



MINUTES
FORT MYERS BEACH TOWN COUNCIL
Town Hall – Council Chambers
2523 Estero Boulevard
Fort Myers Beach, FL 33931

November 8, 2007

SPECIAL TOWN COUNCIL MEETING

AGENDA

1:00 PM

I. CALL TO ORDER

Mayor Boback called to order the special meeting of the Town Council at 1:00 PM on Thursday, November 8, 2007. All councilmembers present, except Vice Mayor Kiker. Also present, Town Manager Gary Parker, Town Attorney Anne Dalton and Town Clerk Michelle Mayher.

Mayor Boback began by announcing the reason for calling this meeting was to secure an interim town manager in order to focus on the qualities of a manager instead of worrying on the transition, and also to consider that the firm that will be doing the search is also involved in the search for a city manager in Marco Island, Florida

Town Manager Gary Parker requested to read into the record a letter by the Vice Mayor. That letter read as follows:

Ladies and Gentlemen:

My apologies for not attending this very important meeting, discussing the formulation of a transition between the exit of Mr. Parker and whom will be Managing this town in the near future.

Please look at the Mayor as I will be looking to you for an explanation of why this meeting could not be held at another time. If this was a regular scheduled meeting or if this was an emergency, there would be no problem. This is not.

I have spent many hours trying to explain that this meeting subject in particular, was important to me. It has been to no avail. It is my belief that the Mayor has overstepped his boundaries and perhaps it will be time to yet again, implement more formalized procedures to curb abusive and irresponsible behavior.

I will remind the Mayor that his duties are ceremonial and he is merely a figurehead for the town and is the facilitator of the meetings. I will remind the Mayor that the mark of a true leader is one that seeks input from all in a reasonable and responsible way. During these turbulent times, we need strength through cooperation not through aggressive behavior.

To begin, please consider not going forward with a contract with Mr. Sallee. His additional expense atop what Mr. Parker is getting paid is a lot of money. For such a short period, I would like to know what functions are performed for that kind of money.

Instead, as many have mentioned to me, we do have a candidate before us that understands the dynamics of this town and this political environment, Mr. Green. I do not propose hiring him without the process of a complete interview. But why not schedule that interview to be held within the next two weeks. If he is selected, the savings is evident as well as his leadership skills would be utilized.

In the meantime, I believe that if there is an available candidate on the national scale, as provided by our consultant, they have time to be identified for immediate consideration. Extending the search past that would appear to be fruitless causing hardship for the Town.

This team has had a rebirth of late and there are many projects that are moving forward and being held in a positive light by many. Our citizens are finally feeling the positive impact of a local government. Let us not let this opportunity slip away.

Of course, I would have preferred hearing your idea's and expanding on them as well; perhaps another time.

*Larry Kiker
Vice Mayor, Fort Myers Beach*

MOTION: Councilmember Meador moved to make the previously read letter as part of the official record. Councilmember Shenko seconded the motion.

VOTE: Motion passed 4-0

MOTION: Councilmember Meador moved to have the Council officially censure Vice Mayor Kiker's remarks as to the Mayor acting irresponsibly, that the Mayor does have the right, as does the Town Manager, to call a special meeting.

Motion died for lack of a second.

Mayor Boback stated that he would address this issue at the November 19, 2007 Town Council meeting, as it is an agenda item.

II. DISCUSSION REGARDING CONTRACT FOR INTERIM TOWN MANAGER

MOTION: Councilmember Acken moved that no action items be taken until a time when the Vice Mayor would be present.

Motion dies for lack of a second.

MOTION: Councilmember Meador moved to have the Town Council retain Mr. David Sallee as interim town manager, and that the contract proposal as submitted by Town Attorney Anne Dalton be approved with modifications to Section 2 of that contract, so that it does not violate our town charter as to hiring a town manager for a specific term. Councilmember Shenko seconded the motion.

Attorney Dalton indicated that the Charter does not provide for hiring an interim town manager, so Mr. Sallee would be the town manager. Attorney Dalton said that Mr. Sallee was very focused on sixty days, and would not be available after that time frame.

Councilmember Meador stated that a cure to the charter violation would be a statement that parties anticipate that Mr. Sallee's tenure will be from ___ to ___, without making it binding, and without technically violating the charter. Ms. Dalton stated that Mr. Sallee's preference is to stay only to the end of January, if necessary he could rearrange his schedule for the following month, but would hope the process would be completed by that time.

Councilmember Acken stated that he felt Council had an opportunity to save approximately \$12,000.00 by hiring someone from in-house. Councilmember Acken felt that the Council was doing a disservice to the Vice Mayor and that it was important to show each other a certain amount of courtesy. Councilmember Acken stated, "Let's adjourn, gentlemen, and come back when the vice mayor can be here."

Councilmember Shenko opined that the Vice Mayor's letter, and having it read at a public meeting was not a show of class. Mr. Sallee is a first-class gentleman. Moving a department head into a manager position would leave staff short a department head.

Councilmember Meador called a point of order: Councilmember Acken made a priority motion to adjourn, which has to be dealt with before council can proceed.

Councilmember Acken stated it was not intended to be a motion at this time.

Mayor Boback stated the issue is to move forward with Mr. Sallee if we can negotiate a contract.

Councilmember Acken asked the Council to reconsider this item at another date.

Councilmember Meador echoed everything Mr. Shenko stated, understood what Mr. Acken was saying, yet felt that Council should move forward.

Opened Public Comment

None

Closed Public Comment

Councilmember Acken apologized but needed to leave to pick up his children from school, and left at 1:25 PM.

Attorney Dalton asked for clarification on the motion, was it to accept this contract, or to change the contract, and suggested a short recess to attempt to contact Mr. Sallee as to his willingness to accept the contract as changed. Ms. Dalton stated the contract did have blanks, and that the start date would be November 26, 2007 and with the charter provision accommodated, the parties anticipate that it would be through January 31, 2008.

AMENDED MOTION: Councilmember Meador amended his motion to have the language read that the start date would be November 26, 2007 and that the parties anticipate that it would be through January 31, 2008. Councilmember Shenko amended his second.

Recess 1:27 PM Reconvene 1:50 PM

Attorney Dalton indicated that she had contacted Mr. Sallee, and he has no problem with the amended language, and suggested additional language, such as, "on February 1, 2008, either party has the ability to cancel this agreement.

AMENDED MOTION: Councilmember Meador amended his motion to include the suggested language; Councilmember Shenko amended his second.

VOTE: Motion passed 3-0, with Vice Mayor Kiker and Councilmember Acken absent.

Attorney Dalton indicated that Mr. Colin Baezinger would be able to come before Council on November 19, 2007, if that was acceptable. Council concurred.

Council indicated that at the November 15, 2007 meeting, they could discuss alternate dates for the joint meeting with the City of Sanibel.

ADJOURNMENT

The meeting adjourned at 1:52 PM.

Adopted 11-19-07 With Without Changes Motion by Shenko/Meador
(Date)

Vote: 5-0



Michelle D. Mayher
Town Clerk

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