

ROBERTA M. CORREA
MAYOR - COMMISSIONER

TAMMIE McCASKILL
COMMISSIONER

JUSTIN R. CAMPBELL
COMMISSIONER

WILL JONES
COMMISSIONER

RUFUS J. BOROM
COMMISSIONER



TROY BELL, ICMA-CM
MPA, MS-Finance
CITY MANAGER

JANE WEST, ESQ.
CITY ATTORNEY

SUNNI L. KRANTZ, CMC
CITY CLERK

MARCIA G. CARTY, CPA
MS-Taxation
FINANCE DIRECTOR

JASON L. SHAW, SR
CHIEF, POLICE DEPT.

CHRIS TAYLOR
CHIEF, FIRE DEPT

MINUTES
CITY OF PALATKA
August 6, 2024

The minutes of the proceedings of a special called meeting of the Palatka City Commission held on Tuesday, August 6, 2024 at 6:30 PM at City Hall, 201 N. 2nd St., Palatka, FL 32177.

1. **CALL TO ORDER** The meeting was called to order at 6:30 PM.

a. **Special Called Meeting Notice**

The notice was read by the Clerk.

b. **Invocation**

The invocation was led by Commissioner Campbell.

c. **Pledge of Allegiance**

The pledge of allegiance was led by Commissioner Jones.

d. **Roll Call**

Present:

Commissioner Tammie McCaskill

Commissioner Justin Campbell

Commissioner Will Jones

Commissioner Rufus Borom

Mayor Roberta Correa

Also Present: Troy Bell, City Manager; Jane West, City Attorney; Sunni Krantz, City Clerk; Marcia Carty, Finance Director; Virginia Jones, HR Generalist; Peter Willott, Public Information Officer; Eddie Cutwright, Community Affairs Director; Chris Taylor, Fire Chief; Jason Shaw, Police Chief; Yul McNair, Airport Manager; Allegra Kitchens, former City Commissioner; Lorenzo Aghemo, Planning Director; Sam Deputy; Alex Romero; Shelly Schneckner; Vicki Duke; Brett Dennis, Palatka Gas Authority; Tarsha Givens; Sara Cavacini, Palatka Daily News; Alonzo Mulberry, City Chaplain (via telecommunications technology)

2. **PUBLIC COMMENTS** The floor was opened to public comment.

Shelly Schencker 287 E. River Rd Palatka, FL 32177 - spoke regarding the need for public comment to be taken at every item. She spoke in support of the City Manager.

Jacob Spell 5019 Crill Ave., Palatka FL 32177 - advised he would like to comment at the end of the meeting.

Hearing no further requests to comment, the floor was closed to public comment.

3. REGULAR BUSINESS

- a. Discussion/Direction Resolution 2024-R-153 authorizing the execution of a retainer agreement with the firm Sniffen & Spellman, P.A. for investigative services and amending the FY 2023-2024 budget accordingly.

A RESOLUTION OF THE CITY OF PALATKA AUTHORIZING THE EXECUTION OF A RETENTION AGREEMENT WITH SNIFFEN & SPELLMAN, P.A. FOR THE PURPOSE OF AN EMPLOYMENT INVESTIGATION; AMENDING THE FY 2023-24 BUDGET; PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING FOR SCRIVENER'S ERRORS

Commissioner Campbell asked if Mr. Bell should leave the room. As the suggestion was not friendly to the entire Commission, Mr. Bell did not exit.

Susan Erdelyi, Esq. of Marks Gray addressed the Commission. She has been retained by the City for employment matters.

Commissioner McCaskill provided two emails from an employee. She advised there are also statements from employees that were provided to her in sealed envelopes. She provided the sealed statements to the Clerk. Commissioner Campbell asked if the handout of the statements needed to be an emergency item.

Ms. Erdelyi advised Mr. Bell reports to a public body so because he reports to a public body matters regarding his employment are public. Human Resources is not in a position to conduct an investigation into the practices of the City Manager as she reports to the City Manager. She expressed City employees are in fear of retaliation. Five employees have left employment since Mr. Bell began his tenure as City Manager and other employees are submitting concerns and complaints. Her firm has recommended the matter be investigated so that everyone's rights would be protected and the Commission would have the information it needs. Ms. West advised grievances can be verbal or written.

Commission discussion commenced. Commissioner Campbell expressed concerns regarding keeping employees safe and considerations for what we have in the room. Commissioner McCaskill advised she approached the employees for statements in the employees own words to provide substance. The employees were willing to provide statements to be opened during the meeting. Commissioner Borom indicated the information should have been provided prior to the meeting. He expressed concern regarding making a decision on information received. He expressed the need to have matters included in the scope of work of the investigation. Mayor Correa advised the Commission requested the abstract. Commissioner Campbell spoke regarding the need for independent inquiries to talk with employees. He asked if this needs to be an emergency item to address the statements brought forth by Commissioner McCaskill.

Commissioner McCaskill advised she provided a summary to the firm and they developed a scope and fee. The purpose of the investigation was so that the Commission can be fair to both parties. She spoke against the Commission doing fact-finding. Ms. Erdelyi advised she emailed the firm to see if they are still available to conduct the investigation. She has not received a response. His probation period ends tomorrow. She advised the structure is a little unhealthy as in most cities the Commission has a Manager and an Attorney that reports to the Manager.

Commissioner Jones spoke of the need for fairness to Mr. Bell. He expressed the employees could have went to the Equal Employment Opportunity Commission (EEOC) so and investigation would not cost the City. Ms. Erdelyi advised the EEOC turnaround is a year or two.

