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**Town of Ponce Inlet
Town Council
Special Meeting Minutes
March 17, 2021**

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1. **CALL TO ORDER:** Pursuant to proper notice, Mayor Smith called the meeting to order at 5:00 p.m. in the Council Chambers at 4300 South Atlantic Avenue, Ponce Inlet, Florida.

2. **PLEDGE OF ALLEGIANCE:** Mayor Smith led the Pledge of Allegiance.

3. **ROLL CALL:**

Town Council:

Mayor Smith, Seat #1

Councilmember Milano, Seat #2

Vacant, Seat #3

Councilmember Israel, Seat #4

Vice-Mayor Paritsky, Seat #5

All members of Council were present.

Staff Members Present:

Mr. Baker, Chief Building Official/CFPM

Ms. Cherbano, Human Resource Director/Deputy Clerk

Mr. Disher, Director, Planning & Development

Ms. French, Cultural Services Manager

Chief Glazier, Police Chief

Ms. Hugler, Office Manager

Ms. Hunt, Assistant Deputy Clerk

Mr. Irwin, IT Manager

Mr. Miller, Public Works Manager

Chief Scales, Fire Chief

Attorney Shepard, Town Attorney

Deputy Chief Taylor

Ms. Witt, Town Manager

36 Mayor Smith passed the gavel to Vice-Mayor Paritsky under section 3.03.B of the Town Charter,
37 due to a temporary medical issue that impacts his reading.
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4. **DISCUSSION AND DETERMINATION OF ANY TOWN COUNCIL ACTION REGARDING TOWN MANAGER'S MEMO ALLEGING INTERFERENCE WITH ADMINISTRATION AND POTENTIAL CHARTER & ETHICS VIOLATIONS BY COUNCIL MEMBER DAVID ISRAEL.** Vice-Mayor Paritsky read the title of item #4 for the record and stated that the purpose of this meeting is not to punish or censure Councilmember Israel. This is not a disciplinary hearing, or a quasi-judicial hearing. This meeting is not a legal proceeding

45 and there will be no sworn testimony from witnesses, staff, or Councilmember Israel. No public
46 officials or public employees will be compelled to speak or to provide testimony this evening.
47 Pursuant to a legal memorandum provided by Attorney Shepard the town is not obligated to
48 provide and pay for legal counsel to represent Councilmember Israel at this special meeting under
49 Section 2-1 of the Town Code or Florida Common Law. Our objective this evening should be
50 twofold. To start with, the normal course of business and level of productivity of our Town
51 Government has been compromised. Our immediate concern is to get our Town Government back
52 on track. Second, we should consider the discussion of a charter amendment because right now,
53 we have no process for adjudicating an allegation of a charter violation, and no penalties. Keep in
54 mind that any future charter amendment would not apply to the alleged misconduct by
55 Councilmember Israel because no penalties or consequences are presently incorporated in the
56 Charter. To summarize where we are at this point, per our Town Manager's memorandum of
57 February 18, 2021, a pattern of behavior and actions by Council Member Israel has created a
58 stressful environment for our employees which our Manager states is interfering with the Town's
59 business and has created a stressful working environment for the staff which is counterproductive
60 to the good work our Town staff has sought to achieve for our residents. Before we go any further
61 there are a few additional items which were received subsequent to the Town Manager's
62 memorandum of February 18th. To start with, we received an email from Councilmember Israel
63 dated March 2, 2021, where he made a request to have 14 of our staff members available to place
64 their hands on a bible so he could swear them in and examine them with a court stenographer
65 present. I do not believe that this email is part of the agenda packet for this meeting, and I would
66 ask that it be appended to the minutes (Attachment 1). There were no objections. She then asked
67 Attorney Shepard to provide an update on the status of this request. Attorney Shepard stated the
68 issue of why, at this meeting, he [Councilmember Israel] is not entitled to attorney representation,
69 is because this is not a legal hearing; once you begin taking "testimony" and "swearing-in
70 witnesses", then it could be characterized as a legal proceeding and Counsel would be appropriate.
71 If that is how this will evolve, I would recommend that you adjourn the meeting until that matter
72 is resolved or Councilmember Israel waives that opportunity. For this issue, this request has been
73 temporarily put "on hold".

