

LONGWOOD CITY COMMISSION
Longwood City Commission Chambers
175 West Warren Avenue
Longwood, Florida

SPECIAL MEETING
MINUTES
February 5, 2020
6:00 P.M.

Present: Mayor Matt Morgan
Deputy Mayor Brian D. Sackett
Commissioner Abby Shoemaker
Commissioner Richard Drummond
Commissioner Ben Paris
Dan Langley, City Attorney
Michelle Longo, City Clerk
David P. Dowda, Police Chief
Chris Kintner, Community Development Director
Shad Smith, Public Works Director
Lee Ricci, Human Resources Director
Craig Dunn, Information Technology Director
Sandy Johnson, Executive Assistance
Adam Bryant, Lieutenant

Absent: J. D. Cox, City Manager

- 1. CALL TO ORDER.** Mayor Morgan called the meeting to order at 6:02 p.m.
- 2. DISCUSSION AND POTENTIAL DECISION ON THE PERFORMANCE AND EMPLOYMENT OF THE CITY MANAGER.**

Mayor Morgan stated this morning he spoke with the City Manager and the City Attorney, and Mr. Cox has agreed to turn in his resignation with the agreement to include ten (10) weeks of lump-sum salary, twenty (20) weeks of insurance, and agree to sign a release. He noted an email from Mr. Cox was provided to each of the Commissioners.

Mayor Morgan opened up Public Participation.

Jo Anne Rebello, 301 Loch Lomond Avenue, Longwood. She said she did not find out about this until yesterday afternoon and did not have time to get into the paperwork. She is concerned that this is moving too fast. She is aware Mr. Cox has turned in his resignation. She asked why nothing had been said publicly if there were all these issues and why was it all behind the scenes. Her concern was that it seemed like it was a done deal before it was brought up on Monday night and this has happened before. She is aware that part of it had to do with leave and asking employees for hours, but this has been done many times in the past. She noted the time when Chief of Police, Mr. Jackson's, father had Cancer and had to take a lot of time off for chemo. She is not sure, if he is the one that asked employees for hours or if it was just a well-known case. So it has been done. It has to do with compassion. I am sure Mr. Cox did not plan to have a heart transplant. She wishes the public had been made fully aware. The reason why we were not was because it was not discussed in the Sunshine.

Mayor Morgan advised that his terminable offenses were put out to the public at the City Commission meeting before last. We discussed he went against the Employee Personnel Policy by rolling over hours he was not allowed to roll over. There is nothing going on behind the scenes here.

Commissioner Paris addressed Ms. Rebello's concerns regarding the previous Police Chief Jackson stating those were different times in Longwood. We have moved beyond that as a City and we are trying to be more transparent. I do also want to agree with the Mayor that the beginning of this issue started two Commission meetings ago. Everybody publicly saw it and heard it. Everybody on this dais shared his or her issues with it and that caused more concern and looking into. Now we have what we have before us at this meeting.

Deputy Mayor Sackett moved to suspend the rules. Seconded by Commissioner Drummond and carried by a unanimous voice vote.

Deputy Mayor Sackett said he disagrees with Longwood being called "Strongwood". Being here since 2003, Mr. Drago left us with a Citizen Ethics Violation charge. A change in the Commission happened and we were left with a \$141,000 payout. We then had Ms. Powell as City Administrator and she left with a six-month, \$57,000 severance package. Then we had Mr. Jon Williams who worked for seven years and left with \$105,000 severance package for 20 weeks, and now Mr. Cox asking for a 10 week severance package and health insurance for us to pay. He spoke with Mr. Cox today and he understands where he is. He says it would be too difficult to work with a Commission that does not have his favor and who do not feel strongly about him. Deputy Mayor Sackett wanted to

