

AGENDA

Lake Park Town Commission

Town of Lake Park, Florida

Special Call Commission Meeting

Monday, October 25, 2004 at 7:30 p.m.

Lake Park Town Hall

535 Park Avenue

Paul Castro	—	Mayor
G. Chuck Balius	—	Vice Mayor
Paul Garretson	—	Commissioner
Jeff Carey	—	Commissioner
Edward Daly	—	Commissioner

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Thomas J. Baird, Esq.	—	Town Attorney
Stephanie Thomas	—	Town Clerk

PLEASE TAKE NOTICE AND BE ADVISED, that if any interested person desires to appeal any decision of the Town Commission, with respect to any matter considered at this meeting, such interested person will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. *Persons with disabilities requiring accommodations in order to participate in the meeting should contact the Town Clerk's office by calling 881-3311 at least 48 hours in advance to request accommodations.*

- A. **CALL TO ORDER**
- B. **INVOCATION**
- C. **PLEDGE OF ALLEGIANCE**
- D. **ROLL CALL**
- E. **ADDITIONS/DELETIONS - APPROVAL OF AGENDA**
- F. **PRESENTATIONS**

G. PUBLIC and OTHER COMMENT

This time is provided for audience members to address items that **do not** appear on the Agenda. Please complete a comment card and provide it to the Town Clerk so speakers may be announced. Please remember, comments are limited to a **TOTAL** of three minutes.

- H. CONSENT AGENDA** All matters listed under this item are considered to be routine and action will be taken by one motion. There will be no separate discussion of these items unless a Commissioner or person so requests, in which event the item will be removed from the general order of business and **considered in its normal sequence on the Agenda.** Any person wishing to speak on an Agenda item is asked to complete a public comment card located in the rear of the Chambers and give it to the Town Clerk. **Cards must be submitted before the item is discussed.**

For Approval:

None.

I. DISCUSSION AND POSSIBLE ACTION

1. Separation Agreement between the Town of Lake Park and Mr. J. Douglas Drymon. ←TAB 1
2. Selection of Interim Town Manager. ←TAB 2

J. COMMENTS BY COMMISSION, TOWN MANAGER, TOWN ATTORNEY

K. ADJOURNMENT

TAB 1

**Town of Lake Park Town Commission
Agenda Request Form**

Meeting Date: October 25, 2004 Agenda Item No. ___

- | | |
|--|---|
| <input type="checkbox"/> PUBLIC HEARING | <input type="checkbox"/> RESOLUTION |
| <input type="checkbox"/> Ordinance on Second Reading | <input type="checkbox"/> DISCUSSION |
| <input type="checkbox"/> Public Hearing | <input type="checkbox"/> BID/RFP AWARD |
| <input type="checkbox"/> ORDINANCE ON FIRST READING | <input type="checkbox"/> CONSENT AGENDA |
| <input checked="" type="checkbox"/> GENERAL APPROVAL OF ITEM | |
| <input type="checkbox"/> Other: | |

SUBJECT: Separation Agreement for J. Douglas Drymon

RECOMMENDED MOTION/ACTION: Approve agreement.

Approved by Town Manager *J. Douglas Drymon* Date: 10-22-04

Originating Department:	Costs: \$ Funding Source: Acct. #	Attachments:
Department Review: <input checked="" type="checkbox"/> City Attorney <i>JDB</i> <input type="checkbox"/> Community Affairs <input type="checkbox"/> Community Development	<input type="checkbox"/> Finance _____ <input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> PBSO _____	<input type="checkbox"/> Personnel _____ <input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Clerk _____ <input checked="" type="checkbox"/> Town Manager <i>J.D.D.</i>
Advertised: Date: _____ Paper: _____ <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be an agenda.	Yes I have notified everyone _____ Or Not applicable in this case _____ Please initial one.

Summary Explanation/Background: As directed by the Town Commission at its October 20, 2004 meeting, the Town Attorney has prepared the attached Separation Agreement between the Town of Lake Park and Town Manager J. Douglas Drymon. As agreed to by a vote of the Town Commission, the terms of the Separation Agreement were drafted based on those included in Mr. Drymon's existing employment contract with the Town.

SEPARATION AGREEMENT AND RELEASE

This Separation Agreement and Release (hereinafter the "Agreement") is made and entered into by and between the Town of Lake Park (hereinafter referred to as "Town") and J. Douglas Drymon (hereinafter referred to as "Drymon").

The parties desire to settle fully and finally all matters and potential differences between them arising out of Drymon's employment by the Town as Town Manager. Therefore, in order to achieve this result, the parties agree to the following:

1. The next business day following the execution of this Agreement, Drymon shall submit his voluntary irrevocable letter of resignation. Drymon shall vacate his office, return any Town property, including keys, and remove all of his personal property.
2. In consideration of this resignation, the Town shall pay four (4) months salary. This payment shall be paid in lump sum within four (4) business days of the parties' execution of this Agreement. Drymon acknowledges by his signature below that he is not already entitled to the amounts provided in this Agreement. In addition, Drymon shall be entitled to all leave time which has accrued up to the day of execution of this Agreement.
3. In consideration of this severance payment, Drymon shall provide and shall be available for such consulting services as requested by the Town Commission or Interim Town Manager through February 25, 2005. Drymon shall provide these consulting services during this four (4) month period, unless and until he provides the Town notice that he has secured another full-time employment position.
4. The Town agrees to supply a defense of any lawsuits, which have been filed, or may be filed, against Drymon in regards to any actions or inactions taken by Drymon during his tenure in his official capacity as Town Manager.
5. In consideration of the promises of the Town and Drymon, the parties agree to execute the mutual Releases attached hereto and incorporated herein.
6. This Agreement shall not be construed as or deemed to be evidence of an admission of any liability whatsoever on the part of Drymon or the Town.
7. This Agreement contains the entire Agreement and complete settlement of the parties, and no other statements, promises or understandings of any party may alter the plain meaning of the terms of this Agreement.

