

MINUTES
GREENVILLE TOWN COUNCIL
Regular Session, Monday, April 13, 2020, 6:00 PM Via Zoom
CITY HALL, 154 SW OLD MISSION AVENUE, GREENVILLE FL 32331

ALSO PRESENT: Edward Dean, Town Manager
John Reid, Town Attorney
Kimberly Reams, Clerk
Wayne Malone, Public Works Director

1. Call to Order: Mayor Brown called the meeting to order at 6:10 PM.
2. Roll Call by the Clerk: Mayor Brittini Brown, Councilmember Bobby Burnett, Councilmember Kathleen Hamilton, Vice Mayor Calvin Malone and Councilmember Brandi Tillman were present.
3. Invocation and Pledge of Allegiance: Silent prayer was followed by the pledge of allegiance led by Vice Mayor Calvin Malone.
4. Reading and Approval of the Agenda: Mayor Brown requested changing the order of the meeting to move item 11 to item 15.

MOTION: Mr. Malone moved to add to the agenda Discussion/Action on Insurance and Audit Firms; second by Ms. Tillman. Motion passed unanimously.

MOTION: Mr. Malone moved to approve the agenda as amended; second by Ms. Tillman. Motion passed unanimously.

5. Approval of Minutes:

MOTION: Ms. Tillman moved to approve the minutes of **March 19, 2020 Regular Session** and **April 10, 2020 Special Session**; second by Ms. Hamilton

	<u>Yay</u>	<u>Nay</u>
Mayor Brown	X	
Mr. Burnett	X	
Ms. Hamilton	X	
Mr. Malone	X	
Ms. Tillman	X	

Motion passed unanimously.

6. Consideration of Council Member Absences: None.
7. Citizens Comments: Mr. David Thomas Owner and General Contractor of Chief Cornerstone Construction stated that he bid on the sewer project and was the lowest bidder. He went on to state that his was a minority owned business and he looked forward to working with the city of Greenville once the contract is awarded. Ms. Hinton was concerned about protective equipment for the maintenance staff. Ms. Hinton asked if that had been addressed by council. Mayor Brown stated that it had been addressed with Mr. Malone and the public works staff had what they needed for protection during this pandemic. There was no other comment.
8. Consent Agenda: Mayor Brown stated that she would like to use the consent agenda more to facilitate timely meetings. Mayor Brown went on to state that any item on the consent agenda can be removed for discussion. It was the consensus of the board to utilize the consent agenda.
9. Resolution 2020-06 related to waiver of council rules pertaining to quorum requirements: Mr. Reid stated that Resolution 2020-06 essentially brings us in line with the state executive orders

regarding quorum requirements for local governments. State law and the attorney general opined that you must have a majority of council members in person physically to meet the quorum requirement. That has been suspended under the state of emergency due to the Covid-19 crisis. Mr. Reid stated that we have that also in our rules. This suspends our rules for purposes of the quorum requirement and ties it to the state executive order. Once the state rescinds the executive order we will return to our rules as previously written. The following motion was made.

MOTION: Ms. Tillman moved to adopt Resolution 2020-06; second by Ms. Hamilton.

	<u>Yay</u>	<u>Nay</u>
Mayor Brown	X	
Mr. Burnett	X	
Ms. Hamilton	X	
Mr. Malone	X	
Ms. Tillman	X	

Motion passed unanimously.

10. Resolution 2020-07 related to extension of COVID-19 policy regarding municipal water services: Mayor Brown stated that at the last meeting she suggested making a policy to suspend late fees and disconnections for thirty (30) days due to Covid-19 (board approved). Mayor Brown went on to say that she is asking that the policy be extended. Mayor Brown said that the resolution extends the policy through May 12, 2020. The following motion was made.

MOTION: Mr. Malone moved to adopt Resolution 2020-07; second by Ms. Tillman.

- Mr. Malone stated that he would prefer to make a motion from the table rather than have the Town Attorney draft a resolution if another extension is required. It was the consensus of the board to make a motion from the table.

	<u>Yay</u>	<u>Nay</u>
Mayor Brown	X	
Mr. Burnett	X	
Ms. Hamilton	X	
Mr. Malone	X	
Ms. Tillman	X	

Motion passed unanimously.

