

**FORT MYERS BEACH
TOWN COUNCIL
Town Hall – Council Chambers
2523 Estero Boulevard
Ft. Myers Beach, FL 33931
November 21, 2005**

I. CALL TO ORDER

Mayor Bill Van Duzer called a regular meeting of the Town Council to order on Monday, November 21, 2005 at 6:30 PM.

Present: Mayor Bill Van Duzer, Councilman Massucco, Councilman Reynolds

Absent: Vice Mayor Howard Rynearson, Councilman Katcko

II. PLEDGE OF ALLEGIANCE

All present stood and recited the Pledge of Allegiance.

III. INVOCATION – Nadine Cotton, New Church of SW Florida

Rev. Nadine Cotton of the New Church of SW Florida gave the invocation.

IV. RESOLUTION 05-40: Acceptance of Election Results of 11-08-05

Mayor Van Duzer introduced the resolution. He announced that Dennis Boback won Seat 3, Bill Shenko won Seat 4, and Charles Meador won Seat 5.

MOTION: Councilman Massucco made a motion to adopt Resolution 05-40. Councilman Reynolds seconded the motion.

VOTE: The motion carried unanimously.

RESOLUTION 05-41: Acceptance of Passage of Referenda

Mayor Van Duzer introduced the resolution, which had to do with two referenda upon which the voters decided on Election Day. The first referendum had to do with elimination of primary elections with a provision for a run-off if there was a tie in the regular election; Mayor Van Duzer announced that it passed 68% - 31%. The other referendum required that the question of tolls had to be put on a referendum for general vote before the Town Council could levy tolls; Mayor Van Duzer announced that it passed 72% - 28%. This announcement drew applause from the attending public.

MOTION: Councilman Massucco made a motion to adopt Resolution 05-41. Councilman Reynolds seconded the motion.

VOTE: The motion carried unanimously.

Councilman Reynolds, having consulted the Town Attorney, asked Mayor Van Duzer to take up Agenda Item VIII – Approval of Minutes, as the new Councilmen about to be sworn in were not on Council at any of the meetings from which the minutes were derived. Mayor Van Duzer directed the Council to Agenda Item VIII – Approval of Minutes.

V. OATH OF OFFICE: SEAT 3; SEAT 4; SEAT 5

Mayor Van Duzer called a brief recess, at the suggestion of Town Attorney Dalton, so that the judge who would be administering of the oaths could be escorted to the podium.

Attorney Dalton introduced Judge James R. Adams, the Administrative Judge of Lee County.

Dennis Boback was called forward, and Judge Adams administered the oath of office to him. Councilman Boback received a round of applause.

Charles Meador was called forward, and Judge Adams administered the oath of office to him. Councilman Meador received a round of applause.

The new Councilmen took their seats on the dais.

VI. REORGANIZATION OF TOWN COUNCIL

Town Attorney Dalton directed the attention of the Council to this agenda item. She requested nominations from the Council for the position of Mayor.

Councilman Meador nominated Councilman Reynolds for the position of Mayor.

Councilman Reynolds said he would rather not make a nomination as he had been nominated for the position himself.

Councilman Massucco made no nomination.

Councilman Boback made no nomination.

Town Attorney Dalton suggested that a Council member should make a motion to close the nominations for Mayor.

MOTION: Councilman Massucco made a motion to close the nominations for Mayor. Councilman Reynolds seconded the motion.

VOTE: The motion carried unanimously.

Ms. Dalton congratulated Mayor Reynolds, who received a round of applause from the public in attendance. Ms. Dalton turned over the proceedings to Mayor Reynolds.

Mayor Reynolds called for a nomination for Vice Mayor.

Councilman Meador nominated Councilman Massucco for Vice Mayor.

Mayor Reynolds nominated Councilman Boback for Vice Mayor.

No other nominations were made.

MOTION: Mayor Reynolds made a motion to close nominations for Vice Mayor. Councilman Meador seconded the motion.

VOTE: The motion carried 3 – 1 in favor of Councilman Massucco.

Ms. Dalton noted the motion carried in favor of Councilman Massucco for Vice Mayor, and congratulated him. Vice Mayor Massucco received a round of applause from the public in attendance.

Mayor Reynolds welcomed everyone to the new Town Council. He made note that Councilman-elect Bill Shenko and his wife were out of Town, to explain his absence from the inauguration.

Mayor Reynolds opened the floor to each Councilman.

Councilman Boback welcomed everyone present and expressed his appreciation for everyone. He said he would try to put the best of Ft. Myers Beach forward.

Councilman Meador thanked everyone for attending the meeting. He acknowledged that he and the other new Councilman had not been elected by 100% of the voters, and hoped to gain that support by the time his term of office was completed.

Vice Mayor Massucco thanked everyone for coming, and remarked that he had never seen the Council chambers so full. He welcomed the new Councilmen to their seats on Council. He said they needed to work together for the betterment of the Town. He thought they could formulate some new ideas, but cautioned that the Council needed to keep the Town moving forward. He addressed the public, and asked them to stay with the Council, and invited any and all communication from the public.

All three Councilmen received a round of applause after their remarks.

Mayor Reynolds read a prepared statement in which he said there would be no “odd man out” syndrome on the Council. He said their goal was to leave petty and personal biases outside of Council chambers, so as to be more effective in responding to the needs of the community.

VII. PUBLIC COMMENT

Sylvia LaChapelle of 781 Estero Boulevard came forward to speak in support of the Tree City designation. She said she was there as a resident, a business owner and as a member of the Estero Island Garden Club. She explained how caring for the environment was important, and described some of the positive attributes of red mangroves as an example. She said the Tree City USA helped educate people on the importance of trees. She mentioned A. J. Bassett, a member of the Historic Society, who had asked if the Town Council could recognize mahogany trees, which used to abound on the Island.

Ollie Curran came forward to thank the outgoing Council members and to welcome the new Council members. She hoped the new Council would listen to the business people and their ideas.

Terry Cain, of Bay Mar Drive, came forward. A resident of the Island for thirty years, Ms. Cain said her longevity as a resident didn't give her more privilege, but that it did give her more insight. She spoke about the environment, and thought it was very important that the Council consider who would represent the Town on the different environmental committees in which the Town held seats – Charlotte Harbour National Estuaries Program Policy Committee, Estero Bay Agency for Bay Management, Coastal Advisory Committee. She asked the Council to consider joining Sanibel, Bonita Springs and Lee County in their efforts to stop the fresh water inflows from Lake Okeechobee. This particular remark drew applause from the public. Ms. Cain then spoke about the Town Staff, and said it was an incredible team that would support the Council in all their endeavors, and were dedicated and devoted to the Town. She said the Town Staff had changed the perception of the Town as being one of happy hours and t-shirt shops to one as having art, historical, archeological and environmental concerns. She said the Staff had created committees to advise the Council, and she noted that a lot of people put a lot of work into them. Ms. Cain said she had heard Ft. Myers Beach recognized on NPR news for the Film Festival, especially the educational component of it. She said the Film Festival was a star in the crown of the Town Staff, and felt she could never say enough good things about them. She wished the Council good luck.

Jeff Werner, of 7150 Estero Boulevard, came forward. Mr. Werner congratulated the new Council members. He joked that Mr. Shenko seemed a bit overzealous by opening up an FMB embassy in Australia before he had been sworn in. This drew some laughs. Using an old adage, he opined that some of the new Councilmen would have a more difficult job than others in

doing as good a job as their predecessors. Mr. Werner quoted Councilman Meador from an Observer article in which he had been quoted as saying that the first order of business was to “look into the terminations of Segal-George and Town Attorney Ann Dalton. I think we need a new attorney for the board.” Mr. Werner felt firing the Town Attorney would be a disservice to the community, as he felt Ann Dalton had done a superb job in the short time she has held the position. Mr. Werner hoped Councilman Meador would do as good a job in his first year as Ms. Dalton had done in hers. Mr. Werner hoped that, if the dismissal of Ms. Dalton was going to be pursued by the Council, that it would be made clear to the public what her “high crimes and misdemeanors” were in public debate. He said those that had voted for the new Council members had wanted a change in leadership and “not a witch hunt.”

Ronn James, of 422 Harbor, came forward wielding a broom and a can of Lysol. Mr. James said the Town had been his enemy for ten years, and thanked the new Councilmen for getting elected. He said he didn’t want anyone to be able to do anything without a permit while he was penalized for doing nothing. He held of the Lysol can and said that was what he thought of Town Hall as it stood. He said he had not received a call from Town Hall to see if he had gotten through the hurricanes, and that FEMA had brought him a trailer, which he said was the only help he had gotten. Mr. James said he had received a call from code enforcement asking him to come to Town Hall so that they could “set him straight”. He said he was looking forward to it. He thanked the new Council again.

Pat Smith, of 50 Fairview Boulevard, came forward. She congratulated all the Councilmen. She felt they would make the Town a friendly, progressive place that didn’t penalize some people and patronize others. Ms. Smith noted that the framework that held the poinsettias to form a Christmas tree in Times Square had been made and donated by the previous speaker, Ronn James.

Eddie Foster, of 2440 Cottage Avenue, came forward. She said she had voted for every person sitting on Council at some point in time. She said the people of Ft. Myers Beach wanted congeniality, and wanted things done out in the open. She said every year she complains about the vagrants, but didn’t feel that anything ever got done about them. She said she had called the sheriff three times in the three weeks she had been back in Town. She said she expected the new Council to do something about the problem.

Harry Heist, of 155 Dundee Road, came forward. He thanked everyone in the room for being there, and congratulated everyone who had worked so hard on the campaigns so as to bring about positive change in the Town. He said he was looking forward to working together with the Council. Mr. Heist also said he was looking forward to seeing people work together for the good of the Town. He said there was still an “us and them” mentality – the Town Hall

versus the people of the Beach. He said he had observed a Town employee refer to Mr. Ronn James as an a**hole, while Mr. James was addressing the Council earlier. He angrily said it had to stop and that it was disgusting. Mr. James said “You can go outside and tell me that” from his seat.

Mr. James attempted to engage in a conversation with the alleged name-caller, and Mayor Reynolds said there would be no dialogue, and no one should call names. He said the Council was going to try to keep civility on the dais, and asked the Townspeople to do the same.

Dan Hughes, of 270 Randy Lane, came forward. Mr. Hughes noted that the new Council members had been in office for 27 minutes, but had not as yet done one thing to mitigate traffic, all said in jest. This evoked hearty laughter and applause all around the room. Mr. Hughes, a former Councilman and Mayor, said that from personal experience, he felt the Council should be prepared as elected officials to receive criticism “as ludicrous and as unjustified” as his facetious statement about traffic mitigation. He said they would also receive fair and just criticism and valid opposing views on issues where reasonable people might differ. He urged them to do their homework and to listen to all sides before making any decisions. He said the Town’s vitality came from residents, businesses, tourists and winter residents, and that all interests needed to be considered when determining what is best for the community as a whole. Mr. Hughes echoed Ms. Cain’s complimentary comments about the Town Staff. He also thanked Bill Van Duzer, Ray Murphy and Howard Rynearson, with whom he had served on Town Council, and also Ken Katcko, for their service to the Town. He hoped they would continue their participation in community affairs in some capacity. He said while he hadn’t supported any of the newly elected Councilman in their campaign, he congratulated them on their victory and wished them well. He said if his thirty years of experience as a municipal attorney, and his eight years of experience on the LPA and Town Council, could be of help to them, they should feel free to call him.

