

**FORT MYERS BEACH  
TOWN COUNCIL MEETING  
MAY 7, 2001  
REGULAR MEETING  
Town Hall - Council Chambers  
2523 Estero Boulevard  
FORT MYERS BEACH, FLORIDA**

**I. CALL TO ORDER**

The regular meeting of May 7, 2001 was opened by Mayor Daniel Hughes on Monday, May 7, 2001, at 12:06 p.m.

**Council members present at the meeting:** Mayor Daniel Hughes, Vice Mayor Ray Murphy, Howard Rynearson - Council, Garr Reynolds - Council, Terry Cain - Councilwoman

**Excused absence from meeting:** None

**Staff present at meeting:** Town Manager Marsha Segal-George, Deputy Town Manager John Gucciardo, Janeen Paulauskis, Pam Houck and Dick Roosa (Town Attorney)

**II. PLEDGE OF ALLEGIANCE**

All assembled and recited the Pledge of Allegiance.

**III. INVOCATION**

Reverend Jeanne Davis from the Beach Methodist Church gave the invocation.

**IV. PUBLIC COMMENT ON AGENDA ITEMS**

Bill Thomas came forward to address the Council on the Town Manager's wage review. A raise is being discussed when consumer confidence is down and layoffs are happening throughout the Country. Last year the report in the April 5, 2000 Observer stated that the Town Manager received full family insurance coverage at an additional cost of \$1920 per year, bonus of \$6,790 and increase in Town pension. The following opinion does not reflect on the Town Manager's job performance. April of 2000 the Town gave the Town Manager an extravagant contract. The Fort Myers Town Manager made approximately \$150,000 including benefits. He indicated that the President of the United States made \$200,000 last year. Now is the time for the Fort Myers Beach Council to do its part to reduce the lavish contract of the Town Manager. One way would be to reduce the \$14, 500 pension plan, which is approximately 15% of her salary. He compared the salaries of the Fort Myers Beach Town Manager and the Bonita Springs Town Manager, and does not feel that the two compare. It is time for the Council to be statesman and to have the courage to rid the Town of the Golden Parachute, and the excessive pension plan.

Rick Sowash who resides at 340 Fairweather Lane came forward. He is the Chairman of the Community Resources Advisory Board. He is before the Town Council on behalf of this Board. The Community Resources Advisory Board is the most recently formed committee. During the process of organizing this committee they have realized the importance of leadership. Town Manager Marsha Segal-George has provided this leadership. Through her skills of organization, knowledge of structure and experience of public process they have successfully completed formulation of the committees mission and set their goals. In achieving their goals it is important to know that there is a Town Manager who the Board can work with. Town Manager Segal-George has been accessible and supportive of their efforts. In the process of developing recommendations to the Council their Board will need to seek information from outside sources and other local governing entities. They have found that Town Manager Segal-George has a valuable network of contacts and this will be beneficial and significant. The Community Resources Advisory Board finds that it would be important to provide continuity in leadership on staff.

The Board would like to express its confidence in Town Manager Segal-George.

Jack Bright came forward and indicated that he and Roberta live at 146 Delmar. In late 1996 he read about a new Town and bare bones government. After this, he read that the Town Manager was making \$78,000 per year. He does not feel that this is bare bones. When he met Town Manager Segal-George he told her that he did not feel her salary represented bare bones government. He spent time during a six month period being involved with the Town and developing the Marine Resources Task Force. During the six-month period of time he made it a point to tell Town Manager Segal-George that he was wrong and that she earned every penny that she was being paid. He found her to be highly motivated, well-organized, great visions with a unique combination of attitude and aptitude. She not only knows how to utilize her resources, but also knows how to build her resources. She has brought the Town almost \$4 million dollars in grants and the hard to collect monies from the County, cable and others. She has built her people resources by hiring and training competent, responsive and effective staff. Most important, under the direction of the Town Council, she has formed the Advisory Committees and Task Forces. These have been guided by Town Manager Segal-George. These things did not happen by accident, but by good management. There is money in the bank and she has proven that she can bring in more money. They are moving in the right direction. Town Manager Segal-George is tough by being a mediator, negotiator, does not back down easily and he feels that she is exactly what they need. She needs to receive a raise and the Council needs to put together a bonus program.

Lou Marone represents the Laguna Shores Homeowners Association. After reading the last Observer he found it to be very depressing. He feels that there is something going on between one of the Council members and the Town Manager. He indicated that Town Manger Segal-George has been available to the south end. She is very professional and very open. Her legal expertise has brought much to the Town. This personal personnel problem is a distraction to the Council's function, and please get on with the needs of the Town and bury this problem.

