

**TOWN OF WINDERMERE
SPECIAL TOWN COUNCIL MEETING AGENDA**

Meeting 7:00 P.M.

March 28, 2011

Special Meeting called by Council Members Molly Rose, Jim O'Brien and Mike Pirozzolo

- A. CALL TO ORDER**
- B. Senior Staff Matters**
- C. Potential Deputy Mayor**

PLEASE NOTE: Pursuant to Resolution No. 2005-12 adopted on December 13, 2005, the following Civility Code shall govern all proceedings before the Town of Windermere Town Council:

1. All electronic devices, including cell phones and pagers, shall be either turned off or otherwise silenced.
 2. Prolonged conversations shall be conducted outside Council meeting hall.
 3. Whistling, heckling, gesturing, loud conversations, or other disruptive behavior is prohibited.
 3. Only those individuals who have signed the speaker list and/or who have been recognized by the Mayor (or Chair) may address comments to the Council.
 5. Comments at public hearings shall be limited to the subject being considered by the Council.
 6. Comments at Open Forums shall be directed to Town issues.
 7. All public comments shall avoid personal attacks, and abusive language.
 8. No person attending a Town Council meeting is to harass, annoy or otherwise disturb any other person in the room.
- Any member of the public whose behavior is disruptive and violates the Town of Windermere Civility Code is subject to removal from the Town Council meeting by an officer and such other action as may be appropriate.

PLEASE NOTE: IN ACCORDANCE WITH F.S. 286.0105: Any person who desires to appeal any decision at this meeting will need a record of this proceeding. For this, such person may need to ensure that a verbatim record of such proceeding is made which includes the testimony and evidence upon which the appeal is to be based. ALSO, IN ACCORDANCE WITH F.S. 286.26; Persons with disabilities needing assistance to participate in any such proceeding should contact the Office of the Town Clerk at least 48 hours beforehand at (407) 876-2563.

TOWN OF WINDERMERE

Town Council Meeting Minutes

March 28, 2011

A. CALL TO ORDER:

Present were Mayor Gary Bruhn, Council Members Norma Sutton, Richard Irwin, Molly Rose, Jim O'Brien, and Mike Pirozzolo. Attorney Tom Wilkes, Public Works Director Craig McNeal and Police Chief Mike McCoy were also present. Manager Cecilia Bernier and Town Clerk Burkhalter were absent.

Mayor Bruhn called the meeting to order at 7:00 p.m. and noted that a quorum was present.

Member Sutton stated she has a "Point of Order". She requested that the Mayor respectfully recues himself from chairing the meeting. Member Sutton explained that this is a special meeting called by the Council regarding an issue that was incited by the Mayor at the past meeting. She further explained that she felt the Mayor could not be objective during the discussion and does not have a vote and should not take place in the discussion. Member Sutton then stated that she respectfully requests that the Mayor step down for this meeting. Mayor Bruhn stated that the Charter stated that the Mayor presides over the Council meetings. He then stated that if he did step down, it would violate the Charter.

Mayor Bruhn then gave the invocation. He then welcomed Mike Pirozzolo and Jim O'Brien as newly elected officials for their first two year term. Mayor Bruhn then congratulated Molly Rose on being elected to her second two year term. He then stated that each member has been sworn into office and are official. Mayor Bruhn then addressed Member Sutton's point of order. He explained that the Town Charter states that the Mayor is required to chair the Council meeting and by not doing so, he would violate the Charter. Member Sutton stated that per the Charter, the Council has the right to abandon the rules. Member Sutton made a motion to abandon the rules of order for procedure, that the Mayor recues from chairing this special meeting only, and a Deputy Mayor is selected to chair this meeting. Member Irwin seconded the motion. Discussion followed. Roll call vote was as follows: Rose – no, Irwin – no, Sutton – yes, O'Brien – no, and Pirozzolo – no. Motion failed 1-4.