Jamie Diaz, of 260 Egret Street, came forward. He welcomed the new Council. He said he hadn’t voted against anyone, but had voted for the people he felt were the best qualified for the job. However, he said “we are all one family here”. He asked the Council to remember their promises, and reminded them that the Island didn’t end half way down. He asked them to remember that small businesses had not had representation on the Council in the past, and who sorely needed their representation. He asked them to remember the “little guy” – not necessarily those who voted for the new Council members. He said those that had not voted for them may join them in the long run.

Jerry Sawyer, of 111 Anchorage Street, came forward. He pointed to the broom that Ronn James had brought into Council chambers, and said he liked

it because the Town needed a clean sweep. He said it had been ten years, and that he was so happy to have a new, clean administration. He didn't think people wanted to keep reminders of the past, and that everyone wanted the clean sweep for which he felt they had all voted. He said it was true that there could be both legitimate and frivolous criticism, and that the Council would have to distinguish between the two, adding he was glad he was not one of them.

Pasqual Loffreno, of 8002 Estero Boulevard, came forward. A resident of Ft. Myers Beach for 32 years, Mr. Loffreno said his wishes had come true with the election of the new Councilmen. He was sure people in the past meant well, but felt the majority of the citizens had spoken up. He thanked the new Councilmen for being there, and was sure they would do what it would take to restore peace and order on the Island. He hoped the citizens of the Town would no longer be divided or afraid to speak up with one another. He promised to do whatever he could to help give direction. He felt most people in the room would do the same. He felt there had been too many meetings with no results that had cost the citizens hundreds of thousands of dollars. He knew it would stop. He said traffic would be accommodated with great improvements without the TMA meetings.

Jack Bright, of 146 Del Mar, came forward. A resident of the Beach for eleven years, Mr. Bright said he had seldom ideas borne in anger become fruitful. He said "this all started in anger", but believed he was addressing reasonable people. He said they could not let anger continue and spread to areas that were not conducive to the betterment of the Town. He agreed that the Town Attorney seemed to be guilty by association. He said if the Council were going to fire Marsha Segal-George, he felt it needed to be done kindly, reasonably and with the Staff in mind. He also felt the firing should be done quickly. Mr. Bright said he had not voted for anyone currently sitting on Council, but pointed out that they were his Town Council, and that he would support and help the Council in those areas in which he agreed with them. As he looked at the Councilmen, he said he was looking at smart people of varying degrees of intelligence. He thanked the Councilmen for being on the Council, and asked them to be reasonable.

Mayor Reynolds asked to be forgiven if he smiled at any of the things Mr. Bright had just said.

Theresa Schober, co-Director of the Mound House, came forward to brief the new Council about two big projects underway there, which she said were both funded by outside grant sources and not with taxpayers' money. She announced that the Mound House had been ranked fifteenth, out of one hundred projects from across the state of Florida, at a meeting of the Florida Historical Commission on November 8th – 10th. She said the plan to restore the Mound House to 1921 had been approved in May 2005, and that the

\$349,650 grant that the Town would receive would pay to remove all the additions and would return the exterior of the structure to the 1921 configuration, and would also pay for most of the work on the interior of the structure. She said that, following the approval of the Florida State budget by the Legislature in summer 2006, the grant funds would be made available to the Town. She pointed out that no other Lee County project had been ranked high enough to receive funding next year, which she thought was a tribute to the valuable resource she felt the Town had in the Mound House. She said the Town had also been complimented by the Historic Commission for the investment the Town had made into the property, and said the Town would not have to match any of the grant funds because all expenditures the Town had made in the previous five years, so that the grant money used to acquire the property, and the grant money for the pool exhibit and other projects, would all count. She said the staff of the Division of Historic Resources also complimented the Town on the Mound House restoration plan. She invited each of the Councilmen to the Mound House, and offered to provide any background information they would require. She said she was in the process of creating packets for each of them which detailed the progress of the facility since its acquisition. She said CELCAB would be meeting the following Monday, and the members had expressed a desire to have a workshop with the Council about the Mound House early in the new year.

Mayor Reynolds thanked Judge James for coming to the meeting as he left the Council chambers.

Pat DeVincent, of 160 Bahia Via, came forward. He congratulated the new Council members on their election, and said he was pleased to see them on the dais. He said he was adamantly opposed to the sale and consumption of alcoholic beverages in the Times Square area during the New Year's Eve celebration. He was adamantly opposed to the Town funding this activity. He appealed to the Council not to allow the funding of open containers in the Times Square area. He said he was not allowed to bring his dog to Times Square on a leash, but the Town could spend \$20,000 to have people walk around with open containers. He said that was wrong and asked the Council to please change it.

Ray Murphy, of Ft. Myers Beach, came forward. Mr. Murphy jokingly asked if the resolution certifying the election could be reconsidered. This drew laughter from the dais and the audience. Mr. Murphy congratulated the new Councilmen, as well as the Mayor and Vice Mayor. Mr. Murphy said no matter who won or lost the election, the people would support the Council because all wanted what was best for Ft. Myers Beach. He agreed with Mr. Hughes' earlier statement that there could be philosophical disagreements between reasonable people because that was how democracy worked. He wished the Council his best, and offered to give any advice he could offer if they so wished it. Mr. Murphy added that the Town Hall couldn't be staffed

with finer people than those already employed by the Town. He asked that, if management changed, Council relay the opinion from the people of the Town to the new manager, that they have ultimate faith in the Staff.

Jane Plummer, of 340 Fairweather, came forward. A sixteen-year resident of the Town, Ms. Plummer said she had heard lots of rumors as to what the new Councilmen intended to do. One rumor she had heard was that they were going to request the resignation of 100 volunteers on the Island. Ms. Plummer said the volunteers worked hard and that there wasn't a long line of folks trying to get onto the committees. She said there had been advertisements placed whenever an opening came up on any of the committees, but very few people applied for those positions. She said the volunteers were support staff for the Council. She said if they fired both the volunteers and the Town Staff, the Councilmen would be by themselves and would have to do all the work themselves. She didn't believe the Councilmen wished to volunteer the time that ten or so committees did. Ms. Plummer said she was a private property rights advocate from her position on the LPA, and said her voting record reflected that. She hoped the Councilmen would look at each of the volunteers' records before they asked any volunteers to resign. She said there were a lot of people on the committees who did the work because they wanted to, with no agendas, and wanted to be a part of the Town.

Mayor Reynolds said he had not responded to any Public Comments, but thanked Ms. Plummer for her comments as he had not heard any of those rumors. Mayor Reynolds didn't believe she would see a knee-jerk reaction from the Council. He said any changes would be made before the public, with no discussion ahead of time about it among the Council members.

Grace Workman, of 194 Coconut, came forward and welcomed the new Councilmen. Ms. Workman thanked the outgoing Councilmen and felt they had done what they thought was best for the Town. Regarding the Mound House and the plan to put the landscaping up for bid, Ms. Workman asked if the local garden club could do the job, as they probably could do it on a volunteer basis without any money having to be spent. She was not sure if the Island had a garden club, but thought the Ft. Myers garden club would be interested in the project.

Mayor Reynolds said the Island did have a garden club, and that Ms. Workman's suggestion was a good one.

George Vukovich, of Ft. Myers Beach, came forward. He congratulated the new Councilmen on their election to office. He congratulated Mayor Reynolds on his appointment as Mayor. Mr. Vukovich felt all the articles he had read about the new Councilmen had been very encouraging. He recounted his experiences over the past seven months with the previous Council, and said he had not been at all satisfied with the outcome of the

problem he had had with the Royal Pelican issue. He felt the “planning director” or “zoning director” had advised Council to pass the ordinance without giving the Council “one iota of facts, history or anything”. He recounted the “planning director” having told the Council that there was no precedence for the ordinance, which Mr. Vukovich felt was the reason no recommendation should have been made in the ordinance’s favor. Mr. Vukovich said that Mayor Reynolds had been the only Councilman who had voted against it, to reflect the will of the people, and that he had been the only Councilman to show the fortitude and foresight regarding the issue. Mr. Vukovich said the building of the boat docks at Royal Pelican should not have been approved, as the approval created a lot of legal and financial responsibility on the people of Royal Pelican. He said the Royal Pelican issue had been the only involvement in Town politics he had had in the eighteen years he had lived on the Beach. He appealed to the Council to bring the ordinance back for reconsideration. He asked them to bring the “planning director” back to prove to the Council why the ordinance was worthy of passage. Mr. Vukovich said he had served as Mayor of a large town in Ohio, as well as a Clerk of Courts and a Councilman, and not once in his thirty years of public service had he ever seen a Staff recommendation not be supported by facts and figures, as had happened in the Royal Pelican case. He said the “planning director” had given his recommendation and walked out before anyone had the opportunity to ask him questions, which Mr. Vukovich said was unfair.

Anita Cereceda of Ft. Myers Beach came forward. Ms. Cereceda congratulated the new Councilmen and said it was a huge step to take from a campaign to actually sitting on the dais and governing the Town. She said she had taken a position on Council ten years ago on the first Town Council. She said none of the five people on Council had had any idea what to do, but had taken a leap of faith together and had begun the journey of being a Town. She said within the first month, the Town had hired Marsha Segal-George so that there was finally someone there, along with Mr. Roosa, who knew what they were doing. Fearing she would get too emotional, Ms. Cereceda proceeded to publicly acknowledge the leadership Ms. Segal-George had provided. She mentioned the friendship Ms. Segal-George had shown to the Town and the many people who worked with her over the years. Ms. Cereceda congratulated Ms. Segal-George on her ten years of service.

Tom Merrill, of 21581 Indian Bayou, came forward and congratulated everyone on Council. He said it was nice to have a mini-revolution every once in a while. Mr. Merrill discussed the TMA Park & Ride proposal that was going to be heard later in the meeting. Mr. Merrill said the TMA was not a typical committee, in that it had been born out of frustration with a leadership that continuously spent money on studies that didn’t result in anything, and with a focus on tolls. He said a special meeting of three of the then-Council members – Councilmen Massucco, Reynolds and Thomas – had

been “snuck through” on a Friday night in order to form the TMA. He said the committee was the first to focus on the number-one issue of the Town – traffic. He said the committee had to fight to get anything done, and gave the trolley lane on the Bridge as an example. He recounted how the Town had been told for years that a third lane could not be added to the Bridge, but the TMA had succeeded in getting one last year because of the special test that was conducted with the Park & Ride. He said if the Town gave up the lane, it would be very difficult to get it back, and felt that even if the Park & Ride system was rejected that the lane should be kept. He said the TMA had fought to get a transportation system because the County had always shorted the Town in that regard, but that it was now in place. Mr. Merrill said the TMA was now working on ways to get the traffic rerouted in the Times Square area so as to separate pedestrian and vehicle traffic, which would give the Town the ability to eliminate some traffic lights and to allow free flow of vehicular traffic on and off the Island. He said the TMA had been fighting to raise the cost of parking to visitors, as everyone wanted to come to the Beach in their cars. He said Stage 1 of the test last year had been to make it easy for people to come to the Beach without their cars, using the Park & Ride system.

