

MINUTES
GREENVILLE TOWN COUNCIL
Regular Session, Monday, May 11, 2020, 6:00 PM
CITY HALL, 154 SW OLD MISSION AVENUE, GREENVILLE, FL 32331
ZOOM Videoconferencing software

ALSO PRESENT: Kimberly Reams, Town Clerk
Edward Dean, Town Manager
John Reid, Town Attorney
Wayne Malone, Public Works Director

1. **Call to Order:** Mayor Brown called the meeting to order at 6:12 PM.
2. **Roll Call by the Clerk:** Town Clerk Reams conducted the rollcall.
3. **Invocation and Pledge of Allegiance:** The Council engaged in a moment of silence, followed by the Pledge of Allegiance.
4. **Reading and approval of the agenda.** MOTION: Councilmember Malone moved to approve the agenda, seconded Councilmember Hamilton.

	<u>Yay</u>	<u>Nay</u>
Mayor Brown	X	
Vice Mayor Malone	X	
Mr. Burnett		
Ms. Hamilton	X	
Mrs. Tillman	X	

Motion passed unanimously.

5. **Consideration of Council Member Absences:** None.
6. **Citizens Comments:** Mayor Brittini Brown opened the floor for public comment.
 - Patricia Hinton: Dr. Hinton urged the council to honor its commitment to the Evergreen Cemetery. She urged to treat female staff fairly and equitably. Dr. Hinton also requested that next month's meeting be open to the public.
 - Melissa Prince Mays: Followed up on a letter she sent to the Council. The Council stated it was received. She asked if the Council had a proposal if the Town chose to not maintain upkeep of the cemetery. She said that her parents, grandparents, and great-

grandparents were buried in Evergreen Cemetery and that the Council respect the deceased.

7. **Consent Agenda:** The items for consideration on the consent agenda were the following:
- a. Approval of Minutes, April 13, 2020
 - b. Extension of Non-Disconnect/Late Fee Policy

MOTION: Councilmember Tillman moved to approve the consent agenda; Councilmember Hamilton seconded the motion.

	<u>Yay</u>	<u>Nay</u>
Mayor Brown	X	
Vice Mayor Malone	X	
Mr. Burnett	X	
Ms. Hamilton	X	
Mrs. Tillman	X	

Motion passed unanimously.

8. **Meeting Rules and Procedures – Councilmember Bobby Burnett:**

- Councilmember Burnett requested that the Town Council adopt practices that could reduce the time of the meetings and allow town business to be conducted more efficiently and timely.
- He suggested that if councilmembers had questions for Town Staff, the members seek those answers prior to meetings by addressing the staff individually.
- Councilmember Tillman recommended that Staff reduce their reports to writing and distribute to the Council prior to meetings.
- Mayor Brown recommend that the Town Council more closely follow the Town’s Rules of Procedure and that staff make the meeting packets available in a timely manner.

9. **Update from Twin Oaks – Benjie Read, Twin Oaks**

- Mr. Read provided an update of what was occurring at the Twin Oaks facility.
- Twin Oaks has completed the majority of demolition at the facility and is currently on the northside of the building.
- Twin Oaks has finished one of the three dorms and is currently working on the second.
- There are currently 14 minors residing at Twin Oaks; admissions have been halted due to COVID-19. They expect admissions to resume on about May 22 and the second dorm completed by the end of May.

- The USDA has informed Twin Oaks that the loan was approved in order to complete the mattress factory. Twin Oaks is working with attorneys on title search and other related activities.
- Twin Oaks is meeting tomorrow with the equipment company.

10. **First Reading of Ordinance adopting Code of Ordinances – John Reid, Town Attorney**

- First reading of Ordinance 2020-256, repeals all existing ordinances and adopts a new code.
- The language proposed is that already approved by the Town Council prior to sending to Municode for drafting the final code.
- The ordinance will return to the Town Council for a second reading and vote.

11. **Discussion/Action related to Sewer Project Bids – John Reid, Town Attorney**

- Attorney Reid discussed the sealed bid submitted by Chief Cornerstone Construction for the sewer project.
- Attorney Reid stated that the bid was incomplete and as a result, the Town was required to reject the bid.
- Attorney Reid stated that the process was not a Request for Proposal (RFP) but instead an Invitation to Bid (ITB) which is stricter. The Town is required to accept the lowest priced, responsive bid.
- Manager Dean had been in contact with Chief Cornerstone Construction, who understood the outcome and did not dispute the Town's findings.
- Manager Dean pledged to remind Chief Cornerstone Construction of future projects, so it could bid again.
- Attorney Reid addressed the issue of pricing. The budgetary amounts identified in the bid acceptance process were internal numbers and not made public to vendors. As a result, the selected vendor did not exceed any amount which would nullify its bid.
- Vice Mayor Malone raised concerns that the ITB had been changed prior to receipt.
- Vice Mayor Malone expressed concerns that the Town Council was getting information pertaining to bids.
- Manager Dean insisted that the process followed standard operating procedures.
- Vice Mayor Malone asked why the Town did not give Chief Cornerstone Construction an opportunity to cure their deficient bid.
- Attorney Reid stated that the bid was sealed; therefore, the bid could not be changed once accepted.

