

**FORT MYERS BEACH  
TOWN COUNCIL – SPECIAL SESSION  
Town Hall – Council Chambers  
2523 Estero Boulevard  
Ft. Myers Beach, FL 33931  
October 24, 2005**

**I. CALL TO ORDER**

Mayor Bill Van Duzer called a special meeting of the Town Council to order at 3:00 PM on Monday, October 24, 2005.

Mayor Van Duzer indicated that four of the five Councilmen were present, with Vice Mayor Rynearson not in attendance.

Mayor Van Duzer stated that the Pledge of Allegiance, Invocation and Public Comment would be skipped, although he asked those present if they wished to make public comment, but no one indicated their desire to do so.

Town Attorney Anne Dalton pointed out that the agenda showed the meeting to be taking place at the Masonic Temple, but that the meeting was actually occurring in Town Hall.

**II. STAFF UPDATE ON HURRICANE WILMA**

Deputy Town Manager John Gucciardo reported that the storm hadn't been all that bad, in terms of its impact on the Island, until between 7 AM and 8:30 AM, at which time conditions had changed. He said the winds had picked up dramatically at that point, and guessed that approximately 70% of the damages sustained on the Island had occurred during that time.

Mr. Gucciardo said the first thing the Emergency Response team had done, once the winds had died down, had been to work with the Sheriff's Office and the Fire District on the assessment of Estero Boulevard. He said road debris had been a minor issue, although there had been some construction debris and, more so, vegetative debris. He said Ed Lawlor of the Town's maintenance department, and the contractors the Town had – especially "Buzz" and his men – had been able to get front-end loaders and other equipment out from about 11:00 AM on.

Mr. Gucciardo said that, after the impact assessment on the road, as well as on the water and sewer lines, they had begun to look at some of the property damage and documented that. He said, for the most part, damage to structures had been fairly limited. He said in comparison to after Hurricane Charley, overall, the damage had been limited.

Regarding the water system, Mr. Gucciardo said it was fine, and that the water pressure had never gone below the recommended levels – he said it was still at 40-50 psi. He said the south end was operational, where there was a lot of water use. He

said the north end was currently being worked on. He added that there were no apparent breaks in the line.

Regarding the sewer system, Mr. Gucciardo said there had been a little friction with the County in terms of when they had said they would arrive on the Island, as originally they had said they would be there as soon as the wind had died down and had not. How the Town had worked around that was that they had moved the Town's generators out to the lift stations, so that by the time the County had arrived to assess the sewer situation, there had been power available to them if they needed it. Mr. Gucciardo had been told that currently the sewer system was functioning, and would be close to fully operational sometime that day.

Mr. Gucciardo said the Fire District was operational and had had a crew on the Island all night. He said they had identified five locations of concern to them – where there may be live downed power lines – and were waiting for FPL to address those issues with the FPL advance team when it arrived on the Island. He said that FPL had originally told the Town that they would send advance teams to be stationed with the Fire District so that when the F.D. mobilized, they would have FPL people with them. He said FPL had said the advance team would be embedded with the Fire District the night before the storm, then first thing that morning, and then at noon on this day, but Mr. Gucciardo did not know if they had arrived as yet. He said that was okay. He said there were residents on the Island who worked for FPL and who worked with the Town regularly. He said FPL had reported that they had a game plan to put into play as soon as the winds died down a bit more. He said they couldn't put workers up in the buckets to repair wires with the wind still gusting.

Mr. Gucciardo said he had been told it was possible that the North end of the Island could be powered up in a few hours, and had been told the South end still had power. He said the middle of the Island could be a little more difficult, and said the game plan was to power up Estero Boulevard first, then address the side streets as problems were identified and handled.

Mr. Gucciardo said he couldn't say definitively when the Island would be fully lit again, and because of that, and the fact that the County was considering going to a countywide curfew starting that evening, he believed that was one issue that would be addressed by Town Attorney Dalton later in this meeting.

Mr. Gucciardo said they had been able to get the generators up and running, so as to get Town Hall in operation. He said the decision had been made not to open the off-Island location once Staff were comfortable with the situation with regard to the roads and determined that access to the Island didn't have to be restricted. He said there were signs at the off-Island location that let people know the Island was open.

Mr. Gucciardo said the Town Staff not only was using Town Hall to coordinate recovery efforts, but they also were reaching out to the media from there, and were working closely with their public information consultant. He said one thing they

were focusing on the most had been radio interviews, and said they had had good results from the use of that media outlet. He guessed six or more interviews had already been done.

Regarding debris pick-up, Mr. Gucciardo said they had confirmed that Onyx had pushed back pick-up days from Monday and Tuesday, to Wednesday and Thursday, which he characterized as similar to a holiday schedule. He said there was still intention on Staff's part to obtain agreement from Onyx to relax their rules about bundling and binding vegetative debris for pick up on Thursday. Mr. Gucciardo indicated that he would have Matt Feeney focus on the debris-removal situation on Tuesday.

