

**FORT MYERS BEACH  
COUNCIL RETREAT WORKSHOP MEETING  
OCTOBER 8, 2004  
Iona Lakes Club House  
15000 Iona Lakes Drive  
Fort Myers, Florida**

**I. CALL TO ORDER:** A Council Retreat Workshop meeting of the Fort Myers Beach Town Council was called to order on Friday, October 8, 2004 (time not stated) 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:** Town Manager Marsha Segal-George, Deputy Town Manager John Gucciardo, Town Attorney Richard Roosa, **Janeen Paulauskis, Finance Director, Jerry Murphy, Community Development Director, Public Services Director Matt Feeney, Damon Grant, Public Works Director, and Rachel Lambert, Administrative Services Director.**

Mayor Thomas advised that this would be an informal meeting, with only one person speaking at a time, and stated the purpose as an exchange of ideas for future meetings. All Council members had submitted written suggestions, which were taken one at a time by each Councilman in turn, starting with the one who had the least suggestions.

**Councilman Howard Rynearson** suggested discussing the building at the North Tower, and turned the subject over to Staff for a report. Town Manager Marsha Segal-George reported on the condition and need to store equipment. A building at the North Tower is being considered as an option, which would include a second floor for secure records storage and also a generator. A description of what is being considered was also presented. Homeland security issues are also taken into consideration. Ms. Segal-George suggested preparing some plans and cost figures for Council deliberation. Councilman Massucco advised that he has a personal interest in that area and would be opposed to any type of facility that would generate so much activity at that location. Councilman Rynearson advised that he had spoken with some neighbors and that there were no objections other than location of windows. There was some discussion about odor problems. Ms. Segal-George explained that this location is being looked at because the Town already owns it, and if a facility is not built here, it will have to go somewhere. Councilman Van Duzer expressed concern about the size and design of the building. He also mentioned a huge piece of property on the Island that he had heard would be on the market very shortly, giving the Town an opportunity to purchase it. He has had conversations to the effect that the golf course is not doing well and may be up for sale, with a huge building already on the 53 acre site. He cited this as a possibility to construct a new Town Hall building, park and maintenance and storage structures. Ms. Segal-George said she has also heard of this property and is having Bill Spikowski look into it. She also referenced recent discussions about not acquiring any more Town property.

\*Mayor Thomas noted at this time that Councilman Reynolds had arrived at 9:20 A.M.

Councilman Massucco advised that there was a group of which Harold Huber is a member that might object to the acquisition and use of this property. Ms. Segal-George asked for Council direction regarding a site for equipment and records storage. There was discussion about the responsibility for drainage and water retention and filtration connected to the golf course property.

Research is being done on the subject. The anticipated price is \$2 or \$2.5 million, and it was noted that if Council wished to pursue this it would take time to locate funds.

Councilman Massucco returned the discussion to the North end property and said it does not seem the appropriate place for these types of activities, pointing out that the traffic will have to go through Times Square. Councilman Rynearson replied to his comments and there was discussion about ingress and egress, and also about a nearby canal. It was pointed out that the facility will have to be near Times Square, where a large volume of garbage is generated. Mr. Massucco observed that in Massachusetts, space under the bridges is used for these types of facilities, and it was pointed out that these sites are under a lease agreement with the State, which would require negotiations to obtain permission. Councilman Rynearson stressed that something needs to be done, and again suggested obtaining drawings and figures for Council to consider, to which Councilman Massucco replied that he cannot support the concept at all. Councilman Van Duzer emphasized that something must be done with the dumpsters that will benefit the citizens of the Island. He said he would like to move forward with some plans to use that site, whether major or minor. He added that eventually the Town will require its own structures and would like everyone to keep an open mind regarding Bay Beach. He offered the opinion that Bay Beach residents would approve of the projected use, and that traffic would not be increased, adding that the use of pesticides and fertilizers by the golf course would be eliminated. He acknowledged that this site would not be appropriate for dumpsters. The need for public input was stressed, and an eventual Town Hall meeting with Bay Beach residents on the subject was suggested. It was pointed out that if the golf course ceases to be maintained the residents will be adversely affected. The hydraulic system and responsibility for its maintenance came under discussion.

