

**FORT MYERS BEACH  
TOWN COUNCIL  
MARCH 21, 2005  
Town Hall-Council Chambers  
2523 Estero Boulevard  
FORT MYERS BEACH, FLORIDA**

- I CALL TO ORDER:** A regular meeting was called to order at 6:30 p.m. by Mayor Bill Van Duzer.

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

**Staff present at the meeting:** Town Manager Marsha Segal-George, Deputy Town Manager John Gucciardo, Town Attorney Richard Roosa

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

- III. INVOCATION:** Pastor Stuckey from the First Baptist Church gave the invocation.

- IV. PUBLIC COMMENT:**

Mayor Van Duzer, before opening up the floor for public comment, advised the public, the staff, and the Council to observe the rules of civility. He indicated that the rules were posted and also available as a hand-out to all in attendance, and asked that everyone adhere to them, and that all present conduct themselves in a just and mannerly way.

Mayor Van Duzer commented that he had no green cards, but asked if anyone did want to speak. No one indicated a wish to do so at that time.

- V. CONSENT AGENDA:**

- A. Minutes of February 28, 2005**  
**B. Financials for the Month of February**

**MOTION:** Vice Mayor Rynearson moved to approve Consent Agenda and Councilman Massucco seconded the motion.

**VOTE:** Motion carried unanimously.

**VI. ADMINISTRATIVE AGENDA:**

**A. Special Events Requests**

**1. Fort Myers Beach Fireworks Committee**

Joanne Semmer of the Ft. Myers Beach Fireworks Committee came forward and indicated that Bill Semmer was handing the Council members copies of the FMB Fireworks Committee agenda, showing different events planned to help raise money for the fireworks. She said one event for children at the Beach Bowl was not included because the dates and times had not yet been confirmed.

Ms. Semmer mentioned that it was the 17<sup>th</sup> year that her committee had raised money for the fireworks. She said that every year they have come to the Council and asked for \$12,500. She said they are never sure until after all the fundraising activities are done just how much of that is needed to pay for the fireworks, but she said they tally up what they've raised when the fundraisers are over and then send a bill to the Town for what is needed. She commented that she didn't think they had ever come back and asked for the full \$12,500.

**MOTION:** Vice Mayor Rynearson moved to give the Fort Myers Beach Fireworks Committee \$12,500 and it was seconded. Mayor Van Duzer then asked for discussion. None of the Councilmen had any comments or questions.

**VOTE:** Motion was carried unanimously.

**2. The 10K Open Water Championship Swim – Withdrawn**

**3. Fort Myers Air Show**

Chris Moskell came forward and announced the dates of the Air Show were May 14<sup>th</sup> and 15<sup>th</sup>. He said that there had been a lot of interest in the event from all the military teams around the country. He requested \$7,000 from the Town for EMS, sanitary and transportation costs, with the overall budget for the event being over \$100,000.

**MOTION:** Vice Mayor Rynearson made a motion to deny the request because the money would go to charity, and the Town has a policy against it. Councilman Massucco seconded the motion.

Mayor Van Duzer commented to Mr. Moskell that there is \$10,000 slated in the Air Show budget for charity and wanted Mr. Moskell to understand that there is a policy against giving money to charity. He acknowledged that the money being requested was intended to pay for EMS, Sanitary and transportation. He asked if Mr. Moskell wanted to respond to the Council's comments before they took a vote on the motion.

Mr. Moskell responded by saying that the overall goal of the event was to help children's charities with the proceeds of the event. He went on to say that it was a non-profit event, free to the public of Ft. Myers Beach as well as the surrounding communities, with the idea of bringing income to the Beach on a

typically “off” weekend in May. He thought the event could only help the community and asked the Council for help with it.

Councilman Reynolds mentioned that there was a fine air show coming up the following weekend in Port Charlotte, and hoped that people from the Town would have an opportunity to see it.

**VOTE:** Motion carried 4 –1 for denial of the request, with Mayor Van Duzer opposed.

**B. Public Hearing of Ordinance 05-06 Authorized Bid Opening**

Mayor Van Duzer asked the Town Attorney to read the authorization. Attorney Roosa read that the ordinance amends the Town of Ft. Myers Beach Finance Ordinance, amending bid protest procedures, providing authority, Amendment to Section 06 Purchase Transactions over \$25,000 - paragraph B, and providing severability and effective date.

Mayor Van Duzer opened the floor to anyone wishing to address the issue. He added that he wanted to give a simple explanation to the general public, as to why the Council was making the change. He explained that it was a minor item in the existing ordinance that currently states: “bids shall be opened by the Town Manager in the presence of the Town Clerk”. He pointed out that the Town Manager and the Town Clerk in Ft. Myers Beach were one in the same, and therefore the Council suggested it be changed to name the Town Manager’s or Town Clerk’s designee. He pointed out the reasoning was that normally the people in charge of whatever the bid is are the ones conducting the bid opening.

After giving this explanation, Mayor Van Duzer noted that no public had come forward, and so closed public hearing on the item.

**MOTION:** Vice Mayor Rynearson made a motion on the item and Councilman Massucco seconded the motion.

Councilman Reynolds reminded Council that he had suggested more time be allotted between the publishing of the advertisements and the time that contracts had to be received but that this suggestion was rejected several times. He went on to say that Theresa Schrober seemed to think that one week was enough, so he had no more objection if it serves them.

Mayor Van Duzer addressed Councilman Reynolds’ concern by pointing out that he didn’t believe it limits it to one week notice, but rather “at least one week prior, and at least seven calendar days between the date of publication and the final date for submitting”. He believed that meant it could be longer than a week, and thought they did it on a per-job basis, depending on what job was being done.

Councilman Reynolds remarked that the Council had discussed this issue a lot, and read the statement “at least seven calendar days must intervene between the date of publication and the final date for submitting bids”. He said he had suggested 21 days, and then 14 days, both which were considered too long, and added that he was now agreeing with the seven days.

Mayor Van Duzer clarified that it means a minimum of at least seven days rather than a maximum of seven days.

Councilman Reynolds felt that if someone was interested in submitting a serious bid that they should be given time to explore the possibilities.

**VOTE:** A roll call vote was taken:  
Vice Mayor Rynearson: aye  
Councilman Massucco: aye  
Councilman Thomas: aye  
Councilman Reynolds: aye  
Mayor Van Duzer: aye  
Motion carried unanimously.

### **C. Introduction of the Glitch Ordinance**

Town Attorney Roosa was asked by Mayor Van Duzer to read the two ordinances.

Attorney Roosa read that “this is an ordinance amending zoning regulations in Chapter 34 of the Town of Ft. Myers Beach Land Development Code, providing authority, adopting amendments to Chapter 34 of the Land Development Code, which is titled ‘Zoning Districts – Design Standards and Non-Conformities’ providing severability and establishing an effective date”.

