

**FORT MYERS BEACH
TOWN COUNCIL**

**Town Hall- Council Chambers
2523 Estero Boulevard
Fort Myers Beach, Fl 33931
September 5, 2006**

Regular Town Council Meeting

6:30 PM

I. CALL TO ORDER

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

Absent: None

Town Staff Present: Town Attorney Anne Dalton, Town Manager Rachel Lambert, Community Development Director Jerry Murphy, Public Works Director Jack Green, Finance Director Evelyn Wicks, Project Director Theresa Schober.

II. PLEDGE OF ALLEGIANCE AND INVOCATION:

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

III. INVOCATION-Reverend Nadine Cotton, New Church of SW Florida

IV. PUBLIC COMMENT: Please note that public comment will be heard at the time the agenda item is discussed.

V. CONSENT AGENDA:

A. *Approval of minutes- August 14, 2006*

Vice Mayor Massucco; add no ex-parte communication.
Councilman Reynolds: Need completed statements on minutes.

MOTION: Councilman Meador made a motion to approve the minutes of August 14, 2006 with corrections noted by the Vice Mayor. Mayor Boback 2nd the motion.

VOTE: The motion approved 5-0

VI. ADMINISTRATIVE AGENDA

A. *Update on Utelco Litigation*

Mayor Boback announced the Utelco Litigation was pulled as it was not ready.

B. *Final Public Hearing- Ordinance 06-14 Special Magistrate Provisions*

Councilman Meador requested to defer the Final Public Hearing. Mayor Boback announced Final Public Hearing will be moved to the next scheduled meeting.

Ms. Dalton pointed out the hearing should be opened, and then it should be continued to date and time certain.

Mayor Boback opens public comment:

- No public comment was given.

Mayor Boback closes public comment:

MOTION: Councilman Meador made a motion to continue the Final Public Hearing-Ordinance 06-14 Special Magistrate Provisions to the next available slot on the meeting calendar. Vice Mayor Massucco 2nd the motion.

Ms. Dalton announced to continue to next available date certain, and she confirmed with Ms. Lambert on September 18th at 6:30; behind the Budget.

Councilman Meador announced he will not be here on the 18th, but will provide all of his comments in advance to Council.

VOTE: The motion passes 5-0.

C. *First Public Hearing –Adoption of the Tentative Budget and Tentative Millage FY 06/07*

1. *Tentative Approval of Millage FY 06/07 Resolution 0609*

Mayor Boback opens public comment:

- Terry Cain apologized for not having any previous Budgets to present as she had lost most of them during Hurricane Charley. Ms. Cain stated in previous Budgets, they had a line item for Keep Lee County Beautiful and Charlotte National Estuaries Program and is requesting

to include these in the Budget as they have been supported by the community in the past. Ms. Cain also indicated including the CIP for North Estero Blvd in the Budget as well as for planning and designing.

- Pat Smith announces there is room where they can save money in any number of line items for the Budget. She pointed out they have about 1. million for Estero next year and 4.4 million for capital expenditures altogether, stating they will probably encounter problems managing all of these projects and completing them within the year. Ms. Smith stated if these projects need additional funding in subsequent years, they should budget them for those subsequent years and not all at once. She is in favor of some of the line item such as Town Hall, but states there are other places where they can save money and they can go to a rollback figure this year. Ms. Smith pointed out they have 8.million dollars in reserves of which 3.to 4.million is unrestricted. She stated they have been over taxing and suggested giving the taxpayers a break this year.

Mayor Boback closes public comment:

Vice Mayor Massucco agreed with Ms. Smith stating the previous rate suggested was .609-06 which would produce more revenue this year. Vice Mayor Massucco stated he was not in favor of that, and would like to see the rollback rate which would be .609-6 and not show an 11 ½ percent increase in property taxes which is not justified. Vice Mayor Massucco states there is ample money to do what they have to with their Budget, and recommends going back to the rollback rate.

Councilman Shenko reported deferring to Mr. Meador.

Mayor Boback asked if they wanted to do the Millage first or the Budget.

Ms. Dalton suggested going first with the Millage because of the statutes requires the Millage to be set before the Budget is approved.

Councilman Meador inquired with Council if this is a tentative Millage rate which can be reduced later if they decide to do so.

Ms. Dalton reported they are required to pass a Resolution regarding the tentative Millage and tentative Budget, and stated it can be adjusted at the next Budget Hearing.

Mayor Boback stated going with the Millage first.

MOTION: Vice Mayor Massucco made a motion to adopt the rollback rate of .0696. Councilman Reynolds 2nd the motion.

Ms. Dalton pointed out that Council has a Resolution 06-09 in which there is a vote. Ms. Dalton suggested addressing the contents of the Resolution, maybe modifying it. Ms. Dalton read the Resolution 06-09. See attached.

Discussion:

Councilman Reynolds pointed out as Council members, they vote one way and then a few weeks later, they vote another way; and concluded they did not think it over very well to begin with. He states he is happy with the rollback.

Vice Mayor Massucco stated staying with his original suggestion of the rollback rate of .0696.

Councilman Shenko referred to Mr. Reynolds previous comments questioning how many meetings were there, or how many department heads did they meet with since they have come up with the original rate. He stated the rate proposed this evening was ½ the difference between the rollback rate and last year's Millage rate. Mr. Shenko is satisfied with the rollback rate as they can adequately fund the projects they need to fund next year, and feels comfortable with the rollback rate.

Councilman Reynolds stated he agrees with Mr. Shenko, but states it was not going anywhere else, and Mr. Reynolds did not want it to go high and keeping it as low as they could.

Councilman Meador pointed out that for the last few years the people have been over taxed through their Budget process. Mr. Meador also mentioned no change has been made to the Budget's scheme stating they have over estimated the revenues, and have over estimated the expenditures spending the money where they want to spend it with no relation to where it has been budgeted to be spent. Mr. Meador referred to giving a tax holiday to the residents as they can afford to do so; by not assessing Ad Valorem real estate property taxes this year, as the residents have been overtaxed in the past. Mr. Meador pointed out having 1.million of unrestricted funds after getting done doing this, stating they will still have millions of restricted funds in the bank from other sources of income. Mr. Meador stated he is not in favor of .6096 rollback, stating he would like to see them go much further and would provide more detailed information regarding that upon the Budget process.

Councilman Reynolds commented this being the responsible thing to do as they are looking at a Town Hall site committee; they need more funds than they currently have for an appropriate site, and having capital improvement funds to build Town Hall. Mr. Reynolds stated once the Town Hall is built holding the rollback rate of last year, he believes they

would be doing great. Mr. Reynolds emphasizes the need for a new Town Hall, and states the citizens have commented feeling the same way of having this new building. Mr. Reynolds stated if at that point they can go to zero, that would be fine, but suggested for the time being to continue year after year holding the line with the present Millage rate stating they have been one of the few who have reduced it, and states they have been responsible in doing so. Mr. Reynolds would feel remissed if he went in another direction.

Vice Mayor Massucco noted for the last four years the Millage rate has gone down, stating he would like to hold the line here as they have major expenditures coming up with the new Town Hall. Vice Mayor Massucco stated he would like to see the rollback rate maintained.

Councilman Shenko stated he is in favor of going to the rollback rate which would give them the same dollars they had last year with this year's property values. Mr. Shenko pointed out this has not been done in the past by Council, but was done last year; not every year; Mr. Shenko stated they gave them part of a rollback rate not the entire rollback rate, and that they are proposing the entire rollback rate. Mr. Shenko referred to the upcoming projects such as the water system, Town Hall, North Estero, Canal Dredging etc, and stresses the need not to ignore those projects stating they can adequately address these with the rollback rate.

Ms. Dalton announced a correction to be made in the Resolution Section one bringing in conformity with what is in the motion; see attached.

VOTE: Motion passes 4-1 with Councilman Meador dissenting.

2. Tentative Approval of Budget FY 06/07 Resolution 06-10

Ms. Dalton read the Resolution 06-10. See attached.

Mayor Boback opens public comment:

- No public comment was given.

Mayor Boback closes public comment:

Ms. Lambert stated they have presented a Budget and are willing to make any adaptations the Council decides upon. Ms. Lambert pointed out they needed to go through two different accountants in order to get their figures together, stating it is not a perfect Budget but are willing to hear Councils comments and recommendations.

Vice Mayor Massucco referred to Ms. Dalton regarding the Resolution as to whether there should be an amount entered following the fiscal year 2006/2007, even though it is tentative Budget.

Ms. Lambert referred to Attachment A, where the entire Budget is attached to the Resolution.

Ms. Dalton stated they can cross reference Attachment A in that section of the whereas.

MOTION: Councilman Shenko made a motion for the purpose of discussion to approve the Budget as submitted by the Town Manager which now will vote their new Millage rate by \$ 265,000, and that the \$265,000 be taken from unrestricted carry over which is 3.5 million.

Ms. Dalton suggested to Councilman Shenko to make a motion to adopt the Resolution.

AMENDED MOTION: Councilman Shenko made a motion to adopt the Resolution with the tentative Budget as submitted by the Town Manager with \$265,000 to be taken from unrestricted carry over. Vice Mayor Massucco 2nd the motion.

Discussion:

Councilman Reynolds suggested trying to do something even shift some of the line items in order to speed up some of the existing projects, suggesting some of the road projects. Mr. Reynolds stated getting the road projects started now if the money is available, not waiting to do them in the years to come.

Councilman Shenko pointed out the amount of \$265,000 as a deficit spent stating they are spending \$ 265,000 more than they are bringing in. Mr. Shenko stated using part of that carry over as Mr. Meador had previously mentioned stating the need of having carry over to pay the bills from October 1st until the tax money comes in mid-November, and pointed out it would be an error operating a Town with minimal or no carry over. Mr. Shenko pointed out using the 3.25 million now and allocated part of it to carry over, allocate part of it to contingency for storms which is now for the first time a Budget item. Mr. Shenko stated he would like to see every dollar in a budget category and not referred to as estimated beginning cash balances.

Ms. Wicks, Finance Director stated the Budget was prepared where reserves would be spent on road projects. She stated the intention for the 2005/2006 Budget was to take the beginning balance and then take all the

revenues and spend them on projects which she explained would be unlikely to happen as the timing would not allow to get them done.

Councilman Shenko confirmed this goes back to Councilman Meador's comment of having a Budget which was a rough idea of what might get done, and then the money moved freely from one item to the other. Mr. Shenko stated he would like to see at least once a month in Council meetings move money from one Budget item to another Budget item as necessary should one not have the sufficient funds and another needed funding.

Councilman Meador referred to documentation he has presented to Council regarding the Budget and stated these are basically the same numbers which were presented to Council, and noted where they started in July with the proposed Budget an increase of 1.8 million in proposed expenditures, while Ms. Lambert was being asked to see if they can cut here and there. Mr. Meador stated the Budget process and the Town of Ft. Myers Beach have gone through many numbers regarding projected revenues which bare no relationship whatsoever to reality pointing out what has been budgeted as expenses and what had been spent. Mr. Meador agreed with one of Mr. Shenko's comments to line item restrict every Budget item.

