

**FORT MYERS BEACH
TOWN HALL MEETING
SEPTEMBER 8, 2004
Town Hall-Council Chambers
2523 Estero Boulevard
FORT MYERS BEACH, FLORIDA**

I. CALL TO ORDER: A special Town Hall meeting of the Town of Fort Myers Beach was called to order on Wednesday, September 8, 2004 at 5:00 P.M. by Mayor Bill Thomas.

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

Staff present at the meeting: Town Manager Marsha Segal-George, Deputy Town Manager John Gucciardo, Director of Public Services Matt Feeney, Town Attorney Richard Roosa

Moderator: Ken Katcko.

II. INVOCATION AND PLEDGE OF ALLEGIANCE: All those present assembled and recited the Pledge of Allegiance. (NOTE: Tape started at this point.)

III. INTRODUCTORY REMARKS BY MAYOR BILL THOMAS: Mayor Thomas explained the purpose of this meeting, which was to obtain feedback from the public after the recent two hurricane events. He asked for constructive comments and suggestions for improved emergency operations in the future, without personal attacks. He introduced Ken Katcko, who had volunteered to serve as Moderator.

Deputy Town Manager John Gucciardo interjected with a brief summary of emergency operations. He introduced representatives from the Fire District and the Sheriff's Office who had served on the Emergency Operations team, as well as members of Town Staff and contractors who had been involved. He stressed that the plan followed by the Town is not new or something improvised for the occasion, but is a process outlined in the Town's ordinances as well as the Fire District and Sheriff's Office hurricane plans. He also pointed out that there was no one person responsible or able to make any particular decisions on their own, but that decisions were made by consensus by these different entities, none of which is in a position where they can dictate to the others. Mr. Gucciardo also noted that planning for Hurricane Charley began about 3 days before the storm's arrival in cooperation with the Fire and Sheriff's departments.

Mr. Katcko then thanked everyone for coming and explained that he is a 10-year resident of Fort Myers Beach and that he and his wife own two businesses on the Island. He observed that his business has been closed due to the storm and he is losing substantial income, but the only name he holds responsible is "Charley." He asked that speakers be brief so that everyone can be heard, and emphasized that he will not allow personal attacks. He then began to recognize individuals from cards previously submitted.

John McCarthy, who owns a condominium, a house and a business on the Island, came forward. He explained that he was the Fire Chief on Fort Myers Beach from 1980 to 1996, and prior to that he served in various capacities in the Fire Department. He recalled being sent to South Carolina after Hurricane Hugo and also assisting after Hurricane Andrew. His suggestions were (1) that public meetings should have been held at an off-island location, such as Indian Creek, which has facilities large enough to hold such meetings and is also close enough to the Beach so that emergency personnel would not have to travel long distances; (2) that the Island be divided into sections for inspection purposes, and that residents be bussed onto the Island

from Summerlin square, where they would surrender their driver's licenses and be permitted to inspect and photograph their properties, but not make repairs, during specified hours on specified days. If possible, he suggested they be subject to arrest if they do not board the return bus at the appointed time, and they would be required to sign an affidavit that they were entering the area at their own risk, absolving the Town and other entities of liability. (3) He also objected to meetings being held on the Island while residents were unable to obtain access and attend.

Mr. Gucciardo thanked Mr. McCarthy for his comments and suggestions, observing that there is already a list of things the Town wishes to do differently next time.

Helen Snell came forward and explained that she had remained on the Island during the storm and was able to drive the length of the Island within 2 days. She objected to residents being denied access to the Island for 5 days and remarked that the Council had been elected to represent and carry out the wishes of the residents.

There was a heated exchange between Mayor Thomas and Vice Mayor Reynolds.

Mr. Katcko recognized former Mayor Dan Hughes, who came forward and commended those who called this Town Meeting. He pointed out that the Town Manager, who had been the subject of criticism and resentment, did not actually play a major role in the decisions with which the public is so upset, and observed that it was unfair for many people to make conclusions without first determining the facts. He added that he supports the decisions even though he and his wife personally experienced problems with not being able to obtain the oxygen which she requires. He called attention to a memo written by Councilman Van Duzer, and said he also supports the suggestions put forth by Mr. McCarthy, and he called for positive solutions instead of negativity.

Dolores Yost, a property owner since 1985, came forward and said she felt the Town did a very good job, considering what occurred. Her home was flooded, and she personally observed raw sewage in her home and in the streets. She also called for the Town to work together, including the Council members, instead of engaging in petty bickering. She expressed disappointment with those who are engaging in personal attacks.

