

**FORT MYERS BEACH  
TOWN COUNCIL**

Town Hall- Council Chambers  
2523 Estero Boulevard  
Ft. Myers Beach, Fl 33931  
July 24, 2006

---

**Special Town Council Meeting**

**6:30 PM**

---

**I. CALL TO ORDER**

**Members Present:** Mayor Dennis Boback, Councilman Bill Shenko, Jr., Councilman Garr Reynolds and Councilman Charles Meador, Jr.

**Absent:** Vice Mayor Don Massucco,

**Town Staff Present:** Town Manager Rachel Lambert, Community Development Director Jerry Murphy, Town Attorney Anne Dalton.

**II. PLEDGE OF ALLEGIANCE AND INVOCATION:**

All present stood for the recitation of the Pledge of Allegiance.

**III. INVOCATION:** Town Manager Rachel Lambert gave the invocation.

**IV. PUBLIC COMMENT:** Please note that public comment will be heard at the time the agenda item is discussed.

*Mayor Boback opens for public comment:*

Ms. Lambert announced there were none.

*Mayor Boback closes for public comment:*

**V. ADMINISTRATIVE AGENDA:**

Mayor Boback asked Councilman Meador if the two copies of the Red line have additional changes.

Councilman Meador stated there were additions to the plan. Which were in connection with Annex C - Evacuation

The other change was seven of eight resident alien card was added, with a Ft. Myers Beach is required.

**A. Adoption of Emergency Operations Plans and Resolution 06-04**

Attorney Dalton suggested doing the Resolution last as it adopts the plans.

Mayor Boback references the pages of the red line.

Councilman Meador commented the typographical errors on the pages.

Mayor Boback suggested changing the two words Ensure and Insure to facilitate.

Councilman Reynolds responded the Ensure is a better word. facilitate is more specific.

Councilman Shenko stated he would prefer the word to be Ensure.

Attorney Dalton questioned if they are abandoning the word facilitate.

Mayor Boback to the framework in operations management under A. “in supported of that system EOP” and asked should that be the Town of Ft. Myers Beach.

Attorney Dalton agreed with Councilman Meador it should be changed to the “purpose of the Town of Ft. Myers Beach.”

Mayor Boback referred to page 9 of 24, with Jerry Murphy. Mr. Murphy reported the Town’s Land Development Code has addition regulations regarding the Coastal Construction Control Line, and he suggested that they reference the Town LDC as well.

Councilman Meador agreed that was a good idea and it should be referred in the References Section in Annexes.

Mayor Boback referred to page 14 of 20 and made reference to the Ensure/Insure, and asked which of the two do they want to use.

Councilman Meador stated his preference and would use Ensure.

Mayor Boback referred to page 13 of 20.

Councilman Shenko stated he was not sure if he wanted to have it indicated Town Clerk as the Public Information Officer. Mr. Shenko would like to have the Clerk or the Manager to have the ability to delegate that.

Councilman Meador stated that this plan was based on appointing people to do certain jobs based on what jobs they are in.

Councilman Shenko states that he believes it is not a Council function, but that it is a Manager function who would establish as PIO from time to time.

Attorney Dalton suggested this could be incorporated just to be PIO.

Councilman Shenko recommended that the Council add “establishes and/or coordinates Public Information Officer as needed.”

Councilman Reynolds replied basically this is giving the responsibility to different individuals by Title. Mr. Reynolds also suggested keeping in mind not overloading our Town Manager in order for her to operate more effectively.

Mayor Boback refers to 15 of 20 again, under Resource Manager it should be consistent with Insure to Ensure. Under Alternate EOC two, there were some directions and asked Councilman Meador if he wanted to include a map.

Mayor Boback refers to Jerry Murphy on page 16 of 20. Where the LEEEOC versus the LEOC. Mr. Murphy replied it is a little confusing.

Councilman Shenko refers to page 17 of 20 which talks about the different alert levels going 1-5, five being the worse describing it as a category one hurricane with a direct load to the Town, and explains that he would keep it as is.

Mayor Boback stated the FMBEOC was crossed out. Mayor Boback pointed out on pages 22-24 two more Insures/Ensure to change. Mayor Boback stated the place where there are slashes in place of and/or, need to be changed.

Councilman Meador stated his reasons for his usage in the language.

Mayor Boback refers to page 3 of 4 the Annex A; Mr. Jack Green noticed that the personal waste system was taken out. Mayor Boback responded in the event the sewer system fails if the residents do have that 5-gallon bucket with the bag this would help every time they use that.

