

**FORT MYERS BEACH
TOWN COUNCIL MEETING
SEPTEMBER 20, 2004
Town Hall-Council Chambers
2523 Estero Boulevard
FORT MYERS BEACH, FLORIDA**

I. CALL TO ORDER: The regular meeting of the Fort Myers Beach Town Council was called to order on Monday, September 20, 2004 at 6:30 P.M. by Mayor Bill Thomas.

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

Excused absence from the meeting: None.

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

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

III. INVOCATION -- Rev. Jeanne Davis of Beach United Methodist Church:
There was no invocation.

III. PUBLIC COMMENT: Mayor Thomas invited public comment at this time.

A. Topic: Hurricane Recovery:

B. General Public Comments:

There was no public comment at this time.

V. CONSENT AGENDA:

A. APPROVAL OF MINUTES, JUNE 21, 28, 30, AUGUST 18, AND SEPTEMBER 2, 2004

MOTION: Motion was made by Councilman Van Duzer and seconded by Councilman Rynearson to approve Consent Agenda Item A, Minutes.

DISCUSSION: Councilman Massucco and Vice Mayor Reynolds had some comments on the minutes. Mr. Massucco referred to Page 9 of the minutes of June 21 wherein he was incorrectly referred to as "Ms. Massucco" and Page 1 of the August 18 minutes wherein he was not present for this meeting.

Mr. Reynolds referred to Page 2 of the June 21 minutes under the vote on Items D and E, and preferred the wording "...asked for clarification..." rather than "...asked for assistance in understanding..." He also objected to the word "verified" in the 4th line from the bottom and wanted the word changed to "asked." On Page 2 of the August 18 minutes he referred to the 4th paragraph wherein he made complimentary remarks and objected to the use of the word "fantastic" which he said was exaggerated. He also expressed doubt that he had used the words "...the recovery effort and how well things went together." A verbatim transcript was requested by the Mayor. On Page 2 under discussion, he also objected to the use of the word "should" with respect to Mr. Roosa's comments about attending certain meetings and said the word should be "could" instead. Motion was amended to approve the minutes with the above corrections.

VOTE: Motion was passed by unanimous vote.

B. PROCLAMATION FOR INDUSTRY APPRECIATION WEEK

MOTION: Motion was made by Mr. Ryneerson and seconded by Mr. Van Duzer to approve this agenda item.

VOTE: Motion was passed by a “yea” vote of at least 4 Council members. Vice Mayor Reynolds said he believed the proclamation should have been read for the benefit of the public in attendance and it was unclear how he voted.

C. FINANCIALS FOR THE MONTH OF JUNE

D. JOINT RESOLUTION OF TOWN OF FORT MYERS BEACH WITH LEE COUNTY FOR ADMINISTRATION OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS (CDBG)

MOTION: Motion was made by Mr. Ryneerson and seconded by Mr. Van Duzer to approve the remainder of the Consent Agenda, Items C and D

DISCUSSION: Vice Mayor Reynolds encouraged everyone to read the monthly financials.

VOTE: Motion was passed by unanimous vote.

VI. ADMINISTRATIVE AGENDA:

A. SPECIAL EVENTS MATRIX:

Ms. Segal-George provided a brief introduction for the benefit of the new Council members. She explained that the matrix was prepared at the request of Council last year and that there are significantly fewer requests this year with eleven new requests. She added that a decision does not have to be made at this meeting since this is the first Public Hearing on the Budget, and these requests can be factored into the final Budget hearing next week at Council's discretion.

MOTION: Motion was made by Mr. Ryneerson to move all Special Events funds into Estero Blvd. and Traffic Mitigation because of the recent disasters. Motion failed for lack of a second.

Mr. Van Duzer noted that the total amount requested is \$65,000.00 which is \$35,000.00 less than last year and recommended that this be carried on to the next meeting for further consideration, and each request be handled individually.

Mr. Massucco and Mayor Thomas said they were prepared to vote on these tonight but were open to what the rest of the Council decides to do.

Mr. Ryneerson asked whether the receipts and budgets from last year's events could be requested in the event a decision was postponed until next week, so that these figures could be examined. It was pointed out that a number of the requests were for new events that would not have last year's figures.

MOTION: Motion was made by Vice Mayor Reynolds and seconded by Councilman Van Duzer to keep the amounts as requested for the Special Events up to \$65,000.00.

DISCUSSION: Mr. Massucco said he had some questions on several of the items. Mr. Van Duzer said he was assuming that this action was to allocate \$65,000.00 to cover all Special Events for the year, and that each event would be considered individually at the time the group requested the funds. Mr. Reynolds replied that he was considering this a final action, and Mr.

Massucco replied that he would prefer to have further discussion next week. Mr. Van Duzer then withdrew his second to the motion. Mr. Reynolds then withdrew his motion.

MOTION: Mr. Van Duzer made a motion to approve up to \$65,000.00 for Special Events in the Town Budget this year, and anyone requesting money will be considered on an individual basis at the time they request it. Motion was seconded for discussion by Mr. Massucco.

DISCUSSION: Mr. Massucco was concerned that by approving the motion, people will be under the impression that their requests have been approved. Mr. Ryneerson pointed out that there are actually only 7 applications. Mr. Reynolds: "I don't think we should keep these folks hanging. We're not talking about a lot of money here. I think we should go ahead and approve what we have ... amount requested ... and that's ... and it's not that very much money, so that they can plan their events and know where they're going."

VOTE: Motion passed by unanimous vote.

B. FIRST PUBLIC HEARING ON BUDGET 04-05:

Deputy Town Manager John Gucciardo recalled that in June, Council was presented with a draft budget, at which time a tentative millage rate was set at 1, exactly the same as last year. He said that at this point revised numbers are being presented, explaining that in a typical year, Staff would use the time between delivery of the initial draft and the first hearing to "tweak" the numbers by obtaining input from various sources. This not being a typical year, the budget under consideration contains some changes which have been researched and determined appropriate, and because of expenses related to Hurricane Charley the carryover figure (Page 15) indicated as \$3,868,000.00 will be significantly reduced. Mr. Gucciardo added that it is anticipated that approximately 75 per cent of the expenditures will be reimbursed sometime in the next Fiscal Year. He also anticipates spending significant funds during the next Fiscal Year for disaster relief and mitigation projects that will be coming before Council for funding with the help of FEMA. Each of these items will be summarized and brought for approval; actual dollar amounts are not known at this time, but FEMA required mitigation projects to be done within 18 months of an event. He called attention to the last page of the budget, where contingencies and reserves figures appear, and noted that these figures will be significantly reduced.

Mayor Thomas opened the meeting for Public Hearing on the budget at this time.

In reply to a question from an unidentified audience member, it was noted that copies of the draft budget have been available online, upstairs in the Town offices, and at the library.

Jerry Mitchell, a Fort Myers Beach resident, came forward and asked whether everyone looks over the materials prior to the meeting, and he was told that this was the case. He then asked why there was no clear direction among the Council members, and it was explained that Council will discuss the budget following the Public Hearing. He complimented the decisions made by Mr. Gucciardo during the hurricanes.