Attorney Roosa then read that the other “is an ordinance amending regulations in Chapters 1, 2, 6, 10, 26 and 30 of the Town of Ft. Myers Beach Land Development Code, providing authority, adopting amendments to Chapter 1 of the Land Development Code which is titled ‘General Provisions’, adopting amendments to Chapter 2 of the Land Development Code which is titled ‘Administration’, adopting amendments to Chapter 6 of the Land Development Code which is titled ‘Maintenance Codes, Building Codes and Coastal Regulations’, adopting amendments to Chapter 10 of the Land Development Code which is titled ‘Development Orders and Engineering Standards’, adopting amendments to Chapter 26 of the Land Development Code which is titled ‘Marine Facilities’, adopting amendments to Chapter 30 of the Land Development Code which is titled ‘Signs’, providing severability and an effective date”.

Bill Spikowski, Planning Consultant to the Town of Ft. Myers Beach then addressed the Council, acknowledging that this was the first time the Council was seeing this huge and lengthy packet. He noted that the LPA had been working on it since June of 2004 with his assistance. He said they held three public hearings in January and February of 2005 after a number of workshops, and made many changes to the draft and recommended its approval to the Council. He indicated that the draft before the Council at this meeting included all the changes recommended by the LPA.

Mr. Spikowski told the Council that if they feel ready to go to public hearings, that two potential public hearings had been scheduled for April 4<sup>th</sup> and April 18<sup>th</sup> at 6:30 P.M. He said that he had given the Council a lengthy summary of the changes, and felt that as they read through that summary, they would be able to see that many of the changes were extremely minor, but that eight or ten

changes were more significant. He referred to the two ordinances that Attorney Roosa had just read to the Council, and said they had been separated out so that Chapter 34 changes could be approved apart from the rest of the recommended changes that, due to their lengthiness, could get bogged down.

Mr. Spikowski said that this meeting was not a public hearing on the changes, but rather provided the Council a chance to decide if they were ready to go to public hearings, and would give them the opportunity to ask any questions or make any comments. He added that he welcomed any questions or comments between this meeting and the first public hearing, if there was anything that needed clarification. He also offered to assist in preparing language for any changes wanted, explaining that it would be easier to do that before the public hearings rather than during them.

At this point, Mr. Spikowski offered to go over highlights, or answer any questions the Council might have, or to simply schedule the public hearings.

Councilman Reynolds acknowledged that Mr. Spikowski had added definitions and explanations for some of the abbreviations that appear in the codes, and told him it really helped clarify what was meant and what was being talked about in the codes. He went on to mention that, over his years of service on Council, many small changes had been made to the Lee County codes, and he had never understood the reasons for doing so. He noted that it seemed to be the current trend to go back to the original or present County codes, which he felt was a good move because the Town is working with the County Planners and these corrections and updates would help them do a better job for the Town.

Mr. Spikowski thanked Councilman Reynolds. He explained that, in a few instances, the County had pointed out that the Town was using different numbering or a slightly different style that caused trouble for the people administering the code and for the people who do business here. He added that the County continues to amend its code as they identify problems, some of which are applicable to Ft. Myers Beach. Because of that, he said he goes through all their Land Development Code amendments to see which ones make sense for Ft. Myers Beach, too. Mr. Spikowski gave as an example that if there is a situation when there are cross-references missing and are confusing in the County code, often it is the same situation here.

Councilman Reynolds referred to an instance four or five years ago when there was a change made on double lots, where if a home extended over the center line of the lot, the owner could not use the other lot to build on. He asked Mr. Spikowski if that had been rectified, because he could not find it in the packet before him.

Mr. Spikowski said that it was put into Article 5 of the code and no change was being proposed to it, and that was why he had not reprinted it for the packets at this meeting. He said that it was amended two or three years ago to prevent two homes from being built on a double lot that was substandard and not up to code.

Councilman Reynolds cited a house on Randy Lane, where the house lots are big, that went over the center of the double lot, and the owner was willing to do whatever was necessary so that he could use the other lot, but the owner's

request was rejected. He noted that more recently, on a lot immediately south of the Tropical Inn Motel, was a house with a small section someone had added on to it that put it over the line a little bit; and when the property changed hands, the new owners asked permission to build on the other lot and they were denied. He asked if Mr. Spikowski was familiar with that situation.

Mr. Spikowski said he was familiar with that. He believed a change was made as a result of that, and it caused a lot of controversy on the Council. He thought the position that got adopted was more restrictive than the previous rule, and not quite as restrictive as some Council members had proposed.

Councilman Reynolds commented that the irony of that particular situation was that the house next to it was extruding to this date onto the lot being discussed. He felt that should not be held against the owner of the double lot. He said he didn't understand what qualified it, and at the time he was not on Council and so did not go into it at any length at the time.

Mr. Spikowski remarked that the person might have obtained permits before the new rules went into effect, which can often complicate looking at one case, but that the rule is in effect and is being enforced, and that people are told about it.

Councilman Reynolds said the point was that if it is a non-conforming lot, in many cases vacant, generally a person can work out a way to get something built on it, unless it is really tiny, but if the house in the adjacent lot intrudes into the lot, that nullifies it. He felt that meant there is not equal representation for the property owners who have a neighbor's house intruding on their lots. He said he really hoped that Mr. Spikowski would take a look at that to see if it could be handled. He thought the smallest square footage lot one could build on is 4200 square feet.

Mr. Spikowski said he would take a look at it again, because other than pointing it out to people, he hadn't really looked at it carefully in a while. He said he would do it before the next meeting.

Council Massucco asked Mr. Spikowski about Section 34-87 Variances and some of the language that he was not familiar with, particularly 'diminuous variance'.

Mr. Spikowski explained that it was new in the code and that 'diminuous' means that it is so tiny as to be practically inconsequential. He said it adds different criteria when variances are granted that are truly diminuous, and he gave as an example when a house is 6" too close to the property line and the owners ask for a variance. He said that case would not be treated as strictly as when a house is 3' over the line, and 'diminuous variance' was designed as an 'out', but still is totally under the control of the Council as to whether that bit of leniency is used or not. He said there had been enough cases where the difference was so trivial that it made sense to put it in the code.

Councilman Massucco said he had an idea what it meant but wanted to know how it would be applied. Mr. Spikowski said it would not be applied by the Staff, but applied in the public hearing process by the Town Council.

Councilman Massucco then cited Section 34-88 Findings, and the original wording of it. He read "before granting any special exceptions, the Town Council

must find that the applicant has demonstrated...” and he pointed out that originally it said “has proved...” Councilman Massucco asked why that change had been made to the language.

Mr. Spikowski said that it was the next word after that which had been causing a problem, in that it used to read “that the applicant has proved entitlement”. He said ‘entitlement’ was a remnant of the County code from the past, and that ‘entitlement’ is something that implied that the applicant was able to prove that they were entitled to the special exception. He said they actually have to prove that they deserve the special exception, not that they are entitled to it, and that the original wording implied that the Council couldn’t say no even if they didn’t meet the criteria. He went on to say that it could say proved or demonstrated, but the real change was taking the word ‘entitlement’ out of it, replacing it with language that means the applicant has to prove that he is qualified for the special exception.