John Naylor wanted to come forward and discuss the performance of Town Manager Segal-George. Over the years he has dealt with Town Manager Segal-George as the General Manager of Pink Shell, Chairman of the Greater Fort Myers Beach Chamber of Commerce, volunteer committee member of the Marine Resources Task Force and as an interested citizen in the well being of Fort Myers Beach. They have not always agreed, but he has always appreciated her fair and professional approach to each and every situation that has been dealt with. She is the Director, leader, overseer, boss and supervisor. Town Manager Segal-George is in charge of the administration of the Town Hall. She has always defended her actions with calm statements of truth and honesty. No one is perfect or without fault, and he or she can all learn and grow from constructive input, but input that is from the heart and delivered with human dignity. The Council has a special responsibility, above the petty trash, as it appears in front of them. In his opinion, Town Manager Segal-George has done an excellent job for the Town of Fort Myers Beach. Her compensation package must be competitive in the market place. She has shown her skills and they need to show her the money. They should be very proud to have Town Manager Segal-George as their professional Town Manager. She is quite simply the best.

Anita Cereceda came forward and agrees with both Jack Bright and John Naylor. She gave some background as to how she and Town Manager Segal-George first met. They started 5 ½ years ago with a borrowed Town Manager. She explained where the \$55,000 salary arose from back when the position was first advertised. It was decided that they would not skimp on this salary, and she personally only looks for bargains at Wal-Mart. She was given some advice at the very beginning. One of the most important elements of her job would be to take responsibility for the actions that the Council takes and to protect the staff that will implement these actions. This needs to happen more often. If they do not publicly support the staff they will not only disintegrate the integrity of the actions of the Council, but the security of the community. It is most important that the community know and believe that this government is strong and exquisitely well functioning. She urges everyone to take a real active part in letting people know, so that the skeptics do not always get the upper hand.

Fran Myers/Roxie Smith both introduced themselves. Fran Myers began by indicating that they had, had a workshop to discuss the Town Manager's evaluation and process for recommendations for

salary and merit bonus. At the workshop, public input was not made available and many items were discussed. One item that caught both of their attention was that one member asked for a list of accomplishments, while at the same time feeling that there were not many. They have both decided to accept this challenge. Her leadership on Lynn Hall and Bowditch Parks gave them the two finest beachfront recreation areas in Southwest Florida. Many problems were handed to her upon her arrival. A CRA that was facing canceling due to their incorporation, an eroding beach, a main boulevard owned by the County with little attention, infrastructure that needed immediate attention, a group of people determined to build a pool and the hardest task handed to the new manager was to come up with a new type of government with bare bones spending. By the way, no new taxes and get money in the reserves. Has she delivered and has her able staff come up with new and creative ideas? They are present tonight to let everyone know that she has not only delivered, but has gone the extra mile to bring the Town to the award winning community it is. In five years they have seen over \$5 million dollars!

Roxie Smith commented that they should remember the work the Town Manager and staff had to do in 1996 to secure the necessary easements to help the County put sand on their beach. The same year she had to work with the County to prevent lawsuits by the Times Square merchants, which would have stopped the CRA project. The Manager and staff continued to keep solving all of these problems. They are now in the middle of a new beach renourishment project, which requires continuous input and monitoring. Many hours have gone into the Estero Boulevard Streetscape Plan and the Master Plan for Old San Carlos and Crescent Street. All the work that has gone into their insurance plan and evacuation plan. The Town has no debt, money in reserves and no new taxes. The Mound House is on its way to becoming the jewel of the island. The Town Manager was able to secure the million dollar grant; a real team effort. They could go on with projects completed and projects in the pipeline. The final thought is the unbelievable amount of resident volunteers that make up the Town committees. They spend countless hours working with the Manager and staff to place before you the many ideas and projects that indicate the people's commitment to this Town. There is no other Town or area that has this type of dedication. It is their Manager and staff that spend the time making these committee ideas and plans happen. Accomplishments of this magnitude do not just happen. They take place because of the creative work of a dedicated leader like Town Manager Segal-George backed up by a more than able and dedicated staff motivated by the enthusiasm of their Town Manager. They are here tonight to urge the Council to give her strong support and encouragement, and the compensation she has earned.

Bill Van Duzer came forward to also speak on behalf of Town Manager Segal-George and the job she has done for their Town. The last several months he has read and listened to some people that have criticized Town Manger Segal-George and the amount of money that she makes. He realized that this is a small group of people. She has led the Town, along with the Council, to amazing heights in a short period of time. It has been done without raising the tax rate to the citizens. This has been done with the guidance from Town Manger Segal-George. He asked them to be fair, considerate, look at what has been done, listen to what the majority of people are saying and move forward. They need to retain this lady because she has given of her heart, time and love to their island. She has earned and deserves their respect and positive consideration.