Jennifer Edwards, a resident, came forward and asked what property tax revenues are expected for next year, and what change is represented from the previous year. Mr. Gucciardo explained that revenue this year from ad valorem property taxes is estimated at approximately \$2,490,000.00 which represents about a \$280,000.00 increase over last year based on increases in property value. The millage rate was at 1 last year, and Council tentatively has recommended keeping it at that rate. Also indicated in the budget is a decision by Council to pledge this \$280,000.00 to be used toward traffic mitigation initiatives.

Public comment was closed at this time.

Mr. Van Duzer said he was in favor of adopting this budget, pointing out that this gives the Town something to aim toward. He stressed that only \$2.5 million of the \$11.5 million comes from property taxes, almost \$4 million of which is a carryover, which he said indicates that the Town has done a good job of taking care of its money received. He referred to other sources of funding reflected in the budget. He noted that he has studied the draft budget and compared it

with last year's, including all the narratives, and feels that it is an easy document to understand. He expressed the opinion that this budget should be adopted. He added that until August 11 he was almost in favor of attempting another rollback on the millage rate, noting that we have never, ever raised the millage rate on Fort Myers Beach, and he verified with Mr. Gucciardo that it has been dropped twice. He also pointed out that if the Town were to un-incorporate tomorrow, the ad valorem taxes would increase and said he feels the Town has done a very good job of both locating sources of funding and handling the funds which it receives. Mr. Van Duzer said he wanted to go on record with these remarks in advance of next week's second Public Hearing, and he believes the budget and millage rate should be adopted as presented.

MOTION: Motion was made by Mr. Rynearson to move the budget forward to its second hearing with a millage rate of 1.0. Motion was seconded by _____.

VOTE: Motion passed by unanimous vote.

Mr. Gucciardo pointed out some minor changes which might occur prior to the second hearing. He noted that the bank in which Town Hall is located is being sold. There is an anticipated \$50,000.00 additional expense for ADA-required improvements which it was intended that the Town would incur and then reduce the monthly payments accordingly, but negotiations are not proving fruitful until the new owner is in place. Under the CDBG line item he described some anticipated programs, particularly the Senior Program, which is growing to the extent that \$20,000.00 additional is being contemplated for expansion of this program. The neighborhood landscaping line item, which he described, may need an increase from \$10,000.00 to \$20,000.00 due to loss from the storm.

Mr. Massucco had some comments about negotiations with the landlord, which Mr. Gucciardo responded to. He also asked about the agreement with the County at Bay Oaks and the funding for Town programs, which Mr. Gucciardo also explained. Mr. Massucco also verified that the tree program is a 50-50 program, and he suggested making this more attractive to induce residents to participate. Mr. Gucciardo anticipates that the Garden Club will present some recommendations to Council during the year with regard to this program.

C. PREVIOUSLY AWARDED HISTORIC PRESERVATION GRANTS:

Mayor Thomas explained that Council had previously approved \$20,000.00 for St. Raphael's for improvements, which has resulted in some comments from the public regarding "separation of church and state." While Council does not believe there has been a violation, Mayor Thomas said Council has been requested to review this item, and he asked for comments from the public.

There being no public comment from the audience, Mayor Thomas asked for comments from Council.

Vice Mayor Reynolds: "John, how much of this money is coming from the Town?"

Mr. Gucciardo: (Inaudible)

Mr. Reynolds: "I'm really off base here then. I thought these historic grants were grants."

Ms. Segal-George: "Yeah. It's a grant program that the Town started last year, where the people apply for grant money from the Town for historic properties. So it's totally funded by the Town."

Mr. Reynolds: "So this is totally funded by the Town?"

Ms. Segal-George: "Yes."

Mr. Reynolds: "Well, I think that (ahem, excuse me) that should throw a whole different look at this, at this whole program in fact."

Ms. Segal-George: "Well, I mean, all I can tell you is that Council approved this, approved this historic grant program, and then the applications were made, and then the recommendations were made for award, and then the Council awarded, I think, two, just last year."

Mr. Reynolds: "Does this lady who was here before, is she still running the program, or not?"

Ms. Segal-George: "Who, Gloria?"

Mr. Reynolds: "Yes."

Ms. Segal-George: Yes, we still use Gloria's services from Lee County, yes."

Mr. Reynolds: "Does her salary come out of this? Or is she paid?"

Ms. Segal-George: "No, no, her salary is paid in our Interlocal that we have with Lee County for community development. That's how her salary is paid."

Mr. Reynolds: "Uh huh. Well, you know, that throws a whole different picture on this whole thing. I ... I somehow missed it, I ... when we were talking about grants I thought it was Federal or State or something like this. Somehow I missed the part that we are funding the whole thing, and I ... I just don't believe it's acceptable that we spend everyone's money on repairing a given church. There's certainly nothing against St. Raphael's, because they're about as good as a community ... agreeable group of people that we've (n)ever have ... so it has nothing to do with this particular church. I really think Council should reconsider that, and not only that, we're raising people's homes ... I don't mean "r-a-z..." I mean "r-a-i-s"ing them, making them higher. That's questionable if the other people in the community should be responsible for raising somebody else's homes. There's a lot of Federal grant money that could go in that direction, which would be even questionable if there's a lot of people opposed, but I would rather go that way than using people's money on the Island here to raise someone else's home. And there's an unlimited number almost that could apply, and whether they would get it ... I don't know why they wouldn't get it if water is in their home every time it rains almost. I don't know how we can say, 'You can't have it but the next guy can'."

Ms. Segal-George: "It has to be a historically designated property."

Mr. Reynolds: "Well, that simply means it's a 50-year old property and I guess if your property is 50 years old you probably would get that designation."

Ms. Segal-George: "Well, you have to go through the ... there is a process ... to get it designated."

Mr. Reynolds: "Yeah, there's a process. Mm hmm. Well, I really think Council should reconsider this in what has just come to light with me, I don't know how versed you were on that but I certainly wasn't aware of that."

Mayor Thomas recognized Councilman Massucco for his comments.

Mr. Massucco: "The whole grant only totals \$40,000.00. It can't exceed that amount in a year. So it's not a carte blanche anybody comes, we accept them. But I do agree with you on raising homes. I think that's probably stretching the envelope a little bit. But nevertheless, there's a \$40,000.00 cap on it."

Mayor Thomas recognized the Vice Mayor.

Mr. Reynolds: "It's not quite exactly ... I don't believe that's quite exactly the way it is. Right now, there's only a \$40,000.00 approval recommendation by Council – excuse me, by Staff. That doesn't mean that that's ..."

Ms. Segal-George: "That's how much is budgeted."

Mr. Reynolds: "That's how much ... well, Staff recommendation right now is \$40,000.00."

Ms. Segal-George: "I mean, that's what the Council approved to be budgeted for grants for historic preservation."

Mr. Reynolds: "Okay, so that..."

Ms. Segal-George: "That's a max ..."

Mr. Reynolds: "So that allotment is already used up then?"

Ms. Segal-George: "By two projects. There were two projects that the Council approved. But like, in this current budget, it would ... \$40,000.00 would be budgeted. And then people can make application if they have a historically designated structure. I mean, the whole point of it ... I mean, we have a very active historic preservation group both from the Estero Island Historic Society and you have a committee that's made up of members of the LPA and the Historic Society, they're very active with regards to trying to identify and preserve historic structures. So this grant program came out of their recommendations to try and offer people who have historically designated properties an opportunity to get needed improvements. The property that was raised, the issue there was, this was a property historically designated that was getting wet easily. So the whole idea is that if you're going to designate a property as historic, then you want to preserve it for the future, so you want to try and prevent it from getting, you know, inundated

from storms. It was my understanding this one, just a small storm it would get wet, and that's as much as I know about it."