Councilman Reynolds pointed out Councilman Meador has made good comparisons, and brought up some strong points. Mr. Reynolds does not hold this against Ms. Lambert stating she has not had enough time without having a finance director present. Mr. Reynolds referred to the Budget of the Mound House and the Newton property stating some of the proposed estimates were a little expensive for landscaping, but stated they were outstandingly qualified for the project. Mr. Reynolds referred to the Budget on page one of two, with the administrative regarding the salary adjustments 3.75 which he states is a good cost of living adjustment. Mr. Reynolds was happy to see the Town Hall Budget was put in place.

Vice Mayor Massucco stated he did not see the benefit of continuing discussion until they have finalized Mr. Meador's information. Vice Mayor Massucco suggested having more time to review Mr. Meador's packet instead of picking the Budget apart.

Councilman Shenko commented most of Mr. Meador's concerns are the same as the ones he himself has worked on, stating it was not as professionally done as the one prepared by Mr. Meador. Mr. Shenko also pointed out having one more Budget hearing suggesting now would be the appropriate time, as they can make adjustments during the year. Mr. Shenko asked whether or not they should go through the line items he has questions on, which most are the same as Mr. Meador's; he is also in

agreement with Mr. Meador as the Budget being a carry over which is a Budget which they have inherited, and is not pleased with the unrestricted carry over from year to year. Mr. Shenko announced to the public they were budgeting \$ 113,400 to lease this building and is one of the reasons they were considering a new Town Hall. He went over the figures for the IT Systems which started at \$ 700,000 and are now at \$1,000,000., questioning if there were any proposals for this amount or if this was random numbers.

Ms. Lambert replied this was not a random number but states it is a number they have begun to get concrete information regarding the entire infrastructure of their IT System. Ms. Lambert stated this would be a ballpark figure to start with, as they are in the process of diagnosing the problems and making bids.

Mayor Boback clarified that part of that figure of \$350,000 was for software.

Councilman Shenko referred to legal ads stating they spent \$58,457 in 2004/2005; 2005/2006 \$41,000 and are budgeting \$50,000 stating they need to keep this in mind when they go through the items later, the numbers may be off. He pointed out they were budgeting \$50,000 for their annual audit, but states they paid the auditors \$79,925.

Ms. Lambert stated the extra \$29,000 was for the special audit they had for the procedural audit through Charlie Green's office, and stated they would not have that same expenditure next year.

Councilman Shenko replied that it was listed on the Budget with a different name.

Ms. Lambert replied they only listed the regular auditor, but that it did include Charlie Green's office. Ms. Lambert stated they can rename it to clarify it.

Councilman Shenko reported they locked \$228,000 projecting for last years insurance, where last year it was \$114,000 and points out it is basically doubled. Mr. Shenko questioned if this insurance covered all; casualty, fire, wind, flood, workman's Comp, health.

Ms. Lambert replied that was everything they received from Florida League of Cities, and stated they have received a notice that it would increase by 100%.

Ms. Evelyn Wicks reported not having the figures at this time, but she did talk with them and they do expect for this to be high. She stated the

coverage includes everything except health and life. She notes the portion that is anticipated on going up 100% being the property. Councilman Shenko questioned would the health be going up as well. Ms. Lambert stated not having those figures yet but maybe Ms. Evelyn Wicks might have more information to that regard.

Ms. Evelyn Wicks stated the health is separate from the \$228,000 and that the Budget is in all the other departments.

Councilman Meador questioned Mr. Shenko where he read the figure for the \$114,000 amount.

Councilman Shenko replied page one of one in the Finance Department Budget which was budgeted for 2005/2006 at \$ 114,000 actual \$107,871.

Councilman Meador pointed out the actual figures were the amounts that have been paid, but do not go to the end of the fiscal year.

Councilman Shenko stated he would like to bid insurances as opposed to taking for granted everything Florida League of Cities provides is correct, he notes there might be more competitors out there. Mr. Shenko went over the Public Works regarding the municipal pool administration, utilities and capital improvements totaling \$240,000. He indicated that the figures have increased, and questioned whether they were anticipating having a contractor which would have more costs.

Mr. Jack Green replied they expected for the contracts to be the same amount at approximately \$162,000, and stated the other figure was an earlier projection which they left as is, not to make too many changes.

Councilman Shenko referred to the parking meters, and Central Parking contracts. He points out it has cost \$ 320,000 this year, and they are projecting for next year \$340,000. Mr. Shenko referred to the income side of money coming in, and showing last year's income projected at \$350,000 and next years is at \$225,000.

Mr. Green stated there was some confusion with the auditors last year, regarding the Beach Access parking which should be shown under Beach Accesses, causing a split on the parking. Mr. Green pointed out the parking is also at the Beach Accesses, which has nothing to do with the Beach Accesses; he reports the numbers are consolidated numbers for both parking venues. Mr. Shenko stated it is about breaking even there. Mr. Green reported in actuality, the Town enjoys probably somewhere in the neighborhood of \$100,000.

Councilman Shenko agreed with the numbers set aside for North Estero Blvd would probably be light for the completion of that project. Mr. Shenko noted the interlocal agreement with Lee County for Trolleys were going down from the actual Budget number 544000 stating the actual for 2005/2006 was \$227,000 and they were budgeting \$210,000.

Ms. Lambert acknowledged an outstanding invoice on the Trolleys which were separate from the actual contract of \$210,000, stating it is something that would not reoccur, and the balance was paid in full.

Councilman Meador reported at the Chamber Traffic Meeting, the representative of Lee Tran reported the Town had already been forwarded the new price figures for 2006/2007; implying the figure of \$ 210,000 would be going up to \$228,000.

Councilman Shenko announced for the public awareness the alternating light had cost \$140,000 a year, stating it is worth every penny even though it is costly. Mr. Shenko questioned the figures for Salty Sam's 2005/2006 Budget which was at \$247,000, and they are budgeting next year at \$170,000.

Mr. Green reported he had received the draft audit today and had not gotten the opportunity to review it. Mr. Green believes the Town should adhere to the contract with Salty Sam's stating the projection was \$147,000 revenue annually, and about \$173,000 in expenditures annually.

Councilman Shenko brought up the Emergency Contingency at \$500,000 and noted for the first time it appeared on the Budget, stating it needs to be there and that it is not enough money. Mr. Shenko referred to the consultant fees for the LPA 2004/2005 actual was \$100,000., stating it was budgeted for 2005/2006 at \$ 25,000 and it was projected in 2006/2007 at \$50,000. Mr. Shenko asked if this was Mr. Spikowski's contract.

Mr. Jerry Murphy replied that it was Mr. Spikowski's contract.

Councilman Shenko questioned next year's projection at \$50,000.

Mr. Murphy reported this would be for his advice and work for the LPA regarding the drafting and changes; he also mentioned having a line broken out for the EAR.

Mr. Shenko pointed out an additional \$50,000 for the EAR.

Mr. Murphy also indicated for the Land Development Code to implement any changes to the EAR, or changes suggested from the LPA and approved by Town Council.

Councilman Shenko questioned if this would be under professional services, asking if Mr. Spikowski would be included in that category of \$513.031 as well, or part of it.

Mr. Murphy replied Mr. Spikowski would be a part of it, but not all of it. Councilman Shenko regarded to the Impact Fee Study of \$90,000, and asked what the cycle of Impact Fee Study has been.

Mr. Murphy replied the Town never undertaking an Impact Study indicating that the Town has adopted Lee County's Impact Fee schedules. Mr. Murphy stated the previous Town Council had discussed with him these schedules were based on a growth-oriented community; they are not a growth community but are considered as a redevelopment-oriented community where they do not gain the value of the growth they experience those impacts. Mr. Murphy stated the intention was to review the methodology Lee County uses, to see whether there is a better methodology to address the redevelopment phase.

Councilman Shenko noted he tends to agree if there is a methodology out there with regards to redevelopment versus new development stating he is familiar with Lee County's Impact Fees and they are geared to new development rather than redevelopment. Mr. Shenko further notes this is a separate contract.

Mr. Murphy concurred with Mr. Shenko that it would be a separate contract. He pointed out one of the aspects of the study as it was addressed was to look at the impacts of actual growth in the unincorporated area which surrounds the Town.

Councilman Shenko questioned if this would be the same consultant Lee County uses; the one they would adopt.

Mr. Murphy replied it would be Duncan & Associates from Austin, Texas. He noted they are working with Jim Nicholas from Gainesville, Jillian Myers from Georgia State and Chris Nelson from the University of Virginia.

Councilman Shenko stated this being an excellent concept if it could be sold to Lee County. Mr. Shenko referred to the Downtown Redevelopment Agency.

Ms. Dalton reported to Mr. Shenko they have a separate hearing on Downtown Redevelopment.

Councilman Shenko brought up the figure of \$775,000 for the Mound House and \$319,000 for the Newton Property asking who is paid a salary and stated there are \$ 26,000 in salaries.

Ms. Lambert replied it is Theresa Schober.

Councilman Shenko asked if this was coming out of this Budget 50/50 and not in comparison with the Budget numbers. Ms. Lambert replied that is correct.

Councilman Shenko asked to refresh his memory regarding the Capital Improvement Budget with congestion mitigation.

Councilman Meador replied it would be to delineate the lines on the boulevard.

Mr. Green stated the dollar amount is projected from carry over monies budgeted in the past stating the funds were set aside for the TMA to have something to work with.

Councilman Shenko pointed out the road maintenance had gone down, and the drainage projects have gone up indicating they are now allocating \$500,000 to drainage, and \$200,000 to road maintenance.

Mr. Green compared expenditures for 2004/2005 and 2005/2006 for road improvement and stated it is just under \$200,000. He noted they will be undertaking serious drainage projects which should be associated to road resurfacing, not doing road resurfacing to then tear it apart two years later.

Councilman Shenko stated he believes these line items may not be enough, suggesting the line items generate calls to Councilmen; Mr. Shenko stated he would like to see some money come out of other line items rather than to come into these as he believes these are extremely important.

Mr. Green reminded Council the North Estero project is a huge drainage project with hopes this would be a model they can entice the County for this being a storm water management project, a storm water treatment project, it is re-grading, increasing the right of way with the hopes of improving traffic.

Councilman Shenko acknowledges that it is a great project, but feels they are way under Budget stating it might take a couple of years. Mr. Shenko talked about the revenue item, estimated cash beginning balance; stating there is approximately 3 ½ million dollars and he would like to have it

shown somewhere whether it is reserve for carry over, reserve for Town Hall, or the roundabouts.

Councilman Meador pointed out that some of the information Mr. Shenko had was not accurate. Mr. Meador suggested going through the items which are in the tens and thousands of dollars, leaving the little ones alone.