Tim Englin indicated that Town Manager Segal-George has done a spectacular job and it took him sometime to realize this. The bottom line is that you get what you pay for. Where the Town is today is a good example. He does not feel that it is wrong to be compensated for what has been done and what has been given to the community. She has exceeded her job and brought a lot into the community and they are real proud to have her.

## **V. CONSENT AGENDA**

- A.** Offshore Grand Prix donation
- B.** Local Government financial support for the MPO
- C.** Proclamation: Pledge of Civility in the Month of May
- D.** Proclamation: Supporting "Flight for Life"

**MOTION:** Made by Councilman Howard Rynearson and seconded by Councilwoman Terry Cain to approve the Consent Agenda. **Motion passes unanimously.**

## **VI. ADMINISTRATIVE AGENDA**

### **A. Proclamation: Safe Boating Week**

Mayor Hughes indicated that it is their pleasure to make a presentation to the representatives of the San Carlos Bay Power Squadron. He asked these members to step forward. He read the proclamation. Applause was given.

### **B. Update on transportation concept plan by CRSPE, Inc.**

Chris Swenson came forward and announced that he is President of CRSPE and has two members of his firm present also. Last month they received a task to complete. They have completed this task. They have completed their preliminary discussions with FDOT and the County Commissioners individually, as the Council had requested. In addition, they have met with the Director of Lee Tran, as well as the Executive Director of the Fort Myers Beach Chamber of Commerce. All discussions were informal and no formal actions have been taken by any entity. All parties have indicated that they will be willing to consider options for improving traffic conditions in the Town. All parties understand that tolls would be the likely funding scenario for any improvements needed. All parties recognize that there are substantive issues of ownership and control that will need to be addressed. Tolls are a concern. FDOT is particularly concerned about tolling a facility built with tax dollars, and this concern is certainly understandable.

Adding capacity to get to the beach was a positive with everyone. While they are looking at tolls as a method for helping to control demand and help flatten the peak out the key is to increase capacity to get to the beach, so people will have an option to switch too. They will need a revenue source. The Streetscape Plan does play a role. The beach needs to be more pedestrian/bike friendly. They are talking about a toll to add capacity to get between Lee County and Fort Myers Beach. This is not a new concept.

All parties recognize that they are in a very preliminary stage. No endorsement of the concept was asked for and no endorsement was given. The purpose of the discussion was to find out if any plan that might come out of a study would be dead on arrival. He reported back that while there is legitimate and understandable concern with substantive issues to be addressed a well thought out solution will receive open minded consideration.

He went on to comment that he was not involved in the preparation of the grant. He is very familiar with the work of the Center for Urban Transportation Research. They do an outstanding job and their grant is in very good hands. If they do not participate in the grant program there are ways these issues can be dealt with. The Federal repayment issue does not appear to be a major issue as this study moves forward. They are looking at a 2 to 1 competition for funds. Nothing is certain, but he is optimistic about the FHWA process. They may get everything that they have asked for.

Chris went on to comment that he felt they should spend some time catching staff up-to-date. He suggested looking at a more formal committee, at staff level. Small group meetings to get input from citizens and businesses. This input is critical and will allow them to take care of as many concerns as possible. They could have meetings with any group that would like them to come and talk. They need to look at where and how the toll collection would take place. The question is if it can be done in an economically feasible manner. They need to take a look at the preliminary toll revenues and costs to be sure that they are in balance with what is likely to be collected.

They are likely to have an indication of whether the grant will be acted upon favorably in early June and a definite answer by July 1. It is likely to take 60 to 90 days after this to get the agreements in place to receive funds. Anything they have moved ahead of now will not be eligible as a grant match for the Town of Fort Myers. There are several advantages to moving ahead now. They will be able to focus grant activities on the better options and efficiencies are likely through the study. If they do not move forward now they will be looking at a day for day delay. If there are monetary efficiencies the grant funds can roll over into other project activities. Most important is continuity. This project is already in the public eye. It is of great benefit to begin to collect input, so future efforts can be better guided. They

will have a better indication of whether they would like to proceed with the grant prior to actually committing to go with the grant.

Vice Mayor Murphy asked if the economic survey was happening or included in the study? Chris Swenson responded that it could be. It should be looked at this summer. It is information in hand and the more information they have will be of benefit in consensus building.