Councilman Massucco said he had not had the opportunity to read through the entire document, as he was trying to compare it to the original as he went through it. Mr. Spikowski agreed that it was an overwhelming amount of data.

Councilman Reynolds said that he only got as far as the second glitch ordinance himself, but that he had noticed what he considered to be an improvement for anyone who needs to look up information about signs. As an example, he cited the reference to business signs in Chapter 34 that had been moved to Chapter 30. He felt that basically Chapter 30 had become the sign chapter of the code, and believed that to be a tremendous improvement.

Mr. Spikowski said that signs had been discussed in two different chapters of the code, and the reason they were discussed in Chapter 34 was because when the Town adopted the commercial design standards, those standards included signs. He said that had caused confusion, so the substance of the rules are the same, but now sign data would appear all together in Chapter 30, and there wouldn’t be anything about signs anywhere else in the code.

Councilman Reynolds apologized for having so many questions, but he didn’t quite understand the section about Marine Units in Chapter 34. He pointed out that it says you can’t have marine units but you can have live-aboards. He asked Mr. Spikowski to clarify that.

Mr. Spikowski cited the Comprehensive Plan, with which the code must be consistent, where it does not give a density limit for dwelling units in the marina category. He said that that raised the question as to whether that meant you could have none or you could have an unlimited amount, which seemed ridiculous. He said that for now it means you can’t have them at all, and it is one of the things that should be discussed during the evaluation of the Comprehensive Plan, to determine if there is a reason to have a different policy than that. He explained that live-aboards on boats are regulated separately and under the code are not considered dwelling units. He said the live-aboards are all on water, and the Town’s regulations for dwelling units are all on the land. He noted that at the LPA public hearing, the owner from Snook Bight Marina came in and asked specifically about dwelling units in marinas and live-aboards because he felt the code was not clear, and Mr. Spikowski agreed that it wasn’t clear. With that in

mind, he said this revised section of the code was designed to clarify the status quo and reads “additional dwelling units not allowed” – and in the case of the Snook Bight Marina owner, who has one dwelling unit on the marina property, this allows the caretaker’s or manager’s unit to stay but does not allow for additional units to be added. He said it specifies that live-aboards, which are regulated by other parts of the code, are therefore not forbidden. He went on to say that this section was for clarification, although he said that if the Council feels that additional dwelling units should not be forbidden, then a change will have to be made in the Comprehensive Plan.

Councilman Reynolds asked if he understood it correctly to mean that if it’s a bake shop or office connected with the operation of the marina, they can have units up above. Mr. Spikowski countered that they cannot.

Councilman Reynolds inquired as to whether a dwelling could be grandfathered in, and Mr. Spikowski said that if it was an existing dwelling that was there before and legal before, then it could stay and be rebuilt, but no additional units could be added.

Mayor Van Duzer asked the Council if they were comfortable covering both ordinances in one public hearing or if they would like to split them up and cover them separately. Councilman Reynolds asked if they were not just covering the introduction to them now, and Mayor Van Duzer said that was correct. He went on to clarify that what he wanted to know was if the Council wanted to cover both ordinances in the public hearings or cover one in each public hearing.

Councilman Reynolds said he had no objection to covering them both at one time.

Mayor Van Duzer then stated that the hearings had been set for April 4<sup>th</sup> and April 18<sup>th</sup> at 6:30 P.M, and believed it was the will of the Council to move forward and have those hearings.

#### **D. Request to make a contribution toward the purchase of the Babcock Ranch.**

Mayor Van Duzer noted that this had been brought up at a prior meeting and it was now open for discussion.

Vice Mayor Rynearson said that he spoke with a couple of the Commissioners, and he suggested that the Council send a letter stating that they are in full support and when the financial need is there, that they lend financial support to the best of their ability. But he felt, because there were still so many uncertainties regarding where the money should be sent, or how much, or if the land was going to be broken up and sold in smaller increments to private owners, there was no reason to break out money at that time.

Councilman Massucco stated that, at the January 10<sup>th</sup> Council meeting, Resolution #2005-04 was adopted by Council supporting the acquisition of the Babcock Ranch, and he felt that was sufficient. He agreed with Vice Mayor Rynearson that there was no reason to throw money there, and that the County already knew that the Council is in support of the acquisition.

Councilman Reynolds explained that he suggested making a contribution at the last meeting because there had been a lot of publicity in the paper about the

Babcock Ranch, and that the State, unbeknownst to the County, had been working with a private developer to try to get them to purchase some of it, so that the State would have enough money to acquire the rest of it. He felt the Council should do everything they could in assisting the County and the surrounding counties to gain a little more support and publicity behind acquiring the entire Babcock Ranch of 91,000 acres together. He thought that if the difference between getting the whole tract intact or smaller parcels was just thirty million dollars, which would mean from now on the people of Florida would have that to enjoy, and the water slough, and the wildlife, then it would be a shame if the Council didn't do everything it could to help give support to purchase the land. He said that was why he suggested giving some money and sending a letter to every town in and surrounding Lee County, which he guessed was about five counties with towns abutting Lee County, and every County Seat in the counties that abut Lee County. He thought a token amount of \$500 would be a good amount to give and to suggest they do the same. He said if the Council doesn't want to give money, he hoped they would still send the letter out.

Mayor Van Duzer recapped Vice Mayor Rynearson's earlier suggestion that they send a letter only at this time, stating the Council's full support of the purchase and that they will consider financial contribution to the best of their ability further down the road. Mayor Van Duzer said he had no objection to that, rather than try to establish a dollars and cents amount. He said it seemed that that was the will of the Council.

Councilman Massucco made the point that the price for the Babcock Ranch is so high, that anything that the Council could contribute to that would be insignificant, and it would be throwing the money away. He felt that the resolution he mentioned in his earlier remarks clearly shows the Council's support, and thought they really didn't have to do anything further at this meeting.

Mayor Van Duzer said he personally knew a lot of people who had contributed \$100, and that the general feeling was that people want to contribute no matter how small.

Councilman Reynolds said his point was that money gets attention where a letter alone does not, and that \$500 was a little amount and would not break the bank on Ft. Myers Beach. He said he hoped Council would go in that direction, but if not, a letter would be better than nothing, along with other promotion.

**MOTION:** Councilman Reynolds moved that the town contribute to the promotion of the purchase of the Babcock Ranch with a letter and a \$500 check.

When no second was forthcoming, Mayor Van Duzer encouraged a second because he felt there should be more discussion and that they could afford to give more than \$500. But he felt that the letter should state their intention to support the purchase and their willingness to contribute money to it if and when it becomes necessary. He felt a better amount was \$5000, but he liked the idea of leaving the money out of it for now and seeing what the requirements were further down the road. Mayor Van Duzer then seconded the motion but indicated he would vote against it because he felt \$500 was almost an insult.

Vice Mayor Rynearson pointed out that the deal that went down was that the State offered \$340 million, and they were asking \$380 million, and rejected the State's offer. He felt the money was there, but that the State wanted the owners to come down in price and the owners were just playing hardball. He said that they should let the State do the negotiations, and when they come up with a firm figure, then the Council could go forward and decide what amount they want to contribute.