74
75 Vice-Mayor Paritsky provided a PowerPoint summary for this meeting (Attachment 2). She
76 referenced that Attorney Shepard emailed a statement by our Cultural Services Manager Jackie
77 French to every Council Member on March 5th and is included in this evening's agenda. Ms.
78 French included the following statements in her email: 1) Disrespectful and unprofessional
79 behavior toward staff, which I experienced from Councilmember Israel; 2) I was uncomfortable
80 with his sarcastic retort; 3) This disrespectful attitude from Councilmember Israel is not only
81 counter-productive to our service to our residents, it is dismissive to morale and the joy we have
82 in our professions; and 4) Behavior that is rippling through our staff. Attorney Shepard also
83 forwarded an email to all Council members dated March 5th, from our website administrator and
84 office manager Becky Hugler which contained the following statement: "The stress of the current
85 environment is overwhelming and is counterproductive to getting work done". These entire
86 statements were included in the agenda packet. Vice-Mayor Paritsky also referred to a statement
87 from Aaron Irwin, our IT Manager pertaining to an encounter he had with Councilmember Israel.
88 Vice-Mayor Paritsky provided a video clip that showed that at the February 18th regular Council
89 meeting, it was made clear several times that a sitting Council member is not supposed to
90 circumvent the Town Manager by asking staff to do things. Six (6) days later, Councilmember
91 Israel circumvented the Town Manager and went directly to the IT administrator to track down the
92 source of an email he received from a resident. Vice-Mayor Paritsky stated that she thinks we now
93 have an understanding of the basis for the Town Manager's memorandum of February 18, 2021,

94 in which she stated the following, “Most of my department heads and some of my other support
95 staff are experiencing the stress of working in this environment”. Vice-Mayor Paritsky referenced
96 the timeline of events outlined in the Manager’s memorandum and noted the Feb 5th email in which
97 Councilmember Israel stated he was in possession of evidence in an ongoing Fire Department
98 internal investigation, which he was not supposed to have. She reviewed the Oath of Office that
99 each Councilmember takes before being seated. Councilmember Israel swore to this oath when he
100 was first installed on November 19, 2020. In it, we swear that we will support the laws of the State
101 of Florida and the charter and ordinances of the Town of Ponce Inlet.

102
103 Vice-Mayor Paritsky reviewed section 3.04(b) of the Town Charter which deals with Interference
104 with Administration. It is in this section that we see the language dealing with the conduct that
105 gave rise to the Town Manager’s memorandum and this evening’s meeting. Council members are
106 required to go through the manager and not directly to the staff. If established in a formal hearing
107 that the conduct complained of in the Town Manger’s memo, in Mr. Irwin’s statement and Ms.
108 French’s email did, in fact occur, a finding of a violation of our Town’s Charter may be concluded.
109 In addition to the Town Charter, we have applicable statutes contained within Florida law. As I
110 previously mentioned, the oath we swear requires us to adhere to that as well. Florida Statute
111 112.313 (6) applies to the misuse of a public position. Within your agenda packets is an email from
112 Councilmember Israel requesting that Manager Witt take action against a private organization
113 because he believes that they have acted against his personal interests. Second, when he requested
114 Aaron Irwin unmask an anonymous resident, he asked for the help as an individual not as a council
115 member, allegedly misusing his public position. Florida Statute 836.05 deals with threats and
116 extortion, a second degree felony. In this case, the allegation is that Councilmember Israel
117 requested that Manager Witt withhold funding that he himself voted for because he believes that a
118 private organization acted against his personal interests. Individuals found to be guilty under
119 836.05 may be removed from office by the Governor and if found liable under 112.313(6) may be
120 subject to impeachment, removal or suspension from office, public censure, and reprimand. In
121 addition, they may be required to forfeit one-third of their salary for up to 12 months or pay a civil
122 penalty not to exceed ten-thousand dollars. Under our charter, Councilmember Israel faces none
123 of these actions. The Council does have the option of referring this matter to an outside entity for
124 investigation, however this would run counter to my earlier stated objective of getting our
125 government back to normal as quickly as possible. This does not, however, preclude any private
126 individual from initiating action. And finally, we have an email from Councilmember Israel dated
127 March 5th, in response to the issues raised in the Town Manager’s memorandum. Vice-Mayor
128 Paritsky stated that she will not attempt to characterize it and will leave Councilmember Israel to
129 discuss it if he so wishes. His email is incorporated as a part of the public record and the packet
130 for this evening’s special meeting, as are what she believes to be the relevant documents. She
131 stated that she will now yield the floor for the purpose of Council Discussion, however if
132 Councilmember Israel wishes to have the floor now, he may do so or hold his remarks until the
133 other Council members speak. Councilmember Israel stated he would provide a statement at the
134 end; and asked where changing the charter came from as it is not on the agenda. Vice-Mayor
135 Paritsky stated it is for discussion only and Council can discuss it - nothing would be decided
136 tonight. Mayor Smith noted the chaos that has occurred in the past due to issues such as this and
137 expressed concerns that even after the Council member recognized that what he was doing was
138 against the Charter, he continued to do it, and that is problematic. He requested that Council
139 consider a resolution containing these items that were discussed tonight and what the standards of
140 decorum should be as a member of Council. It places it on the public record and re-emphasizes
141 what is in the Charter. Councilmember Milano stated his wish to accept Mr. Israel’s apology and
142 move on for the betterment of the town. He stated his concerns with Councilmember Israel’s