Mayor Thomas: "Well, I'd like to comment on it. The ... the reason this is before us tonight, we approved this as a historical preservation for \$20,000.00. Now, the only reason why this is back here tonight is the question of church and state. Otherwise, this thing was approved and there was no problem with it. So we want to know if the Council thinks that this is a violation of church and state and they want to reverse themselves and say 'no' to this. If they don't think it's a violation of church and state it's ... they can vote the same as they did last time. But that's the only reason why it's back. Councilman Rynearson."

Mr. Rynearson: "You know, I don't understand what's the difference, whether it's a school ... church ... a house, if it's historical it's historical. If we're spending the money on the outside of it, we're not fixing up the inside, we're not ... we're not getting into the religion of it, I ... as far as I'm concerned, my vote will stand the way it was, because I think it's historical and I think that the money's being used in the right way."

Mayor Thomas: "Do you want to make a motion?"

Mr. Rynearson: "So moved."

MOTION: Motion was made by Councilman Rynearson and seconded by Councilman Van Duzer as above.

DISCUSSION: Mayor Thomas: "Discussion?"

Mr. Reynolds: "Yes."

Mayor Thomas: "Vice Mayor Reynolds."

Mr. Reynolds: "I know we voted on this, but like I've already explained to you I wasn't aware that it was a grant from the people. And I'm sure it was explained, I just ... that just simply went over my head. If it was a federal or state and let everyone share into it, I wouldn't feel a whole lot better about it either, because we're supposed to have a separation of church and state. And I cannot ... I just simply cannot vote the local people's money into raising someone else's home because it was a little bit low. And just because it may be a year or two older than someone else's and they've gone to the trouble to designate ..."

Mayor Thomas: "We're not voting on this."

Mr. Reynolds: "No, I'm just telling you what I'm ... reason I can't vote for it, Bill. This is discussion. And I just don't believe that we should take the people's money on the Island and ... ah ... repair a church, period. I think the congregation, that's part of their responsibility to keep their church going, and certainly nothing against this particular church as I've already said. Thank you."

Councilman Massucco: "Could we get a legal opinion on this? I mean, I don't think we qualify to make legal opinions."

Mayor Thomas: "Okay. Gov ... ah ... Mr. Roosa?"

Mr. Roosa: "There's no legal impediment in granting the funds to a church under the guidelines, that these are objective guidelines and for historic preservation, it's done all over the country. It ... so there's no legal impediment to it."

VOTE: Motion passed by a vote of 4 to 1 with Vice Mayor Reynolds opposed.

VII. COUNCIL MEMBER ITEMS AND REPORTS:

Vice Mayor Reynolds was given the honor to go first.

Mr. Reynolds: "Me go first. Okay. Thank you very much, Mr. Mayor. Um ... I have something in here that was a clarification of what I mentioned and it got in the paper somehow, about the clarification (sic) of the Sunshine Incident that I relayed ... uh ... between Marsha Segal-George and myself way back about almost ... well, it's 13 months into the new Town. And somehow when someone started talking about it they (inaudible) turned it around to reflect that it was this Council. It was never said that. It was not here ... it was not this Council. And that's really all I want to say about that.

TRANSCRIBER'S NOTE: The first side of the tape ended at this point.

Mr. Reynolds: "... this Council back in those days. Ah ... there's another one about the ... Mr. Thomas, last week you mentioned something, something got in here by the way that wasn't supposed to have gotten in there ... I redid that but it still got in here ... you mentioned the fact that in the *Observer* I think it was September the 15th that ... you had had two people taking notes in the emergency meeting. And I didn't know anything about that, I saw a couple of people there at different times but I didn't realize they were there to take notes. But as I stated in this, I am very happy to see them there because I was pleased to see that somebody was finally taking notes so that didn't bother me. But I would like to see the originals of ... copies of those notes and for Council to have a copy of them, too, because we were told at the public meeting here that there were no ... well John you said several times there were no meets ... minutes taken, and according to you, Mayor Thomas, there was meetings you had some notes taken. So I just want to know ... I'd just like to see those, all I'm asking."

Mayor Thomas: "Okay, I'd like to respond to that. I read that paper 5 times and I can't find the article where I said notes were taken twice. I can't find it in the newspaper. And to clarify your position and wherever you got this information from, which was not the newspaper because it's not in there, I didn't tell anyone to take any notes. And when I did attend these meetings I didn't see anybody taking any notes but you. You sat there and took notes the whole meeting, and the rest of the meeting the Council members were just sitting there and listening, and they weren't participating because they weren't supposed to. They were there as observers, and they did not take notes, and I never asked anyone to take notes, and you stop making these fallacies that are not true. Because it's upsetting me. Because there's no truth behind it."

Mr. Reynolds: "Thank you, Mayor Thomas. If any of you were here at the last meeting, and if you weren't you're welcome to look at the min ... the video, like I did today. And I suggest you look at it, Bill."

Mayor Thomas: "I don't have to."

Mr. Reynolds: "It's there. Well, anyway, we won't need to argue about it. I wanted to tell Council that I had planned to go to the Regional Council meeting luncheon, but I won't be able to go because I'll be in Jacksonville on October 21st through the 24th ... may not get back until the 25th, so if we have a meeting on the 25th, on Monday, I most likely will not be here because even if I were, I would not have had time to read the Council packet, so I just wanted to tell you that."

"Okay, regarding the ... uh ... Traffic Committee ... and I understand that John Gucciardo worked with the Charter Review Committee. I object very strongly to this. No disrespect to you, John, I just don't think you should have been in that meeting. You were not appointed, and that was supposed to have been an independent review committee. That committee was supposed to be formed by independent residents, and I asked if Council, if this is the idea that they had, because it was nothing secret about it. At any rate, I request that Council appoint a new Charter Review Committee, and I'd like to discuss that now if we could, Bill, and uh ... after discussion, or I can make a motion on it. But I suggest that if we can appoint a new committee, that each of us appoint one person to serve on that committee. That'd be 5 people. Because the present one, if you looked at the present Charter Review, I don't believe it's something that is going to enhance the benefits of this Town and its operation. I'm very concerned about some of the items on there."

(Inaudible.)

Mr. Reynolds: "May I make a motion at this time?"

Mayor Thomas: "Be my guest."

Mr. Reynolds: "Okay. Aah ... for discussion purposes, I would like to move that we discuss appointing another Charter Review Committee, and it be done by each Councilman, one by each Councilman. That's my motion."

Mayor Thomas: "We have a motion on the floor at this time, do we have a second? ... Motion dies for not having a second."

Mr. Reynolds: "Okay, so you don't want to discuss this, all right. Okay, now I have a Traffic Committee comment. I have concerns about the escalating costs of the new Traffic Committee. This Summer we were supposed to do a test ... I don't know if it ever came off or not. We allowed \$20,000.00 for that test. In addition to that, we gave Chris Swenson a \$20 or \$25,000.00 contract to assist with that. So that's \$45,000.00 at that point. And now we're at a point we're requesting another \$500,000.00 and I hope, or I guess that's going to be a Federal or

State grant. I think the cost of this traffic improvement, this committee is getting way out of hand and I think it needs to come back to Council and put somebody in there rather than the Town Manager because she has enough to do, she says. And I really think we should have a Staff member doing that, and that ... I'll let it go at that. Now ..."

