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Kenneth City deal may seat mayor

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KENNETH CITY — Council members agreed to a deal that could result in Mayor-elect Teresa Zemaitis finally assuming the office she won in a landslide election last month.

Zemaitis, 40, has been unable to take her seat because an obscure provision in the town charter bans public employees from serving as mayor. Zemaitis, a teacher at Dixie Hollins High School, is considered a public employee. A judge has ruled the clause constitutional, but Zemaitis is appealing.

The unanimous agreement came at the end of a workshop Wednesday that saw Tampa attorney Tom Scarritt and Kenneth City residents snarling and snapping at each other throughout the evening.

Under the proposed deal, the Kenneth City council would vote to make Zemaitis mayor pro tem if she drops her appeal. That vote could come next Wednesday if Zemaitis takes the deal. But there are a few strings attached.

As the words "pro tem" imply, the job is temporary. In Zemaitis' case, she would hold that office until Kenneth City's next regular election in March. If voters change the charter to eliminate the restriction, then Zemaitis would become mayor. If the charter amendment failed, then Zemaitis would have to resign from her teaching job or give up the mayor's seat.

While serving as mayor pro tem, she would not be able to fire any town employee without cause. She would, however, be able to fire employees with cause. In either case, the town charter requires a vote of the council before a mayor can fire anyone. But the restriction would prevent Zemaitis from recommending anyone be fired unless she could show a good reason for doing so.

It was that last restriction that sparked the wrangling.

Scarritt, who had originally been hired to keep Zemaitis out of the seat she won with 70.5 percent of the vote, took the first shot. His target was Zemaitis, who got up to ask, among other things, about the firing restriction.

Mayor pro tem is not a position named in Kenneth City's charter, but other municipalities across Florida recognize the position. Zemaitis wanted to know if those other cities restricted the mayor pro tem's ability to fire employees. Town attorney John Elias said he placed the restriction in the settlement offer to protect the town against possible lawsuits should Zemaitis want to "clean house."

As Zemaitis asked why she should be subject to such a restriction when other mayor pro tems are not, Scarritt asked, "What about that restriction bothers you? ... This is a restriction, I think this is minimal. ... If that's not acceptable, I'd like you to explain to me why."

Zemaitis told Scarritt that it was not his decision to decide whether to force the restriction on her.

"That's the council's decision to make," she said. There were cries of "hear, hear" and applause.

It is unclear whether Zemaitis will take the offer. She said she and her attorney, Bruce Howie of the American Civil Liberties Union, are waiting until they receive a written proposal before making a decision.

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