

**AGENDA MINUTES  
CITY COUNCIL  
CITY OF ARCADIA  
TUESDAY, MAY 20, 2014  
6:00 P.M.**

*The following minutes reflect action items of the City Council of the City of Arcadia. For a verbatim copy of the minutes, you may contact City Administration to obtain a copy of the recorded meeting.*

**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  
Councilmember Keith Keene

Deputy Mayor Joseph E. Fink  
Councilmember Robert W. Heine

**Arcadia City Staff**

Interim City Administrator Tom Slaughter  
Finance Director Beth Carsten  
City Clerk Penny Delaney

City Attorney Thomas J. Wohl  
Marshal Matthew Anderson  
Code Enforcement Officer Carl McQuay

Councilmember Heine gave the invocation, which was followed by the Pledge of Allegiance and roll call.

**PRESENTATION**

**Agenda Item 1 – Sergeant David Cross Retirement of the Arcadia Police Department – 20 Years**

Marshal Matt Anderson presented Sergeant David Cross with a plaque regarding his retirement from the Arcadia Police Department after twenty (20) years of service. Marshal Anderson stated that Sergeant Cross had done an exemplary job of protecting the well being of the citizens of the City of Arcadia and his service was appreciated.

**Agenda Item 2 – Housing Authority Vegetable/Fruit Give-Away on 2<sup>nd</sup> and 4<sup>th</sup> Fridays**

Code Enforcement Officer Carl McQuay advised that the Arcadia Housing Authority will be hosting the Sprout Mobile Farm Market on the second and fourth Friday of each month. This program provides free fruits and vegetables to low income clients in Arcadia/DeSoto County. He further advised the Arcadia Housing Authority was requesting volunteers to help with the

distribution and if anyone was interested in helping, they were to contact the Housing Authority at Becky Sue Mercer at 863-494-4343. Mr. McQuay advised that he would be volunteering his time on this Friday.

### **CONSENT ITEMS**

#### **Agenda Item 3 – City Council Minutes for May 6, 2014**

Deputy Mayor Fink made a motion to approve the City Council Minutes for May 6, 2014, and Councilmember Heine seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

### **ACTION ITEMS**

#### **Agenda Item 4 – Traffic Signal Agreement**

Code Enforcement Officer Carl McQuay stated that he was bringing this item before the Council on behalf of Interim Public Works Director Steve Underwood who could not be in attendance. He advised that the agreement pertained to maintaining the lights and crossings within the City limits and that this agreement was through Florida Department of Transportation. The City would be responsible for preventive maintenance of the traffic lights and Florida Department of Transportation would be responsible for the periodical maintenance. The City Attorney stated that if there was any damage to any of the traffic lights, the City could go after the third party and if not successful, Florida Department of Transportation would refund the damage amount. Deputy Mayor Fink made a motion to tentatively approve the agreement until verification could be made as to whether it was different from previous agreements regarding same. Councilmember Heine seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

#### **Agenda Item 5 – Storage of Hay at Old Livestock Market**

Code Enforcement Officer Carl McQuay informed Council that Tom Brett had requested the use of the old livestock market to store hay rolls and that he was offering to maintain the property in exchange for being allowed the use. Mr. McQuay advised that per Interim Public Works Directors Steve Underwood, it would save the City 12-15 man hours at \$10.00 per hour and 5-7 gallons of diesel fuel priced at \$4.50 per gallon. He further advised that with mowing twice a month during the summer, this could save the City approximately \$300.00 - \$500.00 a month which could be an estimated savings of \$1,500.00 for the summer months. Mr. Brett was in attendance and stated that it would only be during the summer months, during the rainy season. Deputy Mayor Fink asked the City Attorney if there was an insurance issue. The City Attorney advised of an environmental issue and stated the City would need an insurance policy covering the City as additional insured. Mayor Frierson suggested Mr. McQuay, Mr. Brett and the City Attorney meet to discuss the insurance and lease agreement and to bring same back before Council. Councilmember Keene stated that the Council had had others request to use the property and further stated that if the City was looking at making deals to use City property, they

need to look at other avenues as they move into this type of thinking. He advised that he felt they needed to take a broader look and that from a Health Department standing, they were not required to clean up the environmental issue. He further advised that Council had not investigated the cost to mitigate the issue and felt it was worthy of investigation.

### **Agenda Item 6 – Monthly Financial Update**

Finance Director, Beth Carsten stated that she had been told by the auditors that the audit would be filed by June 30, 2014 and it would be presented to Council after it was filed. Ms. Carsten advised that the City was at 55% regarding revenue received and 40.5% regarding total expenses. Regarding the Water/Sewer Enterprise Fund, she advised that 66.6% of total current revenues were received.