Mayor Reynolds told Mr. Merrill he needed to “wind it down” as he had used up his allotted speaking time.

Mr. Merrill said Stage 2, which the TMA hoped to put into play this year, would be to make it difficult for people to come to the Beach by raising the parking rates. He said the package of raised parking rates with a heightened level of Park & Ride service, along with free trolleys running up and down the Island, was what the TMA recommended this year, as it would reduce traffic on the Beach. He said it was easy to eliminate a program, but very difficult to start one up, and asked the Council to consider that.

Mayor Reynolds said the issue would be covered later in the meeting, and told Mr. Merrill he would have another chance at it.

Warren Babcock, of 474 Washington Court, came forward. Mr. Babcock said he would not try to tell the Councilmen how to run things. He said he would run for office but he couldn’t stand rejection. This remark drew some chuckles from the audience. Mr. Babcock felt there was a lot of misinformation about the Park & Ride test and results, and echoed the sentiments expressed by Mr. Merrill. He said Estero Boulevard was one of two failed roads in Lee County, and said the only thing the Town could do about it was to get some of the cars off the road if possible. He said there was no silver bullet that would completely solve the traffic problem, and so the Park & Ride test should continue in order to get people out of their cars. He acknowledged that the trolley lane had been a source of contention, although it had not been meant to be so. He said it had been a publicity thing that had worked, as folks had observed the trolleys “zipping past” them in the trolley

lane, and it had gotten some people out of their cars. He felt the Town needed to look “down the road”, and personally hoped to see a transportation hub established on Summerlin. He felt it was the only thing that would save Sanibel, Captiva, Ft. Myers Beach, and everywhere else, and believed the County was amenable to the idea. Mr. Babcock said the Town needed long-range planning. He noted that there was a perception that the Beach would always have its traffic woes, but said gridlock would be much worse, and felt that was going to happen soon. He described the make up of the TMA, and said there were no special interests involved in its decision-making. In closing, Mr. Babcock implored the Council to consider keeping the Park & Ride system in place.

Bill Kenney, of Buccaneer Drive, came forward. Mr. Kenney against the Park & Ride system, as it brought people to the Island for free and added to the pedestrian traffic which didn’t help vehicular traffic at all. He said the people who used the system did not spend any money on the Island, but used the merchants’ restrooms “for the beer they brought over here”. This last remark drew some laughs from the public. He said the Islanders just sat in traffic and watched “these people” walk back and forth across the street. He said the Town paid \$600,000 for “them” to come to the Island free. He said they needed to separate people from the cars, which he said could only be done by building an elevated roadway. He said most of the traffic coming over the Bridge was through-traffic, and that no one wanted to address that issue. He said the south end of the Island was treated like a suburb, and “the Town up here is the town”. He said “they” wanted to run everything “up here” which he said needed to stop because the south end residents paid taxes too. He asked how many people had to be killed before an elevated roadway was put in the Times Square area.

Mayor Reynolds closed the Public Comment at this time.

VIII. CONSENT AGENDA – APPROVAL OF MINUTES

1. October 10, 2005
2. October 19, 2005
3. October 20, 2005
4. October 21, 2005
5. October 22, 2005
6. October 23, 2005
7. October 24, 2005

MOTION: Councilman Massucco made a motion to approve the minutes of October 10, 19, 20, 21, 22, 23 and 24, 2005. Councilman Reynolds seconded the motion.

VOTE: The motion carried unanimously.

IX. ADMINISTRATIVE AGENDA

A. Special Events Request by the Island Arts Foundation

Mayor Reynolds drew the Council's attention to a chart included in their packets, and said the previous Council had discussed "all of these". He believed that it had been determined that the IAF would come back to Council with specific plans at a given time in advance of when the requested funds would be needed. He said the Council had recognized the applications, but had not approved any of the amounts shown. He then turned the issue over to Council for discussion.

Vice Mayor Massucco thought they should hear from a representative of the IAF first. Ms. Dalton understood that the Secretary for the IAF, Sean Carney, was present and wished to speak.

Mayor Reynolds said he was getting a little ahead of himself, but felt Ms. Dalton's remarks served as a good introduction to "it", and he wasn't "so much off".

Sean Carney, of 2915 Estero Boulevard and Secretary of the Island Arts Foundation, came forward. Mr. Carney had understood that this item was not going to appear on Council's agenda until December, and was not prepared. He asked that the request be tabled until that time.

Mayor Reynolds said the Council had not known it was going to be on the agenda until they got their packets. He said he had no problem with tabling the request until December. He said each event should be dealt with separately before Council, and noted that presently there were four events lumped together in the paperwork before Council. He observed that the amounts requested were higher than last year's requests. He cautioned Mr. Carney to look at that. Mayor Reynolds then asked the other Councilmen if they had any objection to continuing the request to the next Council meeting in December. Councilman Boback had no objections.

Vice Mayor Massucco had no objections, but made a suggestion to Mr. Carney, in that there was a 50% rule with regard to Town Policy. He said all four of the requests exceeded that amount. Vice Mayor Massucco asked Mr. Carney to check the figures before coming back before Council, as it would probably help the IAF's cause. Mr. Carney said he would do that.

Councilman Meador had no comment.

Mayor Reynolds, citing the amount requested for the Third Annual Music Festival, said the amount had doubled. He said the Council really wanted the IAF to take a look at that. Mayor Reynolds said they would see Mr. Carney at the December meeting, and Mr. Carney thanked the Council.

Vice Mayor Massucco asked that a date be set for hearing the request, and Town Manager Segal-George gave December 5th at 6:30 PM.

Ms. Dalton took it that there was a consensus in Council to table the item to the date certain indicated by the Town Manager. Mayor Reynolds asked if it was tabled or continued. Ms. Dalton said either way was fine, as it was not a hearing, which meant the phraseology was not as critical.

B. First Public Hearing for the Tree City Ordinance

Mayor Reynolds remarked that he had thought he would be able to conduct the meetings out of rote memory because he had “done it so much”, but thought it would take some time as he kept losing his “lead paper”.

Mayor Reynolds then introduced the Tree City ordinance for its first hearing. He asked the Town Attorney to read Ordinance 05-26, which she proceeded to do, which had to do with the creation of a community work plan to qualify the Town as a Tree City, USA under National Arbor Day Foundation standards. Ms. Dalton noted that the ordinance had come before Council in draft form, and that Council had requested substantial re-crafting of it, which she said had been accomplished. Mayor Reynolds acknowledged that.

Mayor Reynolds asked Jerry Murphy, the Community Development Director, if he was going to keep the program within his department without playing up the idea of a Department of Forestry. Mayor Reynolds hoped it would be kept simple, as the ordinance stated. He said as it was gotten into the Comp Plan, the LDC or whatever, he hoped it would be kept at a minimum. He said he had expressed concern at the last meeting about over-regulating.

Ms. Dalton said Mayor Reynolds could vary the procedure, but that normally Public Comment would be heard before Staff input.

Mayor Reynolds jokingly told Ms. Dalton to get him on track earlier next time. Ms. Dalton said she had not wanted to interrupt him. He then thanked her, and opened up Public Comment. He said the public could ask questions, but the Council would not give answers during Public Comment. He asked again if anyone had any questions or comments about the Tree City, USA designation on which the Council was working, and hoped it would be welcomed by the Town, and that involvement of the Garden Club was intended.

No one came forward. Mayor Reynolds closed the Public Comment, and then asked Mr. Murphy for Staff input.

Jerry Murphy said there was no intention to have the Department of Forestry being anything more than the language the Arbor Day Foundation needed to see in the Town's ordinance in order to designate the Town a Tree City, USA. He said it was actually the Community Development Department by another name with no additional staff. He said the involvement of the Woman's Club, the Garden Club, and anyone interested in becoming involved in the work plan, would be welcome and encouraged before a recommendation was brought before the LPA and ultimately to the Council.

Vice Mayor Massucco said he favored the ordinance as if fit in with his ION program somewhat. He felt the two programs went hand-in-hand, as the ION program was for support of fixing up homes, and the Tree City, USA program would support fixing up the yards and rights-of-way. He also believed the new ordinance would help regulate what was going on with plantings.

Councilman Boback said he was in favor of the ordinance. He recounted a conversation he had had with Mr. Gucciardo about it, wherein he had expressed concern about expending any Town funds on the program, and that another layer of government not be created for it. He said Mr. Gucciardo had informed Councilman Boback that the program would be run mostly on a volunteer committee basis with no funds expended from the Town. Under those conditions, Councilman Boback said he had no problem with the ordinance.

Councilman Meador asked Mr. Murphy what advantages there would be to the Town for the designation. Mr. Murphy explained there was a possibility that the Town would be eligible for certain grant funding. Councilman Meador asked if the responsibilities and guidelines in the draft ordinance having to do with vegetation did not already appear in the LDC. Mr. Murphy confirmed that quite a bit of it did appear in the LDC. He said they were trying to get the ordinance through so that the Town would be eligible for the designation. He said the code would be examined to determine if there were any changes that had to be made, and that would be taken forward. Councilman Meador said the draft ordinance gave duties and responsibilities to the Department of Community Development, and asked if the enforcement would be given to the same department. Mr. Murphy said it would be given to the same department. Councilman Meador asked if this form of ordinance had been forwarded to the National Arbor Day Foundation to determine if it would be acceptable and would meet their criteria. Mr. Murphy said the ordinance had been crafted using an ordinance provided by the Foundation, which he said had been quite technical and full of information, and that Staff had streamlined it down to a bare-bones document. He wasn't certain that the Foundation would accept it, but he felt confident that they would. Councilman Meador asked if there was any way to have the proposed ordinance submitted to the Foundation, before the next hearing on the ordinance took place, so that the Council would know for sure they were not

spinning their wheels on something that would be rejected. Mr. Murphy said they could certainly do that.

Attorney Dalton said it had been their intention, at the time the work plan had been developed, that it would be submitted to the Arbor Foundation as Councilman Meador had indicated, at the time the ordinance was submitted, but said submitting the draft ordinance first would be an excellent procedure. She said there would be another hearing, and if it was the will of the Council, the motion at this meeting would be to move it forward to a second hearing with a date certain.

Mayor Reynolds proposed to move the item forward for a second hearing. Ms. Segal-George said it would appear on the December 5th agenda. Ms. Dalton pointed out to Mayor Reynolds that a motion, a second and a vote was required unless it was being decided by consensus.

