MINUTES

Wednesday, January 15, 2014

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

I. CALL TO ORDER

Mayor Mandel called to order the January 15, 2014 Special Meeting of the Town Council at 1:00 p.m. Present along with Mayor Mandel: Vice Mayor Kosinski and Council Members Andre and List; Council Member Raymond was excused. Also Present: Town Manager Stewart, Town Attorneys Miller, Rooney, and Humphrey, Finance Director Wicks, and Town Clerk Mayher.

II. PLEDGE OF ALLEGIANCE

III. ADMINISTRATIVE AGENDA

A. Personnel Matter

Mayor Mandel explained that he called the Special Meeting in order to share comments made to himself by the Town Manager last Friday. He reported the Town Manager wished to resign with consideration; and he contacted Town Attorney Humphrey regarding the statement initiated by the Town Manager. He noted Town Attorney Humphrey recommended the Mayor share the comment with Council which needed to be done at a Council meeting or called meeting. He reviewed his recommendation as follows:

> *"To remove the Town Manager as provided in the Charter, Section 6.02, titled "Removal" and act under Section 7(c) of the Manager's employment agreement where the termination would be without cause and the Town would pay the Manager the severances provided in the employment agreement. The termination should be effective immediately and for our attorney to prepare the separation agreement consistent with the decision and authorize the Mayor to execute the same."*

MOTION: Council Member List moved to remove the Town Manager as provided in the Charter, Section 6.02, titled "Removal" and act under Section 7(c) of the Manager's employment agreement where the termination would be without cause and the Town would pay the Manager the severances provided in the employment agreement. The termination should be effective immediately and for our attorney to prepare the separation agreement consistent with the decision and authorize the Mayor to execute the same; second by Vice Mayor Kosinski.

Public Comment opened.

No speakers.

Public Comment closed.

Vice Mayor Kosinski expressed his view that this was "*not a good day for the Town*", and that Town Manager Stewart was very professional and did a great job.

Town Clerk Mayher read into the record an email she received from Council Member Raymond:

> "*I cannot be at the Wednesday meeting as I am out of town all week. Please read this at the meeting. I do not favor Terry leaving without cause. If Terry wants to go, I am ok with that. I will not fire him at this time with or without cause. I did not find out about this and the meeting until late last night and will not be back in time for the meeting. Thank you. Bob Raymond, Council Member*"

VOTE: Motion carried, 4-0; Council Member Raymond was excused.

Town Manager Stewart reported it had been a distinct pleasure for him to work for the Town of Fort Myers Beach. He addressed the issue of elevated pools as it pertained to staff and legal review; and prior staff recommendations to Council on the matter. He stated he met on Tuesday with his staff to review all of the Town's outstanding major projects and complimented staff on an outstanding job since he began working for the Town almost four years ago. He suggested that the Town find a manager that could be with the Town for a few years.

Mayor Mandel asked Council to approve the appointment of Finance Director Wicks as the Acting Town Manager.

Consensus approved the appointment of Finance Director Wicks as the Acting Town Manager.

Finance Director Wicks accepted the position of Acting Town Manager.

Mayor Mandel noted the action was based on the Town Charter and staff did not make policy; and the Council cannot manage staff. He added that there were many Town projects in progress; and the Town needed to replace the Town Manger expeditiously; and to move forward in that direction he contacted the Florida League of Cities who informed him of former city managers who volunteered their time to

assist staff with questions. He informed Acting Town Manager Wicks that he would provide a name to her of someone who would assist her with Town matters, and that she would not have to come to Council with her questions. He emphasized that Council would not be running Town Hall. He pointed out that there was a Council meeting on January 21st, and at that time he would have the names of people available as interim town managers for Council's consideration. Also, at that meeting the Council would review the process to use to hire a new town manager.

IV. PUBLIC COMMENT

Public Comment opened.

Jay Light, resident, explained how he contacted his friend Jack Green, former Fort Myers Beach Town Manager, and noted Mr. Green owned property on Fort Myers Beach. He indicated Mr. Green expressed his willingness to discuss the position of Town Manager as either interim or long-term. He urged Council to consider Mr. Green.

Public Comment closed.

V. TOWN MANAGER ITEMS

Acting Town Manager Wicks – no items.

VI. TOWN ATTORNEY ITEMS

Town Attorney Rooney – reported he had received a pre-suit letter from Attorney Grady regarding the Orlandini properties; and indicated he would meet with staff and Council Members individually on the matter and asked all to refrain from commenting.

Town Attorney Humphrey – no items.

Town Attorney Miller – no items.

VII. COUNCIL MEMBER ITEMS AND REPORTS

Council Member Andre – no items or reports.

Council Member List – no items or reports.

Council Member Raymond – excused.

Vice Mayor Kosinski – no items or reports.

Mayor Mandel – no items or reports.

VIII. ADJOURNMENT

Motion by Council Member Andre; second by Vice Mayor Kosinski. Meeting adjourned at 1:20 p.m.

Adopted 2/3/14 With/Without changes. Motion by Andre/Kosinski

Vote: 5-0

Michelle D. Mayher, Town Clerk

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