Mayor Thomas: "Was that a motion, or ..."

Mr. Reynolds: "No, that was not a motion, that was an informational thing."

Mayor Thomas: "Information. Okay. Thank you."

Mr. Reynolds: "Uh huh. I'm hoping that Council will give that some consideration. Uh ... then there's the budget item for 2004 and 2005, and I want to ask this of John: Is merit pay the same, or is it different than bonus pay ... for the employees of the Town."

Mr. Gucciardo: "The line item that you have in the budget entitled 'Merit Pay' indicates the bonuses that are given once a year to employees at the direction of the Council ... of the Town Manager based on merit."

Mr. Reynolds: "Okay ..."

Mr. Gucciardo: "They are not automatic bonuses, so no, they're not the same."

Mr. Reynolds: "Okay. But there's not a bonus ... there's not an additional line item ... say bonus, not in the budget. So it's ... so you only operate with one of those, right?"

Mr. Gucciardo: "Right."

Mr. Reynolds: "Okay. Thank you. Now, I noticed that there's \$53,500.00 set aside to divide among those who receive merit pay. How many employees will that apply to?"

Mr. Gucciardo: "Yeah, I assume all of the Town employees except the Town Manager."

Mr. Reynolds: "And ... uh ... maintenance people and all those?"

Mr. Gucciardo: "All of the Town employees."

Mr. Reynolds: "Okay. That's ... that's above and beyond their regular pay and all that, and their retirement and everything. Okay. Is this merit and bonus pay in addition to paid holidays, I assume it is, unused vacation, personal days off, and other items that receive pay?"

Mr. Gucciardo: "Yes."

Mr. Reynolds: "Okay. John, do you and the Town Manager receive merit or bonus pay, and you've indicated that the Town Manager doesn't, but I think she gets a bonus instead, because I know she gets one or the other, don't know what (inaudible.)"

Ms. Segal-George: "The ... ah ... John's bonus is determined by me. The Council determines whether the Town Manager gets a bonus or not."

Mr. Reynolds: "The answer is 'Yes,' each of you do get a bonus or a merit. Is his a merit or a bonus, by the way?"

Ms. Segal-George: "They're all bonuses ... they're all bonuses based on merit, I mean I don't know any other way to ..."

Mr. Gucciardo: "I ... I feel that we really do need to clarify this. In some institutions, bonuses are given on an automatic basis, either based ... I guess I want to differentiate between bonuses that might be given just because of longevity or ... or years of service or other criteria. The policy that has been established within the Town both for the Town employees and I think for the Town Manager is that these bonuses are based on merit, some kind of increased responsibility or performance."

Mr. Reynolds: "Reason I asked that was because in the past, it's been a bonus. Because there was like a 4 per cent ... like Marsha received an 8 per cent at one time. (Inaudible) I know ... I know it's not called a ... but ah before, and I don't know when you stopped calling it bonus, but at one time we were calling it bonus and we were vote 4 per cent for the employees across the board, that's what they would get. So now you've changed it, and I ... just for clarification ... you said merit"

Mr. Gucciardo: "That's not my understanding. My understanding is that merit bonuses, bonuses that were tied to a particular merit, something that could be pointed at, at the discretion of the Town Manager, were given to employees and that there was never any across-the-boards that ... different employees may have gotten the same percentage, but there has never been any across-the-board bonuses that weren't tied to a particular person and a particular performance."

Mr. Reynolds: "Yeah. Well, if somebody wanted to dig in, they could find that. But ... okay. What other payments do employees receive beyond the above mentioned items? You know, retirement, bonuses, merits, regular pay, any other ..."

Mr. Gucciardo: "I believe all the line items are reflected in the budget ..."

Mr. Reynolds: "Okay, thank you. What is the \$17,700.00 which goes to the Town Manager as retirement? When is that paid ... is that paid monthly, every 3 months, or how is that paid?"

Mr. Gucciardo: "I believe it's paid every other week along with the ... is it every other week?"

(Inaudible)

Mr. Reynolds: "Every other week. Okay. Oh, and do all employees receive retirement on the merit and ... well, we'll just say 'merit pay' since that's been defined now?"

Ms. Segal-George: "No. No."

Mr. Reynolds: "Pay (inaudible) on that. Okay. Thank you very much. That's about all I have on the budget. And I want to thank you for that patience ... and ... however I would like to encourage the ... ah ... the residents out there to get a copy of this, and as already indicated, if you'll call down to Town Hall ... ah ... they will have one ready for you, they'll tell you when, but it won't cost you anything. In addition to that, you can pull it down from your PC. And if you do that, I would certainly suggest that you go down the items, and I've suggested in my notes here that maybe spend 30 minutes at a time because this is a very extensive budget and I know that John or Janeen or whoever did this ... ah, you're basically doing this, aren't you, John? ..."

Mr. Gucciardo: "It's a group effort."

Mr. Reynolds: "It's a group effort. I know there's a lot of work done on it. And he's got a lot of explanations, and as Councilman Van Duzer mentioned awhile ago, you will be able to understand it if you read the ... just take your time ... just don't go through there and think you're going to cover it in an hour. You're not going to do it. And in answer to the gentlemen awhile ago, why didn't we agree, we hadn't discussed it, as the Mayor said, we hadn't gotten into that. But it's a ... it's not as simple as it may sound, but you can understand it, it's written ... John has done a good with his explanations and it can ... it can be written ... I think it can be read by ... in layman's terms and you'll come out with a good understanding. But as you go through there, take notes on the side and if there's something you don't understand, then call John or the Town Manager and they ... I'm sure they'll answer any additional questions. Now, we're having an off-Island workshop; as you remember, back a few weeks ago we had one scheduled, and because the Council and Town Manager wouldn't agree to go off during the storm emergency, I refused to go out ... I was not going to go to the one that we would have had 2 weeks ago I think. Ah ... because I would have felt like a hypocrite going off the Island to a workshop when ... ah ... we couldn't go off of the Island to serve the people during this crisis. Now, Council has ... ah ... turned around, kind of, and they are responding to the people. They will be off the Island at any future emergencies, which is ... (inaudible) ... my objection. And they have scheduled ... ah, rescheduled, the workshop off the Island next, let's see, the 24th I believe is Friday, next Friday or whenever it is ..."

Ms. Segal-George: "It's October 8th."

Mr. Reynolds: "I'm pr ... ah ... thank you very much. October the 8th, it's on a Friday, and it's gonna be held from 9:00 in the morning to 3:00 P.M., and it'll be over, and I don't know where Iona Lakes Country Club is, but it's at 15000 Island Lakes ... uh ... Drive. And if you ... any of you want to go, you'll be welcome, again that's ... it'll be a public meeting. Being a workshop, ah, we normally don't take public input, but if the group is smaller I'm sure that ... ah ... you might even be allowed to do that too, but that's up to the Mayor I guess. So ... I thank you very much for your patience. I hope that the Council will give some thought to some of these things ..."

Mayor Thomas recognized Councilman Van Duzer.

Mr. Van Duzer reported attending "a local League of Cities Meeting last Thursday and gave a report on our Town, what we've done and what we hope to do. We talked a lot about hurricanes, had people from Bonita, Sanibel, Punta Gorda, and that was interesting, our President ... outgoing President is from Punta Gorda. It was a nice, informative meeting.

