

**FORT MYERS BEACH
TOWN COUNCIL MEETING
SEPTEMBER 27, 2004
Town Hall-Council Chambers
2523 Estero Boulevard
FORT MYERS BEACH, FLORIDA**

I. CALL TO ORDER: The regular meeting of the Fort Myers Beach Town Council was called to order on Monday, September 27, 2004 at 6:30 P.M. by Mayor Bill Thomas.

Members present at the meeting: Mayor Bill Thomas, Vice Mayor Garr Reynolds Councilman Don Massucco, Councilman Howard Rynearson, Councilman Bill Van Duzer

Excused absence from the meeting: none

Staff present at the meeting: Deputy Town Manager John Gucciardo, Town Attorney Richard Roosa, Community Development Director Jerry Murphy

II. PLEDGE OF ALLEGIANCE: All those present assembled and recited the Pledge of Allegiance.

III. INVOCATION – REV. ROBERT STUCKY, FIRST BAPTIST CHURCH

IV. PUBLIC COMMENT:

Bill Shenko, Jr., a resident of the Island who also works on the Island, came forward and recalled addressing Council during Public Hearing at the last meeting. He wanted to speak about his concerns before Council begins action on the budget tonight. By way of background, he did budget hearings for a living for independent special tax districts for 22 years and is very familiar with the budget process in the State of Florida. He pointed out errors in the Town's budget process which in his opinion are incorrect and referenced Florida Statutes that apply and specify the process to be followed. He noted that although the State has indicated there will be leniency due to the hurricanes, by not correctly following established procedures the Town risks losing any and all State funding as well as any increase in ad valorem revenues. He also pointed out some grammatical errors in the resolutions being considered by Council at this meeting.

Charles Meador of 112 Mango St. came forward and also commented on the budget.

Anita Cereceda of Fort Myers Beach came forward and spoke about the Special Events line item because she had to leave to reopen her store. The event is the Art Festival, which was scheduled for November but will now have to be rescheduled for January. Everything else in Agenda Item VI.E except the date will remain the same, and she requested favorable consideration, stressing the importance of this and other special events to help support Island businesses.

V. CONSENT AGENDA:

Mr. Gucciardo advised that Item D includes mention of an Exhibit A, which was not available earlier but has just been provided to the members. He suggested possibly removing that item from the vote for separate consideration.

A. APPROVAL OF MINUTES, TOWN HALL MEETING 9/8/04 AND EMERGENCY COUNCIL MEETING 9/10/04

B. APPROVAL OF OPERATIONS CONTRACT FOR WATER UTILITY

C. RESOLUTION 04-29 – DISASTER RELIEF AGREEMENT WITH STATE AND FEMA

D. RESOLUTION 04-30 – RESTRICTIVE COVENANT FOR MOUND HOUSE

E. RENEWAL OF POOL CONTRACT
F. RENEWAL OF INTERLOCAL AGREEMENT WITH LEE COUNTY FOR COMMUNITY DEVELOPMENT

MOTION: Motion was made by Councilman Ryneerson and seconded by Councilman Van Duzer to approve the Consent Agenda.

DISCUSSION: Vice Mayor Reynolds had some corrections on Pages 11 and 12 of the September 8th minutes. He wanted to add something about being unable to go off-Island to his statement at the bottom of Page 11, and at the top of Page 12 he said the statement about being an Army officer was not made by him. The following paragraph he believes was attributable to Mr. Shenko.

VOTE: Motion was carried by unanimous vote with the above corrections to the minutes.

VI. ADMINISTRATIVE AGENDA:

A. CONTINUED PUBLIC HEARING ON BUDGET FOR 2004-05:

Mr. Roosa advised that these two resolutions should be read in their entirety. He further said that the suggestion to identify the budget fiscal year as 2004-2005 is appropriate. He proceeded to read the resolutions.

