

MAYOR
THOMAS F. SLATER

VICE MAYOR
ROBERT F. AUWAERTER

COUNCIL:
JESSE L. "SAM" CARROLL, JR.
BRIAN T. FOLEY
DEBORAH H. PENISTON



TOWN MANAGER
ROBERT H. STABE, JR.

TOWN CLERK
LAURA ALDRICH

TOWN ATTORNEY
CHESTER CLEM

MINUTES
SPECIAL CALLED MEETING
TOWN MANAGER CANDIDATE OPTIONS
Friday, January 4, 2019
9:00 a.m.
6001 N. SR A1A, Indian River Shores, FL 32963

1. **Call to Order**

- a. Invocation
- b. Pledge of Allegiance
- c. Roll Call

The meeting was called to order by Mayor Slater at 9:00 a.m. The Invocation was given and the Pledge of Allegiance recited before the Town Clerk called the roll as follows: **PRESENT:** Mayor **Slater**, Vice Mayor **Auwaerter**, Councilman **Foley**, Councilman **Carroll**, Councilmember **Peniston**, Town Manager **Stabe**, Town Clerk **Aldrich**, Executive Assistant Michelle **Fentress**, Captain Mark **Shaw**; **RESIDENTS:** Nancy **Auwaerter** (Ocean Colony), Mike **Ochsner** (The Estuary), Patty **Gundy** (Pebble Bay); **GUESTS:** W.D. **Higginbotham, Jr.**, Dona **Hunt**, Mike **Korpar** (John's Island), Janet **Begley** (Press Journal), Lisa **Zahner** (Vero Beach 32963)

2. **Minutes Approval 12-18-18 Special Called Council Meeting**

With no discussion, a **motion to approve the minutes of the December 18, 2018 Special Called Council meeting** was made by Councilman Foley and seconded by Councilman Carroll, which **passed 5-0**.

3. **Council Review of Candidates**

- a. Letter from McNees dated 12-20-18

Mayor Slater asked the Council to opine on the letter they had received from candidate Mike McNees as a follow-up to his interview. Councilmember Peniston said at the last meeting, she was in favor of hiring Mike McNees as Town Manager, and found his letter to be helpful in addressing some of the concerns that had been mentioned by Councilmen Carroll and Councilman Foley. She asked to resubmit his name for consideration.

Councilman Foley said the Vice Mayor's proposal to promote the Treasurer to an assistant town manager role did not muster three votes of support. He had spoken with and met with Mr. McNees, and after more than two hours, he had offered candid resolutions to most of the questions he asked, and was impressed with him, especially that his departure from the City of Melbourne resulted in his assistant being promoted, and this shows that he is capable of grooming a successor. Having continuity in case of an emergency situation is favorable, and he no longer has an objection to hiring Mr. McNees.

Vice Mayor Auwaerter said Mr. McNees is an okay candidate, but did not like that he is coming from a very large organization, and we do not operate that way. It's harder to run a small town than a large city, which he has seen from our current Town Manager. There are not people available to delegate many of the tasks that arise. In response to how he had handled such tasks in the past, Mr. McNees recalled an incident of having to find a shovel to remove a dead racoon from the side of the road. The Councilman's concern is that he can't get down in the weeds. He agreed that our process for hiring an executive is flawed, and suggested that Mercer reach out to those who were gainfully employed, not only those who were already looking. He suggested having them send out an email to the towns along the Gulf of Mexico and Atlantic Ocean, because running a waterside town is not the same as an interior town.

Councilman Carroll reiterated his summary from the last meeting that the candidates are each qualified and would be able to work with the Council and staff. His concerns with Mr. McNees' incentive, motivation, drive, and how much this job would mean to him led him to arrange a meeting after reading his letter. Councilman Carroll now wholeheartedly supports Mike McNees for the Town Manager position.

b. Other Considerations

Mayor Slater said he initially thought Mr. McNees would fit well and adjust to the team, and still feels of the three presented, was the best for this Town. In the meantime, two unsolicited (not through Mercer Group) appeals for consideration were received. One was from Joe Griffin, the former City Manager in Sebastian who retired recently and moved out of state. He and his wife did not "take" to retirement at this time, and would love to come back, and would not ask for relocation expenses. His leadership as a Marine fighter pilot and then a commercial pilot and other experience will enable him to do what's right, whether other people like it or not. The Mayor was very impressed with his resume. We also received a resume from Gregg Lynk, the former City of Palm Bay manager, who heard through local news, not through Mercer Group. He agreed with what the Vice Mayor said, the system of hiring was not very effective. He suggested that we have Mercer Group review these two individuals to see if they are viable candidates in order to get the best possible manager.

Councilmember Peniston asked why these two were not in Mr. Higginbotham's group. The Mayor said Joe Griffin didn't respond because he was retired, and reviewed more of his qualifications. Vice Mayor Auwaerter spoke of Mr. Griffin's address he had heard at the Taxpayer's Association, and the Mayor added that a letter of support of Mr. Griffin from Councilman Iovino in Sebastian was received.

Mayor Slater asked Mr. Lynk, whom he had invited and who was able to attend the meeting, to speak to the Council. He had been with the City for 3½ years, and had noticed that the Town was looking for a manager in an article in the newspaper, with an indeterminate deadline for further applicants. He is applying because the Town offers the quality of life he is looking for compared to Palm Bay, which 2 years ago was the fastest growing city in America. He said the Council has a clear vision and he was intrigued by the Town's philosophy. Councilmember Peniston asked how he became unemployed, and he stated that he was released without cause from the City of Palm Bay. The Vice Mayor asked what their concerns were in Palm Bay, and he discussed the dynamics of the Council that had recently changed.