Harold Huber, a resident of Bay Beach, came forward. He advised that of the 140 units in his condominium, 8 were occupied during the storm. He has polled those residents, and 12 people approved of the actions taken by the authorities, and 2 did not answer the letter. He observed that everyone present is safe, and by returning too soon this might not have been the case.

Jerry Sawyer, 111 Anchorage Street, came forward and referred to a handout which used the words "lies" and "deceit." He complimented several individuals, including Vice Mayor Reynolds and asked that the Council represent the voters.

Ron James came forward and said he does not want his Council to abdicate all control to unelected officials, but to be able to monitor the progress and make corrections if necessary. He said he expects change and expressed disagreement with Town management.

Bill Schencko, Jr. came forward and recalled being involved in writing the charter for a Town Manager form of government. He expressed disappointment that this was the first public meeting since Hurricane Charley on August 13th. He referred to the Sunshine Laws and expressed disagreement with an opinion of the Town Attorney, which he referenced. He pointed out that Charter 4.11 specifically states that meetings can be held outside of Town limits. He expressed disagreement with the Town Manager's decisions. He recommended that FMB Ordinance 99-6 be examined and followed.

Scoop Kiesel, a 53-year resident of FMB, came forward and recalled his personal experiences with hurricanes, including going to SC to help after Hurricane Hugo at a barrier

island similar to FMB. He said he agrees with and supports the suggestions made by Chief McCarthy and is available to answer any questions concerning hurricanes from his personal experiences over the years.

Jeff Warner, a year-round FMB resident of the south end of the Island since 1992, came forward. He said he appreciates all of the hard work and choices made by the Emergency Task Force even though he disagrees with many of their actions. From his experience both locally and world-wide, he expressed disagreement with the elected officials and their decision not to attend any future emergency meetings.

Pete Crumpacker came forward and thanked everyone for doing their best. He specifically addressed the subject of communication and lack of information, and suggested improvement in the future. He described personal experiences with stressed-out Sheriff's Office personnel at the checkpoint.

Mr. Gucciardo acknowledged that the lack of communication is on the top of their list for improvement. He noted that Lee County Emergency Operations' system is not designed as efficiently as it could be, inasmuch as this group is performing the same sources for the entire area. There are other Public Information personnel who were unavailable at the time for a variety of reasons. There was a plan in place, but he recognized that it needs improvement.

Lou Marrone, a 20-year resident came forward and recalled serving on various committees and homeowners' associations within the Town. He observed that the previous dialog was very constructive.

Jerry Friese, a full-time FMB resident came forward and said he was unhappy with being denied access to his property, and that he felt that the emergency plan was not adequate or effective.

Carol Shuttig, a 2-year resident, came forward and said she did not understand why those who chose not to comply with mandatory evacuation were allowed to stay, or not fined for doing so. She expressed surprise at the lack of communication and information. She described personal legal difficulties from her house resulting from her house being marked as an unsafe structure.

Mr. Gucciardo explained that the situation described by this speaker had been addressed in a letter which he personally wrote and signed.

Jamie Diaz, a full-time resident of FMB since 1995 and owner of an insurance agency with a majority of clients on the East Coast, came forward and recalled that after Hurricane Andrew the authorities were more respectful of residents. He agreed that communication was the biggest issue. He stressed his opinion that Council needs to represent the public and that change is needed.

LT Powell of the LCSO came forward and responded to several references to the incident in which an individual was tazered and arrested at the checkpoint. He was present at the time and was the arresting officer. He explained that this individual was given every opportunity not to be arrested for attempting to incite a riot. He stressed that one individual should not be allowed to be considered representative of FMB and that the LCSO has not lost faith with the residents.

Laurie Diaz, Jamie's wife, came forward and added that she agrees that the Council needs to take control.

Tom Cameron, a FMB resident since 1990, came forward and thanked everyone who worked very hard during a difficult time, saying he thinks they did a very good job. He specifically thanked the Sheriff's Office, the Fire Department, and all the rescue workers. With respect to mandatory evacuation, he explained his personal experience after evacuating with this wife. He said he felt very well informed by watching TV. He observed that those who choose not to

evacuate are endangering not only their own lives, but the lives of emergency and rescue personnel. He recommends that in the future mandatory evacuation should be enforced.

Arthur Cavanaugh came forward and expressed appreciation for Mr. McCarthy for offering his services and positive ideas. He recalled evacuating to Bonita and was unhappy with the lack of information about FMB. He referenced an article about a group allowed to stay on-Island at the Gullwing and asked why this had been allowed.