Vice Mayor Murphy wanted to hear that Chris had received the comfort level from all the different parties? Chris Swenson replied that felt he did. He suggested that they get out very quickly with staff and bring them up to speed.

Chris discussed that one of the largest issues he would like to look at would be where they would be putting a toll facility and what will it look like. He also feels that they will need to make sure that there is some kind of balance between the revenues that they are likely to be able to generate vs. the costs that would be incurred.

Town Manager Segal-George indicated that they were trying to find out of the Council wanted to proceed prior to receiving the grant. A contract can be brought to the next meeting.

**MOTION:** Made by Vice Mayor Ray Murphy and seconded by Councilman Howard Rynearson to direct staff to proceed to negotiate a contract and bring to the next meeting. **Motion passes unanimously.**

**Discussion:** Vice Mayor Murphy is not 100% sold on this issue, but is willing to move forward and explore the possibilities. He feels that it is money well spent to proceed before the grant comes in. Mayor Hughes agrees with Vice Mayor Murphy and feels if issues can be addressed up front they need to proceed with this.

### **C. Presentation on bright side reflectors for crosswalks**

John Davis, Chief Traffic Engineer for the Lee County Department of Transportation, came forward and provided a swatch. Recently, they have come up with an acceptable product. The material has been tried and they feel it is a plausible move to enhance the visibility of the crosswalks. They do not have a problem with this, but do have concerns about making the crosswalks too visible. They do not want to give motorists a sense of relief after they have passed a crosswalk. An estimate was provided in the amount of \$4,927.00 for the installation at all 21 crosswalks, excluding the crosswalk at Pink Shell.

Councilwoman Cain asked for clarification and expressed her concern for having something in the street that would be visible at night. She asked if there is anything that could be put in the crosswalk to light up? John Davis has concerns about adding more to the pavement. He does not want to over emphasize.

Vice Mayor Murphy feels that they should do their best to protect the people entering the crosswalk at night.

Town Manager Segal-George commented that at the next meeting they would be coming forward with some suggestions from FPL to raise the luminosity of the lights, and to move the lights further across the boulevard. The cost is relatively small for the potential benefit they could receive from this. They are getting closer and closer to a solution.

Mayor Hughes feels that this is a good start. The cost is reasonable. This is not the ultimate solution to the crosswalk solution.

**MOTION:** Made by Councilman Howard Rynearson and seconded by Councilman Garr Reynolds to have the product as shown to Council by John Davis erected on the 21 crosswalks and have staff work with the County on the cost. **Motion passes unanimously.**

**Discussion:** Councilman Reynolds commented that he felt if they overdue things it will cause people to concentrate too much on the crosswalk. He feels that John Davis' point is well taken. He feels overhead lights will be helpful.

**Al Van Horn - Presentation on TAC Report**

Al Vanhorn came forward and explained that the MPO is the Lee County Metropolitan Planning Organization. Their primary responsibility is to plan and enhance an additional roadway for the long range to meet current and anticipated demands. The Master Plan is now called the 20/20 Plan. These are the goals and options for the year 2020. TAC is the Technical Advisory Committee and this is the committee he represents on the beach. The various proposals are first proposed for discussion and then the appropriate recommendations are made to the MPO. One of the activities of TAC each year is to alert the participating municipalities of the transportation enhancement activity grant. This is an annual grant designed to encourage projects to mitigate traffic, provide safety measures and related aspects of transportation. Bicycles qualify for these grants. In 1999 the Town of Fort Myers Beach did submit an application for consideration for such a grant. He has passed an application on to Town Manager Segal-George for the upcoming year. This would be for funding a few years down the road. The grant would be for up to \$300,000. This could be started at this point in time. He is urging their consideration to renew this grant. Staff feels that they an excellent chance at receiving some funding. He believes that the need is now. There is more danger to the bicyclists riding along the sides of Estero Blvd. than those crossing the street. He feels that they are a fatal accident waiting to happen. He hopes there will be no delay. Anything that can be done is certainly advisable. The application deadline is July 15.

He believes that the Town of Fort Myers Beach is presently under represented at the MPO structure. Vice Mayor Murphy is the official representative. He does not have an alternate. Al believes that he should have an alternate on the TAC committee. The Citizens Advisory Committee, another arm of MPO, has not had a replacement since the resignation of Harry Gottlieb. A new and vital committee called the Bicycle/Pedestrian Coordination Committee was formally represented by Anita Cereceda, who is no longer on it and they presently have no representative on this committee. He urges the Council to give serious consideration to making every effort to increase the representation and participation on and in the MPO.

