



GATE CITY COUNCIL SPECIAL CALLED MEETING MINUTES
June 26, 2017
156 E. JACKSON ST.
6:30 P.M.

I. Mayor, Frances Perry, called the Special Called Meeting to order at 6:35 P.M.

II. **ROLL CALL** Wayne Bledsoe, Town Clerk

ROLL CALL – Town Clerk – Wayne Bledsoe

| | PRESENT: | ABSENT: |
|--|----------|---------|
| Mayor, Frances Perry | YES | |
| Vice Mayor, Roger Cassell | YES | |
| Council Member, Allan “Cotton” Roberts | YES | |
| Council Member, Robin Richards | YES | |
| Council Member, Wallace W. Ross, Jr. | YES | |
| Council Member, Ron Kindle | YES | |
| Town Manager, Greg Jones | YES | |
| Town Attorney, Michele Brooks | YES | |

Others present: Debbie Kindle, Chief Scott Fink, Officer Wendy Chambers, Officer Justin Miller

III. **NEW BUSINESS**

• **Revise Agenda: Add Public Comment**

Motion made to revise agenda: Add Public Comment to agenda – 1st item under “New Business”.

Motion by: Council Member Allan “Cotton” Roberts 2nd by: Council member Ron kindle

VOTE: Yeas, 5
Nays,
Absent,
Abstain,

- **Public Comment**

Chief Scott Fink spoke on behalf of the Police Department concerning the revoking of Cost of Living, Merit Raise, and Employee Bonus upon first written offense. Chief Fink stated he and the department wished to be respectfully opposed to this revision in the Employee Manual. This revision is listed on page 29 of the proposed Employee Manual. Town Manager Greg Jones said the proposed policy includes the words “may not”, instead of “shall not”, indicating potential differing responses for differing actions. Chief Fink was concerned that clarification does not exist in the proposed policy for differing levels of corrective action/offenses. Chief Fink asked (as an example) if an officer had been a long-standing employee, if a minor offense would result in all COLA, merit raises, and bonuses being taken at that point. Vice Mayor Roger Cassell stated that he believed the penalties for written warning should be enforced regardless of the time an officer has been employed. Town manager Greg Jones again reiterated the language of “may” and “and/or”, indicating discretion to be used depending upon the severity of the offense. Chief Scott Fink then asked who would make the decision based on severity of offense. Town Manager Greg Jones and Council Member Allan “Cotton” Roberts said that Chief fink would be responsible for that determination. Chief Fink then asked if this situation would give one person much power over another. For this reason, Chief Fink asked if standards and guidelines should be revised to specifically state what offenses merit which penalties. Council Member Allan “Cotton” Roberts than asked Chief Fink about how he determined the severity of certain violations (tickets) issued in town during a traffic stop. Chief fink indicated this was determined based on the severity of the infraction. Council Member Roberts then said Chief Fink should apply the same discretion toward written warnings, and further added that Chief Fink wished not to enforce the existing rule, but change it. Chief Fink added that if the proposed policy were passed, that it would be enforced, regardless of personal feelings about the policy. Mayor Frances Perry clarified that this was a difference in determining the severity – whether minor or major – and is at the discretion of Chief Fink. Council Member Robin Richards then said she would not agree upon taking the bonus away as part of this policy. Vice Mayor Roger Cassell added that he agreed with Council Member Richards. Vice Mayor Cassell also added that a previous Council member had instituted the bonus, and there was never any discussion on the conditions for receiving merit raises or bonuses. Chief Fink said that he was not advocating for non-accountability, but was concerned the proposed policy may affect employee morale and their willingness to continue to work for the Town of Gate City. Council Member Allan “Cotton” Roberts disagreed, adding that he thought Chief Fink was “getting way out there on this”. Mayor Frances Perry reminded Council that this was a Public Comment session, and not an “argument session”. Council Member Allan “Cotton” Roberts said that he was not arguing, but again felt that Chief Fink was “way out there”. Vice Mayor Roger Cassell asked if the proposed taking of employee bonuses could be revised and omitted from the proposed policy. Council Member Wallace W. Ross, Jr. then added that the employee’s signature would be an admission that the employee agreed with the evaluation and/or written warning. Mayor Frances Perry asked about the legality of holding a COLA raise, and Town Attorney Michele Brooks said Town Manager Greg Jones had researched this and found it to be a legal option. Council Member Robin Richards then added that she was also opposed to the taking of the COLA raise. Council Member Wallace W. Ross, Jr. asked if the wording of a warning could affect the severity and consequences of that warning. Town Attorney Michele Brooks clarified the definition of a “final written warning” versus a “verbal warning”. She also reiterated that employee records are not subject to Freedom of Information Act requirements. Council Member Wallace W. Ross, Jr. asked if this policy had been created by VML. Town Attorney Michele Brooks assured him that it had not. VML has made suggested revisions to the policy, but did not expressly author the document. Council Member Wallace W. Ross, Jr. asked if a work session was supposed to be held to work on changes to the policies. Town Attorney Michele Brooks stated there had been multiple committee meetings to work out the details, and that this meeting was to finalize and vote on adoption. Council Member Wallace W. Ross, Jr. then stated he had never received the policy before tonight’s meeting. Council Member Allan “Cotton” Roberts reminded Mr. Ross that this policy was distributed at the last Council Meeting (June 13). Debbie Kindle