143 criticism of Council's spending - yet Mr. Israel has cost the taxpayers in excess of \$300 for phone
144 records. Councilmember Milano added that there were incorrect statements made by Mr. Israel
145 during his campaign and on the dais that Councilmember Milano wanted to "get rid of the fire
146 department" - which is not true. He noted that Councilmember Israel has repeatedly stated he was
147 endorsed by the fire union yet failed to inquire first to ensure he had correct information.
148 Councilmember Milano stated that all of Councilmember Israel's emails are noteworthy but two
149 stood out to him: the Nov. 24th email "wanting all files and times for the fire department for the
150 fire on Marie Drive by November 27th" (remember, November 26 & 27 were Thanksgiving
151 holiday); and the Feb. 17th email at 7:38 a.m. (before the workday started), "to review Deputy
152 Chief Taylor's hiring package that morning". These are just two examples of staff having to stop
153 their normal activities to accommodate his requests. He noted that of the 36 emails from
154 Councilmember Israel, 26 were concerning the fire department; 2 were about the North Turn; 1
155 was about Vice-Mayor Paritsky; 1 was regarding the town manager's job description; 2 were about
156 his town hall meeting; and four were about the c4pi organization. He stated there has been direct
157 or implied intimidations directed toward the town manager, as exhibited in his February 15th email.
158 He noted that there were no comments or concerns expressed about the timeline of the fire on
159 Marie Drive and why Councilmember Israel has not commented about the slur directed towards
160 him in the transcripts of the fire department interviews. He noted that Councilmember Israel's
161 complaints focus on the fire chief, deputy fire chief, and the fire department office manager - yet
162 there is no research on the other twelve firefighters. In his email dated March 5th, Councilmember
163 Israel provided a statement that "while I don't believe that all my actions were improper, I do now
164 understand that some of them were and I want to make it right". Councilmember Milano suggested
165 that Councilmember Israel begin by apologizing to Chief Scales, Ms. Hugler, Deputy Chief Taylor,
166 Ms. Witt, Mayor Smith, Vice-Mayor Paritsky, "Motown Bill", and the town staff that has had their
167 work routine interrupted to meet the demands of Councilmember Israel.

168
169 Vice-Mayor Paritsky invited Councilmember Israel to speak. He stated he would speak after
170 everyone else made their comments. Vice-Mayor Paritsky informed Councilmember Israel that
171 the other members of Council have spoken. Councilmember Israel stated the \$300 phone records
172 request was part of his job and you will find out tomorrow night. He then read his March 5th email,
173 with changes, into the record: "I have reviewed the complaint from the Town Manager, and while
174 I don't believe that all my actions were improper, I do now understand that some of them were and
175 I want to make it right. It was never my attention to interfere with Jeaneen's role as Town Manager
176 or to make any employee feel pressured or uncomfortable. ~~For that I apologize. And I was not~~
177 aware that I was making them uncomfortable. As a result of this process, I have attempted to gain
178 an understanding of how I can be a better councilmember and contribute to the Town's future
179 while staying within proper boundaries. Moving forward, I fully intend to follow the Charter and
180 recognize and support the manager/council form of governance. In short, I want a fresh start, so
181 ~~we don't continue down a non-productive path~~ can continue down a productive path as we attempt
182 to lead this Town. While we may not always agree, I want to work with you towards what we all
183 want - a better Ponce Inlet for our residents. I appreciate the patience all have shown me as I learn
184 my role as councilmember and pledge to get with Jeaneen to sign up for any additional training
185 that may help me do better in the future times. I hope this statement will help us move forward as
186 a Council and a Town so we can avoid unnecessary legal fees and focus on the important work we
187 were all elected to do." Vice-Mayor Paritsky asked if any Councilmembers had any additional
188 comments, there were none.

189
190 Vice-Mayor Paritsky opened public comments. Mike Mirage, 15 Mar Azul North asked if David
191 [Israel] did anything illegal. Attorney Shepard stated he could not answer that question.

192 Councilmember Israel interrupted, asking if the public participation timer is stopped to allow for
193 questions to be answered. Ms. Witt stated no, the public is provided with five minutes to make
194 comments and ask questions; if feasible, questions are answered at the end of the time. Mr. Mirage
195 asked if Councilmember Israel received any training? He stated that he met David during his
196 campaign and found him to be energetic, friendly, funny, and sincere and that taxpayers want this
197 type of Councilmember because they are involved. He stated his belief that the memorandum is a
198 “character assassination” that is unwarranted; he may have broken some rules but not the law, he
199 wrote an apology and that should suffice; and holding this meeting is a waste of taxpayer money.
200 He stated that this is going to backfire on you because we have an election in August. He stated
201 that because of David, more residents are participating by Zoom and I applaud you for allowing
202 them to do that, even though the state mandates that you do so. He stated that Councilmember
203 Milano has been rude and bombastic, as shown on the Zoom videos. He stated that Council and
204 the Manager owe Councilmember Israel and his wife an apology.

