

KARL N. FLAGG
MAYOR-COMMISSIONER

MARY LAWSON BROWN
VICE MAYOR - COMMISSIONER

GEORGE E. SANDERS
COMMISSIONER

JAMES NORWOOD, JR.
COMMISSIONER

ALLEGRA KITCHENS
COMMISSIONER



Regular meeting 2nd and 4th Thursdays each month at 6:00 p.m.

ALLEN R. BUSH
CITY MANAGER
BETSY JORDAN DRIGGERS
CITY CLERK
RUBY M. WILLIAMS
FINANCE DIRECTOR
GARY S. GETCHELL
CHIEF OF POLICE
MICHAEL LAMBERT
CHIEF FIRE DEPT.
DONALD E. HOLMES
CITY ATTORNEY

MINUTES
Palatka City Commission Called Meeting
City Manager Candidate Finalist Interviews
November 27, 2007; 2:45 p.m.

Proceedings of a special called meeting of the City Commission of the City of Palatka, Florida, held on the 27th day of November, 2007, at 2:45 p.m.

Present: Mayor Karl N. Flagg
Commissioner Mary Lawson Brown
Commissioner Allegra Kitchens
Commissioner James Norwood, Jr.

Absent: Commissioner George E. Sanders

Present for Citizens' Interview Panel: Dr. Shann Purinton, Wayne McClain, Bill Townsend, Esquire; Audrey Mitchell; and the Reverend Charles Rabun

Also Present: City Manager Allen R. Bush, City Attorney Donald E. Holmes; City Clerk Betsy Jordan Driggers; Assistant Clerk Karen M. Venables; Police Chief Gary Getchell; Fire Chief Mike Lambert; WTP Superintendent Melvin Register; General Services Director Ken Venables; Planning Director Jim Lee; Interim Planner Debbie Banks

1. CALL TO ORDER: Mayor Flagg called the meeting to order at 3:05 p.m. and read the following special meeting call, which was issued on November 20, 2007:

TO MESSRS: MARY LAWSON BROWN, ALLEGRA KITCHENS,
JAMES NORWOOD AND GEORGE SANDERS:

You are hereby notified that a special called meeting of the City Commission is called to be held at the regular meeting place of the City Commission at City Hall, 201 N. 2nd Street, in the City of Palatka at 2:45 p.m. Tuesday, November 27, 2007.

The purpose of the meeting is to conclude the interview process with the six Palatka City Manager candidate finalists.

Isi Karl N. Flagg

Karl N. Flagg, MAYOR

The following commissioners acknowledged receipt of a copy of the foregoing notice of a special meeting on the 6th day of November, 2007:

/s/ Mary Lawson Brown
COMMISSIONER

/s/ Allegra Kitchens
COMMISSIONER

/s/ James Norwood, Jr.
COMMISSIONER

/s/ George Sanders
COMMISSIONER

INVOCATION - The Reverend Charles Rabun, Assoc. Pastor; First Baptist Church of Palatka

PLEDGE OF ALLEGIANCE – Dr. Shann Purinton

2. INTRODUCTIONS – Mayor Flagg asked the Clerk to introduce the members of the citizen panel, and asked each department head present to stand and introduce him or herself.
3. INSTRUCTIONS AND CHARGE - Mayor Flagg said the process selected by the Commission for these interviews is a tried and true process, and was selected in the best interest of the citizens. Mr. Bush read his memorandum concerning the city manager interview process, specifically addressing the “one-on-one” interview process for the finalists, which is considered a standard practice and has been used by more than 50 cities and counties in the last year when hiring a manager or administrator (filed).