Mayor Hughes indicated that they should have someone on the CAC and Bicycle Committee. This cannot be resolved this evening. He noted that they have been advertising for both of these positions and no one has applied.

Vice Mayor Murphy commented that he did not need an alternate at this time. He has attended all meetings.

**D. Final Public Hearing: Ordinance 01-03- Water Utility Franchise Agreement**

Deputy Town Manager John Gucciardo referred to a memo that Council has received in their packet. This gives a brief overview of where they are going with the Water Utility purchase. If they are able to live up to the timetables they are projecting a closing on the purchase in June or potentially the first week in July. Attorney Roosa has been working with the County attorneys office on the timetable and the exchange of documents. All documentation will be provided to the Council prior to the summer break.

Tonight they have 3 to 4 items to address. The ordinance establishing the franchise in favor of the not for profit organization, taking action on the proposed contract with the utility operator, taking action by way of a resolution establishing some of the rates and the fourth item is a temporary contract with Woodard and Curran for services up to the point where the main contract will take effect.

Mayor Hughes expressed his concern regarding the final version of the financial feasibility report. He understands that they will not have this until sometime before the May 21<sup>st</sup> meeting. He asked for clarification that they would in fact have this by that time. Deputy Town Manager Gucciardo replied that the actions being asked for this evening are not actions that cannot be undone at some point, if the financial numbers should come back and are not positive. It is his hope that these numbers will be

finalized by the end of the week or next Monday at the latest.

Town Attorney Dick Roosa commented that everyone is on schedule.

Mayor Hughes read the above ordinance and asked if anyone would like to address the Council on this matter. No response was given from any member of the audience.

Town Attorney Dick Roosa explained that the ordinance gives the franchise to the not for profit corporation of which the Council members are the board of directors.

**MOTION:** Made by Vice Mayor Ray Murphy and seconded by Councilwoman Terry Cain to adopt Ordinance 01-03 - Water Franchise Agreement. Role call vote was taken with all in favor. **Motion passes unanimously.**

**\*\*\*\*\*The Council will recess as the Town Council and reconvene as the Town of Fort Myers Beach Public Works Services, Inc. Board**

1. Selection of Water Utility Operator: Woodard and Curran

Deputy Town Manager Gucciardo pointed out that there are three representatives from Woodard and Curran to answer any questions they may have. Woodard and Curran was their first choice in terms of qualifications. They met with them to work out the details of the contract and staff is comfortable in making the recommendation to go forward with them as the first choice.

Town Attorney Dick Roosa asked that the Board approve the contract subject to the acquisition of the Utility System. He has reviewed the contract that is before the Board.

**MOTION:** Made by Board Member Ray Murphy and seconded by Board Member Howard Ryneanson to approve the contract subject to the acquisition of the Utility System by the Corporation. **Motion passes unanimously.**

Stan, a partner in the firm, stepped forward and thanked the Board. They will do a bang up job for them and they hope the Board will be as proud of them as they are to be working with the Board.

**MOTION:** Made by Board Member Dan Hughes and seconded by Board Member Ray Murphy to direct and authorize the Manager to negotiate an agreement with Woodard and Curran for environmental services in connection with this project during the interim period pending the acquisition of the Utility System, at which time their formal contract would go into effect. The Manager will negotiate a loan from the Town of Fort Myers Beach in order to fund this. **Motion passes unanimously.**

**\*\*\*\*\*The Council will recess as the Town of Fort Myers Beach Public Works Services, Inc. Board and reconvene as the Town Council**

**E. Resolution: Setting Water Utility Rates**

Town Attorney Dick Roosa commented that in the ordinance the Council adopted granting the franchise to Services, Inc. they incorporated in this ordinance that the rates would be established as they exist at the time of the ordinance. The resolution is a reflection of the existing rates and allows it to be identified as such. These are the rates they are subject to at this time.

Mayor Hughes read that this is a resolution adopting existing rates for the Water Utility Service within the Town of Fort Myers Beach. He indicated that there is nothing in the resolution that sets the rates for consumption. He asked for clarification of this.

Town Attorney Dick Roosa indicated that this would be another resolution. He took the County's resolution and made it as their resolution. He did remove the sewer. He agreed that there was nothing indicating rates for consumption.

Deputy Town Manager Gucciardo expressed that it is his understanding the fee that will be

established for usage is something that will be set at a future date. He feels that until they have sat at the closing table this is not something they should be locking in at this point or need to lock in.

Mayor Hughes asked Town Attorney Dick Roosa to change the wording from Rates to read FEES and CHARGES.

