

March 9, 2021
Special Council Meeting
12191 Magnolia Springs Hwy.
Magnolia Springs, Alabama 36555

1. Call to Order:

Mayor Kim Koniar called the meeting to order at 5:45 pm.

2. Roll Call:

Mayor Kim Koniar, Councilmember Andrew Monaghan;
Councilmember Steve Mobley; Councilmember Ross Houser;
Councilmember Bob Turner.

Absent: Mayor Pro Tempore Nick Shields.

Also, present: Assistant Town Clerk Hannah Driskell and Town Attorney Brad Hicks.

3. Invocation and Pledge:

Mayor Kim Koniar waived the invocation and pledge.

4. Employee Termination Appeal:

Town Attorney Brad Hicks stated that Mike Jinks has resigned and then withdrew his resignation and filed a grievance appeal with the Town Council. The grievance appeal was done within five (5) working days of the Mayor's decision to terminate and then elevate his concerns to the Town Council. Within ten (10) days of that notice, the Town Council must hold a public hearing.

Mike Jinks sent email that stated "In lieu of a personal appearance at the Special Called meeting on my termination, upon advice from my council, I am presenting my response to the termination issues by this written statement. I am also requesting that these two documents be read or copied into the minute and placed into my personnel file. I will be waiting on the written response by the council within the next few weeks."

Town Attorney Brad Hicks states that under the Employee Manual, a hearing should be conducted in executive session. Since Mr. Jinks is not here, there is no reason for a hearing. The Town Council has twenty (20) days to decide to terminate or not. The Employee Manual requires the Town Council prepare a written statement of fact in agreement with the Mr. Jinks statement of facts or the Mayor's statement of facts.

All Councilmembers received the email from Mr. Jinks and all Councilmembers had adequate opportunity to review the email.

Mayor Kim Koniar recommended termination for Mike Jinks due to; payroll not being correct on two (2) separate occasions, causing an employee to be grossly overpaid and subject to benefits; none of the tax deposits had been entered during the month of January; the Library and Town Hall rent checks were eleven (11) days late; a bill submitted by GreenCo the end of December, approved on January 15 that had not been paid; tax deposits recorded incorrectly; RSA retirement was not submitted after each payroll; and the Assistant Town Clerk was performing most of the Town Clerk duties.

Councilmember Andrew Monaghan noted that the Town Council and the Town of Magnolia Springs puts a lot of faith and responsibility on the Mayor to manage the Town's employees. Councilmember Monaghan states that he trusts her judgement and the letter does not address the issues Mayor Koniar has appropriately.

Councilmember Ross Houser made motion to terminate Michael Jinks. Second, by Councilmember Bob Turner.

Town Attorney Brad Hicks asked for a roll call vote.

Councilmember Andrew Monaghan, Yea

Councilmember Steve Mobley, Yea

Councilmember Ross Houser, Yea

Councilmember Bob Turner, Yea

4 in favor, 1 absent, 1 recuse. Motion carried.

Councilmember Andrew Monaghan made motion to adopt the Mayor's statement of facts. Second, by Councilmember Bob Turner.



Town Attorney Brad Hicks called for a roll call vote.

Councilmember Andrew Monaghan, Yea
Councilmember Steve Mobley, Yea
Councilmember Ross Houser, Yea
Councilmember Bob Turner, Yea
4 in favor, 1 absent, 1 recuse. Motion carried.

Mayor Kim Koniar requested that Town Attorney Brad Hicks prepare the statement of facts and send to Mike Jinks.

5. Discussion and Consideration of Town Clerk Position:

Mayor Kim Koniar recommended to have Assistant Town Clerk, Hannah Driskell act as the Interim Town Clerk for a 90-day period. Mayor Kim Koniar recommended hiring Hannah Driskell at a rate of \$23 per hour during the 90-day period. Councilmember Andrew Monaghan made motion to hire Hannah Driskell as the Interim Town Clerk for a 90-day period at a rate of \$23 per hour. Second, by Councilmember Ross Houser. All in favor with Councilmember Steve Mobley recused. Motion carried.

6. Public Comment:

No public Comment.

7. Council, Legal Counsel and Staff Comments:

No Council, Legal Counsel, or staff comments.

8. Any Other Business That Might Come Before the Meeting:

No other business that might come before the meeting.

13. Adjourn:

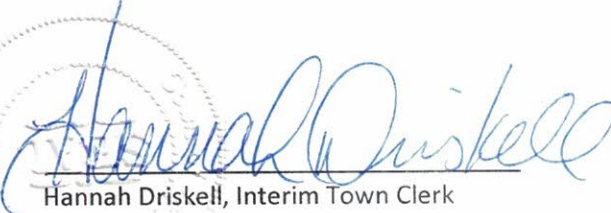
Councilmember Bob Turner made motion to adjourn meeting. Second, by Ross Houser. All in favor. Motion carried. Meeting adjourned at 6:04 pm.

Approved this 27th day of April 2021.



Kim Koniar, Mayor

ATTEST:



Hannah Driskell, Interim Town Clerk