

**FORT MYERS BEACH
TOWN COUNCIL
Town Hall – Council Chambers
2523 Estero Boulevard
Ft. Myers Beach, FL 33931
March 7, 2006**

I. CALL TO ORDER

Mayor Dennis Boback called a Special Town Council meeting to order at 5:15 PM on Tuesday, March 7, 2006.

Members Present: Mayor Dennis Boback, Vice Mayor Don Massucco, Councilman Garr Reynolds, Councilman Bill Shenko, Jr., Councilman Charles Meador

Town Staff Present: Town Manager Rachel Lambert, Town Attorney Anne Dalton

II. PLEDGE OF ALLEGIANCE

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

III. INVOCATION

Rachel Lambert gave the invocation.

IV. PRESENTATION BY JIM LAVENDER

A. REPAIR OF PIER

Town Attorney Dalton introduced Mr. Lavender to Council.

Jim Lavender, of Lee County Public Works, told the Council that renovations were underway at the pier, but that since the work began, they had found that damage to the concrete was far more extensive than had originally been thought when estimates of the cost of the work had been done; thus, the project required additional funds of \$600,000 for completion. He explained that he had appeared before the TDC on Friday, and was scheduled to appear before the County Commission on Tuesday, March 14th.

Mr. Lavender said the TDC had originally funded \$400,000 for the project, and at their meeting on March 3rd, they had approved an additional \$478,000, leaving a shortfall of \$122,000 to complete the project. Mr. Lavender indicated that he had been directed by the TDC to ask the FMB Town Council for the balance of funds needed. He explained that the TDC kept \$1 million in reserves for hurricanes and other emergencies, and had not wanted to drop the reserves below that amount, which was why they had not given the entire \$600,000 needed.

In answer to a question from Councilman Reynolds, Mr. Lavender said the work was on-going at the pier, but public access to it had been maintained throughout. He related that he had told the TDC it would ultimately cost several million dollars to replace the pier. To date, he said the County had not put any capital money into the pier repair project; he explained that the TDC was typically the entity that funded all the beach and shore improvements, although some projects were co-subsidized by the County.

Vice Mayor Massucco asked for the original estimate on the project. Mr. Lavender said there had not been an estimate, but they had asked the TDC for \$400,000 initially, to do an engineering study and to begin the process. They had taken out all the concrete they were able to so as to determine the actual state of things.

Councilman Shenko said that TDC money could only be spent in certain places. He said the TDC had reported having collected \$1.75 million dollars in the month of January - \$56,450 per day – from collection of the 5% bed tax. He felt the TDC was in a better position than the Town, income-wise, and in with regard to how their money must be allocated. He asked if there had not been a repair project done on the pier then years ago. Mr. Lavender said there had been, and added that the pier was thirty years old.

Councilman Meador asked if the damage had been incurred from a specific cause. Mr. Lavender said the pier had been maintained periodically over the years. He explained that concrete was porous; the steel in the interior of it had rusted and expanded, which had popped the concrete. He said they hoped to stretch the lifespan of the pier by another 8 – 10 years with the current repair project. He said the pier had not suffered any structural damage from the storms; it was structurally safe but deteriorating.

Mayor Boback asked who owned the pier, and Mr. Lavender said the County owned it.

Vice Mayor Massucco, citing pictures of the pier supplied by Mr. Lavender, said it looked as if significant work was on-going at the pier.

Councilman Reynolds said that typically the Town partnered on these types of projects with the County, with the County putting in about 2/3, and the Town 1/3, of the costs. He recommended that the Council try to cooperate in this matter.

MOTION: Councilman Shenko made a motion that the Town pay an amount not to exceed \$61,000 to be matched with an equal amount from Lee County for the repairs to the pier. Councilman Reynolds seconded the motion.

Councilman Meador expressed concern as to where the funds were going to come from. He noted that Councilman Shenko had not been as generous with the Mound House requests, and appreciated that because the Council still didn't know where the Town was, financially.

