



MINUTES

FORT MYERS BEACH TOWN COUNCIL SPECIAL MEETING

TOWN HALL – COUNCIL CHAMBERS
2523 ESTERO BOULEVARD
FORT MYERS BEACH, FLORIDA 33931

JULY 21, 2009

7:00 PM

I. CALL TO ORDER

The meeting was called to order at approximately 7:15 pm by Mayor Kiker. Present in the Chambers were Mayor Larry Kiker, Vice Mayor Herb Acken, and Councilmember Jo List. Present via conference telephone were Councilmembers Bob Raymond and Tom Babcock, both of whom were out of state.

The Mayor announced that a quorum was present, without counting the Councilmembers who were on the telephone.

MOTION: Motion was made by Vice Mayor Acken, seconded by Councilmember List, to allow Councilmembers Raymond and Babcock to participate via conference phone.

VOTE: Motion passed 3-0.

Town Attorney Dalton read the Notice of Special Meeting. This Notice had also been posted in advance on the outside door of Town Hall and on the Town website. The Town Council then reviewed Section 4.11 of the Charter regarding the special meeting requirements. The Mayor advised that the subject matter of the meeting was an emergency. Attorney Dalton stated that the legal requirements for holding the special meeting had been met.

Mayor Kiker announced that he had received a telephone call that day from a reporter who suggested that the Mayor look at an adult entertainment website for the Town Manager's wife. Mayor Kiker stated that he then telephoned the Town Manager. The Town Manager stated his concern that when he took the job as Manager, the community was divided and he had worked to pull the community back together. Mayor Kiker relayed having been told by Mr. Janke that he did not want the community to be divided again.

The Council discussed various termination options as set forth in the contract and also discussed the Town Charter provision regarding termination of the Town Manager.

MOTION: A motion was made by Councilmember Jo List to terminate Scott Janke's contract without cause, pursuant to Section 5 (b) of that contract. Councilmember Tom Babcock seconded the motion. Discussion was held regarding Mr. Janke's good job performance as Town Manager.

VOTE: The motion passed unanimously.

Discussion was then held regarding transition issues.

MOTION: A motion was made by Councilmember List, seconded by Councilmember Raymond for the preparation and execution of Town Resolutions to transfer signatory authority on the Town bank, investment, and credit card accounts to Evelyn Wicks, Acting Town Manager.

VOTE: Motion passed unanimously

MOTION: Councilmember List moved, and Councilmember Babcock seconded, a motion to continue the meeting to either 2 pm on July 22, 2009 (with the Mayor having the ability to move the meeting to 7 pm on that date, depending upon Councilmembers' availability), to continue discussion on matters involving the employment contract of Town Manager Scott Janke and related matters.

VOTE: The motion passed unanimously.

ADJOURNMENT

The meeting adjourned at 7:45 PM.

Submitted by Anne Dalton, Esquire

Adopted 9-21-09 With Without changes. Motion
by List / Babcock

Vote: 5-0


Michelle D. Mayher, Town Clerk

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