Mr. Van Duzer asked to be recognized prior to Public Hearing and was given permission to speak. He moved that the budget hearing be postponed until the next regularly scheduled meeting, and advertised as the first budget hearing, and postpone the next meeting to the subsequent meeting after that in order to overcome "maybe a failure in our format." He felt in the event there were procedural errors, no chances should be taken, and that in view of the Governor's offer to extend the deadline due to the storms this opportunity should be taken advantage of. In response to a comment by Mr. Shenko, Mr. Van Duzer said that nobody has told him what to do, and he is not comfortable with a memo he received on the subject.

MOTION: Motion was made by Mr. Van Duzer to delay the budget hearings as above, and seconded for discussion by Mr. Ryneerson.

DISCUSSION: Mr. Ryneerson asked what effect this delay would have on getting the end product done on time. Mr. Roosa replied that there will be a period of time when there will be no budget between October 1st and the next one on October 4th, at which a tentative budget can be adopted and remain in effect until the final budget is approved. He added that a Public Hearing should be held tonight to allow those who came to present their views, and continue that Public Hearing until the next meeting so those individuals do not have to come back.

Mr. Gucciardo asked whether this would be acceptable with the Dept. of Revenue. Mr. Roosa said he did not know the answer to that, other than that flexibility had been granted throughout the State for these hearings because of the hurricanes. He expects that they have sufficient authority from the Governor to permit extension of the timing.

An unidentified speaker requested and was granted permission to approach the Town Attorney. The conversation was not recorded.

It was pointed out that the Tax Collector needs to know what the millage is going to be in order to issue the tax bills, and this deadline is unknown. Those bills are mailed on November 1st normally. It was suggested a special meeting be called on October 11th for the purpose of adopting the millage rate and the budget. There was discussion about the Columbus Day holiday on the 11th. Mr. Van Duzer said that this is an extraordinary situation, and that we have to be as accommodating as possible. There was consensus that this be done on the 4th and the 11th, and Mr. Van Duzer amended his motion accordingly. Mr. Ryneerson as seconder agrees with the motion.

Vote was called on the motion. However, Mr. Massucco advised that he was unsure whether what is being proposed is legal and asked Mr. Roosa for an opinion. Mr. Roosa advised

that he had spoken with Velma Smith at the Florida Dept. of Revenue after e-mailing her an agenda of the public hearings and adoption. She told Mr. Roosa that this was acceptable, and tonight's agenda proceeded on that basis. Mr. Gucciardo further explained the procedure that had been followed and noted that Ms. Smith had e-mailed affirmatively. However, the premise was that this meeting would be a continuation of the previous one, and if there is some question about that, the premise may not be correct. Mr. Van Duzer noted that he did not believe there was anything wrong with the substance of the previous meeting, but since there are questions on procedure he suggested that the public be allowed to speak at this meeting, and the public hearing then continued until the October 4th meeting, hopefully fulfilling the notice requirement. There was discussion about the deadline for publishing the millage rate. Mr. Roosa advised that it would seem to him in an abundance of caution that the best approach would be to delay the adoption of the tentative budget until October 4th and subsequently hold the final hearing on the budget on October 11th. The tax collector will be contacted regarding the deadline.

Mr. Reynolds had some comments in agreement with Mr. Roosa and Mr. Massucco.

VOTE: Motion was passed by unanimous vote.

Mayor Thomas opened the Public Hearing on the budget at this time. Mr. Roosa explained that at this point what is being considered is levying 1 mill, which is 12.74 per cent increase in revenue over the roll-back rate – the rate that will produce the same dollar revenue that was collected last year. The issue at this particular hearing is just the millage.

Pascual Loffreno came forward and expressed distress and confusion.

Jamie Diaz of 260 Egret St. came forward and said he can appreciate the dilemma being faced by Council. He described it as a “no-win scenario.” He stressed that the voters are counting on Council to represent them and also expressed concern that individuals being relied on to provide information are not certain of the information being provided. He expressed appreciation to several of the Council members for their positions.

Harry Heist, owner of 155 Dundee Rd. and 260 Flamingo St. came forward and challenged each member to go through the budget line by line and attempt to reduce each item so that taxes do not need to be raised this year. He asked that the rollback millage rate be used and the \$250,000.00 be taken from other allocations. He mentioned selling the Mount House and the Newton Property and also referred to Council actions with respect to Town Manager recommendations.

