

**FORT MYERS BEACH  
TOWN COUNCIL MEETING  
APRIL 1, 2002  
REGULAR MEETING  
Town Hall - Council Chambers  
2523 Estero Boulevard  
FORT MYERS BEACH, FLORIDA**

**I. CALL TO ORDER**

The Regular Meeting of April 1, 2002 was opened by Mayor Daniel Hughes on Monday, April 1, 2002, at 6:30 p.m.

**Council members present at the meeting:** Mayor Daniel Hughes, Vice Mayor Terry Cain, Howard Rynearson - Council member, Bill Van Duzer - Council member, Bill Thomas - Council member

**Excused absence from meeting:** None

**Staff present at meeting:** Town Manager Marsha Segal-George, Deputy Town Manager John Gucciardo, Damon Grant, Dick Roosa (Town Attorney), Dan Folke, Pam Houck and Bill Spikowski.

**II. PLEDGE OF ALLEGIANCE**

All assembled and recited the Pledge of Allegiance.

**III. INVOCATION BY REV. BOB STUCKEY, First Baptist Church of Ft. Myers Beach**

The invocation was given by Reverend Bob Stuckey.

**IV. PUBLIC COMMENT ON AGENDA ITEMS**

Jim Moore from 48 Nancy Lane on Fort Myers Beach came forward. He has been coming to the beach for 15 years and been a resident for 7 years. Commented that the bathrooms at the beach are a mess. He feels that something should be done about this. Mentioned a little girl who walking on the right hand side of the street going toward the bridge. She fell on some busted up concrete and injured her knee. Sidewalks are needed and building permits are given to allow buildings right up to the street in some areas. Commented on the stones used for landscaping down at the bend. Stones were all over the sidewalk and people are slipping and falling.

Mayor Hughes asked for clarification regarding the bathrooms Mr. Moore was speaking of. Mr. Moore replied they are at Lynn Hall Park. Mayor Hughes informed him that this is County property. The County is responsible for maintaining these restrooms.

**V. CONSENT AGENDA**

**A. FINANCIAL REPORTS: February 2002**

**B. RESOLUTION:** Invoking Smith vs. Clearwater regarding house moving

**C. RESOLUTION:** Supporting Town's application to TDC for Newton Property

**D.** Approval of Lawler's Maintenance Contract

**E. APPROVAL OF MINUTES:** March 11, 2002

**MOTION:** Made by Council member Bill Van Duzer to approve the Consent Agenda.  
**Motion fails due to lack of second.**

Council member Rynearson would like to pull Consent Agenda Items B, C & D.

**MOTION:** Made by Council member Bill Van Duzer and seconded by Vice Mayor Terry Cain to approve Consent Agenda Items A & E.

**VOTE: Motion passes unanimously.**

Council member Rynearson would like to add some additional language to the second part of the ordinance for house moving. He added the information "the homes must be brought up to code, which came into effect on March 1, 2002". This would include tie-downs, windows/shutters and bringing up to code the plumbing, electrical and termite damage or rot.

Attorney Dick Roosa commented that the purpose of this resolution is to put the public on notice of the Council's intent to enforce and adopt new ordinances. It does not need to include this language and should be contained in the new ordinance.

Council member Rynearson would like this language to be clear to the LPA, so this will not bounce back and forth.

**MOTION:** Made by Council member Howard Rynearson and seconded by Council member Bill Thomas to approve Consent Agenda Item B with the modification to read "and in substantial compliance with building codes".

**Discussion:** Vice Mayor Terry Cain agrees with bringing up to code the plumbing and electrical. She understands that it may be very difficult for the older homes to come up to code with the new requirements from March 1, 2002.

Council member Rynearson had this conversation with Bobby Stewart. He felt comfortable with this and did not have any problems.

Bill Van Duzer has issues with the changes. He does not feel that someone with an older/existing home can come up to compliance with the March 1, 2001 code.