"This coming Friday is the Horizon Industry Appreciation Luncheon, and I believe everybody is invited to go to that, and hope you'll attend that. That's it. Thank you"

Mr. Massucco asked whether it would be appropriate to answer the gentlemen who spoke from the audience earlier, and he was told he could do so.

"Okay. You were questioning why there was so much chatter going on, on a particular issue. Because of the Sunshine Laws we can't discuss this until we get to the meeting. And some of these issues are very extensive, like this budget. It's a pretty extensive document. You've got 5 Councilmen, and you might have 5 different opinions. So for the banter, you know, you might call it that, that's why there's so much of it, because we haven't had an opportunity to talk to each other. We can't because of Sunshine. This is the only platform we have to exchange thoughts on an issue. So please bear with us, we all try to do the best for the Town, as you know. But that's enough there.

"The other thing was, we attended, Councilman Van Duzer and Councilman Reynolds, a thank-you type affair for the Red Cross workers, and I'll tell you, you talk to those people, they are dedicated. And for the job they did down here, I think that was probably a small effort that was produced. It wasn't produced by the Town, it was someone else that did it. But it was just so gratifying to talk to these people and see the devotion. They really accomplished the ... a lot during that tumultuous time and I want to publicly thank them again. That's all I have, Mr. Mayor."

Mr. Ryneerson: "Yes, thank you. I've given this a lot of thought, and all the complaints and all the arguments and everything else ... I would like to make a motion that we call for a complete investigation of the Council for the time of the disaster area ... the disaster time that we were in. That way that clears our name, and everybody knows where we were, what we were doing, and that will clear our names. That's a motion."

Mayor Thomas: "Do I hear a second? Hearing no ..."

Mr. Van Duzer: "I'm going to second that for discussion. There's a lot of questions there that I don't quite understand, but I'll second that and ... for some kind of discussion, Howard, would you give me some more information, I don't ..."

Mayor Thomas: "We have a second now and we're going to open this up for discussion, and Councilman Ryneerson has the floor."

Mr. Ryneerson: "Well, there's been a lot of discussion out there as you well know, that ... that we weren't doing this and we haven't done that, and ... and I feel to clear the air ... I've got nothing to hide, and I don't think we do either ... any of us do ... so let's put it out there. Let's get it out there in black & white and let these people read it and actually see what we've really done. And if there's some problems, then they'll come out, and I just think that's a good way to air it, other than to sit back and ... and not address it. Because I for one have nothing to hide, and I'm more than willing to have my (inaudible) investigated."

Mr. Van Duzer: "Councilman Ryneerson, who's going to do this?"

Mr. Ryneerson: "I would ask Mr. Roosa to head it, and whatever and whoever he wants to have do it, can do it."

Mr. Thomas: "Any other discussion?"

Mr. Reynolds: "Yes."

Mr. Thomas: "Vice Mayor Reynolds."

Mr. Reynolds: "With due respect, Howard, I think that's a ridiculous thing to do. First of all, Councilman Massucco couldn't be here. He was out of town. The 4 of us were here, and we attended most all those meetings. Bill (inaudible) ... Bill didn't attend some of them. Probably attended fewer than any of us. But ... ah ... to suggest that is a totally ridiculous idea. I think that what you would find out is that we really didn't react as a Council and one other thing you'd find out is that each of us some time or other contributed during those meetings. There might have been one or two here and there that somebody didn't speak, but basically all did. And that's the crux of the thing right there. And to ... to go further and suggest further is ... ah ... is not a very ethical thing to do, but if that's what the Council wants I would certainly go with it, but I think it's ridiculous."

Mayor Thomas: "Any further discussion? Councilman Ryneerson."

Mr. Ryneerson: "Well, as far as I'm concerned, if it comes out that way, that's fine. And ... and hopefully it does. But if it doesn't, it's out in black and white and we've got it out there and it's ... it's so the people can see it, understand it and we haven't shied away from anything we

were supposed to do, and let's put it in black and white. I've got ... I'm not afraid to be investigated."

Mr. Reynolds: "Mr. Mayor."

Mayor Thomas: "Vice Mayor Reynolds."

Mr. Reynolds: "I don't think it has to do with anyone being afraid to be investigated, I don't think that. Obviously you know I'm the kind of odd man out at this time, Howard ..."

Mr. Rynearson: "I know nothing of the sort."

Mr. Reynolds: "I ... you have to do unless you're totally dumb."

Mr. Rynearson: "Thank you."

Mr. Reynolds: "I mean, it's pretty obvious here. And so, to suggest that, to see what you can do with ... against Mr. Reynolds I think is a little ... a little unethical."

Mr. Rynearson: "I never mentioned your name."

Mr. Reynolds: "... and ... you'd have to. But ... first of all, there's nothing ... there is no way that you're going to get a good investigation. There's just no way. Because number one, ah ... I thought there was a couple meetings that had meetings, then I found out there were none. So everything you get at this point seems to me would be hearsay, either against you, Howard, or it was against me. And the thing about it is ... ah ... John ... ah ... did run the meetings, he did have a ... consensus with the other groups of people. Sure I made suggestions, and so did you. And so did each of us. But John actually called the shots, and those groups of people made the decisions, we didn't make any decisions. We couldn't because we weren't calling ... we didn't call ourselves the Council."

(Inaudible remark)

Mr. Reynolds: "We were attending there as an individual. It doesn't have to come out, I just got through telling you. And you were there, you should know that already. So that's not a ... it's a ridiculous suggestion, as I said."

Mr. Rynearson(?): "Call the question, Mr. Chair."

Mayor Thomas: "Call the question. All in favor. Motion fails on 3 to 2. Councilman, do you have any other items?"

Mr. Rynearson: "That's it."

Mayor Thomas: "Okay. Ah ... I've seen some accusations tonight ... don't appreciate it. There's no call for these accusations. When you say 'It's stacked against me' and everything, that's your opinion and ... appreciate your keeping it to yourself unless you have some proof. Because you're coming out with a lot of ... lot of statements that just don't go up ... that they don't have any background to them."

(Inaudible comment)

"And we'll go on to something more pleasant. The workshop retreat, which was scheduled off-Island and was going to continue to be scheduled off-Island except for the hurricane, not because someone couldn't make it or not, that is scheduled off-Island and a retreat is a retreat. And the history of this Island is always to have this retreat off-Island. And if someone objects, fine, but the majority rules. So that retreat will be off-Island the way it is supposed to be.

"I attended the Southwest Regional Council meeting this week, and there were some very interesting things. There were people from Charlotte County, which was hit very severely, and Sanibel, and the different counties ... and was a great deal of discussion, Bonita Springs and all those different folks, and I'll tell you, this town is so far ahead of those other counties in what we did during this hurricane. They're still scrapping with ideas and how to do this and how to do that, which our Staff and our management here has already accomplished and completed and already made new plans in case we have another ... another hurricane, which I mentioned at that meeting, some of the new plans, and they all agreed they all had communication problems. And I mentioned some of the ways that we are correcting those communication problems in case we have another hurricane, and they appreciated those comments very much. And we also gave them a lot of other good ideas that this Staff has instituted, and they ... I can't believe ... that ... much bigger counties and everything, they are so behind Fort Myers Beach in this hurricane recovery, there is no comparison. So really, hats off to the local people here.