11. Discussion/Action related to Town Management's employment status: Mayor Brown stated that this issue has been on the agenda a few times but had never resolved her concern. Mayor Brown went on to say that there have been instances of confusion as to whether the Town Manager was a contractor and we need to follow the terms of the contract or if he was a regular town employee following the personnel policies. Mayor Brown stated that she wanted to discuss and make a determination one way or the other. Mayor Brown went on to state that there had been an issue in which the Inspector General's office found that Mr. Dean in the Town Managers position should be an employee rather than a contractor. Mr. Malone stated that he would like to see that report/document. Mayor Brown asked the town clerk to comment on the Inspector General report. Ms. Reams stated that she did not arbitrarily move Mr. Dean from contractor status to employee. She went on to say that we had an Inspector General audit of our retirement account. Ms. Reams stated the Inspector General asked for a copy of Mr. Dean's contract. The contract was sent to their legal department and they determined that Mr. Dean is an employee of the town and filling a regularly established position and his wages should be reported to Retirement. Ms. Reams stated that the documentation is on file in her office. Mr.

Dean stated that on the Inspector General Documentation it states that I should be reclassified as a part-time employee. Mr. Dean stated that he would much prefer being a contractor. Mr. Reid stated that his recollection was that Mr. Dean wished to remain as an independent contractor because when he became an employee he lost all of his self-employment deduction. Mr. Reid went on to say that as far as the leave it is simply in line with our personnel policies. Mayor Brown stated now that we have the background we have established that we have a part-time employee. Mayor Brown asked if the contract can be done away with. Mr. Reid stated that the agreement is mute on some points. He went on to state the benefit of having the contract in place is that it provides rights and responsibilities and it provides some deliverables for the board. Mr. Reid stated that he and the Mayor had discussed that going forward we can either enter a new contract as an employee (you can be an employee and have a contract that outlines your rights and responsibilities) or we can incorporate that through our new HR policies which are forthcoming. Mayor Brown asked the board to determine if they want an employee that has a contract or to dissolve this contract and just have our town manager as an employee and follow the forthcoming personnel policies and job descriptions. Mr. Malone stated that he didn't feel the need to have a contract. He went on to say he felt the contract should be abolished. Mr. Dean asked the town attorney if the board could unilaterally abolish his contract. Mr. Reid stated that his personal preference would be to paper this issue. Mr. Reid stated that the document is outdated and a new document needs to be done and that would be acceptable to both parties. Mr. Baptiste, Mr. Dean's counsel was recognized by the Mayor. Mr. Baptiste stated that on page four of five pages of the current agreement which was executed on the sixteenth of October 2017 this board only have the authority to give notice of intent to terminate this contract. Mr. Baptiste went on to state that Section 10 of the contract requires 30 days prior notice of intent to terminate the contract; which means this board cannot move to terminate this contract today. He went on to say that they can move to issue notice of intent to terminate. Mr. Baptiste stated that the contract was still full force. Mr. Baptiste stated that he would like to prevent litigation if possible. Mayor Brown made it clear that she only wanted to determine how to do away with the previous contract since it has been determined that Mr. Dean is a town employee. Mayor Brown asked Mr. Reid to address how the town should proceed. Mr. Reid stated that he felt the cleanest way to proceed would be to create a new document that would supersede the prior document. That way everyone is on the same page, we've codified the terms that have been adopted piece mill over the past two and a half years. Mr. Reid stated that if this document was set aside arguably it removes Mr. Dean as an at-will employee and makes him more career service as an employee. Mr. Reid went on to state that that would be in addition to the requirements that we also have on Charter Officers under the Charter. Mayor Brown stated that was without having this document to which Mr. Reid responded yes. Mr. Malone stated that he felt that Mr. Dean as an employee was protected under the personnel policies of the town and wanted to know what the purpose of having a contract was. Mr. Reid stated that currently there was no job description that had been prepared by this council that we could fall back to if for instance the board felt that the job of the Town Manager was not being done sufficiently what would that be based upon. Mr. Reid went on to state that right now we have some deliverables in the contract that he intends to follow. Mr. Reid stated that if we did away with that we would do away with all of his deliverables. Mr. Reid state that we would then fall back to the town ordinances and the Charter. Mr. Reid said that the Charter provides some parameters but is not very detailed. Mr. Malone asked if the board could terminate the town manager contract tonight. Mr. Reid responded that the town would have to provide thirty day written notice. Mr. Malone stated that he felt that written notice should be given tonight. Mr. Reid stated that if the board