- Vice Mayor Malone asked if the Town had notified the vendors of any changes in specifications of the project.
- Manager Dean said that all addenda were provided to interest vendors, including Chief Cornerstone Construction.
- Manager Dean stated that he had spoken with Chief Cornerstone following the April meeting and that there was no dispute in the awarding of the bid.

12. Discussion of Social Media Practices – John Reid, Town Attorney.

- Attorney Reid reviewed Florida’s Government in the Sunshine Law with the Town Council and discussed how it applies to social media.
- Attorney Reid recommended that councilmembers not engage in town business on their personal Facebook accounts, but instead create “fan pages” devoted to official Greenville business. If a Facebook page is used for town business, members of the public cannot be blocked from the page.
- Attorney Reid reminded members that whether an item is a public record depends on its content not the manner in which it is prepared. Any item created on social media that relates to town business is a legal public record and the member is responsible for its preservation.
- Attorney Reid informed councilmembers that if any communications between members through social media, such as one commenting on the post of another, could be a Sunshine Law violation if the subject matter is related to town business.
- Attorney Reid recommend that councilmembers not engage in town business on social media but instead keep communications on town-issued email accounts so that public records could be properly maintained.

13. Discussion/Action to revise Ordinance 2019-254 (Heavy Vehicles) – Councilmember Brandi Tillman

- Councilmember Tillman has received questions from constituents about whether they could bring the tractor of the heavy vehicles into town limits.
- Vice Mayor Malone said that the damage to town roads came from trailers, not the tractors. The concern was how tractor owners could get home if they do not bring it home.
- Attorney Reid said that the prior question was if there could be a location where trailers could be parked in town. He would send the ordinance to members for their review and recommendations.

14. Discussion/Action on flyer/letter for Greenville Cleaning Project – Councilmember Brandi Tillman

- Councilmember Brandi Tillman had prepared a flyer for a cleanup initiative informing members of what the Town Council is doing to keep the town clean.

- The letter asks residents to remove yard debris and to follow local ordinances.
- Councilmember Tillman asked that members review the documents and make recommendations before sent to residents.
- Town Clerk outlined how the Town was billed for postage and how we could send the flyers.

15. Discussion/Action related to Banking Services – Ed Dean, Town Manager

- Manager Dean requested proposals from financial institutions. The proposals should be received within the next couple of weeks.
- Manager Dean said that banks needed additional time because they were dealing with the Paycheck Protection Program related to COVID-19.

16. Discussion/Action related to Evergreen Cemetery – Mayor Brittini Brown

- Mayor Brown received complaints from individuals who had loved ones in the cemetery. The allegations were that items left on gravesites were damaged or destroyed by the Town's public works employees.
- Mayor Brown wished to learn more of the purchase agreements used to sell plots so the Town Council will be clear of the Town and purchaser's respective responsibilities.
- Mayor Brown also wished to address the cost of the plots and whether these amounts were comparable to other municipal cemeteries. The current cost of one is plot is \$250.
- Mayor Brown questioned whether the purchaser assumed responsibility for upkeep of plots when the ownership of an individual plot was conveyed from the Town to the purchaser.
- Vice Mayor asked if the Town's code enforcement officer could enforce provisions of ordinance against the owners of cemetery plots.
- Vice Mayor Malone and Councilmember Hamilton expressed support for imposing a maintenance fee on the owners of plots.
- Public Works Director Wayne Malone said that the current maintenance of the Evergreen Cemetery takes his crew of four persons a time period of 1-½ days to complete.
- Councilmember Burnett said that the Town of Greenville had a responsibility to continue maintaining the Evergreen Cemetery.

MOTION: Councilmember Bobby Burnett made a motion to table this issue until council meetings could be reopened to the public. The motion died from the lack of a second.

- Mayor Brown asked if the funds in the cemetery fund were required to be separate from the general fund and whether those funds could be deposited into the general fund and have maintenance provided through the town's annual budget.
- Attorney Reid was tasked with researching what responsibilities rested with the Town regarding maintenance, what terms of conveyance applied to the individual plots, and what limitations existed on the moneys deposited in the cemetery fund.

- Attorney Reid asked the councilmembers to email him individually their specific questions regarding the cemetery.
- Manager Dean told the members that the issue of the Evergreen Cemetery was an extremely sensitive one and asked the Town Council to proceed with caution, especially since we are taking actions that will affect the deceased loved ones of residents.
- Vice Mayor Malone agreed regarding the importance of Evergreen Cemetery but said that all town responsibilities be treated equally.
- Councilmember Tillman said the Town Council should focus as much on the living as we do on the deceased.

