

**FORT MYERS BEACH
TOWN COUNCIL**

**Town Hall- Council Chambers
2523 Estero Boulevard
Ft. Myers Beach, FL 33931
September 18, 2006**

Executive Session	Closed to the Public	5:45 PM
Special Town Council Meeting	Open to the Public	4:30 PM

CALL TO ORDER

Mayor Boback called an Executive Session of the Fort Myers Beach Town Council on September 18, 2006

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

Absent: Councilman Charles Meador, Jr., Councilman Reynolds

Town Staff Present: Town Manager Rachel Lambert, Town Attorney Anne Dalton; Denise Wheeler Attorney for the case, and the court reporter.

I. CALL TO ORDER

Mayor Boback called to order Regular Town Council Meeting on September 18, 2006 at 6:30 PM.

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

Absent: Councilman Charles Meador, Jr., Councilman Reynolds

Town Staff Present: Town Manager Rachel Lambert, Public Works Director Jack Green, Community Development Director Jerry Murphy, Town Attorney Anne Dalton.

II. PLEDGE OF ALLEGIANCE:

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

III. INVOCATION: Reverend Forrest Critser, First Baptist Church Public Comment: Please note that public comment will be heard at the time the agenda item is discussed.

Councilman Shenko requested for the Special Events Permits to be moved to the first item on the agenda this meeting. Councilman Reynolds 2nd the request. Mayor Boback asked Vice Mayor Massucco if this was OK, Vice Mayor Massucco responded yes.

IV. ADMINISTRATIVE AGENDA:

A. *Salty Sam's Audit*

Mr. Mike Sowers, of Gilbert Wallace & Stewart. He noted that he is the shareholder responsible for the auditing and accounting function of the firm. He presented a report to Council dated August 24, 2006 regarding the Matanzas Harbor mooring field's operation agreement between the Town and Hansen Marine property, doing business as Salty Sam's Marina. See Attach.

Vice Mayor Massucco remarked that the accounting was incredible stating that they do not have anything to back-up. Vice Mayor Massucco mentioned that when you submit a statement which has 14-months of the exact expenditures, stating how they will dispute this. Vice Mayor Massucco commented this needing a lot of work, before they can consider any other contracts with this marina. Vice Mayor Massucco remarked that during a 14-month period from December 2004 through January 2006, no payments were made to the Town, and pointed out that payments were made to the marina; Vice Mayor Massucco pointed out that their 5% was non-existing for a period of 14-months, and received nothing. Vice Mayor Massucco reviewed the memo provided by Mr. Sowers stating the numbers

Mr. Sowers stated that means that the revenues were on the books; they were recorded and included in their submission for repayment. Mr. Sowers stated they were counting revenue, but states the documentation was not available and therefore, they were depositing the money in their Corporate bank account.

Vice Mayor Massucco referred to a depth finder of it being reported in two different months. Vice Mayor Massucco asked Mr. Sowers if they had accepted the explanation given by the marina, and asked if they were charge twice for this item.

Mr. Sowers responded that this was presented twice for that particular item, and reported that they were paid twice for that item.

Councilman Reynolds responded that Mr. Sowers had done a good a very good service with his analogy and assessment. Mr. Reynolds reported they were appalled when they received the original Budget as to his record

keeping. Mr. Reynolds considered Mr. Sowers's recommendations, but doesn't know where to go from this point. Mr. Reynolds stated if they go out of their own contract, the other miscellaneous that were charged would not be payable under their present contract. Mr. Reynolds pointed out if they stay within their contract that the particular contract would require that they receive a 5% return on income cash, and that the marina will not receive anything from the Town.

Mr. Sowers reported he is not their attorney to answer that question, but did state on an accounting point of view, that is how the agreement reads.

Councilman Reynolds stated he is appreciative with Mr. Sowers's accounting input with the material that was presented.

Councilman Shenko agreed with Councilman Reynolds regarding the report reading very clearly. Mr. Shenko asked for this report to be scanned and available on their website, stating it is laid out very clearly. Mr. Shenko commended Mr. Sowers on his presentation stating the report was well written, and points out the highlights he has given basically is seeking reimbursement based on budgeted numbers, Mr. Shenko states it is unusual; that's the provider. Mr. Shenko also noted the authorizing and paying invoices which contain identical expenses month after month as a nonstandard practice; that's the Town. Mr. Shenko pointed out that neither party has done what they should have been doing. Mr. Shenko refers to the conclusion regarding the current agreement not working for both parties, and notes they recommend the current agreement be modified. Mr. Shenko stated going into that during discussion, but states that is an excellent recommendation. Mr. Shenko commended Mr. Sowers on his reports as it was very well drafted.

Mayor Boback asked Mr. Sowers about the revenues which were generated during those 14-months, questioning what would be the 5% payment to the Town amount to.

Mr. Sowers responded that he has not calculated that, but referred to Exhibit A; stating to take a look at the gross revenues of \$106,554; He stated a 5% of a 14-month period of \$5,000. He stated that the revenues are rising and that is good for the mooring fields. He further noted that the contractor had been very cooperative, and worked very hard to pull out records which may not have been in very good shape. Mr. Sowers states that they do not have a very good system for record keeping, and suggests that Council keep away from the commingle record keeping stating it is not a very good practice making it very difficult to follow through.

Vice Mayor Massucco asked Mr. Sowers about why they file their tax return at the end of the year, how do they substantiate this type of accounting to the Federal government.

Mr. Sowers replied they only see a piece stating there are two sides, and there is one side of it sitting somewhere else. He reported that the debit has to equal the credit. He could not answer the reason.

Councilman Reynolds reported that Mr. Sowers had done an excellent job on this, and hopes the dockage operator, Salty San's to take a look at this to prove his bookkeeping for the Council. Mr. Reynolds reported that he has heard throughout the years regarding the operation, is that he has done a good job. Mr. Reynolds stated if he can get his books in order, then they should have an operation which would succeed.

Mayor Boback thanked Mr. Sowers for his time.

Mayor Boback opens public comment:

- Pat Smith resident of the island. She referred to this as a very bad practice to commingle those funds in that manner; stating there should have been a separate bank account, and separate accounting for the harboring. Ms. Smith mentioned if there is no proof of the expenses, you can't deduct those expenses when you are audited.

Mayor Boback closes public comment:

Vice Mayor Massucco reported that Mr. Green recommended that they don't take any definitive action until he can work on it further. Vice Mayor Massucco stated he is in favor of that request from Mr. Green.

Mayor Boback stated he had no problems. Councilman Shenko stated he had no problems with it.

Mr. Green announced to Council that he has some thoughts and ideas he would like to present before Council makes a decision. He also asked if he may have the opportunity to speak with the operator at Salty Sam's as this report is now public information and would like for him to see the report, and see what options there are. Mr. Green stated they have an obligation to run the mooring fields without making a profit. Mr. Green asked Council if he can have some time so he can come with some ideas and some recommendations.

Mayor Boback agreed to Mr. Green's request. Councilman Shenko also agreed. Councilman Reynolds expressed that it was a good idea.

B. Special Events Permits Requests:

1. Holiday Inn Fall Chili Cook-Off 9/30

Mayor Boback asked if there was anyone on behalf of Holiday Inn

Karla Feazell, Director of Sales & Marketing at the Holiday Inn. Ms. Feazell provided Council with the dates for their events to be held on September 30, 2006. She noted all the necessary permitting has been sent in regarding this request.

MOTION: Councilman Shenko made a motion for approval to submit it. Vice Mayor Massucco 2nd the motion.

Discussion:

VOTE: The motion passes 3-0; Councilman Reynolds and Councilman Meador were absent.

2. Fort Myers Beach Chamber –Pirate Festival 10/7-10/8

Mayor Boback announced the next item is the Fort Myers Beach Pirate Festival.

Georgia Reinmuth, with Fort Myers Beach Chamber. She noted that they have come to Council requesting to close off the streets between 1st and 3rd, on Old San Carlos Blvd and permission was granted. She reported the application for permitting was submitted, and she was told that the zoning would not be signed off until it was OK by Council.

Mayor Boback asked Ms. Nicole Olsen if everything was in order with the permitting.

Ms. Olsen responded that she had all the parts of the permits but that Mr. Murphy wanted Council's OK before he signed off on the zoning; she noted that once they have the Council's OK, she will coordinate with Public Works in regards to closing the streets.

Mayor Boback asked if there are any other questions.

MOTION: Vice Mayor Massucco made a motion to approve the request as submitted. Councilman Shenko 2nd the motion.

VOTE: The motion passes 3-0; with Council Reynolds and Councilman Meador absent.

3. *Dusseldorf's Octoberfest 10/13-10/15*

Mr. Troy Mesick reported that he has submitted all the necessary applications to Ms. Olsen, and stated the only thing that was missing was a check which he was supposed to bring to her, and he will do so in the morning. Mr. Mesick notes that they are in their 15-year anniversary of the Octoberfest, and is requesting Council's approval for this event.

Mayor Boback asked Ms. Olsen if she had all the necessary documents.

Ms. Olsen replied that she has all the documents, except the check. She also pointed out that there is nothing out of the ordinary except for having a tent there, but states that everything is signed off with the Fire Department.

Councilman Shenko reported that the application is not complete, but that it is basically everything that they do every year.

Mr. Mesick responded to Councilman Shenko that there was a description that he submitted to Ms. Olsen for reference. He noted the event will commence on Saturday night from 6:30 to 10:30 in order to comply with the noise Ordinance.

MOTION: Councilman Shenko made a motion to approve the application. Vice Mayor Massucco 2nd the motion.

VOTE: The motion passes 4-0; with Councilman Meador absent.

4. *Edison Sailing Center Junior Olympic Regatta 10/14-10-15*

Mr. Steve Olive, Executive Director of the Edison Sailing Center. Mr. Olive Reported that this is their 2nd year Regatta, stating last year Vice Mayor Massucco had attended. He is requesting Council to approve this event for this year.

Mayor Boback asked Ms. Olsen if everything is in order with their request.

Ms. Olsen replied that she is still waiting for the current permit from Jenny Cowart, and stated once she receives this, she will be able to coordinate with the county and with Charles Hines to make sure that everything is fine. Ms. Olsen also needs to get with Mr. Murphy in regards to the vehicle permits on the beach. She noted that everything seems to be in order.

Councilman Shenko suggested moving to approve the event as submitted. Mr. Shenko states this is a fantastic event, and that any Council member that is here should go out and witness what is going on. Mr. Shenko added that

if they wanted to ride, he will be in his boat helping Mr. Steve run the event.

Vice Mayor Massucco also commented what Mr. Olive previously mentioned, he had attended last year and states it is amazing to see what those kids can do with those boats. Vice Mayor Massucco highly recommended for everyone to go out and enjoy this one. He wishes Mr. Olive much luck in his event.

MOTION: Councilman Shenko made a motion to move approval as submitted pending any required State Permits. Councilman Reynolds 2nd the motion.

Ms. Olsen responded that Mr. Olive has contacted the State Agency.

Mayor Boback replied it is just to make sure that we have their approval as well.

VOTE: The motion passes 4-0; Councilman Meador absent.

C. TMA Presentation regarding Pedestrian By-Pass

- Pat Smith on behalf of the TMA stated they have a power point presentation for the Council to view. She introduced some of the other members of the TMA. David Tezak, Charles Scofield, Pat Loffreno, Tom Myers, Bob Wells and Cathy Lewis. See Attached.