Vice Mayor Massucco suggested putting this on a Workshop instead of going through presentation of two to three hours.

Mayor Boback replied they attempted twice and the end result is they are still here. Mayor Boback didn't see the purpose solved going by each line item by line item, and stated they had done this at the workshop.

Councilman Meador agreed that this was done at the workshop, but only got bits and pieces of the orange stating the format was different from its original presentation, with the numbers changed. Mr. Meador pointed out the material for today's meeting, was not the same material he received a week ago.

Mayor Boback asked Ms. Dalton if it was mentioned restricting going line item by line item, and asked if they had the authority to restrict line by line.

Ms. Dalton reported her opinion issued previously regarded the review of the Budget, not the restriction on the Budget. She read from the Charter 11.05.

Mayor Boback asked if they can restrict a particular line item with associated money, would they be able to do that line by line.

Ms. Dalton replied needing the time to review the authority between the Town Manager and Town Council. Ms. Dalton indicated this may fall under the Town Manager's responsibility as the administrator, but would have an answer for them at their next Budget hearing.

Councilman Reynolds mentioned Ms. Dalton had already done an extensive report regarding that last week. He noted that Town Council has the power to designate monies for a certain amount; he believes this would hold to Ms. Dalton's report and what the Charter states, the Council does have that power to restrict it to a department, or a line item or anything as they are the ultimate source.

Ms. Dalton stated in response to Mr. Reynolds regarding if Council has the ability to restrict each line item; stating that her opinion did not specifically address that question and that detail.

Councilman Reynolds pointed out that it would not be wise for them to do so, nor it would be practical.

Councilman Meador pointed out to Ms. Dalton stating the contrary at one of their Budget Workshops. Mr. Meador stated if they voted a bottom line, and the Town Manager chooses to spend the money however they want this would violate the concept of the Council approving a Budget. Mr. Meador proposes to encumber every single line item on the Budget, and asked Ms. Dalton to review her opinion as she stated at the Workshop they can encumber every line item. Mr. Meador admits this will require a lot of work, and it may get done with a percentage variation using the carry over amount Mr. Shenko mentioned making that the account to pull from for those items. He suggested this variation to avoid coming back to Council every time they needed to make a check, where if they restrict or encumber it runs over they would have to sit down at a meeting and amend the Budget.

Ms. Dalton stated she would be happy to conduct the inquiry Mr. Meador suggested.

Councilman Meador referred to the July Budget on page one which was the frame work with all the numbers from what is in the Council packet is as they were presented to begin with. Mr. Meador stated he began by ignoring what the Town Manager had budgeted as he states it was evident the Budget had no relationship to what was being spent. Mr. Meador stated using the projected actual 2005/2006 figures as the starting point and noted that he did not have timing of payments. He mentioned there might be categories which may not play out in a twelve month period of time. Mr. Meador stated going by his proposed numbers he did 110% of what was in the projected actual, and started it as a basis figure stating Lee County uses it as their top figure; he started adjusting back from that. Mr. Meador spoke about the manager's proposed compensation of \$92,700 stating he would like for them to consider something as they are looking for a qualified Town Manager where they may use a figure of a \$150,000 and adjust Social Security accordingly.

Councilman Meador referred to page two concerning statements made by Ms. Lambert at the 2nd Budget Workshop regarding the salaries where every individual should earn a living wage. Mr. Meador believes in today's world it is difficult for an individual to support his entire family on a single income. Mr. Meador referred to the figures he has presented which really don't go as far as they need to in regard to cutting into the

salary item. Mr. Meador questioned why they cannot budget Social Security and Medicare correctly when the percentage is specified by Federal law. Mr. Meador referred to the professional and legal projected actual for 2005/2006 was \$52,700 and points out the original proposed Budget was \$100,000, the 2nd proposed Budget was \$100,000 and recommends that the bump it by 10% on that item. Mr. Meador referred to the audit services stating Mr. Shenko noted it going up; He stated that item should be \$50,000 as that was the amount they paid the auditors. Mr. Meador stated he was concerned about the Impact Study, and proposed zero to that regard stating at the Florida League of Cities presentation, the Impact Fees were covered.

Mr. Meador referred to page three in regard to leases and copiers stating they will be paying out \$23,600 this year where the proposed Budget was for \$23,000 item which were knocked down by \$13,000.

Ms. Lambert reported that the storage and leased copiers were budgeted together, stating they were split by \$13,000 and \$10,000 which was where the \$23,000 came from.

Mr. Meador stated not having any problems throwing in work by zero, throwing in \$10,000 below that, making it \$13,000 and \$10,000. He points out the insurance item has already been discussed and agrees with Mr. Shenko they should consider bidding that item or review the coverage's to see whether they can save some money.

Mayor Boback asked Ms. Lambert is she knew when the insurance break is due.

Ms. Lambert responded she believes it is in October, but has not received any figures from the insurance only the notice of a 100% increase.

Councilman Meador went over the repair maintenance item at \$951.00 this year, budgeted at \$20,000 stating he would like to see this knocked down to \$1,046.00 as he doesn't see any reason for the increase and questions if there were an explanation for the increase.

Mayor Boback asked Ms. Lambert if she had any reason for the increase on the repair and maintenance item.

Ms. Lambert stated it was budgeted higher stating she was not sure where the carpeting came in therefore; it was brought up a little higher.

Councilman Meador pointed out there is a big remodeling bill that they will be coming up to which may be the carpet as well. Ms. Lambert agrees. Mr. Meador went over anticipated expenditures for 2005/2006 at \$1,533.00 for printing, budgeted at \$10,000. Mr. Meador asked why are

these being budgeted five to six times in excess than what is actually spent.

Councilman Meador compared on software where they spent last year \$7800.00 and it was budgeted at \$ 25,000. He points out these are numbers which were thrown out without any bids or any information as to what they anticipate in getting for \$25,000, and stated he would like to see this stay at \$10,000. Mr. Meador noted the Tuition Reimbursement Program has increased stating they will spend less than \$5.000 based on projections; the original proposals was \$12,000, then it was increased to \$25,500. Mr. Meador pointed out with a 10% increase the number would be adjusted to \$5,134.00.

Mr. Meador commented on vehicles which were purchased by the Town stating based on mileage numbers he was given on those vehicles and the primary four vehicles the Town uses; together based on average usage will get approximately 10,000 miles; 25,000 miles per vehicle per year. Mr. Meador stated the purchase of the vehicles averaged about \$90,000 last year, and sees this as another wasteful purchase. Mr. Meador made an example if the Town Manager is looking for extra funding, they should consider getting rid of the vehicles which are parked outside and are not getting used.

Councilman Meador went over the Municipal Code update at \$20,000 stating they have never done it before, but he knows they will need to eventually; based on what he has seen, they have budgeted 30% more than they need to on that item, and he would like to see that moved down to \$15,000.

Ms. Lambert responded that she had a proposed Municipal Code for \$18,000, and stated she might have rounded it off. Mr. Meador replied rounding it off to \$18,000.

Councilman Meador reviewed a vehicle maintenance which at this year will cost \$1,232.00; he states the original proposed Budget was for \$10,000 and has jumped to \$50,000. Mr. Meador stated he would be happy to see this amount taken down to \$2,500.00 stating with the new vehicles this should be enough to cover everything.

Mr. Green clarified why these numbers were so low stating that he has realized many of the expenses associated with vehicle maintenance has been attributed to different funds or different county lines, or different projects than being assigned to the vehicle maintenance activity. Mr. Green pointed out if they were to sum up all of the vehicles cost it would be a higher amount than what is stated. Mr. Green points out the “gators” they have are a few years old which require a lot of maintenance.

Councilman Meador asked if the gators were used for Times Square garbage pick-up.

Mr. Green replied they are used for the Times Square and garbage pick-up throughout the beach, and noted they are were not intended for that purpose.

Councilman Meador questioned if the proportioned of the cost of their use of Times Square is allocated to Times Square on the maintenance item.

Mr. Green responded it does in some cases where some money is attributed there, but believes it is not proportion correctly. Mr. Green stated he could not reply to every expense with regard to the vehicle maintenance at this time.

Councilman Meador pointed out this would be one aside from the orange they have in their book, stating they would not see any Times Square expenses; he notes that it has been omitted from the Budget presented to them, but that it was in the original Budget back in July. Mr. Meador stated the figures are not in the package they have and questions why. He agreed with Mr. Green's projection of \$50,000 on vehicle maintenance.

Councilman Meador spoke about a \$15,000 line item on office furniture and equipment stating they have just spent \$45,000; He questioned where they would put any additional new equipment purchased, unless the extra \$15,000 is to sneak more computers on top of the existing IT Budget. Mr. Meador went into the GIS System and what its purpose is which would be to indicate where the water lines are; stating its purpose is really not necessary on a small island. Mr. Meador stated he would like to see this item go, and \$20,000 worth of office remodeling and suggested that they zero all three items.

Councilman Meador referred to Town Hall where he took the figure of \$1,410,000.00 and took it to zero; explaining it he not that is doesn't approve of the idea of having a Town Hall, but believes they can put everything into their restrictive reserve.

Mr. Meador pointed out the EAR Compliance which was budgeted at \$50,000; he cut it in ½ and asked if Mr. Murphy was given a figure by their consultant as to how much the cost would be.

Mr. Murphy reported this being an accurate estimate of what the cost would be; he notes the EAR is a moving target and is subject to more changes therefore, he wanted to ensure there would be enough money in that line item in order to get them through the process.

Councilman Meador reviewed the Town lease where it shows paying \$121,700 for this year's Town lease cost, and asked how did it get down to \$ 113,400. Mr. Meador further stated he would be happy to go along with the \$113,400 if it is actual annual amount.

Councilman Meador reviewed the Maintenance Capital Improvement which was at \$50,000 stating \$125,000 was spent this year; it was budgeted at \$50,000 then it went to \$100,000. Mr. Meador pointed out that he would like to see this item go down to zero unless there is some justification, or if it is some other Maintenance Capital Improvement he would like to hear about it.

Mr. Green responded this included all of the hand tools, mowers and related things, and he agrees they do not exceed anywhere near 100,000. Mr. Green referred to his previous comment regarding three gators which are a continuous source of repair and notes they are not capable for the work that they perform. Mr. Green reported they are looking to replace one of these gators which would be capable of taking on job site type work; it would be set up with limited equipment or attachments so it can do things like storm water management activities. Mr. Green mentioned the particular equipment they had in mind would be an expense of \$47,000.

Councilman Meador stated this would eliminate the following repair item which is on the preceding page stating if they are going to replace the gator with another one, they will be no need to repair the gators. Mr. Green pointed out that one vehicle is not sufficient to do all the work.

Councilman Meador asked Mr. Green if \$50,000 would do the job for that line item. Mr. Green replied it would be gone in no time, but yes.

