

**FORT MYERS BEACH
TOWN COUNCIL
Town Hall – Council Chambers
2523 Estero Boulevard
Ft. Myers Beach, FL 33931
March, 6, 2006**

I. CALL TO ORDER

Mayor Garr Reynolds called a regular meeting of the FMB Town Council to order on Monday, March 6, 2006 at 6:30 PM.

Members Present: Mayor Garr Reynolds, Vice Mayor Don Massucco, Councilman Dennis Boback, Councilman Bill Shenko, Jr., Councilman Charles Meador

Excused Absence: none

Town Staff Present: Interim Town Manager Rachel Lambert, Town Attorney Anne Dalton

II. PLEDGE OF ALLEGIANCE

All present stood for the recitation of the Pledge of Allegiance.

III. INVOCATION

Rev. Sean Kritser of the First Baptist Church gave the invocation.

IV. PRESENTATION BY THE HONORABLE CHARLIE GREEN, LEE COUNTY CLERK OF COURTS, REGARDING AUDIT FUNCTIONS

Mayor Reynolds introduced Mr. Green, and explained that the Council had reached out to his office for help with regard to the Town's finances.

Charlie Green said the County Clerk of Courts served as the internal auditor for the Board of County Commissioners and for the Clerk's office, and through Interlocal agreements, his office had conducted internal audits on other constitutional officers. He said his office would be happy to assist the Council.

Mr. Green said that, from his discussion with Councilman Meador, he understood the Council wanted to answer these questions:

- 1) Is the Town financially solvent?
- 2) How are the books kept?
- 3) Are things in good shape?
- 4) What kind of agreements did the Town have with future commitment?

Mr. Green said he would work with the designated contact in Town Hall to keep the Council informed as the audit went along. He felt it could be accomplished fairly quickly, although they would be thorough.

After fielding questions from the Council with regard to what they were hoping to get out of the audit, and a discussion about the various software programs used by both the Town and his office, Mr. Green expressed hope that, within a day or two, his office would get a list of things the Council was specifically looking for, to which they would respond with information as to how much time his office thought it would take to accomplish those things. He asked that the list be prioritized. Mr. Green suggested that the Council members review the financial statements from the past two years, along with management comments included; he felt this would give them a starting point from which to help them determine what questions they might want answered during the audit.

Mr. Green said everything his office did during the audit would remain confidential until the audit was completed, except for information his office would give Ms. Lambert, which she would then pass on to the Council. Mr. Green said the individual Council members could call him anytime, but that he would not “daisy chain” their comments from one to the other. He saw no problem with Councilman Meador acting as the designated “point man” for the Council.

Mr. Green said as the audit went along, all information he gave to Councilman Meador would be confidential until the audit was complete. He said the audit would encompass the past two financial years prior to the current one.

Mr. Green related personal memories from his life on the Island, and said he had a lot of deep roots on Ft. Myers Beach; he said whatever the Lee County Clerk’s Office could do to help, they would do. He said the audit would be done at their cost, because they were not allowed to make a profit, and that those costs would be known to the Council as they went along.

This concluded Mr. Green’s presentation.

V. INTRODUCTION OF ORDINANCE 06-10 AMENDING ELECTION DATE AND ORDINANCE 06-11 AMENDING REORGANIZATION DATE

Mayor Reynolds said these should have been done in November. He cited a memo written by Councilman Shenko on 1-30-06 regarding the terms of the Mayor and Vice Mayor, sent to the Town Manager. On 1-31-06, the Town Attorney responded; Mayor Reynolds stated he had a problem with Ms. Dalton’s response because she had cited ordinances which clearly stated the reorganization of the Council should take place at the first Council meeting in March 2006. His response to Ms. Dalton was that the ordinances she had

cited in her memo were “ghost” ordinances prepared by former Town Attorney Roosa and former Town Manager Segal-George. He said Attorney Roosa had said the ordinances should be changed but they hadn’t been.

Mayor Reynolds read the caption of Ordinance 06-10. He then explained the changes he wanted to see made.

MOTION: Councilman Meador made a motion to table the matter. Councilman Shenko seconded the motion.

Councilman Meador expressed concern about Charter amendments, especially with regard to elections of Council. Although by statute the Council could keep moving election dates forward, Councilman Meador pointed out that the Supervisor of Elections had stated that she would not run any municipal elections for the Town in Presidential election years. Councilman Meador mentioned his suit against the Town with regard to amendments made to Article V of the Town Charter, the entirety of which he said needed to be looked at. He felt it would create more problems to continue to amend that section piecemeal. He said the Council was required by existing ordinances to reorganize the Council at this meeting, and felt the effect of passing the proposed ordinances would be that the Council would still have to reorganize at this meeting, and then reorganize again in November should the proposed ordinances be passed.

Mayor Reynolds said the proposed ordinances had nothing to do with changing the Town Charter.

Reading from the proposed ordinances, Councilman Meador countered that passing the proposed ordinances would change the Town Charter.

Mayor Reynolds said the Charter could not be changed by ordinance but by public referendum only.

Councilman Meador said the Council could change the Charter by ordinance. He did not feel the proposed ordinances would not be wise amendments to make.

Mayor Reynolds said it was not his intention to change the Town Charter, but simply to change 05-05 to 06-10, so as to bring the November 8, 2005 election in concurrence with what had been done already. He said the Mayor and Vice Mayor appointments had never been changed four months after reorganization in any of the ten years of the Town Council’s existence. He said there was some “wrong language in the other one that would not be apropos at this time.”

AMENDED MOTION: Councilman Meador made a motion that the amendments embodied in both 06-10 and 06-11 be tabled. Councilman Shenko amended his second.

Mayor Reynolds read the caption of Ordinance 06-11. He explained the corrections he wanted to see made on the document. He said the changes that had been made were done so as to extend the terms of the then-Council, and to avoid an election. He felt the proposed Ordinance 06-11 would correct the document, and would bring it in line with the Town Charter.

Councilman Meador felt the changes that had been made had been for different reasons than those stated by Mayor Reynolds. He felt it had been done so that the then Vice Mayor, Mr. Reynolds, could be taken out of the running for the mayoral position.

Councilman Meador said the proposed ordinance would amend the Charter. He said it would extend the current Council member's terms, which he was not willing to do, as they had been elected to a March term. He said the proposed ordinance would not be fair to the Island's citizens and that it would jeopardize the Town's ability to have the Supervisor of Elections handle the Town's elections during Presidential election years. He said not passing the proposed ordinances might mean a shorter tenure as Mayor for Mayor Reynolds, but felt it would be short-range thinking to allow that consideration to enter into the decision.