Mayor Thomas closed the Public Hearing at this time.

Councilman Van Duzer requested permission to respond to the last speaker. He was given permission to do so. Mr. Van Duzer pointed out that if the Town were to un-incorporate today, as some citizens advocate, under the County the tax rate and taxes would immediately increase. He stressed that Council has cut the tax rate twice and has never increased it in 9 years. Taxes increase because of increased property values. Of the \$13 million budget, ad valorem taxes only bring in \$2,518,453.00, and other income is derived from sales taxes and other sources such as County occupational licenses and permits, and short term rental fees. He also noted that there is a carryover of \$3,200,000.00 this year resulting from Council being very cautious with public money. This may have to be used until FEMA reimbursement is received for cleanup after Hurricane Charley. There are some grant monies included in this, which is used for the harbor plan, the Mound House, the Newton Property and those things that will benefit this community. He said that it needs to be noted when incorrect information is spread. Mr. Van Duzer again stressed that the tax rate that residents will pay out of the \$13 million budget in ad valorem taxes is \$2,518,453.00, an increase of about \$250,000.00 to \$280,000.00 over last year attributable to property value increases. He acknowledged that property values may not stay the same because of the storm, emphasizing the cost to put the Island back together after the storms. He also objected to the term “rubber stamp” that had been used by Mr. Heist.

Mr. Van Duzer added that the Town gets \$1.00 per \$1,000.00 of the assessments, or \$200.00 on a \$200,000.00 house. The rest of the tax money goes into the County and is divided up among various districts. As far as Federal grants, he acknowledged that this is the public's tax money, but said that if the Town does not apply for it and it doesn't come to the Town, it will go somewhere else. By the Town's using grants to purchase such properties as the Mound House

and the Newton Property, the residents at least get some benefit from it rather than having the funds go to another area. He suggested the public verify this if there are any doubts.

Vice Mayor Reynolds said that while he would not use the term "rubber stamp," historically this Council has followed the Town Manager rather than taking its own direction. Regarding millage reductions, he did not believe these constituted appreciable tax reductions, and he also disagreed that by un-incorporating there would be a big increase. He said he first suggested a reduction or rollback in June, but his suggestion was not followed. He said he knows the Town can operate without the increase in revenue.

Mayor Thomas said that Mr. Reynolds had just insulted all of his fellow Councilmen and asked Mr. Reynolds to address him as "Mayor." There was a heated exchange during which Mayor Thomas described Mr. Reynolds as having been disruptive in the past and at this meeting.

Vice Mayor Reynolds again requested and was given the floor. He said he resents the remarks made by the Mayor.

Mr. Massucco also took exception to the "rubber stamp" description. He noted that in some cases he had voted on issues and changed his mind after hearing from the public. He takes exception to being called "rubber stamp."

Mr. Ryneerson also took exception to this term and declined to respond to Mr. Reynolds' remarks.

Mr. Reynolds pointed out that he said the Council did not rubber stamp but was close to it.

It was pointed out by Mr. Roosa that it would be appropriate at this time to have a motion to continue the adoption of Resolution 04-28 until October 4th.

1. RESOLUTION 04-28 TENTATIVELY ESTABLISHING AND LEVYING AD VALOREM TAXES:

MOTION: Motion was made by Councilman Ryneerson to continue the adoption of Resolution 04-28 until October 4th. Motion was seconded by Councilman Van Duzer.

VOTE: Motion was passed by unanimous vote. It was noted that this continuation includes the Public Hearing.

2. RESOLUTION 04-29 TENTATIVELY ADOPTING THE TOWN BUDGET FOR 2004-05:

Mr. Roosa read this resolution and said it should be opened for Public Hearing and then continued.

Mayor Thomas opened the meeting for Public Hearing at this time.

Bill Shenko again came forward and suggested turning the podium around to view the tag which says to be respectful and not make personal attacks. Several Council members expressed agreement. He also asked to be called "Bill." He then expressed the opinion that procedures for conducting a Public Hearing have still not been followed. He suggested obtaining advice on how to run the hearings before having the next one.