Mayor Hughes suggested adding the language "and are in compliance with all applicable building codes currently in effect to the extent that they can be legally applied to the properties.

Attorney Dick Roosa feels if the language is added "and in compliance with all applicable building codes" it would be sufficient.

Town Manager Segal-George would like to some room for change.

Mayor Hughes suggested some additional language. The language could read "and brought up to the current code to the extent of legally permissible and practical."

Council member Van Duzer agrees with this language. He also feels some room for change should be left.

Attorney Dick Roosa suggested "and in substantial compliance with building codes".

Council member Rynearson agreed with this language and he and Council member Bill Thomas modified the above motion.

**VOTE: Motion passes unanimously.**

Town Manager Segal-George suggested the first Resolution regarding the design and siding of commercial buildings be removed from the agenda. No Council members objected.

Council member Rynearson commented on Consent Agenda Item C. He feels if this is accepted it will be a first for TDC. TDC does not give money to buy property. He feels that they are aiming at a moving target. Prices keep changing. He is not against this project, but feels more discussion should take place regarding the intention for it once it is purchased.

**MOTION:** Made by Council member Howard Ryneerson and seconded by Council member Bill Van Duzer to approve Consent Agenda Item C.

**VOTE:** **Motion passes unanimously.**

Council member Ryneerson will support Lawler's Maintenance Contract. He would like to pull out the pressure cleaning and take to bid.

Mayor Hughes questioned the wording "already reflected in their maintenance". Town Manager Segal-George replied that this was already in the budget. The assessment was based on the budget.

Damon Grant expressed that when a set number was being established 10% was added into Lawler's contract.

Town Manager Segal-George commented that this has all gone to the Times Square Committee. Budgets must be determined in advance of the actual assessments being sent out. This was all factored into this amount.

Council member Bill Thomas feels that they need the additional power washes. Good results are being seen.

Mayor Hughes noted when the other contracts were approved last fall Lawler's Maintenance had not received an increase for 3 years.

**MOTION:** Made by Council member Howard Ryneerson and seconded by Vice Mayor Terry Cain to approve the 10% increase retroactive to October 1, 2001.

**VOTE:** **Motion passes unanimously.**

**MOTION:** Made by Council member Howard Ryneerson and seconded by Council member Bill Thomas to allow Ed Lawler to complete the remaining power washes. Staff is directed prior to the commencement of the next fiscal year to put the power washes out to bid.

**VOTE:** **Motion passes unanimously.**

## **VI. ADMINISTRATIVE AGENDA**

### **A. Award of Congestion Pricing Contract/NextBus**

Town Manager Segal-George explained the necessary advertising has been complete. The delay in the project has been the signing from the State and Federal government. Everyone has now signed. Only one letter of interest was received. It is up to the Council to interview the interested party and decide if they wish to proceed. The total project cost is \$682,000.00. The total federal funds are \$546,600.00. The Town's obligation will be \$136,400.00 and is a budgeted item. The grant allows 24 months to complete the project. Hopefully, this will be completed in a shorter amount of time. The interested party who provided the letter of interest is present to make a presentation to Council.

Chris Swenson from CRSPE, Inc. came forward. Their Mission is to develop solutions to the Town's traffic congestion issues. The solutions must be real world solutions and must work in the Town of Fort Myers Beach. The initial study CRSPE worked on considered the "Can We?". It is technically and administratively feasible to proceed forward with some type of congestion relief for the Town. The next study moves forward with the "Should We?" and how do they get there. The public will be looked at as an interval part of the design process, which means that the Town Council will be a focal point in the second study. Routine presentations will be given to Council, workshops to be provided and Council representation at and on the Advisory Groups established for the study. Some very basic questions need to be answered. Who benefits? The benefits extend far beyond the Town residents. Fort Myers Beach generates conservatively \$300 million in annual revenues for the Lee County economy. This must not be lost sight of. He feels that the benefits of the County need to be taken into account. The Town residents should not be the funding source. The needs of businesses need to be taken into account and they must be sensitive to these issues. The final step in the process will be to actually develop the preferred solutions. A final public meeting will be held to go forward and make a decision as to how the Town

Council will move in terms of its solutions to the congestion problems. He expressed that they are looking toward a coordinated approach.