Councilman Shenko said originally the Town Charter had called for November elections, and that the prior Council, by ordinance, changed the elections to March, which they had the power to do, but they had added a year to their terms. In Councilman Meador's suit against the Town, the judge had ruled against the additional year, but the Council had not held an election until November, 2005. He said his term would end two years from this month (March 2006). He felt passing the proposed ordinances would extend his term, and that the present Council would be committing the same "sin" they had.

Mayor Reynolds then read a prepared statement, which was a memo that had been addressed to Town Council, regarding the reorganization of the Council. In this memo, Mayor Reynolds said the reorganization was a farce, as the ordinances that stood had been passed by three Councilmen who were in defiance of the judge's ruling regarding the Town's elections.

In the course of Mayor Reynolds' reading of his memo, Councilman Meador raised a point of order, as he felt the statements being made by the Mayor were insulting to him and the other Council members. Mayor Reynolds said Councilman Meador had no right to interfere with his presentation, and that his statements were not insulting. Councilman Meador said that, per the

Policy and Procedures manual, insulting statements should not be made at a public meeting. He felt the statements in Mayor Reynolds' memo violated the posted rules of civility.

Mayor Reynolds said he was sharing his viewpoints, which he was allowed to do in a presentation at a Council meeting. He asked that he be allowed to finish reading his statement without interruption; he then read the rest of the memo, in which he suggested ways to shorten the length of Council meetings, and called for the Town Attorney to file the reorganization issue in court so that a Judge Corbin could make a ruling on it. As Chairman of the Council, Mayor Reynolds declared Ordinance 05-04 and Ordinance 05-05 invalid. He said the Council had always elected a Mayor and Vice Mayor immediately after an election, which he said was done in November, 2005. He said the present Council was acting on a whim to change the leadership without attempting to improve the efficiency of their presentations. He felt not passing the proposed ordinances would bring dishonor to the Council. He said many people had told him that they were happy with how things were going with the newly-seated Council. After finishing his prepared statement, Mayor Reynolds said that although he could not do it at that juncture, he wished to make a motion that the issue of reorganization be sent to Judge Corbin for a ruling.

Councilman Boback said he was not in favor of amending the Town Charter, which the passage of the proposed ordinances would do. He said if the elections were going to be held in March, it was when the reorganization should occur. Councilman Boback took "serious" exception to the statement Mayor Reynolds made in which he said not passing the proposed ordinances would bring dishonor to the Council as he knew of nothing that he or any other member of Council would do to bring dishonor to it.

Mayor Reynolds countered that the Council intended to reorganize without any ordinances deeming it be done, and that it would be done without approval of any ordinance. He felt that would bring dishonor to the Council. He said the tenures of the Mayor and Vice Mayor positions, elected in November, were meant to be one-year terms.

VOTE: The motion carried 4 – 1.

VI. REORGANIZATION OF TOWN COUNCIL

Town Attorney Anne Dalton requested nominations from the Council for the position of Mayor.

Nominations for Mayor:

Council Member

Councilman Meador

Councilman Shenko

Nominated

Councilman Boback

Councilman Boback

Mayor Reynolds	No one nominated
Vice Mayor Massucco	Councilman Boback
Councilman Boback	No one nominated

MOTION: Councilman Shenko made a motion to close the nominations. Councilman Meador seconded the motion.

VOTE: By roll call vote, all Council members voted in favor of closing the nominations. The motion carried.

Election of Mayor:

Councilman Meador	in favor
Councilman Shenko	in favor
Mayor Reynolds	in favor
Vice Mayor Massucco	in favor
Councilman Boback	in favor

Councilman Boback was congratulated by Ms. Dalton as having been named Mayor.

Nominations for Vice Mayor:

Council Member	Nominated
Councilman Meador	Vice Mayor Massucco
Councilman Shenko	Vice Mayor Massucco
Councilman Reynolds	Vice Mayor Massucco
Vice Mayor Massucco	himself
Mayor Boback	Vice Mayor Massucco

MOTION: Councilman Shenko made a motion to close the nominations. Mayor Boback seconded the motion.

VOTE: The motion carried unanimously.

Election for Vice Mayor:

VOTE: All Council members voted in favor of continuing Vice Mayor Massucco's tenure as Vice Mayor.

Vice Mayor Massucco was congratulated by Ms. Dalton as having been named Vice Mayor.

A recess was called.

VII. PUBLIC COMMENT

Mayor Boback indicated a change in procedure, wherein the Town Clerk/Town Manager would call the names of those wishing to make Public Comment.

Dave Gabriel, Vice Chairman the Beach Chamber of Commerce Board of Directors, and the Chairman of the 2006 Taste of the Beach Committee, came forward. He asked the Council's approval for the Taste of the Beach event as planned. He said he wanted to address any questions the Council had so that the Chamber could proceed with advertising and permitting. He noted that no Town funds were being requested.

Ceel Spuhler of 7150 Estero Boulevard came forward. Ms. Spuhler asked the Council to approve the requests before them with regard to the Mound House ADA compliance issue, and that the grounds be opened as soon as the first picnic table was modified. Additionally, Ms. Spuhler asked that the landscape architectural plan be moved forward.

Carrie Hill, of 111 Bahia-Via Drive, came forward. Ms. Hill asked that the Council do all it could to get the Mound House reopened as soon as possible. A volunteer at the Mound House, Ms. Hill spoke of its value and beauty.

NOTE: All speakers congratulated the Mayor and Vice Mayor on their election to those positions.

Public Comment was closed.

VIII. CONSENT AGENDA

A. APPROVAL OF MINUTES – February 13, 2006

B. FINANCIALS FOR THE MONTH OF JANUARY

C. UPCOMING EVENTS

- 1. Shrimp Festival Party**
- 2. St. Patrick's Day Party**
- 3. Taste of the Beach**

Councilman Meador requested that Item B – Financials for the Month of January – be pulled from the Consent Agenda.

Councilman Shenko requested that Item C – Upcoming Events – be pulled from the Consent Agenda.

Corrections in February 12, 2006 minutes:

Page 10, end of 2nd paragraph – March 6, 2004 should read March 7, 2005.

Page 4 – Mr. Nokronis was misspelled. Ms. Lambert indicated she would find the correct spelling of his name, and that the correction would be made.

MOTION: Councilman Reynolds moved to approve the minutes of 2-13-06. Councilman Shenko seconded the motion.

VOTE: The motion carried unanimously.

Re: Item B

Councilman Meador pointed out that Mr. Green would be coming to look at the Town's financial situation; Councilman Meador was not in favor of approving the January financials, from a legal standpoint, before knowing if there was anything wrong with them beforehand. He expressed his wish that Council not approve any financials until after Mr. Green's analysis and recommendations.