Rusty Starr, 105 Timber Lane, Palatka, Publisher, Palatka Daily News, urged the Commission to keep all interviews open to the public. He stated he is not a legal expert on Florida’s Sunshine laws, but everything he has read directs government to keep their processes “in the Sunshine.” All formal parts of the process should be open to the public. A candidate that refuses to take part in public interviews is not suitable. He has provided an Attorney General’s opinion to the City Attorney, which he read into the record (filed). Because of their ‘official capacity,’ it seems likely that the Sunshine law applies to the private citizens’ panel, and he believes there may be Sunshine issues if a member of the private citizen’s panel takes part in these interviews with one commissioner present. Commissioners are making a fundamental decision about the future of Palatka. He does not want to see the Commission’s decision tainted by doubt. He strongly believes in the public’s right to know.

Mr. Holmes said representatives of the PDN contacted him yesterday afternoon and provided him with correspondence from the Attorney General regarding their concerns. The last thing he wants to do is give this commission bad advice. After reviewing this correspondence, he found nothing to change the opinion he stated earlier, which is that it is his opinion that this process does not violate the Sunshine law and does not violate any statute. He believes the PDN has presented their concerns in good faith, and emphasized his opinion is expressed as to legality, not policy. The most appropriate procedure for the Commission to follow is up to the Commission. He believes the legality of the procedure proposed by the City is legal and sound.

Mr. Holmes noted Mr. Starr had received an opinion from the press secretary from the Office of the Attorney General regarding their being advised of the PDN’s concerns, and it cited six AG opinions. He pulled up five of the six, as one from 1970’s was too old to pull up. The earlier opinions address whether or not employee interviews conducted by the Commission are possibly exempt from Sunshine laws, and the opinion is that if there is a meeting of the commission, that would be open. If the Commission as a body were to interview candidates, that would be open. There were other opinions that dealt with a process that wasn’t this process. He described a process in which commissioners took notes on their interviews, conveyed their notes to the Chairman, and a decision was made out of the Sunshine. He agrees that is a violation. That is not what this Commission is doing. The opinion cited that is most directly on point actually favors what this Commission is doing. That opinion had to do

with individual school board members discussing with the superintendent their recommendations, and then coming together as a body to act upon those recommendations. It stated meetings of individual school board members with the superintendent does not violate Sunshine when those evaluations don't become the board's decision until discussed and compiled in a noticed meeting. In the 1974 case, the Supreme Court said the Sunshine law should be construed as to not violate the intent.

He will make this letter from the Attorney General's office and opinions part of the record, and stands by his opinion. The members of the City Commission can make their notes, not communicate their notes to any other members of the commission or citizen advisors, and then come together to discuss their notes and compile them. Further, these cases all speak to one-on-one interviews. The question is, "Is that process frustrated by including citizen panel members?" He couldn't find any case law on it, but referred to the Sunshine manual itself. He believes the members of the citizens' panel are subject to the Sunshine law, but members of separate bodies can meet one-on-one and not violate the law. In closing, he stated he goes on the record saying he sees nothing in this procedure that violates the Sunshine law.

Commissioner Kitchens said she concurs with Mr. Holmes and, pertaining to research she did, she read a passage from the Sunshine law that supported Mr. Holmes' opinion. Commissioner Brown said she wouldn't hire anyone she can't sit down and talk with. The Sunshine Law is a good thing, but it does not apply in this case. They were elected by the citizens to make these decisions. She concurs with Mr. Holmes' opinion. Commissioner Norwood said he is very pleased with the process they have chosen to follow, which has been very open to the public to this point. They need to have an opportunity to meet one-on-one with these candidates so they can ask the questions that need to be asked. He respects Mr. Starr's position, but they've put a procedure in place and need to follow that procedure, which the City Attorney has approved.

Mayor Flagg thanked the citizens' panel for their involvement, and asked if they have any questions.