Gary with PBS & J, who is the Transportation Planning Manager, out of the Orlando office came forward. He explained that they would be present to provide the horsepower for Chris to get this job complete in a timely manner. They also bring to the table some technical expertise that would be helpful in this project. He explained some of their experience statewide and nationally. They would follow Chris' lead and will support him as much as possible.

Chris Swenson suggested that the Town Council go out with a request for proposals, so they may look at NextBus as well as any other type of technology that may be available. Also, apply for the grants that are likely to be available to implement NextBus.

He mentioned that quite an extensive project time exists. He will be the Project Manager for the team. He pointed out Robert M. McQueen who is the expert in Intelligent Transportation Systems and is the leading expert in the world. He serves on committees for the Transportation Research Board, ITS America and a couple of international boards also. Bob wrote the book on Intelligent Transportation System architecture. He expressed that this would be the caliber of people coming to this team.

Why should the Town Council look at the CRSPE team and move forward? Local experience is number one. They also have national recognized expertise in value pricing and they have worked with both FDOT and FHWA in the value-pricing program. Most importantly they would like to do this job for the Town of Fort Myers Beach. This is the type of work they enjoy doing and have worked with the Town in the past. They hope to have the opportunity to continue their relationship with the Town. He thanked the Council and indicated that he would be willing to answer any questions.

Bill Thomas questioned a Toll Ring? Chris Swenson replied if the Town decides to move forward with financing the solutions with Toll funding a Toll Ring implies that all access points to the Town would be tolled.

Bill Thomas asked when the surveys being completed now and have been funded by the Council will be available to Council? Chris Swenson replied that the surveys are still coming in. He expressed that a little over 2,200 have been returned. He explained that they could deliver these to Council tomorrow. He went on to explain that it would take between 3 and 4 weeks to get the data in and implemented. The gross numbers or percentages would then be available to the Town Council.

Mayor Hughes commented that he would not like to see the words "Value Pricing" emphasized, but emphasize the word "Congestion". He feels that the word "Congestion" should be in the title of what this program will be called. Chris Swenson replied that he does not have a problem with this.

Council member Van Duzer asked if Chris could agree that the Tolls are not the majority of the study? Chris Swenson replied that he can. The reason is that tolls by themselves would not solve anything in the Town of Fort Myers Beach. Alternative ways to get on to the island must be provided. Without going through a thorough study to determine these alternatives the value pricing element will not work.

Council member Van Duzer commented that he does not want to tax the people that live on this island anymore for the privilege of living on this island. He wants to go after the people causing the problem and ask them to pay the price of doing the projects which need to be complete on this island. He wants a verbal firm commitment by going through with this study they will have some valid proof to show a liability on the part of Lee County for the Town's traffic problems.

Chris Swenson replied that he cannot guarantee the data will show what he wants to see. He can assure him that this has been looked at and he feels confident that the data received will show that the residents of Fort Myers Beach are not causing the traffic congestion. He can definitely assure them that they will have all the information needed to show what the data actually shows. He feels that this will show it is not a Fort Myers Beach resident problem. He hopes that this gives the assurance he was looking for.

Council member Van Duzer commented that this is an expensive study and when it is complete he would like to have the proper information and direction to move forward. Will they be able to accomplish this? Chris Swenson replied that he has his personal and professional assurance this information will be received.

**MOTION:** Made by Council member Howard Ryneason and seconded by Vice Mayor Terry Cain to authorize staff to prepare an agreement with CRSPE, Inc. for the Value Pricing Project/ Transit Parking Congestion Project.