then asked (via public comment) who had revised certain portions of the policy. Town Manager Greg Jones stated that these were the parts of the policy that were being replaced. Ms. Kindle stated she felt the employees should be more comfortable with the whole Council making the determinations of evaluations and raises, rather than committees doing this. Council Member Robin Richards said that this was not the purpose of Council. Council Member Allan “Cotton” Roberts said that each department has a head, which determines the evaluations for each department. He said this was because department heads see employees each day, as opposed to Council, which does not. Vice Mayor Roger Cassell said according to the manual of Mayor and Council that the only job of Town Council is to govern by ordinance. Mayor Frances Perry said that with no disrespect to any previous Town Managers, that current Town Manager Greg Jones has gone deeper with policy than any preceding Town Manager has, and that previous policies were often written to benefit individuals. Debbie Kindle said that she thought Greg Jones had been the best Town Manager the town has had, but also said he was “not really a people person”. Council Member Robin Richards reminded Ms. Kindle that this statement was a violation of Town Code concerning detrimental comments concerning Council members and staff. Town Attorney Michele Brooks told Mr. Ross that there was nothing in the policy manual which stated a work session was required for changes in policy. Town Manager Greg Jones indicated he would like to review some VML policies concerning blanket drug testing before further action is taken on the Personnel Manual.

- **Personnel Manual Revision Approval**
Motion made to approve revisions to Personnel Manual.

Motion by: Council Member Allan “Cotton” Roberts 2nd by: Vice Mayor Roger Cassell

Discussion: Vice Mayor Roger Cassell said that the phrasing “Department Manager” instead of “Department Head” be made universal to the policy. Mr. Cassell also asked about the time clock provision listed on page 6 of the manual. Town manager Greg Jones said further discussion and information is needed, as several options exist for timekeeping. Town Attorney Michele Brooks said this would be a future revision, and Mr. Cassell asked if this was a revision that could be made now, along with other revisions to the policy. Town Manager Greg Jones indicated that no change would be done now concerning timekeeping. Mr. Cassell addressed the bereavement portion of the policy on page 14 concerning the use of PTO for bereavement time. This will be revised to adhere to the current Bereavement Policy, which does not involve PTO. Council Member Robin Richards said that she did not want to see the Town consider doing anything with bonuses. She said she would not take a bonus away regardless of what the employee’s performance was. Ms. Richards said she was willing to take merit, but not the annual bonus. Vice Mayor Roger Cassell then asked if Cost of Living was being considered. He indicated this was the reason merit was incorporated into the policy, as merit is a raise based on performance. Ms. Richards stated that she was unaware that COLA could be taken, but that Town Manager Greg Jones had researched this and found that COLA can be taken when factored into evaluations. Council Member Allan “Cotton” Roberts said that any raise could be considered, and Town Attorney Michele Brooks said this was true, including bonuses, as there is no legally vested right to any bonus. Mayor Frances Perry said that she interpreted the language to say that these bonuses “may” be subject to taking, and not “shall”. Town Attorney Michele Brooks said that the wording implies discretion of a manager. Council Member Allan “Cotton” Roberts said that there is a time frame that exists for a written warning, which can be anywhere from 3-6 months. If the employee corrects the action within the specified period, then the written warning is considered corrected, and the employee “comes off” of that corrective action. Vice Mayor Roger Cassell said he could agree with this. Mr. Roberts also said that any sort of corrective action should follow a plan in hopes of correcting the issue at hand. Council Member Ron Kindle said he agreed with the discussion of not removing employee bonuses for disciplinary action. Mr. Kindle also said he agreed with the disciplinary action plan of 3-6 months for correction before removing any merit raise. Council