**Councilman Don Massucco** took two of his items, Number 2 and Number 3, off the table. The remaining item, Discussion with the intent to make changes to the Town's Emergency Plan, Mr. Massucco explained was a result of the post-storm situation. He particularly referred to communication. He asked if there were a definitive plan, and Mr. Gucciardo explained that there was a communications component, but that it did not work the way it was expected to. Lee County Emergency Operations Center was supposed to be the central contact to coordinate resources, with a public information component tasked to disseminate information to the media. However, it was found that when the entire county and surrounding counties were involved, the system broke down. What is planned for the future is to funnel information through the EOC but at the same time designate 3 people in house to be contacts with the media: The Public Information Officer of the Fire District, a private citizen who deals with press releases and the media, and a combination of Mr. Gucciardo and/or Administrative Services Director Rachel Lambert. Problems are still anticipated but there will now be a redundant system in place. Face to face contact with the public is also required when people are displaced by evacuation, so an off-Island site for media to gather will be established, and one of the 3 designated people will be there on a regular basis to give out information as it becomes available. Mr. Massucco pointed out that people are looking for one person to talk with to have their questions answered. Bill Dueese is at the top of the contact list because it is perceived that the person delivering the message is sometimes as important as the message itself. It was also noted that although written communications are sent to the public twice a year in the form of *Flood Facts*, people still say they did not know what to expect. Mr. Rynearson added that every hurricane seminar stresses that people should equip themselves for 4 or 5 days away from their homes after a storm, yet the public still does not seem to understand. Mr. Massucco asked the role of Council during emergency operations, observing that members were criticized for attending and for not attending. Mr. Van Duzer pointed out that the Town has an emergency management team to which Council gave direction, noting that Council is not supposed to do the "nuts and bolts." He said he personally had no idea what to do, but that Jerry Murphy and John Gucciardo and the people they worked with had the expertise and the understanding and the knowledge to do what had to be done. He said it would be inappropriate for all Council members to attend these meetings and make suggestions, but it would be appropriate for one Council member to attend as an observer only. He observed that the public has driven wedges between Council members.

Mr. Massucco recalled that there had been a vote on this issue, but that he was not comfortable with the outcome. Mayor Thomas asked for a consensus from Council. Mr. Gucciardo described the logistics of emergency operations and said he has never seen an elected official at any such meeting. Mr. Rynearson expressed the opinion that the professionals should be allowed to do their job. Ms. Segal-George pointed out that the vote to exclude Council members from emergency meetings was one-event specific. Mr. Van Duzer recalled attending some meetings as an observer because he felt it was part of his responsibility under a hurricane preparedness role to which he had been assigned. There was discussion about the appropriateness of Council members attending and/or participating. It was suggested that a task force, possibly PSTF, look into emergency operations and hold public hearings or a workshop to obtain public input. Ms. Segal-George noted that many of the public do not understand the Council/Manager form of government and are confused as to who is running the Town. This issue will be brought forward at a future Council meeting for possible action.

