

MINUTES OF MEETING, ATHENS CITY COUNCIL, JANUARY 4, 2017

The Athens City Council met in called session on January 4, 2017, at 3:00 p.m. with Mayor Burris presiding. The invocation was given by Council Member Perkinson; and upon roll call, the following members were present:

Coker, Perkinson, Raper, Pelley, Burris

The following decisions were made and ordered made a part of the records of the Athens City Council.

The purpose of the meeting, as issued in the "Notice of Called Meeting" dated January 3, 2017, was read and made a part of these minutes:

NOTICE OF CALLED MEETING

There will be a called meeting of the Athens City Council on Wednesday, January 4, 2017, at 3:00 p.m. in the Athens Municipal Building Training Room located at 815 North Jackson Street for the purpose of discussing, authorizing and approving any and all matters related to the hiring of a City Manager, including but not limited to, a proposed Employment Agreement with C. Seth Sumner.



Charles T. Burris, II, Mayor

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NEW BUSINESS

Mayor Burris stated the City Council had before them a copy of the employment agreement between the City of Athens and C. Seth Sumner. He wanted to go page by page through the agreement and address any issues. Vice Mayor Pelley inquired as to the anticipated date of hire. Mayor Burris responded that Mr. Sumner needed to give his current employer two weeks' notice and anticipated the earliest start date would be February 1, 2017. Council Member Coker asked for clarification with regard to the expenditure of reasonable amounts of time for personal or outside charitable and professional activities not to exceed 10 hours per week. He asked why that was included in the contract. Council Member Perkinson asked if that language was typical in a contract. Vice Mayor Pelley responded that the language was in the contract because if you had a professional, which in this case they did, he could see him teaching a course at Tennessee Wesleyan University in under 10 hours per week. He felt that Mr. Sumner teaching at TWU would enhance the City. Council Member Coker stated the way he interpreted the contract to read, Mr. Sumner could teach a course during regular City business hours. City Attorney Trew stated if the Council did not want that provision in the contract they had the option to remove it. Mayor Burris noted the contract also stated that provided such activities did not interfere with the services required to be rendered to the City. City Attorney Trew stated that the City Manager was an employee at will and if he was doing something the City Council did not want him to do then they had the right to tell him not to do it. He works for the City Council and can be terminated by the City Council at any time. Vice Mayor Pelley challenged the \$92,000 base salary. Mayor Burris stated that he had discussed the salary with Interim City Manager Tallent and City Attorney Trew. Based on the general rule of thumb, you take the highest paid employee's salary and the city manager's salary should be higher. Mr. Sumner currently received \$73,681.49 including car allowance and benefits from the City of Savannah. City Attorney Trew commented that the City Council decides what salary to offer. He felt the City Council would be setting themselves up for some issues if they made an offer that was less than the highest paid employee. Vice Mayor Pelley stated his argument was that when they met set a pay range of \$80,000 to \$115,000. It was his opinion that they should start him out at \$80,000. Whether there were department heads that were making more than that was a moot point and he did not feel it needed to be put into the equation. He felt the department heads were tremendously over paid for a city of this size. He felt they could offer \$80,000 and if Mr. Sumner did not like that offer they could go up to \$92,000. Other members of the City Council felt the base pay should be higher than the highest paid department head. Vice Mayor Pelley

stated they were dealing with a young man he felt would come to the City for \$80,000 and not worry about what the department heads were being paid. At the conclusion of the discussion, **a motion was made by Council Member Raper, seconded by Council Member Perkinson, to offer an annual base salary of \$90,000.** The motion was approved by the following roll call vote:

AYES: Coker, Perkinson, Raper, Burris
NAYS: Pelley

Council Member Perkinson stated he did not see a need for a “key man” policy. It was his understanding that this type of policy was not typically done for a municipality. It was typically done for a small closely held business where the loss of the key man could negatively affect the business. Based on the consensus of the Council, City Attorney Trew was instructed to remove “key man” life insurance from the contract. City Attorney noted that the insurance, retirement and long term disability provisions were the same as what was provided to the general employees. The vacation was different than what was provided to general employees. The City’s vacation policy provides that vacation does not begin to accrue until six months after the employee has been hired and, at that point, accrues based on the hours you work up to a certain number of hours. The thought was that Mr. Sumner would be relocating his family and would require time off during the first six months plus the vacation would carry him through the summer when most people do take their vacation. The sick leave was the same. The automobile allowance was \$400/month which was \$100 less than what Mr. Moore had been paid. The travel and entertainment expenses were the same as was in Mr. Moore’s contract. City Attorney asked the City Council if they wanted to add one to the number of annual dues the City agrees to pay in a local civic club. The City Council agreed with City Attorney Trew’s suggestion. It was a unanimous decision of the City Council to require Mr. Sumner to maintain residency within the corporate boundaries of the city of Athens within six months of employment and cap the moving expenses not to exceed the sum of \$5,000. The City shall make arrangements for and pay directly for moving the City Manager and his family to his new residence in the city of Athens. **A motion was made by Council Member Perkinson, seconded by Council Member Raper, to approve the contract as amended as an employment agreement between the City of Athens and C. Seth Sumner.** The motion was approved by the following roll call vote:

AYES: Coker, Perkinson, Raper, Burris
NAYS: None
ABSTAIN: Pelley

Vice Mayor Pelley stated he was abstaining from the vote because of the financial provisions. **A motion was made by Vice Mayor Pelley, seconded by Council Member Coker, to authorize the Mayor to negotiate with Mr. Sumner any modifications to the contract and then submit the contract to City Council for final approval.** The motion was approved by the following roll call vote:

AYES: Coker, Perkinson, Raper, Pelley, Burris
NAYS: None

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ADJOURNMENT

There being no further business to come before the meeting and upon motion duly made by Council Member Raper and seconded by Council Member Coker, the meeting adjourned at 4:03 p.m.



C. SETH SUMNER, City Manager



CHARLES T. BURRIS, II, Mayor