**MOTION:** Made by Vice Mayor Ray Murphy and seconded by Councilman Howard Rynearson to approve the Resolution that would approve the Fees and Charges. **Motion passes unanimously.**

**F. Resolution: Times Square Garbage Fees (recommendation from Times Square Advisory Committee)**

Pam Houck came forward and indicated that she has provided the Council with a memo on Resolution from Times Square Advisory Board regarding method for calculating garbage fees for the Times Square area. They have suggested that they take the cost from Superior Waste Management and equipment leases together with a variable cost. This amount would be divided evenly among the merchants. Times Square Advisory Board has considered this and recommends that this would be the methodology approved.

Mayor Hughes commented that this is what the Times Square Advisory had approved, but would like to have Pam Houck's view of the fairness and adequacy of their recommendation from the staff's stand point? Pam responded that she recommended it and had put the numbers together. Janeen has gone over this with the auditors and Pam feels very comfortable with it.

Councilman Reynolds asked if the fees will always be paid in arrears? Janeen Paulauskis responded that they will be billed at the beginning of the month for the previous month.

Town Manager Segal-George replied that this would authorize them to bill for the arrearages.

Vice Mayor Murphy indicated that this is quite a bit of money for some. Will this be over a period of time or will they be presented with a bill and be expected to pay the whole bill?

Pam Houck replied that they have already started the maintenance and were billed for the time they had not paid for last year and this year. For some it has been a problem and she feels that they will be working with them on it. If they do not pay they will put a lien on the property.

Town Manager Segal-George felt it important to understand that since last November no garbage bills have been paid. They will try to work with them the best they can.

Mayor Hughes asked why there is such a fluctuation in the garbage bills from July to October? Pam responded that in July the 4<sup>th</sup> of July event increased the garbage. The November bill should have picked up the zero showing for October.

**MOTION:** Made by Councilman Howard Rynearson and seconded by Councilwoman Terry Cain to accept the recommendation of the Times Square Advisory Council and Staff regarding the methodology for garbage assessments on Times Square. **Motion passes unanimously.**

**G. Discussion of office staffing**

Town Manger Segal-George came forward and indicated that they have the same package as they had at the retreat. The only difference would be a memo from Janeen recommending a change in one of the positions from an administrative assistance to a straight receptionist. They are still asking for two positions. A request was made to determine the cost of accounting outside of the office. They continue to need the two positions. She feels that they have more than adequately documented the need for the two positions.

**MOTION:** Made by Councilman Howard Rynearson and seconded by Councilwoman Terry Cain to move forward and direct staff to advertise for two more employees, as specified in the prior memos. **Motion approved with a 4 to 1 vote.**

**Councilman Garr Reynolds dissenting.**

**Discussion:** Councilman Reynolds liked the approach that Janeen has taken. He goes along with the need for a person out front. He cannot go along with two extra positions.

Councilman Rynearson commented that he has spent a lot of time at Town Hall and feels that the extra person is needed to help Pam. Pam needs the help due to being overburdened.

Councilwoman Cain agrees with Councilman Rynearson. She feels that Pam is overwhelmed and needs help.

Mayor Hughes feels that there needs to be some additional help. The alternative is contracting for some of the services. It is not his preference to do this and would be considerably less expensive to have someone on staff.

**H. Discussion of June calendar**

Town Manager Segal-George indicated that there would be six land use cases to come to Council in June. It is too many cases to be handled at one time. She gave a number of proposals. She indicated that there is particular interest in her #2 or #3 proposal. In June they would have two scheduled meetings. One to be held on June 4<sup>th</sup> and another on June 25<sup>th</sup>. The suggestion would be to start the meeting at 3:00 p.m. on each day taking three cases each time. An alternate would be to start at 9:00 a.m. with three cases, recess and come back later.

Mayor Hughes indicated that he would like to start at 3:00 p.m. and just keep on going thru. They will split the two land use cases and add to the regular meetings. His preference is option #2.

All council members are in agreement with this. Town Manager Segal-George indicated that they will eliminate the 11<sup>th</sup> meeting.

**I. Reverse 911 Grant update**

Deputy Town Manager Gucciardo apologized for not getting the information to the Council well in advance. He had a meeting with Deputy Fire Chief Moran on Friday afternoon. All they are asking for this evening is direction to be able to enter into the formal agreement with the State to receive the funds. In the next few weeks they will fine-tune their recommendation on the vendor. They have got it down to two out of the four vendors they are interested in pursuing. They hope to have this finalized by the time the Council goes on break. They hope to have the system in place for the upcoming Hurricane season.