Public Hearing was concluded at this time.

MOTION: Motion was made by Councilman Ryneerson and seconded by Mayor Thomas to continue the Public Hearing on Resolution 04-29 until October 4th.

DISCUSSION: Councilman Van Duzer asked Mr. Roosa whether correct procedure was or was not being followed. Mr. Roosa advised that this was in the resolution and that percentages have been mentioned. He said that what was not discussed was express use of the funds, which was brought up at the last meeting. Mr. Gucciardo recalled that the Council did

discuss that the projected revenue increase of approximately \$280,000.00 would be directed towards traffic congestion mitigation efforts, and that the budget that has been drafted reflects that. Mr. Rynearson asked for clarification on the reasons for continuing these hearings. Mr. Reynolds asked for and received clarification that the vote is not on the resolution itself, but to continue further action and the Public Hearing on the resolution until October 4th, and that discussion on the increase itself will be appropriate at the next meeting.

VOTE: Motion was passed by unanimous vote.

B. PRESENTATION – FORT MYERS BEACH SURVIVOR DAYS:

Robin Calabrese came forward as Chairman-Elect for the Greater FMB Chamber of Commerce. She said she was present at the request of FEMA who spent time at the Chamber of Commerce office working on bridge loans for local businesses. The business community has not actually recovered from the hurricanes, and FEMA suggested that a party might be a suitable vehicle to move the beach forward. She agreed that this was a good suggestion and noted that the FMB Air Show has cancelled their event for October 16th and 17th this year because some of the members of their boards and committees are service personnel, and that weekend is open. She would like to partner with the Town on behalf of the Chamber and make that weekend an event. She noted the difficulties that businesses are having and suggested an event in which every business would participate, not just Chamber members, and which would be promoted in the Lee and Charlotte County markets. This would include advertising, and financial support from the Town is being requested for items Ms. Calabrese described to the Council, including trolleys. The proposed amount includes *News-Press*, *Sandpaper*, *Beach Observer*, and the *Beach Bulletin*.

Mr. Massucco commented that he does not understand why the businesses do not want to contribute to such events. Ms. Calabrese replied that they have not been asked. Mr. Massucco noted that the request comes to \$8,200.00 which is a lot of money. He noted that the real benefit is to the merchants and asked why it is not totally done within the Chamber participants. Ms. Calabrese noted that businesses are losing revenue from lack of patronage but agreed to attempt to publicize the event by word of mouth.

Mr. Rynearson suggested the newspaper make a contribution, pointing out that the taxpayers have just spoken about Council wasting money, and said he does not think Council should be asked to contribute the taxpayers' money on businesses. Ms. Calabrese pointed out that sales tax revenue is being lost because of decreased sales.

Vice Mayor Reynolds noted that the Town advertises in several papers every week and asked what the papers would do for the Town. Ms. Calabrese replied that she has spoken with some of the other papers, and she and the others will match dollar for dollar the advertising funds. He said he has spoken with some business people on the Island and acknowledged that they are having difficulties but is concerned with spending taxpayers' money. He said he would be willing to approve half of the requested amount. Ms. Calabrese suggested removing the trolleys and possibly going item by item.

Mr. Van Duzer said he was in favor of supporting the businesses on the Island, pointing out that this would be a positive atmosphere for everyone after the disasters. He said he would have seconded Mr. Reynolds' suggestion of approving half of the amount if this had been put in the form of a motion. He noted that the businesses pay taxes, too and said he was in favor of lending the businesses a little support. He suggested making the event a semi-friendly block party.

MOTION: Mr. Van Duzer made a motion that the Town contribute \$4,100.00 to help support this effort. Motion was seconded by Vice Mayor Reynolds.

VOTE: Motion failed on a vote of 3-2.

Vice Mayor Reynolds asked Ms. Calabrese to verify that this would include businesses all up and down the Island, including Chamber members and non-members. She noted that a block

party such as Councilman Van Duzer suggested is similar to the Taste of the Beach, which costs about \$35,000.00.