Ms. Smith reports the Traffic Mitigation Agency's mission is that they understand how to find ways to mitigate traffic in Ft. Myers Beach. She states they want to mitigate the traffic by eliminating the major vehicle and pedestrian conflict at Times Square; she states they want to enhance public safety which is a big portion of this proposal, and minimize the expense in accomplishing both things. Ms. Smith states the maintenance cost would be minimal. She stated the economy could improve the Old San Carlos situation.

Councilman Reynolds reported that when he reviewed the report he had reservations on this because it was just directing people to take longer walks. Mr. Reynolds stated Ms. Smith's report included many points and agrees with Ms. Smith to encourage the pedestrian to use the Old San Carlos Blvd, which would open up more business for the people in that area. Mr. Reynolds stated that this will open up more parking. He stated that they will be using the same facility already existing, and believes the idea did come to life as shown in Ms. Smith's exhibit.

Councilman Shenko stated that a lot of work went into this. However, he went over some concerns regarding the longer walk and asked if the

people will make that walk, the availability of the easements. Mr. Shenko shared another concern regarding the crossing of 5th street which is now going to be an alternate island exit street, and mentioned how this would affect the residents. Mr. Shenko suggested a workshop to further discuss possibilities, and to get the feed-back from the people. Mr. Shenko suggested setting up a workshop meeting with the Times Square Advisory Committee and the Public Safety Task Force, to get input before approving it.

Vice Mayor Massucco stated he had some same concerns as Mr. Shenko. Vice Mayor Massucco noted the longer walks to cross the Blvd. Mr. Massucco apposes of barriers in Times Square stating this would disrupt the ambiance of the island. Vice Mayor Massucco also agrees to have a workshop, for the benefit of getting the peoples input.

Mayor Boback asked Ms. Smith if any of the people from the Times Square committee, or any of the merchants attended any of their meetings and given input on this.

Ms. Smith stated that Mr. Myers came to the meeting where they spoke about alternatives, and stated they talked about a number of long-term alternatives. Ms. Smith spoke with Ms. Johnson who has materials and she also stated speaking with Chief Becker of the Fire Department, Captain Powell of the Sherriff's Department.

Mayor Boback shared his concerns with a fence on either side of Estero Blvd, stating it does not fit as that sidewalk is a tight fit. Mayor Boback reported that Mr. Cameron suggested putting a barrier down along the middle of some sort. Mayor Boback stated something like that would be more feasible. However, Mayor Boback agreed with the Council members in having a workshop or a Town Hall meeting to get input from the residents as well as from the business. Mayor Boback asked if they had budgeted something for their initial cost. Mayor Boback reiterated having a workshop or Town Hall meeting to get the input and ideas, and that the money is there to move forward with. Mayor Boback thanked all the members of the TMA for their hard work in putting together this presentation.

Councilman Shenko pointed out that he meant to say to have a Town Hall meeting not a workshop, because they have to get more input.

Mayor Boback opens public comment:

- Anita Cereceda thanked the TMA for thinking towards Old San Carlos as it has a historic background. Ms. Cereceda asked for Council to think of what the TMA has brought to light in terms of an overpass, an

underpass, stating that Mr. Loffreno has been talking about that over ten years. Ms. Cereceda stated that there may be opportunities the Council could pursue to create a new downtown which could benefit the businesses. Ms. Cereceda asked Council to look into the past for ideas to take them into the future.

- Tom Cameron of the TMA. He endorses the suggestions in having a Town Hall meeting.
- Ms. Lambert read an email from Mr. Dan Moser. See Attached
- David Tezak stated that they addressing short-terms solutions as well as long-term solutions. Mr. Tezak read a letter from the Ft. Myers Beach Congestion Mitigation Study options report. See Attached. Mr. Tezak encourages Council to act sooner rather than later.
- Ray Murphy, former councilman, Vice Mayor and Mayor. He noted that he has a history as he has sat on the Council for six years. He thanked the TMA as they are doing a good job stating without their input and the input of the other committees, he would know where they would be. Mr. Murphy stated he has read this proposal and states it is a step; he agrees with Ms. Cereceda as far as that they have a golden opportunity with the redevelopment that is going on in Times Square. Mr. Murphy expressed that the problem here on the beach is the light at the end of the bridge, and also stated that he has been talking about a tunnel for the last 10-years stating that the time is now.
- Joann Shamp agrees with the recommendations of the TMA. She made some suggestions for the walkway and options to make it fun, stating that would bring the people in.
- Brad Hill agrees that one of the problems is jaywalking.
- Pat Loffreno commended Ms. Smith's presentation. He made some comments regarding 3rd street stating there is room for the barriers. He stated that Council needs to make some decisions, and agrees with Mr. Shenko in having a workshop. Mr. Loffreno suggested finding a solution for the traffic on the beach.
- Herb Aiken owner of Burrito go-go. Mr. Aiken stated the TMA has done a great presentation, but states he is afraid that this will interfere with his business.
- Joe Casey stated with all the suggestions there is a workable program they can go on stating taking bits and pieces. Mr. Casey states they need to act now and the quicker the better.
- Charles Scofield resident and former business owner, also a member of the TMA. Mr. Scofield stated that the previous Council has not succeeded their attempts. He also pointed out that there is an Election coming up, and would like to have this resolve before there are any changes on the Council. Mr. Scofield agrees with the overpasses and states they should commence on the process not just to sit doing nothing. Mr. Scofield agrees with having a meeting, he believes this would open up ideas and suggestions for the Town's benefit.

- George Palkow resident. He pointed out the season is upon them, and the snow birds will be back, he challenges the Council to do something.

Mayor Boback closes public comment:

Mayor Boback asked Ms. Smith about the next meeting for the TMA; Mayor Boback asked if they can get the gentleman who addressed the pedestrian safety issue to attend their meeting so as to address his concerns. Mayor Boback states if he is on the committee to advise the county, then they will be partners on this issue stating they need to work with them as well.

Ms. Smith responded that she did make a notation of how to get in touch with him, so they can proceed to do that.

Mayor Boback replied they are going to have to work with these people, and it will be better to include them from the start on the matter. Mayor Boback asked Council if they wanted to have a Town Hall meeting before their TMA meeting in order to get input from the residences.

Vice Mayor Massucco responded that he would like to get out his soap box again, stating to think outside of the box. Vice Mayor Massucco suggested thinking out of the overpasses and underpasses; Vice Mayor Massucco suggested thinking about Dave Myers who is going to redesign the Times Square, stating by working with him they can get a comprehensive plan going. Vice Mayor Massucco stated he believes the only solution to the problem is Estero Blvd behind Seagrape's Mall, stating making that area a pedestrian mall. Vice Mayor Massucco stated they need to start thinking realistically about a redesign in Times Square, and now is the opportunity as they have Mr. Myers available. Vice Mayor Massucco, reiterates that they are going to miss the golden opportunity of redesigning Times Square.

Councilman Reynolds commented this being a minimal solution, stating it is a beginning. Mr. Reynolds stated this will work better when they have overpasses, and underpasses. Mr. Reynolds states that the members of the TMA are recognized for their efforts, and states this would be a beginning as they have presented a new idea. Mr. Reynolds stated he doesn't like fences, but as a barrier it may work in certain locations and if they have overpasses, they would need something like that anyway. Mr. Reynolds stated this is a quick solution but it is towards the right direction.

Councilman Shenko understood the TMA meeting on October 6th, and suggested making that meeting a Town Hall meeting with both Council and the TMA. Mr. Shenko states if Mr. Myers is available to attend that

will be fine, and states this taking place sooner than later. Mr. Shenko also stated that he sees this proposal working in conjunction with something that can happen at the light to. Mr. Shenko agrees that no one likes the fencing but suggested getting together and talking about it.

Mayor Boback stated whether there is an overpass or underpass, there will be a need to have the pedestrians from crossing. Mayor Boback stated no matter what solution is put in place, they will need some sort of pedestrian walkway to get them to go where you want them to go. Mayor Boback made reference to the TMA meeting stating, he believes they needed to meet with the gentleman with bicycle safety; he stated if the workshop is done before the TMA meeting, they will be able to take in the ideas and put them together in time before the gentleman comes in with his presentation. Mayor Boback asked Council what were their feelings regarding the TMA. Mayor Boback asked if they prefer to have a Town Hall meeting first.

Councilman Reynolds stated that Dan can give a 10-minute presentation, but that if they wanted him for a later date, that would be OK. Mr. Reynolds stated if the committee agrees with Mr. Shenko's suggestion on the 5th to hear from the people and get moving.

Mayor Boback suggested 3:00 o'clock or 4:00 o'clock.

Ms. Dalton reported to Mayor Boback that she will be out of Town on the 5th.

Mayor Boback stated that would be just a Town Hall meeting.

Mayor Boback agreed with the TMA members that at 3:00 o'clock on the 5th would give everyone an opportunity.

Councilman Shenko stated that they would advertise it as a Town Hall meeting.

Mayor Boback concurred.

Councilman Shenko stated that there are some closures on some public offices on Yom Kippur, which is on October 2nd.

Councilman Reynolds asked if they can cast this as a Town Hall and TMA meeting.

Mayor Boback stated advertising it as a Town Hall meeting along with the TMA to gather public input regarding their proposal on Traffic Mitigation.

Councilman Reynolds replied that he is trying to give recognition to this group who has done a lot of work.

Mayor Boback responded that they are all trying to do the same.

Vice Mayor Massucco reported to Ms. Lambert that he will be unable to attend the meeting on October 2nd.

Councilman Shenko asked if it would help to move it to the 3rd.

Mayor Boback stated it is just a Monday.

D. Final Public Hearing FY 06/07 Budget & Millage

Mayor Boback called the meeting back to Order.

1. Approval of Millage FY06-07 Res. 06-13

Mayor Boback announced the next item on the agenda is approval of Millage FY06-07 Res. 06-13, and directed Ms. Dalton to proceed.

Ms. Dalton read the Resolution of the Town Council of the Town of Ft. Myers Beach Res. 06-13. Ms. Dalton suggested modifying it to 12 before as it gets adopted before the previous one.

Mayor Boback opens public comment:

- Pat Smith resident. She commended Council and the absent Councilman for all their first hearing on this and for their workshop conducted on the Budget. Ms. Smith stated that a lot of good questions were raised as well as good thought was put into this Budget, and she thanked Council for taking it very seriously a full rollback which as she states if the first one for the Town.

Mayor Boback closes public comment:

MOTION: Vice Mayor Massucco made a motion to accept the Millage Rate of 0.6096 as stated in Res. 06-12. Councilman Shenko 2nd the motion.

Discussion:

Councilman Reynolds pointed out to the public the interpretation of the digits 6096, which means they will be holding it at 61¢, which would be 61¢ per thousand. Mr. Reynolds agreed with Ms. Smith that this is the first full rollback they have had.

Councilman Shenko reported that the last year's Council did a full rollback. Ms. Shenko reported if Councilman Meador were here, they would be discussing in making more cut backs. Mr. Shenko stated he has some concerns which he will share at Budget time, but states that they have set the Millage Rate that will bring in the same dollar amount that it would have brought in last year. Mr. Shenko stated that by doing so, it is considered a full rollback and Mr. Shenko commends Council for going forward with it. He noted that he does have some questions regarding the Budget, but expressed that he is satisfied with the Millage Rate.

Vice Mayor Massucco responded that it has been four or five years that the Millage Rate has been reduced, but not as a full rollback. Vice Mayor Massucco stated that it has come down constantly.

Councilman Reynolds stated that Vice Mayor Massucco is correct that it was three or four in the reduction. Mr. Reynolds questioned the Council how can they get by 61¢ of a thousand, stating the Fire Department is raising theirs up to \$2.65 a thousand.

Mayor Boback responded that he would have to ask the Fire Department.

