day. At that same meeting, he said

that Councilman Massucco stated he had left his evaluation at home, but turned it in on March 2, 2005. Councilman Reynolds said the addendum page of Councilman Van Duzer's copy had been directed more toward criticizing and downgrading Councilman Reynolds than it was toward evaluating the Town Manager. He asked why Mayor Van Duzer would do that.

Councilman Reynolds said the reason he asked that the evaluations be sent to all the townspeople was because of what had not happened, that being that the evaluation of the Town Manager had not been discussed in Town Council. When "these" were presented to the Chairman, Councilman Reynolds requested that Council delay the bonus that the Town Manager had requested until after all Council members had read the evaluations. He said what happened instead was that the Mayor took the vote before the Council, and it had passed 4 – 1 in favor of an immediate 8% bonus, or \$9,440. On the previous week, Councilman Reynolds said the Council had approved overtime pay for the Town Manager of over \$15,000 that had been approved 3 – 2. Councilman Reynolds said that no one had read any of the evaluations or the many problems the Town Manager had "promulgated (sic) toward this Councilman simply because I don't always agree with her." Councilman Reynolds asked why they were doing appraisals if they were not being used. He believed it would be proper for the residents know how "this Town Manager had behaved toward this Councilman." He said no other Councilmen "have had to endure such indicative behavior." He said that was why he requested that all five appraisals be mailed to every resident.

Councilman Reynolds then asked why the Town Manager had added five pages of her own, as no one else on the Council had done that.

Regarding Item C-2, Councilman Reynolds said Council should not be subject to arbitrary rule changes. He thought that, if he had read the Town Attorney's interpretation correctly, she agreed that that should not happen. He paraphrased the Town Attorney's statement to have been that if the Council was not following Roberts Rules of Order, the Chairman can change the rules as he desires. He said the problem with that statement was that this Council had always attempted to follow Roberts Rules of Order.

Councilman Reynolds said these were two very important issues that should not be taken lightly. He offered as a brief summary: "A Town Manager must not – and I'm not talking about just Ms. Segal-George – no Town Manager must not (sic) have the power to tell Council what can or cannot be discussed at Council meetings. And, last little comment, Council rules must not be arbitrarily changed as happened at the Council meeting on September the 26<sup>th</sup>."

Councilman Reynolds said he was tying those two issues together, and that he was not trying to make a big deal out of it. He just felt that Council had to take "this business" a little more seriously.

Mayor Van Duzer asked Councilman Reynolds to clarify what problem he had found with the phone numbers on his copy of the evaluation. Councilman Reynolds reread his statement about that: "I was curious of how the e-mail dates appear on the pages. The Town phone number that appeared rather than the Town fax number." He added that Mayor Van Duzer's fax number had not been on it, yet it had all been faxed. Councilman Reynolds said that Mayor Van Duzer had told him that he had handed his copy in that day. Councilman Reynolds reiterated that Mayor Van Duzer's addendum page had been directed more toward criticizing and downgrading Councilman Reynolds that it had been directed toward evaluation of the Town Manager. He said he was not making accusations, he just wondered why Mayor Van Duzer had done that.

Mayor Van Duzer asked Councilman Reynolds had a copy of the report that Councilman Reynolds had questioned. Councilman Reynolds said Mayor Van Duzer already had a copy. Mayor Van Duzer read the originating fax number, 463-0202, which he said was his own fax number, and read the date and time it was sent, which was February 28<sup>th</sup> at 10:12 AM. He said it was not the Town's phone number, it was his own fax number. Councilman Reynolds argued that 463-0202 was the Town Hall's fax number. Mayor Van Duzer pointed out that the Town's fax number was 765-0202 and then asked Councilman Reynolds to say into the public record that it said "From Van Care Construction, 239-463-0202, February 28, 2005, 10:12 AM." Councilman Reynolds asked the Mayor to let him look at it, and said he thought the Mayor could be right. He said he had seen the numerals "0202" and if he had misconstrued it and thrown something in the wrong way, then he was man enough to apologize for it, and added that he did not like apologies. He then apologized, and said that the paper did say "463", and the number at Town Hall was "765". He said to the Mayor that he deeply apologized to him, and the Mayor thanked him. Councilman Reynolds said it had not been meant as a slander.

