

**AGENDA MINUTES  
CITY COUNCIL  
CITY OF ARCADIA  
TUESDAY, MARCH 4, 2014  
6:00 P.M.**

**CALL TO ORDER, INVOCATION, PLEDGE OF ALLEGIANCE & ROLL CALL**

The Mayor called the meeting to order at approximately 6:00 p.m. with the following members and staff present:

**Arcadia City Council**

Mayor Alice Frierson

Councilmember Robert R. Allen

Deputy Mayor Joseph E. Fink

Councilmember Robert W. Heine

Councilmember Keith Keene was not present.

**Arcadia City Staff**

Interim City Administrator Tom Slaughter

City Marshall Matt A. Anderson

Finance Director Beth Carsten

Code Enforcement Officer Carl McQuay

City Clerk Penny Delaney

City Attorney Thomas J. Wohl

Finance Director Beth Carsten gave the invocation, which was followed by the Pledge of Allegiance and roll call.

**PRESENTATION**

**1. Retirement of Larry Bullion after 19 1/2 years of service to the City of Arcadia**

Mr. Bullion was not present, but the Interim City Administrator acknowledged a plaque which was to have been presented to Mr. Bullion had he been present. Mr. Bullion retired after 19 ½ years of service to the City of Arcadia at the Water Treatment Plant.

**2. Certificates of Appreciation to Steve Underwood, Bobby Skinner and Jeff Collins for City Hall Renovations**

The Interim City Administrator acknowledged Steve Underwood, Bobby Skinner and Jeff Collins with the presentation of Certificates of Appreciation regarding their work on the new council chambers. Mr. Slaughter pointed out that considering the costs, the money savings were incredible with the quality of work that they produced.

The Interim City Administrator suggested as a thought that it would be appropriate to honor a former individual through employment, service of council, or some other way, by naming Chambers after someone.

**CONSENT AGENDA****3. City Council Minutes for February 18, 2014**

The City Clerk pointed out that there were two errors on page five of the February 18, 2014 minutes. The first item on page five has a typographical error listing the vote as 5/0 when it should have been 4/1. Also in discussion item number 11, the vote was not listed and needs to be added to reflect the vote. Mayor Frierson asked if everyone would like to make note on their copy and proceed with the vote on the motion since it is very minor changes. Deputy Mayor Fink was in agreement. Council Member Heine made a motion to approve the minutes from February 18, 2014 and Deputy Mayor Fink seconded the motion. No discussion followed and it was unanimously, 4/0, approved.

**4. Change Order for Water Treatment Plant Construction**

A.J. Berndt advised this is related to the last council meeting where Council approved to get the loan and this is the actual breakdown of everything. It is another process that needs to be gone through. He stated that he received notice from Hazen and Sawyer that the whole loan would be 100% paid back through the State. The City will not have any payments on it. Mr. Berndt stated that they are requesting Council to give consent for the Interim City Administrator to sign this so it can be sent to the DEP tomorrow morning. Council Member Heine made a motion to move forward and to allow the Interim City Administrator to sign the Change Order and Deputy Mayor Fink seconded the motion. No discussion followed and it was unanimously, 4/0, approved.

**5. Verbatim Account of Item No. 13 of October 15, 2013 City Council Minutes**

Council Member Heine made a motion to accept the verbatim account of Item No. 13 of the October 15, 2013 City Council Minutes and Deputy Mayor Fink seconded the motion. The Interim City Administrator asked the City Clerk to explain the purpose for the verbatim account. The City Clerk advised that Mr. Ambler of DeSoto Insurance Company had advised City Council at the last meeting and advised that there was more discussion than was addressed in the previous minutes. There were actions that City Council had taken to make changes in their coverage and he wanted that spelled out specifically so a verbatim account was provided for further explanation. Deputy Mayor Fink asked if Mr. Ambler could address City Council and state whether the verbatim account is sufficient for the purposes that he requested of us. Mr. Ambler thanked City Council for the opportunity to speak at the last meeting. He stated that the verbatim account reflected what he believed transpired. No discussion followed and it was unanimously, 4/0, approved.