Bill Townsend, Esquire, Citizen Panelist, said he had previously believed they would be finished with their charge after the semi-finalist interviews were over, and was pleased they were asked to continue. He asked for a definition of their role in the previously one-on-one, now two-on-one, interviews. Mayor Flagg said it is similar to "part one" of the process, but in this case, the elected official will be scoring. As to the questions in section two, these questions are standard and have met the test of time, and they have made certain there are no EEOC violations. The instructions include the EEOC declaration. He also noted that any extra questions should be given to the City Attorney for approval. They want to make certain all this is open, above board and fair. Mr. Townsend asked what his role would be. Mayor Flagg said it doesn't matter who asks the questions; the individual panelist will communicate only with the appointing commissioner, and will not try to sway any decisions made by the commissioner in the end. Mr. Holmes said only the commissioners should fill out the score sheets. They will also become public record. Mr. Bush said the commissioners have a lot of faith and personal knowledge of the citizens they appointed; he/she should help their Commissioner/Mayor to make the best choice possible.

Commissioner Brown said she has had a lot of discussion with citizens and staff on this matter, and she is going to take all that into consideration when she makes her choice. They don't take this job lightly. Mr. Holmes said he understands they will come back together after the public reception in order to discuss their respective positions, and that is when the actual ranking will take place. There won't be any communication between any members of the Commission, nor between any members of the advisory panel, and there will be no discussion between commissioner and advisor once the interviews are over. Commissioner Brown said she has

written questions on her score sheet; Mr. Holmes said that is good, and they will become part of the record of this meeting.

Regarding Commissioner Sanders' absence, Mr. McClain said he is here as Commissioner Sanders' representative, and asked what his role will be in view of his absence. Mr. Bush said he and Mr. McClain will meet with applicants in Mr. Sanders' stead, in order to provide feedback. Mr. Holmes said, even though his appointed citizen panelist is here, any ranking and matrix he may fill out today or in the future cannot be considered part of the process in selecting the candidate. Also, since Commissioner Sanders is not here, his vote or interests cannot be considered, and no one can vote for him.

Jim Coleman, Candidate, said he is concerned that they are having this discussion at this point. They don't need to select a manager if there is any sort of cloud on the process that could be challenged later on. He asked how the citizen's panel was appointed, and what instructions were they given and/or their role in the process. Mr. Bush said each panelist was selected by an individual commissioner. Mayor Flagg said they were appointed in a meeting. The first round of ranking was done in an official meeting. Their only role has been when the candidates were interviewed in a public meeting. Mr. Coleman noted he perused the Charter, and asked if this is a temporary (ad hoc) committee. Mr. Holmes said it is temporary; he sees no reason for them to continue in any capacity once a City Manager is chosen. Mr. Coleman asked if they fall under any categories or references in the Charter. Mr. Holmes said he does not know offhand. Mr. Coleman asked if they are governed under the Sunshine law and if so, whether that was explained to them. Mr. Holmes said it is his opinion that they do fall under Sunshine, and the panelists were advised at the beginning of the process of their duties and responsibilities under Sunshine laws.

Mr. Starr asked if they are going to take a vote on his request regarding the official process. Mayor Flagg said they took action on that at the last meeting and the process was adopted then. There was consensus of the Commission to take action on Mr. Starr's request, even though it was not on the agenda. Commissioner Kitchens moved to adhere to the original, approved process of conducting two-on-one interviews between individual candidates, individual commissioners and their respective appointed citizen's panelist. Commissioner Norwood seconded the motion. A roll-call vote was requested, with the following results: Commissioners Brown, Kitchens, Norwood and Mayor Flagg, yes; Nays, none. The motion was declared passed.

Larry Sullivan, Editor, Palatka Daily News, asked if the Commission would permit a reporter to sit in on each interview. Mayor Flagg said he had no problem with that. Commissioner Brown moved to allow one member of the press to sit in with each commissioner during two-on-one interview sessions. The motion died for lack of a second.

Commissioner Kitchens said she says nothing in private that she wouldn't say in public. Whatever action they take will set a precedent. She had a one-on-one discussion with a city employee yesterday regarding a personal problem that had nothing to do with City business. When someone calls her and asks to discuss a complaint or other matter with her, is she now going to have to call the press? She intends to have a conversation with these gentlemen in a relaxed setting. She has questions for these candidates that may or may not make them uneasy to answer in front of the press. She'd rather hold these interviews without the press. Commissioner Kitchens moved to not allow the press to attend the two-on-one interview. Commissioner Norwood seconded the motion. A roll-call vote was requested, with the following results: Commissioners Brown, Norwood and Mayor Flagg, no; Commissioner Kitchens, yes. The motion failed by a vote of 3 – 1, meaning the press was not prohibited from sitting in on the two-on-one interviews.