Mayor Van Duzer thought Mr. Gucciardo had given a fine report, and that he had no questions.

Councilman Massucco commended the Town Staff on the tremendous job they had done.

### **III. RESOLUTION 05-36 REGARDING COUNTY-MANDATED CURFEW**

Mayor Van Duzer said the Council felt the Town should have a curfew if the County imposed one, otherwise not.

Councilman Massucco asked if it would be wise to impose a curfew if the North end were not lit, regardless of the County's actions.

Mr. Gucciardo said Capt. Powell at the Sheriff's Office had told him they had the manpower to keep the Island safe whether it was lit or not. He said Capt. Powell had expressed concerns about the Town not imposing a curfew if the County did, as that could possibly prompt people to come to the Island from the mainland. He said if, for some unforeseen reason, the County did not go to curfew, and thus the Town did not impose a curfew, Capt. Powell had communicated confidence that they could keep the Island safe.

Mayor Van Duzer thought it would be difficult to impose a curfew if the County did not. He felt it would be much easier for the Town to go along with the County in whatever decision they made concerning the imposition of a curfew.

Mr. Gucciardo stated that there was every reason to believe the County would be imposing a curfew. Ms. Dalton said her understanding was that the County would wait to see what the Beach was going to do, and would act after the Beach acted. She said the language was very clear in Section 2 of the resolution that if the County imposed a curfew, the Beach would impose a curfew with the same parameters as the County. She said there was "curfew language" in one of the Town's ordinances, but that the Council had the ability under emergency powers to do what was set forth in the resolution under consideration and not do what was set forth in the ordinances.

Mayor Van Duzer thought the Emergency Management team could have made the decision independent of Council to impose a curfew, but he wanted to ensure that the Council was on top of it.

Councilman Reynolds didn't believe that the EM team could have made that decision. He did agree with the Mayor that the Town should go along with the County.

Councilman Massucco expressed concern that, if they did not impose a curfew with the power off on parts of the Island, some residents would feel they had not had their property protected. Mayor Van Duzer pointed out to him that Capt. Powell had expressed confidence that his personnel could protect the Island, with or without power.

Mayor Van Duzer asked Attorney Dalton if they needed to let the County know what they had decided about the curfew, and she indicated that they should call them after the meeting.

**MOTION:** Mayor Van Duzer made a motion to adopt Emergency Resolution 05-35, imposing a mandatory curfew if the County imposed a curfew, with the same parameters. Councilman Reynolds seconded the motion.

Councilman Katcko said he was not in favor of imposing a curfew, mainly because it was not known as yet what the County was going to do. He said the County had much more area to cover and had more power outages than the Island. He felt the infrastructure on the Beach was sound. He understood that people might be concerned about the safety of their property, but he was also concerned about imposing a curfew.

Mr. Gucciardo said the reason the particular language of the resolution had been chosen was so that the Sheriff wouldn't be put in the position of enforcing a dusk to dawn curfew and different hours on the other side of the Bridge.

Councilman Katcko pointed out that if there were a curfew imposed in Lee County with different hours from one on the Beach, no one would be able to get to the Beach anyway, and he was uncomfortable with imposing a curfew unnecessarily.

Mayor Van Duzer pointed out that people could come onto the Beach before curfew and might stay if the Beach had no curfew, and for that reason, he wanted the Town to be aligned with the County. Councilman Katcko said that that made sense.

Councilman Reynolds liked it because it equalized San Carlos Island and Ft. Myers Beach. He said he felt comfortable going along with the County's suggestion on the issue. Councilman Massucco agreed.

**VOTE:** The motion carried unanimously.

#### **IV. DISCUSSION OF THE DECLARATION OF THE STATE OF LOCAL EMERGENCY RE: HURRICANE WILMA**

Mayor Van Duzer said an emergency declaration had been issued on Hurricane Wilma that was going to expire on Wednesday, November 2<sup>nd</sup>.

Attorney Dalton suggested extending the declaration for another 7 days so that Council would not have to meet on Wednesday to discuss the issue of whether to extend it or not. She explained that, per the statute, an emergency declaration automatically expired in after 7 days.

