



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

MINUTES

September 24, 2008

I. CALL TO ORDER

Mayor Kiker called to order the special meeting of the Town Council at 9:30 AM. Present with Mayor Kiker was Vice Mayor Acken, Councilmember List, Councilmember Raymond, Town Attorney Anne Dalton and Town Clerk Michelle Mayher. Councilmember Tom Babcock was not present, however participated by teleconference. Town Manager Scott Janke was absent, and Evelyn Wicks, Director of Finance sat in his stead.

II. PLEDGE OF ALLEGIANCE

All stood and recited the pledge to the flag.

III. AGENDA ADOPTION

Agenda was adopted without changes.

IV. PUBLIC COMMENT

Opened Public Comment

None

Closed Public Comment

V. TOWN ATTORNEY'S ITEMS

A. Issues related to Ganim v. Town of Fort Myers Beach, Certiorari action, Case # 06-CA-1972 and request for Executive Session on October 20, 2008

Attorney Dalton requested permission to use outside counsel, and requested the ability to use the law firm of Fowler White, adding that Denise Wheeler has worked for the Town in the past. Mayor Kiker clarified that Attorney Dalton needs assistance because of this case being procedurally tangled.

MOTION: Councilmember List moved to give the Town Attorney direction to engage Fowler White in the litigation Ganim v. Town of Fort Myers Beach, Case #06-CA-1972. Councilmember Raymond seconded the motion.

VOTE: Motion passed 5-0.

Attorney Dalton requested an executive session for the case of Ganim v. Town, Case #06-CA-1972 for October 20, 2008.

Vice Mayor Acken asked how the time frame would work, if the council meeting started at 9:00 AM, and then move into closed session at 10:00, would we be putting the public out? Council discussed asking whether outside counsel could come earlier, or later.

MOTION: Councilmember List moved to direct the Town Attorney to schedule an executive session on October 20, 2008 to begin at 9:00 AM, if not, then 1:00 PM in the matter Ganim v. Town, Case #06-CA-1972. Vice Mayor Acken seconded the motion.

Vote: Motion passed 5-0.

B. Request for Executive Session on October 20, 2008, regarding Tezak v. Fort Myers Beach, Case # 07-CA-017676

Attorney Dalton requested an executive session for the purpose of discussing litigation strategy.

MOTION: Councilmember List moved to schedule an executive session for October 20, 2008 to discuss the case of Tezak v. Town of Fort Myers Beach Case # 07-CA-017676. Vice Mayor Acken seconded the motion.

VOTE: Motion passed 5-0

VI. COUNCILMEMBERS ITEMS AND REPORTS

Vice Mayor Acken asked for clarification regarding the level of service for trolleys - current vs prior, and proposed FY 09 changes. Councilmember Raymond stated that it is the intention of the County to cut trolley service, and sought support from the Council at the County's budget meeting, as well as the upcoming MPO meeting.

Vice M Acken raised the subject of beach nourishment. – Councilmembers agreed to hold a work session on October 3, 2008 at 1:00 PM. Councilmember Raymond will not be in attendance.

Recess: 10:13 AM

Reconvene 10:15 AM

Discussion continued on the structure of the workshop whether to focus on specific issues, and whether to hold public comment. Councilmember List requested the allowance of a fifteen minute presentation for new information on beach nourishment. .

The worksession was set for Friday, October 3, 2008 from 1:00 PM to 4:30 PM. The first hour will allow for a presentation as requested by Councilmember List, and then 45 minutes of public comment of three minutes each. The worksession will focus on a discussion of negotiations regarding the interlocal agreement.

Mayor Kiker asked (acting town manager) Evelyn Wicks to find out whether there is a “drop dead” date when the Town stands to lose funding for the beach nourishment project.

Councilmember Babcock referenced the trolleys, thanking Councilmember Raymond for all his work, fighting for better trolleys. Mr. Babcock support the fact that Lee Tran needs to cut costs, but suggests that cut be to under utilized routes, and the beach does not fit into that category.

Councilmember Babcock thanked Town Manager Scott Janke for the economic impact study, adding that it was very helpful as the Town moves forward.

Mayor Kiker referenced the economic model suggesting the Council use a great deal of caution in how this information is passed along, as council has not had a chance to discuss it. Mayor Kiker urged council to review that information, and that he would like to use it more strategically, maybe put together a presentation with a list of things we might want on a "wish list."

Mayor Kiker asked to see the draft agenda for the October 20, 2008 council meeting. Town Clerk Michelle Mayher said she would e-mail the draft to the Council.

VII. PUBLIC COMMENT

Opened Public Comment

None

Closed Public Comment

VIII. ADJOURNMENT

The meeting adjourned at 10:30 AM.

Adopted 10-20-08 With/Without Changes Motion by Babcock/Raymond
(Date)

Vote: 5-0


Michelle D. Mayher

Town Clerk

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