Councilman Shenko responded to Mr. Reynolds's question by stating that the Fire Department has large personnel. He did point out why is the Transit Authority more than their Millage Rate and what they are proposing.

VOTE: The motion passes 4-0; with Councilman Meador absent.

2. *Approval of Budget FY06-07 Res. 06-12*

Mayor Boback announced the next item of approval of Budget FY06-07 Res. 06-12. Mayor Boback directed Ms. Dalton to proceed.

Ms. Dalton read the Res., of Town Council of the Town of Ft. Myers Beach Res. 06-13 stating they had reversed those. See Attached.

Mayor Boback asked if Ms. Lambert was going to address them on the Budget.

Ms. Lambert referred to the memo on the Budget, and reported that the Budget which is presented to them for final approval is the same Budget that they presented to them on September 5th; with the exception of the reduction on the revenue side due to the full rollback. Ms. Lambert reported that in reviewing the revenue side they have found some adjustments that they would like to make, and will list them separately.

Ms. Lambert they have not been incorporated in the Budget as of yet. Harbor usage fees: stating they failed to put any amount for the Budget, and they are projecting \$100,000 revenue which they would like to include in this Budget. Ms. Lambert reported they had initially proposed \$225,000 for parking revenues; and that in Mr. Green's review, they had found that it would be \$306,258. Ms. Lambert reports that these were increases in revenues that they did not see in the original Budget. Ms. Lambert also reported a reduction for parking violation because it was coded differently, in which they made the adjustment. She stated the proposed was \$80,000 and they believe it will be closer to \$40,007 stating that this would be on the revenue side. Ms. Lambert also explained they had tried to capture some of the recommendations made even though they were not voted on formally. Ms. Lambert presented these and stated that it would be up to Council if they wanted to incorporate them. Ms. Lambert reported the Trolley Service went from \$220,000 and noted it is really \$228,626. She noted they failed to include the Curfew Enforcement which was \$35,000 but Mayor Boback brought it to her attention that it was \$25,000, and asked for them to keep this in mind. She also pointed out there were two recommendations made regarding two special events; the 1st event was Keep Lee County Beautiful with the suggested amount of \$1,000, and states that there was no line item and so they put it in as new. Ms. Lambert referred to the 2nd event was the National Estuaries Program and the suggested amount was \$2,500. Ms. Lambert pointed out for the Town Hall Lease they found the actual cost of the lease is \$117,318 as opposed to initially of \$113,400. Ms. Lambert pointed out the Leave & Time buy-out and states this was an oversight on her part as she was doing the administrative side of the Budget. She reviewed that this is a policy for their employees to cash in their unused vacation days. She pointed out that she did not include this in the Budget, and is including it tonight. Ms. Lambert also reported of the CIP equipment for Public Works projecting \$100,000 and in reviewing it, they can accept \$50,000 which is a \$50,000 reduction. Ms. Lambert referred to the North Estero Project where they had projected \$ 1 million, and Mr. Green reviewed their time line, and decided that \$675,000 would still enable the project. Ms. Lambert stated that these were the changes, and if Council would consider them this evening.

Mayor Boback opens public comment:

- Terry Cain, president of Ft. Myers Beach is requesting funding as previously mentioned by Ms. Lambert, for Keep Lee County Beautiful for a fee of \$1,000, and to the Charlotte National Estuaries program for a fee of \$2,500. Ms. Cain reports that these are two causes that they have done many years, for these two organizations and is requesting Council that they include these in their Budget.

- Dan Hughes also commended Council for adopting the rollback Millage Rate. Mr. Hughes disagrees with Council decision on taking out beach re-nourishment and replacing it with another line item referring to the Town Hall. Mr. Hughes read a memo regarding the new Town Hall and beach re-nourishment: See Attached. Mr. Hughes requested Council to keep the project alive and work with Marine Resources Task Force in doing so.
- Lee Melsek made comments regarding beach re-nourishment stating he agrees that the taxpayer's money should not be used to pump sand where it is not needed. He thanked Council for continuing the promises they made during the Election.

Mayor Boback closes public comment:

Mayor Boback asked the members if they wanted to go line by line in to make sure we all agree or disagree on the items that are funded.

Councilman Reynolds asked if they comment first before they begin the Budget, on the new recommended changes.

Mayor Boback asked if any had any questions on harbor usage fees.

Councilman Shenko asked how did they lose \$200,000 one year, and make \$100,000 the next year.

Mayor Boback replied that he had that same question.

Mr. Green stated it is a matter on what is on the revenue side and what is on the expenses side. He pointed out to look at the detail sheet, and stated that the mooring field can generate that much in user fees, but stated that they paid more than what the agreement had called for. Mr. Green stated that it will be a full year before they will know what the real expenses will be.

Councilman Shenko asked if they were budgeting any expenses items on their Budget.

Mr. Green stated that there is a Budget line for more than \$108,000.

Councilman Shenko responded that it is more than what is showing.

Mr. Green replied the actual number is \$170,000, and stated that includes the direct mooring fields expenses, and maintenance replacement and things of that nature.

Councilman Shenko responded that they are \$70,000 in the hole instead of \$100,000.

Mr. Green stated they were moving in the right direction.

Vice Mayor Massucco asked if the \$100,000 change was part of new contract with Salty Sam's.

Mr. Green replied he presumed so, and stated that those numbers were reasonable.

Mayor Boback referred to parking revenues, and asked if everyone was OK with those.

Councilman Shenko reported that was OK.
Vice Mayor Massucco made no comment.

Mayor Boback referred to parking violations, and asked if everyone was OK with those.

Mayor Boback referred to the expenditure side for the Trolley service, and asked if everyone was OK with that.

There were no comments.

Mayor Boback referred to the Curfew Enforcement, stating that they were taking that down to \$25,000 from what they had approved; Mayor Boback asked if everyone was OK with this.

Councilman Shenko replied yes.

Mayor Boback referred to Keep Lee County Beautiful a \$1,000, and asked if everyone agrees to that.

Vice Mayor Massucco replied yes.

Mayor Boback referred to the Estuaries Program at \$2,500, and asked if everyone was OK with this.

Vice Mayor Massucco replied yes.

Mayor Boback referred to the Town Hall lease, and stated that everyone should be OK with it.

Everyone agreed.

Mayor Boback referred to Leave Time buy-out, and asked if everyone agrees with it.

Councilman Shenko replied they have to include it.

Councilman Reynolds questioned if they can only buy-out only two weeks, and how many employees are they talking about.

Ms. Lambert responded that they have a total of 21 employees, stating that it is money set aside; she noted if someone leaves, they would have to reimburse their vacation time which may be beyond the two weeks. Ms. Lambert noted in terms of the policy they can only cash in two weeks of their employment.

Councilman Reynolds responded that they have lot of new employees, and states he could see them not having anything to buy out.

Ms. Lambert responded that this is a figure that has been used from year to year.

Mr. Reynolds reported based on the manual that this does not include getting paid for personal days.

Ms. Lambert replied this only for vacation days.

Mayor Boback referred to the CIP equipment, and the North Estero project; Mayor Boback asked if everyone was OK with that Councilman Shenko asked Mr. Green if he was comfortable with North Estero.

Mr. Green responded the issue is timing and that he did not believe that they can spend a million dollars in the year, because they had taken a setback on spending due to the funding from FEMA.

Councilman Reynolds questioned Mr. Green if they were going to learn about the plan that is going to take place. Mr. Reynolds made reference that he did not know what it included, asking if anyone else is on the same page. Mr. Reynolds pointed out no one made any presentations regarding that.

Mr. Green responded that he did not have that detail. He did mention that this project goes back a couple of years in concept. He pointed out that he spoke about it at one of their workshops and explains what it will entail would be the redesigning of Estero Blvd; increase the right of way, increase travel surface, replace all the water lines, put in a treatment facility.

Councilman Reynolds questioned Mr. Green about commencement, as he wanted to have an idea as to where they were going on this.

Mr. Green responded their recent funding from FEMA will give them until June of 2007 to produce the engineering and studying of the plan. He believes this will be sooner than that time, and noted once at that point, Council will be notified the status of the project in case there are any changes that may be made.

Councilman Reynolds commented on Mr. Green's statement of there will be changes made, and questions if there is a project written up.

Mr. Green responded that there is an initial scope written up regarding estimates on an order of magnitude of \$ 2.2 million projects; for resurfacing, grading and storm water management.

Councilman Reynolds asked if this was given to FEMA.

Mr. Green responded that has been given to FEMA, but they are looking for a complete study, and states that this will be done between now and June of next year.

Councilman Reynolds responded that they will see the project before the funds keep coming in.

Mr. Green replied seeing the project before they move forward requesting FEMA the additional \$869,000.

Councilman Reynolds stated that he would like to read that project, and asked Mr. Green if he can provide him with one so he can get more information regarding it.

Vice Mayor Massucco asked Mr. Green if the \$2.2 million include putting utilities underground.

Mr. Green responded that is a separate cost, as it was not included in the project, and is the reason why he states there may be some changes.

Vice Mayor Massucco reported that FLP will donate part of that cost to depressing those lines.

Mr. Green stated that are no sure how amenable they are to doing it all over again underground.

Mayor Boback referred to the legal sediments, and the OSC maintenance; Mayor Boback asked if everyone was OK with these.

Councilman Reynolds and Councilman Shenko agreed. Vice Mayor Massucco agreed.

Ms. Lambert responded to Vice Mayor Massucco with good news regarding the insurance cost are not at the \$228,000 as they projected, as they had projected a 100% increase; She noted the insurance cost is going to be \$156,503, and pointed out that they have that in writing.

Mayor Boback stated that it was good that they didn't go up as much as they thought.

Mayor Boback referred to the revenues estimated cash balances, and asked if any had any questions regarding the changes.

Vice Mayor Massucco responded that he had a question regarding the mobile homes at \$9,000, and questioned if it was a realistic figure.

Ms. Wicks responded that the revenue forecast they did earlier in June were based on historical information that they did, and she stated she believes those numbers are reasonable.

Vice Mayor Massucco, made no comment. Councilman had no further questions.

Councilman Shenko reported he had questions on the parking revenue, but was answered at the last meeting.

Mayor Boback referred to the parking facilities revenues and asked Mr. Green why was there so much at \$350 to \$225.

Mr. Green responded to Mayor Boback that the figures from the central parking Budget which was prepared for them. Mr. Green stated that part of the problem was that it was suggested by the auditors to look at the beach parking access parking, as part of the beach access cross center; and stated they were separated, and now they are looking at a consolidated figure.

Mayor Boback stated that worked for him.

Vice Mayor Massucco stated that the harborage user fees would be zero, and asked if they can inert \$100,000.

Ms. Wicks replied yes.

Mayor Boback referred to other miscellaneous revenues, and asked what they are.

Ms. Wicks responded that these would be the items which were coded in the wrong place, and stated that when she went through the revenue sources, there were things that really didn't fit anywhere. She noted the coding issue was a bit of a problem and indicated that she pulled everything which did not have its own line items, and put them in other miscellaneous revenues. Ms Wicks stated these are very small amounts.

Mayor Boback referred to estimated beginning balance, and asked if this went down to \$26,000.

Ms. Wicks stated for the general fund it is \$3.4 million, stating that stayed the same. She further explained with the rollback it will be the ending cash balance, and will not be reduced for the rollback amount.

Mayor Boback referred to Old San Carlos construction of \$276,000.

Ms. Wicks responded that these are assessment due by the end of 2007. She noted that in the event they are not collected, the Town would have some power to file against them.

Mayor Boback announced that was all he had for that page. Vice Mayor Massucco responded he has no more to add. Councilman Shenko reported that was all he had. Councilman Reynolds had no more questions.