**6. Personnel Policy Manual Update**

The Interim City Administrator stated that the manual had already been reviewed once and it will be reviewed one more time. He stated that at the last meeting, an agreement was made that all changes to the Personnel Manual would go through a two step process. The first

step would be a discussion and presentation of the strike-through/underline document. Secondly, in addition to Council review, the department managers will review it with their staff. He stated that he had provided the strike-through/underline document, in a legislative format, in the Council packet and that he had heard from one council member regarding Section 22.15. He advised that was an omission on his part and it deals with the role of the administrator as it relates to the roster of employees. In addition to the one error in Section 22.15, one other council member identified a concern that in addition to the listing needs to go through City Council. He advised that Council will be looking at a handful of key hires such as Administrator, Clerk, Finance Director, Public Works Director, Utility Director, and City Planner as being hires that Council would have authority to approve or disapprove a hire or any personnel matter that may involve that person including up to termination.

Mr. Ambler stated that one of the services you get with your insurance company is that they have a human resources hotline that is a direct conduit to a human resources attorney. He stated that he had told the Interim City Administrator and some staff about it and didn't know if it was being used, but that he would hope it would be used.

Deputy Mayor Fink asked if the personnel policy has a disclaimer sheet regarding an employee having read and understood the policy to be torn off and placed in their personnel file. The City Attorney recommended having that sheet given to a new employee and informing that employee that they have five days to read, understand, sign and return it to Administration.

The Interim City Administrator stated that he will amend Section 22.15 and include an appendix which will include an employee roster. He was also include an acknowledgment that the employee acknowledges receipt and review of the personnel policy upon date of hire.

## **7. Staffing Levels**

The Interim City Administrator stated that the Finance Department prepared three tables that started with the previous year starting point being the budget which showed 111 staff positions. He stated that on October 1, 2013, the actual number of employees working for the City was 96. He further stated there is now 88. He advised that the Finance Department is really struggling. Because the money issue is so important, they are doing some reforms from everything from dumpster service to utility billing. He stated there is a real need for three staff members at the utility collection windows and a hybrid position that would be trained by finance, but would work in public works and the utility department. There are two directors and six different managers and there is a lot of paperwork that goes back and forth between those departments and finance. He proposed to fill two positions and advised staffing would go from 88 employees to 90 employees. The City is currently budgeted at 96. Council Member Heine made a motion to approve adding two positions to the Finance Department and Deputy Mayor Fink seconded it. The Mayor stated that they were on the verge of hiring a permanent administrator and wondered if they might let him handle the staffing. No response was made from any council member. No discussion followed and it was unanimously, 4/0, approved.

## 8. Top Five Candidates for Position of City Administrator

John Super advised that the committee had arrived at the five top candidates to present to Council. It was then brought to Council's attention that due to an IT issue, there were eight applications that were never made available to the City Clerk until after the February 28<sup>th</sup> deadline. The City Clerk was advised by the City's IT employee that numerous e-mails were in the SPAM file which no City employee has access to. Upon learning of this, the City Clerk requested the IT employee to review for possible applications regarding the City Administrator Position. These were located and presented to the City Clerk. However, this information was provided to the City Clerk after the committee had met and the top five candidates were chosen.

It was also brought to the City Council's attention that a five member panel was selected for the search committee, but only four members had an opportunity to vote. One committee member was not able to participate in the vote. The Interim City Administrator suggested that the City Clerk direct all application material in a hardcopy to each committee member. One committee member had an issue with his computer not working properly. He recommended to Council to direct the committee to go back and include those other eight and in doing so ensure that all five members can vote. Mayor Frierson asked if anyone had any objections following the Interim City Administrator's suggestions. Council Member Heine stated that they would have to. The City Attorney reminded Council that the reason the committee brought the top five candidates before Council today is because that was the day spelled out in the Resolution, but he agreed that the other applicants needed to be part of the review process.

The Interim City Administrator suggested that when the committee reconvenes, all applications need to be included and the scoring sheets need to be kept for each person. He also suggested that all committee members have plenty of time to review the applications and that all committee members be present when the top five candidates are chosen. Mayor Frierson stated that she has a problem with the Interim City Administrator participating so much in the process. The Interim City Administrator stated that he had been asked by a number of the committee members why he wasn't involved and he stated that he has told them that he needs to stay out of it. However, he stated, that when a number of problems through the computer system and the meeting system, it reflects poorly on the staff members that are setting it up and it puts them in an awkward position. He further stated he's bringing forward in regards to the staff and if agreements were made, they should be followed. Deputy Mayor Fink asked the City Attorney if it was put off for a two week period, would it cause a problem with the Resolution. The City Attorney advised that he would recommend a motion to amend the Resolution as to paragraph six to provide that the five candidates shall be presented by March 18<sup>th</sup>, provided that all members of the advisory committee can be present.

