

MINUTES
THE TOWN OF INDIAN RIVER SHORES
6001 North Highway A1A, Indian River Shores, FL 32963

SPECIAL CALL TOWN COUNCIL MEETING
Friday, April 30, 2010
2:00 p.m.

PRESENT: **E. William Kenyon, Mayor**
 William H. Ahrens, Vice Mayor
 Frances F. Atchison, Councilmember
 Michael B. Ochsner, Councilman
 Gerard A. Weick, Councilman

STAFF PRESENT: **Laura Aldrich, Town Clerk**
 Chester Clem, Town Attorney

OTHERS PRESENT: **Reporter**

1. **Call to Order**

- a. Pledge of Allegiance
- b. Invocation – Councilman Ochsner
- c. Roll Call

Mayor Kenyon called the meeting to order at 2:00 and these items were performed with the Roll Call as reflected above.

2. **Personnel Matter** (Town Manager Discussion)

Mayor Kenyon updated the Council that about three weeks ago, Mr. Bradshaw had commented that he was one of about 119 applicants who had applied for a town manager position in a town in Texas very similar to ours, and had been involved in discussions with them. About a week ago he told the Mayor he went for a weekend visit to the town, and he had no further idea of the application's progression. This Wednesday Mr. Bradshaw and the Mayor met again and he tendered his resignation and announced that he had accepted this position in Texas.

The Mayor continued that when Mr. Bradshaw took this job almost eight years ago, he guaranteed to stay at least five years, and also that he wanted to go back to Texas especially if one of his two children went to a college there. He has been here almost eight years. In April his daughter was accepted to University of Texas, and has committed for enrollment this year. His employment contract requires a 60-day notice of intent to leave.

Mayor Kenyon said that he would like to see a seamless turnover. Our department heads are loyal and the Public Safety, Treasurer, and Building departments are in great shape. The Town is in good shape financially. The water, sewer, wastewater and electric negotiations are in good shape and are coming along well. After next Monday's CCNA meeting we will have a better idea of what will happen with that group.

Mayor Kenyon did not want the Town Manager's office to be vacant, and for a temporary measure, asked Richard Jefferson on April 29th if he would consider being the interim Town Manager with the Council's approval. For a permanent replacement, he could be considered with other applicants for that position if he so chooses. A search committee of three or four people would be his recommendation if the Council agreed.

This is a Public Meeting. The Town of Indian River Shores does not transcribe verbatim minutes. Should any interested party seek to appeal any decision made by the Council with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings, and that, for such purpose he or she may need to ensure that a record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Anyone who needs any type of special accommodation for this meeting may contact the Town Clerk at 231-1771.

A settlement with Mr. Bradshaw was discussed, with the Town Attorney handing out Mr. Bradshaw's resignation. He explained that Mr. Bradshaw would like to leave before 60 days if it was convenient for the Town, and requested a lump sum payment for accrued vacation of \$49,389.36. He also provided an extract prepared by the Treasurer of accrued leave. Mr. Clem said he and Mr. Bradshaw discussed the leave payment due, and he had agreed to forego the payment allowed for sick leave of \$9,176.86. There is a strong argument for payment for accrued vacation, as the Policy (Personnel) Manual says it shall not be carried forward unless approved by town manager, which is ambiguous. When Barbara Readdy left, she had accrued sick and vacation leave. This may be something for the Town Council to address in the future. He said that Robert is only asking for the \$49,389 and his regular salary through the last workday. Mr. Clem said he will prepare a Termination Agreement stating the last day would be 60 days or earlier based on the Town's needs. There could be salary savings if he departed earlier. Concluding, Mr. Clem proposed drafting the agreement with three provisions in addition to other legal lead-ins:

- Bradshaw shall receive the lump sum of (Blank) to be paid on his termination date or another date prior to his termination of employment as selected by the Mayor, which he explained allowed for departure earlier than 60 days.
- Said amount shall include all accrued amounts including but not limited to accrued vacation and all other allowances.
- It would also state that we intended to pay him his regular salary through last day of job. Then the last date would be stated and that he would provide assistance to the person who is replacing him.

The Mayor noted that Robert is ready to go when the Council says it is okay. He added that it won't take that long for Richard to pick up what he needs to fill in. Mr. Jefferson has been told that he would be allowed to put in for overtime due to the dual role he would be fulfilling, that he would move physically into Robert's office immediately.

Councilman Weick asked if Mr. Jefferson is certified, and the Mayor said he was not. Councilmember Atchison asked if the Council would be able to have input on qualifications for the Town Manager that they would like to see, such as that the salary be commensurate with experience, and the personality traits and initiative that are important are mentioned.

The Vice Mayor expressed concern about contact with people in the County on the utility issues, and the Mayor said he would be the point man on that until next March. Councilmember Atchison said that three of the Council would be working long-term with the new manager, and wanted to be comfortable with the selection process. Councilman Weick said this is a good opportunity to reconsider the contract, retirement, health insurance, and other benefits.

They discussed internal personnel policies briefly, with the Vice Mayor reiterating that it was the external matters with maintaining continuity with other parties that concerned him. The Mayor reminded him that the City of Vero Beach will probably have four new council members in November.

Councilmember Atchison asked when the advertisement would be placed, and the Mayor said that it would be determined by the Council. Vice Mayor Ahrens asked how long Mr. Bradshaw would like to remain, and the Mayor said anywhere from two weeks through June 28. Mr. Clem explained why there is not a problem if he leaves soon, as the Departments run with little day-to-day input from the Town Manager. The utility negotiating team is the Mayor, Mr. Cadden and himself, and is beyond the Town Manager's expertise anyway. It should be a relatively seamless transition as the Mayor foresees. What is important now is to set the outside date as June 28 with no reason to have Robert sitting here longer than necessary.

Councilman Ochsner and Mr. Clem discussed the Town policy on rolling over vacation at length. Whether or not it was accrued at current or salary at that time was not clear. The Mayor asked if anyone had a problem with the settlement amount. Councilman Ochsner was concerned with the policy issue of accrued time off, and the Mayor asked that it be addressed at the next regular