MOTION: Councilman Meador made a motion to defer approval of the January financials to a later date, yet to be determined, after Council had received a report from Mr. Green. Councilman Shenko seconded the motion.

VOTE: The motion passed unanimously.

Re: Item C

MOTION: Councilman Shenko made a motion that outdoor amplified entertainment not be included in the approval of the Shamrock's Shrimp Festival party and the St. Patrick's Day Party; Taste of the Beach to go forward as presented. Vice Mayor Massucco seconded the motion for discussion.

Councilman Shenko felt that, at the St. Patrick's Day Party at the Shamrock, as well as the party they planned during the Shrimp Festival, any amplified entertainment be presented inside the establishment, rather than outside. He noted that both events were for-profit, whereas the Taste of the Beach was non-profit.

Vice Mayor Massucco pointed out that the Shrimp Festival ended at 5 PM. Councilman Shenko didn't think the time of day made any difference. He felt outdoor amplified entertainment violated the Town's noise ordinance.

Councilman Reynolds concurred with Councilman Shenko, as there had already been complaints made about amplified music at the Shamrock.

Councilman Meador said neither of the events, which had been held for several years, extended late into the evening, and pointed out that, due to the location of his own home, he would be the most adversely affected by noise produced at the Shamrock. He did not want to see the events closed down this year after having been regularly occurring events on the Island for many years.

Vice Mayor Massucco agreed with Councilman Meador's point of view. He reiterated that both Shamrock events ended early. He was not aware of any prior complaints against the Shamrock with these events in years past.

VOTE: The motion failed 3 – 2, with Councilman Shenko and Councilman Reynolds dissenting.

MOTION: Councilman Meador made a motion that all three events in Item C be approved as presented. Vice Mayor Massucco seconded the motion.

VOTE: The motion carried 4 – 1, with Councilman Shenko dissenting.

IX. ADMINISTRATIVE AGENDA

A. REQUEST OF FMB ART ASSOCIATION – GRETCHEN JOHNSON

Gretchen Johnson came forward to request funds to provide the prizes given to artists, and to provide some of the refreshments at the reception for the Spring Juried Art Show. Ms. Johnson said the show was open to the public and provided a cultural experience for Town residents and visitors. She noted that the Art Association was a non-profit organization that provided scholarship money for deserving art students at Cypress Lake High School. She invited the Council members to an open house on March 16th; she also announced a “clothesline sale” on March 25th.

MOTION: Vice Mayor Massucco made a motion to grant the request for funds from the FMB Art Association. Councilman Reynolds seconded the motion.

VOTE: The motion carried unanimously.

B. NEPTUNE INN ADMINISTRATIVE APPEAL CONTINUANCE

Ms. Dalton read Resolution 06-01 into the public record. Ms. Dalton noted that the prior Council had directed Town Staff and the Town Attorney to meet with the applicant, which was done. She believed the applicant was in concurrence with Resolution 06-01, and that the Town Staff and Town Attorney had brought the resolution back with the understanding that it fulfilled the charge brought by the former Town Council.

Mayor Boback declared the hearing open.

Ms. Dalton said the applicant’s and the Town Staff’s presentation would be that they were in agreement with the resolution. She advised the Council that if the resolution was not considered in the nature of a stipulation by them, that the applicants were prepared and willing to go forward with a traditional presentation.

It was determined that none of the Council members had had any ex parte communications with anyone at the Neptune Inn.

Ms. Dalton noted that there was no one from the public who wished to give testimony.

Mayor Boback closed the public comment.

Richard Uvanovich, the lawyer representing the applicant, after being sworn in by Ms. Dalton, came forward. He introduced the principle applicants, and then highlighted the main points of their case.

Mr. Uvanovich reviewed the three main concerns the former Council had had with their plan:

- 1) Notice to potential buyers concerning limitations on buildback under FEMA guidelines;
- 2) Town review of documents
- 3) Limitations on length of stay

The applicants' lawyer pointed out that all three of these issues were addressed in Resolution 06-01. Upon completion of his presentation, he thanked the Town Staff for having met with the applicants to work out a resolution to the issues that had been raised.

Councilman Meador had a question about the form of ownership and under which statute the property ownership would be organized. Mr. Uvanovich gave Councilman Meador the appropriate information, especially noting that the property would not be a condominium.

Councilman Shenko asked how the rule allowing no more than sixty days occupancy per year per owner could be enforced. Mr. Uvanovich felt the Town could do a periodic check of the property's records.

Councilman Shenko was uncomfortable with the Town taking on the burden of having to make federal flood disclosures, and said he was concerned with the Town taking on additional liability by creating its own flood notice.

Vice Mayor Massucco noted that nothing had changed, in terms of plans for the property, since the first hearing, and that the property was still not in compliance with the applicable Land Development regulations codified in the FMB LDC, and not in compliance with the zoning regulations in the LDC, Chapter 34. He felt the resolution showed how many violations there were on the property. He felt putting a few words into their documents couldn't negate the code violations.

Mr. Uvanovich said it was ultimately up to the Council to determine if the proposed property plan was in compliance. He distributed copies of the Florida Attorney General's opinion regarding the issue of timeshares, which he used in support of the applicants' position that, because it was the type of

ownership and not the use of the property that would change, it was in compliance with the Town's LDC. He stated further that a non-conforming use did not equate to an illegal use. He said there was no question that the property had been properly permitted when it had originally been built, but that the rules had changed since then.

Vice Mayor Massucco reiterated his earlier point about the violations in height, flood plain elevation, etc. as noted in the resolution about the property. He wondered how those could be negated by adding verbiage to the documents. Mr. Uvanovich said the property would continue to operate under the current rules if it had never been bought by his clients. He said they were simply asking the Council to confirm that it was okay to change the ownership of the property and not the use of it.

Councilman Reynolds said he had had lots of concerns before this meeting, but all of them had been allayed by the steps since taken and the resolution before them.

Councilman Boback asked how many units would be available to rent by the public on a daily basis.

Sherman Potvin came forward to answer. Mr. Potvin said he had worked in fractional ownership with major developers, mostly hotel-related. He believed at least 50% of the Neptune would be up for public rent on a constant basis, based on the history of fractional ownership. He felt it was a win-win situation in this case, because the Town would get to keep an original building that would be improved at least ten times better than its original condition, and the developers benefited by being able to reduce their debt and operate it in a profitable manner. He added that the buyers would get the benefit of being able to come to the Beach and get a small return on their investment during the time they don't use their unit.

