

City of Delray Beach

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Minutes - Draft

Friday, November 20, 2020

10:00 AM

Special Meeting at 10:00 AM

Delray Beach City Hall

City Commission

Mayor Shelly Petrolia
Vice Mayor Ryan Boylston
Deputy Vice Mayor Shirley Ervin Johnson
Commissioner Adam Frankel
Commissioner Juli Casale

SP.1. PUBLIC HEARING REGARDING GEORGE GRETSAS TERMINATION

Sponsors: City Attorney Department

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[Tab 1 Final Written Charges Letter](#)
[Tab 2 State of Emergency Resolution](#)
[Tab 3 Gelin Email on Purchasing Waiver](#)
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[Tab 23 Jessica email mobile management](#)
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[Tab 33 Personnel 20 Percent Rule](#)
[Tab 34 Lynn emails about Cusson](#)

[Tab 35 Hinnert Petrolia Pleads 5th Pages Plus Full Depo](#)

[Tab 36 Lynn's Involvement in Edkin Contract](#)

[Tab 37 Letter Authorizing ACMS to Execute Documents](#)

[Tab 38 Whistleblower letter with attachments](#)

[Tab 39 PFAS PEER](#)

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[Tab 41 Petrolia Enemies List Scheme](#)

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Pursuant to Section 3.12 of the Charter of the City of Delray Beach, the Mayor has instructed me to announce a Special Meeting of the City Commission to be held for the following purposes:

The Special Meeting was called to order at 10:00 a.m.

The roll call was taken by City Clerk Katerri Johnson. The following were present:

Present: 5 Mayor Shelly Petrolia, Deputy Vice Mayor Shirley Ervin Johnson, Commissioner Adam Frankel, Vice Mayor Ryan Boylston, and Commissioner Juli Casale

Others present:

Assistant City Manager, Allyson Love

Assistant City Attorney, Lawonda Warren

City Clerk, Katerri Johnson

Lawonda Warren, Assistant City Attorney, provided the timeline of the George Gretsas case.

Mayor Petrolia read the Quasi Judicial rules into the record.

City Clerk Katerri Johnson swore in Dr. Davidyan who wished to provide testimony.

Mayor Petrolia asked her colleagues for ex-parte communications. The following was disclosed:

Vice Mayor Boylston: Received documents from the City Server.

Deputy Vice Mayor Johnson: Received documents from the City Server.

Commissioner Frankel: Reported that the last time he spoke with Mr. Gretsas was the day of his suspension. He also received emails from the City Server.

Commissioner Casale: Reported that the last time she spoke with Mr. Gretsas was the day of his suspension. She also received emails from the City Server.

Mayor Petrolia: Received documents from the City Server.

Lawonda Warren, Assistant City Attorney, read the written charges against Mr. Gretsas into the record and presented Dr. Davidyan's documents to the Clerk.

Deputy Vice Mayor Johnson motioned to accept Dr. Davidyan's documents as evidence. It was seconded by Commissioner Casale. The motion carried by the following vote:

YES: 4 - Mayor Petrolia, Deputy Vice Mayor Johnson, Commissioner Casale, and Commissioner Adam Frankel

NO: 1: - Vice Mayor Boylston

Robert Norton, Attorney of Allen Norton and Blue representing the City of Delray Beach, spoke on behalf of Dr. Davidyan.

Mr. Norton reminded the Commissioners that the investigation began due to the retaliation and firing of Suzanne Fisher after she filed a complaint for bullying and harassment against Mr. Gretsas.

Attorney Carmen Rodriguez, representing Mr. Gretsas, objected Mr. Norton's statements because Ms. Fisher's allegations were not the charges being judged on in this case.

Commissioner Frankel motioned for any allegations outside of the nine brought forth by the City of Delray Beach would be sustained at the hearing. It was seconded by Vice Mayor Boylston. The vote was taken, and the motion failed 3-2.

YES: 2 - Commissioner Adam Frankel and Vice Mayor Boylston

NO: 3: - Mayor Petrolia, Deputy Vice Mayor Johnson, and Commissioner Casale

Attorney Robert Norton, representing the City of Delray Beach, continued his opening statement.

Attorney Carmen Rodriguez, representing Mr. Gretsas, asked to strike the personal information stated about Mr. Gretsas' whereabouts from the record.

Commissioner Casale made a motion to strike Mr. Gretsas's personal matter from the record. It was seconded by Commissioner Frankel. The motion carried by the following vote:

YES: 5 - Mayor Petrolia, Deputy Vice Mayor Johnson, Commissioner Casale, Vice Mayor Boylston, and Commissioner Adam Frankel

Attorney Robert Norton concluded his opening statement.

Mayor Petrolia opened the floor for the following public comments:

Steve Shiver, residing at 1420 Egret Road, Homestead, commended the City of Delray Beach for publicly reprimanding Mr. Gretsas' actions and for doing what the City of Homestead should have done years ago.

Ken MacNamee, residing at 1049 Delhaven Drive, Delray Beach, requested the City to comply with his public records request for Mr. Gretsas' letters within 48 hours.