Mayor Van Duzer then said he had read through his narrative, which Councilman Reynolds had identified as an addendum to the Mayor's evaluation of the Town Manager, and he could not see how it could be construed as having anything to do with "slamming" Councilman Reynolds.

**MOTION:** Mayor Van Duzer made a motion that the evaluations not be sent out to every Ft. Myers Beach voter because they were public record, available for the asking. Councilman Massucco seconded the motion.

He said it had been discussed last March at an open meeting, publicly. He said a statement had been made that he had based his recommendation, to pay a merit bonus to the Town Manager, on his own evaluation of the Town Manager, which he said he had. He said he had also looked at two other evaluations that had been available, and found they both had given the Town Manager excellent marks. He believed the Council had done nothing wrong, and that the issue was being brought forward for political reasons only, and thought it was a shame.

Councilman Reynolds said the Mayor was continuing to throw insinuations toward him, and wished they could discuss intelligently without...Mayor Van Duzer interjected that they should go back to the phone number insinuation and go from there. Councilman Reynolds said that was cleared up and they were not supposed to go back and beat a dead horse. He said he had apologized appropriately for that, as much as he possibly could, and thought the Mayor should get beyond it.

Councilman Massucco asked if he could speak as he had seconded the motion for the purpose of discussion. Mayor Van Duzer said that he and Councilman Reynolds needed to be silent for a moment to let the other Councilmen have a chance.

Councilman Massucco read a statement: "I am totally frustrated with the Council being tossed into this fray. Meeting after meeting Council is subjected to this very same theme. I know this will upset some people but it has to be said. This combative situation between a Council member and the Town Manager has got to stop. It has interfered with the very serious work this Council is charged to carry out. It is a personal conflict that has no business before this Council, and I would ask the party or parties involved, discontinue the hostilities, at least during our meetings. This is a place to discuss important issues affecting the future of thousands of Island residents and their property. This discussion takes precedence over any personality conflicts. So I ask you again, stop this nonsense so that we can better utilize our time for the benefit of our Island."

Councilman Katcko thanked Councilman Massucco for his comments and agreed with him. Regarding Item C-1, Councilman Katcko believed it would cost approximately a dollar to mail a copy of the evaluations to each voter, which would amount to about \$5000. He pointed out that someone in public comment had objected to having spent \$2500 on the Mound House brochure, so he couldn't support spending that amount for information that is available free to any resident who came to Town Hall to pick it up. He added that he had not been on Council during any of those evaluations, and saw no reason to study them.

Councilman Reynolds pointed out to Councilman Massucco that, a few moments ago, "my cohort over there, ho often agrees with me, interrupted immediately." He said to Councilman Massucco that he did not have "anything against" the Town Manager. He said he knew that it appeared that way. He said the only thing he had against her was the fact that he disagreed with the way she ran the Town, and didn't believe she had done a good job administratively. He said he did harbor anything in his heart against Ms. Segal-George except the way she works with the Town and especially the way she had responded to him over the past ten years. He directed his next statement at the Town Manager, and said "Beyond that, I do not have any ill feelings toward you Ms. Segal-George, and I've told you several times, especially when people come to tell me how much you hate me. I have never said anything like that about you, and I guarantee you that not one person out there can come to me and say that, because I haven't done it. I haven't said it and I won't say it because I don't. It isn't true.

Okay, with that said – well, you keep shaking your head yes all you want, but I’m trying to tell you that isn’t true. Now, if you can’t accept that, what can I do?”

Councilman Reynolds said he agreed with one part of Councilman Massucco’s statement in that he did not believe they needed to “carry this stuff on”.

Mayor Van Duzer, in response to that last statement, said “Let’s stop it right now, then” , which prompted applause from the public, and added that he had tried to stop both of them before and had gotten nowhere with it.

**VOTE:** The motion carried 3 – 1, with Councilman Reynolds dissenting.

Mayor Van Duzer asked if Councilman Reynolds wanted to address Item C-2, and Councilman Reynolds said he had already spoken about it and didn’t have anything to add. Mayor Van Duzer had nothing to say on it, and none of the other Councilmen indicated the desire to speak on it.