Mayor Correa spoke regarding the need for an investigation for fairness.

Mrs. Jones advised the City has a retaliation policy and provided a handout. Commissioner Jones spoke regarding the handout. Commissioner McCaskill spoke regarding the grievance of the City Attorney.

Commissioner Campbell asked if the Commission would be adding the statements as an emergency item to the agenda.

Motion to add as an emergency item for purposes of making that decision by Commissioner McCaskill.

The motion failed for lack of a second

Mayor Correa passed the gavel to Commissioner Borom.

Motion by Mayor Correa to as an emergency item for discussion on the specific anonymous concerns and complaints. Second by Commissioner McCaskill. Motion passed unanimously.

The gavel returned to Mayor Correa

Commissioner Campbell advised if Mr. Bell is not friendly to the extension of his probation, the Commission has a decision to make.

Commissioner Campbell spoke regarding handling the statements at an appropriate time.

Motion to modify the agenda bringing item B for the main point of discussion and everything else fall in place by Commissioner Campbell. Second by Commissioner McCaskill. Motion passed unanimously.

Item B was discussed.

Following item B, the proceedings on item A continued.

The Clerk advised there has been a public records request for the statements of Staff. Ms. West responded there is an exemption for public records as an investigation is pending. The Clerk provided copies of the statements, now opened, to the Commission. The Clerk asked if Ms. Erdelyi is to be provided copy. She advised the Commission can provide it to Ms. Erdelyi under attorney- client privilege. The consensus was to allow the statements to be provided to Ms. Erdelyi.

Motion to table item A (postpone) until Thursday's Commission meeting by Commissioner McCaskill. Second by Commissioner Borom. Motion passed unanimously.

Commissioner Borom recommended that if someone is not comfortable or anything that would cause discomfort with the City Manager that communication report go to Human Resources until after the investigation is over. Ms. Erdelyi recommended employees not report to HR as HR reports to the City Manager. She said the Commission could have the employees report to outside counsel or the investigator or report to Commissioner McCaskill as she was the person chosen to assist with the investigation or an outside HR firm. Ms. West advised the Florida League of Cities has senior advisors and the transitions team. Commissioner Borom asked that the Commission go through the Florida League of Cities for their direction and guidance. Commissioner McCaskill will be reaching out to the Florida League of Cities.

The floor was opened to public comment

Jacob Spell 5019 Crill Ave., Palatka, FL 32177 - spoke in support of Mr. Bell and advised the Commission can discuss his evaluation among themselves not amongst the public. He advised there should be a cut-off period to bring allegations.

Fred Holley 610 N 5th St., Palatka, FL 32177 - spoke in support of terminating the City Manager.

Hearing no further requests to comment, the floor was closed to public comment.

- b. Discussion/Direction Resolution 2024-R-154 authorizing the execution of an addendum to the employment agreement with the City Manager, upon acceptance by the City Manager

A RESOLUTION OF THE CITY OF PALATKA, FLORIDA, AUTHORIZING THE EXECUTION OF AN ADDENDUM TO THE EMPLOYMENT CONTRACT WITH DARRYL LE'TROY BELL AS CITY MANAGER OF THE CITY OF PALATKA; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR SCRIVENER'S ERRORS

Ms. Erdelyi advised Mr. Bell has been asked whether he would amend a provision of his contract to extend his probationary period. Due to the language of the contract, an extension of the probation period is the cleanest manner to move forward.

Discussion commenced between Ms. Erdelyi and Mr. Bell. He advised he is not willing to seek probationary period. Mr. Bell advised if something illegal shows in the investigation he would not receive severance. Ms. Erdelyi advised the language in the agreement has a lot of situations by which the Manager's position could be terminated. Mr. Bell spoke regarding several recruiters and the Florida League of Cities, and the Rough Riders of the Florida League of Cities who do not feel an extension of a probationary period is common. Ms. Erdelyi advised there are situations where both parties agree to extend probationary periods.

Commission discussion commenced. Mayor Correa expressed it would behoove the Manager to accept the extension. Commissioner Borom expressed the investigation can still be conducted. Mayor Correa expressed she called the meeting so the discussion can occur prior to the end of Mr. Bell's probation as the City has an obligation as stewards of tax dollars.

Discussion continued regarding the investigation. Commissioner Campbell spoke on heresy and transparency. Mayor Correa spoke regarding the items on today's agenda being crucial.

The gavel passed to Commissioner Jones.

Motion by Mayor Correa to terminate Mr. Bell's employment immediately
Motion died due to lack of a second.

The gavel returned to Mayor Correa.

Motion by Commissioner Campbell to allow Mr. Bell to continue in the role of City Manager and accept the emergency item to look into the employees who have brought forth concerns and properly vet and allow Mr. Bell to exit the premises if he is friendly to leave.
Motion withdrawn.

Meeting in recess at 7:46 PM.
Meeting resumed at 8:17 PM.

See item A.

4. **ADJOURN Motion to adjourn at 8:40 PM by Commissioner McCaskill.**

NOTICES: ANY PERSON WISHING TO APPEAL ANY DECISION MADE BY THE CITY COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, AT THE APPLICANT'S EXPENSE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. FS 286.0105
PERSONS WITH DISABILITIES REQUIRING ACCOMMODATIONS TO PARTICIPATE IN THIS MEETING SHOULD

CONTACT THE CITY CLERK'S OFFICE AT 329-0100 AT LEAST 24 HOURS IN ADVANCE TO REQUEST ACCOMMODATIONS.