Councilman Meador stated that was in the reentry requirements, and believes it was an excellent idea. Mr. Meador also commented on the FEMA guidelines regarding the 1-gallon of water per day, which it does not pertain to hot climates. It should be 2-gallons per day. Mr. Meador

also stated if they ever had to set up an EOC they recommend a minimal of 10-gallons per EOC member per day.

Mayor Boback suggested that they change this to 2-gallons.

Mr. Jerry Murphy stated that the Lee County EOC recommended changing the 72-hour plan to 5 to 7-days.

Mayor Boback refers to Annex B; and asked Councilman Reynolds. Mr. Reynolds replied there have been good changes.

Mayor Boback referred to Ms. Dalton in regards to page 1 of 4 of Annex-B; under the coordination group.

Ms. Dalton asked if Town Council wishes to keep the Town Attorney in the coordination and wish to specify that her duties would be legal in nature.

Ms. Lambert also referred to the revision which Councilman Meador made.

Mayor Boback stated they took out the Emergency Medical Services from the Advisory group and asked if that was a separate entity.

Councilman Shenko stated their local ambulance service is provided by the Fire Dept. Mr. Shenko reported they also pay the Lee County Emergency Medical Services, but they fall under Lee County Operations.

Councilman Meador stated this is keeping with the ICS model. Ms. Lambert agreed.

Councilman Shenko stated the Planning Function as being the very first Finance Office, then the next function Logistics and Finance would be the very first item function Director. Mr. Shenko stated there are finances in both Logistics and Planning, but states there are also finances involved in Operations and Communications as well.

Councilman Meador stated we are spreading a very small staff in different roles.

Ms. Lambert stated should there be a need for a change of plan; she would try getting them together to see how to handle the matter.

Councilman Shenko agreed he liked the way it was put together.

Councilman Reynolds commended Ms. Lambert in the refinement of our organization and further notes it has been a definite improvement.

Attorney Dalton questioned Mayor Boback what the intentions of Council are concerning the old language regarding under coordination group, or the suggestive language of Councilman Meador. Ms. Dalton asked if it is the will of the Council to make it appropriate they could add Town Attorney to provide legal advice or legal coordination.

Mayor Boback suggested Councilman Shenko or Councilman Meador to make that decision.

Councilman Shenko stated it is in the diagram the Town Attorney is in the coordination group, but giving advice to Council.

Mayor Boback also reported that Ms. Dalton can give advice to the Emergency Town Manager as well.

Ms. Dalton suggested that the Town Attorney provides advice to the Town Council and implements the policy decisions at the Town Council in conjunction with the administrative staff led by the Town Manager.

Councilman Shenko agreed that it would be a good idea to address it in the Plan; the coordination group shall be composed by the Emergency Manager designated Town Member's, and the Town Attorney who would coordinate and implement with Council and Manager as consistent with the Charter.

Mayor Boback refers to page 2 of 4, under the Operations Group and the participation of the Operations Group. Emergency Manager and Town Manager strikeout.

Ms. Dalton recommends leaving Town Manager in.

Councilman Meador stated the Town Manager is the Emergency Manager.

Attorney Dalton asked if Council wanted the revised chart to be substituted for this chart.

All Council members agreed yes.

Mayor Boback referred to Annex-C. Number 2, in consultation with the Town Council.

Ms. Dalton corrected that it was redundant wording.

Councilman Meador suggested taking out the wording in consultation with the Town Council.

Councilman Shenko stated on page 3 of 8, the reentry coordinated will maintain and update this Annex as needed.

Councilman Meador stated that the Resolution requires that any changes be approved by Council.

Councilman Shenko agreed the language being more appropriate.

Mayor Boback Councilman Reynolds stated on page under reentry, and referred to Ms. Lambert.

Ms. Lambert stated the order was confusing to her. Ms. Lambert agreed the final decision to readmit entry would be the Town Council. Ms. Lambert questioned where this information would come from for Town Council to make a decision. Ms. Lambert stated the Emergency Manager would get information from other advisors and then communicate it back to Council.

Mayor Boback reported under reentry. Factors that guided Town Council as deciding the reentry following an event shall include but not limited to.

Councilman Meador stated this would clarify this.

Attorney Dalton reports that it states Ft. Myers Beach Fire Dept, or designee.

Councilman Meador reported this would be clarified if the language were replaced with the beaches geographic division of the Unified Command as provided in the Lee County Comprehensive Emergency Plan.

Councilman Shenko asked would this coming from unified Command rather from the Beach Fire Chief.

Councilman Meador stated the assessment itself would be done by the Beach Fire Chief.