Mayor Reynolds didn't think they would have to vote on it until the second hearing. Ms. Dalton said the vote would be to move it forward, but it seemed as if there was a consensus in Council to move it forward. Vice Mayor Massucco said they could make a motion if that was needed. Mayor Reynolds asked the Council which procedure they wanted to practice. Ms. Dalton said there was a consensus, so a vote wasn't necessary. Mayor Reynolds believed that was the way the Council had been doing it.

C. TMA Recommendations Regarding the Trolleys

Mayor Reynolds, in his introduction of this item, made the point to Council that the previous Council had rejected the program 5 – 0, and nothing had changed as far as he could see at this time. Mayor Reynolds said he would like to hear from those who were going to speak about the program.

John Gucciardo said two representatives from the TMA, and Steve Meyers from LeeTran, were there to make presentations to the Council.

Mayor Reynolds said his understanding was that the TMA had made a recommendation and wanted to know if the Council would allow them to go ahead with the Park & Ride test. He expressed his wish for the TMA representatives to come forward at this time.

Tom Merrill, of 21581 Indian Bayou and a member of the TMA, came forward. He explained the TMA recommendation by breaking it down into parts: the Park & Ride and increased parking rates. For the Park & Ride, he said the TMA recommended six trolleys, and for the on-Island trolleys, they recommended five trolleys. He didn't believe there was disagreement about the on-Island trolleys, but acknowledged the Park & Ride system was controversial. He said Stage 1 of the Park & Ride system had been

implemented last year to determine if people could be gotten out of their cars and into trolleys. He said the test had proved that they could. He said the perception that it hadn't worked was due to the horrendous increase in traffic County-wide, and Sanibel's huge increase in tolls, and not because the Park & Ride failed. Mr. Merrill said Stage 2, which the TMA wanted to implement this year, would entail keeping the increased level of service on the Park & Ride, along with raising the on-Island parking rates to a very high level for visitors – residents would be able to park with their ten-dollar passes. He said raising the parking rates would cause people to think twice about coming to the Island in their cars. In other words, the TMA proposed making it convenient to take the Park & Ride, and very expensive to bring a car, to the Beach. He said there were more phases to implement over time, but everything couldn't be done all at once. He said eventually fares could be added to the Park & Ride, along with other things that might change consumer patterns. Mr. Merrill said the TMA had only been an entity for one year, and had inherited a traffic mess years old. Mr. Merrill said the package – Park & Ride heightened service and raised parking rates on the Island – would be eligible for grant funding, so that the ultimate cost out of the Town's pockets would be \$30,000 rather than the full share the Town would be liable for. He said the County was asked to raise their parking rates at Bowditch and Lynn Hall in conjunction with the Town raising its rates. He said the gist of the TMA's proposal was to make it easy for visitors to get out of their cars, and to make it expensive if they brought their cars to the Island. He said this would implement a very good test for the coming year, and from the Town's perspective, it would cost minimal dollars. He said the Town's share for the program would be \$150,000, but the grant would cover all of that, or at least 80% of it, leaving the Town's tab at \$30,000. He said the important things that would be obtained from the test were: information on how to get people out of their cars; the existence of the third lane on the Bridge, which, if not used for trolleys, could be used to get people off the Beach; a transportation system would be in place, which he said took a lot of work and a lot of cooperation from the County to implement.

Mayor Reynolds noted that Mr. Merrill had said there were six Park & Ride trolleys in service last year. Mayor Reynolds believed they had had seven. Mr. Merrill didn't remember that. Mayor Reynolds said that the number seven had been mentioned at a Council meeting in the spring. He said he had come away with the impression that the TMA was going to recommend seven trolleys this year because six had not been enough. Mayor Reynolds asked Mr. Merrill how the TMA proposed to deal with all the pedestrians that would come over on the Park & Ride trolleys.

Mr. Merrill said one had to take one step at a time. He said if they could reduce vehicular traffic, it would help the situation. He said it was obvious that something had to be done about pedestrian/vehicle conflict. He said a very important part of what the TMA was doing was to try re-routing the

traffic around the Times Square area in different ways. He said it would take time because the developer in the area had to be worked with in order to get it done. He said the TMA had already given Town Staff direction to go to the developer and obtain an easement from him in order to change the road system. Mr. Merrill said if the TMA could work with the new Council in getting easements around Seafarers Mall so that traffic could be rerouted there, it would do a lot to erase some of the pedestrian/vehicle conflict.

Mr. Merrill said the traffic problems on the Island had been ongoing for 50 to 60 years. He said the Town had existed for about ten years, but it hadn't been until a year ago that the TMA was formed to focus on traffic. He said dealing with pedestrians was a high priority for the TMA.

Mayor Reynolds said he had another question, but asked Mr. Merrill to keep his answer minimal as the meeting was stretching out pretty late. Mayor Reynolds said Mr. Merrill hadn't mentioned that, in the TMA's recommendation, the plan was to raise parking to \$5 per hour, and wondered how the businesses in Town were going to respond to that. He said he understood that bringing people in great numbers on the Park & Ride to Times Square would allay those merchants in that area, but wondered about businesses further on down the Island, and also wondered how the private parking lot owners would react.

Mr. Merrill said the TMA did not have the ability to get the private lots to raise their rates. He said there had been discussion about the fact that they were permitted through the Town, and the raised rates could possibly be worked into the permitting process. He said the TMA had made many decisions about this project several months ago, and it was now the end of November. He said it was almost too late to coordinate everything that the TMA had wanted to do this year. He said some businesses might not like the raised parking rates.

Mr. Merrill said everything the TMA had done had not been oriented to bringing more visitors to the Beach, which he said was a wrong impression that some people had.

Vice Mayor Massucco said he didn't agree with everything Mr. Merrill had said, and Mr. Merrill said that wasn't surprising. Vice Mayor Massucco said he had read the 33-paged transcript of the TMA's November 9th meeting. He said it seemed as if the parameters for Park & Ride were still not cast in stone. He understood that LeeTran wanted six trolleys on the Park & Ride, planned to offer holiday service, and planned to increase the hours of operation of the trolleys. Vice Mayor Massucco realized that probably all of the cost of the program could be paid for out of the grant funds. However, he believed other criteria needed to be considered. He said the entire Park & Ride scenario had received a lot of criticism from the residents of the Town. He said many

Islanders “hated” the trolley lane, and he did too. Vice Mayor Massucco said there had been widespread criticism of the entire system that brought hundreds of thousands more visitors to the Island throughout the season.

Vice Mayor Massucco recalled that many people had been against Beach Renourishment, who he said were the same people for enhanced Park & Ride service. This felt this was a contradiction because if one was bringing thousands and thousands of people to the Beach without renourishing it, he didn't know what would be done with all those people. He wondered where they would go.

Vice Mayor Massucco took issue with Mr. Merrill's insistence that the TMA didn't want to bring more people to the Beach, because people were offered free parking in Summerlin Square, free bus service to and from the Island, and the trolley lane which brought them over faster. He felt those were three incentives that made it as easy as possible for people to come to the Beach.

Vice Mayor Massucco made it clear that he had nothing against the TMA, and had been instrumental in getting it off the ground. He said the TMA did a wonderful job, but he felt the enhanced Park & Ride service went against public opinion. He said many of the recommendations the TMA had made required funding, which he said was another problem. He said government grants were not always going to be available.

Vice Mayor Massucco said he had heard it said: “No more studies”. He pointed out that the TMA's recommendations required studies. He said the enhanced Park & Ride was a study, and the people of the Island didn't want any more studies to see if something worked or not. He said it seemed like the Town was fighting the people on the Island all the time in their attempts to help them. He said the Town couldn't stop the County from sending buses to the Island if they paid for them. But the Council could prevent the flow of Town dollars from going out to the enhanced Park & Ride.

Regarding parking, Vice Mayor Massucco said while the raised rates might work at Bowditch, Lynn Hall and the Town's meters, but felt they would run into a stone wall when it came to the private lots, as he did not believe those lot owners would be willing to raise their rates as high as was recommended by the TMA. To sum up, Vice Mayor Massucco said it was a “win-win-win” situation: A win for the County, a win for LeeTran, and a win for thousands of visitors who would come to the Island. He said the only loser he saw was the Town. This remark drew applause from the public.

Vice Mayor Massucco said the seven-part proposal from LeeTran should be discussed, and while he didn't want to take up more time, he said he did not agree with 99% of what was contained in that proposal. Vice Mayor Massucco asked “Where is the end of these trolleys?” and asked Mr. Merrill

to explain why the Town would want to entice “all these people” to come to the Island.

Tom Merrill responded that it was a matter of perception. He said while it may look as though a free ride to the Beach may seem like an enticement to get more people to the Beach, in actuality it was offered as an enticement to get them out of their cars before they came to the Island. He said no residents wanted more people to come to the Island that don't already. But, he said, over the next few years, the population was going to explode in Lee County, and the Tourist Development Council was going to spend more money advertising the area to more people. He said more and more people will want to come to the Beach as a result of a bigger promotional effort and the increasing population. He said if the Town did nothing at all about public transportation, it would be “a nightmare” for the residents of the Island. He wondered how they would possibly get to and from their houses. He said while it might be difficult to think of a transportation system as a solution, he asked what other solutions there were.

Mr. Merrill said Mayor Reynolds had asked specifically for more trolleys to be added to the existing system on the Island. Mr. Merrill said he was the one on the TMA who had subsequently pushed for that extra on-Island trolley last year, and that there would be two extra ones on the Island this year.

Mayor Reynolds asked Mr. Merrill to “wind it down” because he had been speaking for twenty minutes. Mayor Reynolds explained to the other Councilmen that the Island trolleys were a separate issue from the Park & Ride trolleys, and that those trolleys would be in service regardless of their decision about the Park & Ride.

Mr. Merrill said his point was that however a transportation system was designed, no matter what type of system were used, that one could always say that it would make it easier for people to come to the Beach. He said the overriding problem was that the Beach was in greater demand, and the demand would not be allayed by suspending the Park & Ride. He said the Town had an opportunity to begin putting together a transportation system now, and thought it should do so.

Councilman Boback mentioned the grant funding that would leave about 20% of the cost coming from the Town's funds. Mr. Merrill said it would amount to about \$30,000. Councilman Boback said it would still be 20%. He asked what other additional costs the Town would incur in helping the County maintain the Summerlin Square parking area. Councilman Boback said he had read the entire toll study, and said the surveyed reason people took the Park & Ride trolley was not because it was free, but because it was convenient. He said if the riders wouldn't pay a dollar or two to ride the trolley, he didn't believe they would get in their cars to sit in traffic for an

hour or two and waste their gas, and then pay \$7+ dollars to park if they could find a parking place. At that point, he didn't think they'd have any money left to spend in the restaurants, and as far as he was concerned, he would not vote to spend one penny of Town money on the Park & Ride. He said the people using it should pay for it. He said according to the TMA's own study, they took the Park & Ride for the convenience, not the free ride. This remark drew applause from the attending public.