Bob Jacoby came forward and said he came to thank Council and Staff, complimenting them on their efforts. He said this was "on-the-job training" and applauded them.

Sandy Newton came forward and said that her comments had been voiced by previous speakers. She suggested that Mr. McCarthy should be taken up on his offer to work free of charge.

David Smith came forward and said that his comments had been voiced previously also. He added to Mr. McCarthy's comments that volunteer organizations on the Island could be utilized for communications and for transportation by bus. He cited people who left pets on the Island and those who needed medicine or oxygen, which he suggested could have been made available at the foot of the bridge.

Mr. Gucciardo agreed that these were good points. A variation of the school bus idea is under consideration, with Lee Tran involved. However, the primary criteria was to get sewer and water pressure under control, as well as damage assessments, for safety reasons before allowing residents to return. He stressed that the Town has an obligation and a responsibility not to put people in harm's way. So the trolleys or busses would not be permitted to stop, although there are logistical problems inasmuch as many people would attempt to get off anyway.

Mr. Smith did not agree that the residents needed protection from the Town. He asked that Council take control of the Town.

An angry resident who did not identify himself made some comments about not being allowed back. Mr. Katcko observed that there have not been any questions addressed to Council. Mayor Thomas asked that there be no more outbursts.

Joellyn Reckwerdt came forward and addressed both Council and the audience with respect to Mr. Diaz' comments. She said that while she appreciates the Council, in a case like this she would much rather have the Fire Department and Sheriff's Department in charge of her safety and health. As Chair of the FMB Public Safety Task Force she is pleased that she and this group were able to serve the residents under the direction of Town Staff and Council. They were asked to do a variety of small jobs such as passing out ice and food, answering phones, etc. She agreed that improvements to the plan are needed and expressed appreciation for the efforts of all involved. She stressed that this is the time to pull together.

Sherry Smith came forward and thanked the Fire Dept., LCSO and everyone who did so much to help. She said she sees a high energy at this meeting of people who want their voice heard, and not primarily negativity. She said she respects each of the Council members, and in return hopes that they respect her. She said she felt she was treated as a criminal while off the Island and was dissatisfied with communications and information, making a comparison with the treatment afforded Sanibel residents. She recalled helping form the Town and was extremely upset with how residents were treated, and she implored Council to listen to the people.

Michael Katchmark, a full-time resident of FMB and a business owner, came forward and expressed concern that if he evacuates in the future he will not be allowed back. He wants to take responsibility for his own safety and said he did not recall giving anyone that authority.

Penny Brown, a long time resident who works with the Historical Society, came forward and asked how many were here for Donna in 1960. Seeing only a few hands, she responded to

those who said this was the first time residents had not been allowed back after a hurricane by saying that the only hurricane that could conceivably be compared to Charley was Donna, 44 years ago, when there were fewer people on the Beach. She stressed that those in authority should be given a chance to learn from recent experiences. She asked Council who was allowed on the Island, referring to rumors that are circulating. It was acknowledged that some unauthorized people did get on by various means.

Larry Pierce came forward and thanked everyone for their efforts. He asked whether there is a formal process by which the Town, with or without a consultant, will do a post-disaster report, possibly including the transcript of this meeting and newspaper articles, which would be published and included on the Town's Website.

Mr. Gucciardo replied that it will be up to Council to decide whether to incur the expense of a consultant, but it is intended to hold a debriefing of those actively involved in the emergency response and also Lee County Emergency Operations, Sanibel and Pine Island, to share experiences. This has been done in the past, including after Gabrielle. This will be accomplished as soon as possible. The input from this meeting will be included. He is also recommending another forum such as this one.

Pat Smith, a 5-year full-time resident of FMB, came forward and echoed her thanks to all the emergency responders. She asked Mr. Gucciardo why there was no Public Information Officer designated when the plan was established. She expressed dissatisfaction with the information on TV about FMB. She also asked Council to monitor and evaluate the personnel who work for them. She also pointed out that there are many bright and talented people on the Island who are underutilized.

Mr. Gucciardo reiterated that it was discovered that the public information component of the plan has not been effectively covered, and it is intended to remedy this. He pointed out that the Town cannot control what the media decides to cover, but there will be an attempt to improve the methods of processing information to the media. He emphasized that it was thought that this was adequately covered, but after Charley this was found not to be the case.

David Periera came forward and thanked everyone who worked on the EMT. He and his wife decided to stay at their own risk. He noted from personal observation the trucks were at work with graders an hour after the storm ended, and observed that while these and other emergency trucks were on the roads it would not have been appropriate to have residents and their cars on the Island because efforts would have been impeded. He agreed that communications should have been better. He asked whether there would be an attempt to put the power underground to avoid damage by fallen vegetation.