Ms. Calabrese asked whether the Town could offer its Website, and it was agreed that this would be appropriate.

C. APPLICANTS FOR MARINE RESOURCES TASK FORCE (MRTF) AND CULTURAL AND ENVIRONMENTAL LEARNING CENTER ADVISORY BOARD (CELCAB):

Mr. Gucciardo noted that Charles Hester has just withdrawn his name for consideration for CELCAB, resulting in 2 vacancies and 2 applicants, one for each of the positions.

MOTION: Motion was made by Councilman Van Duzer to approve Jeff Warner's appointment to MRTF and Dan Hughes' appointment to CELCAB. Motion was seconded by Vice Mayor Reynolds.

VOTE: Motion passed by unanimous vote.

D. INTRODUCTION OF ORDINANCE 04-13, SIXTH AMENDMENT TO THE FORT MYERS BEACH COMPREHENSIVE PLAN:

Bill Spikowski, Planning Consultant to the Town, came forward and explained that it is a State requirement that the one page in the Plan be changed annually to update the scheduled 5-year proposed improvements to match the annual budget. By continuing the budget hearing tonight he did not see any reason why this amendment could not be acted upon because there will be one more hearing on this ordinance, and any changes made on October 4th and 11th can be reflected in the final version. The LPA held their Public Hearing on the 21st and unanimously recommended approval. He further explained the procedural requirements.

Mayor Thomas opened the Public Hearing at this time.

There being no public comment, the Public Hearing was closed.

Vice Mayor Reynolds asked whether the figures would change if there were a rollback, and Mr. Spikowski replied that this would be possible depending on whether any capital items were cut at either the 4th or 11th meetings. When it comes back for final action it will reflect any later action.

Mr. Roosa read the title of the ordinance.

MOTION: Motion was made by Mr. Van Duzer to transmit the proposed amendment to the Department of Community Affairs for review. Motion was seconded by Mr. Rynearson.

VOTE: Motion was carried by unanimous vote.

E. SPECIAL EVENTS BUDGET REQUEST:

Mr. Gucciardo recalled that at the last meeting a tentative cap of \$65,000.00 was set aside for seasonal and special events and asked that groups that were putting in requests come before Council with more specifics on a timely basis. These 3 being submitted are November events and unless the amount is changed, these requests would be coming out of that pre-set amount.

Mayor Thomas recalled that the Council had requested receipts from last year's events. None were available. Mr. Rynearson recalled asking in his motion for receipts and cancelled checks for all of the previous year's expenses. Mr. Gucciardo noted that two of the three events had been held last year, and the other is a first-time event.

MOTION: Motion was made by Mr. Rynearson to continue this item until next week so that the proper paperwork can be obtained. Motion was seconded by Mr. Massucco.

DISCUSSION: In reply to Councilman Massucco's question, Councilman Rynearson explained the documentation he was requesting and the reasons therefor.

Vice Mayor Reynolds expressed preference for approving the requested amounts now, because they were not much different from last year.

Mr. Rynearson held his ground with respect to his motion.

Mr. Van Duzer said he would like to take each event individually, noting that the Sand Sculpting event benefits the Island and that their request is for a small amount with respect to the overall budget. The Art Fest has a budget in excess of \$10,000.00 and their request is for \$2,800.00. The Island Arts Foundation event at the Mound House has already collected \$5,500.00 from business people and individuals, and their request is for \$5,000.00 of the anticipated total costs of \$11,810.00. He said he will not support the motion but would like to act on these requests tonight.

Mr. Rynearson said regardless of the amount, full reports have been requested in past years and were not furnished, and his motion stands.

Mr. Massucco referenced the Island Arts Foundation event and noted that approximately 175 tickets (per their application) would be sold at \$30.00 and up, resulting in \$5,250.00. He noted other contributions already received and said that if the Town were to approve the \$5,000.00 requested the receipts would be over the budgeted \$11,810.00 resulting in a profit.

Mr. Reynolds agreed that it is not appropriate for Council to arbitrarily approve requests without knowing where funds are coming from and where they are going.