Councilman Meador spoke about the Elections stating they have just received some updated information regarding the numbers going up to \$35,000. He also referred to the Town Attorney's item, stating instead of \$142,000 with 10% they would have to pay over the year it would take it to \$165,000. Special Master on the other hand they would have to pay \$21,188 and is now budgeted to spend a \$150,000; Mr. Meador stated he would like for that item to go down to \$25,000.

Ms. Dalton reported the amount also included outside council which have been high in the past fiscal year. Mr. Dalton pointed out the notation was made by the Finance Director and didn't make it on to Mr. Meador's sheet.

Councilman Meador questioned Ms. Dalton with excellent legal advice they should be spending less on outside council. Ms. Dalton responded that there were two components to every legal advice.

Councilman Meador moved on to the next item on settlement with Utelco, stating it currently projects at \$775,000; he suggested moving this item down to \$585,000 where it shows at \$304,013 already spent this past year which should cover the bulk of the legal fees.

Councilman Meador did not have much to say regarding the balance of these items. He noted the Land Development Code where they spent \$5,000; it was budgeted at \$10,000 and suggested bumping that up in the Land Development category combining it with Comp Plan Revisions. Mr. Meador went on to Water Enforcement Deputies which is \$50,496 and stated that is OK; He noted they were budgeting this year the amount of \$25,000 for the free voice people, and they spent \$3,227.00 on that item. Mr. Meador didn't mind if they can Budget another \$ 3,500.00, but states the \$25,000 seems ridiculous for a free service.

Ms. Lambert responded that there was a proposal made to hire a retired policeman which was presented before the budgeting. She stated this was done in proposal should they hire these policemen the funds would be available to pay out. Ms. Lambert explained she had no particular vested reason but just wanted them to know the reason why that was there.

Councilman Meador responded this not being a share of traffic control, and could be taken out of payroll expenses. Mr. Meador referred to the Emergency Contingency Funds Mr. Shenko previously mentioned stating the \$500,000 is an item that could go into a restrictive Contingency. He questioned the actual adequacy of the amount as being willfully inadequate.

Councilman Meador referred to professional fees IT System at \$525,310 stating they spent zero on that line item this year. He pointed out last year the original Budget proposed \$60,000, this Budget proposed at \$100,000 stating \$500,000 per unit; Mr. Meador stated this was a ridiculous charge.

Councilman Meador referred to Congestion Mitigation stating the amount of \$262,547., has been carried over repeatedly in the Budget year after year, where they have spent less than \$25,000 this year suggesting they take the amount to \$50,000. Mr. Meador regarded to the Trolley upgrade project stating they spent a little more than \$8,200.00 this year, and pointed out the Trolley's are not theirs and if there is going to be a line item, he would like to see it go to \$9,000.00 Mr. Meador pointed out Road Maintenance went from \$250,000 to zero stating he would like to see a line item for \$150,000 as they are in need of Road Maintenance. Mr.

Meador stated they cannot take it all away from their citizens and put it into payroll.

Mr. Green reported Road Repair and Maintenance is projected at \$200,000.

Councilman Meador stated that this figure appeared in a few places in the Budget which is the reason for the confusion stating there are various line items for different cost categories. Mr. Meador stated Streetlights utilities at \$10,000 high and pointed out Streetlight Repairs last year it appeared \$10,000 high. CRA Road Improvements went from \$425,000.

Ms. Dalton interrupted Mr. Meador to point out this was the part of the ERA Budget and did not understand why that was there, and asked Mr. Meador if he could hold off on the matter.

Mr. Meador replied that this was in the original Budget stating it went from \$425,000 to zero. He further stated Streetlight repairs went from zero to \$10,000. Mr. Meador points out to Mr. Green's Road Maintenance and Road Improvement being a different line item where they spent \$100,000 and it was budgeted at \$200,000 recommending they take it to \$211,000.

Mr. Green reported the actual amount they spent was at \$185,000.

Councilman Meador replied all they had was what they had spent to date up to the production of the July Budget. Mr. Meador pointed out they may need to bump the item, as the two line items together total at \$250,000; and pointed out Mr. Green's was looking for \$200,000 and stated it is actually \$61,000 more than what Mr. Green was looking for. Mr. Green stated that would be fine.

Councilman Meador referred to the Road Drainage Projects where they spent \$279,000 it was budgeted at \$500,000; they spent \$307,000 and stated if they had actual contracts to support the \$500,000 figure; but he has not seen any as far as he knows.

Councilman Meador referred to North Estero Improvements last year's projected actual was at \$27,000 stating that may be the actual that Mr. Green has, quite a bit higher. Mr. Meador stated the original proposal was at \$675,000, and then it went to a million. Mr. Meador stated he would like to see them stay to the \$ 675,000 figure instead of the million.

Mr. Green stated the \$675,000 being adequate as they looked at the project in a year in the start of moving the ground. Mr. Green stated receiving a grant from the Department of Emergency Management through the state, but is FEMA; this grant is for the engineering and plan development on

North Estero Project and he states they placed some conditions which may slow down the project. Mr. Green pointed out the projects are projected at 2.2 million and the South Florida Water Management has contributed \$150,000 towards the water quality aspect. He figures with FEMA they will fund \$650,000 to move the dirt. Mr. Green states most likely he will submit and will be able to back the numbers given.

Councilman Meador stated the Trolley's figure appears to be going to \$228,000 based on information given by Lee Tran. He also mentioned Parking Meter Enforcement and Maintenance appear they will pay \$261,000; the original Budget was \$300,000 then it went to \$340,000 stating this would basically eat-up all of their revenue from parking maintenance and enforcement stating if they do what was originally suggested of putting the parking meter people to code enforcement people. Mr. Meador stated he would like to stay away from that as they already have a system that has worked for years.

Mr. Green reminded Council that they have a contract with Central Parking System, and the Budget proposed for expenses were \$340,000 for the year; Mr. Green stated this included both beach access parking and the on-street parking, and noted by reducing that figure proposed they would be in breach of their contract.

Councilman Meador pointed out where they had \$100,000 of revenue for parking meters they would be eating that up with this contract proposal.

Mr. Green responded the anticipated revenue is higher than that, and the net to the beach is projected at \$157,000.

Councilman Meador questioned how the projected revenue stack-up for the actual revenue for last year.

Mr. Green replied not having last year's revenue with him, but has the expected revenue for this year. He pointed out the net cash revenue for the beach access component is \$151,144; and the projected revenue for the on street sites for the year is \$331,875. Mr. Green stated they were looking somewhere between \$400,000.

Councilman Meador questioned Mr. Green whether these estimates were accurate or not.

Mr. Green responded stating they are trending to the good and stated last year it was under \$100,000 but not that much under.

Councilman Meador noted the Budget starting out on the Bay Oaks Park at \$385,000 total; stating it went up to \$280,000 total, and points out they only spent \$200,000 last year. Mr. Meador proposed that they take another 10% bump to \$220,000 unless otherwise their contract has changed and bumped it to \$280,000.

Mr. Green referred to their contract with the County regarding Bay Oakes Park stating it was approximately \$ 250,000, and that they made two payments a year. Mr. Green stated the money that was budgeted for the maintenance part of the park had been reduced to \$20,000.

Councilman Meador referred to Mr. Green regarding the actual contract with the County which was \$250,000 and states it shows that they paid only \$35,900 this year.

Mr. Green was unable to attest to the figures, but pointed out recently signing an invoice for the last payment, and believes they will be at those figures.

Councilman Meador pointed out the appearance of confusion with numbers in the bookkeeping; stating that maybe part of the problem is that the numbers are not getting posted through accounts consistently.

Ms. Lambert asked if she may address the CDBG Program. She noted \$ 48,000 comes from the County and stated this is a reimbursement program. Ms. Lambert stated Council has matched it by \$20,000 in the past to cover all of the programs which are sponsored by the CDBG Program, and stated that they get reimbursed \$48,000 for it. Ms. Lambert emphasizes the need to expend that amount of \$48,000 in order to receive reimbursement. She pointed out the actual expense for the program being \$20,000.

Councilman Meador questioned the whereabouts of the actual cost for the program in 2005/2006.

Ms. Lambert responded that this would go through September and that they will be using most of the \$48,000 and then some. She noted this is carried over for 18-months and stated that they will have an additional six months in CDBG of spending. Ms. Lambert stated recently receiving a reimbursement of \$41,000, but noted there are two more months to continue and this would cover it.

Councilman Meador mentioned the timing of payments did not correspond with the numbers they looked at.

Ms. Lambert reported the amount they would expend would be \$20,000 and not higher.

Mr. Green referred to the Harbor Vessel Removal and the Harbor Operation stating they participate with the County and they also have a grant from WCIND for abandoned vessel removal. Mr. Green pointed out the number reflects the amount spent today no longer current and stated he recently signed an invoice for \$17,000 for three vessels which was removed.

Councilman Meador stated he attended this meeting and recalls Mr. Matt Feeney who made the presentation in regards to the grant to the Council. Mr. Meador thanked Mr. Green for mentioning the Harborage as he admits skipping over it. Mr. Meador stated the reduction for the proposed \$170,000 Budget item; Salty Sam's Relief Fund to zero as he stated Mr. Green reporting that the operation could run at a breakeven basis.

Mr. Green reported by continuing with Salty Sam's as their Harbor master, they would have to enter into an agreement for a lesser fee or to honor the terms of the contract stating with 95% of the revenue, he retains, and 5% going to the Town. Mr. Green questioned whether or not Salty Sam's would comply and stated should they not agree, and then they would have to tend to the Mooring Fields as their obligation in agreement with the State. Mr. Green points out there would be obvious costs involved and they will need money for the operation.

Councilman Meador asked Mr. Green if they decided to maintain the Mooring Field, given the fact there aren't enough Ft. Myers Beach property owners who do have boats in the Mooring Field to make it worth the Town's spending other taxpayers money to go into negative dollars in support of the Mooring Field and agrees with Mr. Green.

Mr. Green reminded that there was a certain amount of grant money involved with the establishment of the Mooring Field which the Town would have to reimburse several hundreds of dollars, and he asked Council to take this into consideration should they decide in doing so.

Councilman Meador questioned if Beach Access overtime is a payroll item.

Mr. Green reported he presented it in this manner so it would not appear hidden, he stated the maintenance staff has become two less than what it used to be and that there were dedicated beach access folks claiming they worked five days a week, eight hours a day on beach accesses. Mr. Green stated that they believe it can be done and has been proven true with the people that remain, but that it would entail overtime.

Councilman Meador asked if the \$180,000 for Beach Access was also for payroll.

Mr. Green reported that it was associated with the TDC grant which is \$145,000 and is the actual payroll associated with it, but Mr. Green stated he hadn't the time to digest what has happened on the Beach Accesses; he stated that some of the billing was struggling with TDC in the determination of what the reimbursement should have been. Mr. Green pointed out the numbers which were put out there was because they did not have a hard figure they can bring forth to Council. He stated he believes they can do it for a lesser amount.