17. Discuss and possibly take action on discipline – Vice Mayor Calvin Malone

- Vice Mayor Malone prepared a preliminary resolution to place the Town Clerk on notice of the Town Council's intention to remove her from office.
- Vice Mayor Malone said that Town was moving in a positive direction, but that Ms. Reams created an uncooperative environment; therefore, he recommended she be removed from office.
- Vice Mayor Malone posed questions regarding the procedures.
- Attorney Reid identified potential legal issues with the Town Council acting on the resolution at the current meeting.
- Attorney Reid identified language in the Charter that said such document must be provided to the Clerk prior to the meeting where action would be taken and failure to follow that procedure could expose the Town Council to a legal challenge.
- Attorney Reid also raised the issue that Florida law requires municipalities to permit public comment prior to taking any action. Since the public comment was held previously and the agenda item was unclear, one could argue that the public was not sufficiently given the opportunity to speak.
- Attorney Reid recommended that the Town Council take its action on this preliminary resolution at the next meeting.
- Vice Mayor Malone raised concerns that only the Town Clerk had access to the Town's bank accounts and that he was uncomfortable waiting another 30-days.
- Councilmember Burnett raised concerns on how the Town Council was handling this particular issue.
- He opined that the issued appeared to have been placed on the agenda in a secretive manner and that he had not received any of this information before the meeting.
- Councilmember Burnett stated that he had never heard the Town Council raise any concerns about the Town Clerk.
- He also raised the issue that the public was not given a reasonable opportunity to provide input on this issue.

MOTION: Councilmember Burnett moved that the preliminary resolution be tabled until the next meeting. The motion failed for the lack of a second.

- Councilmember Tillman asked Attorney Reid how acting would violate the procedures set forth in the Town Charter.
- Attorney Reid cited Section 4.b.(5), which requires that any written motion or similar paper for removing the Town Clerk must first be submitted to the Clerk prior to being placed on the agenda and considered as a preliminary resolution. Attorney Reid said that this requirement may also be applicable to the preliminary resolution itself.
- Attorney Reid said that the Town Council acting on this preliminary resolution could subject the Town to litigation and that it was unclear whether the Town would prevail to any subsequent litigation.
- Vice Mayor Malone stated that he was not comfortable with the current environment of the Town Hall.
- He also said that he had been barked at and that Charter Officers should not speak to councilmembers in such a manner.
- Vice Mayor Malone asked if the preliminary resolution could be limited to suspension.
- Attorney Reid said that the current charter provision only applied to termination and that suspension would not need to be done through the cited charter provision.

MOTION: Vice Mayor Calvin Malone moved to adopt the preliminary resolution noticing intent to terminate the Town Clerk and to immediately suspend with pay, seconded by Councilmember Tillman.

- Councilmember Burnett debated in opposition to the resolution.
- He said that this appeared to be personal by Vice Mayor Malone and that he had never heard any complaints about the Town Clerk from other councilmembers.
- Councilmember Burnett said that the action proposed appeared to be a personal vendetta against the Town Clerk.
- He said that taking this action while the meetings were limiting participation due to the current pandemic was improper.
- Councilmember Burnett opined that this action would move the Town backward.

	<u>Yay</u>	<u>Nay</u>
Mayor Brown	X	
Vice Mayor Malone	X	
Mr. Burnett		X
Ms. Hamilton	X	
Mrs. Tillman	X	

18. Comments by Town Council, Town Attorney, Town Manager, Town Clerk, and Grant Consultant(s).

- Manager Dean submitted his report in writing. Councilmember Tillman praised it.

- Vice Mayor Malone asked if the Town could drug test charter officers and councilmembers.
- Attorney Reid said that he would need to research the issue.
- Mayor Brown entertained a motion that the Deputy Town Clerk be elevated to the position of Town Clerk during the current suspension.

MOTION: Vice Mayor Calvin Malone moved to elevate Deputy Town Clerk Carolyn Spears to serve as the Interim Town Clerk, seconded by Councilmember Tillman.

- Councilmember Burnett recommended that the Town Council check with Deputy Town Clerk to see if she was willing to take the additional responsibility.
- Mayor Brown tasked Manager Dean with discussing the issue with Deputy Town Clerk Spears.
- Councilmember Burnett said we would need to consider additional compensation for the Deputy Town Clerk if she were to serve as the interim.
- Mayor Brown said that the Town Council would likely soon hold a special-emergency meeting.
- Councilmember Tillman requested that the Town retrieve town property from Clerk Reams and that she be allowed to retrieve her personal belongings.
- Vice Mayor Malone recommended that we change current passwords.
- John Willoughby posed questions about the preliminary resolution.

19. **Future agenda item requests.**

20. **Informational items.**

21. **Adjournment.**

Meeting was adjourned at 8:34 PM.

RESPECTFULLY SUBMITTED,

Lee N. Jones, Jr.
Interim Town Clerk