Councilman Shenko noted that the pier appeared in the Town's seal, and said the pier had more visitors in one hour than the Mound House had in one month. He felt the Town owed the tourists a place to enjoy the Beach. He joked about it being a nice place for tourists to come listen to rock and roll at night. He suggested the money be taken from the Town's contingency fund, and that the funds be matched by the County. He felt it would show that the Town was working in good faith with the County. He said the pier was a landmark on the Beach and needed to be preserved. He noted that the County had worked very hard to keep it open for the tourists during the course of the repair project.

Vice Mayor Massucco and Councilman Reynolds agreed with Councilman Shenko, and expressed their support for his motion. Vice Mayor Massucco did not want to see the project stopped.

Mayor Boback had a problem with the fact that the County, who owned the pier, had not put any money into the project as yet. He wanted to know what the County was willing to give before the Town committed funds to the project. He felt the County should have said how much money they were willing to put into it before coming to the Town with the request for more funds.

VOTE: The motion carried 4 – 1, with Mayor Boback dissenting.

Mr. Lavender thanked the Council, and said he would bring the Council's "message" to the Board of County Commissioners on March 14th.

V. CONDUCT OF TELEPHONE INTERVIEWS:

Ms. Lambert explained to the Council there had been 16 questions, and that they had been ranked 1 – 10 by the Council members until they had been pared down to the ten that would be asked of all the candidates. After some discussion, the Council chose the following eight, rather than ten, questions: #'s 1, 5, 6, 7, 9, 12, 14, 16

Mayor Boback called a recess until the start of the interviews.

Upon resumption of the meeting, Ms. Dalton reviewed which questions were to be asked of each candidate – the eight questions numbered above. At that point, the interviews were conducted with each candidate in the order as listed in Items A – F.

- A. SUSAN BOYER – 6 PM**
- B. JIM GALLAGHER – 6:30 PM**
- C. CHARLES SADDLER – 7:00 PM**
- D. KENNETH SAUER – 7:30 PM**
- E. LARRY STOEVER – 8:00 PM**
- F. DENNIS WHITE – 8:30 PM**

At the conclusion of the interviews, Mayor Boback called a two-minute recess. At the resumption of the meeting, a hand-vote was taken on each of the interviewees, so as to determine if there was a consensus as to which candidates were most preferred by Council.

Candidate	#Votes
Susan Boyer	4
Jim Gallagher	0
Charles Saddler	5
Kenneth Sauer	0
Larry Stoever	2
Dennis White	4

MOTION: Councilman Meador made a motion that candidates A, C and F (Susan Boyer, Charles Saddler, and Dennis White) be named as the three finalists. Councilman Shenko seconded the motion.

Councilman Meador was impressed by Ms. Boyer's enthusiasm and her background with towns in situations such as the Beach's. He noted that Mr. Saddler had a lot of experience and savvy. He appreciated Mr. White's experience, and his approach to the hiring of Town staff.

Councilman Shenko liked the enthusiasm of both Ms. Boyer and Mr. Saddler, and said both had shown some very good insight into personnel management. He agreed with Councilman Meador that Mr. White was the only one of the three who had not taken the hiring of new Town staff for granted.

Vice Mayor Massucco said he was happy with the three finalists. He felt Mr. Saddler had been enthusiastic, and that his voice revealed him to be a managerial-type of person. He thought Ms. Boyer had been very enthusiastic. He felt Mr. White was a concise, laid-back type of person.

Councilman Reynolds wondered why Ms. Boyer did not want to be drug-tested, which was why he had not voted for her. He had felt Mr. Saddler was the strongest candidate from the beginning, and that the phone interview had reinforced his opinion. He said Mr. Saddler had had a lot of experience. Regarding Mr. White, Councilman Reynolds was impressed with him.

Mayor Boback asked where in Ms. Boyer's resume she had stated that she wouldn't take a drug test. Councilman Reynolds directed him to the back page of her application, and indicated that she had left that question blank. Mayor Boback pointed out that on a previous page, she had agreed to pre-appointment testing, if requested.