Councilman Meador pointed out that it appears they will be spending closer to \$190,000 based on projected actual. Mr. Meador wanted to know if the figure he was looking at was an enlarged part of payroll expense which is not shown as a payroll item if that was the budgeted \$225,000.

Mr. Green was unable to respond regarding the breakdown of Beach Access cost factors stating with a year's time, he would be able to do so.

Councilman Meador referred to the Newton project and the Mound House regarding the actual proposal to spend significantly more than what was budgeted. Mr. Meador stated he would like to see both these projects completed within the next year, he feels it is more likely with the Newton Property than with the Mound House as the Mound House has a longer time line.

Councilman Meador referred to public dock construction where they spent \$2,600.00 last year, and proposed \$65,000. Mr. Meador proposes that they spend zero. Mr. Meador referred to Old San Carlos maintenance line item of \$2,219.00; everybody is aware when they spoke to the experts about many repairs to be made on Old San Carlos. Mr. Meador stated the Times Square garbage numbers appeared to be in line stating that the numbers have dropped \$62,000 and he stated staying with those figures until they need to increase them.

Mayor Boback referred to the Trolley figure of \$ 228,000 and asked if this included the enhanced Trolley service during the season.

Councilman Meador responded that was a replacement number for the \$210,000 for the basic service.

Mayor Boback clarified the \$228,000 was for basic service. Mr. Meador reported they had budgeted to \$210,000. Mayor Boback stated if they

were going to do the same as last year they would need to increase that number in order to put in an extra Trolley and time during the season.

Councilman Reynolds noted that the \$210,000 was for the extra Trolleys; he stated the County furnishes the other ones as part of their run.

Mayor Boback stated that was the reason he had asked as he wanted to make sure.

Councilman Meador stated based on annual projections they would be spending close to \$300,000. Mr. Meador stated there would be an additional \$75, \$80 to \$90,000.

Mayor Boback agreed and stated he would not like for the season to come, and they don't have the money to provide the service stating it was successful last year.

Councilman Meador stated he did not know if that extra \$75 to \$100,000 is buried in another Budget line.

Mayor Boback asked Ms. Lambert if there were any other Budget lines for Trolley service. Ms. Lambert responded she had not come across any.

Mayor Boback stated that is an issue that needed to be addressed. He also mentioned they were directed to put in the Budget \$25,000 for Curfew Enforcement and states he did not run across that anywhere. Mr. Meador agreed he did not see that as well.

Mayor Boback reported that at one of their Workshops they had talked about bringing more Code Enforcement in-house, stating the figures were around \$ 165,000. Mr. Boback asked Mr. Murphy regarding the issue.

Mr. Murphy responded that they did speak about that, but states he has no numbers. He mentioned he is waiting for a response of report fee of revenue that the County receives for the Town of Ft. Myers Beach. Mr. Murphy stated he had not received that yet and once he does, he will prepare a memo regarding those issues.

Councilman Meador pointed out that was related to bringing permitting in-house.

Mr. Murphy replied to Mr. Meador no, but that it would be the first step. Mr. Meador reported that they currently have their own Code Enforcement Officer.

Mayor Boback responded they only have one, and that they piggy-back with the County for the other one which they pay for the expenses.

Mr. Murphy stated he was getting mixed feelings regarding the Code Enforcement stating that Council expresses the importance of having the Code Enforcement, where previous Councils were adamant about it. Mr. Murphy noted they are complaint driven and believes the policy will not change unless otherwise specified. He also pointed out by utilizing Beach Patrol or Parking Patrol in terms of Code Enforcement would be the idea of having someone in the field that can call and respond to Code Enforcement complaints more rapidly than sending someone from the office. Mr. Murphy referred to the GIS project and stated that was a project under the previous administration and explains that is another factor which in terms of where people are at any given time. Mr. Murphy stated this is something that is important to them as it helps them maintain their zoning maps and having available online.

Mayor Boback referred to the IT System and pointing out if he is not mistaken this is not only for computers stating the system being down more than up and running, also stating that it cost them money and productivity every time the system goes down. Mayor Boback stated he believes that the system will fall apart at any time, and asked Ms. Lambert to elaborate on the matter.

Ms. Lambert responded that it is the infrastructure of the system, and states the problem would not be solved by buying extra computers. Ms. Lambert noted that they need a different infrastructure to operate 15 computers at all times. Ms. Lambert reiterated that buying new computers will not solve the problems.

Mr. Green reported in order to run an operation as they have they will need certain servers; He pointed out they would need application servers, systems servers, and exchange server not including a separate server to completely run accounting. Mr. Green stated the server they currently have is doing everything and servicing 15 people. He further explained the complications they are currently having with the server.

Councilman Meador asked Mr. Green if he had called Dell regarding the situation. Mr. Green replied that he did not speak with Dell, and Ms. Lambert also did not speak to anyone regarding that.

Councilman Meador pointed out to Mayor Boback how Ms. Lambert promised to contact Dell regarding information on the server. Mr. Meador reports that a server is less than \$500.00; Mr. Meador confirms Mr. Green's estimate of \$50,000 as being adequate, but expresses when they don't make the calls as they said they would, and they don't get the

pricing they are back to where they started. Mr. Meador stated he does know how much these items cost, stating they may be looking at \$30,000 in equipment and for someone to come in.

Mr. Green stated part of the problem is that there is data in everybody computer. He stated to get data that he needs he would have to go to another computer to get the information. Mr. Green stated they need two system servers as the configuration server managing the operating system is one per every ten user; they have 15 and will need to take on more new people. Mr. Green pointed out not to purchase a system to meet the existing needs, but suggested to purchase a system that will meet the needs for tomorrow. Mr. Green stated \$100,000 would be the cushion they need should they come across anything unknown.

Councilman Meador stated that what was suggested at the Workshop is Dell does have network engineers and send someone out and review the requirements, and stated that if no one calls then we don't know. Mr. Meador pointed out that the first step to take is by making the call.

Mr. Green agreed with Mr. Meador stating there has to be due diligence, further stating they need to make assessment of what their needs are today and what our future needs are. Mr. Green responded to Mr. Meador's questions stating that they did have someone come in and tell them what they needed for the system.

Councilman Meador stated he understood what Mr. Green was talking about and stated for the benefit of those who did not understand he thanked him for his explanation.

Councilman Reynolds stated they had heard enough of their needs, and suggested giving them the \$100,000 as Mr. Green has requested and stated that they are very fortunate to have these three people here in front of them who are very well informed. Mr. Reynolds pointed out the system being the most important part of the operation and would not be able to function without it.

Mayor Boback referred to restricting line items and stated he cannot see restricting the line items, but could see restricting departments. Mayor Boback suggested giving this some thought before the final Budget hearing next week. Mayor Boback stated he didn't have any problem restricting money by department, but feels it is foolish to restrict them by line items.

Councilman Reynolds asked Mayor Boback if the Finance Director can shed some light to the matter as she has the experience in all these areas.

Ms. Evelyn Wicks stated by restricting line items as the year goes on it will become more inefficient. She stated that it would be easier and in their best interest to get monthly reports, look at the line items to see where they are.

Mayor Boback pointed out they need to let the folks manage their departments, and is the reason they are in that position. Mayor Boback stated they need the flexibility to move money around from line item to line item in their department. Mayor Boback stated this is a planning tool and is a living document where they need be able to move around with it.

Councilman Shenko responded to Mayor Boback as he previously brought the matter 2.4 million in total Ad Valorem revenue coming into the Town of Ft. Myers Beach. He notes they have 3.4 million sitting in unrestricted accounts stating that is more than the Ad Valorem Budget. Mr. Shenko stated he would like to have this itemized in what accounts the monies are in, and not to say how it is going to be spent every month; and notes they would have a report of where it is.

Mayor Boback stated he had no problem with that, but clarified that they were talking about them encumbering each line item in the Budget.

Councilman Meador agree with Mr. Shenko as to having it called something other than the big pile of money that is not spoken for. Mayor Boback stated he had no problem with that. Mr. Meador stated he did not have any problem with the departmental encumbering with one consideration which is in regard to Capital projects. Mr. Meador stated if they had budgeted something for Capital projects for a particular department, it should be restricted to Capital projects and not moved around.

Mayor Boback stated that the Capital projects are a different animal, and he was referring to Department Budget.

Ms. Evelyn Wicks suggested when they speak about Capital projects they should include that departments should preclude from moving personnel cost. She noted what can be moved around could be the operating costs, and not have the department having the ability to make a move out of salary line items, and consequently at the end of the year run out of money. She suggested the latitude they should give the departments should be within the operating accounts only, not personnel and not Capital.

Mayor Boback stated he is passionate on this because he does his Budget every year stating last year he managed 17 Budgets. Mayor Boback pointed out that the Department heads never had to do a Budget and

commends them on doing a great job on such short notice. Mayor Boback stated they need their support to allow them to manage their Budget.

Councilman Reynolds noted they need to recognize the Department heads know more about their needs than they do as well as the Department heads know more about the cost of their needs.

Ms. Dalton also suggested having at hand a purchasing manual stating the Town has never had one. Ms. Dalton pointed out some of the issues Mr. Meador could be addressed in a context of an Ordinance such as spending levels explaining what type of matters would come back to Council, and which items would not. She stated in regards to Capital projects the purchasing manual would be adopted by a Resolution or by an Ordinance. Ms. Dalton stated she is eager to start working on that and believes the staff is as well.

Mayor Boback replied it will work for him, and asked Ms. Dalton to put it together and presented to Council.

Mayor Boback asked for clarification regarding employees receiving a yearly raise.

Ms. Lambert replied that was correct.

Mayor Boback added they only get a cost of living adjustment.

Ms. Lambert pointed out in the past they have been given bonuses.

Mayor Boback stated the employees do not receive a yearly increase. He noted the 3.5 which Mr. Meador spoke about and asked if that was from the Budget Workshop they had where there were several figures and Ms. Lambert was instructed to cut it in $\frac{1}{2}$, and they would deal with it from there.

Councilman Reynolds clarified the numbers were 3.75 not 3.5. Mr. Reynolds also suggested the COLA is limited to from zero to 3%. He stated if it is 1%, why go to giving 3% stating he didn't like a set figure. Mr. Reynolds commented if they are going to pay a COLA, it should be according to that increase.

Mayor Boback responded this is in regards to the staff not receiving an annual increase in their salaries. Mayor Boback reported in most places, employees get their annual increase and review plus a COLA, and then you can hold them to that 1%.

Councilman Reynolds stated his system in the past has been from zero to 3% stating they generally have a limitation on the COLA which is what he refers to.

Vice Mayor Massucco stated that worked for him for the past 36-years.