VOTE: Motion passed on a vote of 3-2.

Mr. Gucciardo verified that this item will be brought back as soon as possible, when the requested information is available.

F. EMERGENCY ORDINANCE – MORATORIUM FOR DAMAGED, NON-CONFORMING SIGNS:

Jerry Murphy explained that since the hurricane a number of the large, non-conforming signs have been damaged and that eventually people will want to repair them. There was a moratorium during the state of emergency which has now been lifted, and Staff now needs some direction on how to handle these non-conforming signs. This emergency ordinance proposes that the non-conforming signs not be allowed to be repaired, so that the business owners don't invest additional money in a sign that will have to come down in less than 2 years based on the current sign ordinance, but instead Staff be allowed to grant them temporary permits to replace or use vinyl or other inexpensive material on a case-by-case basis. Normally, a temporary sign would be allowed for 60 days, the emergency ordinance would extend the period to a year, or if this is felt too long, then 6 months.

MOTION: Motion was made by Councilman Rynearson to move the ordinance with the time line of 6 months with option to renew if needed. Motion was seconded by Vice Mayor Reynolds.

DISCUSSION: Mr. Massucco asked whether the damaged sign would have to be removed if the owner chose not to repair it, and he was told that this would be the case. There is no particular time limit, but 2007 is the deadline for non-conforming signs to come down, which is 8 years from when the sign ordinance was adopted in 1999. This is less than 2 years from today. He described temporary, inexpensive measures he has seen and explained the difficulty in determining when a sign was 50 per cent damaged.

Vice Mayor Reynolds said he thought it was a well prepared ordinance. He asked whether a time period for removal could be included for those owners who choose not to repair their signs. Mr. Murphy suggested a 60-day period. Mr. Rynearson agreed to include this provision in his motion.

VOTE: Motion passed by unanimous vote.

Mr. Gucciardo asked Mr. Roosa whether this must be brought back for a second hearing, and Mr. Roosa replied that it must be brought up as a non-emergency ordinance. He also noted that there should have been a Public Hearing prior to adoption.

Mr. Murphy read the ordinance and advised that the emergency ordinance would be good for only 60 days, which is sufficient time for Staff to prepare a regular ordinance without a hiatus.

Mayor Thomas opened Public Hearing at this time.

There being no public comment, the Public Hearing was closed.

Councilman Massucco requested the floor and received permission to read a statement which began, "I am extremely dismayed, angry and embarrassed with the latest controversy facing this Council ..." He went on to refer to certain procedural issues with respect to action on the Town budget that were raised by Mr. Shenko at the end of the September 20th Council meeting. His statement also referenced several other specific issues: (1) Was the extension of the Council terms from 3 years to 4 years legal without it going to a referendum? (2) Was the way the Traffic Mitigation Agency was formulated legal without first being advertised? (3) Were Sunshine Laws violated during emergency operations meetings for Hurricane Charley? He noted that there are 2 attorneys present at every Council meeting -- the Town Attorney and the Town Manager are both attorneys -- and expressed concern that so many serious legal issues are being raised. He stressed that the Council must take positive action to restore trust and confidence in Town government.

Mr. Roosa pointed out that after closing the Public Hearing on the emergency ordinance, it was necessary to hold a vote on the ordinance.

MOTION: Motion was made by Councilman Ryneerson to pass the emergency ordinance with the corrections as proposed by Vice Mayor Reynolds and a 6-month period with opportunity to extend if necessary on an individual case basis. Seconded by Vice Mayor Reynolds.

VOTE: Motion was passed by unanimous vote.

VII. COUNCIL MEMBER ITEMS AND REPORTS:

Mayor Thomas noted that the statement read by **Councilman Massucco** was appropriate under this agenda item and verified that the statement was Mr. Massucco's personal remarks and opinion.

Councilman Ryneerson reported attending the industrial luncheon and complimented Mayor Thomas on his speech.

Vice Mayor Reynolds said he had a number of items for the budget but would hold them until the next meeting.