"Also, I promoted Fort Myers Beach, I let them all know from the other counties that our businesses ... we are open for business, and send the people here, send the tourists and ... and

we have hotel rooms ... and we are open for business, and I made sure that they were well aware of that. So that was a very, very productive meeting, and that is I think ... let's see ... uh ... I just wanted in closing ... these accusations and assumptions ... uh ... please hold them to yourself unless you really have grounds to ... to prove them. And the accusation that ... uh ... I'll refer to the one where I said I had comments in the paper about taking notes, which I did not, and if I did, I don't see anything wrong with taking notes. I think it's a good idea if people take notes. But if I'm sitting here taking notes then the guy next to me comes to a meeting and says, 'I want to look at the notes that you took,' that's none of your business what notes I took. What are we trying to do here, what are we driving at? Are we just looking for trouble? Sounds like that to me. So I hope we'll refrain from that and work together as a team, and ... uh ... that's all I have for ... uh ... my report. Now we'll go on to ...

(Inaudible remark)

Mayor Thomas: "... to Town Manager's items. Go ahead, Town Manager."

VIII. TOWN MANAGER'S ITEMS:

Ms. Segal-George: "Ah ... I think I have one item, and John has one item. The Council received a letter that I sent to the Board of County Commissioners that was dated September 16th about Lee Tran funding and Estero Blvd. that was addressed to Chairman Albion. And attached to that were 2 previous letters that had been sent, one by the Mayor and one by me asking the County Commissioners for consideration with regards to additional help to ask for Lee Tran expenses and also for help on Estero Blvd. The reason I sent this letter was because we had been made aware of the Staff recommendation from the County which was to deny our request for transit help, where originally it looked like we were going to get about \$150 ... \$147,000.00 that the County Staff was recommending that the County Commissioners not give us those dollars ... two reasons,(1) because they said we weren't funding 50 per cent of the operation budget, and (2) because they felt that if we couldn't get an express lane for transit on San Carlos Blvd. it didn't make any sense to do these trolley improvements. Now, most of these improvements came through the Traffic Mitigation Committee and was part of that package that the Council considered last spring. Ah ... we are working on a ... a dedicated transit lane on San Carlos Blvd. and we had had meetings with Florida Dept. of Transportation, but the hurricanes got in the way. So this letter basically puts the County on notice that yes, we are trying to do that, and we also are paying more than 50 per cent of the operational amount. So we're asking ... we continue to ask the County for consideration. Their final budget hearing is Wednesday night. And so that's the reason this went out, and I wanted everyone to be aware of the request that had been made in the past. You also have a draft letter in front of you ... another one to Commissioner Albion for the Mayor's signature, and this has to do with requesting them to put money in the current budget for engineering for the repairs on Estero Blvd., and we're asking for them to put \$1 million aside for us. And this is again because of FEMA. What we're finding is, is that there so many mitigation opportunities with regards to FEMA to help ourselves on some of these projects. Estero Blvd. has always had severe problems with flooding, and a lot of those side streets that you see flooded are flooded because of the drainage on Estero Blvd. So we're hoping that we might be able to get some consideration in that mitigation area from FEMA to help us with Estero Blvd. So that's why we're trying to package that and ask the Commissioners to move quicker than we had originally anticipated to put some money aside for Estero Blvd. Um ... if this ... if this meets the Council's approval, then the Mayor will sign this and we'll get this to the County Commissioners before their final budget hearing Wednesday night."

Mayor Thomas: "You want us to act on this now?"

Ms. Segal-George: "Yes, please."

Mayor Thomas: "Okay. Fellow Council members, this draft?"

Mr. Van Duzer: "I'm in favor of it."

Mr. Rynearson: "I'm in favor of it."

Mr. Massucco: "I approve."

Mayor Thomas: "Do we have to ... ah ... go by name approving this?"

Ms. Segal-George (and other voices): "No, no, it's just I need a consensus that the Mayor signs this letter ... you know ... representing the Council."

Mr. Reynolds: "Comment. It's discouraging to realize that we have a County road going through our Town and they're not holding up their end (inaudible) with the expenses and ... and ... (inaudible) with us, so ... ah ... I certainly think we should go for it and hope they will come around and see that they really owe us more than what they're talking about."

Ms. Segal-George: "Well, and we're also hoping that because of the unique opportunity with FEMA that we may be able to put together a package that will make it appealing to the County Commission and also make it more appealing for them to put their money into the road because we may be able to ... ah ... significantly increase some Federal funding from FEMA that will help us do the fixes that we need on Estero Blvd."

Mr. Reynolds: "Well, that's all well and good. But that doesn't relieve them of their responsibility, this is what I'm saying. I mean ... do as much as you can."

Ms. Segal-George: "Well, no ... I ... I ... the only thing I can say is ... I mean ... the Council has given me in the past very clear direction that we're supposed to try and find ways to work with the County in a very cooperative manner, and so this is ... if you see the tone of the letter and the tone of the letter I sent to the Commission, we are trying to be ... um ... very cooperative and proactive and ... you know ... trying to explain to the County why we should be a priority. And that's what those letters are trying to accomplish."

Mayor Thomas: "Uh ... you do have a consensus of the Council."

Ms. Segal-George: "Thank you."

Mr. Gucciardo: "And ... and the timing of this is such that if these projects can be done under FEMA's umbrella with the mitigation projects ... if a million dollars could buy us 4 million dollars worth of project, basically, on a 75 per cent split, so ... if the timing would be ... it would be advantageous for the County to react now."

Mayor Thomas: "Okay. Uh ..."

Mr. Gucciardo: "I had one other item?"

Mayor Thomas: "Well, go ahead."

Mr. Gucciardo: "Very quickly. You may have read in today's paper that there was an article ... some quotes from the City of Sanibel on trying to work with FEMA to increase their percentage above and beyond the 75 per cent split that we are anticipating for post-hurricane recovery efforts and for mitigation projects. That's actually something that ... um ... had been developed through Porter Goss' office, and we've been working with them. We were contacted again today from Porter Goss' office ... uh ... asking us to give in round numbers what we thought the damage estimates were on the public side of this for our infrastructure ... ah ... not only to our ... our ... in terms of repairs directly related to the hurricanes but also in terms of potential mitigation projects, and we've worked out some numbers for them. Uh ... they may ask us at some point for a resolution along those lines, so I thought if there was a consensus again from the Council tonight that ... at least verbally, we could pass a resolution encouraging FEMA ... or encouraging the Federal Government to increase FEMA's percentage of the payments from the stated percentage of 75 per cent to the local counties and towns in their efforts to rebuild back after the hurricane. So if there's consensus, we'll ... we'll draft a ... a resolution basically reflecting that and have the Mayor sign it."

Mayor Thomas: "Sounds like you have a consensus of the Council."

Mr. Gucciardo: "Thank you. We'll forward that out to Porter Goss' office now."

IX. TOWN ATTORNEY'S ITEMS:

Mayor Thomas: "Okay, Town Attorney Items."