Mayor Boback reiterates based the each Councilman's statements in the past Workshop; they cannot outsource our employees and get the type of service and dedication they present to us, stating they cannot price the pride and dedication.

Mr. Green addressed an issue made by Councilman Meador regarding workers on the beach; Mr. Green stated at that time, they were in Hurricane preparation mode and the decision was made to send these men with the two gators in order to pick-up the garbage cans. Mr. Green stated in any normal situation he would have not allowed two men to do a one man's job.

Vice Mayor Massucco referred to the alternating light, which Mr. Shenko commented on. He stated they show a pro's Budget \$140,000; Vice Mayor Massucco explains back in 2004 they were in need of an alternating light, and Lee DOT was unable to put it in the Budget until the following year. The Town offered to fund the money. Vice Mayor Massucco explained Lee DOT provided the maintenance and setup, and were supposed to bill the Town the amount of \$ 120 or \$ 140,000 which they never did; two year later. Vice Mayor Massucco pointed out at this point in time, they will probably never bill the Town for that service and they can take that \$140,000 out of their Budget.

Mr. Green stated that the project has not been completed and what is currently there is temporary installation. Vice Mayor Massucco pointed out they have \$28,000 on repairs.

Mr. Green stated they have a line item for standard street lights, and payments for those streetlights and traffic light, things of that nature. Mr. Green reported the \$140,000 included the design and the actual implementation and setup at Buttonwood and Prescott as well as San Carlos. Mr. Green stated the County does this for us where they would pay the County, and then they get reimbursed by DOT. However, stated the project has not started and they are still in temporary installation.

Mayor Boback asked if there was anymore discussion on the Budget.

Councilman Reynolds referred to the Code Enforcement stating he agrees that one person for the job would be enough. Mr. Reynolds referred to the Department Directors and the possible reductions on different line items;

Mr. Reynolds pointed out that Mayor Boback brought up very strong points to that regard. Mr. Reynolds suggested for Council to the Directors to go back and read some of the suggestions, and reconsider certain line items or make adjustments.

Mayor Boback responded that he is not sure they would want to start a new Budget. Mr. Reynolds replied this would not be a new Budget. Mayor Boback clarified by going back and changing all the numbers, they will know where to look again. Mayor Boback thanked Mr. Meador for the time and effort he put into this Budget. Mayor Boback stated he would like to further review the Budget and suggested everyone to do the same, and have it ready for the next Budget hearing.

Councilman Reynolds stated what he was asking for was to give the Department heads a chance to reconsider, suggesting looking into it more seriously.

Mayor Boback stated they can take a look at those numbers now, so when the next Budget hearing on the 18th when Council decides on what to approve, and they can comment at that point whether it is not enough or make necessary cutbacks.

Vice Mayor Massucco asked Mr. Green if \$100,000 is enough for the IT System.

Mr. Green stated yes; stating that would provide a buffer for the things they can't project.

Ms. Dalton stated the Resolution addresses the Town Council having reviewed the Budget, having made certain amendments, and has adopted a Tentative Budget. Ms. Dalton stated she was not sure if amendments were made at this time to the Budget brought by staff.

Councilman Shenko pointed out his motion stated they adopt the Budget with the change on the income side dropping \$265,000 and that number be taken from the unrestricted carry over indicating that would be a change.

Ms. Dalton agreed stating as long as it is clear.

Councilman Meador stated he did not intend to go through all the line items stating this is a big project. He stated Mayor Boback's suggestion of going home and taking a look at it stating he doesn't believe they need to go back at this point and begin rewriting.

VOTE: The motion passes 4-1 with Councilman Meador dissenting.

Recess as the Fort Myers Beach Town Council

Convene as the Downtown Redevelopment Agency

A. First Public Hearing- Adoption of Tentative Budget 06/07 DRA

1. Tentative Adoption of Budget FY 06/07 for the DRA-RES. 06/11

Ms. Dalton read the Resolution 06/11: See Attached.

Mayor Boback opens public comment:

- No public comment was given.

Mayor Boback closes public comment:

MOTION: Vice Mayor Massucco made a motion to adopt Resolution. 06-11. Councilman Reynolds 2nd the motion.

Discussion:

Councilman Meador referred to the Utelco item; taking the \$585,000 from the current \$775,000 amount shown. Mr. Meador also regarded to another item; Old San Carlos maintenance and increasing that item to Budget \$150,000 as previously proposed by Mr. Meador.

Mayor Boback asked Mr. Meador if these were the only two adjustments.

Councilman Meador reviewed in previous discussions certain deficiencies were noted in Old San Carlos which need to be looked at, and he states that they need to Budget for it now or sometime in the future. Mr. Meador regarded to the Utelco item stating it is high based on previous discussions.

Councilman Shenko agreed with Mr. Meador's two changes and stated he would like to see in the future doing away with the DRA, and merging into their regular Budget process.

Vice Mayor Massucco had no comments.

Councilman Reynolds wanted to know where the contributions for the Town's DRA where it shows zero, and suddenly there is \$89,000; he questioned where did this come from.

Ms. Evelyn Wicks replied that amount was in the 2005/2006 Budget that the Town would make that contribution of \$89,000 to the DRA. She stated she was not sure what type of agreement was made to this regard, as they had no history regarding that and it was left there in the event that a special arrangement was made.

Ms. Dalton reported the DRA money is restricted funds in terms of how they come in and how they go out. She stated the materials were a little sketchy, but does reports the lump sum of DRA capital resolved a settlement involving Lee County involving a lawsuit where the Town sued the County to attain funds the Town believed that were owed; She stated there was a settlement which did come in which is one component of the money in the DRA. Ms. Dalton added it is her understanding the DRA made a loan to other entities and those entities are paying back the DRA, stating that is the second source of funds.

Ms. Evelyn Wicks responded to Ms. Dalton that would be correct if they could isolate that information, stating is out there somewhere but have not put their hands on it.

Mayor Boback questioned if the County gave the DRA money, and the DRA lent it to someone else.

Ms. Dalton replied DRA has a certain line item amount of money as pointed out by Mr. Reynolds; she stated the Town is not currently collecting funds, and states it is a fine line group of TIF funds. She pointed out that a loan was made within the Town for a project outside the DRA parameters stating this predates everyone here in this room.

Councilman Reynolds stated they saved the TIF funds for three or four years, for which it was going to be used for a beautification project on Estero Blvd. Later the committee decided to go along with certain commissioners and do Times Square instead.

Ms. Dalton further reported those funds have been spent down as needed and part of that spending the money was loaned out, which is being repaid bit by bit by property owners or business owners.

Ms. Evelyn Wicks responded that this is in the general fund, and that they will get the exact details before making any transfers, and suggested not making any transfers until they can correct everything.

Councilman Meador suggested if the motion maker would make the two adjustments and amend his motion.

AMENDED MOTION: Vice Mayor Massucco amended his motion to adopt Resolution. 06-11 with the adjustment discussed. Councilman Reynolds 2nd the motion.

VOTE: The motion passes 5-0

MOTION: Councilman Meador made a motion to adjourn the Downtown Redevelopment Agency. Vice Mayor 2nd the motion.

VOTE: The motion passes 5-0

Adjourn as the Downtown Redevelopment Agency

Reconvene as the Fort Myers Beach Town Council

D. Introduction to Ordinance 06-15 Town Hall Search Committee

Ms. Dalton read the Ordinance 06-15: see attached. Ms. Dalton stated they would proceed to have a hearing another date, but asked for guidance from Council if they want to deviate from past practice to give Ms. Dalton input regarding the Ordinance.

Councilman Reynolds responded to a comment someone who asked him if they were having problems finding a Town Hall. Mr. Reynolds suggested they thy input they are also looking for a site.

MOTION: Councilman Meador made a motion to move this Ordinance forward. Councilman Reynolds 2nd the motion. Ms. Dalton stated they need to set a date certain for the hearing.

Mayor Boback opens public comment:

- No public comment was given.

Mayor Boback closes public comment:

Discussion:

Councilman Shenko points out two items; the first one is considering whether being a member of another committee would make you ineligible. The second one is adding a language to restrict people in the business who sells real estate. Mr. Shenko suggested no member of the committee shall drive a direct benefit from membership in the committee. Mr. Shenko stated addressing these two items when they address the Ordinance.

Vice Mayor Massucco stated he had the same suggestion as Mr. Shenko stating there could be conflicts down the road having real estate people involved, and believes maybe the language should be in the Resolution.

Mayor Boback pointed out he has a real estate license where he does not use it but it is active stating it currently is at a real estate office on the beach. He asked if that would preclude that company.

Vice Mayor Massucco stated it could.

Mayor Boback reminded Council that they are looking for a site to build a future Town Hall. Mayor Boback noted the real estate people are the most knowledgeable people when it comes to advising what is available. Mayor Boback stated they need to be careful to exclude any one person with a real estate license as they would be losing their knowledge. Mayor Boback agrees that a language should be implemented to avoid any conflicts, but believes if they exclude them from being on the committee, they would be shortchanging themselves.

Vice Mayor Massucco stated the committee members would be able to consult with the real estate agents, but he objects to having them being a part of the committee.

Mayor Boback stated if by keeping them off the committee because they have a real estate license, they may not be involved in helping stating they want the experts. He stresses to be careful not to exclude them.

Ms. Dalton noted there are three ethical scenarios pointing out as mayor holding a license with a entity that could hypothetically be involved in a transaction in the future. She stated normal ethical rules would apply to Mr. Boback as Mayor and would be true to any member of Council. She pointed out the 2nd scenario that any member of this committee would have ethical obligations. Ms. Dalton questioned if Council wanted to raise the bar on the ethical question. Ms. Dalton suggested bringing some options regarding that.

Mayor Boback agreed and stated he wanted to make sure no member of this committee would profit by this, and not to exclude the experts.

Ms. Dalton stated her intentions were to bring forward to Council a memo regarding the ethical issues.

Vice Mayor Massucco stated there has to be something in there, and is willing to bend on that issue. He would like to make sure that possibility is excluded.

Councilman Reynolds reminded Council at the last meeting he suggested that each Council member to nominate one individual to avoid going through this discussion. Mr. Reynolds stated they have done in the past where each Council member chooses one member to be the person to serve on that committee and states that is the best way to go.

Councilman Meador stated it should not be a problem. He stated it would be unlikely for a realtor to want to serve on this committee knowing they would not be making any money or would be unable to do any listings; as the realtor is more than likely to want to represent the seller who sells the property to the Town and makes a commission on it.

Mayor Boback agreed with Mr. Shenko as this would be a short-term committee they can accept people from other committees. Mayor Boback suggested six-months renewable as needed.

Councilman Reynolds asked if they will be advertising and get applications and then choose from there.

Mayor Boback replied it is already on the website.

VOTE: The motion passes 4-1 with Councilman Reynolds dissenting.

Ms. Dalton asked for the date and time for the next Council meeting. Ms. Lambert replied September 18th, at 6:30 PM.