Mr. Gucciardo responded that there has been an attempt to leverage FP&L to do this for many years. In the State of Florida, the Town cannot force a utility to undertake this very expensive proposition. However, part of the ongoing plan to improve Estero Blvd. includes the undergrounding of utilities, and perhaps an advantageous outcome of this event will be increased attention from FP&L. He added that one of the critical issues was the lift stations of the sewage plants, which require electricity, so the Town will be attempting to push this agenda.

Jackie Velasquez came forward and thanked all the emergency workers. She noted that the storm was over around 6:00 P.M. and agreed with a previous speaker that by 8:00 P.M. Estero Blvd. was being cleared. They stayed because of pets and lack of family in the state. She also thanked Topps Supermarket, who opened their doors and provided food and ice to those who stayed. She expressed concern with the fact that the general public was allowed back on the Island only one day after residents were allowed to return and begin repairing and securing their property.

Mr. Gucciardo said that this was one of the most difficult decisions that were made. The outcome of discussions was that it would be virtually impossible to determine that those wishing to come onto the Island were only contractors and repair personnel. The decision was made to allow the public in so that residents would have every opportunity to have resources available to repair their property.

Ceel Spuehler, a 9-year resident, came forward and said that attacks on the Town Manager and Deputy Town Manager concern her very much because she felt that the Fire Department and LCSO were concerned with residents' safety. She conjectured what the feeling would be if only one person had been seriously hurt or became ill. She stressed the need to pull together and avoid negativity.

Carl Conley, publisher of the *Sandpaper*, came forward advising that he stayed in his house on Strandview and while he had a pass which would have allowed him ingress and egress from the Island, he did not leave until Monday because of his responsibility to gather information. He recalled publishing a paper on Tuesday that included pictures of conditions immediately after the storm, including raw sewage bubbling up in the streets. He also described attending emergency meetings in a small room at the fire station under post-storm conditions without power, or land or cell phones. He said he agrees with preservation of civil liberties, but does not agree with second-guessing the decisions that were made. He stated that he personally incurred a staph infection on his leg from wading in flood water. Mr. Conley also stated that he will leave the next time. He further described his personal experiences of conditions that existed after Charley and agreed with a previous speaker that it was not a pretty picture. He offered to provide information services at the foot of the bridge if needed in the future.

Phil Babcock, a 17-year resident and business owner, came forward and spoke of some of his personal experiences. As a ham radio operator, he was asked by Lee Co. Emergency Services to assist. He recalled being allowed back and attending the EOC meetings, and said it was "not fun." He noted that this was by necessity a learning process, and that those involved made hard choices, not necessarily popular choices. He disagrees with those who are calling for firings or changing of the Council or Staff because of the value of their experience. He also spoke to those calling for un-incorporation by asking whether they believe Lee County would have taken better care of FMB residents. He suggested those in disagreement volunteer or run for office, because "the Town doesn't need any more problem identifiers; we need problem solvers."

Guiseppe Delembro, a 20-year resident of 7871 Buccaneer Dr., Laguna Shores, came forward and praised the emergency personnel for a good job. He said he appreciates how those who were denied access to their property feel, but understands that decisions had to be made. In the 20 years he has been on FMB there have been promises to solve the flooding problems, and he asked that the South end of the Beach not be forgotten. He also stayed during the hurricanes, and described what he experienced.

John Burgan, an 8-year FMB resident, came forward and said he accepts responsibility for living in a hurricane-prone area, but that there is another disaster with the dump site which is being contaminated with pesticides and other hazardous materials.

Mr. Gucciardo explained that the staging site at Carl Johnson Park is one of 4 County-wide staging areas for debris removal, and it is designated under FEMA supervision and DEP approval. He stressed that every precaution is being taken, and the sites are being monitored very carefully. He acknowledged that this is not an ideal situation, but the volume of trash is being reduced by various means.

Mr. Burgan stressed that contamination and pollution are causing a big problem.

A. J. Bassett, a resident since 1940, came forward and recalled experiencing her first hurricane when she was 8. One of her biggest concerns is where to go with pets. She left her pets behind when evacuating and was pleasantly surprised to find her cat and fish alive when she returned. Ms. Bassett recalled evacuating and experiencing numerous hurricanes over the years and expressed concern that residents will not evacuate for future storms that will prove to be stronger than Charley. She felt that Council and everyone had done a very good job.