Councilman Reynolds said that at the time the owners of the property were offered the \$380 million, the price was something like \$420 or \$430 million. The offer passed a certain time limit, and the owners got upset with the way the State was negotiating the deal. He said he thought the owners were now holding the price at \$380 million until May, and if it wasn't resolved soon, then they would lose a piece of Florida that could never be reclaimed. He said the \$500 contribution he suggested was merely for attention-getting, even if only for a laugh.

Mayor Van Duzer then called the motion on the floor.

**VOTE:** The motion failed 4 – 1, with Councilman Reynolds voting in favor.

Mayor Van Duzer then asked the Council if they wanted to go back to the idea of sending just a letter. It was indicated that the Town already had direction to do it, so that was all they needed to do with this item at the time.

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

Councilman Massucco said he had a burdensome issue that had been on his mind for some time, and wanted to read something to the Council so that he didn't leave anything out. He read the following and said it was a motion:

**MOTION:** "That all committees, agencies, commissions and other appointed bodies be strictly limited to not less than five, nor more than seven members. For those bodies whose present number is more than seven the reduction could be accomplished by normal attrition. The limited number of members would greatly reduce the time involved in reaching decisions, thus allowing more Town business to be considered by that body during the course of their meetings."

Motion was seconded by Vice Mayor Rynearson.

Mayor Van Duzer asked if this was a motion to put it on the agenda, or to just do it. Councilman Massucco said he wanted whatever they had to do to accomplish it, but that he'd like it to be voted on as a motion.

Councilman Reynolds commented that this was the only time when they could introduce this type of motion. He then said he wanted to "third" the motion, which drew a few chuckles from other Councilmen.

John Gucciardo, the Deputy Town Manager, offered the information that some of the Town committees are defined by ordinance, and as he understood it, the Town would have to bring those ordinances back to the Council for approval. He therefore was not sure that the action would hold.

Vice Mayor Rynearson asked if the action would put it in motion so that the Council could do what they need to do legally. Mr. Gucciardo said it would get the process going.

Mayor Van Duzer clarified that what they were going to do was put this on the agenda, so that work could be done on it and brought back to Council for further discussion.

Vice Mayor Rynearson said he understood it to mean that the Council is now directing the Town Attorney to make up the ordinances, then bring them back and run them through the proper lines, and then it could be passed in a hearing. There was general agreement that that was how it would be work.

**VOTE:** The motion to put this on the agenda was passed unanimously.

Councilman Massucco then continued with his remarks. He said for the third time in two days he had received an e-mail concerning the illegal use of golf carts on town streets. He felt that, before an accident occurs, that the Council should institute an ordinance that prohibits their use on all Town streets, sidewalks and pathways.

John Gucciardo asked if Councilman Massucco had copies of the e-mails, and Councilman Massucco said he did not. Mayor Van Duzer said he had a copy of it, and it was from Bob Symonds, and that it has been an issue for Mr. Symonds in the past. Mr. Gucciardo said, if it meets with the approval of the Council, that Staff will look to see what if anything already exists on the books now, and talk to the Sheriff's Office to see what their position is on it, and then a summary memo will be put together for Council to let them know if they do need to any new legislation, or if there already is something on the books that can be enforced.

Councilman Massucco asked why the Sheriff's Office would have to be consulted. Mr. Gucciardo explained that he wanted to get their input on how they read what, if anything, is in place now, and what their views on enforcement are now. Mr. Massucco clarified that he wanted that to include Segueways and motorized scooters.

Mayor Van Duzer said he had seen the Segueways on the sidewalks, and several people present commented on how many motorized things were on the sidewalks.

Town Manager Marsha Segal-George said there were two different issues between the Segueways and what was happening with the golf carts. Councilman Massucco asked if they couldn't be dealt with together. Ms. Segal-George said that an ordinance could be created dealing with both of them if that was what was determined to be the only way to handle it. She said they had been trying to hold the Segueways off, but it seemed like the State of Florida is determining that they are legal, and they are causing a problem. She said she didn't think golf carts were street-legal, and Vice Mayor Rynearson said she was correct. Ms. Segal-George said the problem was catching them, because they then have to get a Deputy to where the golf cart is to ticket them. Councilman Massucco said that if

the Town was more definite about it, and that the people with the carts knew they are not abiding by the law, that it would help. Ms. Segal-George reiterated that she thought the golf carts unlawful and not street-legal, but the Segueways are causing a problem because they are being used on sidewalks, and the State of Florida, she thought, viewed them as legal on the sidewalks. She went on to say that Staff would bring that information back to Council.

Councilman Massucco referred to the Air Show that Councilman Reynolds had mentioned at the last Council meeting, and said he did go to it and that it was worth the ride to Charlotte County and the price, and that it was a wonderful show.

Vice Mayor Rynearson said he was really excited to see how the bridge traffic goes once they had it re-aligned and the trolleys started running up and down without being stopped by traffic. Mayor Van Duzer said he was excited about it also. On that subject, Mayor Van Duzer asked the Town Manager if she got his memo about the school buses, and she said she did, and that she would talk with him about it, but that the problem was that the Town really had to fight for the permit to create the trolley lane, and that the Town had only just gotten the green light that day. She clarified for everyone that the question was whether anyone else is allowed in the express lane on the bridge, like the school buses. She added that they are working closely with the Sheriff's Office and it's going to be tightly enforced. She indicated that as they were speaking the bridge was being sandblasted and the third lane was being created. Councilman Massucco jokingly asked if Ms. Segal-George was saying that Councilmen can't use it. Over lots of laughing from those present, Ms. Segal-George replied that she wouldn't dream of saying that.

Mayor Van Duzer mentioned that one of his constituents asked if the school buses would be able to use the express lane because it may help the school children get home more quickly. Ms. Segal-George said the problem was that the school buses could only turn to the right, but that she did have the suggestion written down and will bring it up. She said this was a trial period, and once they have gotten through that and things are working pretty well, then she could talk with them about that and other possibilities, including that the TMA had inquired about how the third lane could be better utilized if it is kept. She stressed that it had been an extraordinary fight to get to that point, and that the Town now has FDOT approval.

Councilman Thomas had nothing to report.

Councilman Reynolds asked Mr. Roosa if he had anything planned to bring before the Council. Mr. Roosa said he did not. Councilman Reynolds said he would then like to discuss the Ft. Myers Beach Town Attorney position, regarding the duties and responsibilities of that position. He pointed out there had been some frustration because of the guidance given to the Council from the Town Attorney. Councilman Reynolds then asked for some discussion from Council about that, and added that he felt everyone had experienced some dissatisfaction with the way things had been going, and that Mr. Roosa had been getting a lot of static on that.

Mayor Van Duzer asked if Councilman Reynolds was bringing an issue forward to be put on the agenda. Councilman Reynolds said he was not, but that he wanted it to be discussed because it was the only chance in the Council meetings when they could bring forth issues for discussion. In response, Mayor Van Duzer asked Councilman Reynolds to begin the discussion. Councilman Reynolds said that he had already begun the discussion by indicating that there was a lot of frustration because of a lot of folks believe, or feel, that the Town Attorney has given not very good directions to the Council.