Mayor Boback asked Mr. Potvin how many units he felt the Neptune, specifically, would have available for public rental per year. Mr. Potvin's professional opinion was that there would be a minimum of 50% - and more likely 60% - always open to the public on a regular basis. He added that in off-season, the building would be used because of the structure of the ownership.

Jerry Murphy, Director of Community Development, pointed out that the Staff Report clearly disagreed with some of the statements made by Mr. Uvanovich during his presentation. But, at the direction of Council, Staff had worked with the applicants, and Staff believed the resolution satisfied the concerns the previous Council had expressed. He then distributed copies of an e-mail from Susan Wilson, who works in the Department of Homeland Security FEMA, in which she attested that the option to take the property into fee simple

timeshare program actually improved the project with regard to the NFIP, as it allowed each unit to be insured separately for a greater amount of money.

Vice Mayor Massucco said FEMA had been a big concern, and appreciated the information from Ms. Wilson.

Councilman Shenko said the Town's LDC was abundantly clear in that any hotel or motel proposing to convert to timeshare or dwelling unit would be required to comply with the density limitations of the Comp Plan and applicable parking regulations. He opined that while they could build an interval there, it had to be brought into compliance with current codes. He expressed bewilderment over the resolution, as it said the plan was in compliance as it clearly was not.

Jerry Murphy said he was not concerned about that specifically because the whole policy issue was currently being addressed by the LPA as part of the EAR of the Comp Plan. He added that when the EAR was finished, the LPA would be recommending a number of changes, clarifications and issues that had not been looked at before. He felt the Council was being given the opportunity, through this appeal process, to make a policy decision with regard to the particular use (interval ownership) that had not been directly contemplated with regard to condo/hotels.

Councilman Shenko disagreed, and felt it had been specifically contemplated as he had noted. He also reiterated that the time limitation, as specified in the resolution, would be unenforceable. He wondered if the 50% cap on post- or pre-disaster buildback had already been reached, rendering it a total loss if any damage at all were incurred in the future. He also believed the Town would be taking on a huge burden by requiring a disclosure with FEMA.

Ms. Dalton said a policy determination in the proposed resolution contained in Section 2, subparagraph 3 was the heart of the resolution. She felt the disclosure requirements were important, but the policy call would be contained in that context.

Councilman Shenko felt the resolution would change the LDC without a public hearing, with which he was in disagreement.

Ms. Dalton said the appeal was an administrative determination, in that an interpretation of the code had been requested of the Council. She felt it would not be changing the code by resolution, but said events vastly outstripped regulatory mechanisms, and there was room in the appeal for Council to make a variety of decisions based on their policy priorities. She said as the Town Attorney, she would be vehemently opposed to changing the LDC by resolution.

Councilman Meador understood Mr. Murphy to mean that the original Staff recommendation had been incorrect because of something that may be decided in the future.

Mr. Murphy said the original Staff recommendation had been correct and was still correct. He said the resolution suggested modifications that could be made to the original recommendation that would allow the project to go forward.

Councilman Meador asked if the building was still over density and not in compliance with floodplain elevation regulations, and Mr. Murphy said he was correct.

Councilman Reynolds said it seemed that the usage hadn't changed except for the name of the owner.

Mr. Murphy said Staff had been concerned mainly with the FEMA issue, and felt the resolution and Ms. Wilson's e-mail addressed that concern. He said it was up to Council to decide if the conversion of hotel/motels to hotel/motel-condos could be addressed by putting people on notice that there are some issues with the non-conforming aspects of the property, and that would assuage Staff's concerns. He felt Staff had laid out all the pros and cons so that Council could make the best policy decision possible.

Mayor Boback opened public comment.

Ms. Dalton administered an oath to Donald Baker, who came forward to make a comment.

Mr. Baker said most people at the Neptune Inn stayed for two or three months at a time. He didn't believe people would be allowed to stay at the Neptune for more than two weeks with the applicants' proposal for the property.

Henry Floriani of the Neptune Holdings came forward. Mr. Floriani said owners would have the option to stay longer than two weeks. He said if he and the other co-owners did not get a favorable vote from Council at this meeting, they would have to revert to the original plan. He thanked Council for their consideration.

Adam Morris of Neptune Holdings came forward. He discussed how the improvement budget contained about 15% for FEMA-related improvements, with much more going toward aesthetic improvements of the property. He had recommended to his fellow owners that they not tear down the Neptune, as he felt it would take something away from the Beach. He said if the Council wanted to save transient rooms on the Beach, the Town's policy had to change. Pointing out that he had a degree in architecture and several

Masters Degrees in the building arts, Mr. Morris said that structurally, the Neptune was incredible. He said the Beach had been his community his entire life, and wanted to see the Neptune stay as an asset to the community. He said if the project were not approved, jobs would be lost, and a destination for many people visiting year after year would be lost. He added that guests would be able to rent a room for as many days as they wished.

Public Comment was closed by the Mayor at this time.

In his closing statement, Mr. Uvanovich felt that Mr. Murphy's comments concurred with his that the use of the Neptune property would not be changed; he said it would be the same building, with the same non-conforming use, and would still be a hotel. He believed the document with the Attorney General's comments showed that the Town does not have the ability to regulate the ownership. He believed FEMA's viewpoint was that their plan was better than single ownership. He said if the project were not approved at this meeting, the property would become residences. He believed most people would like to see the property retained as a hotel.

Jerry Murphy wanted the record to show that he was not in agreement with regard to the ownership issue; rather, it was a question of parcelization and subdivision. He said it wouldn't matter who owned them; it was a case of non-compliant property being further subdivided.

Ms. Dalton wanted it on record that she believed the handout (AG 93-55) from Mr. Uvanovich was off-point. She said there was no discrimination on the basis of ownership on the part of the Town.

Ms. Dalton pointed out that the resolution had three parts; she hoped that Section 1 would be made as findings of fact and conclusions, as it would show the Town had done what it was supposed to have done.

MOTION: Councilman Meador made a motion to grant the applicants' appeal as presented. Councilman Reynolds seconded the motion.

Councilman Meador complimented Mr. Murphy and his staff. He then read the section of the LDC relevant to the applicants' appeal, which he felt showed that an existing building not in compliance would only have to be brought into compliance in the case of pre- or post-disaster buildback. He felt the section had been poorly drafted and needed to be corrected. He agreed that no amount of words would bring the building into compliance; but his view was that it was in compliance because the code specifically made provision for an existing hotel being converted that does exceed the density or intensity limitations. He agreed with the applicants' attorney that the Town seemed to be trying to govern how one owned, rather than used, property. He went on to say that the plan allowed for better insurance coverage due to the

number of owners involved. In the event of a disaster, he also pointed out that the Town would only be dealing with the association that owned the physical property, rather than the individual interval owners.