**Mayor Bill Thomas** brought up the suggestion that there be a binding referendum on any studies costing \$500,000.00 or more. Ms. Massucco pointed out that the public does not seem to care whether the money comes from grants or taxes or another source, but that when they hear the amount and the word "study" they become upset. Mr. Rynearson stressed that grant money that comes from taxes would be spent elsewhere in the state if the Town did not apply for and receive it for Town projects. Ms. Segal-George observed that a \$500,000.00 grant had just been received to study variable parking pricing, most of which is earmarked for implementation. Mayor Thomas said that he feels the public should have a say about studies over a given dollar amount. Mr. Van Duzer pointed out that the public already has a say in that they have elected Council members, and that a referendum would serve to delay these projects. He said he believes this is the responsibility of Council to make these decisions. Mr. Rynearson asked Ms. Segal-George whether this would affect the Town's ability to obtain grants, and she explained that most of the grants are intended for implementation rather than studies. She added that most of the time it is other entities that force the Town into conducting studies as a condition of their possible participation, such as Lee County with respect to Estero Blvd. It was pointed out that unless there were a special election for a particular referendum, timing could be a problem. Special elections would be an additional expense, with an estimate of \$2.00 per registered voter by the previous Supervisor of Elections. Ms. Segal-George recalled budgeting a maximum of \$15,000.00 for special elections in the past. It was recalled that Sanibel had had a referendum conducted by mail, while discussion revealed that FMB had been told this was not possible. It was also pointed out by Mr. Rynearson that such a requirement for binding referendum would shift responsibility to the voter to avoid future criticism. He said that Council are the best informed individuals on a given subject, asking how the public could possibly be fully informed on what they were voting on, as well as access to the expertise of Staff.

Mayor Thomas struck Item 4 off his list, Funding for Times Square Entertainment, which he said would come up at a future Council meeting.

He discussed the issue of the need for a third bridge, which he said ties in with another Council member's item on tolls, which were voted on by a prior Council but have never been put in writing. He suggested that any discussion of tolls and/or a third bridge be tied to a referendum. Mr. Van Duzer said that there has never been a chance to discuss, but his position is that if the traffic problem is ever going to be solved on FMB, there must be another bridge from Coconut Road to Carl Johnson Park, which would allow the increasing Lee County population to get to Carl Johnson Park without having to use either Estero Blvd. or Hickory Blvd. He said he has been told that such a bridge is now a possibility, pointing out that it would not begin or end on FMB, and that the park has parking for 7,000 vehicles as opposed to a few hundred on FMB. Mr. Van Duzer recalled sitting on the MPO and making this suggestion as a benefit to the entire area, not as a FMB project.

Mr. Rynearson took exception to a Council member who was eating and talking to people and not listening to what was being discussed. Mayor Thomas noted that Councilman Reynolds had

been eating for some time and asked what others thought of this; Mr. Van Duzer said it was his business.

Mr. Massucco offered the comment that with environmental considerations in the Bay, a third bridge at that location would be difficult to achieve. Mr. Van Duzer advised that he has been told officially by DEP that it can now be done without damaging that waterway. He said that the bridge can be designed so that none of the runoff from the roadway will enter the Bay. He stressed that he does not want to harm the Bay, expressing the opinion that there will be less damage to the Bay if this bridge were built. There was discussion about ecological issues. Mayor Thomas noted that he and Councilman Van Duzer were on opposite sides of this issue. This is a long-range project under consideration for the next 15-20 years.

Under Charter Review, Mayor Thomas suggested that the Mayor should have a term limit of 2 years. While some people have suggested one year, he pointed out that it takes awhile to become acclimated, and if a mayor is doing a good job the individual should be given the opportunity to serve another year.

He said he believes voters should continue voting in their respective districts rather than for Council members at large.

In the future, he recommends 3 year terms and 2-term limits.

There should be a limit on the number of political signs to put all candidates on an equal footing.

Council meetings to continue at 6:30 P.M. Daytime meetings will eliminate working people from attendance and also from serving as elected officials.

Councilman Massucco agreed with the above suggestions.

Councilman Rynearson disagreed with the meeting time, pointing out that other local municipalities start their meetings at 5:00 P.M. He expressed the opinion that meetings lasting until 10:00 P.M. or later are exhausting. He pointed out that with evening meetings, Staff members are all working and must be compensated in some way.

Mr. Van Duzer commented on the meeting times, expressing preference for the previous schedule with some meetings at 9:00 A.M., some at 3:00 P.M., and some at 6:30 P.M. He is highly in favor of limiting the political signs, and also recalled some discussion about limiting dollar amounts that can be spent on campaigns. He has no opinion to express on office terms. He felt that elections at large would eliminate runoffs, making it an easier process, and he said he did not believe it would change election results. He also said that without making personal references, he believes the Town should follow the County in imposing terms on the offices of mayor and vice mayor, and reorganize every year. It was pointed out that the County Commissioners, who meet during the day, are paid \$70,000.00 per year.