Again, the Mayor suggested that they postpone the vote. Vice Mayor Auwaerter agreed with the Mayor and **made a motion to have W.D. Higginbotham evaluate these two candidates in the same manner as the others and then schedule a meeting.**

Councilman Foley expressed a concern about the certainty of this process, if it is only for these two candidates, or is it open-ended for other considerations, noting Mr. Stabe's willingness thus far to stay on who would also like to have certainty. Councilmember Peniston agreed, and added concern about the union negotiations in process. Councilman Carroll said he did not believe the search process was flawed, but rather the initial search process was flawed. Once aspect could have been improved, that was the meet and greet and a follow-on short 30-minute interview process as pointed out by Mike McNees. He gives him great credit for taking the initiative to write the letter, and thinks he is the best person for this job after reading the qualifications of the other two. He was not in favor of continuing the search or reopening it, but preferred taking a vote today and was ready to make a motion to select Mike McNees.

The Mayor asked if there was a second to Vice Mayor Auwaerter's motion, which the Mayor **seconded.** Councilman Foley suggested **an addendum to the motion to limit the candidates to those three candidates only, Mr. McNees, Mr. Lynk and Mr. Griffin,** which was **accepted into the motion by the Vice Mayor and Mayor and passed 3-2,** with Councilmember Peniston and Councilman Carroll voting Nay.

Mayor Slater said he will call Mr. Higginbotham after the meeting and let them know of the Council's decision, and also instate a background check. He also will let Mike and Joe know, and asked Chief Rosell to expedite the background check to be performed immediately.

4. **Council Recommendation**

Councilmember Peniston summarized that in the next 20 days before the Council meeting on the 24th, Mr. Higginbotham would be performing an in-depth check on these two additional candidates, and a meeting

would be scheduled with each of them for individual Council members. Councilman Carroll said he would be out of town from the 14th through 21st of January, followed by IEMO in Jacksonville scheduled for him and for Councilman Foley on the 24th.

Councilman Foley and Councilmember Peniston offered to see Mr. Lynk immediately or over the weekend rather than waiting for Mr. Higginbotham. Mayor Slater said the Council makes the final decision, and 45-minutes of one-on-one time with each candidate is not enough for the Council. The Mayor also noted that one of the comments by Mike McNees was that he was looking forward to finishing time needed for the Florida Retirement System (FRS) benefit, of which the Town is not a participant. Councilman Carroll invited Treasurer Christmas to address the retirement benefits, and she informed them that the town manager is in a separate class of retirement in the FRS system, and would have to investigate it further as we are not a member. In the past the Town has offered ICMA to upper management with immediate vesting rather than 7 years, and the Town matching 11% to the manager's 5% contributions. Labor attorney advice would have to be sought if reopening the Defined Benefit plan was pushed as an option, which is probably not a good idea.

The Mayor directed the Town Clerk to set up interviews for Mr. Lynk today, and also with Mr. Griffin.

5. **Audience Questions** (9:45)

Former Vice Mayor Mike Ochsner, 130 Waterway Lane, said this meeting is precipitated by a situation caused by a medical condition (stress), and that has largely been eliminated. The current town manager has indicated that he is willing and able to stay on. As one resident who has served the Town since 2007 in Public Safety as a volunteer, on Finance Committee, and as a Councilman and Vice Mayor, he has come to know Mr. Stabe very well. He is a good, honest man who cares about this Town. The proposal from Vice Mayor Auwaerter bears further consideration, he urged, adding we should let him stay.

(9:47) William Ferrell, 12546 N. Highway A1A north of the Town, is a cattle rancher in Brevard County. He been working on the St. John's Heritage Parkway, a new corridor west of I-95, very closely with City of Melbourne, West Melbourne, Brevard County, and the Indian River County Commission. They have raised over \$190 million on this project, and he has worked closely with Gregg Lynk for four years. He has been very impressed with him, knowing him to be a good candidate, and even though he has also worked with Mike McNees, he had no reservations in recommending Mr. Lynk. He left business cards related to the project for the Council.

Town Clerk Aldrich asked for **clarification on setting the meetings**, and was told that 2-hour meetings are desired with Joe Griffin and Mr. Lynk. Councilman Foley would meet with Mr. Lynk following this meeting, and the Vice Mayor preferred setting his own time with Mr. Lynk.

(9:52) Mr. Ralph McCray, Pebble Beach Villas, reaffirmed his support for Vice Mayor Auwaerter's proposal at the last meeting. He has known Mr. Stabe a long time, and believes he is an excellent manager, easy to work with and yet firm in his position. It is ideal situation, and questioned why they would not take advantage of this and instead, spend time and more money when talent is right here.

(9:54) Mr. Stabe said there is a negotiation session scheduled for January 10, and the attorney will be working through the issues with the Town Manager and Treasurer to have a package ready for the Council within 7-10 days from the 10th. He asked the Council if they could have an **executive (closed) session** on Monday, January 14th in the afternoon (Councilman Carroll is not available) or Tuesday January 15th in the morning (Councilmember Peniston is not available). Councilman Carroll asked why it could not be done before the 14th, and discussed attending by conference call with Mr. Clem. The Town Attorney advised against this exception to the Sunshine Law for phone attendance as he could not vote, but he could listen in. Councilman Foley suggested they have it a week later on the 21st, as having four or five days would be most helpful to digest this substantive information. The Town Manager was tasked with checking with the labor attorney for this session on **January 22nd or 23rd in the afternoon.**

6. **Adjournment** 10:01 AM

Respectfully submitted,
/s
Laura Aldrich, MMC
Town Clerk

Approved by Council at the January 24, 2019 Town Council Meeting.