Councilman Shenko said if they granted the appeal, they would be amending the LDC, which he was not in favor of doing. He also felt the language in the resolution regarding the 60-day limit of usage was totally unenforceable. He didn't think the Town should take on the burden of giving people more flood disclosures because if the Town gave a disclosure that was incorrect, the Town would be liable. He felt the resolution needed to go back to the LPA.

Vice Mayor Massucco concurred with Councilman Shenko. He said the ownership issue was not a problem for him, but the code violations did.

Councilman Meador clarified that his motion was not to approve the resolution, but to grant the appeal.

Vice Mayor Massucco asked what the next step would be if the appeal were granted. Ms. Dalton explained that the Council would find that the appellant's interpretation was consistent with the LDC, and they would move forward without the restrictions set forth in the resolution.

Mr. Murphy said if that occurred, Staff would request that the Council clarify whether or not they would have to go through Planned Development process.

Vice Mayor Massucco hoped the EAR would clear all this confusion up.

Councilman Reynolds said there were other timeshares formed and sold that the Council had not known about. He complimented the owners and investors for having come forward with a complete disclosure as to their intentions with the property. He said they had been very open and informative. He could not see any problem with the project.

Mayor Boback said the insurance aspect would be dealt with in the owners' own documents, and it would be one association that would have to come forward and insure all the common property, and would have to bear the brunt of any reconstruction. He said the use of the property would not be changed, nor would the LDC be changed by approving the appeal.

Mr. Murphy asked again for clarification as to whether the applicants would have to go through the Planned Development process. Councilman Meador said that could be the subject of a separate motion.

VOTE: The motion carried 3 – 2, with Vice Mayor Massucco and Councilman Shenko dissenting.

Mr. Murphy explained the Planned Development process.

As the use of the property was not going to be changed, and all worked had to be done under proper permitting, Councilman Meador saw no reason to require that the applicants go through the Planned Development process.

Mr. Murphy read the provision regarding the Planned Development process.

Councilman Meador believed if there was a need to rebuild the property because of some disaster in the future, the PD process would be appropriate if they wished to rebuild.

Mayor Boback declared the public hearing closed, and called a five-minute recess.

C. PUBLIC HEARING – ORDINANCE 06-09 LOCAL PLANNING AGENCY

Mayor Boback opened the public comment on Ordinance 06-09. No one came forward, so Mayor Boback closed the public comment.

Ms. Dalton read the caption for the ordinance, of which there were two versions, which she explained were Version A written prior to the LPA review and Version B with the LPA revisions.

Mayor Boback said he stood by his original recommendation, that the LPA have up to seven members, with one change: he proposed that the LPA have one-year terms like the other Town committees. He didn't believe any Council would be foolish enough to replace all five LPA members at the same time. Regarding the LPA's concerns about the education component needed to serve on the LPA, Mayor Boback felt all that was needed was common sense and dedication. He said experience helped, but didn't think any of the LPA members had acquired any special education by serving on the agency. He said there was a learning curve, but felt any citizen with willingness and dedication could overcome it.

MOTION: Mayor Boback made a motion to amend the ordinance to include one-year terms, and up to seven members; for this year, the application date for membership, as well as the appointment date, would be changed to accommodate circumstances this year, but for every year thereafter, applications would be due by March 1st, and the appointment date would occur in April. Councilman Meador seconded the motion for purposes of discussion.

Councilman Meador said he saw value in the terms being two years on the LPA, not just because of the quantity of material, but also because less

educated members may rely to heavily on a consultant and led too much by same.

Councilman Shenko agreed with Councilman Meador, as he felt continuity was a good thing in the LPA, and would serve the Council better. He thought Councilman Meador's remark about the consultant issue was an excellent point. He liked Ms. Dalton's suggestion in her memo to Council with regard to how to stagger the terms.

Vice Mayor Massucco agreed that two-year terms on the LPA was more appropriate than one-year terms.

Councilman Reynolds agreed with Mayor Boback that the terms should be one year in length. Additionally, he proposed that there be a two term limit for membership on the LPA. He felt without the limit, the LPA would perpetuate itself as it had done for ten years.

AMENDED MOTION: Mayor Boback made a motion to have two year terms of membership, with a two-term limit, and up to seven members; to include the staggered terms as suggested in Ms. Dalton's memo; also, for this year, the application date for membership, as well as the appointment date, would be changed to accommodate circumstances this year, but for every year thereafter, applications would be due by March 1st, and the appointment date would occur in April. Councilman Meador seconded the motion for purposes of discussion. Councilman Meador amended his second to the amended motion.

VOTE: The motion carried unanimously.

Councilman Shenko stated that the two-term limit would not apply to any current LPA members, so that anyone who had already served two years on the agency would be ineligible for reappointment.

Ms. Dalton asked if it was the will of Council that every member of the LPA at this point would be appointed newly, or if any existing members would continue.

Mayor Boback asked if any existing LPA members had more than two years left to their current terms.

Ms. Dalton said there was one member whose term was up in 2008; three whose terms were up in 2007. She said there were potentially three new appointments.

Councilman Reynolds said it was up to Council to approve or disapprove the membership of any of the existing LPA members.

Ms. Dalton pointed out that the ordinance would get another hearing in Council, and that Councilman Shenko's concerns could be addressed at that time. It was determined that all members' appointments would start "from scratch".

Ms. Dalton asked about the application cut-off date and the appointment date for this year only, as the application cut-off date had to be moved 30 days from the date of the second hearing on the ordinance. It was determined that the appointment would take place at the first Council meeting after the application cut-off date occurred.

The next public hearing on the ordinance was set for March 20, 2006 at 6:30 PM.

D. ADA REPORT – MOUND HOUSE

Theresa Schober, co-Director of the Mound House, came forward. She reported that Mr. Bill Norkunas had spent most the morning of February 22nd with her and Ms. Lambert at the Mound House. She noted he had submitted a preliminary report as to his findings, via e-mail, to the Town Attorney, which had then been forwarded to Ms. Lambert and Ms. Schober.

Ms. Schober said the report listed 6 recommendations to make the house fully compliant, and reviewed those recommendations:

- 1) Installation of a temporary disabled parking space using red cones
- 2) Raising the surface of one of the six picnic tables on the grounds to accommodate a wheelchair
- 3) Installation of ADA compliant signage for the rest rooms
- 4) Installation of handrails on both sides of the ramp entrance to the house
- 5) Acquisition of a companion wheel chair – a common item used in historical structures
- 6) Provision of a temporary ramp at the threshold at the entrance door

Additionally, Ms. Schober said it was suggested that a base object be put on the floor that would mirror the fact that the stairwell was protruding, for anyone using a cane.