Mr. Gucciardo noted that the Charter Review Committee's recommendations are required to come back to Council for two public hearings and that at that point, Charter Review members will present their reasoning behind their recommendations. There will be clerical changes which can automatically be made by Council under their authority, and substantive, non-clerical changes would then go to referendum if Council agrees that they should be pursued. These will probably be scheduled for November, and there will be more opportunity for CRC and public input.

It was established that lunch would be served at 12:00 noon. A break was taken at this time.

**Councilman Bill Van Duzer** removed Item #1 from his list, request for updates on the Harbor Plan, because there had just been a detailed report on the subject. It was verified that there are 8 permanent tenants.

He asked about the status of the Utelco suit. Mr. Roosa explained that a hearing is set for November 29<sup>th</sup> although an earlier request had been denied. Another portion of the suit is set for December 6<sup>th</sup>. Another attorney who is well known for his expertise in contract law has been added to assist in preparation for the trial. It is anticipated that this will go to trial in December or January, and they are confident that the Town will be vindicated and in all likelihood will receive a

judgment against Utelco, and as a result will be adding the bonding company as another defendant to recover.

Councilman Van Duzer advised that he had received an update on the Newton Property status and would be happy to put off his Item #3, Schedule of Newton House move. However, he was advised that Mr. Feeney was ready to give a report, which he proceeded to do. His report included hurricane damage and steps taken to protect the property. There have been damage assessments, and a local contractor has been requested to provide estimates. The 50 per cent rule in the LDC will apply, and raising the structures will cost an additional \$40,000.00. It was determined that 4610 and the garage have been locally designated historically, but not on the state or national registers. Applications have not yet been made, and it is not known whether these structures would qualify under state and national requirements. Lengthy discussion centered around these structures and their disposition. Discussion included Lee County and Florida Communities Trust involvement. Lee County requires that 4610 remain on the property.

Mr. Van Duzer referenced his Item #4, condition of the water system and possible takeover. He asked Mr. Gucciardo to speak on this. Mr. Gucciardo provided a brief history of the system and its purchase from the County. Prior to purchase the Town had obtained the services of 2 consultants, the financial aspects and the structure itself. A lawsuit was considered against the engineer because soon after purchase the system had a major malfunction. He proceeded to provide an assessment of the current condition of the system. It is not felt that the system will ever generate enough revenue to bring it up to state of the art. Since the storm an assessment is being made of what is under Estero Blvd. since FEMA and Homeland Security issues come into play. He summarized the system as functional but not optimum, and said there is the possibility of some funding from outside sources to address the issues. Consideration is being given to bringing administration of the system in-house or some hybrid of the present system, but there are licensing issues, as well as staffing considerations. Reliability and capacity of a potential redundant system was also discussed. Several members said they would like to have a presentation at a Council meeting on the water and sewer systems. Ms. Segal-George noted that the Town has no jurisdiction over sewer, which is owned by Lee County. After the storm it was Lee County's responsibility to repair the lift stations, and when they were unable to do so the Town took its own initiative. Mr. Gucciardo advised that at next Tuesday's County Commission meeting a new contract will be awarded for \$1.1 million for a sewer line from FMB. The old one will remain in place for redundancy. When the contract is formally awarded Mr. Gucciardo will ask that Council be briefed. Ms. Segal-George explained the self-help efforts taken to obtain generators to operate lift stations when Lee County was unable to do so because there were so many lift stations inoperable after the storm and there was so much competition for available generators.

Mr. Reynolds noted that the bridge to Boca Grande was not closed after the storm. There was a short discussion on this subject, after which a lunch break was taken.