E. Establishing Policy Regarding Local Newspaper Advertising

MOTION: Vice Mayor Massucco made a motion to advertise in two local newspapers. Councilman Meador 2nd the motion for discussion.

Discussion:

Councilman Reynolds reported he went over pricing on both papers stating if he had to go with the locals, he would go with the *Bulletin* and the *Observer*. Mr. Reynolds stated he would prefer not to go with all three papers.

Councilman Meador asked to clarify what they were approving is the publication in the Ft. Myers Beach *Observer* and in the *Island Sandpaper* stating the cost for the *Observer* is \$92.60 per advertisement, and the *Island Sandpaper* is \$ 67.50 per advertisement. Mr. Meador stated they when they advertise in the *News Press* for Council meetings, they are also talking about advertising in the two other publications at the same time.

Vice Mayor Massucco noted he was not too sure as to how much they need to advertise.

Ms. Dalton stated it is not required to advertise the entire agenda, but hearings and Ordinances, Zoning issues etc, there are other requirements.

Councilman Meador stated when they previously spoke about this issue; they talked about advertising Council meetings.

Ms. Lambert responded that both of these ads are different. She explained the reason for advertising in the *Observer* was to provide the people more information regarding the agenda and items that were put in. She noted the *News Press* legal requirements were satisfied with the examples which were presented to Council. Ms. Lambert stated there is no real legal requirement other what has been copied on the pages for advertising in the *News Press*, and stated there is no legal requirement for the *Observer* or the *Sandpaper*. She reiterated the concept was to give the people more information without doing the entire agenda.

Vice Mayor Massucco stated there would be three different ways they can check information on the agenda, and stated they would not have to provide that much on an ad.

Councilman Meador stated if this is only to advertise Council meetings and those were the prices that were given, he would be happy to making that limited expenditure, and any other legal advertisement that need to be done, Mr. Meador suggested doing them in the *News Press*. Mr. Meador stated he would not be in favor of further expanding that cost.

Councilman Shenko pointed out back in November he made a motion to only advertise in the *News Press*, and stated he was not happy to find out they were advertising in the *Observer*. Mr. Shenko pointed out what the consequences of potential error if certain information were written correctly in two of the papers, and the other paper would have something different or incorrect. Mr. Shenko suggested running a generic ad which would read Town of Ft. Myers Beach information and list the website. Mr. Shenko suggested running this generic ad all the time through the three papers and stated this would avoid having to make changes to the ad every week.

Mayor Boback stated they had made a policy decision to just advertise just in the *News Press*. Mayor Boback confirms the reason for advertising in the *Observer* was because the website was down, and states it was a right decision to make. Mayor Boback noted all they are going to do is advertise Council meetings they will not be advertising the special meetings, the LPA, committees or the agendas. Mayor Boback stated that everybody on

the island knows when they meet, and questioned why expend so much Capital to produce no information. Mayor Boback stated all the information is listed in the library, on the website, and is posted on the front door.

Councilman Reynolds stated he understand his point, and stated he would be willing to go that way.

Vice Mayor Massucco stated that for years many people have been used to looking in these papers and believes it has been helpful to them. Mr. Massucco doesn't believe it should be discontinued.

Councilman Meador referred to the policy decision they made being a correct one. Mr. Meador would like to see the word put out for the people so they can read there is a Council meeting taking place, just on a limited basis.

Mayor Boback stated they would have to list the LPA ads and publish those in the *News Press*.

Councilman Shenko stated he doesn't like to see room for error, but does agree with Mr. Boback's point of view just to list the website would be a waste of money. Mr. Shenko stated if you go those avenues publish everything, and if you publish everything it will cost a lot of money.

Vice Mayor Massucco stated the possibility of mistakes happening, but still stand behind his item and believes it is a courtesy to their residents. Vice Mayor Massucco suggested keeping it minimal stating all the information does not have to be put in and if they do put in, it should be the same for all.

VOTE: The motion fails 3-2 with Vice Mayor Boback, Councilman Reynolds and Councilman Shenko dissenting.

F. Appointment to Advisory Committees

1. Anchorage Advisory Committee

Mayor Boback stated they have a gentleman for the Anchorage Advisory; Mayor Boback stated they spoke about incorporating the Anchor Advisory Committee into the Marine Resources Task Force. Mayor Boback asked Council if they wanted to do that, and questioned if anyone made any calls to that regard.

Mr. Green reported he attended the Marine Resources Task Force meeting, and this item was presented to them by staff. He stated they were going to

consider it, but because it was present on short notice they did not consider it at that time.

Mayor Boback reported currently having four on the committee and that they needed five. Mayor Boback asked if they wanted to appoint the gentleman to this committee in order for them to start holding meetings until the Marine Resources Task Force decides what they want to do, and he asked Mr. Green whether they need to get the Anchorage Committee moving.

Mr. Green replied yes, that it would be necessary for them to start looking at running the Mooring Field or whatever happens with that entity, he states he looks at them as a resource which would carry them over the hump until they are situated.

Vice Mayor Massucco referred to the complication of Mr. Jeffrey D. Butzer where he states he knows he may not be able to attend all of the meetings. Vice Mayor Massucco pointed out whether they want to appoint someone whom they know from the onset will not be making all of the meetings.

Councilman Reynolds responded most of those members do not make all of the meetings. Mr. Reynolds further stated that if Mr. Butzer showed up to half of them, he would be the most valued member to that committee stating he is all over and he would be the one to carry out the message about this Anchorage along with his experience would be a benefit.

Vice Mayor Massucco replied that they have people who they have not appointed with experience before.

Councilman Reynolds stated with the current contacts Mr. Butzer has, and stated he is in charge of all of the regattas and is here on the beach. Mr. Reynolds stated he would be a strong person and mentioned they have two more to send beyond this. Mr. Butzer believes he can serve this committee.

Councilman Meador reviewed the gentleman's qualifications stating they were excellent and noted there were not too many resumes here for this position stating he would not like to see them pass that opportunity.

Councilman Shenko agreed that Mr. Butzer qualifications are well noted.

Mayor Boback referred his feeling with Mr. Green's comments that they need to get this committee moving, Mayor Boback agrees.

VOTE: The motion passes 4-1 with Vice Mayor Massucco dissenting.

2. *Public Safety Task Force*

Mayor Boback referred to Public Safety Task Force and mentioned Mr. James Wray who would like to be on the Town Hall Search Committee, or Citizen Advisory Committee; Public Safety Task Force or Times Square Advisory Committee.

MOTION: Councilman Shenko nominated Mr. James Wray for the Public Safety Task Force. Councilman Meador 2nd the motion.

Vice Mayor Massucco stated his primary residence is in Ft. Myers, and is not on the beach.

Mayor Boback stated he owns real property on the beach and is one of the reasons Mayor Boback had taken a look at it.

Councilman Reynolds stated that he had a chance to speak with Mr. Wray and expresses he is quite a gentleman; noting he has experience and was hoping to get him to serve on the Town Hall Search Committee.

Mayor Boback replied to Mr. Reynolds that Mr. Wray would not be excluded from that.

Councilman Reynolds replied that was not the motion Councilman Shenko made. Mr. Reynolds thought he would like having him there; being that Public Safety Task Force is right in his alley. Mr. Reynolds read Mr. Wray's references and his qualifications, and expressed he would like to see him for Public Safety Task Force. Mr. Reynolds suggested Mr. Treger for the Town Hall Site Search Committee.

Ms. Lambert reported he is looking at the possibility of three committees and pointed out that one of these committees they had a hard time finding a qualified candidate for, which is the CAC.

Councilman Meador stated both gentlemen appear qualified, but points out a concern which was also made the Vice Mayor, and being that Mr. Treger appears to be spending April, May, October, January, February and March here in Ft. Myers based on the letter Mr. Meador has read. Mayor Boback concurs.

Councilman Meador confirmed Mr. Treger would be available for six months out of the year, and states he will be missing 50% of the meetings.

Councilman Shenko prefers to stay with Mr. Wray stating he would personally like to see a merger on the two committees; Mr. Shenko pointed out he has questioned the CAC before, the need for that committee.

Mayor Boback asked if they ever got a 2nd for Councilman Shenko's motion for Mr. Wray. Mr. Meador 2nd the motion.

Councilman Reynolds stated that Ms. Lambert made a good suggestion; they need someone in MPO, and the CAC committee, and states since they can't use him on the Town Hall search committee.

Mayor Boback stated he still can be on the Search Committee.

Councilman Reynolds stated if they nominate Mr. Wray on the Safety Task Force then he would be out from there.

VOTE: The motion passes 5-0

3. *Citizen Advisory Committee*

None was given. .

G. *Mound House Landscape Architecture Contract*

Ms. Teresa Schober announced the packet included the scope of work and fee schedule which was provided by David Sack of EDAW Inc, out of Miami. Ms. Schober reported their contract is a two phase of services for a master landscape plan which involves a rendering of the property and descriptive paper which can be used for grant funding to implement the landscape plan. Ms. Schober pointed out the cost of the two phase approach was listed in the scope of work and is estimated at \$23,500 with a four month time line. This would enable Ms. Schober to apply to the TDC in February of next year to implement the plan. She noted the funding for this would be \$19,350 and notes that it is an existing grant from the Department of Forestry along with \$4150.00 from the house restoration line item. Ms. Schober mentioned the house restoration grant involved a \$ 3500.00 cash match by the Town with is designed for the plat networks surrounding the house. Ms. Schober also noted that EDAW submitted terms and condition with their proposed scope which included limitations for liability and indemnity clauses, and states having these reviewed by Ms. Dalton who sent recommendations back to the firm. Ms. Schober stated they had a conference call with the manager of the firm where they came up with a mutual indemnity. Ms. Schober requested Council to allow her to move forward with contracting with this firm to produce the landscape master plan as she described with the fees included.

Mayor Boback opens public comment:

- No public comment was given.

Mayor Boback closes public comment:

MOTION: Councilman Shenko made a motion to approve the proposal presented by Ms. Schober with the scope of work as outlined and negotiated by Ms. Dalton. Vice Mayor Massucco 2nd the motion.

VOTE: The motion passes 5-0.

H. Discussion Regarding Town Auditor

Councilman Meador stated there was question made by the Finance Director regarding changing Auditors. Mr. Meador stated not making any changes but making bids.

Mayor Boback stated there was no consensus on changing Auditors at that time and agrees to get some bids for their services to see whether the price range is the same.

Vice Mayor Massucco stated that this should go out to bid, but is impressed with the memo as well.

Mayor Boback stated if they get some bids this year they will know where they are at.

I. State of Florida Hazard Mitigation Grant via Department of Emergency Management Regarding Phase 1 of North Estero Project

Ms. Dalton read the Resolution. See Attached. Ms. Dalton reported the reason for the Resolution was presented, was due to the proposed term agreement, they require a formal Resolution to be adopted by Council in the event Council would move forward with the agreement.