Councilman Van Duzer reported attending the monthly MPO meeting at Fort Myers City Hall where some important decisions about future traffic controls in the County were discussed. He will report items that concern Fort Myers Beach when they come up.

He also attended the Horizon Council luncheon the same day as well as the Industrial luncheon, and also complimented Mayor Thomas on an outstanding presentation.

That afternoon he went to the memorial service for Jenny Ross, the sign lady on the Island for a number of years who passed away unexpectedly. He said it was well attended.

He received a letter from Jim Newman, Chair of the Economic Development Office in Fort Myers, asking for an applicant to represent the Town of Fort Myers Beach to serve on the Horizon Council. Mr. Van Duzer was appointed to that body several months ago, but it is an annual appointment, and it must be either the Mayor or a designee. He advised that Council does not

have to take action on this tonight but a reply must be sent by October 1st. He is willing to remain the designee if so desired.

He was served with a summons tonight regarding the terms of office and asked the Town Attorney about representation. Mr. Roosa asked for and received permission to bring this up now instead of under Item IX. He explained that a local resident has filed a declaratory action against the Town of Fort Myers Beach and certain designated Council members challenging the validity of the ordinances that were adopted by the Council amending the Charter with regard to the term of office and some other procedural things having to do with elections. He requires authority to represent the Town to defend this action.

MOTION: Motion was made by Mayor Thomas to authorize Town Attorney Richard Roosa represent the Town in this action. Seconded by Councilman Rynearson.

DISCUSSION: Mr. Van Duzer verified that if he were not a Council member at the time the subject actions were taken, this would be a response.

Mr. Reynolds said he did not recall amending the Charter and that some questions were raised at the time. Mr. Roosa replied that these would all be defenses he would raise in defending the action.

VOTE: Motion was passed by unanimous vote.

MOTION: Mayor Thomas nominated Bill Van Duzer to represent the Town on the Horizon Council, noting that he was gracious enough to accept when there were no other volunteers and he himself was unable to schedule these meetings. Nomination was seconded by Councilman Rynearson.

VOTE: Motion was passed by unanimous vote.

Mayor Thomas also reported on attending the Horizon Council meeting where 800 people attended what he described as a very successful event. He congratulated the Pink Shell Resort on winning for Best Business on Fort Myers Beach and complimented them on their presentation. He said he was proud of Fort Myers Beach.

VIII. TOWN MANAGER'S ITEMS: No items.

IX. TOWN ATTORNEY'S ITEMS: No further items.

X. PUBLIC COMMENT:

Pascual Loffreno, a resident, again came forward and asked about advertisement of meetings that will concern millage. He was advised that hearings on the budget have been advertised many times. He also asked about short-term rental of a property he owns. Mr. Loffreno said he has never received a letter with the information he needs. Mr. Gucciardo agreed to have Staff follow up on this question and report back on action taken.

Gretchen Johnson from the Art Association came forward and requested clarification on their funding request. She was told that there was no action taken and that there would be no answer until next week. She had provided receipts to Staff. As a member of the Pilot Group, she said they are constantly asking businesses to donate to projects and wished to thank them for all they have done.

Mr. Shenko asked for clarification as to whether next Monday's meeting would be a budget meeting, a Council meeting, or both. He was told it will be both.

Ms. Cereceda also expressed confusion about the special events. She verified that money has been budgeted for special events, and that individual events are now under review to determine whether or not they will be funded. Mr. Gucciardo explained the process that Council approved and the procedure being followed by Staff. She then verified with Mr. Rynearson his intent, pointing out that organizations would not have received reimbursement in the past without first submitting receipts to the Town. She answered Mr. Massucco by expressing the opinion that

the reason the Town participates, or should participate, in special events is the same reason it participates in such projects as canal dredging, drainage projects or cleaning of streets, is because no single item on the budget list makes the Town what it is, but all of them. She disagrees with consideration of what businesses and/or individuals should or should not contribute when making these decisions.

XI. ADJOURNMENT: Meeting was adjourned at 8:40 P.M.

Respectfully submitted,

Patricia L. Middlekauff
Transcribing Secretary