Mayor Boback referred to page three; Times Square assessments solid waste questioning that they had budgeted \$35,000 last year, and they have \$100,000 for this year.

Mr. Green reported that he added all the cost they paid out for the dumpsters underneath the bridge on 1st street. Mr. Green reported this is about what it cost.

Mayor Boback stated to Mr. Green that this was under revenue, and asked if they were going to collect this from Times Square merchants.

Mr. Green responded passing on the assessment for solid waste removal to the Times Square merchants. Mr. Green stated this would be a little more over a \$100,000, but spoke of a \$3,565 split.

Mayor Boback questioned if they were going to collect. Mr. Green responded yes.

Mayor Boback referred to the special Times Square assessments for maintenance, and stated they have zero.

Councilman Shenko stated that is the estimated beginning balance, stating it was \$34,000 and \$30,000.

Mayor Boback responded that his is zero. Councilman Shenko apologized for the error.

Ms. Wicks pointed out that they are looking at budget numbers, stating when they developed these numbers they were looking at the actual, what they expected that would happen at the end of the year.

Mayor Boback asked if they were projecting for them to pay that 35%.

Ms. Wicks responded that the special assessment for the impact they were not expecting any revenue last year.

Mayor Boback pointed out to Ms. Wicks that he was looking at the assessment for maintenance.

Ms. Wicks responded that in 2005 as \$34,000, and was projected at \$30,000.

Mayor Boback stated he has zero.

Councilman Shenko reported that the original had \$30,000, but the one printed with this folder had zero.

Mayor Boback questioned if the projected amount should be at \$30,000, and wanted to make sure.

Councilman Shenko replied yes that somehow that managed to change.

Mayor Boback asked if there was anything else on that page. No comments were made.

Mayor Boback referred to the Town Manager's salary which was at \$90,000, and it was agreed to move it to \$110,000.

Councilman Reynolds stated he believed that they said it would be \$90,000 to \$95,000 up to \$110,000.

Mayor Boback suggested putting in the \$110,000.

Councilman Shenko stated that may be low based on the comparisons they have received.

Mayor Boback referred to the numbers that he received from Mr. Baenziger, we the same which were from \$70,000 to \$110,000 from what they had originally put in. Mayor Boback commented to Mr. Shenko that the figures were OK unless he wanted to put more money into now.

Councilman Shenko repeated that they are low.

Vice Mayor Massucco stated that it is a reasonable figure for now.

Ms. Lambert clarified that when they adjust this to \$110,000, they will be adjusting other items.

Mayor Boback concurred, but stated they needed to know where they were going to adjust these items, stating they went up \$20,000 and went down by \$40,000 in expenditures changes.

Ms. Wicks stated the net affect of these changes were slightly decreased with a decrease in insurance.

Mayor Boback responded there would be about \$50,000 to work with.

Ms. Wicks responded yes. Mayor Boback stated they were \$30,000 to the good. Ms. Wicks stated they were somewhere in that area.

Councilman Shenko suggested for purposes for making a motion it is the changes that they were making.

Councilman Reynolds had some questions regarding administrative salaries, stating that there is a \$159,000 and these are wages and salaries for authorized positions. Mr. Reynolds asked Ms. Lambert if this was the total for all the staff through the year.

Ms. Lambert stated looking at the department Budget, there are three salaries which are the Town Clerk, the receptionist and also the IT assistant. The Town Manager is separate.

Councilman Reynolds asked Ms. Lambert if the directors were administrators, and how does she classify them.

Ms. Lambert stated that they were in their particular department; noting there would be salary for Public Works, Community Development, etc.

Councilman Reynolds asked Ms. Wicks if this would come up as one Budget in the Town's Budget, and does it include everyone. Mr. Reynolds asked if there would be a total figure on their Town Budget for administrative salaries.

Ms. Wicks responded the Budget was designed under department, and divisions within funds. She stated there would be a Budget for the Town Manager, administration, finance and Public Works and Community Development; she noted they will all total together to the general fund. Ms. Wicks suggested generating monthly reports.

Councilman Reynolds stated that thought this was a break down Budget and hat they would have an overall Budget. Mr. Reynolds stated that he did not realize they were breaking down everyone, stating even though it is a good thing, there should be some master Budget that would show the totals.

Ms. Lambert replied to Mr. Reynolds that they can provide him with a spreadsheet with all that information.

Councilman Reynolds stated that was his direction, and believed they were going in that direction so they can look at this and see what the Budget is for personnel.

Ms. Lambert stated they can provide him with all of the positions.

Mayor Boback asked if there were any other questions regarding this.

Councilman Shenko responded in regards to the permanent Town Hall. Mr. Shenko pointed out later in their agenda they will have a discussion on the water system, stating they have problems. Mr. Shenko stated that he would like to see their unrestricted carry over of \$2 ½ million along with the permanent Town Hall funds, to be held pending Resolution of the status of the water system; and the bonding on the water system, and the refinance of the water system. Mr. Shenko pointed out that this will be coming up sometime in April, and if they should have to pay, they may not have that money. Mr. Shenko suggested having both the permanent Town Hall number, and the unrestricted carry over shown as been set aside temporally pending Res. of the water system refinance.

Mayor Boback asked where the \$1,490,000 came from stating he was aware of the \$40,000 from last year, and added \$40, 000 this year; stating the \$910,000 into beach nourishment.

Ms. Lambert reported at the 2nd workshop there was a proposal for the IT system to be larger that what they have. She noted the suggested that was made from the Council was to put \$500,000 in the \$910,000.

Mayor Boback thanked Ms. Lambert for reminding him.

Councilman Reynolds stated that they would have enough money to pay it off and get rid of it, as the interest is high every time it is rolled over and renewed. Mr. Reynolds asked for other Council members to give a solution in the event they cannot pay it off.

Vice Mayor Massucco agrees with Councilman Shenko, stating they have to resolve any of those questions to that regard before putting the money in there.

Mayor Boback agreed, but states they need to resolve this issue as Mr. Shenko is suggesting they temporary put all the reserved money in a restricted account; until they can resolve the amount that is going to be paid out.

Vice Mayor Massucco responded that it might come out exactly like Mr. Shenko stated, they may be in trouble paying this note off.

Mayor Boback stated that he wanted to restrict all of the \$1,490,000 which is for the Town Hall.

Councilman Shenko responded they may have to.

Mayor Boback reiterated that Mr. Shenko wants to keep both items restricted until such time until the issue is resolved for the water department.

Councilman Shenko stated whether they renew it or pay some of it off, they should take it off completely until they can determine further. Mr. Shenko pointed out that Ms. Dalton has a memo which she will read this evening to this regard. He strongly feels they need to restrict these funds until this issue is resolved, making the funds unrestricted again and putting them back into the Budget.

Councilman Reynolds stated his concern is that it is a possibility; stating that as much as he would not like to restrict those funds, based on the situation that is presented, he has no other option other than to agree and go along with it.

Vice Mayor Massucco expressed his concern regarding the \$910,000 they had earmarked for beach nourishment, is currently in the Town Hall line item. Vice Mayor Massucco questioned if the beach nourishment becomes a reality, they would not be able to take that money back.

Councilman Shenko pointed out at their previous discussion it was agreed whether they can have a referendum and a float box; Mr. Shenko stated they can move it back if they don't spend it, and as Mr. Meador suggested

putting it all into a carry over and not be earmarked for anything. Mr. Shenko doesn't have a problem carrying it over, as long as it is not spent until they can solve what to do with the water system. Mr. Shenko suggested taking this out as a line item, or indicates a restriction on this line item and on the carry over to be readdressed by Council.

Ms. Wicks suggested as a Council they can informally restrict this line item, stating that she did not anticipate anyone on staff would spend that money. She noted if that was the direction they wanted, she concurs it would be adequate.

Councilman Shenko thanked Ms. Wicks for her suggestion, and stated that he would proposed that it would be informally restricted, not formally restricted and left in the line item it is currently in.

Mayor Boback responded that he can agree with this.

Councilman Reynolds stated he liked that idea.

Mayor Boback referred to the ADA repair, and carpet replacement. Mayor Boback asked if the carpet replacement was for the Chambers.

Ms. Lambert replied it is for upstairs.

Mayor Boback asked if it will be enough for both the ADA repair and carpet replacement.

Ms. Lambert responded it should be enough, and that they were planning to ask the owners to contribute.

Mayor Boback stated that Ms. Dalton reported they had already received their money; stating if they can find it anywhere.

Ms. Lambert replied that they did receive some for the repairs they have done, and stated now with the new coming they need to get some bids in order to get exactly what they are asking for.

Mayor Boback asked Ms. Lambert again if she believe that would be sufficient.

Ms. Lambert responded she is hoping it will do.

Mayor Boback asked if there were any updates on the municipal codes.

Ms. Dalton responded that is a clarification she was talking about.

Mayor Boback asked if they were going to get this done this year.

Ms. Dalton responded that Ms. Lambert has been waiting to see the direction of Town Council.

Ms. Lambert responded she is aware that is a go ahead, but she was hoping to do that way back in December.

Mayor Boback if there were any other questions regarding the page in discussion.

Vice mayor Massucco asked about the offsite storage.

Ms. Lambert responded that is off San Carlos; she noted that they have had 10-years and her object is to clean some of that out.

Vice Mayor Massucco asked if they had a cost of elections stating somewhere at \$30,000.

Mayor Boback did not know.

Ms. Lambert reported that would vary; that they do an election in conjunction with someone else who is having an election, she stated it would be less costly for them. Ms. Lambert reported that if they do their election alone they may want to put that line item to \$30,000 just in case.

Vice Mayor Massucco replied that he has it at \$20,000.

Mayor Boback replied that it would be OK to put it up to \$30,000.

Mayor Boback referred to council services, and special events. Mayor Boback asked if there were any questions regarding these.

Councilman Shenko replied his questions have been answered previously.

Vice Mayor Massucco responded he had no questions.

Councilman Reynolds responded he has no questions.

Mayor Boback questioned council services asking about the training and education, conferences, seminars, training workshops; Mayor Boback asked if \$5,000 would be enough.

Ms. Lambert responded their year to date as being the actual expenditure of \$7,075 at the time. She stated this can be increased.

Mayor Boback referred to the finance department, and asked if there were any questions regarding that.

Vice Mayor Massucco suggested adjusting it to 3.75 % cost of living adjustment.

Mayor Boback responded the original number was 4 ½ %, they came up with the 3.75%. Mayor Boback noted based on their previous discussion; they talked about setting it to a benchmark on a yearly basis, rather than picking out numbers. Mayor Boback questioned if they wanted to proceed with that idea.

Councilman Shenko responded that they can discuss it for next years Budget, pointing out they have an insurance correction.

Councilman Reynolds stated his belief is that it should stay to the cost of living according to the inflation or according to cost increase, up to 3%

Mayor Boback responded that they will set it up to a benchmark, and it will be set to what the benchmark is, not as a restricted. Mayor Boback agrees with Mr. Shenko in regards to further discussing, and put it for next year's Budget setting it ahead of time.

Councilman Reynolds questioned if they are setting this up at this time.

Mayor Boback responded that he believed Mr. Shenko was speaking for the following year.

Councilman Reynolds stated they should be talking about the Budget now, not two or three years down the road. Mr. Reynolds responded that the COLA would be a good balance at 3%.

Mayor Boback questioned Ms. Lambert regarding the insurance and if was at \$156,506.

Councilman Shenko brought up to Mayor Boback that he believed they had already discussed the salary increase at 3.75%, and agrees that that is a number they should be using this year.

Mayor Boback responded that they did.

Vice Mayor Massucco responded he was OK with that.