Member Wallace W. Ross, Jr. had no further discussion to add. Council Member Ron Kindle asked about reporting duties specific to Office Manager, Town Manager, and office staff employees. Mr. Kindle said he disagreed with the current reporting language written in the policy, due to the Treasurer's length of service being longer than the Office Manager. Council Member Allan "Cotton" Roberts said the length of service should not make any difference in the management reporting. Council Member Wallace W. Ross, Jr. asked since Council appoints these positions, would they not be the persons to whom office staff reported to. Mr. Ross said that the Treasurer's main responsibility was to sign checks, but Town Attorney Michele Brooks and Mayor Frances Perry corrected Mr. Ross on this. The Treasurer of the Town does not sign checks, due to a potential conflict of interest.

SUBSTITUTE MOTION TO ORIGINAL: Motion made to take no action on pending approval.

This motion lays aside the original motion.

Motion by: Council Member Allan "Cotton" Roberts 2nd by: Vice Mayor Roger Cassell

SUBSTITUTE MOTION CARRIES – ORIGINAL MOTION IS SET ASIDE.

- **Original motion: Personnel Manual Revision Approval**

Motion made to approve revisions to Personnel Manual.

Motion by: Council Member Allan "Cotton" Roberts 2nd by: Vice Mayor Roger Cassell

VOTE: Yeas, 5
Nays,
Absent,
Abstain,

THIS MOTION IS NOW SET ASIDE.

- **Additional Motion to this item:**

Motion made to revise Personnel Policy to include Written Warning with Corrective Action Plan (Short-Term). Revisions to include maintaining of employee bonus. Wording to include Cost of Living Adjustment and merit raise as the only revocable bonuses based on disciplinary action (pages 28-29).

Motion by: Council Member Allan "Cotton" Roberts 2nd by: Vice Mayor Roger Cassell

Discussion: Chief Scott Fink asked if the 3-6 Month Corrective Action Plan should be a written standard. Town Attorney Michele Brooks said this is a discretionary measure that is up to the individual supervisor. Vice Mayor Roger Cassell said that these actions should not go past 6 months. Ms. Brooks agreed, stating that each supervisor should be monitoring this through the corrective Action Plan. Council Member Allan "Cotton" Roberts said that a Corrective Action Plan should be specific as to what correction is needed.

VOTE: Yeas, 5
Nays,
Absent,
Abstain,

Motion carries.

- **Employee Evaluation Forms**

Town Manager Greg Jones explained that separate evaluation forms have been created specific to each department position: Town Manager, Department Manager, and Employee. Council Member Allan “Cotton” Roberts explained some background on the reason for revision, saying that the previous evaluation forms had 6 categories. This made the evaluation difficult to score. The revised forms now have 3 categories: Meets Expectations, Exceeds Expectations, or Below Expectations. Town Manager Greg Jones also explained that documentation is now required for scores of Exceeds Expectations or Below Expectations. Council Member Robin Richards said that the required documentation will ensure a fair procedure for all. Vice Mayor Roger Cassell asked if each of these categories would be required on each form. Town Manager Greg Jones and Town Attorney Michele Brooks both responded yes. Council Member Wallace W. Ross, Jr. asked where the categories for revision came from. Town Manager Greg Jones said that these were compiled from previous evaluation forms. Town Attorney Michele Brooks said because there are 3 separate evaluation forms, motions should be made separately for the 3.

Motion made for Amended Agenda Item: Employee Evaluation Forms becomes 3 separate items

- **Employee Evaluation Forms**
- **Department Manager Evaluation Forms**
- **Town Manager Evaluation Forms**

Motion by: Council Member Allan “Cotton” Roberts 2nd by: Vice Mayor Roger Cassell

VOTE: Yeas, 5
Nays,
Absent,
Abstain,

Motion Carries.

AMENDED AGENDA ITEM: Employee Evaluation Forms becomes 3 separate items:

- **Employee Evaluation Forms**

Motion made to approve the proposed Employee Evaluation Form.