wanted to send something in writing to Mr. Dean’s counsel stating that it was the intent of the board to cancel this contract in thirty days that is fine, but his argument is that Mr. Dean would then be just an employee making the same amount of money and everything else is the same. Mayor Brown stated that that was the intention of the board. Mayor Brown recognized Mr. Baptiste attorney for Mr. Dean. Mr. Baptiste stated that there is a point of un-readiness from his perspective. He went on to say that he agrees under that paragraph as he stated the board has the authority to give thirty day notice. Mr. Baptiste stated that he would request that in light of the letter he sent the town that in that letter it also explicitly state that Mr. Dean is being moved to employee status and that employee status be backdated to December 14 of 2018 when the Inspector General’s office issued the notice requiring he be an employee. Mayor Brown asked Mr. Reid what his thoughts on what Mr. Baptiste stated were. Mr. Reid stated that he felt that was the proper action to take. The following motion was made.

MOTION: Mr. Malone moved to have the town attorney give 30 day written notice to town manager of intent to terminate current contract acknowledging that town manager is an employee of the town; second by Ms. Tillman.

	<u>Yay</u>	<u>Nay</u>
Mayor Brown	X	
Mr. Burnett		X
Ms. Hamilton	X	
Mr. Malone	X	
Ms. Tillman	X	

Motion passed 4-1.

12. Discussion/Action related to municipal bank accounts with Madison County bank(s): Mr.

Malone stated that he had a problem with banking other than in our county. He stated that he would like to begin banking with one of the banks in our county. He went on to say that he felt that if the town needed help that a bank in our county would be more willing to help. Ms. Tillman stated that she had spoken with Darren Webb at Madison County Community Bank and he said they were willing to give the citizens of Greenville an ATM machine. Mr. Malone stated that he did not have a preference in a bank. Mayor Brown stated that she hoped to have a super ATM. She went on to state that he would like to partner with a bank to provide banking services to the citizens of the town. Ms. Reams stated that she was happy to go with whatever bank council chose. She went on to state that this was going to be a very involved undertaking with costs attached. After further discussion the following motion was made.

MOTION: Mr. Malone moved to direct the Town Manager to find the best bank to serve the needs of our citizens; second by Ms. Tillman.

	<u>Yay</u>	<u>Nay</u>
Mayor Brown	X	
Mr. Burnett	X	
Ms. Hamilton	X	
Mr. Malone	X	
Ms. Tillman	X	

Motion passed unanimously.

13. Discussion/Action related to evaluations of Charter Officers: Mr. Malone stated that we keep going back and forth as to how the Charter is written. Mr. Malone stated there is nothing to validate salary increases. He went on to say something should be in place to evaluate Charter Officers. Mr. Reid stated that at the last meeting we moved forward in obtaining a HR

consultant that would redo our employee handbook but also part of that was to provide a process for evaluations. Since our last meeting we have executed a contract with the consultant and he has submitted a 40 question questionnaire to the town which we have completed. Mr. Reid went on to state that the consultant is currently working on this. Mr. Reid said that it is something that everyone agrees is needed. Mr. Reid stated that he thought we should have our handbook and job descriptions in place and follow that up with the evaluation process. Ms. Reams stated she could not hear Mr. Malone but is he saying that the Charter Officers are not complying with the Charter. Ms. Reams asked if he was speaking about her. Mr. Malone stated that he was not speaking about her. Ms. Reams stated that nothing had been brought to her attention and she hoped that is was not her. No action was taken.