Councilman Reynolds responded that he would like to see the Budget pass unanimously, but points out that if they keep passing over things pointing

out that he would not be able to vote on the Budget. Mr. Reynolds stated that he never missed a voting for a Budget.

Mayor Boback replied to Mr. Reynolds that he did not believe they were passing over it, stating that he was the one who brought this up, and that there is a consensus to keep it as it is for this year.

Councilman Reynolds responded at the previous meeting, two of their Councilmen indicated that they live with the COLA, and that it is not used, where an amount is being set indefinitely. Mr. Reynolds states that when the COLA is used it is not set by a definite amount; it will be set according by inflation.

Vice Mayor Massucco pointed out to a comment Mr. Reynolds made at their previous meeting, regarding a cap of 3%, adding it in the cost of living adjustment, and not exceeding 3%.

Councilman Reynolds stated is what was discussed before, and is the reason he is suggesting this change. Mr. Reynolds questioned if they believe they cannot live with the 3% COLA.

Councilman Shenko responded that he was confused with the not to exceed; he states either they are going to get 3% or not, or they are going to get 3.75% or not; Mr. Shenko pointed out they have already gone over what COLA was last year, along with the proposal made by Ms. Lambert. Mr. Shenko reports they have gone through everyone's salary, and believed that they had reached a consensus of 3.75% salary increase.

Councilman Reynolds responded to Mr. Shenko that it is not confusing stating that if it is a cap, and the inflation is 2.75%, that is what they will get, if it is 1.72% that is what they will get.

Councilman Shenko questioned if it were 3.5% they will only pay three.

Councilman Reynolds responded to Mr. Shenko yes, if it is 3.5, they would only pay three stating that would be the cap.

Councilman Shenko responded if Mr. Reynolds if it is not going to keep the employees.

Mayor Boback stated his understanding of the number is when it was first brought up in the workshop, it was 4 ½ on one end, and 3% on the other, stating that they agreed to cut it in half.

Councilman Reynolds responded that he didn't recall that. Mr. Reynolds asked if there were two sets of figures.

Ms. Lambert responded at the workshop there were two set of figures, and the suggestion was made to use 3.75%.

Councilman Reynolds repeated that he did not remember those figures.

Mayor Boback pointed out that there were two separate figures one was 4 ½, and the other was 3, and that they agreed to put it in the middle. Mayor Boback stated he did not have a problem having a COLA, but stated they need to set a specific standard by the next Budget cycle.

Councilman Reynolds responded that they are a step ahead than they were previously,

Mayor Boback suggested at the next Budget session they can look at the COLA, and look at different benchmarks they can use to set it at.

Mayor Boback asked if there were any other questions regarding the salary increase.

Councilman Shenko responded he had nothing else.

Mayor Boback referred to public works department, and asked if there were any questions.

Vice Mayor Massucco made reference to the parks and recreation maintenance items that it shows budgeted at \$86,000 for 2005/2006 and is projected for 2006/2007 \$20,000. Vice Mayor Massucco asked what happened at Bay Oakes.

Mr. Green responded that he had spoken with Skip Franklin to ask him if he knew about the \$86,000 that was budgeted, and he was not aware of any Capital Improvements that the Town had discussed with Lee County regarding Bay Oakes Recreation Center. Mr. Green stated that they felt that \$20,000 would be a reasonable amount, stating that they did spend approximately \$7,000 with regards to improving the ball field. Mr. Green reported that he could not find anything on paper that could justify the \$86,000.

Mayor Boback asked if there was anything else.

Councilman Reynolds reported that he keeps seeing Capital Improvement throughout the page stating that there is a list of Capital Improvement

items, but appeared as if they were not complete; Mr. Reynolds states they do not include all of the Capital Improvements that are in their Budget.

Ms. Wicks began reviewing the pages with Mr. Reynolds stating they can isolate them.

Councilman Reynolds stated that Ms. Wicks gave him the answer of why some of them were missed. Mr. Reynolds had no further questions.

Councilman Shenko had no other comments regarding Capital Improvements.

Mayor Boback referred to municipal pool stating it is at \$180,000, and questioned if that contract was for \$168,000 and was going to remain the same.

Mr. Green responded that there was some improvement that needed to be made to some of the systems at the pool, stating it is outside of their contract; filters and things of that nature, and the awnings need to be replaced due to the hurricane.

Mayor Boback stated that he was looking at \$180,000 for poor amends when it was \$168,000. Mayor Boback stated he did not see any other things, but noted the Capital Improvement for \$50,000.

Ms. Wicks asked if Mayor Boback was referring to the \$168,528 number for 2004/2005. She stated the next column was the budgeted number which was \$210,000.

Mayor Boback responded that it was not the actual contract number, stating the actual one was \$168,528. Mayor Boback stated that he understood that this was not going up, that the number would stay the same. Mayor Boback stated that there is \$180,000, and he was questioning where the extra \$12,000 was coming from.

Mr. Green stated that happen when you are doing the Budget.

Mayor Boback responded that they can reduce it back to the actual cost \$168,528.

Mr. Green responded without any support to indicate different, he agreed with Mayor Boback.

Mayor Boback stated that he wanted it to reflect that to the actual contract amount.

Mr. Green responded \$163,000. Mayor Boback responded that will work for him.

Mayor Boback questioned about the utility, stating the he believed that the contract called for \$32,000 in utility payments.

Mr. Green responded that they pay the first \$32,000.

Mayor Boback responded that they have \$35,000, and stated that they can reflect that as well. Mayor Boback asked if there was anything else on that page.

Councilman Reynolds stated that the Capital Improvements there was \$209,000 and that it went to \$500,000. Mr. Reynolds asked what the reasons were.

Mayor Boback responded to Mr. Reynolds that they bumped that at their last meeting.

Mr. Green reported that they had discussed this at one of their workshops, and at the last Budget meeting. Mr. Green stated they plan on doing it different, more on a comprehensive manner, where they had printed some information for the engineering funds to do that.

Councilman Reynolds stated that they plan to do more drainage. Mr. Green responded there will be serious drainage done.

Councilman Reynolds referred to Capital Improvements for transportation. Mr. Reynolds stated \$17,403 with Trolley improvements. Mr. Reynolds questions the amount they came up with at \$262,547.

Mr. Green responded to Mr. Reynolds that the line item was for Congestion Mitigation.

Councilman Reynolds replied the one that he was talking about was for Trolley stop improvement.

Mayor Boback replied that is \$24,000.

Councilman Reynolds responded that it was \$6,100 and it is now \$24,000, and what it is that they are going to do with it.

Mr. Green responded of the original plan visions, which were improvements to the Trolley stops; such as adding covers to prevent the sun and rain. Mr. Green stated that project never go off the ground.

Councilman Reynolds also referred to the Congestion Mitigation, questioning what it is that they are going to do; Mr. Reynolds pointed out last year they spent \$17,000, and now it is projected at \$262,000.

Mr. Green responded that the TMA had made a proposal for \$170,000, stating these were the kind of things they need to have money on reserve for to see what will, and won't work. Mr. Green pointed out that was the leftover from when they had budgeted.

Councilman Reynolds referred to public docks; where they went from \$2,100 last year, and is projected this year to \$64,000. Mr. Reynolds questioned whether they had that settled out.

Mr. Green responded that they have not been built, stating they are still in permitting with some issues to be resolved.

Councilman Reynolds questioned if this was going to be the air dock, which Mr. Green previously spoke about near the seawall.

Mr. Green responded that this will down at the Matanzas Bridge through Old San Carlos.

Councilman Reynolds had no other questions.

Councilman Shenko expressed his appreciation for the first time funding hurricane contingency, and had no other comments.

Vice Mayor Massucco made reference to the interlocal agreement, and that the numbers were \$228,626 and it shows \$300,000.

Mayor Boback responded that it was changed in the front page.

Vice Mayor Massucco gave no further comments.

Mayor Boback referred to Sheriff's office enhancement for voice at \$25,000; Mayor Boback asked what that number was, as he believed that voice was a volunteer group. Mayor Boback acknowledges contributions they have made, but questions the \$25,000.

Ms. Lambert reported that Dan Parker had talked to them in regards to getting retired policemen. Ms. Lambert reports they never went beyond that. Ms. Lambert stated that they had \$20,000 previously, and added for the anticipation of that they would have to pay for the service. Ms. Lambert stated that was like a safeguard to see if that was a possibility.

Mayor Boback asked if there was anything else on that page. Councilman Shenko had no comments. Councilman Reynolds had no comments. Vice Mayor Massucco made no remarks.

Mayor Boback referred to Community Development, and asked Councilman Shenko for his comments.

Councilman Shenko responded that his questions were previously answered.

Vice Mayor Massucco made reference regarding the Historic Preservation grants, stating they have set aside for applicants \$60,000. Vice Mayor Massucco expressed he is not too fond of it. Vice Mayor Massucco points out that on 2005/2006 is showed \$20,000, and asked if it was necessary to carry \$60,000 line item.

Mr. Murphy reported that this was a policy made by previous Council to give \$40,000 a year for that program, and fund \$20,000 in projects. Mr. Murphy noted at the Historic Preservation Board meeting, the LPA requested for a \$10,000 Budget item to further the Historic Preservation Program. Mr. Murphy suggested if Council wanted to split the \$60,000; reduce the grant program to \$50,000, and put \$10,000 in for plaques and various other programs the Historic Preservation Board and Historic Preservation Committee have been working on for several years.

Mayor Boback responded that that he had no problem with that. Mayor Boback suggested if they have \$60,000, they should fund it; if they have \$20,000 grants, having \$40,000 in, they can put \$10,000 to the Historic Preservation Program that would be \$50,000 taking the other \$10,000 out of there.

Councilman Shenko also agreed with Mayor Boback's comments.

Councilman Reynolds responded that they could have the plaques and awards put on another line item, stating that it doesn't have anything to do with Historic Preservation. Mr. Reynolds stated that he would like to keep it exactly as it is.

Vice Mayor Massucco reported that there was one person who applied that they were turned down. Vice Mayor Massucco suggested fixing the place up and then renting it. Vice Mayor Massucco states that is not what this program is all about, expressing that he is not in favor of this program in total.

Councilman Reynolds reports that he agrees with Vice Mayor Massucco stating that it was being abused. Mr. Reynolds reported there was a

maximum of \$20,000, and then it was brought up to \$30,000, adding that the person did not live on the island. Mr. Reynolds questioned why would the LPA control that historic program, and stated that he would like to see it listed as a committee, and the issues brought up can be presented to Council. Mr. Reynolds stated that he would like to see this go to another item, as another committee, or have it eliminated.

Ms. Dalton pointed out to Mr. Reynolds that the LDC specifies that the LPA sits as the Historic Preservation Board. Ms. Dalton reported if these were to be split, that would require a Land Development Code change.

Councilman Reynolds suggested by changing it, it will prevent that someone else will come and control the committee other than Council.

Mayor Boback responded that was the reason they suggested cutting it back to \$40,000.

Councilman Shenko agreed with Mayor Boback in cutting it back to \$40,000, and suggested they put it as an item to further discuss it.

Councilman Reynolds expressed his appreciation to Mr. Shenko.

Mayor Boback responded that would be fine with him and give the \$10,000 for the Historic, and the other \$10,000 back into the general fund.

Councilman Reynolds points out the Historic Preservation grants that the Town and taxpayers are giving this individual do not carry a plaque on their house.

Mayor Boback responded that is not what they are saying.

Councilman Reynolds points out that they would put \$20,000 to repair a church, and states that he doesn't recall there is a plaque on there.

Councilman Shenko clarifies to Mr. Reynolds that they were talking about plaques different from the people that received grants.