Dick Fazzone stated that all committee members should participate and not be in a hurry with something this serious and critical. He further stated that he is not challenging the integrity of any member. Deputy Mayor Fink stated that he felt they should amend paragraph six of the Resolution to deal with the continuance and it not be date specific. The City Attorney stated that the Council had wanted this as soon as possible and not have unnecessary delays. Deputy Mayor Fink made a motion to conclude the business by March 18, 2014. However, he stated if not

possible, then all completed by April 15, 2014. Council Member Heine seconded the motion. The City Attorney stated that they may want to change it to April 15, 2014 and to have the amended resolution on the next agenda. Dick Fazzone stated that since some of these issues have come up, he felt the City Attorney should be at the next committee meeting to which the City Attorney stated that would be council's decision. Deputy Mayor Fink stated the motion would include it would be changed by amending the resolution at the next meeting and Councilmember Heine seconded the motion. The Interim City Administrator recapped the discussion for staff by stating that all applications that were received before Friday, February 28, 2014, at 5:00 p.m. will be notified of the six questions so they can fill those out and with that said, all materials for all qualified applications who applied by that date will be sent in hard copy form to each of the five members in advance. No discussion followed and it was unanimously, 4/0, approved.

### **COMMENTS FROM DEPARTMENTS**

#### **9. CITY MARSHALL**

Marshall Anderson stated that the police department report was provided in their packets. He also stated that state law changes are coming up in 2015 and all accidents reports that are worked will have to be electronically filed with the Clerk of the Court. He stated that Lieutenant Joens, with the help of Betsy Sorrell, was able to obtain a \$25,000.00 grant for needed equipment which includes hardware, computers, printers, scanners, etc. The award packet was received Friday, February 28, 2014. They received the first bid for \$34,000.00 which would include eleven laptop computers, stands and printers, but advised they are still looking. He was asking Council for their permission to send the information off to get the grant. Deputy Fink brought forward a discussion of a budget amendment. In the end, it was decided a budget amendment was not required and Deputy Fink advised if there was no budget amendment, he was fine with it. Councilmember Heine made a motion to approve the documents be sent to the Finance Department to get started and Deputy Mayor Fink seconded the motion. No discussion followed and it was unanimously, 4/0, approved.

#### **10. CODE ENFORCMENT OFFICER**

NONE

#### **11. CITY ATTORNEY**

The City Attorney stated that he wanted to update Council regarding the lawsuit filed against Stonegate Apartment complex last year, obtained a temporary injunction to have them disconnect from their water supply. The hearing was heard last week on the final judgment matter to enforce the permanent injunction and having the court declare that we are entitled to enforce the ordinance the way we have said we were going to enforce it. He advised that case is wrapped up. He stated the City has a permanent injunction adjoining that property whether it's Stonegate Apartment, Inc., as the owners or any successors from essentially disconnecting from the City's water and sewer supply and providing their own water. Beth Carsten advised that Mr.

Game has had individual meters installed and has paid the \$9500.00 which brings his account current. The City's meter has been pulled and replaced with individual meters. Council Member Heine asked about the outstanding amount of \$18,000.00 which is owed on another account. The City Attorney advised that the City could certainly file suit against that entity, but it was his opinion that it would likely not be worth it because it's a dissolved entity with no assets. He further stated that what has now been put in place since that happened, not only do they have the individual metered accounts now, but they also have an ordinance where they are permitted to lien the property. He advised accordingly, they are ensuring that when the account is opened, it will be opened by a tenant or the property owner. He stated that they are making sure they are staying within the bond covenants and complying with those.

## **12. INTERIM CITY ADMINISTRATOR**

The Interim City Administrator stated that Gary Frierson, the Chairman of the Airport Advisory Committee, and Mike Moon from Hanson, had presented Council with the Minimum Standards. He stated that upon review, the attorney made some changes, primarily some scrivener and grammatical. He further stated that since nothing substantive had changed, it was being brought forward to Council not for any action at this time, but simply for approval of the Council to forward to the FAA on behalf of the Airport Advisory Committee. Once it is returned from the FAA, then Council may take action on it. Deputy Mayor Fink stated that technically the Airport Advisory Board does not report to Council and thought that the request should come from the Interim City Administrator. The City Attorney suggested that the request can come from both the Airport Advisory Committee and the Interim City Administrator. Deputy Mayor Fink made a motion to approve and Council Member Heine seconded the motion. Mayor Frierson sustained from voting on the issue. No discussion followed and it was unanimously, 3/0, approved.