Mr. Roosa: "I just have one thing. Ah ... some time ago, back in 2002 when we had a County hearing examiner, we had a case in which there was an apartment on the first floor level ... uh ... that ... ah ... Code Enforcement had cited them as being in violation of our ordinance. The hearing examiner at the time ... there was a determination that there were no County records that could show what was authorized for construction ... ah ... because it had been some time ago. The hearing examiner ruled that it was an affirmative defense. That meant that it was the obligation of the property owner to establish that they had a permit to build that apartment, and ... and therefore, the hearing examiner found them in violation because they had failed to prove that it was authorized. That case went on to appeal to the Circuit Court, and then the Circuit Court ruled that it was not an appropriate affirmative defense, that the obligation was upon the Town to

establish that it was an unlawful unit and ... and therefore reversed the hearing examiner. Ah ... one of the issues in the case had to do with the County administrative code, and the County administrative code ... ah ... requires that the County have the full burden of establishing the violation of code enforcement. The Town of Fort Myers Beach never adopted the County administrative code, and ... and therefore it was not the controlling law, but even after that was brought to the Court's attention the Court still ruled that it was the obligation of the municipality to establish the violation rather than them raising this affirmative defense. And so they reversed the hearing examiner in that case. That was (inaudible) vs. Town of Fort Myers Beach. Ah ... it's a unique, one of a type case which has no real value except to the property owners involved, and so it's not my recommendation that you file an appeal, uh ... and that the best thing to do is to accept the Court's decision in that case. It only affects that one property. And since that time, we no longer have ... ah ... County examiners, we have our own independent ... ah ... examiners. That's all I have."

Mr. Reynolds: "Question."

Mayor Thomas: "Mr. Reynolds. Councilman Reynolds."

Mr. Reynolds: "Mr. Roosa, you ... ah ... a few weeks back ... maybe a couple months now ... you mentioned that we had filed something against 2 residents for something or other ... they had not paid their taxes, or they had not paid something or other. What was that really about? Do you remember what I'm talking about?"

Mr. Roosa: "Yes, I remember what you're talking about, and that was a ... an unpaid assessment, and ... nothing's been done on that as ... as of this date."

Mr. Reynolds: "Yeah, was that assessment from the roads or something that had been done down on ..."

Ms. Segal-George and (unidentified): "Lot mowing. Lot mowing. Yeah."

Mr. Reynolds: "Oh. I didn't catch the reason for that, then. Thank you."

Mr. Van Duzer: "It's in the minutes tonight."

Mr. Reynolds: "Not the cause, is it? I didn't see the cause in there."

Mr. Roosa: "That's all I had."

Mayor Thomas: "Thank you. Public Comment. Ah ... Mr. Schencko."

X. PUBLIC COMMENT:

Mr. Schencko: "Mr. Mayor, members of Council, my name is Bill Schencko, Jr. I reside on the Beach. I just had 3 comment items, real short, sweet and to the point, and one item that I think you can still clear up tonight and hopefully save you a lot of money ... ah ... comment items, since this is the first budget hearing it would be helpful to have copies of the budget out here for the audience to pick up, and we'll have a second budget hearing, when you refer to line items they could at least look at the same line items. I don't think your copying costs would be that great, and it probably wouldn't be a bad idea. Ah ... secondly, I'm listening to \$40,000.00 being set aside for grants for people's houses ... how many generators would that buy for the sewer lift stations? Might be a better use of your money. Um ... we own the Mound House. We own the Newton Property. And we rent Town Hall? Am I missing something here? Wouldn't it be a bad idea to maybe look at possibly buying a Town Hall somewhere, one that maybe has hurricane shutters? Wouldn't be a bad idea. The 3rd item that I have, just a little bit of background, for over 20 years I represented the independent fire districts in doing budget hearings ... ah ... at your first budget hearing you have certain requirements that you have to meet under Florida St ... ah ... Chapter 200. I don't think you met 'em tonight. Ah ... I don't know if Mr. Roosa has a copy of Chapter 200, but I do. Um ... 3 things you're required to do tonight by separate resolution. Number one is adopt a millage rate, number 2 is adopt a budget by separate resolution, and there's a 3rd item that you're required to do in here that you didn't do, and that's publicly ... and it says "shall publicly announce the percent, if any, by which the recomputed proposed millage rate exceeds the rollback rate computed pursuant to F. S. 2-200. You never did it. Uh ... I suggest you do it before the termination of tonight's meeting. Thank you."

Mr. Roosa: "Mr. Mayor, I might address that. Ah ... the budget was not adopted tonight, this is the first public hearing of the budget."

Mr. Schencko: "Read the statute."

Mayor Thomas: "Any other comments? Jerry?"

Speaker: "I got 3 fast questions. That is for Jerry the Bug Man on Fort Myers Beach. Of all people ... I spray about 200 and some homes on this Beach ... one of the first questions they ask me, who gave the command to not let 'em back on the Island to take care of their homes? Now I want ... I'd like to have an answer now. Who gave the first command to the Deputy Sheriffs and everybody to not let 'em back on the Island. 'Cause they're gonna ask me, if they don't see me tonight they're gonna ask me tomorrow or the next day, what'd you find out? Now, who gave that command not to let nobody back on there?"

Mayor Thomas: "Ah ... Mr. Roosa ... the Assistant Town Manager."

Mr. Gucciardo: "That was a joint decision made by consensus of the group that we're ... calling the Emergency Response Team. It was basically a combination of the Fire District representatives, the Sheriff's Office, the Town and utility workers, and the other people involved in the recovery effort. So it was a group effort, group decision ... ah ... based primarily on health and safety concerns."

Jerry: "But there wasn't one person that said ..."

Mr. Gucciardo: "No one person."

Jerry: "Okay, 'cause some of them said it was Marsha, and I said no, Marsha didn't have nothing to do with that."

Mr. Gucciardo: "Absolutely nothing."

Jerry: "So I was defending her."

Ms. Segal-George: "Thank you, Jerry."

Jerry: "Yep, I was defending you on that part of it. Now, my next question is ... everybody keeps talking about the Staff. Who makes up ... what is the Staff? The Staff decided not to do this, the Staff decided not to do that, what is ... who's the Staff? I could be a member of the Staff."

Mayor Thomas: "That's very easily answered by the Assistant Town Manager. There's not too many people on the Staff."

Jerry: "I don't mean about the hurricane, I just mean in general. Who's ..."

Mayor Thomas: "Okay, we're going to give you the Staff. Here's the answer to your question."

Jerry: "Yeah."

Ms. Segal-George: "We have 18 employees."

Jerry: "So that's the Staff."

Ms. Segal-George: "Yes."

Jerry: "So they all gotta get together. So then who makes the decision outta that?"

Ms. Segal-George: "Oh ... well, no ... I mean, there's different ... I mean, different people on the Staff have different responsibilities, so if it's their area they make the decision."

Jerry: "Okay, but every time you hear something or read in the paper it says, 'The Staff made the decision,' we got 18 people out here making a decision ..."

Ms. Segal-George: "No ... it's not a ... no, it's not 18 people making one decision."

Jerry: "So you have a head of that one Staff part..."

Ms. Segal-George: "Yes. That's me.:"

Jerry: "... or you have one ... and then those people get together, and they're the ones that make the decision that 'Staff' does that."

Mr. Roosa: "Mr. Mayor, could I interject ... this might help the situation. When you refer to Staff, sometimes you refer to Staff by Jerry Murphy back there. He makes the Staff report on ... ah ... different aspects of variances. Maybe that's what you interpret to mean ..."

(General inaudible comments)

Ms. Segal-George: "It's an easy word that's used to describe 18 different people that could be doing 18 different things."

