

**DeFuniak Springs City Council
Special Meeting Minutes
Council Chambers
April 19, 2021**

The following Council members were present: Mayor Bob Campbell, Mayor Pro-Tem Robert McKnight (Seat 2); Councilmember Todd Bierbaum (Seat 1); Councilmember Kevin Crystal (Seat 3); Councilmember Henry D. Ennis (Seat 4), and Councilmember Wayne Graham (Seat 5). Staff present: City Attorney Clay Adkinson, City Clerk Maryanne Schrader, and Finance Director Debra Gibson.

Mayor Bob Campbell called the meeting to order at 3:00 p.m. stating the purpose of the meeting is for employment negotiations for the City Manager position.

Mayor Bob Campbell went over the counteroffer from Robert Thompson:

First bullet point - Term- 18-month Employment Contract effective May 31, 2021. After one year (12 months) there will be an evaluation (written, discussed and presented). The City Council will consider a mutually agreeable longer term.

The Council was okay with the term in the first sentence. Councilmember R. McKnight stated the eighteen months would carry him to November 30, 2022.

City Attorney Clay Adkinson said the second sentence should be consistent with the personnel policy. After discussion, the Council determined to strike the last sentence in the first bullet point.

Discussion ensued on the language for the type of and the length of time for the evaluations and whether to make it part of the offer.

Councilmember T. Bierbaum stated the semi-annual review should fit with the current policy, stating in the interview Mr. Thompson mentioned doing semi-evaluations. He added six months would be a good base line.

Councilmember R. McKnight suggested creating a new policy on how we evaluate a city manager, so he can have feedback and be on the right track at the six-month mark.

City Attorney Clay Adkinson noted May 31st is Memorial Day, which is an official holiday. Council agreed to change the first bullet to - Term of 18-month Employment Contract effective June 1, 2021.

For the second bullet point, Council discussed the salary and evaluations agreeing to add the bullet point that the City Manager will be evaluated based on the city's personnel policy of every six months in the manner and method approved by the Council.

Councilmember R. McKnight suggested the pay should be dependent upon a minimum of a satisfactory effective employment evaluation. City Attorney Clay Adkinson added that could be

written into the contingency adding “every six months from June 1 forward added in an additional bullet point”.

For the second bullet point, Council agreed on the following language – the base annual salary of \$109,000.00, with a potential increase to the total amount of \$120,000.00 after the first six (6) months, with said increase contingent on satisfactory or better employment evaluations from the City Council.

City Attorney Clay Adkinson advised placing the evaluation policy on the next agenda.

Council approved changing the third bullet point by adding a one-time initial relocation expense in the amount of \$7,000.00.

On the fourth bullet point, Council agreed that the manager could use the city vehicle by adding City vehicle for official use per City policy.

On the fifth bullet point, Councilmember T. Bierbaum stated he wanted to strike through the gas allowance request.

Discussion ensued on the sick and vacation benefits. Finance Director D. Gibson said an employee accrues sick time and vacation at four hours a paycheck but cannot use vacation until after the first six months of employment. Council agreed to offer benefits commonly conferred to all City employees.

Discussion ensued on the next bullet point regarding severance pay. City Attorney Clay Adkinson advised that the severance pay should be clearly spelled out.

Councilmember T. Bierbaum mentioned the severance should be two months at the most and only after the initial six months evaluation. However, Councilmember K. Crystal, said he should not get it all adding the general rule is that when you turn in your resignation, it is effective that day. He is looking for a good fit for our staff, however, he could agree with a month of severance.

In response to Councilmember T. Bierbaum’s question on severance and benefits, Finance Director D. Gibson said an employee can only receive one-fourth of the sick time after five years.

Councilmember T. Bierbaum offered we could offer one month of severance and a month of vacation time. Finance Director D. Gibson added an employee would not receive vacation time if fired with cause. City Attorney Clay Adkinson said the phrase terminate for cause, as determined by the Council could be included to give Council flexibility.

Council agreed to pay the City Manager a lump sum cash payment equal to one (1) month aggregate salary.

In response to Councilmember R. McKnight’s question on why any act of moral turpitude was included, City Attorney Clay Adkinson said that language could be removed from the offer.

Discussion ensued on the lump sum payment, whether it should be tied to a satisfactory evaluation and the time period, and mutual separation. Council agreed to strike the last sentence in the bullet point.

Council agreed to state the last bullet point to read that the city manager shall be eligible for severance upon receiving satisfactory or better employment evaluations from the City Council after his first six (6) months of employment, subject to termination by the City Council prior to the end of the term of the employment contract for any reason other than for cause determined by the sole discretion of the City Council, with the City Manager being entitled to a lump sum equal to one month aggregate pay. Adding in an extra bullet point, if the City Manager voluntarily resigns his position with the City, he shall not be eligible for any severance pay, unless by mutual agreement.

Councilmember K. Crystal thanked Councilmember T. Bierbaum for the foresight of the schedule he had put together.

Motion by Councilmember T. Bierbaum and seconded by Councilmember K. Crystal to approve the counteroffer to candidate, Robert Thompson.

Vote: Councilmember Robert McKnight, aye; Councilmember Todd Bierbaum, aye; Councilmember Kevin Crystal, aye; Councilmember Henry D. Ennis, aye; and Councilmember Wayne Graham, aye. Ayes - 5; Nays - 0. Motion passed by a 5 to 0 vote for approval.


Discussion ensued on the limits to the flexibility of negotiation. City Attorney Clay Adkinson offered if it were a substantive term issue, we would have to bring it back advising the terms have to be approved 5 - 0. He added after Monday, the vote will be with a different Council.


Council agreed the deadline for a response from Mr. Thompson would be set for Wednesday, 5 p.m. CDT.

Mayor Campbell adjourned the meeting at 3:50 p.m.

Approved:

Attest:


Minutes submitted by Maryanne Schrader, City Clerk
Proper notice having been duly given


Mayor Robert "Bob" Campbell