Councilman Reynolds responded this is why he previously suggested to Mr. Murphy that they should have a line item for plaques and awards, stating it should have nothing to do with this because it is not used in relation to this.

Councilman Shenko clarifies that was what they were suggesting that they would use in relation to just giving a plaque for an older house, and not giving them any money.

Mr. Murphy reported they had never formally adopted a plaque program, and that they cannot put plaques on anything. Mr. Murphy pointed out that they want to move forward with getting the program and move forward, knowing they will need certain funds to be expended. Mr. Murphy asked if Council wanted a separate line item for Historic Preservation designation plaques etc.

Councilman Reynolds suggested if they go along with this, they should put an extra \$100.00, and not \$10,000.

Mr. Murphy replied that this is not the same issue; he pointed out that before any money, or any grant is given it would have to be approved by Town Council first.

Mayor Boback asked if there were any other comments concerning the issue.

Councilman Reynolds asked Mr. Murphy which department he would have to contact, if his department was completely in charge of Community Development.

Mr. Murphy responded taking all the Community Development in-house, the contact with Lee County would be based on historical information if they needed to get information, until they have the capacity of storing them.

Councilman Reynolds asked if it would be a big expense.

Mr. Murphy reported that there would be no interlocal agreement after 2007, they would not need to pay the \$250,000 this year, adding it will go up if they renegotiate.

Councilman Reynolds asked Mr. Murphy if he will need extra help.

Mr. Murphy reported he will be hiring a person for Code Enforcement, and one for zoning review.

Councilman Reynolds asked Mr. Murphy which one needs more priority.

Mr. Murphy responded that he needs both the Code Enforcement to replace the county's Code Enforcement, and the zoning reviewer to do the cases they will be receiving the fees to do.

Councilman Reynolds responded that he did not doubt that Mr. Murphy will need both, but points out that people ask why would they need two

individuals for this. He stated that some people think it is causing unnecessary trouble, and is not needed.

Mr. Murphy responded that like many issues, there are people who are for it, and other people are against it.

Councilman Reynolds stated that this just didn't happen.

Mayor Boback reported that the county only works half the time, and gets paid for his driving up and driving down.

Councilman Reynolds commented that they already have two and they don't work on the weekends, adding if they have one, they could do the same as they did with two.

Vice Mayor Massucco commented to Mr. Murphy that he is a good salesman, because he has put across the point it would be cost effective in doing so.

Mr. Murphy responded that he wouldn't have done so, if he did not believe it was so.

Vice Mayor Massucco replied that he gets positive feelings, and states this would be a start in giving a \$130,000.

Mayor Boback replied that he is in favor of this.

Councilman Shenko responded that he was in favor of this, as they will have to do it anyway. He stated this is revenue neutral and cost neutral. Mr. Shenko stated that the only thing they needed to look at is getting the building permits as quickly as possible.

Vice Mayor Massucco asked if they will be able to pry it away from county.

Mr. Murphy responded he didn't believe there would be a problem with that. He stated it would be more a question will they be ready when it comes.

Mayor Boback asked if there were any other comments.

Councilman Reynolds questioned about the CDBG, and what was that item about.

Ms. Lambert responded that is the Community Development Block Grant Funds, which are coming to us through the federal government, and comes

through the county as well. Ms. Lambert reports they are subsidizing two after school programs and a senior program.

Councilman Reynolds asked of the \$68,000, how much do they subsidize.

Ms. Lambert reported they receive \$48,000, and they subsidizing about \$20,000.

Councilman Reynolds stated even though he hasn't heard about subsidizing senior programs, it is probably a good idea. Mr. Reynolds also asked if they were going to do anything about the beach restoration which is on hold, and if it will be left at zero.

Mayor Boback responded that they moved that item over to the Town Hall fund, and stated if they decided to do anything with it, they can move it back over.

Mayor Boback referred to the expenditures for the Mound House, and asked Vice Mayor Massucco for any comments.

Vice Mayor Massucco responded wanted to know whether they will be publishing a newsletter and a calendar for the Mound House.

Mayor Boback questioned if it was the Mound House they published last year or if it was Town Hall.

Ms. Lambert responded that the calendar was through the Town, and stated that they don't have that on the Budget this year. Ms. Lambert reported in terms of the newsletter for the Mound House, she was not aware that they were doing a calendar.

Councilman Reynolds expressed how he felt about the Mound House general fund, as far as not liking it as the director has separated those two accounts. Mr. Reynolds suggested that the salary should be designated one salary for what it is \$48,000, and now this year it is \$74,500 by bringing in someone. Mr. Reynolds points out that they have lost direction on the Mound House, from \$48,000 to \$74,000 stating it is not a very good trade. Mr. Reynolds stated if the two are put together as operational that would be fine stating they would need a master Budget with project one, and project two. He noted not liking the idea of combining them as it is one person and should be one Budget. Councilman Reynolds referred to house restoration, HBAC, and better improvements. He points out there is \$425,738 which is listed under the Mound House, mostly grants. He stated would prefer to see them listed separately so they can see what the grants are, and what the Town funds are.

Mayor Boback responded that would be under revenue, would it not.

Councilman Reynolds responded that it was listed under expense. He also asked where the list for Capital Improvement.

Ms. Lambert responded to take a look at the Capital Improvement; the Mound House renovation is listed

Councilman Reynolds pointed out that it was written on one page, and was not written on the one he was looking at.

Ms. Lambert referred this as to an oversight, but that they could indicate it.

Councilman Shenko responded he has no comments. Vice Mayor Massucco made no further comments. Mayor Boback also had no comments.

Mayor Boback referred to building projects expenditures, and asked Councilman Shenko for any comments.

Councilman Shenko responded he had no comments.

Vice Mayor Massucco pointed out there is \$319,318 for the Newton project, and states that nothing happens there. Vice Mayor Massucco suggested getting the building out of there so they could get on with their park. Vice Mayor Massucco asked about the status of this project, as nothing has been done.

Ms. Lambert responded that she did not have an answer to that, but will get with Ms. Schober to further inquire of the status.

Councilman Reynolds pointed out to the \$319,318 and states that it is ridiculous because they are spending that on a house that has nothing to do with them; he states that house came down from Alva on a barge. Mr. Reynolds referred to an article which was written by Lee Melsek stating that they falsely got a loan from the Florida Communities Trust for that property. Mr. Reynolds has strong concerns regarding the loan they received for something which is not true, and states they need to rectify that. He suggested buying it and financing it. Mr. Reynolds pointed out this being another reason for voting against the Budget, stating he doesn't want to do so.

Mayor Boback asked if there were any other comments.

Councilman Shenko stated he had no further comments.

Vice Mayor Massucco stated that he would like to see increased would be the drainage projects, and states that there is a Comprehensive Plan to do the drainage project. Vice Mayor Massucco suggested that they double the \$500,000 to get some of the water off the roads.

Councilman Reynolds stated that this was previously mentioned that it was less than that, and made the suggestion to Mr. Murphy in raising it to \$500,000.

Ms. Dalton pointed out that the Comprehensive Plan requires that the LPA to opine whether or not the Capital Improvement Budget is consistent with the Comprehensive Plan. She also indicated that is also requires the Town to pass a Resolution to the same affect.

MOTION: Councilman Shenko made a motion to accept the Budget as presented with changes as indicated by Council in a form of a Resolution. Vice Mayor Massucco 2nd the motion.

Ms. Dalton asked if this was in form of a Resolution.

Discussion:

Councilman Reynolds pointed out that he feels strongly regarding the corrections, and states that they are adopting them. Mr. Reynolds expressed that he will yield and go with Council, as he wants an approved Budget.

Mayor Boback asked if there were any further comments.

Vice Mayor Massucco questioned Ms. Dalton regarding the Resolution adopting the final levying of Ad Valorem taxes is Res. 06, and they changed it to 12.

Ms. Dalton replied the Millage Rate is 06-12, and the Budget is 06-13. Ms. Dalton pointed out that she had suggested they switch 12, as it addressed the Millage, and under the statutes the Millage is required to be addressed first.

VOTE: The motion passes 4-0; with Councilman Meador absent.

Ms. Dalton brought up to Council's attention, that under the Comprehensive Plan, the Town is required to consider the recommendations of the LPA; She noted that Mr. Murphy has provided a

memo regarding the LPA finding CIP consistent with the Comprehensive Plan; Ms. Dalton read policy 11-8-2; The Town Council after reviewing the report of the LPA, shall modify the CIP as needed, and adopt it by Resolution in conjunction with the annual Budget.

Ms. Dalton requested Council to instruct her to prepare a Resolution that does find the CIP consistent, and that Council is adopting the CIP specifically in conjunction with the annual Budget as provided by the Comprehensive Plan.

MOTION: Councilman Shenko made a motion to instruct Ms. Dalton to draft a Resolution. Vice Mayor Massucco 2nd the motion.

VOTE: The motion passes 4-0; with Councilman Meador absent.

Recess as the Fort Myers Beach Town Council

Convene as the Downtown Redevelopment Agency

E. Final Public Hearing – Adoption of Budget FY06-07 DRA Res. 06-14

Mayor Boback announced Final Public Hearing-Adoption of Budget FY06-07 DRA Res. 06-14

Mayor Boback directed Ms. Dalton to proceed.

Ms. Dalton read Res. of the Downtown Redevelopment Agency 06-14. See Attached.

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. Vice Mayor Massucco 2nd the motion.

Discussion:

Councilman Shenko reported that he did not like DRA's.

Vice Mayor Massucco responded he had no comments.

Councilman Reynolds questioned Ms. Dalton regarding the length of time they will carry on with the DRA.

Ms. Dalton responded the expenditures under the DRA are restricted by State Law, and also in litigation with the county, and are also internal rules. She noted that once those funds are spent down, the DRA can be terminated.

Councilman Reynolds questioned if Ms. Dalton had an idea of how long that would be.

Ms. Dalton replied to Mr. Reynolds that it would be a policy call.

Councilman Reynolds suggested not having any more funds into the DRA, and states that many people don't understand.

Ms. Dalton responded that she the source of funding into this DRA was money from a settlement though Lee County and a repayment of a loan that the DRA made at an earlier point of time. She noted the repayment funds are coming in small increments.

Councilman Reynolds questioned if Ms. Dalton knew where the original money they got from the county came from.

Ms. Dalton responded that the county collected it as a part of a CRA, and at the time the Town was incorporated, the Town decided that the money should be transferred to the Town, as they had to be spent in boundaries formed by the CRA, stating it is now the DRA.

Councilman Reynolds asked by whom were they collected from.

Ms. Dalton responded that they were collected by the taxpayers of Ft. Myers Beach.

Councilman Reynolds responded those were the funds that he was talking about, stating he was not talking about downtown funds by the merchants; this was money that was collected by the entire community. Mr. Reynolds pointed out that the funds were not all spent, and they had to go to court to have the county return us approximately \$2.million, stating that they settled for that amount.

VOTE: The motion passes 4-0; with Councilman Meador absent.

Adjourn as the Downtown Redevelopment Agency
Convene as the Fort Myers Beach Town Council

F. Final Public Hearing – Ordinance 06-14 Special Magistrate Provisions

Mayor Boback announced that it was 10:50 PM, and stated he was not sure they will be able to completion of the Budget in a timely manner. Mayor Boback asked Ms. Dalton if the Special Magistrate can be moved to the next meeting.

Ms. Dalton responded that this has been on a number of meetings, and respectfully request that it is considered and approved tonight.

Mayor Boback gave direction for Ms. Dalton to proceed.

Ms. Dalton read the Ordinance 06-14; See Attached.