Councilman Meador asked Mr. Merrill if any statistics had been developed regarding the percentage of Beach residents who used the Park & Ride trolleys. Mr. Merrill said it hadn't been very many. Mayor Reynolds said it had been 4%. Councilman Boback said one could get a study to say whatever one wanted it to say. He said if one thought about it, Ft. Myers Beach was considered to encompass all the way to Summerlin Road, and he did not believe there had been any Ft. Myers Beach residents who driven to Summerlin Square to ride the trolley back to the Island. This remark drew laughter and applause.

Vice Mayor Massucco corrected an earlier statement he had made about the Park & Ride patrons not having spent money on the Island. He said the survey had showed they had spent between \$20 and \$30 while on the Island.

Mr. Merrill said the point of the TMA's recommendation was to see if people could be gotten out of their cars. He said it was up to Council, and if they didn't want to get people out of their cars, then the TMA could try something else.

Vice Mayor Massucco said when the TMA had started, and Mr. Merrill had first brought up the idea of rerouting traffic around Times Square, people in Town were interested in that. He said the Park & Ride idea caused the TMA to lose more than half "their audience". He said the Town should focus on rerouting the traffic because that is what would help.

Mr. Merrill said the TMA was trying to move forward on the rerouting of the traffic, and that it was a very high priority. He said, however, that a lot of things had to be done to mitigate traffic, and that there was no "silver bullet". He said each thing was a small incremental way to alleviate the traffic, including the Park & Ride. He said there is no single solution. Mr. Merrill then suggested that Steve Meyers of LeeTran be given the opportunity to speak. Mayor Reynolds asked that Mr. Meyers speak for a short period of time, as they had already spent a long time on the issue.

Steve Meyers, Transit Director of LeeTran, came forward. He said he was there to answer any questions the Councilmen might have about LeeTran's proposal. Before taking questions, Mr. Meyers gave background information as to why LeeTran had made the proposal it had. He said there had been

enhanced service to both the Park & Ride and the Beach trolleys last year. He said ridership had increased on both systems, but the larger increase had occurred on the Park & Ride. He said the Park & Ride parking lot in Summerlin Square quickly reached capacity, and they had moved to the old driving range next to Summerlin Square – owned by the same people. He said the goal of the Park & Ride had been to get large numbers of people out of their cars, and he said their were documents that showed the majority of people using the Park & Ride had come from off the Island. He said a large number of those people were vacationers and/or seasonal residents, who he said would come to the Beach with or without the Park & Ride. Mr. Meyers said there were more and more people moving to Lee County, and those people would continue to come to the Beach. He felt the TMA and LeeTran had intended to intercept some of that traffic, put the people on mass transit, and move large volumes of people, in which he felt they had been successful. Mr. Meyers pointed out that at the large ski resorts in Colorado, one had to park one's car away from the resort, and then took a bus to the mountain itself. He said Ft. Myers Beach was a resort, and that the resorts in Colorado had learned that in order to handle a growing capacity they had to provide a mass transit system. He pointed out that, per the study, 75% of Park & Ride patrons had spent money – an average of \$35.60 - on the Beach, which he said amounted to \$6.3 million. He said some of the people would have come to the Island in their cars, but if traffic backed up to Gladiolus, he didn't believe many of them would come, thus they wouldn't spend that money on the Island. He said they had met with the trolley drivers for their input, and they had said the on-Island service needed to be run later and that the Park & Ride needed to start earlier in the day. He said the TMA had come to LeeTran after the Town's budget hearings and had requested that LeeTran come up with some other proposals. In response, Mr. Meyers said the County offered the on-Island trolleys free to riders and also offered holiday service. He encouraged the Council to stay with the Park & Ride for at least one more year. He understood it was difficult, and that the trolley lane had been a problem, but noted the flex stakes had been removed permanently. He felt the Town should consider creating an uninhibited flow of trolley vehicles from the Park & Ride lot to the Island, because presently the trolleys just stacked up behind traffic, which wasted the capacity of the large vehicles. Mr. Meyers said he had been in the area for five years, and during his first visit to the Island, he had observed that a trolley lane was needed.

Mayor Reynolds asked Councilman Meador if he had any questions of Mr. Meyers. Councilman Meador said he had read the proposal, and did not have any questions.

Mayor Reynolds said there was one correction: He believed the average amount spent by the Park & Ride patrons had originally been listed as around \$20.00 each. He said if those who stayed overnight were figured in, the average would go up to the \$35.60 that had been mentioned by Mr. Meyers.

He said they were not talking about overnight stays, but simply the \$20 figure. He asked Mr. Meyers if that was correct. Mr. Meyers said in the calculations he had made, \$35.60 had been the figure that had “stuck” in his mind. He said when one multiplied either of those amounts by 200 – 250 thousand people, it was “a few bucks”.

Vice Mayor Massucco felt he had not gotten his point across regarding his question as to where the supply of trolleys to keep up with the demand would end. He wondered how much more the Town could afford to do.

Steve Meyers said he was not in the resort business, but that he was in the transportation business. He said it was not part of his business to attract people to Ft. Myers Beach. He said he had the belief that people were going to come to the Beach in growing numbers. He felt it was unavoidable, and that the Town needed to figure out a way to manage the traffic to the Beach’s capacity, and then find other options.

Mr. Meyers said Lovers Key Park would be the trolley turn-around and transfer point for the Bonita service as well, and felt it could be promoted because the trolley will go back to the concession area. He felt it would give some people staying on the Beach an alternative destination. He thought that would help spread out the Beach traffic.

Councilman Boback asked what the cost to the Town would be to maintain the Summerlin Square parking lot. Mr. Meyers said the Town had been very cooperative with the County last year by keeping it mowed and striped, and had done trash removal as well. He said the Town had also helped with signage. Councilman Boback asked if there was a dollar figure for those services. Town Manager Segal-George said the Town’s crews had been used for the maintenance, so the only additional expense had been the signage which had run about \$12,000 last year. Councilman Boback said the Town was still paying the crew to do the maintenance work. Ms. Segal-George explained it was part of their responsibilities at no added cost.

Councilman Meador asked if there was an hourly breakdown of actual money spent on the site. Ms. Segal-George said no one had asked for it, but it could be prepared.

Councilman Boback asked Mr. Meyers what was wrong with charging people to use the Park & Ride.

Mr. Meyers felt a fee could be charged. He took exception to the remark made earlier that the free fare had not been an incentive for use of the Park & Ride trolleys, based on his recollection of what the survey had shown. He said LeeTran would be amenable to looking at it, but was concerned about driving off potential riders who might drive their cars rather than pay the fare.

He felt it was only fair to offer free service to the Park & Ride patrons because the County was offering it to the Beach trolley patrons.

Mr. Meyers said that, in terms of how the County had agreed to participate this year, it was a larger amount than last year. He said the County had offered to split 50-50 whatever enhanced service would be operated. He said that had been presented to the County as a mitigation effort for off-Island traffic, as well as mitigation for the Summerlin Road “destruction”. He said the Commissioners had been clear that the County’s participation, approved up to \$260,000 was conditioned upon a joint effort with the Town. He said the Council could come back with a proposal for a lower level of effort, but it still would have to be a shared effort.

Mayor Reynolds clarified that the proposal they were considering was for 6 Park & Ride trolleys, 5 on-Island trolleys, which he felt was too many for the Beach, and for the parking rates to be raised to \$5 per hour. He further explained that the cost of it, if all elements were present, could possibly be covered by the federal grant already obtained by the Town. He then read a prepared statement wherein he opined that the proposed system would be unfriendly to businesses, or even “kill” them. Additionally, Mayor Reynolds felt the “extra pedestrians would seal the residents’ northbound escape route”. He said the money lost because of the high parking rates could be made up for with the expenditures made by the people arriving on the Park & Ride trolleys. He said the Park & Ride had been tested last year at an expense of \$600,000 and that it had failed to serve the Island residents, whom he said made up over 80% of the Island’s population. He said there were several ways to deal with the issue: Reject it; Accept it; or, redefine the program and start over again. Mayor Reynolds said he could not see any choice but to reject as the previous Council had done before. He then asked the Councilmen for a motion.

MOTION: Vice Mayor Massucco made a motion that the Town not fund Park & Ride. Councilman Boback seconded the motion.

VOTE: The motion carried unanimously.

Mayor Reynolds said it looked like it was “five to reject” and several Councilman corrected the Mayor that it was four. There was a bit of applause.

Deputy Town Manager John Gucciardo asked for clarification. He said at one point the previous Council had indicated support and payment for enhancing the on-Island trolley service. He said the recommendation had been to have 5 on-Island trolleys that would be free to the riders. He asked if that was still the will of the Council.

Mayor Reynolds said the Council had rejected the Park & Ride as it had before, but that they had considered keeping the four free trolleys on the Island route. Several Councilmen thought it had been five trolleys recommended, but Mayor Reynolds said that five was too many. He stated further that the issue, about how many on-Island trolleys there would be, should be brought back to Council as a separate issue for discussion at their next meeting, as some Councilmen probably felt there should be 5 on-Island trolleys.

Mr. Gucciardo expressed concern about timing, in terms of putting in an order for the trolleys. He said if it was the consensus of Council, Staff would continue its discussions with LeeTran and then bring back the information to Council in terms of whether it would be four or five trolleys.

Mayor Reynolds didn't believe the test didn't had to do with LeeTran as far as costs went, and he thought the Town was going to bear those costs, except for the part County already had. He thought the Town would be paying for two on-Island trolleys. Mr. Gucciardo said that was what he wanted to confirm with LeeTran and bring back to Council. Mayor Reynolds asked him to do that.

D. Employee of the Year – Nominated by Vice Mayor Don Massucco

Mayor Reynolds asked if all the Councilmen had gotten a particular letter about Employee of the Year. He said, after having gotten the letter himself, it had saved him from having to write some things about it because the Town's Charter stated that the Council would not have any direct contact with Town employees. He felt the Council was really not supposed to be involved in that part of it. He respectfully told Vice Mayor Massucco that he believed the Charter would not recognize the nomination for Employee of the Year as a proper direction for Council. He said the Council was not to have any direct contact or control over the employees at all, except for the Town Manager. He said the letter they had received had been anonymous, but that it was a very fine letter.

Vice Mayor Massucco did not know to which letter Mayor Reynolds had referred, and asked the Mayor what the letter was about. Mayor Reynolds explained the letter was about the nomination of a person for Employee of the Year.

Vice Mayor Massucco understood the Charter to mean that the Council had no control over the hiring or firing of Town employees, other than the Town Manager. He did not believe there was any mention of anything like what he had proposed.

Mayor Reynolds believed it would not be a proper thing for the Council to do, because the Council can't do anything. He said the Council worked very cautiously, and very little, with most of the personnel.

Vice Mayor Massucco did not think the Council was strictly prohibited from doing something such as he had proposed. He said he knew of nothing in print that would restrict them.