Councilman Massucco agreed with Councilman Reynolds. Councilman Reynolds said that if there was no further comment, that he would like to make a motion.

**MOTION:** Councilman Reynolds moved to discontinue the employment of Mr. Richard Roosa as the Ft. Myers Beach Attorney as of March 21, 2005. Councilman Massucco seconded the motion for discussion.

Mayor Van Duzer stated it was his understanding that Mr. Roosa does not work for the Town under contract. Mr. Roosa said that was correct, that he serves at the will of the Council. Councilman Reynolds asked if he had a week-to-week contract, and Attorney Roosa said it goes from meeting to meeting.

Mayor Van Duzer said he realized that there were a lot of opinions about what had happened over numerous items such as the elections, the primary, and so forth, and that each concern needs to be looked at and considered carefully. He said to Councilmen Reynolds and Massucco that if the Council moved on the motion at that point that it would put the Council in a very difficult position. He expressed hope that there would a week or two to consider the issue because that would leave the Council without proper representation and he didn't to see that happen. He added that he understood why the motion was made, and that he had had conversations with Mr. Roosa himself, but he felt the Council had to move carefully in respect to him and the position, and he had hoped it could be done in an easier manner than what was being proposed at this meeting.

Vice Mayor Rynearson asked Mr. Roosa if he had any intentions of retiring soon, and Mr. Roosa said he did not. Vice Mayor Rynearson expressed his hope to Councilmen Reynolds and Massucco that the vote could be postponed until the next meeting. He went on to say that he thought they should try to get somebody to fill the position immediately, at least temporarily, because the Council cannot conduct meetings without legal advice. He suggested putting it on the agenda for the April 4<sup>th</sup> meeting so that the decision could be made, and in the meantime, directing Staff to look for someone who could temporarily fill the position. He reiterated that the Council cannot conduct meetings without legal representation.

Councilman Massucco said that he seconded the motion, but what Vice Mayor Rynearson said made a lot of sense, agreeing that the Council has to have legal representation during the meetings. He didn't believe it would be harmful to postpone the vote on the motion so as to give Staff time to conduct a search for another attorney.

Councilman Reynolds said he was sure the Mayor would realize that he had given it a lot more thought beforehand, and acknowledged what the other Councilmen and the Mayor had said. He stated it was already approved, that the Council expected it and the attorney's contract is paid in full, and any remaining salary shall be compensated and paid through the regular processes, which meant they were not talking about shortchanging anyone. He went on to say it would be a simple thing to get a temporary attorney, and he was sure a temporary arrangement could be made for an hourly wage. Councilman Reynolds added that he was sure at least temporary legal counsel could be obtained by the following Wednesday, March 28<sup>th</sup>, and so the Council would not be left without legal representation. In reference to the harshness of the action, Councilman Reynolds said he did not feel good having to go in the direction they were going, because he liked Mr. Roosa a lot, but he felt the Town and Mr. Roosa are going in separate directions. Councilman Reynolds restated his belief that they could get a temporary chairman (sic) by next week, and that the Mayor probably knows some of the attorneys who could fill the position temporarily. He said that people had been calling him and suggesting attorneys to consider for the position, and he averred that they could have a temporary chairman (sic) by the following week and then they could go through the approval process as a temporary job. Under the guidance of the temporary attorney, he thought the Council could follow the process of advertising, getting applicants, and over the ensuing two or three weeks the Council should be able to select a new Town Attorney. He believed it was not too soon to take this action, and didn't believe they would be without legal representation. He said he hadn't presented all of these points when he first raised the issue and made the motion, and opined that maybe the Mayor had not realized that Councilman Reynolds had thought it through a little more than that. He remarked that he had heard some attorneys say that the Council does not need to have an attorney present at every meeting, and that it would depend on what was being addressed as to whether an attorney's presence was necessary, so that if something came up in the course of a meeting, they could postpone actions until an attorney would be able to give legal advice, and if they had certain kinds of meetings they would need representation. He said he did not believe they had to have an attorney at every meeting of the Council.

Mayor Van Duzer acknowledged Councilman Reynolds opinion, and Councilman Reynolds countered that it was not just his opinion but the opinion of many people outside of the Council, and was a legitimate one. Mayor Van Duzer countered that he would be very uncomfortable conducting Council meetings without a Town Attorney present. He then addressed Mr. Roosa, and asked him that, if this issue was placed on the agenda for the next meeting, would Mr. Roosa be willing to serve as the attorney for that meeting.

Mr. Roosa assured Mayor Van Duzer that he intended to serve the Council for as long as he was wanted, and went on to suggest an alternative motion to direct the Town Manager to employ an interim attorney to start on April 1<sup>st</sup>, and that as soon as the person is selected that they contact him and he could work with them during the transition period between this meeting and the next meeting and the April. Mayor Van Duzer pointed out that there would be no Council meetings

between this meeting and the April 4<sup>th</sup> meeting, and Attorney Roosa said that it would give the Town Manager time to find an interim attorney that he could work with. Vice Mayor Rynearson remarked that this would ensure that the Council would not be without an attorney at any time. Mayor Van Duzer felt that Mr. Roosa had made a very honorable suggestion.

Councilman Reynolds stated that for the very reason that Mr. Roosa would make a comment like that is the reason for the motion. He said Mr. Roosa was bypassing Council, as he felt Mr. Roosa always does, and directing the Town Manager, and that is the Council's duty.

Mayor Van Duzer countered that he believed all Attorney Roosa was doing was suggesting an alternate way of handling it, rather than going with the motion Councilman Reynolds had made, and that he thought Mr. Roosa had nicely suggested that the Council instruct the Town Manager to begin conducting a search for an attorney, which would give the Council time to digest all of what is before them on that issue.

Councilman Reynolds said that since he still had the floor, he wasn't suggesting that Attorney Roosa was being rude, but that Mr. Roosa was not following, in Councilman Reynolds estimation, the procedures. He reiterated that it is the Council's responsibility to direct the Town Manager, not the Town Attorney's. He said the Council hired the Town Manager to serve the Council. He added that one of the biggest problems he had with Mr. Roosa was that Mr. Roosa ignored Councilman Reynolds, and even denied him representation because Mr. Roosa had to represent the Town Manager because she got herself in a little fix on the harassment case.

Mayor Van Duzer indicated that Councilman Reynolds was getting away from the subject, and cited the rules in their policy manual that the Council had agreed to abide by, and those rules state that the Council members will not violate the people they work with. He recapped that the motion was made, and that there had been a lot of discussion, and that Councilman Reynolds still had the floor, but only as discussion. He went on to say that if the discussion was concluded then he would call the motion.