Ms. Schober gave cost estimates for the various recommended changes to bring the property into ADA compliance, noting that the handrails were thus far the most expensive item. She said that, except for the handrails, the estimated cost would be roughly \$440. She recommended that the area where the stairwell protruded be cordoned off, as people were not allowed on the second floor anyway. She said the protrusion issue could be handled within the house restoration project itself.

Ms. Schober requested Council's direction with regard to making the necessary repairs.

Ms. Dalton noted that the Mound House was currently closed to the public.

MOTION: Councilman Shenko made a motion to accept all the repairs and to move forward as soon as possible to make them; as soon as the Mound House was ADA compliant, it should be opened to the public; if the grounds were compliant sooner than the house, they should be opened earlier than the house; the Town should authorize expending \$1500 per ten foot for the superior hand rails, but to install them for less if possible. Mayor Boback seconded the motion.

Vice Mayor Massucco asked Ms. Schober to explain about the protruding stairwell and the suggested remedy. Ms. Schober explained that if one were blind or of limited sight, one would not have any warning of the protruding stairwell. She said the intention was to put something on the floor that one could hit with a cane, which would signal that there was something needed to be avoided.

Vice Mayor Massucco asked about the ramp to the restrooms. Ms. Schober explained that the slope of it, to be ADA compliant, needed to be one inch over 20 inches, and that railings were not required because the ground adjacent to the ramp had been filled to match the slope of the ramp.

Vice Mayor Massucco said he was glad Councilman Shenko had recommended an early opening for the grounds, as the American Canoe Association had a certification course planned there on March 24th through March 26th. Ms. Schober felt, because the only grounds modification recommended in Mr. Norkunas' report was the raising of the picnic table, and the portable sign for the handicapped parking space, that the grounds could be opened in time very quickly.

Councilman Shenko suggested that Mr. Norkunas should go through all of the Town's buildings on an annual basis with regard to ADA compliance. He suggested Mr. Norkunas might make an appearance before Council to find out what his cost might be for that service.

VOTE: The motion carried unanimously.

**E. OLD BUSINESS – LANDSCAPE ARCHITECTURAL RANKING
(1-23-06)**

Ms. Schober noted that when this item first appeared before Council, there had been a miscommunication, as the Council had thought Town funds were being requested to contract a landscape architect. She said the Town had accepted a grant from the Department of Forestry - hurricane recovery money

- that included reimbursements for the Town tree project, as well as Town tree expenses over the next two years, the Streetscape program, some replantings at the beach accesses, and the production of a landscape plan at the Mound House. She said \$9,000 of the grant money was earmarked specifically for the funding of a landscape architect.

Ms. Schober said CELCAB had heard four landscape architect firms' presentations, and had ranked three of the firms as being qualified to do the project, and one had not. She said two of the three firms deemed qualified by CELCAB had then received equal ranking by the committee.

Ms. Schober asked for Council direction as to whether CELCAB should move forward with negotiating a contract with one of the two equally ranked firms, or if the Council would like to hear the presentations directly. She said if given the direction from Council to move forward with negotiations, she would go to one of the two firms to discuss a fee schedule and a timeline as to how long it would take to produce the plan, which would come back before Council. She said if the fee schedule exceeded the \$9,000 grant funds, she would recommend one of the following:

- 1) Speak to the Dept. of Forestry about the other \$10,000 in the grant the Mound House had already secured for the tree planting expenses; and/or
- 2) Ask the landscape architect for a phased schedule so that they were only contracted for a phase amount for the work consistent with the \$9,000 already funded, and then seek other grant funds to offset the remainder of the cost.

Ms. Schober explained that the production of a visual planning document for the landscape plan would be "incredibly useful" when seeking grant funds to implement the landscaping. She said many items of the landscaping were within the Management Plan with Florida Communities Trust and thus was a large component of the total Mound House project.

Mayor Boback understood Ms. Schober to mean that "not one penny of Town money will be spent on this landscape plan". Ms. Schober said he was correct.

MOTION: Vice Mayor Massucco made a motion to approve ADAW as the landscaper and that the project move forward.

Ms. Schober asked if the motion could include that, if ADAW's fee schedule was not appropriate, that she be allowed to approach the second and third firms, all deemed qualified.

AMENDED MOTION: Vice Mayor Massucco made a motion that Ms. Schober should approach ADAW first for a fee schedule; if that was not amenable, that she should approach the second firm on the list; if that fee

schedule was not amenable, she should approach the third firm on the list. Mayor Boback seconded the motion for discussion.

Councilman Meador asked if her request was that Council authorize Ms. Schober to begin negotiation with the landscape architects, and was not an authorization to expend any money whatsoever. Ms. Schober said he was correct.

Councilman Shenko said he knew Ms. Schober had put in a lot of work to furnish him with financial information with regard to the Mound House, but as yet, the Council still didn't really know where the Town stood with regard to how much the property would cost to maintain. He was concerned that, even if the landscaping were completely grant-funded, the cost of maintaining the landscaping were unknown. He said he would want the landscaper's plan to include what would be required with regard to a watering system, a well, and man-hours in terms of maintenance. He felt the Council should have a better handle on the cost of maintaining the property before making a decision to move forward with the landscaping.

Councilman Reynolds said a lot of people were against spending a lot of money on landscape planning. He asked if Ms. Schober had any idea as to the cost of having a landscape plan created by a landscape architectural firm. Ms. Schober said she had not discussed cost with any of the architects as yet, by virtue of the process, and so had no idea.

Councilman Reynolds said there was no doubt that a landscape plan was needed, but was not sure it had to be done by an architectural firm. He felt many local landscaping companies could create a good plan. He expressed concern about continued costs, and was shocked how much the plantings were going to cost. However, because it was not going to cost anything to get a proposal, he supported the motion.

Ms. Schober said the reason a landscape architect was needed to create the plan was because the vegetation environment had to be consistent with the historical period of restoration of the house. She said there were two levels of review beyond the Town's review of the plan: the Division of Historical Resources and Florida Communities Trust, and that the qualifications that had been requested had been for people with experience in working with those agencies in developing landscape plans. She noted that it was beyond vegetation, and included the parking spaces, fencing, security, path networks, and educational walkways. She was not certain the cost would be less if the Town hired a landscaper versus someone with the design training in terms of what was needed to meet the grant requirements.