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

Councilman Massucco discussed an article from the Island Sand Paper about the dire consequences the Island was faced with in regard to water quality in the Gulf and Bay waters. He said it was a comprehensive article, and had enlightened him about the source of the nutrients from the sugar cane fields that were polluting the Caloosahatchie River. He talked about Governor Bush’s press conference in which he had pledged \$200 million for the clean up of Lake Okeechobee, yet the governor had not said one word about the sugar barons and the role they will play. He complimented Mark List, the writer of the article, and had e-mailed him about it. He said he had learned a lot from reading the article, and realized that the Island had a very serious problem. He said he had been with a water-testing group and that the bay water was getting closer and closer to the point where it could no longer sustain life. He said it had to start in the Town and on up all the way through the ranks to Washington, D.C. He encouraged everyone to read the article.

Mayor Van Duzer said that he had mentioned at a previous meeting that Mote Marine Laboratories had been doing most of the tests in the river, and that if one saw who financed Mote Marine Laboratories, it might make the situation more understandable. He said they also were the ones looking at the red tide situation, and reiterated that if one saw who financed Mote Marine, it would become clear that a lot of support came from entities involved in the sugar industry and Exxon oil. He thought that should be looked at, and suggested that the Town might need to look at the independent group in the area that conducts water tests, and who have no connections with sugar or oil. He thought that, between the waters coming down the river, and the lack of a filtration system that was supposed to have been put in above Ft. Myers five years ago by SWF Water Management District, the Town ought to take a look the independent group in order to get some answers. Councilman Massucco agreed that it was going to take a coalition to get things done. Mayor Van Duzer then wished everyone a happy Columbus Day.

Councilman Reynolds thanked John Gucciardo for providing the budget comparisons as they had been very helpful. He said he was not going to go through it and discuss particulars, but said it really “jumped out” where there was a change from last year to this one in terms of expenditures. He thought it would be very helpful if that comparison style could be worked into the budget next year. He especially thanked the Historic Preservation Subcommittee and the Historic Society for their presentation. He also mentioned the Pumpkin Patch that had been discussed by Rev. Davis after the invocation. He said the main events would take place on Saturday, October 22<sup>nd</sup>, but the pumpkins would be delivered before that. He said it would take place in the area of the school, and that pumpkins would be for sale every day, not just on the days of the events.

Councilman Katcko addressed some statements made in public comment. He said there were misstatements of fact and he couldn't let them go. He said there had been an implication that he and two incumbents had accepted funds from a developer in exchange for their votes on his project. He said it was an obscene statement and a personal attack and should not be allowed in Council chambers at any time. He said the truth was that the Sun Stream building had been approved with a 5 – 0 vote, and said that had been conveniently omitted from the person's statements. He said he had accepted \$500 from Sun Stream for support of his campaign, but that for political reasons, some wanted that to appear that that had influenced his vote. He said when he had received the donation to his campaign, he had had no idea that the building was coming before Town Council, as he had not received his Council packet for that meeting at that time. He said it had had no influence on his vote.

Councilman Katcko then addressed the proposed bed tax increase, and asked that the item be placed on a future Council agenda. He believed the Town Council should discuss whether it was in support of the increase or not, as it could have an effect on the Town. He said the current 3% would jump to 5%, which, in addition to the 6% sales tax, would total an 11% bed tax.

Councilman Katcko thanked Ms. Paulauskas for preparing the merit bonus breakdown, which listed all the merit bonuses that had been paid to Town employees during the 2004 – 2005 fiscal year.

Councilman Katcko said he had noticed an ad taken out by the Town of Sanibel, which was a call to action with regard to water quality. It encouraged citizens to contact senators, congressman and the governor. He thought perhaps the Town could do something similar for the Island's citizens, especially if they felt Governor Bush's plan would not do enough fast enough.

#### **VIII. TOWN MANAGER'S ITEMS**

No items.

#### **IX. TOWN ATTORNEY'S ITEMS**

No items.

**X. PUBLIC COMMENT**

Harry Heist of 155 Dundee Road came forward. Mr. Heist thanked the ladies from the Historic Preservation Subcommittee and the Historic Society for their presentation. He thought it would be apt to mention Ralph Schell, a man Mr. Heist believed was known very well in Town. He said Mr. Schell was not doing very well, and was in hospice in Tampa currently. He asked everyone for their prayers.

**XI. ADJOURNMENT**

**MOTION:** Councilman Katcko made a motion to adjourn. Councilman Massucco seconded the motion.

**VOTE:** The motion carried.

Mayor Van Duzer adjourned the meeting at 8:23 PM.

Respectfully submitted,

Jo List  
Transcribing Secretary