The Interim City Administrator advised that the City had received a grant from the State of Florida Department of Economic Opportunities some time ago for a \$25,000.00 Strategic Plan Initiative. He stated they would like to begin it in about a week and asked Council what days would work best for them. It was decided the meeting would be scheduled for Monday, March 10, 2014, at 4:00 p.m.

The Interim City Administrator asked the Finance Director to address Council regarding participating in the Rodeo Parade. It was discussed that the vehicles will be City owned and there would be no issue regarding insurance. Deputy Mayor Fink stated that he was very pleased and grateful that Council was asked to participate.

## **PUBLIC**

Charles Conklin stated it was brought to his attention regarding the approval of a resolution that would go before the voters regarding the City taking over the City Police Department. He further stated that it would no longer be an elected position, but controlled by the City. The City Attorney stated that it was discussed, but a decision was made not to move forward because it had been on a prior referendum that did not pass. Mr. Conklin stated that he

didn't want the City to go through what happened with the past Marshall. Marshall Anderson stated that one of the first issues that he addressed after being appointed Marshall was to have everything ran through the finance department. He stated the police department does not have any checking accounts and all previous accounts were closed.

John Super addressed Council regarding Lake Katherine. He stated back in the fall, it was approved for Sandhill Nurseries to spray the vegetation, remove it and do a second application and after the removal, plant some native vegetation around the lake. It will be about \$16,000.00 of which Team Arcadia will fund. Since Lake Katherine is a City property, Team Arcadia is needing blessings from Council to proceed. Council Member Heine made a motion to approve it and Deputy Mayor Fink seconded the motion. The City Attorney stated that he would like to review any documentation and as long as Council is okay with the Interim City Administrator accepting it. The Interim City Administrator stated that this is a vendor who is qualified through the State of Florida. Mayor Frierson asked the Interim City Administrator if he would prepare the letter and allow the City Attorney to review it to which the Interim City Administrator replied that he would.

The City Attorney asked if his presence was necessary at the meeting next Monday to which Mayor Frierson replied that she didn't think it was necessary.

### MAYOR AND COUNCIL MATTERS

Deputy Mayor Fink advised that the downtown garbage cans were painted by a local organization, Main Street, and a lot of work was done. He advised they hired prisoners to do some work in the Tree of Knowledge Park and put up new banners on the light poles. He asked that Council consider a proclamation for their effort of taking and running with it. He further stated that he would hope Council would do the same thing with Team Arcadia regarding the work to be done at Lake Katherine. Deputy Fink asked that the Council if anyone had a problem with a proclamation for Main Street. No one objected. Deputy Fink asked that it be placed on the next agenda.

### ADJOURN

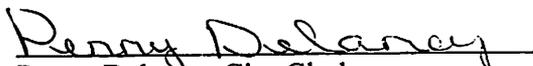
Having no further business at this time, the meeting was adjourned at 7:30 P.M.

ADOPTED THIS 18<sup>th</sup> DAY OF March, 2014

By:

  
\_\_\_\_\_  
Alice Frierson, Mayor

ATTEST:

  
\_\_\_\_\_  
Penny Delaney, City Clerk





**APPOINTED OFFICERS (continued)**

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

**IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:**

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

**DISCLOSURE OF LOCAL OFFICER'S INTEREST**

I, Alice Frierson, hereby disclose that on ~~April 23~~ March 4, 20 <sup>14</sup>~~1213~~.

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, \_\_\_\_\_;
- inured to the special gain or loss of my relative, \_\_\_\_\_;
- inured to the special gain or loss of \_\_\_\_\_, by whom I am retained; or
- inured to the special gain or loss of \_\_\_\_\_, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Abstained from vote on Arcadia Airport Minimum Standards and Guidelines for Commercial Services due to husband, Gary Frierson, serving on Airport Advisory Committee and renting hangar at Airport.

3-5-14  
Date Filed

*Alice Frierson*  
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.