Mayor Reynolds said he was correct, and that the Charter was not specific. He said it covered certain areas, but not specifically. He said the Policy Manual was something they needed to look at regarding the issue. He didn't believe anyone would take issue with the person whom Vice Mayor Massucco had nominated for the award, but he felt the procedures the Council would have to follow to award the recognition was what was at issue.

Councilman Meador said that from a management standpoint, he said he would hate to be a Town Manager whose Town Council had just given an Employee of the Year award to someone he had to manage. Vice Mayor Massucco said he saw Councilman Meador's point, but felt the person he had nominated was deserving of the award, and observed that he was apparently the only one would was going to name her.

Councilman Meador agreed that she and a lot of other people were deserving, but he was not sure it was the place of the Council to "step on those toes that way" – potentially stepping on a supervisor's toes.

Councilman Boback didn't doubt that Rachel (Lambert) was more than deserving of the award, and that there were probably several other Town employees who deserved it, too. He said it had always been his thoughts that the award could be both a positive and a negative motivational tool. He said it ended up sometimes being a personality conflict. Mayor Reynolds said it could be a personality game. Councilman Boback thought the award could be a detriment, and didn't believe the Council should be micromanaging to that extent. He felt it should be the Town Manager's call, as that person supervised the employees on a daily basis, and would be the one to know who was most deserving, and would know better than Council how giving such an award would affect the rest of the Staff. He felt the Council would be overstepping its bounds to bestow such an award.

Vice Mayor Massucco said he didn't want to be argumentative about it, but the Council had given similar awards to various committee members, and it seemed to him that the Council should be able to do the same for one of the Town's employees.

Mayor Reynolds believed the other awards had come from other recommendations, and not from Council. Vice Mayor Massucco said they

had been sanctioned by Council. Mayor Reynolds acknowledged that, but said the point was that the recommendations had come from somebody outside of Council.

Vice Mayor Massucco said he had to go with the will of the Council, but asked if he could read the letter of recommendation he had written. Mayor Reynolds and Councilman Meador asked him to read it.

Vice Mayor Massucco read: "I'm sure you've all noticed the exceptional work done by one of our employees. That employee has performed with tireless dedication during two major hurricanes and managed her normal work load during all that time. I think no one is more deserving of the recognition of Employee of the Year. The person to whom I refer, Rachel Lambert – her day-to-day duties go unnoticed for much of the time, but are so vital to the successful operation of our Town business. Her duties that are much too numerous to list here involve handling compilation, duplication, distribution of extremely technical material, and all of it is accomplished in a certain time constraint with unusual accuracy. Another duty she performs with exceptional skill is taping and televising broadcasts of all important meetings and presentations, including the Town Council meetings. I could go on with Rachel's above and beyond performances in all that she is entrusted to do, but I feel we are all very much aware of her dedication and ability. For those reasons, I make the following recommendation that Rachel Lambert be recognized as Employee of the Year; that she be awarded a plaque denoting appreciation for her outstanding effort in her service to the Town of Ft. Myers Beach and its residents. We can make the presentation to Rachel on a Monday evening just before a Council meeting. As an added reward, it has been suggested that Rachel could be presented with a round of golf at one of the major courses (she's quite a golf enthusiast)."

Vice Mayor Massucco said he had added that maybe she could be given the day off to play the round of golf.

Mayor Reynolds didn't believe any of the Councilmen would disagree with anything Vice Mayor Massucco had said in his proposal for the award for Rachel Lambert. He believed anyone in the public who had worked with Ms. Lambert would agree too. He said it was the wrong procedure for the Council to take, and he thought they should allow Staff and her peers to determine such things.

MOTION: Vice Mayor Massucco made a motion that Council award Rachel Lambert Employee of the Year. No one seconded the motion.

Mayor Reynolds said he guessed the motion died without a second. He then thanked the Councilmen for jumping right in and doing the job. He said he would then go to the public.

Attorney Dalton pointed out that Council Member Items was the next item on the agenda. Mayor Reynolds said he had skipped a couple of pages, and apologized for having a bit of trouble speaking, which he attributed to allergies.

X. COUNCIL MEMBER ITEMS AND REPORTS

Mayor Reynolds said he wanted to introduce a new concept, in that he wanted to give the Councilmen the opportunity to bring up new business items each week, and asked if that could be added to future Council agendas. He thought if it was listed as New Items, the Council could present something and act on it. He asked the Town Attorney if that would be out of line. Attorney Dalton was not sure what the Mayor's question was. After explaining what he meant, Ms. Dalton said it could be done. Mayor Reynolds said that he wanted New Council Input added to the Council agendas in the future. At that point, he asked if any Councilmen had any new items.

Councilman Boback believed the termination of the Town Manager was an issue that needed to be discussed at this meeting.

Vice Mayor Massucco believed a full Council should be seated before that issue was discussed as it was important.

Councilman Meador asked the Town Attorney, if the Council wanted to discuss suspension or termination of the Town Manager, immediate replacement with an Acting Town Manager, and the hiring of an attorney to represent the Council specifically in connection with that employment issue, if those matters would be better placed on a specific agenda for a meeting and noticed as such.

Attorney Dalton said there was no Sunshine issue because the Council can always bring up an item under Town Council Member Items and Reports, but it would be a better course of practice to list it on an agenda and have it open for discussion. She said it was a policy question, rather than a legal question, but it was favored that something of that gravity be listed on the agenda.

Councilman Meador said he would rather see the Council proceed in the manner Ms. Dalton deemed the favored practice. Additionally, he preferred the full Council be present. He said the Town Charter stated that on unanimous action of the Council there was a different course that is presented to both the Town Council and the Town Manager. He thought the Council would be well advised to consider legal representation and legal advice in connection with proceeding on this matter.

Mayor Reynolds said to keep in mind that one Council member was missing from this meeting. He asked Councilman Meador if he had a particular motion he wanted to make for Council to vote on.

Councilman Meador said he didn't have a particular motion, but he wanted the matter placed on the agenda for the next meeting. Mayor Reynolds agreed that would be a better direction. Councilman Meador asked if he had to make a motion to place the item on the next agenda. Mayor Reynolds said he did not. Ms. Dalton said that in the Council's Policies and Procedures Manual specifically stated that any Council member could direct any item to be put on the agenda for the future, and did not require a motion. She said if it were the direction of Council to have her investigate outside counsel and bring names back to the Council, she would be glad to do that.

Councilman Meador said he would like to see that. He didn't know what was in order or out of order at this juncture, but there was a woman in the audience who he wanted to introduce to the Council. Ms. Dalton said it was up to the Council whether they wanted that to happen or not at this time.

Councilman Boback said it was fine with him.

Mayor Reynolds asked if the question of the suspension or termination of the Town Manager was going to appear on the next Council meeting agenda, and was given the indication that it would be. He then suggested that Councilman Meador introduce the woman in the audience he had wanted to introduce to Council.

Councilman Meador asked Ms. Ellen Mills-Gibbs to come to the podium, and introduced her as an attorney, and then distributed a copy of her resume to each of the Councilmen. He asked Ms. Gibbs to introduce herself to give the Council her background in connection with her representation in municipal law.

Ms. Ellen Mills-Gibbs introduced herself as an attorney who had practiced law in Florida for 40 years, and had specialized in the field of governmental, municipal and special district law during the entire 40 years. Ms. Gibbs said she had been given some information concerning the difficulties that had arisen during the course of the election process. She said she had looked at some of the documents and said she was willing to proceed in any fashion the Council wanted. She said it was difficult to make a determination without standing there in front of them and knowing what the wish of the Council would be. She said until that determination was made, she would be unable to do anything except to tell them that she thought she could handle the matter, and that she had the background and the wherewithal to do so.

Mayor Reynolds thanked her very much, and felt the Council needed to discuss the matter a bit before calling her back at a later. Ms. Gibbs said if they had any questions they could call her. Mayor Reynolds said he had meant that she wait in the Council chambers at that time, and that they would call her back up at this meeting. She said she would wait.

Vice Mayor Massucco asked Councilman Meador if the Council would be employing Ms. Gibbs specifically for the purpose of looking into the dismissal of the Town Manager, or if she was going to a permanent fixture.

Councilman Meador said he felt that, at this juncture, Ms. Gibbs would represent the Council in connection with the employment matter.

Mayor Reynolds asked Councilman Meador to please make a motion to that effect for the Council so that Ms. Gibbs would know where to go with the issue.

MOTION: Councilman Meador made a motion for Council to retain Ellen Mills-Gibbs to represent Council in connection with the potential termination of the employment of the Town Manager Marsha Segal-George. Councilman Boback seconded the motion.

Vice Mayor Massucco said he had not had time to even look at the resume, and didn't think he was prepared to vote on the motion.

Mayor Reynolds said the reason he had no problem "moving by" with it was because he was sure Councilman Meadors (sic) as an attorney had gone through the resume, and if Councilman Meador was satisfied with the recommendation, he could study the resume all day and could know the background, but didn't think he could understand it as well as another attorney would. Mayor Reynolds said that, after hearing from Ms. Gibbs, he had no doubts about her competency as an attorney with her years of experience.

After a few moments of silence, Vice Mayor Massucco said Ms. Gibbs' resume was very impressive.

VOTE: The motion carried 3-1, with Vice Mayor Massucco dissenting.

Mayor Reynolds asked Councilman Meador if he wanted to call Ms. Gibbs back up to say anything to her. On an indication from Councilman Meador, Mayor Reynolds called Ms. Gibbs back up to the podium, then asked Town Attorney Dalton to listen carefully to what he was about to say as he was not sure where he going. He said that since it was definitely a legal issue, he felt Ms. Gibbs would definitely need to communicate with somebody on Council. He said he was not a legal person, and didn't think he would be able to help a whole lot. He asked Attorney Dalton if Ms. Gibbs would be able to speak

with another Councilman besides him. He said the Councilmen would not be speaking with each other, that it was a given.

Ms. Dalton thought it was important for Ms. Gibbs to receive input on whatever reasons the Council may have to pursue the matter. She believed Ms. Gibbs could get individual comments as long as there was no crossing of those comments. Ms. Dalton was sure, although she didn't know her, that with Ms. Gibbs' experience, there would be no possibility of the Sunshine issue coming up. Ms. Dalton suggested some time parameter be put on the services to be rendered.

Mayor Reynolds understood that Councilman Meador wanted Ms. Gibbs to report back to Council next week. Councilman Meador thought it should be at the next meeting. Mayor Reynolds agreed.

Ms. Gibbs asked if they wanted a recommendation and report back to them by December 5th. Mayor Reynolds said they would like that as much as it was possible, and if she didn't have enough, she could let them know at that time.

Mayor Reynolds said he had wanted to clear a legitimate way for Ms. Gibbs to communicate with the Council members if she needed to do so. He said because Councilman Meadors (sic) was an attorney, Ms. Gibbs may have more questions of him than of the other Councilmen, but he wanted her to have the freedom to discuss it with any of the Councilmen. Ms. Gibbs said she understood that and wouldn't want to proceed without discussing the matter with each of them.