Tom Gresham came forward and expressed the opinion that the residents' civil rights had been violated. He felt that those who stayed should have been forcibly removed. He expressed concern that he would not be allowed back to his property in the event of another storm.

It was pointed out that while the LCSO enforced the decision, they did not make the decision to keep people from the Island.

Town Attorney Richard Roosa called attention to the fact that an Executive Order had been passed under the Florida constitution declaring the state of emergency in the entire State of Florida. The Governor has the authority, and did exercise that authority, to delegate through the Executive Order, in which one of many specific authorities that was delegated was Item L, "The authority to regulate the return of evacuees to their home communities." He referred to the public's rights of property ownership, but stressed that no one has the right to put others in danger. "One individual's rights end where my nose begins." The powers of government can be invoked to protect all of the general public, and consideration must be given to the danger to others, including the LCSO and Fire Department personnel. This authority was delegated under the Florida Constitution down to the Emergency Task Force.

Bob Burgess, a resident since 1987, came forward and expressed disagreement with keeping people off the Island. He expressed the opinion that delay in returning to their properties caused further damage due to mold and mildew and that Council is not serving the people.

Anita Cereceda came forward and said instead of being angry, she is sad because many of the people she knew are reacting as they are. She said the biggest disaster of all is that every time the Town has a crisis, people attack each other personally. She described where she was in the northern part of Spain visiting relatives and how she was able to obtain information. When she returned to the Island she was greeted by irate neighbors who accused her of getting onto the Island, when she was actually on another continent. She stressed that there is a great deal of misinformation and that people should observe and learn without emotion. She expressed admiration to certain Council members.

Kendra Miller, a resident of the Island since March, came forward and expressed concern for the care of her pets. She stressed the need for better communication and pointed out that Sanibel had an off-Island location for public meetings and public handouts which her husband, a contractor, attended. She described a staging area for contractors to obtain passes onto Sanibel. Her husband evacuated without his tools, and she described difficulties with being unable to work on his customers' properties.

George Persifield came forward and described personal experiences with LCSO personnel at the checkpoint. He agreed that communication is the key and asked whether meetings will be held that residents can attend. He asked whether Lee County has a different plan, since he was not stopped at any other location while driving around the area. He also agreed that power was a major issue and asked about underground utilities. He suggested videotaping what is being done on the Island in the future so that residents and property owners can see for themselves.

It was acknowledged that LCSO personnel who were under stress may have acted inappropriately. Mr. Gucciardo agreed that improved communications are a priority. He repeated his earlier remarks about leveraging FP&L, who makes the decision about underground utilities. Meeting off-Island has been discussed and are being considered.

Mr. Katcko returned the meeting to Mayor Thomas at this time.

Mayor Thomas thanked Mr. Katcko for serving as Moderator and also thanked everyone for coming. He acknowledged several hands that had been raised but said that the time for questions was over, and those who had questions or comments should have submitted cards earlier. He asked all department heads to stay during Council's remarks in case there are

inaccuracies to be addressed. He imposed a 10-minute limit for each Council member's remarks, after which additional public questions will be addressed.

Vice Mayor Garr Reynolds observed that he had not been given the opportunity to speak during the preceding 2 hours of the meeting. He said there had been many good questions asked. Regarding who had been allowed earlier access to the Island, he took issue with LT Powell's answer. Mr. Reynolds noted that Mr. Gucciardo had attended and participated in all of the meetings, which Mr. Reynolds also attended, and that Ms. Segal-George was present at some of the meetings but did not participate. He stressed that he had not been permitted to speak during these meetings. He disagreed with a speaker who said there was no power or phone service on the Island, saying that phones were working in some areas. He stressed that constructive comments should be heard and expressed appreciation to those who spoke. He wished for better communications and agreed that criticism of Council for their inability to participate was appropriate. He referred to Mr. Roosa's letter regarding the Governor's delegation of authority. He read a portion of a communication regarding the reason for this meeting. He was critical of the *Observer* newspaper. He was of the opinion that people could have been safely allowed back onto the Island sooner. Mr. Reynolds expressed appreciation for those who helped, including food served by the Red Cross and the Beach Theater, and he went on to describe some of the facilities brought onto the Island by relief teams. He described roof and damage to his own home.

