

**FORT MYERS BEACH
TOWN COUNCIL MEETING
SEPTEMBER 2, 2004
Town Hall-Council Chambers
2523 Estero Boulevard
FORT MYERS BEACH, FLORIDA**

I. CALL TO ORDER: An emergency meeting of the Fort Myers Beach Town Council was called to order on Thursday, September 2, 2004 (time not stated) by Mayor Bill Thomas.

Members present at the meeting: Mayor Bill Thomas, Vice Mayor Garr Reynolds, Councilman Don Massucco, Councilman Bill Van Duzer, Councilman Howard Rynearson.

Excused absence from the meeting: None.

Staff present at the meeting: Town Attorney Richard Roosa, Deputy Town Manager John Gucciardo, Town Manager Marsha Segal-George

II. INVOCATION AND PLEDGE OF ALLEGIANCE: All those present assembled and recited the Pledge of Allegiance.

III. PUBLIC COMMENT: Mayor Thomas explained that this emergency meeting of the Fort Myers Beach Town Council was concerning the incoming hurricane. He invited the public present to comment on this subject only.

IV. There being no public comment, Mayor Thomas referred Executive Order 04-192. Town Attorney Richard Roosa advised that it was not necessary to read this Order, explaining that it was an executive order of the Governor in which he declared a state of emergency throughout the State of Florida. The issue to be considered now by Town Council is whether or not to declare a state of emergency for the Town of Fort Myers Beach.

MOTION: Motion was made by Mr. Rynearson and seconded by Mr. Van Duzer to declare a state of emergency for the Town of Fort Myers Beach.

VOTE: Motion was passed by unanimous vote.

Mayor Thomas asked the Town Attorney to provide an opinion on who runs the Town during such a state of emergency: The Council, the Fire Department, the Sheriff, or Staff which has already been set up to do this. He asked for the legal procedure. Mr. Roosa explained that Ordinance 99-6 applies, which sets up the determination of an emergency. He further explained that once the Council determines the existence of an emergency, then Ordinance 96-19 takes place, and there is an Emergency Task Force that is already established by ordinance. Those members are Staff members of the Town and the other governmental agencies, e.g., the Sheriff, the Fire District, and the various utilities that provide municipal services for the residents of the Island. That Committee is then responsible to maintain order within the Town. The only responsibility of the Council is to make a determination of emergency; once that determination ends, Council responsibility begins at the next Council meeting. In response to a question by Mayor Thomas, Deputy Town Manager John Gucciardo advised that he has been designated as Emergency Management Coordinator, and operation meetings have already begun. After a conference call at 4:00 P.M. today with County Emergency Operations the next step and/or meeting will be determined at that time.

MOTION: Motion was made by Mayor Thomas that Council members not attend these meetings. Motion was seconded by _____. Mayor Thomas explained the reason for his motion is that Council does not have input, and that there are trained professionals in each field, such as the Sheriff and Fire Department and utility personnel, and he feels that Council members as laymen do not contribute anything to these meetings.

DISCUSSION: Councilman Massucco asked whether Council would be provided minutes or some record of what transpired at these meetings. Mr. Gucciardo explained that typically minutes are not taken because of the nature of the meetings, focusing on assignments of tasks and work priorities, but he offered to contact Council members individually to keep them informed of decisions and determinations. He cited difficulties after Charley arising out of poor communications. Mr. Reynolds expressed the opinion, which he said he had

discussed with Mr. Roosa yesterday, that one member should attend to represent Council and provide information to the public. Mr. Roosa stressed that regardless of the merits of the suggestion, this is a policy decision for Council to make; however, the existing ordinance being implemented presently makes no such provision. He further advised that Council does not have authority at this special meeting to make changes to the ordinance. However, the ordinance does provide that Council may add members to the Task Force, so if Council wanted to do so at this meeting by majority vote, it could do so. Mr. Van Duzer said he would be guided by majority vote of the Council, but he would like to be able to attend these meetings with the understanding that Council is not part of the governing body, and that the work to be done should not be compromised by attendance of any Council member at these meetings. He added that he would not vote against the motion on the floor but would like to have the ability to attend.

VOTE: Motion passed by a vote of 4 to 1, Vice Mayor Reynolds casting the "nay" vote.

Mr. Gucciardo provided Council with an update of current conditions. He explained that at present there are 2 different projections of the course of Hurricane Frances, which presents a difficult situation. Due to the size of this storm, a potentially serious negative impact is expected at Fort Myers Beach under either projection. At this point they are planning for the worst case scenario. Ms. Segal-George added that there is a request for voluntary evacuation at this point for those whose homes have been damaged by the previous storm and those with special needs. Mandatory evacuation will be taken into consideration following an update later this afternoon; however, she advised that due to massive evacuations of residents of Florida's east coast, motel room and gasoline availability is lacking in Lee and surrounding counties. Shelters are being considered.

All business being concluded, Mayor Thomas called this emergency meeting to a close, adding that there will be a meeting next Wednesday at 5:00 P.M. at which time everyone can come in and discuss the events connected with Hurricane Charley and offer suggestions for improvement. He also thanked the Staff at Town Hall and all other workers for an excellent job. He stated that he feels Fort Myers Beach has done a much better job of recovery than the other barrier islands despite its own unique problems. He adjourned the meeting at 2:50 P.M.

Respectfully submitted,

Patricia L. Middlekauff
Transcribing Secretary