Commissioner Kitchens noted these private interviews are no longer private, and moved to just interview all the candidates here in public. The motion died for lack of a second.

The Clerk noted Mayor Flagg would hold interviews in his office, which is Station 1. Commissioner Brown will hold interviews in the break room, or Station 2. Commissioner Kitchens will hold interviews in the Parks Office, or Station 3. Commissioner Norwood will hold interviews in the GIS office, or Station 4. Mr. Bush and Mr. McClain will speak with candidates in Mr. Bush's office, or Station 5. During the time noted as "intermission" candidates will come to the Commission meeting room and meet with department heads. Commissioner Brown moved to adjust the interview time to 20 minutes from 30 minutes. Commissioner Kitchens seconded the motion, which passed unopposed.

4. ADJOURN – Mayor Flagg adjourned the Commission to begin two-on-one interviews at 3:52 p.m., noting the Commission would reconvene this meeting at 7:45 p.m. following the candidate reception. Interviews were rotated in the following order:

Woody Boynton
 1. Mayor Flagg
 2. Vice Mayor Brown
 3. Comm. Kitchens
 4. Comm. Norwood
 5. Mr. Bush
 6. Intermission

James Coleman
 1. Vice Mayor Brown
 2. Comm. Kitchens
 3. Comm. Norwood
 4. Mr. Bush
 5. Intermission
 6. Mayor Flagg

Robert Mearns
 1. Comm. Kitchens
 2. Comm. Norwood
 3. Mr. Bush
 4. Intermission
 5. Mayor Flagg
 6. Vice Mayor Brown

Richard Reade
 1. Comm. Norwood
 2. Mr. Bush
 3. Intermission
 4. Mayor Flagg
 5. Vice Mayor Brown

John Schneiger
 1. Mr. Bush
 2. Intermission
 3. Mayor Flagg
 4. Vice Mayor Brown
 5. Comm. Kitchens

Chad Shryock
 1. Intermission
 2. Mayor Flagg
 3. Vice Mayor Brown
 4. Comm. Kitchens
 5. Mr. Bush

NOTE: Two-on-one interviews concluded at 6:25 p.m. A public reception was held at the Quality Inn of Palatka, which began at 6:30 p.m. and ended at 7:45 p.m.

5. RECONVENE: Mayor Flagg reconvened the meeting at 7:45 p.m. in order to continue with the Orders of the Day. He noted a majority of the candidates felt it was more professional to excuse themselves from this debate in order to not hinder free discussion and dialogue.

Mayor Flagg said it is incumbent upon all of them to be sure this is a fair process. It will be crucial that they all work with the new city manager in order to move this city forward and do what municipalities need to do. He asked to open discussion solely on the process of elimination, and suggested they chose their top three candidates first. There was consensus to begin the ranking process. Mr. Holmes clarified that the commissioners are free to rank candidates in any order, regardless of their score on the score sheet, because the score sheet is just a guide.

Below are the top three candidates as ranked by each member of the Commission:

Commissioner Norwood: (1) James Coleman, (2) Woody Boynton and (3) Robert Mearns

Commissioner Kitchens: (1) Woody Boynton, (2) James Coleman and (3) John Schneiger

Commissioner Brown: (1) Woody Boynton, (2) Chad Shryock and (3) Richard Reede

Mayor Flagg: (1) John Schneider, (2) Woody Boynton and (3) Chad Shryock

Mr. Bush noted he believes the Commission should give consideration to John Schneider and Woody Boynton. Mr. Holmes said, based upon a points system, the candidates are ranked, highest to lowest, as (1) Boynton, (2) Schneider, (3) Coleman and Shryock, who are tied, and (4) Reede. Mr. Mearns received no votes. Commissioner Norwood moved to eliminate Mr. Mearns and Mr. Reede altogether. Commissioner Brown seconded the motion. A roll-call vote was requested, with the following results: Commissioners Brown, Kitchens, Norwood and Mayor Flagg, Yes; Nays, none. The motion was declared passed unopposed.