Attorney Dalton stated under state law they are required to be consistent. Ms. Dalton stated the draft has been submitted.

Councilman Reynolds commented on page 6 where it was talked about giving the residents ample time when they come back to the island. Mr. Reynolds questioned who will direct the “ample time.”

Mayor Boback replied that would be the Council to determine when we want to let them back on.

Councilman Shenko spoke about the level entries, and asked where the residents fit into those entries. Mr. Shenko wants the level of entry for the residents to be addressed.

Mayor Boback stated agents and adjusters.

Attorney Dalton asked Councilman Shenko for his commented to be free entry and exit by residents.

Councilman Shenko stated before the nonresidents are allowed on the island, once entry is permitted they shall be permitted to freely enter, exit and reenter the island.

Mayor Boback referred to page 7 of 8; no vehicle shall be parked upon. Mr. Green stated occupied space, and suggested no vehicle shall be left unattended in any right-of-way.

Councilman Meador stated he preferred the language stated.

Mayor Boback further noted business owner or key business employee.

Attorney Dalton asked how to define this as to how many.

Mayor Boback stated they originally agreed each business was allowed three, and the other key business we agreed to give 15 to 20-employees in order to supply the residents with the necessary goods and services.

Ms. Lambert stated for Town Staff it is different for the public safety.

Councilman Meador asked what the identification will be called for public, and adds this to the list of acceptable identifications.

Mayor Boback mentioned the lady who stated she is disable and would like to have a nonresident accompany her back on the island.

Councilman Shenko stated one caregiver of another otherwise properly identified as a disable resident.

Ms. Lambert replied this would be an emergency ID.

Councilman Reynolds stated that there should be a limit to three to prevent from giving out more.

Councilman Shenko also agrees that the Ft. Myers Beach Chamber of Commerce identification limits three for business unless otherwise specified by the Town.

Mayor Boback referred to page 8 stating the entire resident reentry survival kit as a mandatory requirement.

Mayor Boback continues to Annex-D page 4 of 5. The only concern was to Public Safety Task Force out of the volunteer resources.

Councilman Meador stated if they had Red-Cross training Mr. Meador would agree.

Mayor Boback replied not much qualification is needed to answer phones.

Councilman Meador replied it not just to answer the phones, but it is providing the correct information.

Councilman Reynolds also agrees with Councilman Meador.

Mayor Boback stated this would represent a resource to have volunteers come in.

Ms. Lambert mentioned that these people would be the Town's residents, the ones who would better know the island. Ms. Lambert stated these residents have already expressed their interest and Ms. Lambert would like to turn that away.

Councilman Shenko stated such other persons, agencies, entities or organizations as deemed by the Emergency Manager.

Councilman Meador agreed to this.

Councilman Reynolds agreed with Ms. Lambert.

*Mayor Boback opens to public comment:*

- Ms. Varneke stated Council has done a fabulous job. She asked if in the event she would be hospitalized she would need her caregiver to have access to her home, would the caregiver be allowed to attain a pass on her behalf.
- Betty Simpson commented on the Cert Training and what it entailed.

*Mayor Boback closes to public comment:*

Councilman Meador stated that they have to draw a line having the caregiver being together with the resident.

Councilman Reynolds had no comments.

Councilman Shenko thanked Councilman Meador.

**MOTION:** Councilman Meador made a motion that they move to adopt the Resolution for Emergency Operations Plan 06-04 with the modifications. Mayor Boback 2<sup>nd</sup> the motion.

*Mayor Boback opens for public comment:*

*Mayor Boback closes for public comment:*

*Discussion:*

Councilman Reynolds commended Councilman Meador for all his efforts.

**VOTE:** Motion passes 4-0

**B. Adoption of the resolution of the Emergency Interim Executive and Judicial Succession Act.**

Attorney Dalton reported a Resolution of Town of Ft. Myers Beach Florida implementing an Executive Succession for the Mayor in accordance with the requirements of the Emergency Interim Executive Judicial Succession Act set forth in Chapter 22 Florida Statutes. Ms. Dalton reported in their last meeting the designations would be by Council seat.

**MOTION:** Councilman Meador made a motion that Council adopts Resolution 06-05. Councilman Shenko 2<sup>nd</sup> the motion.

**VOTE:** Motion passes 4-0.

**C. Council Appointments to Advisory Committees**

Mayor Boback announced they received two applications one for the Traffic litigation and one for CELCAB.

**MOTION:** Mayor Boback made a motion to appoint Betty Simpson to CELCAB and Charles Scofield to the TMA. Councilman Reynolds 2<sup>nd</sup> the motion.