Councilman Reynolds said that he was not done because he was being interrupted, and told Mayor Van Duzer to let him finish. He said he was just as responsible as the Mayor, and that he was not going to do anything to degrade or abuse or insult the Council. He went on to say that he would appreciate it if the Mayor would let him finish his statements before interrupting him and explaining to him what the Attorney said. He said understood that Mr. Roosa said nothing wrong, but Councilman Reynolds was just pointing out that he went in a direction that the Council should not go in. He said it was his right to do that, and that was what this was all about. He felt he was in an uncomfortable position, but he felt that somebody had to carry forward the feelings and the reactions of the community. He said he was doing that, and not just to be mean to Mr. Roosa, or to bring anything in any way against the Council. He said he was just trying to tell it like it is, and that he was certainly not trying to violate policy. He then asked the motion to be called. He did not see a reason to postpone it but if it did

not pass, then he wanted a chance to make two or three more statements after the vote.

Councilman Thomas said before any vote is taken, he felt they should find out what the consensus of the Council is. He pointed out there are five Council members, and wondered if there was a consensus of at least three people who wanted to bring the motion forward, or if there was a clear majority against it. He felt that would give the Council some direction to go in. He thought that at this meeting, they should be able to give each other a direction to go in, and then proceed from there and stop putting things off. He went on to say that there are a lot of options and lots of information around replacing the attorney and felt that they should not put things off. He said referring to how things were done in the past is not relevant, but what the Council was doing now was what they had to consider. He said they need to determine what the people want. He said he knew what he wanted, but he wanted to know what the majority of the Council members wanted.

Vice Mayor Rynearson said he could not support the motion the way it is, to terminate the attorney. He thought that if they could come to an agreement to bring on a new attorney that Mr. Roosa can work with until the next meeting, and then bring the motion forward at that meeting, at that point he would strongly consider it. But he could not see operating without an attorney, because he felt it was very bad policy to do so.

Councilman Massucco said that his main concern was conducting meetings without legal expertise in the room. He said if the Town Manager could arrange to have an attorney at the meeting, he thought that would be fine as long as Town Council was represented legally. He said that was his only caveat.

Councilman Reynolds said he appreciated all the comments made by the Council members, but if the item is approved, then they would need an attorney, and that was why it was all being brought up. He said they need an attorney who will effectively represent the Town Council and the Town of Ft. Myers Beach, and that he or she must represent Council and not the Town Attorney (sic) except by the approval of Council. He believed that it would be a correct statement to say that it was a sore spot for a majority of the residents of the Town. He said the Town Council could ask the Town Manager to get an attorney, or he could reach out himself through some of the networks that have come to him, and he could guarantee that he could have a temporary attorney present by the next week, and it would be someone for whom the Council would have the deepest respect, who would be an unbiased individual who did not live on or too close to the island. He hoped that they could get this over with rather than beating around the bush. He said he didn't want to keep talking about it, nor did he wish to insult Mr. Roosa. He believed that Mr. Roosa had done what he felt he had to do, and he was not knocking that. He was simply saying that the Council needed new representation and a different direction.

Vice Mayor Rynearson responded the Council needs representation starting immediately after Mr. Roosa leaves, and that the Council would need representation on the that night if he was fired then and there. He pointed out that the next day they would have legal matters, and that the Town Attorney is called

every day on legal matters. He told Councilman Reynolds that he didn't think anyone was fighting his motion, but rather immediate action on it would leave the Council in a spot with no legal representation. That was why he could not vote in favor of the motion. He suggested that they go along with Mr. Roosa's suggestion to direct the Town Manager to find an attorney that Mr. Roosa can work with up until the next Council meeting, and then finalize it at that meeting, and the Council is never without representation.

Councilman Thomas said he understands the motion completely. One thing he did not care for at all was the harsh words that were being used. He said "we're going to fire the Asst. the Town Manager", "we're going to fire Mr. Roosa" were harsh, and that they might as well start a bonfire in the middle of the chamber. He believed they could be a little nicer, with a little more etiquette, and then talk about the issues themselves.

Mayor Van Duzer said he felt it was time to call the question, and that everyone had had ample opportunity to discuss it. Councilman Reynolds interrupted the Mayor and the Mayor asked Councilman Reynolds if he had more information about the motion that he wanted to offer.

Councilman Reynolds said he had a lot of things to work out but opined that the Mayor was not ready for it. But he added that the Council will not be without representation, legal counsel, if what Mr. Roosa said was true. Councilman Reynolds said he had no problem letting it go until next week. He added that he'd heard so many Councilmen say they would do something and then ten minutes later vote against it, and then the following week the same thing would happen again. He said he would like the Council to get a little unity in what they're saying and then live behind their words. He said if the motion does not pass, then it would go to next week. But he wanted an answer to his motion. Mayor Van Duzer asked Councilman Reynolds to restate the motion.

**MOTION:** Move to discontinue the employment of Mr. Roosa as Ft. Myers Beach Town Attorney effective this date, March 21, 2005. It had already been seconded.

**VOTE:** Motion failed 4 – 1.

Mayor Van Duzer then asked for another motion. Vice Mayor Rynearson moved to have the Town Manager find temporary legal representation to come on to the job as soon as possible, to work with Mr. Roosa, and by the next meeting on April 4<sup>th</sup>, bring this issue back to the table and decide then whether to terminate or keep Mr. Roosa on as Town Attorney. Motion seconded by Councilman Massucco for discussion.

Councilman Massucco felt that one of the stumbling blocks was the reference that the Town Manager would select a temporary Town Attorney. He referred to Councilman Reynolds' offer to find an attorney, and Councilman Massucco thought Councilman Reynolds suggestion should be equally considered with the Town Manager's suggestion. He said he didn't want to rule out the possibility of Councilman Reynolds finding an attorney.

Mayor Van Duzer suggested the Council and the Town Staff put the word out that the Council is looking for temporary legal counsel and eventually a full-time attorney and that the process should start immediately. He felt that Council should ask Mr. Roosa to stay in the loop until someone comes forward to fill the position. He believed it was the only reasonable way of going about this action. He felt that Vice Mayor Rynearson's motion was contrary to that way of thinking.

Vice Mayor Rynearson asked if what the Mayor was saying was that the candidates would be brought to Council and that Council would pick the one they wanted as a temporary. Mayor Van Duzer asked for more discussion as to how the process of selecting a temporary attorney would take place. He asked if, after putting out the call for applicants, if the applications could be readily distributed to the Council.

Deputy Town Manager John Gucciardo responded that the way it could work is that if the Council directed the Town Manager and Staff to arrange for a temporary attorney, that the temporary or interim attorney would work with the Town Attorney, Mr. Roosa to transition to be prepared for the April 4<sup>th</sup> meeting. Then, at the April 4<sup>th</sup> meeting, he thought the Council could deal with the question as to whether or not to continue to retain Mr. Roosa or not. If it is decided to retain Mr. Roosa at that time, Mr. Gucciardo stated that there would then be no change. If not, he pointed out that the interim attorney would act until that role until the Council directed Staff to bring back candidates for the permanent position for Council's consideration, and the choice would still be the choice of the Council.