**Discussion:** Council member Bill Thomas commented that the Town of Fort Myers Beach is about to undertake a study that costs \$682,000.00. \$136,400.00 is the cost to the Town of Fort Myers Beach. He knows a lot of visitors are coming in, but they also have traffic generated by residents. He considers those residents who come in the wintertime the same as the residents who live on the beach full time. They are paying more than their load. This is what is also causing the traffic. He welcomes everyone on the beach. This is a tourist area and they should welcome everyone with open arms. The beach survives from the tourists spending money. He feels that Mr. Swenson's company is the most qualified and has a wonderful staff. He cannot support spending this kind of money on another survey.

Vice Mayor Cain has been on the beach for a long time. She always thinks to the future. She is putting a lot into this congestion study. They have been congested for a long time. The only future she has to look forward to is more congestion. She is real concerned about this. She is excited about hearing about alternatives. Alternative methods are needed. The cost to the Town with the grant is money wisely spent. This looks into their future. If nothing is done what will happen.

Council member Ryneason supports this motion. He usually dislikes studies. He feels that they better listen. They will have facts after this study is complete.

Mayor Hughes appreciated Council members Thomas' view. He does not view this as a survey, but is a study. He commented that this is not the first time this has been before Council. He feels if they do not proceed forward it would be very disappointing to him. They are most fortunate to receive the grant money and it would be most unfortunate to lose it. He will support the motion.

**VOTE: Motion passes 4 to 1. Council member Bill Thomas dissenting.**

**B. Award of Construction Manager Contract for Old San Carlos**

Town Manager Segal-George explained that this position was advertised and she requested fixed bids. Three bids were received and she solicited one additional. In the bid they asked for day-to-day supervision. Only two bids were responsive to this. Bid #3 from Bob Rockwell Construction, Inc. and Bid #4 from Wilson Miller. She feels day to day supervision is necessary. A number of issues are still outstanding and she plans on breaking ground on April 15<sup>th</sup>. She recommends that the Council award the Construction Management Contract to Bob Rockwell Construction. In his proposal he offered to do this job for \$2500.00 per week. She put on a cap of \$85,000.00. She explained that some delays have taken place with Wilson Miller and they were considerably higher in price.

Mayor Hughes questioned the As Built surveys. Town Manager Segal-George replied that they are getting As Built's from the contractors.

Vice Mayor Cain feels that it is very important to have someone there everyday. Problems should be solved on the spot.

Mayor Hughes has concerns with them only having two responsive bidders. He feels this is unfortunate. He commented that the low bid being recommended is a General Contractor and not a Civil Engineer. He has never been involved in a project where the Construction Manager has been a General Contractor.

Mayor Hughes questioned the professional liability insurance? Mr. Rockwell came forward and replied that they carry liability for what they do. The professional liability will be provided by the Engineer, Wilson Miller because they are the designer.

Attorney Dick Roosa replied that the reason the Engineer carries professional liability insurance is due to the fact that he is a professional engineer. The particular job going out for bid does not require that one be an engineer in order to manage and represent the Town in the project.

Mr. Rockwell commented that it is the responsibility of Wilson Miller to verify each inspection. He will be present to be sure the Town is getting what they have paid for.

**MOTION:** Made by Bill Van Duzer and seconded by Council member Howard Ryneanson to accept the contract from Bob Rockwell Construction, Inc. to do the construction management on this site for \$2500.00 per week for the period of construction, but not to exceed \$85,000.00.

**Discussion:** Council member Van Duzer feels very comfortable with this motion. He knows Mr. Rockwell personally and is sure things will be done correctly. He feels that Bob Rockwell has the experience to complete this task.

Council member Bill Thomas feels for the protection of the Town they need to look into the professional insurance. This is a large project and the Town should be protected.

Council member Van Duzer commented that he does not feel Mr. Rockwell has a responsibility. He feels the responsibility falls to the installing contractor and engineer who designed the project. The reason Mr. Rockwell is being hired is to give the Town the satisfaction to know that these guidelines will be followed.