Councilman Reynolds asked how the residents would be affected by an extension of the declaration. Mr. Gucciardo said it was more of an operational thing, and gave the example that it would give the Town a little more flexibility in working with contractors without adding the time required for the normal bidding process. Councilman Reynolds asked if extending it would allow more emergency operations to continue, and Ms. Dalton said that was correct. Councilman Reynolds asked how long the extended declaration would be in effect. Ms. Dalton explained that if they voted to extend the declaration at this meeting, it would expire as of October 31<sup>st</sup>. She said they could then let it expire, or renew it again if needed. Councilman Reynolds didn't think the Island had been hit too badly, although he had not as yet been around to look, and asked if anyone had seen extensive damages. Mayor Van Duzer said he had, and pointed out the collapsed canopy at the BP station that had knocked over the gas tanks. Councilman Reynolds said he knew about that, but didn't think it would be difficult to clean up, and that it was a private situation that the Town didn't need to do anything about. He wondered what the Town couldn't get done by Wednesday, October 26<sup>th</sup>, when the original emergency declaration ran out.

Ms. Dalton said there had not been an internal Town assessment of the structures on the Island as yet, and until it had been done, it would not be known whether the declaration would need to be extended or not. She had suggested voting to extend the order at this meeting so as to save the Council from having to meet again on Wednesday for that purpose. She said if it were to be extended, and it was no longer needed, or sections of it were not needed, then the Town would simply not implement what was not needed.

Councilman Reynolds said the problem he had with some of the things that the Town had done with the Town, was that if they had brought San Carlos Island in with the Town, they would be in the same fix that the people on the Island had been in. He said because San Carlos Island had chosen not to, they had been operating very freely, efficiently and effectively without "all this stuff". He didn't know if SCI had declared an extra seven days there, but he doubted they had had any more public damage than the Beach had sustained. He wondered why the Town wanted to get into things such as the gas station. He wondered how much public time was actually needed to get the Town back into the operation that they wanted it to be in, and pointed out that there were still three days left on the original emergency declaration.

Ms. Dalton said extending the order would give the Town the option to utilize some emergency procedures, but if they were not required, then Staff would not implement them. She felt it would give the Town more flexibility.

Councilman Reynolds said the more he worked with government, he had found that the more time government was given to work on something, the more time government would take to work on something. He said the last time they had done that, it had gone six to eight weeks. He acknowledged that one couldn't compare the effects of Hurricane Charley to the current situation, because there were more needs at that time. He said he couldn't see any need for anything at this point, and hadn't heard anything that warranted the extension of the emergency declaration.

Mayor Van Duzer took exception to everything Councilman Reynolds said, and Councilman Reynolds said he would expect Mayor Van Duzer to do so. Mayor Van Duzer then said he would not comment on it, and Councilman Reynolds said "Thank you." Mayor Van Duzer said he would not comment because of his remark about expecting him to do so. He said it was ridiculous for Councilman Reynolds to have said that he expected Mayor Van Duzer to take exception to everything he had said, and Councilman Reynolds said it was ridiculous what the Mayor had said just prior to his having said that. He said that the Mayor took exception to everything he said whenever he said anything. He said it was not very kind.

Mayor Van Duzer said he had the floor now. He said he was trying to be very kind, and said he took exception to the remark Councilman Reynolds had said about the BP damages being just a little aluminum thing that fell down. He said it was on top of a very volatile situation, and the Town needed to have control over it. He added that part of the clean-up thing was under the Council's control, and was something the Town had to do. He said when the gas station cleaned up their damages, the Town needed to be in control of the operations. He said he had no idea how much damage people had to their properties, or how much cleaning up would need to be done, but the Town had done a very good job of that after Hurricane Charley and the Council needed to have control over it this time so that it got done properly. He said all that was being asked was that the declaration of local emergency be extended another week so that the Town was not restricted. He said it had been declared based on the earlier arrival of Hurricane Wilma as had been originally predicted but had not come to pass. He said the Town was running out of time.

Councilman Reynolds said he had not been trying to get a big, adversarial argument going. He was simply expressing his views and hoped they would be considered in the discussion. He asked if John Gucciardo, who was in charge of Emergency Operations, felt extra time was needed. Mr. Gucciardo said he did not know because the property damage assessment had not been completed as yet. Councilman Reynolds asked if they could have another meeting on Wednesday to see if more time was actually needed. He didn't think anyone on Council would object to waiting until they knew if it was actually needed or not. He did not see a need for it at this time.

Mr. Gucciardo pointed out that there was only one more day left on the original emergency declaration. Councilman Reynolds said if that was the case, then he would have no problem extending the declaration at that time.

**MOTION:** Mayor Van Duzer made a motion to approve Resolution 05-37, to extend the Declaration of Local Emergency for seven days. Councilman Massucco seconded the motion.

**VOTE:** The motion carried unanimously.

## **V. ADJOURNMENT**

**MOTION:** Councilman Massucco moved to adjourn the meeting. Councilman Reynolds seconded the motion.

No vote was taken.

Mayor Van Duzer adjourned the meeting at 3:25 PM.

Respectfully submitted,

Jo List  
Transcribing Secretary