

Zebulon Board of Commissioners
Emergency Called Meeting
Minutes
June 4, 2024

Present: Mayor Glenn York, Beverly Clark, Jessica Harrison, Quentin Miles, Shannon Baxter, Amber Davis, , Chris Ray-Public Works, Lisa Markland-Human Resources, Michael Clark-Planning, Chris Perry-Fire, Jacqui Boykin-Police, Bobby Fitts-Finance, Kaleb Harmon-Communications, Eric Vernon-Attorney

Mayor York called the meeting to order at 6:00pm.

CONTRACT DISCUSSIONS

Commissioner Clark had concerns about the process the Board used to identify the proposed Town Manager, when the Board met with him and why it was not shared with the entire Board.

Commissioner Baxter stated she had not met with the applicant in person and that Commissioner Clark should be familiar with the process done with the North Carolina League of Municipalities.

Commissioner Baxter had concerns about the indemnification. Commissioner Miles stated the Board did not have the agreement.

Mayor York stated there would be a five-minute recess for staff to make copies of the agreement.

The meeting reconvened at 6:06pm.

Commissioner Baxter stated she wanted to make sure the pre-audit certificate could be signed knowing there was an indemnification clause in the contract. Eric Vernon explained he would prefer to eliminate the indemnification clause since it was an open-ended obligation.

Taiwo Jaiyeoba stated he would like to have the company review the indemnification clause to make sure they were comfortable removing that section of the agreement. Eric Vernon asked the Board for permission to review the agreement with Mr. Jaiyeoba so they were able to come to an agreement on the language.

Mayor York stated her would be a ten-minute recess.

The meeting reconvened at 6:23pm.

APPOINTMENT OF INTERIM TOWN MANAGER

Eric Vernon read the changes made to the agreement into the record.

Section 6 of the agreement now read:

“To the fullest extent permitted by law and except as specifically limited by Town Ordinances, the Town shall defend, save harmless and indemnify the Manager against any tort, professional liability claim or demand or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of the Manager's duties, and shall obtain and keep in full force and effect liability insurance, in such amounts as the Town deems reasonable;

provided that this section shall not be construed as creating any right, cause of action, or claim of waiver or estoppels for or on behalf of any third party, nor shall it be construed as a waiver or modification of the availability of the defense of governmental immunity or any other legal defense available to either the Town or the Manager as to any third party; and provided further that the Town shall not indemnify or hold harmless the Manager from and with respect to any claim or liability for which the conduct of the Manager is found by the courts to have been outside the course and scope of employment or his official capacity as Interim Town Manager, grossly negligent or intentionally wrongful. The Town may compromise and settle any such claim or suit, and will pay the amount of any settlement reached or judgment rendered on such claim or suit, for which the Town has a duty to defend, save harmless and indemnify the Manager hereunder as hereinbefore more specifically provided. This indemnification shall extend beyond and survive the termination of employment and the expiration of this Agreement, for a period of not more than 12 months after date of termination of employment.”

Taiwo Jaiyeoba stated he was in agreement with the changes.

Commissioner Baxter made a motion to approve the agreement for employment between the Town of Zebulon and Taiwo Jaiyeoba as amended.

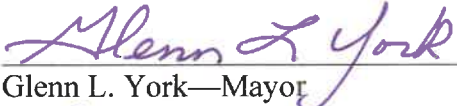
Eric Vernon asked if the Board was acceptable to the term of the agreement. The initial term was until July 1, 2024. Taiwo Jaiyeoba stated he would like to keep the term and the agreement was between City Development Advisors.


Commissioner Baxter amended her motion to approve the agreement for employment between the Town of Zebulon and City Development Advisors as amended. Commissioner Davis seconded the motion. There was no discussion and the motion passed unanimously.

Commissioner Miles made a motion, second my Commissioner Harrison to adjourn. There was no discussion and the motion passed unanimously.

Adopted this the 4th day of November 2024.




Glenn L. York—Mayor


Lisa M. Markland, CMC—Town Clerk