Mr. Van Duzer said his list had been compiled some time ago, and he has since received the information he wanted from the Charter Review Committee under Item #5.

He next discussed his Item #6, the Traffic Mitigation Agency projects. He said he was under the impression that the TMA would bring the results of their deliberations back to Council for action, but he now understands that the TMA is making contacts with the County and other agencies directly, and suggested that this be tightened up. He expressed concern about some of the work going on without Council involvement. He asked that something be put in writing for future guidance. Ms. Segal-George advised that the TMA has not met since July, but in September there was a joint meeting with the LPA to talk about the Comprehensive Plan. There was no quorum at last Wednesday's scheduled meeting, so another date has been set. She also referenced a memo she had sent to the TMA and copied Council in which she suggested that the whole issue of the TMA needs to come back to Council in November, because it was created as a temporary agency and the projects it discussed will take some time. They have also been given 2 new tasks by the LPA, one of which is to work on the transportation element of the Comp Plan for the State-required EAR process. They have also been tasked with evaluating the possible realignment of Estero Blvd. and have also asked if they could have some involvement on

land use cases that have possible traffic impacts. She described how the TMA was initiated and the projects they have been discussing. Their next meeting is scheduled for October 27<sup>th</sup>. She said that this group has probably the most ambitious and complicated work plan of any of the Town's committees. She recalled that some of the TMA members had attended County Commission meetings and lobbied the commissioners, which she said she felt was more appropriately handled by Council. During the final County budget hearings she said there was a Council member present, but she did not recall any TMA members attending those hearings. She also noted that traffic issues are difficult to deal with and that Council needs to deal with the TMA beyond its temporary status, including advertising for volunteers. She said that this will be scheduled to come before Council in November, after which the group will make some specific recommendations to Council. There was discussion among several members about the scope of the TMA's responsibilities and the work they have been doing. Mr. Van Duzer expressed concern about giving the agency carte blanche. Ms. Segal-George pointed out that Council had approved creating this committee and also the expenditure of funds, and to date they have not done anything not approved by Council. The test that was set for August to try re-routing traffic was postponed due to the hurricane. She also pointed out that this was not a Staff recommendation to create the TMA, but a direction from Council. She enumerated the projects and issues that the TMA has been working on. There was discussion about the TMA's authority to expend funds, and Ms. Segal-George offered to pull the minutes of those meetings and write a memo to Council for review in advance of the meeting where TMA will be on the agenda in November. She will also provide figures on what has been expended.

**Vice Mayor Garr Reynolds** referred to the agenda items which he had submitted and said that some of his concerns had been discussed under other members' items. He expressed concern about procedures for members getting items placed on Council agenda. He noted that there are so many items on individual agendas that it is sometimes difficult to have items included. None of the other members recalled having difficulty getting items on the agenda. Mr. Van Duzer suggested putting agenda requests in writing to eliminate problems.

Mr. Reynolds made reference to the Town Manager's contract and would like to have a discussion on a future agenda. He said since his request he has obtained a copy of the contract. Mr. Rynearson determined that the contract is due for review in March 2005 and expressed the opinion that this would be the appropriate time to address the issue.

Mr. Reynolds noted that the number of employees is increasing and asked that responsibilities of department heads be clarified. Ms. Paulauskis provided everyone with copies of the organizational chart which she said has been in effect approximately 2 years. She noted also that this is posted on the web site. Mr. Reynolds expressed specific interest in identifying who and how many work under each department head, and he and Ms. Paulauskis discussed this.

Hours of operation came under discussion, and it was noted that the hours are on the front door. Mr. Reynolds recalled instances in which he could not get in, and it was explained that there are Staff meetings between 10:00 and 11:30 A.M. every Tuesday morning, at which time instructions are posted to that effect including how to reach a Staff member if necessary. It was also noted that there are times when the office closes at noon on Friday on holiday weekends. Officially, hours are 8:30 A.M. to 4:30 P.M. Mr. Rynearson asked whether any other Council members have had trouble with the hours, and none were noted.