Ms. Dalton suggested the Council may want to discuss Ms. Gibbs' compensation. Councilman Meador remarked that that was always an excellent question. Mayor Reynolds asked Ms. Gibbs what she expected to be paid.

Ms. Gibbs said her normal fee in litigation matters was \$300 per hour. Mayor Reynolds asked her what her fee was when she was not in normal situations, which drew some laughter.

Ms. Gibbs said when she did litigation on behalf of a client, the fee would run between \$200 and \$250.

Mayor Reynolds asked for reaction from Council.

Vice Mayor Massucco said he wasn't sure he could see a need for extra counsel. He said the Town's Charter was very clear on how the Council could proceed with regard to the dismissal of a Town Manager. He didn't understand why a special counsel was needed, and asked that it be explained.

Ms. Dalton said there had already been a vote to retain Ms. Gibbs, and the discussion was now about parameters and compensation.

Mayor Reynolds, in response to Vice Mayor Massucco's questions, said the Council needed special legal representation because his lack of thorough knowledge regarding contracts and legalese dealing with contracts. He felt that was why they should be fair about it and go in that direction.

Mayor Reynolds then asked Councilman Meadors (sic) for any comments.

Councilman Meador said that while the Charter said that the Council could hire and fire the Town Manager, there was also an employment contract in place. He said there may be questions as to the validity of the contract, or questions about the interpretations of it under different types of termination events. He said he would like the Councilmen to all be advised by competent legal counsel as to what the options and ramifications were, and also he wanted the Council to have someone in a position to be able to negotiate, if need be, to reach a resolution of any questions that may come up.

Vice Mayor Massucco wondered if the normal procedure would have been to advertise for an attorney for this purpose. Ms. Dalton said the Council had the discretion to either proceed as Councilman Meador had indicated, on which they had already voted, or the Council did have the discretion to go out for advertisement. She said it was completely up to Council as to how they chose to proceed, and that there was no "bright line" legal answer to that question.

Councilman Boback thought it was an issue that needed to be settled as quickly as possible so as to get the Town back in harmony, and get the Town Staff and everybody else settled down. He thought they could advertise, but by the time the advertisement was placed, resumes were reviewed, and interviews done, it would stretch out into months instead of weeks. He felt that, to be fair to the Town Manager as well as everybody else, the quicker it was put to rest the better it would be for everybody.

Mayor Reynolds thanked Councilman Boback for his comments, and said he didn't want to "beat this to death". He then asked Ms. Gibbs where she lived, and she said she had a residence at 500 Estero Boulevard, Ft. Myers Beach. Mayor Reynolds asked if she lived there, and she said she did part of the time. Mayor Reynolds said he had asked her, as they normally paid for travel time, and Ms Gibbs said there would be no travel time.

Mayor Reynolds said he was going to suggest paying her \$200 per hour, but because Ms. Gibbs was a specialist in her area, he asked if she would take \$250 per hour, and presented it to Council. Ms. Gibbs said she appreciated that.

Mayor Reynolds asked the Council if they were in agreement with the \$250 per hour rate. He said it was more reasonable than what the Council normally did with attorneys because they would usually get compensated for an hour and a half travel time, and gave Bill Spikowski as an example. He said they needed a person who was really qualified in the area, because he didn't want Council to do anything wrong against their employee, and didn't want to give the employee the opportunity to sue the Town. He said the Council wanted a legitimate, good separation. Ms. Gibbs said she would do her best.

Councilman Boback asked Ms. Gibbs for a guesstimate as to the time frame between the preliminary investigation to the next meeting. Ms. Gibbs said it would be very difficult to say. She said she needed some of the documents to review, but assumed most of them were not lengthy. She said it was possible, but not probable, that she could make a recommendation at the December 5th meeting.

MOTION: Councilman Meador made a motion to pay Attorney Gibbs \$250 per hour for her services. Councilman Boback seconded the motion.

VOTE: The motion carried 3 – 1, with Vice Mayor Massucco dissenting.

Mayor Reynolds asked if there were other Council member items at this time.

Councilman Meador had no items.

Vice Mayor Massucco said on Friday, December 2nd at Loggerheads Restaurant in Santini Plaza there was going to be a fundraiser. He said many Islanders remembered "Jay and Friends", and said Jay Dellesandro, and Sharon and Jim Jameson, had an annual project to help Island families with children who might not be able to have a very good Christmas. He said the name of the project had been changed to "Spirit of Christmas". He said there were many volunteers who participated every year. He said if anyone was in need of some help for Christmas, or if anyone knew of a family that could use the help, they should call 463-2717. He said Sharon Jameson would walk each caller through the simple procedure to enroll a family. Vice Mayor Massucco said he and his wife Nettie could vouch for the program, as they had volunteered on it for the past two years. He said they had witnessed firsthand the tears in the eyes of the mothers when they try to thank the volunteers for what they do. He said it was a heartwarming experience, and that he and his wife wished to promote the project. He said the fundraiser at Loggerheads would determine how many people they would be able to help this year. He said if anyone could go to the fundraiser and contribute something it would be immensely appreciated.

Councilman Meador asked at one time the fundraiser was going to take place, and Vice Mayor Massucco thought 6:30 or 7:00 PM would be a good time to go to the event.

Vice Mayor Massucco said he would be bringing his ION program back to Council for consideration in the future, though not at the next meeting. He said he had modified it a bit, and that he had received numerous inquiries about it, which meant there was interest in the program.

Councilman Boback had no items.

Mayor Reynolds said he had one thing to share, and if anyone recognized anything in it, they should keep it to themselves and not let anyone hear about it, because they would be hearing more. He read: "If you can keep your head when all about you are losing theirs and blaming it on you; if you can trust yourself when all men doubt you, but make allowances for their doubting too; if you can wait and not be tired of waiting or being lied about – don't deal in lies – or being hated. Don't give way to hating. And yet, don't look too good nor talk too wise." He said if anyone saw him, they should let him know all about that.

XI. TOWN MANAGER'S ITEMS

Ms. Segal-George said there had been a lot of talk about her, without her having had much opportunity for her to speak. She announced that she had also retained an attorney – Pat Garrity – if Ms. Gibbs wished to contact him. Ms. Segal-George said she had stayed pretty quiet, but felt it was important that that fact be known.

Mr. Gucciardo said he had copied an article out of the local paper regarding some actions being considered by the Bonita council having to do with Lake Okeechobee. He said he had put the article with a memo which he felt put the article in context for the newer Council members. He said whenever Staff encountered things that many be of interest to the Council, they usually bring it to their attention. He said since the time he had gathered that data, the Board of County Commissioners had called for a meeting to take place, directly after their normal County Commissioners meeting, for the municipalities and the County to get together to discuss possible courses of action with regard to the Water Management District and the Lake Okeechobee releases. He said if it was the direction of Council, the plan was to send Town Staff to the meeting to listen in and gather information to see what options were being considered. He said the intention was to bring back that information to Council at their next meeting for possible recommendations as to action. He said Staff had not been aware of the meeting in time to put it in the Council packets, and that they normally do not bring that type of item forward without some warning.

Councilman Boback felt it was important for the Town to be represented at the meeting. Ms. Segal-George said she would be attending that meeting. Mayor Reynolds asked if Matt Feeney would be attending, and Ms. Segal-George said he would not, as he had a conference call with Senator Nelson at that time. Mayor Reynolds said the reason he had asked was that Mr. Feeney would be the appropriate person to go to that meeting.

XII. TOWN ATTORNEY'S ITEMS

Ms. Dalton said she had had a discussion that day with the County Attorney David Owen regarding the Lake Okeechobee meeting to which Mr. Gucciardo had referred, and had requested some input from Mr. Owen's perspective. She said she had also received e-mails from both Sanibel's and Bonita Springs' attorneys, which indicated they were going to keep each other advised as to any legal developments within their respective municipalities. She said she would share all of that with Town Council as she received it. She said David Owen was acutely aware of the Town's potential interest, but because she had not as yet gotten any direction from Council, and had told Mr. Owen she would not be doing anything without it.

Mayor Reynolds asked if Ms. Dalton had a better idea as to the time of the meeting in question, but she did not. Ms. Segal-George said they had estimated the start time as 10:00 AM, or directly after their regular meeting.

Councilman Meador asked when the oaths of office would be notarized. Ms. Dalton said she would take care of it that evening. She offered to make an additional original for him if he would like. Councilman Meador said that was fine.

Councilman Boback suggested that they begin to consider the length of their terms of office. This evoked some laughter from both the Council and the audience. Councilman Boback said he wanted to know that sooner than later. He wondered if it was going to be three years and a couple of months or two years and a couple of months, and thought the Town Attorney should present some information and research to Council, possibly at the next meeting, so that there would be no misunderstandings down the road.

Mayor Reynolds said Councilman Boback was absolutely right, but it wasn't urgent. He said there were a lot of items to deal with in December, and wondered if Councilman Boback would object to pushing that item into the first or second meeting in January. Councilman Boback said that would be fine. Mayor Reynolds said it was on his mind, too.

XIII. PUBLIC COMMENT

Mayor Reynolds reminded the public that the Council would live by the rules of civility, and expected the public to follow the same. He said they may have a lot of questions, but not to expect answers because Council did not have a

dialogue back and forth with the public, generally speaking. He reminded the public that three of the Councilmen were neophytes in their position on Council, and asked the public to give the Council, including himself and Vice Mayor Massucco, a chance to feel their way into their new positions. He asked the public to please keep their comments to three minutes or less.

Marty Hartung, of 4191 Bay Beach Lane, came forward, and said she had been a resident of the Town for a long time. Referring to the program about which Vice Mayor Massucco had spoken – the Spirit of Christams – Ms. Hartung said the Chamber of Commerce had a similar program that helped only the families within the Beach Fire District. She said she did not have the date or time for the Chamber event, but she thought it was going to be on December 6th at the South Beach Grille. She said it was an auction that made a lot of money for the Beach Fire District families only, and hoped everyone would come because they would have a good time.

Mayor Reynolds said if someone wanted to come to the December 5th Council meeting and make the announcement about the event on the 6th, that would be fine.

Jeff Werner, of 7150 Estero Boulevard, came forward. He said he hadn't known it would be so easy to get a job with the Town of Ft. Myers Beach. He said, based on what had happened at this meeting, that when they fired Marsha Segal-George, he would come in, tell the Council he had 20 years of experience as a Town Manager, give Council his resume, not have to answer any questions from Council, get hired without finding out how much it would cost the Town, and then get whatever compensation he asked for. He said that was what had been done by Council at this meeting, and if this was how the new Town Council was going to operate, he really felt sorry for the Town of Ft. Myers Beach. On a lighter note, since there would be no Park & Ride, he thought the middle lane on the Bridge should be an express lane for Town residents, business owners and their employees, and the right lane should be the slow lane for tourists and day trippers.