Intending to be legally bound, the parties execute this Agreement and Release this
_____ day of _____, 2004.

TOWN OF LAKE PARK

J. DOUGLAS DRYMON

By: _____
Paul W. Castro, Mayor

By: _____

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY

By: _____
Thomas J. Baird, Esq.
Town Attorney

E:\TJBLP.GeneralSeparation.Drymon.wpd

GENERAL RELEASE

KNOW ALL MEN BY THESE PRESENTS:

That I, J. DOUGLAS DRYMON, first party, for and in consideration of the sum of Ten & 00/100 (\$10.00) Dollars, and other valuable considerations, received from or on behalf of the TOWN OF LAKE PARK, a Florida municipal corporation, second party, the receipt whereof is hereby acknowledged.

(Wherever used herein the terms "first party" and "second party" shall include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)

HEREBY remise, release, acquit, satisfy, and forever discharge the Town of Lake Park, its employees, officials or agents, whether appointed, or elected, of and from all, and all manner of action and actions, cause and causes of action, suits, debts, dues, sums of money, accounts, reckonings, bonds, bills, specialties, covenants, contracts, controversies, agreements, promises, variances, trespasses, damages, judgments, executions, claims and demands whatsoever, in law or in equity, which said first party may have, or which any personal representative, successor, heir or assign of said first party, hereafter can, shall or may have, against said second party, for, upon or by reason of any matter, cause or thing whatsoever, from the beginning of the world to the day of these presents, which are based on or are in any way related to the employment of the first party by the Town of Lake Park, including, but not limited to, claims or actions arising under state or federal statutes, and any and all actions that first party may have had or may now have in tort or contract.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this _____ day of _____, A.D., 2004.

By: _____
J. Douglas Drymon

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this _____ day of _____ 2004, by J. DOUGLAS DRYMON, who is personally known to me or has produced _____ as identification.

Notary Public (Signature)

Notary Name (Typed or Printed)
My Commission Expires: _____

GENERAL RELEASE

Know all Men By These Presents:

That the Town of Lake Park, for and in consideration of the sum of Ten and No/100 (\$10.00), and other good and valuable consideration, the receipt of which is hereby acknowledged, hereby unconditionally releases J. Douglas Drymon, from any and all suits, claims, interests, costs (including attorney's fees and costs actually incurred), expenses, liabilities, rights, obligations, promises, agreements, losses, debts, demands, causes of action, known or unknown, fixed or contingent, which it may have or claim to have against J. Douglas Drymon arising or which may have existed at any time prior to the effective date of this agreement and waiver with regard to his employment with the Town of Lake Park.

IN WITNESS WHEREOF, we have hereunto set our hand and seal this ____ day of _____, 2004.

TOWN OF LAKE PARK

By: _____
Paul W. Castro, Mayor

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this ____ day of _____ 2004, by PAUL W. CASTRO, who is the Mayor of the Town of Lake Park, who is personally known to me or has produced _____ as identification.

Notary Public (Signature)

Notary Name (Typed or Printed)
My Commission Expires: _____

TAB 2

**Town of Lake Park Town Commission
Agenda Request Form**

Meeting Date: October 25, 2004

Agenda Item No. 2

- | | |
|--|--|
| <input type="checkbox"/> PUBLIC HEARING
<input type="checkbox"/> Ordinance on Second Reading
<input type="checkbox"/> Public Hearing

<input type="checkbox"/> ORDINANCE ON FIRST READING

<input type="checkbox"/> GENERAL APPROVAL OF ITEM

<input type="checkbox"/> Other: PRESENTATION | <input type="checkbox"/> RESOLUTION

<input checked="" type="checkbox"/> DISCUSSION

<input type="checkbox"/> BID/RFP AWARD

<input type="checkbox"/> CONSENT AGENDA |
|--|--|

SUBJECT:

Selection of Interim Town Manager

RECOMMENDED MOTION/ACTION:

Approved by Town Manager



Date: 10-22-04

Originating Department: Clerks Office	Costs: \$ _____ Funding Source: _____ Acct. # _____	Attachments:
Department Review: <input checked="" type="checkbox"/> City Attorney _____ <input type="checkbox"/> Community Affairs _____ <input type="checkbox"/> Community Development _____	<input type="checkbox"/> Finance _____ <input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> PBSO _____	<input type="checkbox"/> Personnel _____ <input type="checkbox"/> Public Works _____ <input checked="" type="checkbox"/> Interim Town Clerk _____ <input type="checkbox"/> Town Manager _____
Advertised: Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ OR Not applicable in this case <u>XX</u> : <small>Please initial one.</small>

Summary Explanation/Background:

No backup has been requested as to the contents of this discussion.