Dr. James Eric McDonough, residing at 32320 SW 199th Avenue, Homestead, expressed his disdain for Mr. Gretsas' and his actions. He requested the Commission to vote in favor of terminating Mr. Gretsas.

Willie Potts, residing at 135 NW 7th Avenue, Delray Beach, requested Attorney Robert Norton to issue a letter apologizing to Mr. Gretsas for the false accusation made in his opening statement.

The Commission concluded public comments.

Attorney Carmen Rodriguez, Mr. Gretsas' counsel gave her opening statement and voiced concerns regarding the case and the validity of Dr. Davidyan's report. She refuted the charges against Mr. Gretsas, and claimed that her client acted in this manner with the direction and legal advice from staff. Ms. Rodriguez reported that Mr. Gretsas allegedly sent Ms. Fisher's termination letter to Lynn Gelin, City Attorney, and she did not prohibit him from sending it.

A discussion ensued regarding Ms. Rodriguez's comments about Mayor Petrolia.

Commissioner Casale made a motion to object Ms. Rodriguez's statements referring to Mayor Petrolia due to them being irrelevant to the case. It was seconded by Deputy Vice Mayor Johnson. The motion carried by the following vote:

YES: 4 - Mayor Petrolia, Deputy Vice Mayor Johnson, Commissioner Casale, and Vice Mayor Boylston

NO: 1 - Commissioner Adam Frankel

Attorney Carmen Rodriguez requested to overturn the Commission's decision because she believed that Mayor Petrolia should not be a voting member of the hearing due to conflicts of interest.

Mayor Petrolia reported receiving an email from the Commission of Ethics stating that there is not a conflict of interest in her participating in these proceedings.

The Commissioners had a discussion with Lawonda Warren, Assistant City Attorney, and Carmen Rodriguez, Gretsas' Attorney. There was consensus to allow Mayor Petrolia to continue to engage in the proceedings.

Deputy Vice Mayor Johnson asked Attorney Rodriguez to clarify her role in the Gretsas case. There was confusion on whether Mr. Gretsas had changed counsel.

Attorney Rodriguez explained her involvement in the case. She argued that charging Mr. Gretsas for having a private server was hypocritical. Additionally, she felt that the investigation was a witch hunt to terminate her client.

There was a 15-minute recess from 12:15 p.m.-12:30 p.m. The Commission reconvened at 12:31 p.m.

Mayor Petrolia asked Attorney Robert Norton to address his concerns to the Commission.

Mr. Norton refuted Attorney Rodriguez's statements. He believed Ms. Rodriguez created diversions to deflect her client's wrongdoings.

Mayor Petrolia questioned Lynn Gelin, City Attorney, as a witness, about what classifies a whistleblower, proper procedures a City Manager should follow, Basecamp, and her involvement in the Ms. Fisher situation.

Lynn Gelin, City Attorney, clarified that she advised Mr. Gretsas not to send the letter. Additionally, she specified the issue with Basecamp was that it did not follow public records retention policies and further explained the issues with the private network.

Mayor Petrolia requested an update on the public records request made by Mr. MacNamee.

City Attorney Gelin informed the Commission that the City was unable to find the documents regarding the water tanks that Mr. Gretsas claimed to have sent the Commission.

Commissioner Frankel and Commissioner Casale asked Ms. Gelin questions related to the case.

Attorney Carmen Rodriguez gave her closing remarks. She believed that Mr. Gretsas was never provided a fair chance to resign on his own terms.

Vice Mayor Boylston stated that there was misinformation about technology and requested the City to bring a technology expert to the table in the future. He stated for the record that City Attorney Gelin informed him that Mr. Gretsas was resigning when Mr. Gretsas was not intending to resign. Vice Mayor Boylston continued to indicate that he was uncomfortable with the investigation process because his questions remained unanswered.

Deputy Vice Mayor Johnson thanked Judge Kastrenakes for his previous ruling. She hoped the Commission would learn from this experience when hiring a new City Manager.

Commissioner Frankel apologized for hiring the wrong person to be City Manager and how this issue has negatively weighed on the City of Delray Beach residents and staff.

The Commissioners wished they had the opportunity to hear from Mr. Gretsas during the hearing process.

Commissioner Frankel indicated that he would feel the most comfortable with terminating Mr. Gretsas without cause. Commissioner Casale respectfully disagreed.

Mayor Petrolia thanked Assistant City Manager Allyson Love, Assistant City Attorney Lawonda Warren, Dr. Davidyan, Attorney Robert Norton, City Attorney Lynn Gelin, Mr. Gretsas' Attorney Carmen Rodriguez, and everyone present.

Lawonda Warren, Assistant City Attorney, read the opening statement of the Board Order into the record.