support him and let him know that he does like what Mr. Cox has done over the last two year period. He looked for replacements and there is one City Manager job in the state of Florida that pays \$150,000 to \$265,000 with 62,000 residents and another in the state of Georgia with 9,500 people that pays over \$140,000. If we do this we are going to have to find money in the budget to take care of this the proper way. My real issue is the payout on this. He asked where our Human Resources (HR) and Financial Director were when this happened. They did not put a stop to this and now all of a sudden we are at the limits of what it can be. The Commission needed to know something was up. Mr. Cox did not approve his time from my understanding and what is in his letter. He asked why was there nothing said about HR or Finance having a problem with this in the Sunshine. I think that is shameful of us. I have a real problem with Finance and HR. This thing fell through the cracks and that is upsetting to me. He wonders when looking at all Mr. Cox's absent days, how much is related to his heart condition and what he can do as a follow up to that. He feels like we are back to the "Wrongwood" days and that is not a healthy thing for the City.

Mayor Morgan countered Deputy Mayor Sackett's argument stating that this is the most valuable our city has ever been. This is the fastest it has ever grown. We are making the news for the first time on national platforms. We are absolutely moving in the right direction despite this. We should be proud of that.

Deputy Mayor Sackett said we have \$155,000 in potential severance pay over that two year period and that is a lot of money.

Commissioner Paris said he understands Deputy Mayor Sackett's concern with staff missing some things, but in the end, the buck stops with the City Manager. He said part of the issue is, if you are not here to oversee things, these things get missed. He is concerned that if this is being missed, what else is being missed. I think we can look on the brightside and see we have had a very good two years. He pointed out that the work that Mr. Cox did when he was here was good work. He said it is now time for both parties to walk away, save face, and be happy. I think we can do this right now by not belaboring the point, not making this into a crucifixion, or point fingers at what is wrong. Judging by this letter, I think he is tendering his willingness to offer his resignation. We have a separation agreement beforehand and I say we end this meeting quickly, allowing Mr. Cox, his legal counsel, and our legal counsel to fill out this agreement. It should hopefully be prepared and ready for us to agree on at the next Commission meeting.

Commissioner Shoemaker wants to assure everyone that none of this was backroom deals. All of this was brought about by a series of events that compounded together. She said she does not blame the staff. If I were an HR Director and my City Manager was not doing what he was supposed to do, it would be kind of hard to tell him that and still keep my job. There is a fine line you have to walk when you are staff under a City Manager. I am not sure how my fellow Commissioners will vote. We do everything in the Sunshine. We go out of our way not to discuss City business. I ran some numbers. If we accept Mr. Cox's resignation and do the payout, which I kind of hope we do because I cannot take away the good that Mr. Cox has done, but I also do not want to see him suffer financially, his family health insurance is quite costly. She said we should think about providing family or single health insurance if we do approve.

Commissioner Drummond said this was mostly a communication problem, and he was not communicating to this Commission what was going on throughout the last year. Most of this only came to light after he was out of work and unable to work. A lot of this paperwork only came to our attention in the last couple of days. There was no information being passed to the Commission to know what was going on. At this point, the best thing we can do is separate Mr. Cox from the City.

Commissioner Paris asked Mr. Langley if we need to have a motion to agree to take his resignation letter or give you direction to work with Mr. Cox in preparing and accepting his resignation and then vote on it in the next Commission meeting.

Mr. Langley said when I was on the call at the Mayor's request this morning to listen to the conversation with Mr. Cox presenting this offer, I indicated to him I could take his offer and put it into a Separation and Release Agreement, which I have done and laid on the dais for you. Mr. Cox has not read this Agreement yet. From my understanding, he is clear that this would be part of his release to the City and it outlines his offer of 10 weeks of severance pay totaling \$26,000 paid on or before February 28, provided that he surrenders all city equipment in his possession. The City would pay the employee's dental and health insurance for 20 weeks from the date following termination which Mr. Cox indicated he was willing to have the effective date of his termination be this Friday by 11:59 p.m. This is a very similar agreement of the last City Manager separation agreement. It provides the City would be paying the dental and health insurance on the same basis the City currently pays for it now. If you want some understanding of what that cost is, that is fine. He said I have an agreement for the Commission and you can do this one of two ways. The Commission can go through this tonight, read it and if you are comfortable with it you can approve this, and if Mr. Cox signs it, it would

The Official signed minutes are on file in the City Clerk's Office.