Councilman Bill Van Duzer referred to his written handout regarding the situation and stated that he has a tremendous amount of pain for anyone who had to go through this ordeal. He expressed hope that this meeting is a step in the right direction, and acknowledged that the public is "the boss," and that he does understand this. He said he would consider the things that were said at this meeting and try to act on them in a proper manner. He added that if Hurricane Ivan does affect the Island, he would still turn authority over to the Emergency Management Task Force, who he feels did a tremendous job in recovery and continue to do so. He acknowledged that mistakes have been made, but said "the only people who don't make mistakes are the ones who don't do anything." He said that much has been learned, and with public input they will try to correct those errors. He described personal observations of sewer failures and other damage, and said that if he had to do it over again, he would do the same thing, specifically referring to the speaker who referred to his civil rights. He recommended installing generators for the lift stations to keep the sewer system running, and also referred to the requirement for a Public Information Officer. He recalled that TV reporters were on hand at every Emergency Management meeting, and he erroneously assumed that the information would be broadcast. He also referred to the comments about dumping the trash at Carl Johnson Park and also expressed concern. He related a personal experience with providing an old-style phone to the Fire Department. Mr. Van Duzer also related his own experience of visiting his damaged property on Saturday afternoon and being unable to return until Wednesday. He pleaded for cooperation and moving forward together.

Councilman Don Massucco advised that he was in Massachusetts during the entire event but that the stories he has heard are horrifying. He agreed that Council has much work to do so that this will not happen again. He read a prepared statement which included reference to a medical condition for which he remained in MA under doctor's advice and offered test results for anyone doubting the truth of this. He acknowledged that he ran on a platform of change, and that there are things that need to be changed, and he intends to speak with each of those who submitted recommendations. Mr. Massucco also agreed that improved communication is a priority.

Councilman Howard Rynearson expressed understanding of the public's feelings but also described his personal observation of the work that went on. He expressed appreciation to everyone involved, recognizing that mistakes were made but pointing out that there were attempts to provide information through the media which were not broadcast. He called attention to the fact that local meteorologists reported the storm's eastward redirection only 40 minutes

before it came ashore, whereas it was originally expected to impact the Tampa/St. Petersburg area. He expressed appreciation for the job that was done and stated that it will be done better in the future.

Mayor Bill Thomas said that as Mayor, his first complaint was that Dan Hughes left office after 4 years and since taking office in April he has had 2 hurricanes to deal with. He described his own personal experiences in returning to the Island. Concerning the decisions made by Council, he recalled that not one Council member expressed a desire to let the public back on Monday. He said that they listened to the professionals on the Emergency Task Force and was proud that there was no crime and no-one got hurt, and that when people returned there were power, water and sewer in operation. He described the magnitude of the cleanup effort, pointing out that FMB was ahead of all the other barrier islands and Cape Coral in providing services because the Island was closed so that work could be accomplished. He also called attention to the fact that FEMA assistance was obtained in a timely manner, and pointed out that part of the reason for communication problems was due to lack of phone service.

Mayor Thomas recognized a speaker whose remarks were made off microphone and were inaudible.

Another speaker asked for corroboration of statements that residents would not be allowed back if there were a similar situation, and Mayor Thomas replied that he would again listen to the professionals.

Another unidentified speaker asked why 500 residents were allowed to remain on the Island and being fed when there was a health problem due to the sewage. Mayor Thomas advised that there were Port-A-Potties, and that the Town did not feed anyone, it was the Red Cross who fed those on the Island.

A speaker asked when the resignation of Town Manager Marsha Segal-George could be expected.

Mayor Thomas asked whether this sentiment was due to post-hurricane operations.

Mr. Van Duzer interjected that he will not ask for Ms. Segal-George's resignation due to this disaster or for any other reason.

Mr. Reynolds recognized that there is a petition circulating which he signed as a citizen, property owner and taxpayer. He again recalled attending meetings at which he said he did not see any participation by Ms. Segal-George and suggested Council consider moving ahead with such a suggestion.

Mr. Rynearson said that when he was invited by the attorneys who initiated this movement, he told them, "I will not be part of your witch hunt. Marsha has done nothing wrong. She has treated this Town with loving tender care and she does a great job, and until she does something wrong, I will not vote to kick her out." He invited anyone who wants his job to "come right ahead."

Mr. Massucco again observed that he ran on a campaign promise of change. However, he stressed that he will only respond to and vote on what the majority of the Town wants.

Mayor Thomas commented that while he had not been a fan of Ms. Segal-George, since coming onto the Council 2 years ago he has found her very helpful. He pointed out that he has heard many accusations and statements that are false and ridiculous. He described a cordial relationship with the Town Manager, who comes to his office for meetings prior to Council meetings, and also with the other Council members one at a time. He said that when there is a crisis in the Town, it is a time to pull together, and if there are those who wish to attack someone, it is not appropriate to do so during an emergency situation.