Vice Mayor Rynearson said that that was the motion he made, but that Mayor Van Duzer wanted to throw in that the Council also had the say on who would be hired as the temporary attorney. He felt that that would be very difficult.

Mr. Gucciardo felt that the only mechanical problem with that was being able to choose that person to sit in that temporary role before a meeting of the Council.

Mayor Van Duzer offered that maybe it was the way the motion was termed, but he had no problem with the way it was described by Mr. Gucciardo. Vice Mayor Rynearson said that was what he meant in his motion, and Mayor Van Duzer said then he had misunderstood the motion. He went on to say he had a problem with the wording that the Town Manager was going to hire the temporary attorney.

Mr. Gucciardo said all they would be doing would be to bring a person in to fill that role temporarily, and if the Council decides to dismiss Mr. Roosa, then the person would stay in that position until Council directed the Town to advertise for a permanent position, and then the Council would select the permanent person.

Vice Mayor Rynearson said that at this point, there was no position to fill because they are going to move on that decision at the next meeting.

Councilman Reynolds said he was trying to take the selection out of the hands of the Town Manager and the Staff, as it was the responsibility of the Council. He said if they tell them to get some names and give them to the Council, and the Council can get names of candidates to bring to the Council, then

the Council can pick one of the candidates through a ballot, if that is what everyone wants to do for the temporary, and he believed it could be done in one session. He did not believe they would solve anything much if Council asked the Town Manager and the Staff to select a new attorney, as the situation seemed to be a problem. He added he did not mean any disrespect at all, but that was the way he saw it.

Councilman Massucco thought that under Mr. Gucciardo's proposal the Council would have the ultimate authority to hire the permanent attorney. Mr. Gucciardo affirmed that. Councilman Massucco thought that getting an interim attorney was not something the Council could overcome at the time, but the Council would still retain the power to hire the permanent attorney with Mr. Gucciardo's proposal.

Councilman Reynolds said he did not agree too much with the motion on the floor. He indicated to the Council that he wanted to be as cooperative as possible, and that he would go along with it, even though he felt it was not the best idea.

Mr. Roosa stated that it might be helpful if the Council was willing to hold a special meeting the following Monday, and have whomever the Town Manager could get in that time so that the Council could do the employing of the temporary attorney.

Marsha Segal-George said that the CELCAB meeting was scheduled for that Monday. She then pointed out that the next two weeks are typically two of the busiest weeks the Town has in the year, and the Staff is incredibly busy, and because of that, she felt it would be difficult to be ready by the following Monday. She then cited an earlier statement made by Vice Mayor Rynearson regarding the fact that legal issues crop up all day long every day, and often times she will call Mr. Roosa with four or five issues that need to be dealt with, and other Staff call him as well, with all the projects that are ongoing and for which they need advice. Because of these things, Ms. Segal-George stated that it is significant that there be an attorney in place. She said it would be a whole lot easier to give her until April 4<sup>th</sup>.

Mayor Van Duzer said he believed that was what the motion stated.

Councilman Reynolds said that he realized Town Hall is busy, but he didn't think that anybody gets busy enough to do the most important things, and take care of the most important problems in our Town, and he indicated to Ms. Segal-George that he included her in that. He reiterated that no one gets that busy that they can't handle the most important job that needs attention.

Ms. Segal-George began her response, but Councilman Reynolds told her to wait a minute. He then went on to say the fact that there was a meeting on Monday was fine, and suggested they meet on Tuesday or Wednesday. He said that in other words he did not want to say that they were busy and that they couldn't do it right away, and that was why the election got put off until November, for the same reasons. He said that that didn't sell then and it was not going to sell at this time, either. He added that what he was encouraging the Council to do was to have a special meeting, as Mr. Roosa suggested, on Monday, March 28<sup>th</sup>, and if that could not be done, then to find another day that week.

Mayor Van Duzer asked if he was offering that suggestion for discussion on the motion. Councilman Reynolds said he guessed it was the same thing the Town Manager was having, and that he guessed it was dialogue.

Mayor Van Duzer said he wanted to stop that dialogue, and that kind of dialogue was not needed. He said there was a motion on the floor and that a discussion was being had about the motion, and that he wanted to hold it to discussion of the motion.

Councilman Reynolds asked if the motion could be read again.

Mayor Van Duzer said the motion was that the Council should instruct the Staff to conduct a search and come up with a temporary attorney to handle legal business, working with Mr. Roosa, and that they report back to the Council at the April 4<sup>th</sup> meeting. Mayor Van Duzer asked Mr. Massucco if that was what the motion was.

Councilman Massucco felt that it still didn't go far enough. He had a question about the Council retaining the power to hire the attorney. Mayor Van Duzer said that they would still retain that right, and the only persons that will hire a new attorney were the Town Council. He stressed that there was no question about that. Vice Mayor Rynearson said there was nothing in his motion about a permanent attorney, and that the motion was just to handle the temporary position.

Councilman Reynolds asked why they were ruling out the right of the Council to present names. Both Mayor Van Duzer and Vice Mayor Rynearson stated that they were not, and that the Council members could present any name that they wished. Councilman Reynolds said that he had already gotten some feelers. Mayor Van Duzer suggested that he talk to Staff and tell them to put the name in of the person he wanted to suggest.

Mayor Van Duzer then called for a vote on the motion on the floor.

**VOTE:** The motion passed with unanimous vote.

Mayor Van Duzer then directed the meeting back to Item VII on the agenda, which was Member Items and Reports, and acknowledged that Councilman Reynolds still had the floor.

Councilman Reynolds asked the Town Manager on what date her present contract would expire. Ms. Segal-George responded that as far as she knew, there was no expiration date on her contract. Councilman Reynolds responded with a note of incredulity, and said "Oh, really" and Ms. Segal-George took offense to that.

Mayor Van Duzer broke in to say that anything could be brought in at any time as statements or comments, during which Councilman Reynolds chuckled and said he was shocked in a jesting manner. Mayor Van Duzer said they were not going to have that kind of dialogue back and forth, and Councilman Reynolds said he simply asked and was shocked that there was no expiration date on the Town Manager's contract.

Ms. Segal-George asked the Mayor if she could speak and was allowed to do so. She said she didn't understand how Councilman Reynolds could be

shocked because he has had copies of her contract in his possession and so have other Council members.

Mayor Van Duzer asked Ms. Segal-George to discontinue her comments, and she stopped, and Councilman Reynolds thanked her for those comments. He went on to say that she had given them a copy of the contract some time ago. Mayor Van Duzer then directed Ms. Segal-George to furnish each Council member with a copy of her contract, and she agreed to do so. Councilman Reynolds interjected that he wanted everything

Mayor Van Duzer told Councilman Reynolds that if he wanted to make comments that he should direct them to the Council.