Jerry: "And the only reason I'm asking this question is because people ask me, because I'm out there and all that. Now, the other question would be, Mr. Reynolds, you was asking them about the merits and the raises, and what I brought up prior to this when I was up here before in your ... in your document that you get is there anything that you ... don't you get anything in there in your document says how those people are judged to get a raise, do you know how they're getting a raise?"

Mr. Reynolds: "Jerry, I had an answer to every question I asked."

Jerry: "Do what?"
Mr. Reynolds: "You heard me right."
Jerry: "No, I didn't. And ..."
Mr. Reynolds: "I had the answer ... I knew the answer to every question I asked."
Jerry: "So you already had it?"
Mr. Reynolds: "I know the questions to what I ask ... I mean, the answers to what I ask."
Jerry: "Oh, okay ... well that's ..."
Mr. Reynolds: "But I thought that sometimes we need to bring this out to the Council people,"
Jerry: "... So it gets out ..."
Mr. Reynolds: "and not only that, Jerry, I think that it's good to let the people know."
Jerry: "Oh sure, that is good. That's great."
Ms. Segal-George: "Could ... could I say ..."
Jerry: "... Councilman, I think you've done a very good job myself, all of you."
Mr. Reynolds: "And I have a question to ask."
Ms. Segal-George: "I just ... just ... I just wanted to explain, every person on the Staff gets evaluated, and their performance evaluated and ... and .. they're on file and they're public record, so ... I mean ... you can look on any person on the Staff as to what they did last year, how they were evaluated and what kind of bonus was recommended based on that evaluation, including me."
Jerry: "And that goes along with their job description and everything that goes ..."
Ms. Segal-George: "Yes. Yes. Yes."
Jerry: "Okay. Well, thank you very much."
Mr. Reynolds: "Just a minute, Jerry."
Jerry: "We gotta get out of here."
Mr. Reynolds: "But, I have a question."
Mayor Thomas: "Go ahead."
Mr. Reynolds: "Jerry, to you ... you want to know who Staff is. I'll tell you who Staff is, to me. When I use that word 'Staff,' I'm talking about our Town Manager. And almost in the same breath I'm talking about the Deputy Town Manager. 'Cause they're the only ones that we have any direct communications with. We do not have any communication whatsoever with any of the other Staff members. Ah ... we look to them for decisions. And that's where our questions come to."
Jerry: "Okay. So what would my ... when these people are asking me 'Who's Staff?' what would my answer be?"
Mr. Reynolds: "My answer is, Segal-George ... ah ... is the Town Manager, she's the Staff that we ... that I make reference to and I believe most people think in terms of that."
Jerry: "Because ... I'm asking the question because people are asking me ..."
Ms. Segal-George: "You can call me Marsha, Jerry."
Jerry: "Okay, Ms. Segal-George ..."
Ms. Segal-George: "Just call me Marsha."
Jerry: "But they ask me, and I say, 'Who's Staff?' who's the ... well ... I'm (inaudible)"
Mr. Reynolds: "Well, that's who Staff is to me."
Jerry: "Okay. Thank you very much."
Mayor Thomas: "Thank you. Any other questions? Yes, sir."
Speaker: "My name is Harry Heist, 155 Dundee Road. I've heard a lot of talk tonight about small amounts of money, \$20,000.00 for the church, \$53,000.00 merit ... merit raises ... or ... or bonuses ... whatever. Um, how much money have we spent so far on the cleanup? Of the Town?"
Mayor Thomas: "John?"
Mr. Gucciardo: "Uh ... you mean, debris removal?"
Mr. Heist: "Debris Removal, yeah."
Mr. Gucciardo: "I'm guessing at this point, but I think it's somewhere around \$400,000.00. Is that about right?"
(Inaudible.)

Mr. Heist: "Okay. What other ... what other expenses are we going to be faced with from the hurricane that we don't know about yet? I mean, we have \$400,000.00 for debris removal, which I ... I might add, I ... the ... I'm very happy with debris removal. What I'm concerned about is ... we've ... there's talk that our reserves are going to be eaten into because of the ... ah ... hurricane. What are these amounts we're talking about?"

Mr. Gucciardo: "I ... I gave the Council general numbers in the memo that was attached to today's budget and as I indicated on there, try to fine tune those, but roughly speaking ... ah ... the estimates are that in this fiscal year, that is, between August 13th and September 30th, we'll spend somewhere around \$600,000.00 directly related to Charley. Next year the number can be anywhere up to maybe \$2 or \$3 million, that that's going to depend on if we just address the damage, or if we go beyond damage and get into some of the mitigation projects. Now, mitigation projects are ... are something that FEMA recognizes that they'll allow us to do to prevent future damage. So depending on how far the Council wants to go, that number can vary quite a bit. But the important thing to recognize is that some of those items will be reimbursed 100 per cent, some 87 per cent, 87½ actually per cent because there's 75 per cent from FEMA and 12½ per cent from the State, and some at just 75 per cent, some won't be reimbursed at all ... um ... just because of the nature of them, so ... in general, though, in round numbers that we ... we anticipate that whatever total number we spend, we will probably get back about 75 per cent of it. So \$4 million, we should get \$3 million back.

Mr. Heist: "Okay. Um, as far as these expenses go and the contracts that are entered into and everything that goes into an emergency operations ... ah ... everything that you're doing in the emergency operations, is it correct to say that the Council members have no say in those contracts? For instance, the ... ah ... the waste removal or trash removal, or any other thing that occurs during a state of emergency and during an emergency operations meeting, is it correct to say that the emergency operations people have a complete green light to spend whatever amount up ... with no limits whatsoever?"

Ms. Segal-George and others: "No. No. Number one, we're bound by the FEMA requirements with regards to reimbursements, they have schedules with regards to how much they'll reimburse ... ah ... particularly on debris per cubic yard. Um ... and they also have requirements with regards to bidding. So for the first 72 hours you have a lot of leeway with regards to what you can do with regards to contracting and purchasing. After 72 hours then you're bound by the normal rules with regards to bidding, um and also meeting those FEMA guidelines so you can get reimbursed."

Mr. Gucciardo: "And on debris removal, that's a good example, because we have spent quite a bit of money on that. But once Crowder Gulf became involved, they already have an existing contract with the County to do debris removal in a post-storm situation, so that's already built in, I mean there's already guidelines and dollar amounts set per cubic yard and ..."

Ms. Segal-George: "And it was a bid contract. So we picked up the County's contract so that we would not be delayed in having to go through a long bidding process to get debris moving out off the Island."

Mr. Heist: "Okay, but in the first 72 hours of a storm is there any limit on what you can or cannot spend without the Town Council approving?"

Ms. Segal-George: "I don't ... no, no, I don't think so."

Mr. Heist: "Okay. Thank you."

Mayor Thomas: "Any other comments?"

Unidentified speaker: "You know, I'd like ... I'd like to say one more thing ..."

Mayor Thomas: "You have not ... you've already spoken."

Unidentified speaker: "On this ... on this ..."

Mayor Thomas and others: "You're done. You're done for the evening."

Unidentified speaker: "No you're not. Stay right there."

XI. ADJOURNMENT:

Mayor Thomas: " Any other people? Okay, it is now 8:23, Council's adjourned. Thank you."

Respectfully submitted,

Patricia L. Middlekauff
Transcribing Secretary