Mayor Boback opens public comment:

- No public comment was given.

Mayor Boback closes public comment:

MOTION: Councilman Shenko made a motion to approve the Ordinance as submitted by Ms. Dalton. Vice Mayor Massucco 2nd the motion.

VOTE: The motion passes 4-0. Councilman Meador is absent.

G. Public Hearing – Ordinance 06-15 Town Hall Search Committee

Mayor Boback gave direction for Ms. Dalton to proceed.

Councilman Shenko suggested that this be held in advance pending Resolution of the water utility.

Mayor Boback responded that they can still get the Ordinance results, stating it would be in place and ready to go.

Vice Mayor Massucco responded that they have some people working on that already.

Councilman Shenko pointed out that it take six months, and they may not have that figured out in six months, suggesting if they can hold this off till next meeting.

Mayor Boback stated that this would be a good way to get information up front with ideas.

Councilman Reynolds suggested not waiting and to go ahead and appoint five people, and work with them.

Councilman Shenko expressed his concerns are related to item "I", and states that it was discussed at the previous meeting which Mayor Boback was not in attendance. Mr. Shenko stated that is a potential liability, and that they do not need to spend any money at this time. Mr. Shenko also pointed out to be sending people out to look for property they will not be buying, is busy work.

Councilman Reynolds stated he had no problem with that.

Mayor Boback reported even if they approved the Ordinance; they don't have to appoint anyone.

Vice Mayor Massucco agreed with Mayor Boback's suggestion.

Councilman Shenko also agreed.

Ms. Dalton read Ordinance 06-15. See Attached.

Ms. Dalton suggested changing the effective date, if the appointments are not being made at this time.

Mayor Boback responded that they can leave the date as it is.

Mayor Boback opens public comment:

- No public comment was given.

Mayor Boback closes public comment:

MOTION: Vice Mayor Massucco made a motion to adopt Ordinance 06-15 as presented by Ms. Dalton. Mayor Boback 2nd the motion.

Discussion:

VOTE: The motion passes 4-0; with Councilman Meador absent.

H. *Appointment to the Oversight Committee of the Lee County Transit Authority and Appointment of Town Representative to the MPO*

Mayor Boback stated that he believed that they already had a representative to the MPO.

Councilman Shenko reported that the Transit Authority and the MPO meet at the same time, and Mr. Shenko suggested that the same person attend the meeting. Mr. Shenko pointed out that he has attended every MPO meeting since his appointment, and states that the structure that they are providing is a new level of taxation in Lee County, stating that it is wrong. Mr. Shenko pointed out that there was a consensus for the Oversight Committee, which has nothing to do with oversight. Mr. Shenko stated this committee was set up by the Transit Authority to sell a product. Mr. Shenko also reported that it was decided that a majority of the Council needed more information, and added that two members of the Council have been attending from the start having all the information. Mr. Shenko stated in order to get the information is to serve as a representative for the Town of Ft. Myers Beach, on both the Oversight Committee and on the MPO.

Councilman Reynolds reported that they have received some information from Sanibel regarding they have indicated to join the Oversight Committee. Mr. Reynolds agrees with Mr. Shenko stating that it is another form of taxation; and that it will relieve Lee County with the extra money they have been spending for transit, which will go back into the general fund. Mr. Reynolds reports this as being a new taxing category operation. Mr. Reynolds expresses that he doesn't see a need for this unless Council decides that they want to go and attend for information purposes, and stated that he will attend.

Vice Mayor Massucco expressed his appreciation for Mr. Reynolds to volunteer on this Committee. Vice Mayor Massucco points out that he is in between, but agrees with Mr. Shenko. Vice Mayor Massucco does feel they should have someone attend on their behalf to get a better understanding.

Mayor Boback agreed and stated that when they voted not to do it, means they are all in agreement with Mr. Shenko had to say. Mayor Boback did point out that as a courtesy they said they would revisit it, but points out that they are not committed. Mayor Boback does agree with having a representative on this Oversight Committee, and expressed his appreciation for Mr. Reynolds volunteering.

Councilman Shenko suggested that it would be in the best interest that the same member attends the MPO meetings, as they are on the same days. Mr. Shenko suggested they read number one, in their proposal as to get funding from the Town.

Councilman Reynolds asked if Mr. Shenko if he can attend the Oversight Committee, stating he would rather have him do it; but commended Mr. Shenko for the representation he has done on the MPO committee.

Councilman Shenko states that has thoroughly studied the Transit Authority; and no else at this table has, he stresses that no one wants to learn. Mr. Shenko expresses this is what bothers him, and suggested that they take effort and attend if they really wanted to know about it. Mr. Shenko expresses that the Council has not done their homework in regards to the Transit Authority.

Councilman Reynolds stated that since he has attended those meetings, and informed himself by reading all the materials.

- I. Water Utility**
 - 1. bonding**
 - 2. refinancing**
 - 3. charter concerns**

Mr. Shenko mentioned that at their last discussion regarding the water utility board meeting. Mr. Shenko reminds Council that this loan comes due in April, stating they own more than they paid for it, and is why he suggested restricting spending until they can figure out where they are. Mr. Shenko recommends that they identify the problem, outline a course of action and fix the problem. Mr. Shenko also recommends that they retain the services of an attorney to represent the Town of Ft. Myers Beach in terms of their bond and their Charter, in order to assist them getting this refinanced, or paid down in April. Mr. Shenko pointed out that Ms. Dalton has done her preliminary work in obtaining bond council, and states that they owe it to the taxpayers, and to be ready in April in case they have to write a check for \$3.million.

Ms. Dalton brought up that it was requested by Councilman Shenko that she prepared a memo to Town Council regarding the selection for utility bond council. She stated speaking to Denise Wheeler suggested that Ms. Dalton contact the original bond council to the bank; the firm Ackerman Senderfit Eidson, and discuss the refinancing with them. Ms. Dalton asked for direction from Council.

Mayor Boback questioned Ms. Dalton of the cost.

Ms. Dalton responded that Ackerman would be a phone call and that they represent the bank; but Ms. Dalton can inquire the original transaction and the refinancing which they do not have. Ms. Dalton asked if they wanted

to move forward with the utility council, Ms. Dalton has received response from two; Mr. Giblin and Mr. Treber's rate would be \$125.00 per hour. Edwards Co & Sanders, they will charge \$245.00, and if she utilizes an associate it would be \$115.00 per hour.

Mayor Boback asked how many hours were they talking.

Ms. Dalton was not sure, and did not know the scope of services.

Councilman Shenko stated for the purposes of this meeting; they contact Bond Council for Ackerman Senderfitt and ask them if they will be willing to assist them as far as this matter is concerned. Councilman Shenko suggested that they go to an independent Council, as Ackerman & Senderfitt represents the bank. Mr. Shenko states that they have an obligation here, and he is not comfortable where they stand.

Councilman Reynolds suggested waiting until Ms. Dalton speaks with them first.

MOTION: Councilman Shenko made a motion to contact Ackerman & Senderfitt and to bring it back to the next Council meeting. Councilman Reynolds 2nd the motion.

Ms. Dalton stated it was not clear to her what exactly she will be asking for with the exception, historical data.

Mayor Boback stated that would be about it.

Ms. Dalton states she wrote a letter to Mr. Roosa pertaining to Town Council, and stated she would be more than happy to contact Ackerman & Senderfitt.

Mayor Boback stated to Ms. Dalton that they need as much documentation as they can.

Ms. Dalton replied that her intentions were to do so.

Councilman Shenko suggested addressing Council that they have certain statutes limitations out there, and they need to have things done quickly.

Councilman Reynolds asked Ms. Dalton if she need a consensus or if she needed a vote.

Ms. Dalton responded if the direction is just to contact Ackerman and to bring it back at the next Council meeting; Ms. Dalton states that would be

a consensus. Ms. Dalton asked Councilman Shenko if he wanted this as a corporate meeting next time, or as a Council meeting.

Councilman Shenko responded as Town Council, stating he is not in favor to how this is set up.

Mayor Boback asked Ms. Dalton if she can get further estimates from other firms with anticipated cost.

Ms. Dalton responded that the letter from Ms. Mangu indicated that she would be willing to do it on a not to exceed basis.

Mayor Boback states that is OK saying they can say not to exceed, but he questions how many hours it will take to explore further.

Ms. Dalton responded that she will work on it and bring it back on the next meeting.

Mayor Boback stated that he would like to know of some idea.

Ms. Dalton responded that the inquiry would be historical data, as well as whether the Town under the Charter could do the original financing, and the refinance.

Vice Mayor Massucco states his reluctance in hiring attorneys because there will be a huge amount of money in the balance, and it can be caught up. Vice Mayor Massucco points out that this prevents them from getting into other funding that they have to make.

J. Approval of 1-year contract with Champion Corporation

Mayor Boback asked Mr. Green about the contract for the approval, and when is it due.

Mr. Green responded that Ms. Cathy Lewis is better prepared to talk about that, but stated that it expires before the next Council meeting.

Mayor Boback referred to the workshop when they talked about the contract; where they talked about putting a stipulation to address the issue of not maintaining the pool up to the standards of the Health Department, and also adding in the contract about the people who were sent in, whether they were collecting money; cash only having posted notes for receipts. Mayor Boback reports that if the Health Department comes in and closes the pool, they need some kind of penalty in there.

Ms. Cathy Lewis reported that they have not put into the Town's standard service provider agreement a condition for a penalty; she states if the

Health Department were to shut down, then that would be something they can consider. There is language in the service provider agreement that requires the contractor to abide by all local and state regulation. She states that this is something that they can add.

Mayor Boback responded that the Health Department has come to him on more than one occasion about them over there.

Ms. Lewis stated that she was not aware of any more, other than the one incident that occurred in June.

Mayor Boback asked Ms. Lewis if she has been receiving the health reports from the Health Department.

Ms. Lewis reported that she speaks to them regularly, but that he has not been back out to the pool since June.

Mayor Boback reports that he is supposed to be faxing a copy to the Town an inspection report every time he goes over there.

Ms. Lewis stated that she has that. Mayor Boback replied that she has the one from June, but that she is supposed to get one each visit.

Ms. Lewis reported that he has indicated that he will not be doing another inspection for months.

Mayor Boback reports that they are supposed to abide by all the rules, and if they are not doing it, what is the ramification to them.

Ms. Lewis responded at this point they have none. Mayor Boback asked shouldn't there be.

Ms. Lewis responded absolutely, and that they will work on that. Ms. Lewis is requesting that Council delay's the approval of this contract; she states in reviewing the contract, she was not comfortable with the old one. Ms. Lewis stated she rewrote the contract along with Ms. Dalton where there were some changes made. She referred to the insurance and having an increase, stating Champion has come back to receive quotes for that increase. Ms. Lewis stated that she did not feel comfortable asking Council to approve the contract, but is requesting Council to authorize Ms. Dalton to draft an extension to the existing contract for an additional 30-days, to get all of these issues in order. She noted the condition regarding penalties if the pool were to be shut down.

Mayor Boback responded not only shut down, but it needs to be maintained at the level the Health Department wants it. Mayor Boback

reports that according to the Health Department there have been times where it should have been shut down, but he didn't. Mayor Boback points out that he will discuss this further with him. Mayor Boback states that there should be some kind of penalty for that, and also the issues where people have gone in there and they demand cash, not accepting checks or a credit card, stating they want cash and they write a receipt on a post-it note.

Ms. Lewis stated that she spoke to the manager at the pool in regards to that incident, and she was told this was someone who came in asking for a special program, i.e. a birthday party. She was told that was handled by the concessionaire; Ms. Lewis addressed with them about using proper receipts, and they have told her that they use them. Ms. Lewis points out that Champion does not do pool parties, this is done by the concessionaire.