14. Discussion of Insurance & Audit Firms: Mr. Malone stated that the annual renewal dates had come up and council was not made aware until the day of the due date. Mr. Malone stated that he would like the council to be made aware prior to these renewal dates. Mayor Brown asked if Ms. Reams had information related to the renewal for the town health insurance and the renewal or the status of the contract with the audit firm. Ms. Reams stated that we have to go out for RFQ's for auditing services. Ms. Reams went on to state that it would be the decision of the board that it was not a decision she makes. Mr. Dean stated that it had been discussed today. He stated that we are looking to go out to RFQ within the next few weeks. Mr. Dean stated that he was planning to get information from the League of Cities and other places on the town health insurance. Mayor Brown asked when the audit firm had to be in place. Mr. Dean stated that we were not in any danger zone. No action was taken.
15. Discussion/Action related to a clean-up initiative for Greenville: Ms. Tillman stated that she would like the board to take some action on cleaning up Greenville. Ms. Tillman stated that the pond looked nice and gave kudos to Mr. Wayne Malone and the public works crew. Ms. Tillman stated that the town has dilapidated buildings, junk cars, signs falling down etc. Ms. Tillman asked other board members to give their thoughts. Mr. Malone stated that if we could get rid of abandoned buildings that would go a long way to making the town look nicer. Mayor Brown stated that we have a policy in place in regards to a Magistrate and Code enforcement. Mr. Dean stated that we went out to bid on a Magistrate and we got no response. Mr. Dean stated he reached out to Jefferson County and they have a couple of Magistrates. Mr. Dean went on to state that he had asked those magistrates to submit a bid to the town. Mr. Dean stated that the shut down due to the corona virus has made it difficult to get in touch with people. Mayor Brown stated that it would be nice to send a general friendly letter to all citizens letting them know what we are trying to do as far as cleaning up the town. Mayor Brown asked Mr. Dean how he felt about working with Ms. Tillman on drafting a letter. Mr. Dean stated that he is working to get the Magistrate issue settled. He stated that he needed more time as he is working hard on grant issues and would ask to work on this during the summer months. Mayor Brown stated that Ms. Tillman could develop a flyer. Mr. Burnett suggested putting a picture of what a clean yard looks like and what a not so clean yard looks like. Ms. Tillman will move forward to develop a flyer/letter to send out to citizens. No action was taken.
16. Discussion/Action related to 2nd Quarter Budget: The board spent an hour discussing the expenses compared to the budget. Mr. Dean stated that the overall budget looked good and the town was not over budget in any of the funds. Ms. Reams, Mr. Dean and Mr. Wayne

Malone answered questions to the best of their knowledge without having known that they were going to be questioned. No action was taken.

17. Comments by Town Council, Town Attorney, Town Manager, Town Clerk and Grant Consultant(s): Town Manager submitted written report. Mayor Brown stated that she wanted the Board to come up with a template so that the town manager report would be more comprehensive. Mayor Brown went on to ask for other information from Mr. Dean. Mayor Brown asked Mr. Dean about the gentleman on the line earlier from Cornerstone that said he made the lowest bid. Mayor Brown stated that the update stated that we were going to have to reject Chief Cornerstone's bid because the bid was incomplete and we were going to have to go with the higher bid. Mayor Brown asked Mr. Dean to address that. Mr. Dean stated that it was the agency that made that decision. Mr. Dean went on to say that Chief Cornerstone was unresponsive to the bid. He went on to say that there were about 17 to 18 pages of material requested and about 14 of those pages were completely blank and most importantly there was no reference to their insurance bond. Mayor Brown asked if they could complete their bid package. Mr. Dean stated that he would be sending a memo out later with more information from Kimley-Horn. Mr. Dean stated that DEP had made a ruling on this issue. Mr. Dean stated that he had nothing further to add. Mr. Dean stated that Chief Cornerstone turned in one page written in pencil and the other pages were blank. Mr. Dean stated that frankly there was nothing to consider. Mr. Malone asked that Mr. Dean provide the board with a copy of this requirement. Mayor Brown had other questions about the bid process. Mr. Dean stated that he didn't have an answer to her questions. Mr. Dean stated that he would like to get back to the board on this issue. Mayor Brown asked Mr. Reid to weigh in on this. Mr. Reid stated that he would like to look at this and come back to the board after he has a chance to review. Ms. Reams stated that she is still sending requested information to the auditor. Ms. Reams stated that she is trying to work through the virus and appreciated the board working with city hall on this issue. No other reports.
18. Future Agenda Items Requests: Benjie Read, Twin Oaks and Municipal Banking May Meeting
19. Informational Items:
20. Adjournment

MOTION: Mr. Malone moved to adjourn; second by Ms. Tillman.

Meeting adjourned

Respectfully submitted,

/s/ Kimberly M. Reams
Kimberly M. Reams, Town Clerk