Motion by: Council Member Allan “Cotton” Roberts 2nd by: Council Member Ron Kindle

VOTE: Yeas, 4
Nays, 1 – Wallace W. Ross, Jr.
Absent,
Abstain,

- **Department Manager Evaluation Forms**

Motion made to approve the proposed Department Manager Evaluation Form.

Motion by: Vice Mayor Roger Cassell 2nd by: Council Member Allan “Cotton” Roberts

Discussion: Council Member Wallace W. Ross, Jr. asked where the prior evaluation forms were located, and asked for copies of the previous forms. Town manager Greg Jones presented these copies to Mr. Ross.

VOTE: Yeas, 5
Nays,
Absent,
Abstain,

Motion carries.

- **Town Manager Evaluation Form**

Motion made to approve the proposed Town Manager Evaluation Form.

Motion by: Council Member Allan “Cotton” Roberts 2nd by: Vice Mayor Roger Cassell

Discussion: Council Member Wallace W. Ross, Jr stated he had not seen a previous Town Manager Evaluation Form. He also said that when the vote on Town Manager, Treasurer, Police Chief, and office staff was made in July 2016, Council Member Robin Richards indicated that these forms were available online via the website. Ms. Richards repeatedly stated to Mr. Ross that this was incorrect and that she would never suggest that these be placed on a website for public viewing. Town Attorney Michele Brooks said this was personal employee data and would not have been placed on a public site, including a blank form. Mr. Ross stated again that he was told this was on a website. Town Manager Greg Jones said that VML had samples available online and that much of the form came from the samples given by VML. Mr. Ross again stated that he was told by Council Member Robin Richards that the form was on the website. Ms. Richards emphasized that she never said this and requested the audio recording be researched to verify this. Ms. Brooks also stated that this was a confidential document and was placed in the employee’s file. Ms. Richards also stated that if any copies existed beyond what is located within the employee’s file, that they should be destroyed.

(A copy of the audio recording of the July 2016 Council Meeting has been distributed to Council Members Ron Kindle, Wallace W. Ross, Jr., and Robin Richards for review).

VOTE: Yeas, 4
Nays, 1 – Wallace W. Ross, Jr.
Absent,
Abstain,

Motion carries.

Town Attorney Michele Brooks reminded Council Member Wallace W. Ross, Jr. that these votes are for approval of revised, blank evaluation forms.

- **Police Department Evaluation Forms Approval**

Motion made to approve Police Department Evaluation Form

Motion by: Vice Mayor Roger Cassell 2nd by: Council Member Allan “Cotton” Roberts

Discussion: Chief Scott Fink asked if a Police Officer leaves the department, can the employee file be released to other parties (i.e., another police department) if the officer has signed a waiver indicating the release of this information is authorized via a notarized Release of Information form. Town Attorney Michele Brooks indicated that this cannot happen without a court order to do so. Chief Fink asked Ms. Brooks to research this further.

Additionally, the redaction of Policy Rule 9 must be made concerning employee bonuses, in accordance to a motion that was passed earlier in this meeting.

**ORIGINAL MOTION WITHDRAWN BY VICE MAYOR ROGER CASSELL.
SECOND WITHDRAWN BY COUNCIL MEMBER ALAN “COTTON” ROBERTS.**

Substitute Motion made to approve proposed Police Department Evaluation Form with deletion of Policy Rule 9, Section III.

Motion by: Vice Mayor Roger Cassell 2nd by: Council Member Allan “Cotton” Roberts

VOTE: Yeas, 5
Nays,
Absent,
Abstain,

SUBSTITUTE MOTION CARRIES – ORIGINAL MOTION WITH SECOND IS WITHDRAWN.

- **Original motion: Police Department Evaluation Forms Approval**

Motion made to approve Police Department Evaluation Form

Motion by: Vice Mayor Roger Cassell 2nd by: Council Member Allan “Cotton” Roberts

THIS MOTION IS NOW WITHDRAWN.

IV. ADJOURN

Motion made to adjourn.

Motion by: Vice Mayor Roger Cassell 2nd by: Council Member Allan “Cotton” Roberts

VOTE: Yeas, 5
Nays,
Absent,
Abstain,

*Mayor Perry adjourned the special called meeting at 8:06 P.M, until the next regularly scheduled Council Meeting on July 11, 2017, at 6:30 p.m.

IV. Special Called Meeting closes at 8:06 P.M.

Mayor Frances Perry

Town Clerk Wayne Bledsoe