Ms. Segal-George asked Mr. Reynolds why he addresses and refers to her as "Segal-George" without using either a courtesy title or administrative title. She said that she would prefer to be called either "Marsha," "Mrs. Segal-George," or "the Town Manager." Mayor Thomas noted that this appears to be an issue of etiquette and respect. Mr. Reynolds agreed that on his memo she should have been referred to as Town Manager, and apologized for the oversight.

Mr. Reynolds asked how long Council meetings should last, and other members expressed the opinion "as long as it takes." Mr. Reynolds also said he would like to have the opportunity to sit down and read the materials he receives, and it was noted that the Mayor's office is available if Mr. Thomas is not using it. Other locations within the offices were discussed.

Mr. Reynolds also asked that Council consider the fact that Staff employees do not have any kind of group representation. Mr. Rynearson observed that this would be up to the

employees to form an organization. Mayor Thomas added that when employees request representation it is usually a sign of poor management. Ms. Segal-George commented that there has been the perception that employees working under her are intimidated, whereas she has a good working relationship with her Staff. She said this has never been her style of management, and as far as she knows, there is mutual respect within the office. Mr. Massucco specifically referred to Kath, and this was explained. Mr. Reynolds said he would not retract any portion of Item #9 of his memo.

Mr. Reynolds also took issue with the Staff opening Council members' mail. He recalled that this had been taken up by a previous Council. Mr. Van Duzer suggested that this be put on the agenda for a future vote by Council. Mr. Gucciardo commented on this subject also. It was noted that this is contained in the Council's Policy Manual.

Regarding night meetings, Mr. Reynolds noted that he agreed with earlier discussions on this subject but would prefer to not have more than one at night every month, or every 2 months.

Mr. Reynolds said he has read the Charter Review Committee recommendations and is concerned with them, suggesting appointment of another group for a second review. He specifically referred to Articles 19, 20 and 21. He also objected to having anyone from Town Hall attending these meetings, referring to Mr. Gucciardo, who recalled that there have been two Charter Review Committees, and he has been liaison for both of them. This statement was verified, after which the level of Mr. Gucciardo's participation was discussed. It was pointed out that there is a Staff liaison for every Town committee. Mr. Rynearson asked whether this is a problem with any other Council member, and there were none who shared this concern.

Mr. Reynolds said he had been late due to a previous commitment and was not present for the entire discussion concerning Bay Beach. However, he recommends that if suitable property becomes available the Town should consider purchasing it for a Town Hall.

Mr. Reynolds was taken to task by Mr. Rynearson and Mayor Thomas for his method of addressing Ms. Segal-George, and he said there was no intent to be disrespectful.

Mr. Reynolds stated his position on holding off-Island meetings, saying he would prefer to have this meeting at Town Hall so the public could attend. Mayor Thomas and Mr. Rynearson disagreed; Mr. Van Duzer said he did not care where Council meets, to which Mr. Massucco agreed.

Mr. Reynolds had a comment about the orientation of the podium. Mayor Thomas recalled that Mr. Reynolds has told him that he deliberately fails to use people's titles for the purpose of degrading them. There was a spirited conversation following this.

Mr. Van Duzer asked to be excused, after which Mr. Gucciardo explained that he had had a meeting with the individual who questioned the budget figures at a recent Council meeting, and that she was satisfied that the figures do in fact add up. Mr. Gucciardo also referred to the FEMA percentage increase for reimbursements for storm damage. Ms. Segal-George made reference to post-storm efforts and complimented maintenance personnel and other Staff individuals. She noted that Sanibel had to hire additional employees to satisfy FEMA reporting requirements, whereas the Town was able to do this with existing Staff members and is receiving a very favorable reaction from FEMA.

Mr. Massucco noted that with a 90 per cent reimbursement it might be possible to roll back the millage rate.

The meeting was adjourned by Mayor Thomas at 2:15 P.M.

Respectfully submitted,

Patricia L. Middlekauff  
Transcribing Secretary