Ms. Schober said that, to date, all the various plans for the property had been done by what had been deemed by the appropriate professional – either

archeologists, architectural historians, or historic preservationists – and that a landscape architect was chosen over a landscaper for the same reason.

Ms. Schober said that it had been specified in the request for qualifications that a native landscape that didn't require a watering system beyond plant establishment had been requested. She said that all three of the qualified landscape architect firms had mentioned in their descriptions of the project that all had mentioned that all the long-term maintenance issues were critical in the design development phase. Ms. Schober said the Division of Historical Resources would be highly unlikely to approve a revegetation plan that involved the installation of an irrigation system across the mound.

Vice Mayor Massucco thought it would be difficult to project maintenance costs because weather would play a significant part in that. Ms. Schober said she had asked for information as to how much time the Town's maintenance crew spent at the Mound House grounds, and had been given an approximate cost per hour for the crew. She said she would be happy to try to determine that cost, but was not sure it was a function she should take on in her capacity as a director of the Mound House property.

Councilman Shenko said the information to hand regarding the maintenance crew showed hours and hours of time spent maintaining the grounds at the Mound House. He said once Mr. Green gave the Council a report as to the Town's finances, they would know what the Mound House maintenance was costing the Town.

Mayor Boback supported the motion, as it would cost the Town nothing. He said when Ms. Schober got the cost information from the architect, it should include an estimate of the time needed weekly in maintenance, long-range. Ms. Schober said she wasn't sure how accurate an estimate it would be, but once someone was contracted to implement the plan, it would be that firm's job to supply the Town with those numbers.

Ms. Schober pointed out that the Town applied to the TDC for money to be used on beach access maintenance, and had applied for money this year for the Mound House as a beach and shoreline park. She said Damon Grant had submitted the request, and although it was not currently being considered because the property was closed to the public. She said the TDC was a regular source of funding the Town received to offset maintenance specifically on shoreline park situations. She felt it would come into play in the future, even if the grounds were not altered in any way, as a consistent, reusable source for offsetting maintenance costs for the Mound House grounds.

Mayor Boback asked Ms. Schober to bring back as much information as possible with regard to maintenance costs.

Vice Mayor Massucco asked if it was wise to get the landscaping in place before the house restoration was complete. Ms. Schober anticipated that the landscape planning phase would take a while, and if that phase were begun now, it would allow an opportunity to seek grant funds to offset implementation costs. She said the landscaping would not start before construction.

VOTE: The motion carried 4-1, with Councilman Shenko dissenting.

F. NEW BUSINESS

This item was not taken up by the Council.

X. COUNCIL MEMBER ITEMS AND REPORTS – Feedback on the MPO Material Distributed on 2-27-06 by Councilman Bill Shenko, Jr.

Councilman Shenko said there was no answer. He said the MPO was going to have a meeting about the proposed Coconut interchange on St. Patrick's Day, at which as a voting member, he would be voting on whether \$10 million of federal money should be accepted for a study to be done. He said Tom Babcock had given him a lot of back-up information as it related to the Citizens Advisory Council of the MPO. He said if the project went forward, it may be included in the 2030 Plan, a part of which includes another bridge to the Island, which would take out the school, the library and Salty Sams Marina. He felt the Town might be able to use it as a bargaining tool in getting vehicle and pedestrian overpasses built onto the Matanzas Bridge. He said the Town's prior vote had been no, and proposed voting no again. He felt the interstate needed to be widened to six lanes rather than putting more exits on it.

Councilman Reynolds, as the previous MPO member, explained his reasons for having voted no, as well as why various involved entities had voted as they had. He said the interchange would not solve anything. He said the proposal had failed 9- 5 when he had voted.

Vice Mayor Massucco observed that a lot of lobbying from both sides had been occurring. He felt it was a development proposal, as opposed to a transportation proposal, because FGCU had entered into the discussion, and that it had been in their plan all along to open up the environmentally-sensitive land in that area for development. He would not want the study to go forward.

Councilman Meador concurred with Vice Mayor Massucco.

Mayor Boback concurred as well, although he said the people in the community near the proposed interchange had known about the plans to put it there, and he was disturbed by their protests.

Councilman Shenko said Sheriff Scott had invited him to a meeting at the substation, had let Ms. Lambert know he was going to be there. While at that meeting, Councilman Shenko had asked the Sheriff what the Town could do for the VOICE volunteers, and he had indicated that parking permits were something the volunteers would really like, and that there would need to be about twenty permits. Additionally, the Sheriff had updated him about the spring break patrol and on things happening on Ft. Myers Beach. Councilman Shenko had indicated that, as a resident of the Beach, he was very pleased with the service provided by the Sheriff's department.

Ms. Lambert said she would get information regarding obtaining parking permits for the VOICE volunteers and would bring it back to Council.

Mayor Boback asked Ms. Lambert to find out if the County would be willing to include Lynn Hall Park and Bowditch Point. Councilman Boback reminded the Mayor that the County would be before Council on the next day requesting funds.

Councilman Meador said, in connection with the VOICE volunteers, the owners of Beach Doggie Dog had offered them any of the food they serve for free. He hoped other Beach businesses would make similar offers.

Councilman Meador asked if a planned workshop regarding the Town's hurricane plan was set up.

Ms. Lambert said the workshop was set up for March 18th, but did not have a location as yet. She said the hurricane ordinances were being worked on and would be brought to the workshop.

Councilman Meador said he had had further communication with Lee County chapter of the American Red Cross, and had sent a copy of a letter from Heidi Ruster to all the Council members. He said Ms. Ruster would like to attend the workshop on March 18th at 10 AM.

Councilman Meador asked Ms. Lambert if Mr. Eddenfield had indicated to her when he might be able to get back to Council regarding the reopening of Center Street. Ms. Lambert hoped the information would be available at the next Council meeting on March 20th.

Councilman Meador said he had received a notice of development approval on the Dockside Inn from Mr. Green. Councilman Meador had consulted the Town Attorney regarding what the proper procedure would be, and would like the determination to come before Council for approval or disapproval. He said it would have to be on the next Council meeting agenda. Ms. Dalton concurred that it should be. Mayor Boback said that was fine.

Councilman Reynolds remarked that Councilman Meador had changed his mind about Commercial Design Standards. He thought it was a good idea that the Dockside project come before Council for approval.

Councilman Reynolds said he had received a letter from a resident in which she suggested giving some consideration to changing the name of the Town from Ft. Myers Beach to Crescent Island or Estero Island. Councilman Reynolds thought it was an interesting idea.

Councilman Reynolds said the Sanibel mayor had been very involved with regard to the Lake Okeechobee water release issue. He said she had planned a meeting for all the coastal mayors to meet with the Governor in Tallahassee on March 30th.