Mayor Reynolds said if the Councilmen heard something they felt was contradictory, he felt the Council had the right and the obligation to respond to it. He said the Town Manager had been hired ten years ago, not knowing how much her salary would be, which he felt meant the Council had not set any precedents in their hiring of Attorney Gibbs. Directing his comments to Mr. Werner, Mayor Reynolds added that he didn't like "this expression – that's the way we've been doing it for ten years. I hope that you... I agree with you, and that should be up front. And so maybe your mission with us tonight will alert us to that fact."

Jane Plummer, of 340 Fairweather, came forward. She said she had never seen, in Council Items, something that would be voted on later that had not

been advertised so that the community could respond to it and come to the meeting at the time an issue like that was presented. She wondered if there had been any ex parte communications between any of the seated Council and Ms. Gibbs. She asked if it was that none of them had ever spoken with Ms. Gibbs before, that she had come on her own, and everyone had thought she was wonderful.

Councilman Boback said he had spoken with her before.

Mayor Reynolds said Ms. Plummer had brought something forth that he said was his fault, in that he should have asked everyone on Council if they had had any communications with Ms. Gibbs, and he had not. Ms. Plummer asked him if he could do it at that point, which he said he would, although it was unusual. He said he should have done it, and it was his mistake. Ms. Dalton said there was no legal requirement to disclose ex parte communications, except in the context of a land use or quasi-judicial hearing. Mayor Reynolds said that since they were “in the Sunshine”, he wanted to clear it up, and wanted to know himself.

Councilman Boback reiterated that he had spoken with Ms. Gibbs prior to this meeting.

Vice Mayor Massucco said he had not.

Mayor Reynolds said he had not.

Councilman Meador said he had met Mrs. Gibbs.

Peter Ilisich, of 131 Estero Boulevard, came forward. Regarding agenda items, Mr. Ilisich thought he had heard that they were going to take new items and potentially discuss and vote on them. He recollected that the Council had been in great disarray when they had engaged in that procedure during the incorporation of the Town, when the agenda items had had nothing to do with what had actually happened at the Council meeting. He hoped they would look at their Policy Manual, where he believed existed a policy that no new business would be conducted without it being advertised. He said for a resident like himself, who didn't live on the Island itself, it was difficult to second guess or come to the meetings if he didn't know what items would actually be addressed. He said it would do a disservice to the Town and set it back, and would undo some procedures that had been adopted through hard experience. He thought Mayor Reynolds had been on the Council when it had been decided that they would not bring new items up to discuss, but only to put on future agendas.

Ronn James, of 422 Harbor Court, a 15-year resident of the Island, came forward, and called himself a victim of the previous Town Council and

management. He said he had been called a name by a Town employee in a Town suit at this meeting earlier. He said it was ugly and derogatory language, which had been witnessed by an attorney and a few other people. He believed there was a civility pledge on the podium, and Mayor Reynolds said he was right. He said he didn't think he had ever called anyone a name there, and had always been respectful of the office whether he liked the person or not. He asked for a public apology from the Town Hall for being called a name. He felt he had been easy going at the meeting, and said it was a new day for him, and that he was kind of happy. He said he had been used and abused by the Town for ten years, and sometimes he couldn't stand before Council without seeing red. He said now, as he moved forward with the new Town Council, he found himself being called names by the same Town. He wondered if the whole Town Hall was infected with that adversarial attitude. He said he didn't want to live in a Town like that, but that he was not going to leave the Town. He said he would fight the fight that he had been fighting for ten years. He told the Councilmen he had helped every one of them to be elected because he believed in them and believed a change was needed. He said it was a nice change that there weren't armed guards in Council chambers during this meeting. He said he didn't bring his gun, but had brought a broom, because he felt there was a "new light" in the Town. He thought it was time that every person in the Town Hall dedicate themselves to helping the citizens. He felt a group needed to be established to help Town citizens victimized by the hurricanes. He said he had gotten no help from the Town, although he hadn't asked for any. He said he had gotten hindrance from the Town. He wanted the Council to put on a future agenda a discussion about using some of the money, paid to contract employees as bonuses and overtime, for installing someone in the Town Hall to help citizens with their problems. He said didn't want someone to tell him he had a problem, and tell him how he had to fix it; he wanted to sit down as civil human beings and come to an agreement or answer together. He applauded the Council for hiring Ms. Gibbs in the manner in which they did, as he felt "these things" needed not to be drawn out. He said a new attitude was needed in Town Hall. He said he wanted to come to Town Hall and be greeted by someone who wanted to help him, and not by someone who would hand him another violation. He didn't want to experience: "We're going to arrest you and drag you out of your house at gunpoint, Mr. James, for a code violation." He said he had been through all of those things, and spoke from experience. He said he wanted change and he wanted an apology. He asked if that was wrong.

Mayor Reynolds reminded the public that the Council would not be responding to their comments, and also reminded them that they should be civil in their remarks.

Lee Melsik, of Ft. Myers Beach, came forward. Mr. Melsik said Councilman Massucco had asked a really good question during the TMA discussion – "Where does this all end?". Mr. Melsik opined that they could get to the end

by stopping the insanity of spending that had been going on. He said the long traffic lines had started about twenty years ago, which had coincided with Lee County's decision to join the development and tourism industry in marketing Lee County. He said currently the County spent nearly \$5 million to bring more and more people here, which he said was insanity. Mr. Melsik said the sun, fun and beaches had brought plenty of people to the area before that. He applauded the Council for their decision regarding the Park & Ride. He said if the County was going to spend \$5 million to bring people here, it would be insane to spend Town money fighting it. He said the Town had spent \$600,000 on wasted traffic studies, \$42,000+ to fund the trolleys. He said the Town spent that against the \$5 million in high-profile advertising put out by the County. Mr. Melsik said that maybe, someday, some politicians in Lee County would have the courage to go to the County and the TDC and say "Enough is enough. This is insane." Mr. Melsik thought that might be where the end of the line was. He said as long as the County spent \$5 million a year in high-profile advertising, it was insane to "throw \$600,000 at a time" at it. He thanked the Council for stopping it. He felt the County should pay the full amount for the on-Island trolleys as well. He said a lot of people now lived in the area as a result of County marketing practices. He said the County brought them here, and that the County should pay to bus them around.

Pasqual Loffreno, of 8002 Estero Boulevard, came forward. With regard to the Tree City, USA designation, Mr. Loffreno said they had to ensure that those people with trees near power lines were compelled to keep them trimmed. He said the reason the electricity had been off for so long after Hurricane Wilma was because of trees being on the wires. He said he had been recently cited by an inspector for having three signs as he participated in as a citizen in protecting legal rights. He said he had never received a violation in the thirteen years he had owned the property. He said Vice Mayor Massucco would be surprised at what was taking place in the Town. He said he needed an explanation for the citation, and an apology. He said he needed the public workers in Town, who felt they were so important, to answer their calls. He said he was paying the taxes that paid them. He said it took 2 ½ months to receive a letter from the Town which told him that he had a legal matter that had to be resolved in court. He said the inspector had approved the construction of a fence next to his property that ended up on his property. He said the Town had done absolutely nothing about it, but had the time to give him a violation that he didn't understand. He thanked God that the new Councilmen were there, and hoped that before he died, someone would correct the problems. He then discussed traffic, and suggested using the extra lane already on the Bridge as one of two exit lanes off the Island. He felt it was common sense. He wondered why hundreds of thousands of dollars had to be spent to keep workers walking around, making meetings and problems.

Mayor Reynolds asked Mr. Loffreno to "wind it down".

Mr. Loffreno apologized, and said he was very upset with what had taken place up to that moment, and thanked the Council, and expressed his belief that the new Council would “put the train on the tracks again.”

Mayor Reynolds reminded the public that when the red light came on, it was the signal.

Jeanette Massucco of Ft. Myers Beach came forward. She noted that her husband, Vice Mayor Massucco, had no idea why she had come to the podium. This remark drew some laughs. Ms. Massucco hoped the extra lane on the Bridge could be used by school buses, as she had observed the school children sitting in the buses in lines of traffic and not arriving home from school until 5:00 or 5:30 PM in season – two hours after school had let out. She hoped Council would consider this use of the extra lane for the children of the Island.

Don Baker, of 275 Pearl St., came forward. He asked the Council to look into the resident parking permits, as they currently did not allow residents to park in the County lots at the resident rate.

Herb Acken, a beach resident and business owner, came forward. He congratulated the Council on the elections. He quoted Abe Lincoln, who had said: “If you want to test a man’s character, give him some power.” Mr. Acken respectfully asked the Councilmen to tread lightly on the shoulders of those who lifted them there. He said they had given assurances throughout their campaigns that they would be there for the citizens and responsive to the business community. He asked the Council not to forget that the Town was a resort island, and that the businesses, which did a lot for the community, were part of it as well. He said even the business owners who lived off the Island spent most of their time on the Island and cared about the Beach. Mr. Acken added what he called an impartial observation, in that he had always noticed the Town Attorney to be professional and impartial. He said he didn’t know her, and hadn’t had any ex parte communication with her. This remark drew laughs. Regardless of the issue, he felt she always seemed to give professional and impartial advice.

Mayor Reynolds said he was “afraid to call on Tom.” He said to remember there was a red light, and an orange one if he wanted to stop early. He said he had just been kidding.

Tom Merrill, of Ft. Myers Beach, came forward. He said the TMA had tried to make some changes in the Town. He said the Council was new, and it was obvious they didn’t like some of the directions in which the TMA was going. He said that was not a problem because the new Council was taking over now. He thought it would be important for the new Council to grapple with what direction they did want to go in with regard to traffic mitigation, because the

Town did have impending problems with traffic, and it was not good enough just to say no. He said the Town had to move forward to try to mitigate traffic somehow. He thought there was a lot of complex material to think about, and gave as an example that, while it was not desired to spend money on trolleys to try to get people out of their cars, the Council will have to think carefully as to how they wanted to deal with events. He said it would not make any sense, based on the actions of Council at this meeting, to use any Town money to have any events to attract people to the Island. He said that was only one example of the complexity of the subject about which the Council and the TMA needed to work together to determine the direction the Town would take.

Mayor Reynolds asked Mr. Gucciardo if there were some way the Town could work something out with the County so that the resident parking permits would be honored in the County-owned parking lots on the Beach. Mr. Gucciardo said he would reach out to the County to see what was possible, but he didn't know of any possibilities at that point. Mayor Reynolds said if the County wanted to talk to Council about it, it would be okay, but hoped something could be done about it. Mr. Gucciardo said that, in the past, the County had been reluctant to make arrangements for the Town residents different from all the other County residents, but he would see where they stood currently.

XIV. ADJOURNMENT

MOTION: Vice Mayor Massucco made a motion to adjourn. Councilman Meador seconded the motion.

No vote was taken.

Mayor Reynolds thanked everyone for attending, and adjourned the meeting.

Respectfully submitted,

Jo List
Transcribing Secretary