Councilman Reynolds said that they have dialogue all the time, and that the Town Manager had talked for about five minutes back and forth, and wanted to know why he couldn't ask for information. Mayor Van Duzer told him he had that liberty and to go ahead and ask for the information. Councilman Reynolds stated that he had already asked and had been chastised for it. As the Mayor tried to make a statement, Councilman Reynolds said he thought his question was pertinent, and said he had seen in Ms. Segal-George's contract that there was no expiration date. He said he would take a look at the copy of the contract she was going to furnish them, and would take a closer look at it, and commented that he had never heard of continuing contracts. He said it really threw him to learn that there was no expiration date.

Councilman Reynolds then introduced another item regarding the Lee County Sports Complex. He said it was open to all the elected officials in Lee County and some from other surrounding counties to watch the Cincinnati Reds beat the Minnesota Twins, and they did. He said he was just joking around a little bit about "his" team beating the Twins, and that it was a lot of fun.

Councilman Reynolds went on to mention the St. Patrick's Day parade that did not happen the previous Thursday, because it was rained out. But he said a lot people showed up at Santini Plaza and the restaurants and bars were filled and everyone was happy and enjoyed themselves. He mentioned that Councilman Massucco was there with his marching band but they couldn't march because of the rain. He talked about his beautiful red convertible that he didn't get to use because of the rain.

Councilman Thomas spoke about the parade. He said he was in the front of the parade in his car, and thought the Mayor would be happy to know that he was in his car with his signs that said: "Councilman Bill Thomas" on both sides of the car. He indicated that he got those signs up fast so that everyone would know he was no longer the Mayor. He said the signs were very attractive with shamrocks on them. He felt it was too bad they weren't able to have the parade for the kids, but the car and the participants got "washed".

Mayor Van Duzer said to Councilman Thomas that he would always be "Mr. Mayor" to him. This drew a chuckle from Councilman Thomas.

Mayor Van Duzer said he didn't go to that parade and for good reason, other than the rain. He said that, because the parade was cancelled, he went to the Florida League of Cities meeting held at the Waste Recovery Unit which was

sometimes called an incinerator in Lee County, and said it was a fantastic and educational thing it was.

Mayor Van Duzer also wanted to announce that the redesign workshops that were held earlier in March would be re-broadcast on Thursday, March 31<sup>st</sup> at 9:00 A.M. and on Wednesday, April 6<sup>th</sup>, at 5:00 P.M. and that the next workshop is scheduled for April 7<sup>th</sup> at 6:30 P.M. He asked about being fed, and the Town Manager said they would be serving dessert. He quipped that he wasn't sure if people showed up because they were fed a great meal, but a lot of good people were in attendance.

Mayor Van Duzer then stated that he attended the Celebration for Life for Eric Ludvigsen at Bay Oaks and he said it was a very heartwarming experience where there were about 300 people attending. He said everyone spoke very kindly. He added that it was a great loss to the Town and that Eric had wowed the hearts of many people in the community. He stated that it was a difficult Thursday, Friday, Saturday and Sunday for him because his wife went into the hospital at 5:30 A.M. on Friday morning. He wanted to thank the Staff and Council for the flowers they sent to her in the hospital. He said she was home now and doing very well and was probably wondering if he was ever going to get the meeting over with. He thanked everyone again for their kind words.

#### **VIII. TOWN MANAGER'S ITEMS:**

Marsha Segal-George said she had a few things to bring to everyone's attention.

The first thing Ms. Segal-George mentioned that they were working on the express lane on the bridge that night and tomorrow morning or Wednesday morning they would actually have trolleys going down that express lane. She said they were approaching 150,000 ridership on the Park'n'Ride, which she thought was incredible, in that it was the equivalent of 37,500 cars that have not come on to the Island because people had opted to take the Park'n'Ride trolley. She said that if 37,500 cars were lined up would go from Ft. Myers Beach to Tampa or from Ft. Myers Beach to Ft. Lauderdale.

Ms. Segal-George next mentioned that work was being done on the third camera. She said they had had some problems with the camera, and that they had had some software glitches that had since been fixed and now work was being done on the third camera at the Red Coconut. She said that Sprint had given the Town permission to put a feeder relay on their tower so that line of sight could be gotten down to the Red Coconut, and that camera, the third camera, would be going in both directions.

Town Manager Segal-George then announced that the trolley stops were going to be improved that week. She added that Councilman Thomas will finally see new benches and trash receptacles on the cement pads up and down the Island. She said that LeeTran would be installing them and that the Town had been waiting a long time for them.

She added the week was going to be a busy week. She said the next day would be the start of the last Crescent By-Pass Tests, and that they would be

seeing the bypass in place. She also said that on Wednesday, excavation would be started on the swimming pool at the Mound House.

Ms. Segal-George indicated that parking at Summerlin Square had been moved over to the abandoned driving range and that another trolley had been added to the Park'n'Ride because they had already been running at capacity.

**IX. TOWN ATTORNEY'S ITEMS:**

None.

**X. PUBLIC COMMENT:**

Rose Conser, of 523 Estero Boulevard came forward and asked if anything was going to be done to the road on the north end of the Island. Both Mayor Van Duzer and Town Manager Segal-George responded in the affirmative. Ms. Segal-George went on to say that the drainage was being worked on currently, and that the plan is to put in sidewalks and underground utilities. Ms. Conser said that was good because they had been having a lot of problems there, and added that she was trying to build something there and was afraid to build it. She remarked that there was no use trying to fix the damage from the floods until the Town was done with what they were and then asked if it would be done before the end of the year. Ms. Segal-George replied that the Town would be waiting for the Pink Shell to get done with some of their major construction before the Town starts working on the road. Ms. Conser said she thought they were all done, and Ms. Segal-George said they were not, and that they had another building.

Pasqual Loffreno had two comments regarding Ft. Myers. He said he had had the opportunity to go to the incinerator that the Mayor had mentioned in his earlier comments. Mr. Loffreno said he had the opportunity to go a few years ago and said that it was one of the most beautiful experiences he had ever known. He said he couldn't believe the way they treat the garbage. He mentioned the park there, and suggested that if anyone there had not gone there should go and see it, as it was magnificent. The other thing Mr. Loffreno mentioned that two weeks prior he had gone to ECHO with his son. He said everyone working there was a volunteer and going there was a tremendous experience. He explained that their work there is to teach other nations, especially impoverished ones, how to cultivate. He said that he was going to work as a volunteer there and recommended that anyone who had not visited there should do so. Mr. Loffreno's last comment was regarding the drainage on the south end of the Island, and he had had a home for a number of years in Laguna Shores. He said he knew something about construction and indicated that Mayor Van Duzer knows about construction also. He asked that someone from Town go to the site and look at what they have been doing, because he felt that they were ripping everything apart and breaking water mains, at least one that he knew of, which created a lake of water. He wanted someone from Town to investigate the work to see what they are doing, and he expressed that it should be someone who would understand what the work was that was being done, not just a political show. He said he lost a little rent on his home because the tenants were not willing to stay with the problems being created by the workmen.

**XI. ADJOURNMENT:**

**MOTION:** A motion was made and seconded to adjourn the meeting.

**VOTE:** No vote was taken but no objections were made. The meeting was adjourned at 8:17 P.M.

Respectfully submitted,

Jo List  
Transcribing Secretary