

**MINUTES OF THE HOWEY-IN-THE-HILLS TOWN COUNCIL MEETING
HELD MAY 11, 2015**

Mayor Sears called the Town Council Meeting of May 11, 2015 to order at 6:02 p.m.

Cub Scout and Boy Scout Troop No. 254 led the Pledge of Allegiance to the Flag

Mayor Pro-Tem Ernest led the Invocation

Present: Mayor Sears, Mayor Pro-Tem Ernest, Councilor Nebel, Councilor Conroy, and Councilor Mabry.

Also Present: Police Chief Thomas, Town Attorney Blom-Ramos, Administrative Assistant Rhoden and Town Clerk Brasher.

CONSENT AGENDA

Approval of the Town Council Meeting Minutes held March 9, 2015, March 23, 2015 and April 13, 2015

Mayor Pro-Tem Ernest, seconded by Councilor Conroy, moved to approve the Consent Agenda as presented. Motion carried 5-0 with a roll call vote.

NEW BUSINESS

Discussion of Lake County Trap, Neuter and Release Program

Councilor Conroy gave background. There were no Town Council comments on this item.

Discussion of SR 19 Road Right of Way Annexations

Police Chief Thomas gave detailed background on this item and requested that the Town Council consider this request. A lengthy discussion ensued.

It was the consensus of the Town Council for Police Chief Thomas to work with Town Planner Harowski on this item.

Consideration and Approval to Write off Utility Accounts for Tenants Only in the Amount of \$308.01

Town Clerk Brasher gave background on this item.

Councilor Nebel, seconded by Councilor Conroy, moved to approve the Utility Write Off for tenants only in the amount of \$308.01. Motion carried 5-0 with a roll call vote.

Discussion of Sales Sur-Tax Expenditures

Councilor Conroy gave detailed background on this item and said the majority of the sales sur-tax money comes from tourist tax. There were no additional comments.

Consideration and Approval of Separation Agreement for Ed Smith

Mayor Sears gave background on this item and said the Town needs to go another direction and gave examples. He said he discussed this agreement with Mr. Smith.

Councilor Conroy gave background and said in order to prevent the employee from getting injured, he suggested the employee's employment with the Town should end and the employee could continue to pay the employees health insurance through COBRA until the employee can draw Medicare. A lengthy discussion ensued regarding this agenda item.

Mayor Pro-Tem Ernest voiced his concerns as to how this is being handled and he said the evaluations were done in anger.

Public Services Director Smith said the evaluations are objective and nothing is subjective. He said the difference is between a two and a three on the evaluation is how the Mayor felt when he got up that day.

Mayor Pro-Tem Ernest said he does not like the position the Town has put him in as Mr. Smith's friend and pastor. **Councilor Conroy** said the employee put you in this position, not the Town.

Public Services Director Smith said there have been some misunderstandings, problems and hard feelings and he did not want this to happen. He said he offered to resign with two (2) conditions which were to allow him to work through December 31, 2015 as an employee and to have a guarantee that he would be an employee through that date. He said said the Town needs him to train the new employee on the water system.

Town Attorney Blom-Ramos said the employee is still at At-Will employee. **Mr. Smith** said he would not sign an agreement without a guarantee of employment and benefits.

Mayor Pro-Tem Ernest said he will not agree to a one-sided agreement. **Mayor Sears** asked for clarification and said this is a business decision and his intent is not to agree to any employment guarantee. **Councilor Nebel** clarified that the Town Council would need to approve termination of Mr. Smith. **Councilor Mabry** clarified that the employee is willing to resign with a guarantee of employment and benefits through December 31, 2015 and that is not in place right now. **Mayor Sears** said this is a two-way street and there is consideration on both parties for this agreement to occur and the agreement lays out the expectations on both sides.

Inaudible as not speaking into the microphones.

Bill Ford, resident on Mission Lane, voiced his concerns with the actions of the Town Council regarding this item. **Mayor Sears** gave background and specifics will not be discussed.

David Kilmartin, 128 E. Laurel Ave. said tonight that he is calling for the resignation of Councilor Ed Conroy as Councilor Conroy wants to make this a gated community and he has a personal agenda. He said Councilor Conroy is driving this behind the scenes and this is not Town business, this is a personal issue. **Mr. Kilmartin** said that he is watching Councilor Conroy and said Mayor Sears is next on the list. **Councilor Conroy** said he doesn't know what to say.

Councilor Nebel, seconded by **Councilor Conroy**, moved to approve the Separation Agreement for Ed Smith. Motion died with a roll call vote of 4-1 with Mayor Pro-Tem Ernest, Councilor Nebel, Councilor Conroy and Councilor Mabry voting no.

Councilor Mabry said issues do not need to be aired about Mr. Smith but the Town does need to go a different direction. He said he is not in favor of guaranteed employment and the Town needs to do what is in the best interest of the Town and the employee. **Mayor Sears** said there is no certainty and no one has a guarantee and he does not know how the Town is going to get there. **Councilor Nebel** said the employee's records are public and anyone can ask and receive a copy of them.

Councilor Conroy, seconded by **Mayor Pro-Tem Ernest**, moved to authorize Mayor Sears to negotiate on a new agreement with Public Services Director Smith with a date certain deadline. Motion carried 5-0 with a roll call vote.

MAYOR AND COUNCIL COMMENTS

Councilor Conroy suggested that other small municipal job descriptions be reviewed So the Town gets the optimal employee. He said the Employee Personnel Manual Should be on the fast track. **Town Clerk Brasher** asked why the Personnel Policy has never been amended since 1990, which is a valid question and point.

Mayor Sears said the following:

- Boat ramp is being re-done after the Town's 90th Birthday
- Hazardous sidewalks will be redone
- Property at 211 E. Laurel Ave will be demolished next week

PUBLIC COMMENTS

David Kilmartin, 128 E. Laurel Ave., said there are some severe sidewalk issues in front of his neighbors home and in front of his home as well. **Mayor Sears** said he has spoken with Mr. Kilmartins' neighbor and her sidewalk will be replaced.

Mr. Kilmartin voiced his concerns with employee training. **Mayor Sears** said this is not being discussed. **Mr. Kilmartin** said it was brought to the public. **Mayor Sears** said it was brought to a Public Meeting because the State of Florida Sunshine requires this to be addressed at a public meeting. **Mr. Kilmartin** said this is a personal issue and has nothing to do with work performance. **Mayor Sears** again said, we are not going to get into this. **Mr. Kilmartin** said we are already into it. **Mayor Sears** again said this employee matter is not going to be discussed any further.

The meeting adjourned at 7:05 p.m.



Chris Sears, Mayor

ATTEST:



Brenda Brasher, MMC
Town Clerk