Mayor Boback asked who hires the concessionaire. Ms. Lewis replied that they are an independent contractor. Mayor Boback asked again who hires the concessionaire. Ms. Lewis replied that they are hired through Champion.

Ms. Lewis reports that the concessionaire makes the arrangements, and there is a deposit that is required. She noted that they had some problems with bad checks, and she noted to them that they need to allow other payment methods other than cash only. She stated that they were in the process of making changes.

Mayor Boback suggested that in the event there is a birthday party, the deposit should be received in advance; this will give ample time for the check to clear.

Ms. Lewis reported that the concessionaire has not been accepting personal checks, because of the problems they have had.

Mayor Boback responds that as long as they have a procedure that the deposition has to be given in advance, giving time for the check to clear and they should never run in to that. Mayor Boback points out this should be a rule and regulation.

Ms. Lewis stated that she would make the suggestion to them.

Mayor Boback states that when they are making plans for a birthday party, the money should be brought in two to three weeks in advance, and that gives it time to clear in the bank. Mayor Boback states if it is Champion that hires the concessionaire, they should be responsible to overseeing the concessionaire to make sure it is running in a reasonable manner. Mayor

Boback states this should be spelled out in the contract that there will be some ramifications if they don't.

Ms. Lewis responded that they will work to achieve this goal.

Councilman Shenko reports that is there is no concessionaire unless they have it in writing. Mr. Shenko asked who these people were, and if they have workers comp, stating they needed a lot more information before they can sub-out to a concessionaire; Mr. Shenko states that they know how much they are paying them for a service contract, they know how much they pay for utilities, and how much they pay in repairs; but they have no clue as to how much income they are bringing in. Mr. Shenko points out that they need to have a system of checks and balances where they can verify the income. Mr. Shenko suggested having their agreement with them up to six months, and if they show the income statements to their satisfaction, then they can extend the agreement. Mr. Shenko states that he doesn't want to terminate them, but states there should be better control; he states that if they have concessionaires out there now, they may be in violation of the agreement. Mr. Shenko is in favor of extending it to 30-days, letting them know there is going to be a system of counting the money.

Ms. Lewis reported that by the next meeting, she can have financials available. She stated that she should have provided them to you stating they have provided to them financial reports.

Vice Mayor Massucco referred to page seven, item 7; and asked Ms. Lewis if she had any figures on the \$1.00 collected.

Ms. Lewis stated that she did, but it was not concise. She pointed out that they are asking for further definition. Ms. Lewis reported based on the last financial report there is a balance over \$19,000, in special projects. She has difficulty seeing on what projects they have spent this on.

Mayor Boback commented that they have to be approved first before they can spend it.

Ms. Lewis reported according to the new agreement. Ms. Lewis reported under the provisions of the old agreement, the special project are not identified, nor was the additional amount of money collected identified.

Vice Mayor Massucco points out that the \$19,000 that is in their funds, belongs to the Town.

Ms. Lewis responded that the designation of the money is another issue that needs to be addressed.

Vice Mayor Massucco stated one of many.

Ms. Lewis reports that they don't feel that the Town should be involved with how it is spent.

Vice Mayor Massucco questions the quality of the pool water, and states that there is an obligation to have good water quality. Vice Mayor Massucco pointed out that there is nothing in the agreement regarding to the quality of the water, and notes that it should specify it that the water should be maintained.

Ms. Lewis states that there should be no reason to add this to their scope of services.

Mayor Boback asked if they do any kind of inspection on equipment.

Ms. Lewis replied that she tries to get out there as much as she can.

Mayor Boback stated that there should be someone from the staff that can go out there to check if equipment and the feeders are working properly; and suggested using a test kit to check the water.

Ms. Lewis responded that she goes over there as much as she can, but that she has not tested the water. She noted that she does ask them for their most recent test result.

Mayor Boback responds that the Health Department only requires having a water check once a day, seven days a week.

Ms. Lewis reported that they require having it checked three times a day and that they have increased it to five.

Mayor Boback commented that as being news.

Mayor Boback stated that they can have someone come in once a week to cross reference their readings, to see if both readings are the same.

Ms. Lewis states that they can start to do that. Mayor Boback stated that he is very concerned about the water quality, stating that there are too many people in that pool. Mayor Boback is concerned with the safety of the people, especially the children.

Ms. Lewis replied that they can do that, and states that it is a step in the right direction.

Mr. Green responded that they can try to accommodate some of those requests by testing the pool water and things to that nature. Mr. Green pointed out that they have additional work load staff has, and the limited staff they have. Mr. Green states that they have additional duties on a regular basis. He notes that they check the status of the pool water as it is important due to the high usage of the pool. Mr. Green recommended that the temporary extension of 30-days to be extended to 60-days or 90-days which would give them time to assess those issues.

Ms. Dalton suggested to Council if they were going to make a motion regarding to this affect, she recommends that the current contract be extended under the same terms and conditions for a period of 90-days.

MOTION: Councilman Shenko made a motion to approve the contract to be extended for a period of 90-days. Vice Mayor Massucco 2nd the motion.

VOTE: The motion passes 4-0; with Councilman Meador absent.

K. Approval of Interlocal Agreement with Lee County for Trolley Service

MOTION: Councilman Shenko made a motion to approve the Interlocal Agreement for discussion purposes. Councilman Reynolds 2nd the motion.

Mayor Boback opens public comment:

- No public comment was given.

Mayor Boback closes public comment:

Discussion:

Councilman Reynolds reported in reviewing the agreement, which it appears to be the same as it was last year stating it was very effective, and he is happy that they are doing t again.

Councilman Shenko commented that maybe next year they can look at bidding to see if private enterprises can do it at a competitive rate. Mr. Shenko questions if there is any cost savings if they are charging a 25¢ fee. Mr. Shenko questions if the routing is flexible. Mr. Shenko is in favor

to move forward with the motion that he previously made with those adjustments.

Councilman Reynolds stated that last year there were three Trolleys that were running, and stated that it was well received.

Councilman Shenko responded that his in favor of the Trolley, Mr. Shenko was wondering if they save money with a 25¢ fee, and could they do a little cost analysis on the north end of the route.

Mr. Green replied that they can check of the routing of the Trolleys to see what is more efficient. Mr. Green pointed out that the Budget page is not in the packed and does not have the information for the subsidiary for the free fair.

Vice Mayor Massucco pointed out to section two; operation routs and fairs. Vice Mayor Massucco refers to the language not written clear.

Councilman Shenko commented where there was another part of language which was not written clear.

Councilman Reynolds stated on the agreement should read differently.

VOTE: The motion passes 4-0; with Councilman Meador absent.

V. COUNCIL MEMBER ITEMS AND REPORTS

Vice Mayor Massucco spoke about amendment three which is a movement throughout the state where anytime the Council wants to make changes to the LDC, the Comp Plan, stating that it would be taken out of the hands of Council, and place on a referendum for the people to vote on whether they approve these amendments or changes. Vice Mayor Massucco states that is sounds very serious.

Councilman Shenko stated that he did not hear anything on that.

Mayor Boback stated that there were a couple of places that were trying to implement that.

Vice Mayor Massucco stated that this was a couple of years ago, where they had on a referendum regarding pregnant pigs being encaged.

Councilman Shenko stated constitutional amendment.

Vice Mayor Massucco stated that this is very serious, and that they only need 650,000 signatures to get this State wide. Vice Mayor Massucco

stated that this concerned him when he heard about it, stating they would not be able to do anything on the island if something like this went through.

Vice Mayor Massucco stated he had the privilege of participating on the Pirates club annual beach island clean-up on Saturday the 16th. Vice Mayor Massucco states that are it worth while and he congratulates the Pilot club for putting that together. Vice Mayor Massucco also attended a POWMIA ceremony at Pine Island, and states it was very impressive. Vice Mayor Massucco stated that there is a letter by the county regarding beach nourishment, and stated that is something that they need to further discussed.

Councilman Reynolds thanked Ms. Dalton for checking out the Council's authority on approving restrictions for line items. Mr. Reynolds announced that he has one person who has requested to be on the Search Committee for the Town site. Mr. Reynolds reviewed an email by Councilman Meador in regards to the Charter Review provision, stating there is no doubt that the Charter needs' upgrading. Mr. Reynolds stated he does not totally agree with Mr. Meador's email. Mr. Reynolds stated that Mr. Meador did a review and that they needed to act fast. Mr. Reynolds states if they were going to have it ready for March, they need to have it completed by September 6th, and stated that is it out for this year. Mr. Reynolds stated that Mr. Meador waned to do a call in conference, and stated that they should not get into telephone conferencing, stating that if there is something that is needed to be shared, it should be here. Mr. Reynolds refers to a letter by Tammy Hall that was addressed to Mayor Boback; Mr. Reynolds read comments Ms. Hall made regarding beach re-nourishment. See Attached. Mr. Reynolds stated that they have asked for an equal distribution, but that they were not listening and did not receive an appropriate answer from them.

Councilman Shenko referred to one of his volunteer assignments with Public Works. Mr. Shenko pointed out that it was previous brought up to Council the dinghy landing down at Snug Harbor Marina and the possibility of putting it in one place rather than another. Mr. Shenko stated that he met with Mr. Green and with the expert for Snug Harbor. Mr. Shenko is requesting Council if they have a consensus to they bring it back as an agenda item; Mr. Shenko pointed out that there is grant money out there which they will lose if it is not used. Mr. Shenko stated that for purposes of constructing a dinghy landing facility down there, it could be their salvation with the mooring field if they can't enter into a contract with the provider. Mr. Shenko suggested looking at the possibility of running the mooring field as an option, and the dinghy landing would be vital part of that. Mr. Shenko stated that he would like to bring that before

Council to see if it can be considered if it is something that Council wants to pursue. Mr. Shenko stated with a consensus, he could bring it back.

Mayor Boback stated that he did not have a problem bringing it back.

Vice Mayor Massucco stated that it is an important part of the whole mooring field system.

Councilman Reynolds asked if this need to be placed on the Town docks, or back out on the bridge.

Councilman Shenko replied both, and stated that there would be proposals to show Council. Mr. Shenko stated that there would be two docks that would be used.

Councilman Reynolds stated that he got very involved with that previously. He pointed out that they were tying up their entrance totally. Mr. Reynolds stated that the Town would not benefit if they have to give up their right-a-way.

Councilman Shenko reported that has been addressed, and stated that it is not the same proposal that they had before.

Vice Mayor Massucco stated that he was a little apprehensive about that original one. Vice Mayor Massucco pointed out the letter again by Tammy Hall, regarding where they want the sand, and stated that they needed to reply to this.

Mayor Boback stated that he had no items.

VI. TOWN MANAGER'S ITEMS

Ms. Lambert had no items to report.

VII. TOWN ATTORNEY'S ITEMS

Ms. Dalton pointed out that she had provided Council with documents regarding the Attorney General and terms of office, and asked if they had any questions regarding that.

Mayor Boback responded not this evening.

Mr. Murphy announced that meeting he has discussed with FEMA flood insurance rate maps, stating the dates have been switched. He also announced the county meeting will be on the 25th and the Sanibel/Ft. Myers Beach meeting will be on the October 26th. Mr. Murphy noted that he will advise them of any other changes.

VIII. FINAL PUBLIC COMMENT: Public comment at this time is hears on any item and/or issue of concern.

Mayor Boback opens public comment:

- No public comment was given.

Mayor Boback closes public comment:

IX. Adjournment of Regular Town Council Meeting

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

VOTE: Mayor Boback adjourned the meeting at 11:57 PM

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