**MOTION:** Made by Vice Mayor Ray Murphy and seconded by Councilman Howard Rynearson to instruct staff to move forward with this process and to advise the Department of Community Affairs that they gratefully accept the award. **Motion passes unanimously.**

**J. Discussion of Town Manager evaluation**

**A. Current year evaluation**

**MOTION:** Made by Councilman Howard Rynearson and seconded by Councilwoman Terry Cain to approve a \$10,000 raise effective as of April 1<sup>st</sup>, 2001 with a 7% bonus of the existing salary. **Motion is approved with a vote of 4 to 1. Councilman Garr Reynolds dissenting.**

There was much discussion among the Council regarding the method Councilman Rynearson used to formulate the above motion.

Councilman Reynolds indicated that his annual evaluation of the Town Manager was unsatisfactory. All other Council members gave a favorable evaluation. He expressed that it appears that someone is being unfair to the position being evaluated or someone is closing their mind to the situation at hand. He expressed that this is the second year a Town employee has given a very bad critical review of an appraisal, because she disagreed with it and thus refused to recognize it by not signing the evaluation form. It is also the second year that the Town Manager has offered good feelings and comments to those who have smiled favorably upon her. It is with the above thoughts that he requests of Council to forego a raise this year (At this point in the meeting Councilwoman Terry Cain asked to call for the question - She feels that this has nothing to do with the evaluation).

Town Attorney Dick Roosa indicated that the issue is irrelevant to the discussion, but the issue of question cannot be raised while there is still discussion going on.

Councilman Reynolds repeated that it was with the above thoughts etc. he requests of Council to forego a raise for the Town Manager. She is most likely the highest paid Manager in the United States, who is serving such a small community. He discussed the process of hiring for the Town Manager and commented that there were many people willing to accept the position for the advertised rate of \$45,000 to \$55,000. He asked that they think of the taxpayers as a decision is made. Money comes from the people and they are here as Council members to represent those people. He thanked them for hearing him. He went on to comment that he is presenting this to Council for discussion and consideration for no salary increase this year, except for a bonus. He would encourage study for an established salary scale based on years of service. Council should approve all staff pay scales. There is a need for control on salary issues.

Councilwoman Cain does not believe that Councilman Reynolds is looking at where the community has gone. He is not looking at the whole picture and the Town would not be in the position it is today if it were not for this Town Manager. She cannot believe that full health benefits are not offered in a regular job. She does not agree with much of what has been said by Councilman Reynolds. She feels that there is a large part of the community that is very proud of where the community has gone. Town Manager Marsha Segal-George has fought the hardest to bring them where they are today. This is with no debt and no enormous staff.

#### **B. Future year's evaluation process**

**MOTION:** Made by Councilman Howard Rynearson and seconded by Councilwoman Terry Cain to adopt Deputy Town Manager John Gucciardo's memo with 1,2,3 and 4. Wait one year before bringing in another service. **Motion approved with a 4 to 1 vote. Councilman Garr Reynolds dissenting.**

Mayor Hughes indicated that if this motion is approved this does not necessarily preclude that they could direct staff to check out several months prior to the anniversary date the cost to have a "Compensation Specialist" come in to give input.

Deputy Town Manager Gucciardo indicated that the way he worded item 5 is indicating that a future Council could consider this option, but does not give direction. It will be up to the five people sitting up there to decide which way they would like to go.

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

**Councilman Howard Rynearson** - Expressed that the Film Festival was great. The situation was handled very well. Everywhere he went in the last week, Janeen was there. He wanted to extend a special thanks to Janeen. She worked very hard and he appreciated this. Applause was given for her efforts.

**Councilman Garr Reynolds** - Indicated that Shawn Holiday worked very hard to try and get

things together. He was not impressed with the Film Festival. He was pleased with the involvement and activities, but he does not feel that anyone would go to the theater and pay \$8.00 to see the films. He liked the films with the exception of one.

He commented that it was interesting to see the sand down by the pier. It looks like it has smoothed out nicely.

**Councilwoman Terry Cain** - On Friday evening the 27<sup>th</sup> the Boy Scouts had a Pinewood Derby Runoff that was fabulous fun! She thanked the Town for allowing the Boy Scouts to do this.

She indicated that herself and family had a great time at the Film Festival.

May 19<sup>th</sup> the Estero Bay Buddies will be having a Spring Fling Clean-up.

**Vice Mayor Ray Murphy** - Had a great time at the Film Festival and looks forward to the next one.

The Smart Growth Task Force had a get together at Bay Oaks. It was not well attended. The word is getting out and hopefully more people will get involved.

**Mayor Dan Hughes** - On the 28<sup>th</sup> was the first anniversary of the City of Bonita Springs. He attended with Councilman Rynearson and wife.

