

**TOWN COUNCIL
FT. MYERS BEACH, FLA.
COUNCIL CHAMBERS
June 5, 2006**

Town Council Meeting – Set executive session (open to public) 5:00 p.m

Councilman Shenko moved that we conduct a meeting with Court Reporter present outside the Sunshine Law. Seconded by Vice Mayor Massucco. Passed unanimously.

Executive Session – Consolidated Realty Holdings litigation (closed to public)

Councilman Shenko moved to have a meeting outside the Sunshine Law for purposes of discussing Consolidated Realty Holdings litigation. Seconded by Vice Mayor Massucco. Motion passed unanimously.

Executive Session to run consecutively to discuss Utelco.

Councilman Shenko moved to have meeting outside the Sunshine Law for purposes of discussing Utelco vs. Town of Fort Myers Beach. Seconded by Vice Mayor Massucco. Motion passed unanimously.

Council plus Town Manager, Town Attorney now went into executive session.

I. CALL TO ORDER - Meeting was called to order by Mayor Boback at 6:35 p.m.

Members present: All Council members present, plus Rachel Lambert, Anne Dalton, and Jack Green.

II. PLEDGE OF ALLEGIANCE – Pledge of Allegiance was led by Mayor Boback.

III. INVOCATION – Was given by Rev. Forrest Christer, First Baptist Church.

IV. PUBLIC COMMENT – Public comment was heard at the time the agenda item was discussed.

V. CONSENT AGENDA

1. Minutes of May 1, 2006, and May 8, 2006. Vice Mayor Massucco moved to accept the minutes of both dates. Councilman Meador seconded. Motion passed unanimously.
2. Acceptance of the Financial Audit. Vice Mayor Massucco moved to accept the Audit as submitted. Councilman Meador seconded. Motion passed unanimously.

VI. ADMINISTRATIVE AGENDA

A. First public hearing of :

1. Introduction of Ordinance 06-14 Changes to Special Magistrate Provisions
 - a. Consensus to move forward to June 19th, at 6:30 p.m.
2. Lot mowing and Nuisance Ordinance 06-13
 - a. Public Hearing opened and closed.
 - b. Councilman Reynolds commented that it was a good job that the Town Attorney had done.
 - c. Councilman Meador wanted the height of grass to be put back up to 16", but Mayor Boback would like to see it at 10".
 - d. Councilman Meador moved to approve the Ordinance. Vice Mayor Massucco seconded. Motion passed unanimously.

Post-Disaster Recovery and Reconstruction Ordinance 06-12

Public Hearing opened

MOTION: Vice Mayor Massucco moved to accept this ordinance.
Mayor Boback seconded.

Rod Melsek has volunteered to help re-write this ordinance. Consensus of Council to re-write this ordinance.

VOTE: Motion passed 4-1 with Councilman Shenko opposing.

3. Contract Agreement for Hurricane Preparedness
 - a. Jack Green spoke to this document
 - b. He reviewed three proposals.
 - c. Councilman Meador asked to postpone the decision.
4. Special Event 4th of July Fireworks
.Bill Semmer and Joanne Semmer asked for \$12,500. It is about the same as what they ask for every year.

MOTION: Councilman Shenko moved to give them the whole amount, \$12,500. Second by Councilman Meador.
Motion passed unanimously.

5. Contract Approval for Mound House Director
 - a. Recommendation is to make it \$52,000. Theresa Schober is the current Director. She has expressed an interest in developing the Newton Park. Rachel recommends an additional \$13,000 for the Newton property so she can pay for Health Insurance.

Public Comment

Ceel Spuhler spoke in favor of renewing Theresa's contract.

Pat Lofreno (sp?) wants to know where they're going with the house. He protested the expenditure of money.

Pat Smith says it is a large increase in pay. Where are we going with this house and how much will it cost?

Lee Melsek says people other than Theresa Schober are responsible for what has happened down there.

Public Comment closed.

- b. Councilman Meador says he does not think the Newton Property needs much directing.
- c. Rachel Lambert says that the \$13,000 for the Newton Property would come out of TDC money. That part of the contract can be rewritten.
- d. Theresa Schober has a sign-in sheet for visitors but people who ride their bikes or walk are not registered. Her supervisor has been the Town Manager.
 - 1. Theresa has had an attorney review the contract and she has. And she has some problems with some of the language.
 - 2. Rachel Lambert focused on the indemnification remarks. She also looked at the liability clause.
- e. Mayor Boback suggested that the Town Manager and Town Attorney review the contract and bring it back to Council.

VII. COUNCIL MEMBER ITEMS AND REPORTS

- 1. Councilman Reynolds mentioned Flag Day and the Taste of the Beach
- 2. He also questioned the Historic Subcommittee and the Grant of Historic Preservation.
- 3. Vice mayor Massucco mentioned Turtletime; also the trolleys; Taste of the Beach was fantastic.
- 4. Councilman Shenko mentioned noise in the boat races and air show; swimming pool contract;
- 5. Councilman Meador thanked everyone for taste of the Beach;
- 6. Mayor Boback also thanked everyone for Taste of the Beach.

VIII. TOWN MANAGER'S ITEMS

- 1. Reminder that hurricane preparedness is June 7th at 6:00 p.m.
- 2. Several people have overdue parking violations.
- 3. Update – hopefully will have a new Finance Director next week.

IX. TOWN ATTORNEY'S ITEMS

- 1. Spoke about Utelco update. Asked Council to continue representation of one or both of the attorneys.
Moved by Councilman Meador to proceed on case with Knott and Company at the prices Mr. Knott had indicated.
Councilman Shenko seconded.

Motion passed unanimously.

2. Update on the curfew. Can be brought back at a future meeting.
3. Council agreed to put it on an agenda item.
4. Traffic mitigation agency – local planning agency overlap.
5. Vice Mayor Massucco spoke to this point. He suggested that she attend the next meeting.
6. Mr. Shenko also preferred that the TMA report directly to Council.
7. Mr. Meador agreed with the Council.
8. Mayor Boback agreed with the rest of the Council.

X. FINAL PUBLIC COMMENT

1. Lee Melsek talked about the Historic Subcommittee. It needs to be re-energerized.
2. Pat Smith thanked everybody for getting the TMA done.
3. Tom Babcock says he is a little concerned that the Town charter is being undermined.
4. Pat Loffreno spoke about traffic.

XI. **ADJOURNMENT** Motion and Second by Shenko and Reynolds, passed unanimous.

XII. Meeting adjourned at 8:45 PM.

Respectfully submitted,

Jean F. Matthew