Additional discussion was held regarding the concerns of Mayor Hughes and the issue of professional liability insurance. Two approvals must be made before payment can be made. The first approval is from the engineer and the second would be from Mr. Rockwell.

Attorney Dick Roosa commented that if a problem comes up with the road at a later date the Engineer makes the first approval, the engineer designed it and the engineer accepts it and directs that payment be made. Mr. Rockwell will only be confirming based on his observation and experience it should be paid.

Mayor Hughes made note for the record that a clause exists for termination that either party can terminate by giving 30 days written notice. He would like the clause omitted.

**VOTE: Motion passes unanimously.**

Mayor Hughes commented that he had spoken with several people who have done business with Mr. Rockwell and they gave very good recommendations.

**C. Joerg Wiebe request for Cinco de Mayo**

Town Manager Segal-George advised that this Agenda Item has been withdrawn.

**D. Authorization for new position and setting of new salary ranges.**

Town Manager Segal-George is requesting a new position for an administrative assistant. This position would become a backup payroll clerk handling payroll functions to back up Janeen's position. This position will also handle all of the committees of the Town with the exception of the Town and also phone backup. The committee meeting coordination is becoming more and more difficult. She expressed that the accounting is getting more and more complicated. Jill has expressed a desire to take this new position, if the Council authorizes it. She is doing an excellent job assisting Janeen presently. They would then advertise the front desk position. She would like to change the position of Julia Campbell. Her new title would be Director of Administrative Services. She would be picking up a number of new responsibilities. Some of the new responsibilities would include Council liaison, Council agendas, legal notices, and human resources and would keep the majority of what she is presently doing. Janeen's position would be re-titled from Office Manager to Finance Director. Michelle Mayher's position would be re-titled to Executive Assistant.

The second part of her request is regarding salary ranges. The ranges have not been changed for 3 years. Julia Campbell went out to do a salary survey in other communities. This information has been provided to Council. She feels that they have been very effective in trying to save money over the

last six years. All the employees have many tasks they are responsible for. The staff has delivered to the Town an excellent product for the last six years. The request for the additional position is a dire need. She has tried to look at the salary ranges from the other municipalities to come up with what she feels is fair. Julia did excellent job gathering information. She commented if this was approved by Council it should be put into effect as soon as possible. The two figures given for the net result would be \$25,000.00 for the new position and the requested placement changes would cost \$44,000.00.

Mayor Hughes is very impressed with the scope of the survey and the information received. A good analysis has taken place in the comparison of the scope of the position in Fort Myers Beach to the other communities.

Council member Bill Thomas commented that the Town of Fort Myers Beach is privilege to have the best staff in Florida. They do a wonderful job. It is his responsibility as a Council member to look out for the finances of the Town. He asked the Town Manager with the new range and the additional employee what is the total salary budgeted? Town Manager Segal-George replied \$445, 500.00 without benefits.

Council member Bill Thomas felt that the closest comparison is Bonita Springs. He does not feel the 11% in the report is accurate. Mayor Hughes commented that it is accurate if it is defined as an "employee". It is not accurate if you include the services provided for by contract.

**MOTION:** Made by Council member Bill Van Duzer and seconded by Council member Howard Rynearson to approve the addition of one new employee to the Town. The salary range will be from \$22,000.00 to \$35,000.00.

**VOTE:** **Motion passes unanimously.**

**MOTION:** Made by Council member Howard Rynearson and seconded by Vice Mayor Terry Cain to approve the re-organization and placement of staff by Town Manager Marsha Segal-George along with the increase in salaries.

**Discussion:** Council member Thomas indicated that the increase was 18% last year and 10% this year along with the promotions, which are deserved. He questioned the merit bonuses. Town Manager Segal-George explained that they do not give cost of living increases yearly. Instead, merit bonuses are done each year and are a budgeted amount. If they are awarded they are awarded in a lump sum amount. This is separate and apart from setting salary ranges.