He also enjoyed the Film Festival. The live presentation was outstanding.

There is a meeting on the 10<sup>th</sup> of the Southwest Florida League of Cities, and he is planning to attend. On the 12<sup>th</sup> is the Relay for Life.

## VIII. TOWN MANAGER'S ITEMS

### A. Update on shoulder paving on Estero Boulevard

Town Manager Segal-George gave a brief introduction and will be turning over to Councilman Rynearson. He came up with a very interesting idea for doing something regarding Estero Blvd. that would help them until they could complete the Streetscape. She was less than excited when he first approached her with the idea. They used Chris Swenson to come up with some creative ideas, who then lead them to the gentleman they have a proposal for. They came up with a plan that has the potential to be funded by the County in their next CIP, which the deadline is June 1. A complete technical proposal needs to be to Lee County by June 1 in order to get it included in their CIP.

Councilman Rynearson stated that on Thursday morning himself, Chris and Greg got into the car and drove the length of Estero Blvd. to decide what could be done in terms of paving. Some places they determined they need to have 2 foot and some are 12 foot. They evaluated the gulf side and Bayside individually. He would like to see it paved to the sidewalk on the Bayside. They realized that this cannot be done on the South end where the drainage ditches are. He wanted to keep it simple. Greg commented that they should call it an over paving and extension of the shoulders. He is very positive and so is Chris. Greg can have it done and have a proposal together. It needs to be funded before it can go any further. He feels that it is important to do and will help the whole community. He is asking the Council to move forward on it. The County will be paying for it. The first engineering will have to come out of the Town's pocket.

Councilwoman Cain has a lot of people coming to her asking for something to be done. She is real encouraged and feels that they should back it.

**MOTION:** Made by Councilwoman Terry Cain and seconded by Councilman Garr Reynolds to authorize the Manager to enter into an agreement with Metro Transportation Group to do the engineering services to assemble the package for the County Commissioners consideration. A contract will be negotiated, but they will get started in the interim. **Motion passes unanimously.**

**Discussion:** Vice Mayor Murphy asked what assurance they will have that the County will pay for this project? Councilman Rynearson responded that he went to each one of the Commissioners and they gave a favorable nod. He has nothing in writing. One Commissioner indicated that he felt he could walk it through and have no problem with it.

Deputy Town Manager Gucciardo gave a reminder about Public Safety Awareness Day being next Saturday.

**IX. TOWN ATTORNEY'S ITEMS**

Town Attorney Dick Roosa wanted to explain further on the memo provided regarding the CRA bus stop. A property owner named Primeau filed a lawsuit for inverse condemnation, which is taking a property without compensation. There are a lot of issues in this case. The County negotiated a settlement and the settlement provided for compensation for parking spaces for \$25,000. It also provided an opportunity to purchase the land that is underneath the bus stop and adjacent to the bus stop. It gave the County 90 days to decide whether they would acquire the property at a cost of \$40,000 or remove the bus stop.

Another function of the settlement is that each party would pay their own attorney fees. Had the property owner prevailed in an inverse condemnation he would also have been entitled to his attorney fees. He feels that it was a good settlement for the County. He appeared on behalf of the Town before the County Commission and encouraged them to accept the settlement. By accepting this settlement would be a willingness to pay \$65,000.00. Commissioner Judah was very upset at paying this amount. The Board agreed to present the matter to the Town within the next 90 days for their consideration. The County Commission did accept the settlement and this started the 90-day clock.

**X. APPROVAL OF MINUTES: February 12, 2001**

**Corrections and changes to minutes:**

**I.** Page 4 - middle of page - Councilman Reynolds would like sentence to read " Garr Reynolds said it could be done with wiring that would allow illumination after certain hours."

**MOTION:** Made by Vice Mayor Ray Murphy and seconded by Councilman Howard Rynearson to approve the minutes of February 12, 2001 with the corrections noted. **Motion passes unanimously.**

**XI. PUBLIC COMMENT**

Mr. French came forward and indicated that there are a large group of senior citizens who are not able to defend themselves. He would like to see permission to set up 10 people that could call in between the hours of 8 a.m. and 9 a.m. to indicate if they are OK or need assistance. He feels that they need to take concern of those people who cannot get around as easily as other do. Some seniors should have the new phone on their wrist.

Mayor Hughes feels that this is something the Public Safety Task Force could look into.

Councilwoman Cain expressed that there is an organization called the Senior Friendship Center. They do a lot for seniors.

**XII. ADJOURNMENT**

The meeting was adjourned at 9:45 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