B. SENIOR STAFF MATTERS:

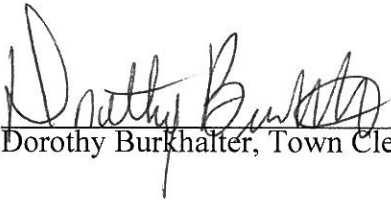
Mayor Bruhn stated that this meeting was called by Members Rose, Pirozzolo, and O'Brien. Member Rose stated that Mrs. Bernier has submitted her resignation. She stated that the first order of business should determine if the resignation is accepted and then the second should be the next steps in the process. Member Rose briefly reviewed the resignation agreement. Member Rose made a motion to accept the resignation as written, proceed with negotiations, a liaison from the town to be present, and negotiate a severance package that is fair to Mrs. Bernier and the Town. Member Rose explained that a severance package for Mrs. Bernier who has been with the Town for 28 years is the right course of action. Mayor Bruhn stated he agreed. Discussion followed regarding timing for retaining Mrs. Bernier until someone is hired and the proposed budget meeting and deadlines. Member Pirozzolo stated he had concerns with issues that are on the table. He stated he would like a definite date of resignation. Member Pirozzolo stated that the Town offices needed to be stabilized immediately. Member Irwin stated he agreed. He then stated that a Committee needed to be formed for a new candidate. Member Pirozzolo stated he would like the resignation to be effective immediately, appoint an Interim (Mike McCoy), and engage a consultant package with Mrs. Bernier. Member Sutton stated that she would not like to add additional responsibility to Chief McCoy. She then stated many reasons why Manager Bernier should be retained. Mayor Bruhn stated that the Florida League of Cities has contacts for potential interims. Member Rose stated that Mrs. Bernier is not being terminated but resigning. She then commented that Mrs. Bernier should be treated with respect. Discussion followed. Member Irwin stated that as the Liaison of Administration, he would like to review and work an agreement with the Town Manager and bring it forward at the next Council meeting on April 12th. Member O'Brien stated that he agreed with Member Irwin. Member Rose amended her motion to include that Manager Bernier stays employed until a new Manager is hired. Member Irwin called the question. Member Pirozzolo stated that he would like Mrs. Bernier treated fairly, with respect and give her what is due to her and offer her an appropriate package and retain her services. Roll call vote was as

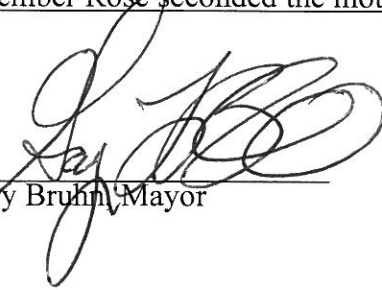
follows: Pirozzolo – no, O’Brien – yes, Sutton – yes, Irwin – yes, and Rose – yes. Motion carried 4-1. Discussion was made regarding a Town Manager Search Committee. Member Sutton suggested having each Council Member nominate one name for the committee. Further discussion followed. Mayor Bruhn reviewed the discussion as each Council member will forward a resident’s name to the Town Attorney, who will then assemble the committee, and hold the first meeting to move the committee forward. Member Rose made a motion to have each Council member submit one name to Attorney Wilkes by Friday, so a committee will be established that will short list candidates for the Town Managers position. Member O’Brien seconded the motion. Roll call vote was as follows: Pirozzolo – yes, O’Brien – yes, Sutton – yes, Irwin – yes, and Rose – yes. Motion carried 5-0. Member Rose stated that Amy Buchanan will be leaving the Town effective April 1st. She is requesting that the Town continue to utilize Mrs. Buchanan as a consultant to complete the 1890 school house project. Member Rose stated that Mrs. Buchanan would come in a couple hours on Fridays. Member Irwin questioned if Mrs. Buchanan could have her proposal in by the April meeting. After some discussion, this item will be brought back for the next Town Council meeting.

C. POTENTIAL DEPUTY MAYOR:

Member Pirozzolo questioned that in the absence of the Mayor, who would take his place. Member Rose stated that the Charter states that the Mayor would designate the replacement.

Member Irwin made a motion to adjourn the meeting. Member Rose seconded the motion. All were in favor.


Dorothy Burkhalter, Town Clerk


Gary Bruhn, Mayor