*Discussion:*

Councilman Meador asked Ms. Dalton if they were in compliance with the new ordinance as far as filling these vacancies.

Ms. Dalton replied as Ms. Lambert indicated they were each down one.

**VOTE:** Motion passes 4-0.

## **VI. COUNCIL MEMBER ITEMS AND REPORTS**

Councilman Reynolds stated he has no reports other than he pleased with the progress of the hurricane plans, and the backup support with the resolution.

Councilman Shenko stated of a consensus for Mr. Melsek putting together this plan.

Mayor Boback agreed to consensus that Mr. Melsek has put a considerable amount of time putting together this plan, and on behalf of the Town and Mayor Boback he would like to publicly thank Mr. Melsek.

Ms. Lambert suggested a proclamation would be in order.

Councilman Shenko also announced a Metropolitan Planning Organization and the Citizens Advisory Council. Mr. Shenko announced Tom Babcock who has given a letter of resignation to the Citizens Advisory Council as he devotes his time to the Local Planning Agency, so there is an opening for appointment by the Council.

Councilman Shenko also announced a joint meeting with the Lee and Collier County Metropolitan Planning Organizations this Wednesday this would entail items they are willing to spend money on the next two years near the amount of 100,000,000. Mr. Shenko asked direction from the Council to address and discuss this item and vote no to the Trip-Funding.

Councilman Reynolds stated what has been happening for the last two years. Mr. Reynolds stated that his main concern is the people and their business on the island and what this will bring them.

Councilman Meador stated to vote no to the Park and Ride. The county is not looking at the big picture and is not looking out for the island residents.

Mayor Boback agrees with Councilman Meador. Mayor Boback expresses that they need to look at the entire traffic situation on the beach which will be the main issues we will be talking about.

Councilman Meador brought up one of the items talked about at the last Special Meeting which was the homeless, and would like for it to go on the next agenda. Mr. Meador asked Ms. Dalton if there were any response by the folks from the Chapel by the Sea in regards to the homeless.

Ms. Dalton stated she has not yet received any response.

Ms. Lambert stated it is scheduled for August 7<sup>th</sup> which is the next regular Council Meeting.

Councilman Meador stated that August 7<sup>th</sup> is OK with him.

Mayor Boback announced he has no items for this evening.

## **VII. TOWN MANAGER'S ITEMS**

Ms. Lambert announced there is fish on the beach and lot of it. She stated that they are working on that situation with the clean-up and maintaining a cleaner beach.

Ms. Lambert also announced the Special Council Meeting dated August 1<sup>st</sup> at 5:00 PM.

Ms. Lambert also reminded the Hurricane Seminar which will be next Monday and also reports the new Finance Director will be in tomorrow and will be full-time from that point on.

## **VIII. TOWN ATTORNEY'S ITEMS**

Ms. Dalton requested an Executive Session related to the unsafe structure located at 1130 Estero Blvd and related matters. Ms. Dalton stated if Council wishes they can have this meeting on July 31<sup>st</sup>, but states there is a Corporate Meeting. Council agreed to 4:45.

Ms. Dalton presented her 2<sup>nd</sup> item as FYI regarding workers stipulation is coming forward for approval from Town Council. This is scheduled on August 1<sup>st</sup>.

**IX. FINAL PUBLIC COMMENT: Public comment at this time is heard on any item and/or issue of concern.**

*Mayor Boback opens for public comment:*

- Pat Smith spoke about the MPO.
- Jack Walt resident of Ft. Myers Beach. He spoke about an incident regarding a parking ticket in the handicap spot. He was given a ticket even though he exhibits a handicap logo in his vehicle.
- Harry Heist 155 Dundee Rd. Mr. Heist questioned Council how much do they know about a BASE, Beach and Street Enforcement. Mr. Heist mentioned how BASE gives out punitive tickets.
- Pat Loffreno resident of Ft. Myers. He commented a new resolution in the state of Las Vegas. He thanked Council for their time and all they have done.

*Mayor Boback closes for public comment:*

**X. ADJOURNMENT**

**MOTION:** Mayor Boback made a motion to adjourn. Councilman Reynolds 2<sup>nd</sup> the motion.

**VOTE:** The motion is adjournment at 9:20 PM.

*If a person decides to appeal a decision made by the Council in any matter considered at this meeting/hearing, such people may need to ensure that a verbatim record of the proceeding is made, to include the testimony and evidence upon which any such appeal is to be based. Please note: Agendas will be available on the Friday prior to this meeting at [www.fmbeach.org](http://www.fmbeach.org).*

Respectfully submitted,

Debbie Cardoso  
Transcribing Secretary