Ms. Shuttig again came forward and reiterated her legal problems resulting from her house being marked as unsafe. Mr. Gucciardo said he thought that this had been taken care of in writing after the County Building Department had originally marked the house uninhabitable for an unsafe condition. He agreed to follow up.

Jerry _____ came forward and said that the hurricane situation was the “straw that broke the camel’s back,” referring to other issues concerning Ms. Segal-George with which he disagrees. He said that the will of the people was clear, and if there is not a voluntary resignation, he asked that Council represent the people and obtain such resignation soon.

Mayor Thomas asked for continued constructive ideas for dealing with the next hurricane.

A speaker had a question about generators to power the sewage pumps in the event of Ivan. She was told this has been taken care of.

A general question was addressed to the Council members regarding why the resolution was passed prohibiting Council members from attending emergency operational meetings.

It was explained that Council felt that Council members should not impede operations by asking questions of these professionals during an emergency situation. Mr. Rynearson advised that Council receives briefings after each of these meetings, and he expressed the opinion that in the event of another hurricane this should again be done.

Mr. Reynolds recalled his participation and his request to allow residents to return on Monday, which was denied. He described his conversations with various personnel and said that he argued for having people allowed back on Wednesday instead of Friday as originally planned. The time was set at 9:00 A.M. because of a LCSO shift change. A professional replied to Mr. Reynolds by describing efforts to get the sewer system back into operation and the timing thereof.

Mr. Massucco responded to the gentleman who asked about the petition, referring to Town Ordinance 99-6. He has obtained 2 different legal opinions and has issued a list of 3 things she wants discussed at Town Council on the 17th, one of which concerned clarification of 99-6. He is of the opinion that Council should attend these meetings.

A speaker asked whether this Council is supportive of the actions taken by the Town Manager in the previous situations, and whether the same responsibilities would be given the next time.

Mayor Thomas replied that he would give the responsibility to the Emergency Operations Committee, adding that what has been done can be improved upon, which is the reason for this meeting.

A speaker commented that everyone has fielded tough questions except the Town Manager.

Mayor Thomas replied that the Town Manager is in attendance, and that if there is a question directed to her, she will be happy to answer it.

A speaker referred to a rumor concerning a letter signed by the Mayor, and Ms. Segal-George advised that she did not write the letter in question. She said she did not write this letter for the Mayor, nor did she prepare it. She explained that the reason she has not been answering questions is that when the Emergency Management Team goes into operation, Deputy Town Manager John Gucciardo serves in that capacity, and in an emergency situation she basically answers to him. When he tells her what is needed, it is her responsibility to find resources such as generators, which she was able to obtain. She described efforts to obtain water, ice and food for those who stayed on the Island. She also responded to those who made derogatory remarks to her personally, making reference to those with axes to grind, and pointing out that over 9 years decisions will have to be made that not everyone agrees with. She referred to physical intimidation on the part of some who disagree with her. She also noted that Sanibel has over 100 employees, while the FMB Staff is much smaller, pointing out the results that were obtained in a short period of time. She said she is proud of what she did, proud of her Staff, proud of the emergency team, the Fire Dept., and the LCSO. She emphasized that while there will always be those who second-guess, it can be proven and documented that FMB had facilities up and running before any other affected area of Lee County. She acknowledged that there is negativity associated with her job, but she is personally hurt nonetheless by words such as “Nazi” and

"Hitler" that have been used. She stressed that she was not hiding, but listening, and acknowledged that there were many good comments made tonight. She chooses to view this meeting as constructive and important and stressed that efforts will be made to improve responses. She expressed distress at hearing that she tells Council what to do, stressing that this is not her job and that she has no such power.

Mayor Thomas recalled an operations meeting in which a letter was read containing 6 or 7 statements of misinformation. He told Community Development Director Jerry Murphy to take notes, making a statement which he wanted to appear in the paper. He asked the Deputy Town Manager to type it and sign his name, because he was going into the hospital the next day. He stressed that this letter was not written for him by the Town Manager and that he made the entire statement in front of the entire group.

Brian Benson came forward and expressed appreciation for the attendance. He asked since the resolution prohibiting Council members from attending emergency meetings has been passed, this will solve a number of issues under these circumstances. The Town Manager now has 5 individuals freed up to have meetings off-Island, so he wanted to know whether they will be taking advantage of this newly freed time.

Vice Mayor Reynolds responded by saying that it would be useless to meet because they would not have any information from the emergency meetings. There was discussion about having one Council member receive input. Mr. Reynolds agreed that it would be nice to have meetings off the Island.

It was again explained that Council members are briefed after these meetings. It was agreed that communication was the biggest problem.