Count 1: Relating to Mr. Gretsas' violations of Florida Statute Chapter 119 pertaining to the use of the program use of Basecamp as well as the installation of a network outside the purview of the City's IT Department. There is ample competent substantial evidence to support a finding of misconduct as defined by the Florida Statutes in violation of the terms of the employment agreement dated October 8, 2019. The following vote was taken:

YES: 3 - Mayor Petrolia, Deputy Vice Mayor Johnson, and Commissioner Casale

NO: 2 - Vice Mayor Boylston and Commissioner Frankel

Count 2: Relating to the termination letter sent to Ms. Fisher and subsequently disseminated to City Staff and the media. There is ample competent substantial evidence to support a finding of misconduct as defined by the Florida Statutes in violation of the terms of the employment agreement dated October 8, 2019. The following vote was taken:

YES: 3 - Mayor Petrolia, Deputy Vice Mayor Johnson, and Commissioner Casale

NO: 2 - Vice Mayor Boylston and Commissioner Frankel

Count 3: Relating to violations regarding the hiring of Timothy Edkin. There is ample competent substantial evidence to support a finding of misconduct as defined by the Florida Statutes in violation of the terms of the employment agreement dated October 8, 2019. The following vote was taken:

YES: 3 - Mayor Petrolia, Deputy Vice Mayor Johnson, and Commissioner Casale

NO: 2 - Vice Mayor Boylston and Commissioner Frankel

Count 4: Relating to violation regarding the creation of the Arts Garage Television Studio and the hiring of Joshua Padgett. There is ample competent substantial evidence to support a finding of misconduct as defined by the Florida Statutes in violation of the terms of the employment agreement dated October 8, 2019. The following vote was taken:

YES: 3 - Mayor Petrolia, Deputy Vice Mayor Johnson, and Commissioner Casale

NO: 2 - Vice Mayor Boylston and Commissioner Frankel

Count 5: Relating to misconduct regarding the hiring of Jason King. There is ample competent substantial evidence to support a finding of misconduct as defined by the Florida Statutes in violation of the terms of the employment agreement dated October 8, 2019. The following vote was taken:

YES: 4 - Mayor Petrolia, Deputy Vice Mayor Johnson, Commissioner Casale, and Vice Mayor Boylston

NO: 1 - Commissioner Frankel

Count 6: Relating to Mr. Gretsas' failure to review timesheets for Joshua Padgett. There is ample competent substantial evidence to support a finding of misconduct as defined by the Florida Statutes in violation of the terms of the employment agreement dated October 8, 2019. The following vote was taken:

YES: 4 - Mayor Petrolia, Deputy Vice Mayor Johnson, Commissioner Casale, and Vice Mayor Boylston

NO: 1 - Commissioner Frankel

Count 8: Related to the dissemination of false statements in his written complaint on July 31. There is ample competent substantial evidence to support a finding of misconduct as defined

by the Florida Statutes in violation of the terms of the employment agreement dated October 8, 2019. The following vote was taken:

YES: 3 - Mayor Petrolia, Deputy Vice Mayor Johnson, and Commissioner Casale

NO: 2 - Vice Mayor Boylston and Commissioner Frankel

Count 9: Relating to Mr. Gretsas' refusal to comply with public record laws putting the City of Delray Beach at risk of liability. There is ample competent substantial evidence to support a finding of misconduct as defined by the Florida Statutes in violation of the terms of the employment agreement dated October 8, 2019. The following vote was taken:

YES: 5 - Mayor Petrolia, Deputy Vice Mayor Johnson, Commissioner Casale, Vice Mayor Boylston, and Commissioner Frankel

The Commission realized that they had skipped a written charge. Assistant City Attorney Warren reread count nine of the board order.

Count 9: Relating to Mr. Gretsas' refusal to comply with public record laws putting the City of Delray Beach at risk of liability. There is ample competent substantial evidence to support a finding of misconduct as defined by the Florida Statutes in violation of the terms of the employment agreement dated October 8, 2019. The following vote was taken:

YES: 3 - Mayor Petrolia, Deputy Vice Mayor Johnson, and Commissioner Casale

NO: 2 - Vice Mayor Boylston and Commissioner Frankel

The Commission then noticed that count seven was the missing item. Assistant City Attorney Warren read the charge to the Commission.

Count 7: Relating to Mr. Gretsas' failure to comply truthfully with the Ms. Fisher investigation. There is ample competent substantial evidence to support a finding of misconduct as defined by the Florida Statutes in violation of the terms of the employment agreement dated October 8, 2019. The following vote was taken.

YES: 3 - Mayor Petrolia, Deputy Vice Mayor Johnson, and Commissioner Casale

NO: 2 - Vice Mayor Boylston and Commissioner Frankel

Commissioner Casale made a motion to terminate George Gretsas with cause. It was seconded by Deputy Vice Mayor Johnson. The motion carried by the following vote:

YES: 3 - Mayor Petrolia, Deputy Vice Mayor Johnson, and Commissioner Casale

NO: 2 - Vice Mayor Boylston and Commissioner Frankel

With no further business to discuss, the Special Meeting was adjourned at 2:03 p.m.

Due to the mix up that took place, a clarification was made of each Commissioner's votes on December 1, 2020, which was adjourned at 6:33 p.m.