Town Manager Segal-George explained that it is necessary for the staff to grow to accommodate the expectations of what everyone would like to see completed. Part of the percentage being looked at are actual new positions, which were added last year.

Council member Van Duzer commented that the Town has taken on a lot more things. More and more projects are being started. Everyone is doing a good job.

Vice Mayor Cain feels the position is badly needed. She explained that they have always filled positions, as they have been needed. Staff does an excellent job.

**VOTE:** **Motion passes unanimously.**

**E. Proclamation: Congratulating Vice Mayor Terry Cain on her Estero Bay buddies presidency.**

Mayor Hughes expressed that they have a proclamation congratulating their fellow Council member Terry Cain on her election to the presidency of Estero Bay Buddies. It has been his pleasure to serve with her as a charter member of this community service organization since its inception. She is a

Director as well as the President. He touched on the achievements made by Terry Cain. She was wished well in this capacity. (Applause was given)

Vice Mayor Cain thanked everyone. It is a privilege to be recognized by your peers. She was very touched and honored.

**F. First Reading:** Ordinance 02-03: Amending Ordinance 00-07 and Ordinance 01-02: CRAB Mayor Hughes began by reading the ordinance. They will be increasing the board from 9 to 10 members. The next public hearing will be held on April 15, 2002.

**G. Final Public Hearing: Community Development Block Grant**

Deputy Town Manager Gucciardo expressed that they have tried to develop a strategy for dealing with the funds that will be received in late 2002 for the next 3 years. He feels that this is a workable plan, if adopted by Council. Some burden will take place on the part of the public service activities to be able to show eligibility. Some funds may need to be reallocated.

Mayor Hughes asked if anyone from the public wished to address the Council. No one came forward.

Mayor Hughes asked for the role of the County and the Town regarding the decision on how the funds are spent for activities? Deputy Town Manager Gucciardo replied that if the program is approved as outlined they will turn over approximately \$25,000.00 back to the County for their use. This authorizes the County to advertise in the local papers for the programs and solicit interested parties to go forward to see if they qualify. If they qualify they would go through the additional steps to be sure that the money comes back to those homes on the island. The type of program would be totally under the Town's control to dictate how the money will be spent. Implementing this will fall onto the County.

Mayor Hughes asked for the definition of a low or moderate-income homeowner? Deputy Town Manager Gucciardo replied approximately \$32,000.00 per household of four. There is no asset disqualification.

Mayor Hughes closed the public hearing.

**MOTION:** Made by Council member Howard Ryneanson and seconded by Council member Bill Thomas to authorize Deputy Town Manager Gucciardo to proceed in accordance with his memo dated March 27, 2002.

**Discussion:** Vice Mayor Terry Cain was concerned about the public service. She likes the promotion of partnerships for after school programs for kids. She likes to get the seniors in with the kids. She would like to see a partnership in the future between the seniors and children with reading difficulties.

**VOTE:** Motion passes unanimously.

**H. Discussion of Offshore Boat Race Committee request**

**MOTION:** Made by Council member Howard Ryneanson and seconded by Council member Bill Van Duzer to give \$5,000.00 to spend for the Offshore Power Boat Race.

**Discussion:** Mayor Hughes is not opposed to giving the money and he feels \$5,000.00 is reasonable. He is not satisfied with the reimbursement.

Discussion was held regarding how the money can be spent. It was decided to not allocate the funds specifically.

Council member Van Duzer commented that many more programs are wanted to be held in the future. Will the Council be asked to fund all of these events? This should be considered for the future.

Mayor Hughes feels that this is an area to be looked at and watched closely. Possibly, the Fire Department may need to consider making this part of their budget. The Town is not in a position to be paying the Fire Department for the

services for the special events or even the Police Department.

Council member Van Duzer commented that \$10,000.00 is the amount being requested.