Mayor Boback opens public comment:

- No public comment was given.

Mayor Boback closes public comment:

MOTION: Councilman Shenko made a motion to approve the Resolution as outlined by Ms. Dalton. Vice Mayor Massucco 2nd the motion for discussion.

Discussion:

Vice Mayor Massucco referred to the Sub Grant Agreement number three disagreement shall begin upon execution by both parties and shall end June 30, 2007, and asked Mr. Green how the time frame would work with him.

Mr. Green replied working. He stated they had engaged an engineering firm for the drainage project and stated they feel that they can meet the deadline.

Vice Mayor Massucco referred to six item D; Item requirements asking if they expend more than \$500,000 in federal funds and get into an audit process, would they be coming close to the \$500,000 figure as there are many things taking place.

Mr. Green stated deferring to the Finance Director as they have spoke in detail regarding this matter.

Ms. Evelyn Wicks stated by looking at last year's audit, they do the signal audit requirement as they need that for highway funds and other federal sources which would be included.

Councilman Reynolds stated a correction for Ms. Dalton regarding Article X of the Town Charter empowers the Town Council to adopt and asked if that would be more appropriate. Ms. Dalton agreed.

Councilman Meador stated he had nothing to add to the matter.

Councilman Shenko stated if Mr. Green is happy he is happy.

VOTE: The motion passes 5-0.

J. Status of Town Manager Search

Ms. Dalton stated this is a phase where Town Council has tasked Ms. Dalton to find proposals from executive recruiters; head hunters and states she has provided a memo on August 29th which detailed a list of candidates. Ms. Dalton also was requested to get information on managers in transition and states the information was provided to Council a week ago. She also noted she had contacted Susan Boyer and she replied she was not available until November 1st for anything whatsoever.

Ms. Dalton stated Vice Mayor Massucco sat in with Ms. Dalton when the proposals were opened.

Councilman Shenko referred to the proposals where the consultant gives them a price range of salary for their services. Mr. Shenko believes that they are very low for what they are asking stating the need to look in the range of \$125,000 to \$150,000 per year in salary. Mr. Shenko stated he feels comfortable with everything that was done to speak with Ms. Boyer to see if she is available as of November 1st. Mr. Shenko states going with one of the search firms as it was evident Colin Baenziger and Associates seems the most qualified, they are here in Florida. Mr. Shenko emphasizes the need to have someone with Florida experience, stating Susan Boyer has it, but if she is not available consider Baenziger and Associates.

Vice Mayor Massucco stated he had Baenziger and Associates as his number one choice. He felt the Baenziger and Associates presented a good proposal.

Councilman Reynolds stated they all are experienced stating he did not have much of a preference. He did state liking Ralph Anderson which would run a bit costly.

Councilman Meador stated he agrees with both Vice Mayor Massucco and Councilman Shenko along with Baenziger and Associates. He mentioned is Susan Boyer being number two on the list, but stated they know that she is not available until November 1st and states they have no commitment after that.

Ms. Dalton stated they have no idea what her commitments are after November 1st. She also mentions Ms. Boyer had engaged in negotiation with them. Ms. Dalton stated she made an offer to Ms. Boyer and after 24-hours responded that she will not accept the offer.

Councilman Meador stated this was due to family matters. He did note not holding out and try Colin Baenziger firm or advertise, or do some more interviewing.

Mayor Boback also agreed with the Council members stating Colin Baenziger price and experience is as qualified as the rest mentioning the price was better. Mayor Boback stated if they go with the search he would go along with Baenziger as well. Mayor Boback had mixed emotions about raising the salary and stated he has done some research for a Town of their size stating it ranges from \$70,000 to \$110,000.

Councilman Meador suggested considering negotiating some type of relocation compensation as an up front incentive.

Mayor Boback stated he did not want to get into a position of overpaying.

Councilman Reynolds stated keeping it open to a range of \$90,000 to \$110,000, but also stated he had no problem with Colin Baenziger.

Ms. Dalton suggested the motion to be made

MOTION: Councilman Shenko made a motion to enter an agreement with Baenziger and ask that he appear before Council at the earliest convenience to update them, and to get input both from Council and Baenziger firm as it relates to the search. Councilman Meador 2nd the motion.

VOTE: The motion passes 5-0

VII. COUNCIL MEMBERS ITEMS AND REPORTS

Vice Mayor Massucco referred to the Wilker stipulation; he asked if they were going to receive the \$20,000.

Ms. Dalton reported they have received \$20,000 stating the property owner has to follow certain terms under the stipulation after the \$20,000 has been paid in. Ms. Dalton stated if they don't adhere to the requirements, then they can go after the total outstanding amount which is over \$200,000. Ms. Dalton stated the \$20,000 has been received in an unrestricted fund, and is available to the Town.

Vice Mayor Massucco asked Mr. Murphy regarding a code enforcement vehicle having an electric window? Vice Mayor Massucco asked for a consensus from Council regarding this.

Mayor Boback stated that an amount of \$400.00 to \$500.00 would be something the department head would be able to work into their own Budget, and feels that is not something for them to be discussing.

Both Councilman Shenko and Meador agreed with Mayor Boback.

Vice Mayor Massucco stated he would pass that on. He also noted an ad that was on the *Sandpaper* stating the Beach School they had to tear down the playground which was unsafe. They are now building a new one with some fund raiser activities. Vice Mayor Massucco asked if Council could contribute \$ 500.00 to this effort.

Councilman Meador stated that it was noted in the trim notice that everybody in Town is making a contribution.

Vice Mayor Massucco stated they should join them.

Councilman Meador stated they will be joining them when they pay their tax bill.

Councilman Shenko stated he would like to have more information regarding this and they need to be careful with what they are doing.

Councilman Reynolds agreed with Mr. Meador stating a lot of folks will be contributing with that, and does not feel they should be contributing their money again.

Councilman Meador stated considering after the Budget scheduling on the calendar two or three old fashion Town Hall meetings where they can listen to the taxpayers. Mr. Meador proposed not charging the Ft. Myers Beach residents for the privilege of parking on their island.

Councilman Shenko agreed with Mr. Meador and pointed out an Election coming up in March, and proposed that they think about some valid issues and ask the voters what they think about the re-nourishment or what they think about Town Hall and things of that nature.

Mayor Boback agreed with that. Mayor Boback asked Mr. Green to look into the cost for the free parking for the residents.

Mr. Green stated the projected revenue for the Beach access to be \$151,144 which will pay for the Beach Patrol Operation, stating they will be in negative by \$12,367.

Councilman Meador asked how much of that revenue came from the residents of Ft. Myers Beach.

Mr. Green was unable to answer that. Mr. Green stated having free parking for the residents where the residents get a decal; they pay \$10.00 but will be able to park in all the Beach Accesses except for the downtown section.

Councilman Reynolds asked if is written on the decal application.

Mr. Green stated they are instructed where they can park.

Mayor Boback asked Ms. Dalton if the AG opinion was sent, Ms. Dalton stated it has been sent and a copy was sent to Town Council.

Mayor Boback asked if they had any idea time wise what the average is. Ms. Dalton stated the website indicates that it is a 30-day turn around.

Mayor Boback asked Ms. Lambert regarding the bridge traffic and pointed out he has seen some of the emails she has sent out.

Ms. Lambert stated she has not gotten any response as of yet, and stated putting another call.

Mayor Boback asked Ms. Lambert to let him know if she comes across any trouble getting back information.

Mayor Boback also stated having a water utility and asked to set a date and time.

Ms. Dalton stated between the tropical storm and Town Manager search, she was unable to do the opinion, and stated she was going to bring this up under Town Attorney Items.

Mayor Boback stated they can still set a date and get the information. He does not want to keep pushing this back or letting it sit.

Ms. Dalton states the Finance Director is not going to be able to write checks as of October 1st.

Councilman Meador asked Ms. Dalton if the meeting for Times Square has been set up yet.

Ms. Dalton stated that would have been on her agenda item tonight, but she is not on the agenda. She suggested having the MSBU meeting next Monday.

Councilman Meador asked if they will have time to advertise. Ms. Dalton stated that would be her next item to find out.

Mayor Boback stated they need to set a date for the Water Utility and MSBU which is going to be on Monday. Councilman Meador asked if this could be on the same day.

Ms. Dalton stated they can reconsider the date that was for final public hearing for Special Magistrate Provisions.

VIII. TOWN MANAGER'S ITEMS

Ms. Lambert stated she had none.

IX. TOWN ATTORNEY ITEMS

Ms. Dalton referred to a memo she sent on August 29th regarding the Best Western. She had advised Ms. Grady that Town Council had decided not go with go forward with this. She is requesting reconsideration regarding that decision. Ms. Dalton asked if Council wanted to revisit this matter.

Mayor Boback stated that is it.

X. Final public Comment: Public comment at this time is heard on any item/or issue of concern.

Mayor Boback opens public comment:

- Beverly Grady on behalf of Best Western and stated they came to Council on August 21st and heard comments made by Council they did not want to pursue the agreement with DCA. Ms. Grady stated they would handle the administrative cost which would not be a taxpayer's expense but would be paid by Best Western.
- Evelyn May spoke to Council about a problem on Old San Carlos concerning the parking of delivery UPS and Fed Ex vehicles and how can they prevent from getting tickets. She also pointed out not having employee's emblems for the parking space and is asking for some relief and to have it taken care of.
- Barbara Johnson spoke about the funds from the Times Square Advisory Committee.

Mayor Boback closes public comment:

Councilman Meador referred to Ms. Dalton of a letter of September 5th regarding a letter of credit stating it read as what they were asking for in regards to the extent of the letter of credit.

Ms. Dalton replied she had concerns regarding that letter and stated she addressed it to Ms. Grady. She stated the letter of credit is too limited stating the terms are too restricted and too narrow. She stated it is not clear to her what they believe an appropriate administrative fee is.

Councilman Meador stated they have made some progress with regards to the terms of the letter of credit which was one of the items they have previously discussed. Mr. Meador pointed due to their dead line issue, he would not mind revisiting this matter on Monday September 11th agenda.

Councilman Shenko stated he did not have any problem with this matter at all.

Councilman Reynolds stated this was exactly what he was asking. He stated to Ms. Dalton that this does answer what they have been demanding and suggested to move forward on the matter.

XI. Adjournment

MOTION: Councilman Shenko made a motion to adjourn the meeting. Councilman Meador 2nd the motion.

VOTE: The motion passes to adjourn 5-0 at 12:09 AM.

If a person decides to appeal a decision made by the Council in any matter considered at this meeting/hearing, such people may need to ensure that a verbatim record of the proceeding is made, to include the testimony and evidence upon which any such appeal is to be based. Please note: Agendas will be available on the Friday prior to this meeting at www.fmbeach.org.

Respectfully submitted,

Debbie Cardoso