Mayor Flagg noted the remaining candidates are Boynton, Coleman, Schneider and Shryock.

Below are the top two ranked candidates of the four remaining candidates, as ranked by each member of the Commission:

Commissioner Norwood: (1) James Coleman, (2) Woody Boynton

Commissioner Brown: (1) Woody Boynton, and (2) Chad Shryock

Commissioner Kitchens: (1) Woody Boynton and (2) John Schneider

Mayor Flagg: (1) John Schneider and (2) Woody Boynton

Mr. Holmes declared the Results of the 2nd ranking as (1) Boynton (2) Schneider.

Commissioner Norwood moved to eliminate Mr. Coleman and Mr. Shryock. Commissioner Brown seconded the motion. A roll-call vote was requested, with the following results: Commissioners Brown, Kitchens, Norwood and Mayor Flagg, Yes; Nays, none. The motion was declared passed unopposed.

Mr. Bush said his choices were Schneider and Boynton, in that order. Mr. Schneider has had considerable experience, and he believed all his answers were very good. They asked him some very in-depth questions. While Mr. Boynton does not have the background Mr. Schneider does, he believed he handled himself very well.

Commissioner Brown said she listened to her community on this decision. They don't have a lot of promotion from within. Mr. Bush was promoted from finance director to City manager. They need someone who can go with the flow. She is impressed with Mr. Boynton's work habits, and while he is not that experienced, his answers were good and he knows the system, and lives here. She'd like to consider him. He won't have a "learning curve."

Commissioner Kitchens said she liked all the candidates; they were all good. She was impressed with Mr. Schneider, and while Mr. Boynton doesn't have a lot of experience, he is a quick learner. He knows all the staff and operations. She concurs that what he doesn't know, he can learn. He manages his staff well. She believes in giving people a chance.

Commissioner Norwood said Mr. Boynton was his second choice. The reason he scored so high is that he handled the process very well. He is poised and confident. Although there is a lack of city manager experience, he was innovative in his answers, and they need innovative answers. He has no comment on Mr. Schneider.

Mayor Flagg said Mr. Boynton's experience and loyalty to the City is obvious. This will create a void in the Public Works department if he is hired for this job. Throughout the process he seemed to be a team builder, and spoke of his devotion to his projects. He ranked him second based upon his not having city manager experience.

Commissioner Norwood moved to offer Mr. Boynton the position as city manager. Commissioner Brown seconded the motion. Mr. Holmes asked if they were going to set a salary at this point, or move to enter into negotiations into a contract. Commissioner Norwood said the next action should be to direct the City Attorney to draw up a contract and begin negotiations. There being no further discussion on the motion, a roll-call vote was requested, with the following results: Commissioners Brown, Kitchens, Norwood and Mayor Flagg, Yes; Nays, none. The motion was declared passed unopposed.

Commissioner Norwood moved to authorize the City Attorney, Mayor and current City Manager to negotiate a contract with Mr. Boynton. Commissioner Kitchens second the motion. Mr. Holmes asked for some guidance as to duration and salary range, benefits, etc. Mr. Norwood said the salary range has been determined; he is in favor of a three-year contract, and termination clause of 3 months, and three months severance. There was consensus to go ahead and begin negotiations, and bring a contract back before the Commission for consideration at the December meeting. A roll-call vote was requested, with the following results: Commissioners Brown, Kitchens, Norwood and Mayor Flagg, Yes; Nays, none. The motion was declared passed unopposed.

6. ADJOURN - There being no further business to consider, the meeting was adjourned at 8:15 p.m. upon a motion by Commissioner Brown.

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 INSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. FS 286.105