**VOTE: Motion passes unanimously.**

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

**Council member Bill Thomas** - On March 21<sup>st</sup> he attended the S.W. Florida Regional Planning Council Meeting. The main topic was regarding their Leader (Wayne) who has been there many years and is retiring. He is going over to Smart Growth. He commented that he feels this is one of the most intelligent men he has ever met. Wayne came down to Fort Myers Beach to fill him in on Smart Growth. He explained how important it is on any committee to have a balance between commercialism and the environment. He sets an example and feels that this Council should follow. Wayne mentioned that by the year 2020 the population in Lee County is going to triple. The growth must be managed.

He commented while coming up the street he sees a lot of new projects. He asked Deputy Town Manager Gucciardo about a project on 5480 Estero. He does not remember this project being approved? Mayor Hughes replied that this project was approved. They are approved for 4 stories over piling.

**Council member Howard Ryneason** - Lee County is going to start the Estero shoulder widening on April 15<sup>th</sup>. This will be complete in 60 days.

**Vice Mayor Terry Cain** - Earth Day is coming up. She showed Council the plaques, which can be placed on the drains. She has already spoken with the Boy Scouts. She is trying to get groups together to attach them to the storm drains.

She spent two hours out in the Harbor this week riding around with Dave Richardson listening to the concerns of the Harbor Plan. A good article appeared in the Sand Paper. Good ideas came out of this.

**Council member Bill Van Duzer** - Made the MPO Meeting and was very impressed. He will be attending another meeting tomorrow regarding short-term rentals. This group is moving forward very rapidly. Both sides are working very hard to send information to the LPA.

He commented on the traffic in Key Largo. It took two hours to go five miles. They seem to have a worse traffic situation than Fort Myers Beach.

**Mayor Daniel Hughes** - Mentioned that they will be losing Rebecca Harris from CELCAB on the 30<sup>th</sup>. Vice Mayor Cain commented that interviews for this position are set for the 10<sup>th</sup>. The interviews will be on video for review by the Council. By the beginning of May someone may be on board. A gap period may exist.

Mayor Hughes felt that the Council would be receiving a list to interview.

Deputy Town Manager Gucciardo will review the minutes from the past meetings and get back to Council.

## **VIII. TOWN MANAGER ITEMS**

**Deputy Town Manager John Gucciardo** - A memo was circulated to Town Council and staff regarding a training program that the Regional Planning Council was suggesting regarding Storm Recovery. He found out that this has been canceled today by the State. He will try to find out if this will be rescheduled.

## **IX. TOWN ATTORNEY ITEMS**

**Town Attorney Dick Roosa** - Will be unable to attend next Monday mornings meeting. His law partner Larry Sutton will be present to administer the oaths to witnesses.

## **X. PUBLIC COMMENT**

Don came forward and directed the Council to Agenda Item 6 - B. He is on the Board of Directors at Bay Club down on the north end of the island. He commented that an incident happened when a contractor was hired to do building renovation. Part of the building renovation was balcony restoration. In order to protect themselves they hired an engineering firm to oversee this project. He explained that three different elements were involved. He pointed out that the Council should get all the protection from insurance they can. You can wind up in litigation if your not careful.

Ted Reckwerdt came forward and commented on the Fire District's involvement for the Boat Races. The charges for the events on Fort Myers Beach have been coming up at the meetings. His opinion is that if they were just the Fire District of Fort Myers Beach alone no problems would exist. Other areas are also included, and if taxes are collected other areas will need to also receive benefits. Good relations are trying to be kept between the Town and Fort Myers Beach.

**XI. ADJOURNMENT**

The meeting was adjourned at 9:34 p.m.

**If a person decides to appeal a decision made by the Council in any matter considered at this meeting/hearing, such people may need to ensure that verbatim record of the proceeding is made, to include the testimony and evidence upon which any such appeal is to be based.**

Respectfully Submitted,

Shannon Miller  
Transcribing Secretary