Mayor Boback felt Mr. Saddler's interview had been an excellent presentation, and that he had been very enthusiastic. He thought Ms. Boyer had been very enthusiastic and knowledgeable. Mayor Boback had a problem with Mr. White's reason for leaving two of his previous jobs – ethical problems with all members of the city councils of those municipalities – and felt this raised a red flag. He felt if Mr. White were to be invited to a final interview, an extra thorough background check needed to be done on him, as he felt there was “more to it than meets the eye”.

VOTE: The motion carried 4 – 1, with Councilman Reynolds dissenting.

It was determined that the interviews would be conducted at 6 PM on April 4th at a Special Council meeting, with an allowance of up to one hour for each interview.

Councilman Shenko asked how a possible request by one or more of the candidates to visit Town Hall and meet with Town Staff prior to the interview should be handled if it came up; he also expressed that, while it would not violate Sunshine Laws, he was not comfortable with any of the candidates meeting with individual Council members before the interviews took place.

The consensus was that there should be no dialogue between candidates and individual Council members prior to the interviews; it was felt by Council that the candidates should be allowed to visit Town Hall prior to the interviews so as to “get a feel for the place” and to speak with the Staff.

MOTION: Councilman Shenko made a motion that \$500 be allocated for each candidate for travel, meals, and any expenses incurred by the candidates for Town Manager; it would be a straight \$500 payment to each candidate which would not require verification as to whether the funds were spent or how they were spent. Councilman Meador seconded the motion.

VOTE: The motion carried unanimously.

Mayor Boback anticipated that Council would choose the new Town Manager at the conclusion of the interviews on April 4th, and suggested that a negotiating team be formed so that the process could be begun while the selected candidate was still in Town.

MOTION: Councilman Shenko made a motion that the Town Attorney, Ms. Dalton, and the Mayor, Dennis Boback, move forward with negotiating a proposed agreement that could be brought back to Council for approval, once the selection for Town Manager had been made. Vice Mayor Massucco seconded the motion.

VOTE: The motion carried unanimously.

Vice Mayor Massucco suggested offering the finalists a tour of Town Hall when they were called about the final interviews.

Ms. Lambert asked that, in addition to calling the three candidates, a letter could be sent to each as well, to verify the interview information along with the \$500 travel/meal/lodging allowance.

Ms. Dalton asked if Ms. Lambert should advise the other candidates that they had not been selected. It was determined that each of the non-chosen candidates should also receive a thank-you letter advising them that they had not been chosen.

Councilman Shenko asked if Council members should take it upon themselves to call references given by the three candidates. Mayor Boback believed the background check firm would do that. In answer to Councilman Shenko's question, Mayor Boback saw no reason why a Council member could not call the references as well, as it would be due diligence on the part of that Councilman; he noted that none of the three finalists had stipulated that their current employer should not be called.

Referring to Councilman Reynolds' suggestion that Council reserve a block of three rooms for the interviewees at a hotel on John Morris Road, as they could probably be gotten for a lower rate if reserved that way, Vice Mayor Massucco thought it was a good idea. Mayor Boback said he could check the Holiday Inn on the Beach also. Ms. Lambert referred the Council to a website on hotels that would give them all that information, including directions on how to get to each of them, and also would give the best prices available. She suggested that the website information be included in the letters to be sent to the candidates for Town Manager. Several different websites were subsequently suggested by Councilman Meador and Town Attorney Dalton.

Councilman Shenko pointed out that the Town was short-staffed and didn't have time to be travel agents, which was why he had suggested the \$500 for each candidate. Both he and Mayor Boback felt the candidates' solution to their travel and lodging needs for the interviews would be a test of their ingenuity.

It was determined that the candidates would make their own arrangements.

VI. ADJOURNMENT

Mayor Boback adjourned the meeting. No time was given.

Respectfully submitted,

Jo List
Transcribing Secretary