Mr. Benson again expressed distress with not knowing the condition of their property for 4 or 5 days.

A speaker asked whether there would be off-Island meetings for residents in the future. She also asked whether pictures or video footage could be made available to illustrate why residents cannot be allowed back.

Mayor Thomas recalled having been on WINK-TV, as well as some other Island residents. He assured everyone that there will be efforts to improve communication.

Mr. Van Duzer responded by saying "yes" to her question about off-Island meetings. He has spoken to the Chamber, which has an off-Island facility as one option.

Mr. Rynearson added that with respect to pictures and video footage, this is a good idea. The speaker also complimented a Staff member who answered the phone when she called.

Mr. Massucco asked whether it was legal to hold meetings outside of the municipality. Mr. Roosa replied that it was the Attorney General's opinion that councils from municipalities only have authority within the geographic limits of the municipality. However, it is true that there is a provision in the FMB Charter which allows the Council to hold special meetings, but it does not describe the activities that can be conducted at those meetings, and is not specific as to whether official business can be conducted off-Island. There have been off-Island workshop meetings, which are authorized under Town Charter. Thus there is no problem with having an informational meeting, but no official action can be taken. In reply to a question by Mr. Massucco, Mr. Roosa advised that it would be contrary to Florida law to amend the Town Charter to allow off-Island meetings.

Mr. Reynolds pointed out that Sanibel was totally off-Island with their meetings. He expressed concern about going off-Island for a workshop and said he would not attend such a meeting.

A speaker suggested that many of the young people who stayed on the Island could volunteer to help with pets, search and rescue, and other services. He offered to put his name and business at the top of the list.

Mr. Reynolds observed that the failure was in determining who was responsible for implementing the emergency plan. As a retired Army officer he said he has written and been responsible for emergency plans in the past, and he knows someone was responsible, and there was failure. He expressed disagreement with not allowing residents back sooner.

It was observed that an Attorney General's opinion that meetings cannot be held off-Island is one attorney's opinion, and that attorney also says "absent authority to the contrary." The speaker says that authority appears in the Town Charter. This speaker also said that Council decided they will not attend any emergency meetings, after which he was confused by the statement that the Town Manager reports to the Deputy Town Manager in emergency situations. He also asked whether it takes more time to brief all 5 Council members after these emergency meetings individually, outside of the Sunshine Laws, than it would to have all 5 attend the meetings and hear it all at one time. He suggested that the meetings be advertised and open to the public.

Mayor Thomas addressed the operational meetings at which Council members attended as observers. He said there were meetings at which Council members asked questions that did not reflect what was going on in the operational meetings, delaying proceedings of the meetings, and this was the reason for the decision not to attend.

The Fire Marshall representative asked how a meeting could be advertised in an emergency situation. He pointed out that there are no County Commissioners at EOC meetings. It was also pointed out that there were no injuries or deaths on FMB. There was a heated response from an audience member which was inaudible.

A speaker came forward to ask who exactly are the members of the Emergency Operations Team. Mr. Gucciardo was asked to reply. He advised that it is a combination of representatives from the Fire District, the Sheriff's Office, the Town Staff, Utilities (Beach Utilities and County Utilities) as well as any contractors directly involved in the physical recovery mode. The speaker asked if there is a list, and Mr. Gucciardo replied that this is covered in the Post-Disaster Recovery Ordinance.

Mayor Thomas observed that the time was now 9:30 P.M. and the meeting began at 5:00. It was also noted that no-one has eaten.

It was asked what the current schedule is for debris pickup. Mr. Feeney advised that debris removal is ongoing 7 days a week, with 90 per cent of the Island completed in the first week. There is a contractor acting through Lee County. The speaker advised that there has been no pickup on Delmar Avenue. He also noted that while the Town apparently wants pre-hurricane conditions before residents are allowed back, while residents understand that all services will not be immediately restored and would prefer to return as long as there are no safety issues. He suggested that these are the core issues to be addressed.

Mr. Gucciardo denied that there was an intent to return to pre-hurricane conditions and apologized for that misconception. The key criteria were health and safety, damage to the buildings, water pressure and sewer. Until those were under control they did not consider it safe to allow people back. Power and telephone service were never a criteria, although they were being attended to while the key criteria were being addressed.

The speaker did not understand why Lee County did not follow the same criteria.

A speaker recommended that everyone obtain a regular phone for emergency use.

Another speaker said he had a quick, constructive comment. Tape #2 ended at this point in mid-sentence, and there was nothing recorded on Tape #3.

Respectfully submitted,

Patricia L. Middlekauff
Transcribing Secretary