Councilman Reynolds mentioned a letter from a resident that had been sent to all Council members regarding pedestrian safety on the Island. He requested that pedestrian safety be placed on the next available Council agenda for discussion and action, in order to make the Beach a safer place to visit. He presented various ideas for improving pedestrian safety.

In a discussion of the Crescent Street Bypass project with Damon Grant, Councilman Reynolds had learned that signage for it would be up by the coming Friday, March 10th.

Councilman Reynolds reminded everyone about the Shrimp Festival Parade, and asked if all the members had been contacted as to whether or not they needed a convertible.

Councilman Reynolds spoke about the reorganization of the Council that had occurred earlier in this meeting, and said he was very happy to serve the people of the Town as a Councilman.

Vice Mayor Massucco had no items.

Mayor Boback mentioned the upcoming telephone interviews with the Town Manager candidates, and asked that each Council member come up with two questions to be asked of each candidate. He told the Council to be sure not to ask questions of the candidates that would elicit a 'yes' or 'no' answer. He said the Town Attorney needed to determine if the questions could be asked, from a legal standpoint. He felt either the Town Attorney or the Town Manager should ask all the questions determined by Council to be asked. He asked that their questions be given to Ms. Lambert as early as possible on the following morning, and said more than two questions could be submitted for consideration for use in the interviews.

XI. TOWN MANAGER'S ITEMS

Ms. Lambert reminded everyone that the Special Council meeting scheduled for the next day, Tuesday, March 7th, was to start at 5:15 PM.

Additionally, Ms. Lambert reminded everyone that the FEMA workshop, open to the public, was going to take place on Wednesday, March 8th at 9:00 AM in Council chambers.

XII. TOWN ATTORNEY'S ITEMS

A. COUNCIL TERMS OF OFFICE

Ms. Dalton said, pursuant to direction of Council, she had reviewed her memo of January 16th; she had also reviewed every piece of the litigation from scratch to ascertain what Judge Corbin had and had not ordered. She pointed out a revised memo she had included in this meeting's Council packets, which she said had a different slant than her January 16th memo.

Mayor Boback asked Ms. Dalton to explain the memo and outline the options to everyone, and Ms. Dalton did so.

Councilman Meador referred to an earlier remark made by former Mayor Reynolds, in which he had declared Ordinances 05-04 and 05-05 invalid. He asked if there were any legal effect.

Ms. Dalton said under the Town Charter, the mayoral position was ceremonial, and did not have the authority to make such decisions, and so had no legal effect.

Councilman Meador asked if, instead of passing an ordinance or trying to change the Charter to handle the election date issue, the Council could pass a resolution stating that Seats 3, 4 and 5 were up for re-election in March 2008.

Ms. Dalton was not sure it could be done by resolution instead of by ordinance. She asked for time to investigate the subject before giving counsel on it.

Councilman Shenko concurred with Councilman Meador's idea.

Mayor Boback asked if the three Council members whose terms would end in March would be serving 2 years and 4 months, or 3 years and 4 months. He noted that the Town Charter required that the Council members serve a three-year term. Ms. Dalton thought a Florida state statute would cover the situation in either scenario, so that the Council members in question would not be in violation of the Charter.

As the discussion continued, Ms. Dalton expressed an inclination more toward taking care of the issue through ordinance instead of resolution.

Councilman Meador did not believe they would be in violation of the Charter should they end their terms after 2 years and 4 months.

Ms. Dalton felt the issue to be revisited at the next meeting. Mayor Boback agreed.

Councilman Reynolds reiterated that the Town Charter could not be changed by ordinance or resolution, but only by referendum. In response, Ms. Dalton read from the Florida state statute attached to her memo on the subject, and said it specifically created an exception to a referendum. Councilman Reynolds disagreed with Attorney Dalton's interpretation, and asked that she research the issue further.

B. UPDATE ON UTELCO

Ms. Dalton said there had been an unsuccessful mediation, which meant the Town was no longer on a mediation track, and the case was now scheduled for trial, and was #1 on the docket, for March 28th in front of Judge Rossman. She said there was always a possibility of something putting off the litigation track, and if it did, she would ask for another Executive Session.

XIII. PUBLIC COMMENT

Llado Svetliak of 364 Connecticut Street came forward. Mr. Svetliak asked that his street be patrolled more closely as drivers drove fast, ignored the stop sign at Shell Mound, and that three pets had already been killed at that intersection.

Mr. Svetliak asked if the power lines could be buried in the ground for safety reasons.

Daniel Curran of 155 Connecticut Street came forward. Mr. Curran thanked Councilman Reynolds for his years of service as a citizen, a Councilman and as Mayor, and congratulated the Mayor and Vice Mayor on their appointments.

Mr. Curran asked that newspaper dispensers be placed on a future Council agenda. He felt their appearance, construction and presentation should be controlled. He asked if there had been any public input requested with regard to allowing dogs on the beach; he was not in favor of it. He felt the community could improve the crosswalks in the Town for increased safety. He spoke in disfavor of the direction of the on-going Mound House restoration projects. He suggested leveling the house, and making the grounds ADA compliant so as to stop spending Town money on it.

Tom Babcock of Williams Drive came forward. He gave an opinion regarding the terms of office discussed earlier, and compared the situation to a similar one in Bonita Springs.

Mr. Babcock was comfortable with the Council's decision regarding the Neptune Inn appeal. He was concerned that all residences in the yellow area on a map of the Island could be converted to fractional ownership, and hoped that would be addressed more closely by the EAR process. He felt allowing such was a violation of the intention of the Town's Comp Plan.

Ollie Curran came forward. She amplified her husband's earlier comments about the newspaper boxes, and said they obstructed the view when pulling onto Estero Boulevard from Connecticut Street. She also mentioned the many cars she had seen use the sidewalk to turn onto Connecticut Street from Estero Boulevard. Ms. Curran said she loved the Mound House and didn't agree with anything her husband had said about it.

Doris Grant came forward. Regarding outdoor amplification, Ms. Grant asked the Council to look into the music presented at the Musiquarium as it created a disturbance.

Charles Schofield came forward. He commented on the ADA recommendation to make adjustments to accommodate someone who was sight-impaired. Additionally, Mr. Schofield commented on a statement made by Vice Mayor Massucco about the Town being in trouble.

XIV. ADJOURNMENT

MOTION: Councilman Shenko made a motion to adjourn. Vice Mayor Massucco seconded the motion.

VOTE: The motion passed unanimously.

Mayor Boback adjourned the meeting. No time was given.

Respectfully submitted,

Jo List
Transcribing Secretary