205
206 Ms. Witt responded that Mr. Israel has received the same training materials as provided to all the
207 other members of Council including: the Sunshine Law, provided with a copy of the Town Charter,
208 viewed the Town Attorney’s Sunshine Law DVD. In addition, he was able to attend the Planning
209 Board’s annual training and was loaned the Manager/Council form of Government handbooks,
210 which cover all aspects of City/Manager form of government. The League of Cities training has
211 not been held due to the pandemic, but it is not uncommon for new council members to go six
212 months or longer before training becomes available. Vice-Mayor Paritsky closed public comments.
213 Mayor Smith stated he is in favor of creating a resolution which symbolically emphasizes the oath
214 we all took. He noted that if this meeting is a “waste of time”, it pales in comparison to what it has
215 cost the town to respond to these requests; and when a councilmember is advised that they are
216 doing something wrong - and they continue to do it, that is concerning.

217
218 Attorney Shepard stated that in this case, a resolution should contain structure and be made by
219 motion, second, and roll-call vote. Vice-Mayor Paritsky stated her desire to begin the process for
220 the consideration of an amendment to the Town Charter that would address situations such as this
221 in the future. Specifically, a process for this Council to determine that certain conduct may be
222 found to be a violation of the Charter and outlining possible consequences. Attorney Shepard
223 outlined the process: he would prepare an ordinance, which contains a title (15 words or less), the
224 summary of the amendment (75 words or less), and the actual amendment that is proposed to put
225 in the Charter. This would require two readings, and if it passes, the item would then be placed on
226 the election ballot for consideration of the voters. He noted that a discussion is necessary to
227 determine what the proposed amendments include. He stated that Council should determine what
228 the Resolution is trying to accomplish, example - re-commit to follow the Charter, or be more
229 specific, such as interference with administration.

230
231 Mayor Smith moved to request a resolution be drafted to specifically address the activities that
232 have been outlined here and to prohibit such actions in the future; seconded by Vice-Mayor
233 Paritsky. Councilmember Israel stated he found it interesting that through this process, and you
234 being a lawyer should know better, have assumed that everything that’s been said tonight is the
235 gospel and is true. There are two sides to every story and stated this is a kangaroo court. The motion
236 PASSED 3-1, with the following vote: Mayor Smith - yes; Vice-Mayor Paritsky - yes;
237 Councilmember Milano - yes; Councilmember Israel - no.

238 Attorney Shepard reiterated the process for a charter amendment.

239
240 Council consensus was to request a discussion on this matter at a future meeting.

241
242 Councilmember Milano stated his hopes to move forward and accepted Councilmember Israel's
243 apology.

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245 5. **ADJOURNMENT** - Vice-Mayor Paritsky adjourned the meeting at 5:47 p.m.

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247 Respectfully submitted by:

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250

251 Jeaneen Witt, CMC, Town Manager/Town Clerk

252 Peg Hunt, Assistant Deputy Clerk

Subject: FW: Special Meeting - Request - Regarding Interference With Administration and Potential Charter and Ethics Violations
From: Jeaneen Witt <jwitt@ponce-inlet.org>
Date: 3/2/2021, 3:59 PM
To: Clifford Shepard <cshepard@shepardfirm.com>
CC: David Israel <disrael@ponce-inlet.org>, Mary Hoss <mhoss@ponce-inlet.org>, Bill Milano <bmilano@ponce-inlet.org>, Lois Paritsky <lparitsky@ponce-inlet.org>, Gary Smith <gsmith@ponce-inlet.org>

Cliff, I know that you are handling the details for this, so I'm forwarding to you and copying Council on this request. Thank you, Jeaneen

From: David Israel <disrael@ponce-inlet.org>
Sent: Tuesday, March 2, 2021 3:54 PM
To: Jeaneen Witt <jwitt@ponce-inlet.org>
Subject: Special Meeting - Request - Regarding Interference With Administration and Potential Charter and Ethics Violations

With regard to the special meeting on March 17, 2021, I am requesting the following personnel to be present for this meeting as I may call them to testify.

Jeaneen Witt
Becky Hugler
Jackie French
Police Chief Jeff Glazier
Fire Chief Dan Scales
Deputy Chief Noble Taylor
Kim Cherbano
Aaron Irwin
All of your department heads
Fire Department Local 4140 union members: Derek George, Mike Young, Kyle Oberst, Suzanne Severson, and John Brooks

Also a professional court stenographer should take minutes of the meeting and a Bible should be furnished to swear in all witnesses. As I conduct my investigation, I may have further requests.

Thank you.

David Israel
Councilmember Seat 4