The Finance Director pointed out that after researching why to date, none of the \$252,777.00 revenues budgeted for the State Local 9<sup>th</sup> Cent Gas Tax had been received, she discovered that the City will not be receiving these funds. The reason being, this line item was added as a typo or in error. After speaking to the State of Florida Department of Revenue and DeSoto County Finance Director, it was determined that the entire amount of State Local 9<sup>th</sup> Cent Gas Tax for the 2014 year has been allocated to the County because there is at this time, no agreement to share this tax between the City of Arcadia and DeSoto County. Ms. Carsten advised that if the City and the County did enter into an agreement to share this tax, the City's share would be 20% - 25%. This year's State Local 9<sup>th</sup> Cent Gas Tax (which is entirely allocated to DeSoto County) is expected to be approximately \$135,000.00 – so even if the County was sharing this tax with the City, the City's share would be much lower than the \$252,777.00 entered into budget. It would actually be closer to \$30,000.00. Ms. Carsten believes the \$252,777.00 was entered in error as it is the total for two other revenue items in the budget, listed under State Shared Revenues.

Regarding Small County Surtax Revenue allocations, she advised that funds had been earmarked for computer software upgrades but not included in the budget. The total amount budgeted for Small County Surtax revenue is \$456,529.00. Of this amount to date, \$212,660.00 has been received. The expense allocations are for Streets (\$400,000.00), Park Improvements (\$40,000.00) and a Contingency of \$16,299.00. The computer upgrade/improvements were not listed to be taken from Small County Surtax Revenue but that is where they were earmarked to come from.

Mayor Frierson pointed out that there were four months left in this year and the City would need to collect more than eight month's worth. Deputy Mayor Fink expressed his concern that it had been presented to Council in such a way from a previous employee. Mayor Frierson asked the Finance Director if the computer work had been completed and Ms. Carsten advised that it had not been completed, but that \$55,000.00 had been paid. When asked her opinion as to what should be allowed, Ms. Carsten stated that major items needed to be in place in order for it to be completed, but felt that spending should be stopped for any new items. Again Deputy Mayor Fink expressed his concern with the way the previous budget had been presented to Council and made it very clear of his concern and dissatisfaction. The Interim City

Administrator advised that he had spoken with the former employee and didn't think it was a plan to deceive, but stated the need for transparency. Deputy Mayor Fink stated that he wanted to commend staff for bringing the issue to the Council's attention.

Councilmember Keene stated that it was now known that the budget was \$90,000.00 short and stated that instead of focusing on what happened, Council needed to focus on how to fix it. He asked the Finance Director if \$90,000.00 would be sufficient to complete the upgrade and Ms. Carsten advised that if stopped at another \$10,000.00, it should be sufficient.

### **Agenda Item 7 – City Administrator Contract**

Mayor Frierson advised Council that Mr. Slaughter passed the background and education checks. The City Attorney stated that he, the Mayor and Mr. Slaughter had met regarding the contract and there were four issues that needed to be addressed by Council. These items were as follows: duration of contract, severance pay, specific allowance for termination of contract if three new members are sworn into office, and base salary. Deputy Mayor Fink asked if it had been provided that the City Administrator must live in the county. The City Attorney advised there is not an ordinance that states that the City Administrator must live in the county, but it is required that the City Administrator be a registered Florida voter. He further advised that if Council wanted to add it to the contract, it could be done.

Council was advised that Mayor Frierson felt the contract should be effective for one year and Mr. Slaughter felt it should be effective for four years. Deputy Mayor Fink felt four years was a little much and stated that he preferred three years. Councilmember Heine agreed that he preferred three years as opposed to four years. Mayor Frierson stated that after one year, Council could look at it again and they didn't have to rule out two, three or four years. She further stated that she could not and would not approve the contract as is. Councilmember Keene stated that he was included to agree with Mayor Frierson but stated that he didn't know if one year was fair. He suggested maybe two years and stated that he couldn't agree with the contract as is either.

Deputy Mayor Fink stated that he didn't want to be in this position again one year from now and would rather deal with it now. He felt that everyone had to give Mr. Slaughter a chance and felt three years was very important. Councilmember Allen stated that he had no problem with four years, but would agree to three in order to pass it. The City Attorney stated that he was reluctant to go with a motion due to possible bargaining on the other issues and everyone was in agreement with him.

Regarding the severance pay, the City Attorney advised Council that the Mayor felt a lump sum equivalent to the City Administrator's salary and all benefits for twelve weeks at the rate in effect on the effective date of termination was in order. However, Mr. Slaughter felt the time frame should be twenty weeks. Deputy Mayor Fink stated that he felt the Council should look at the next two items as a joint item. He agreed to twelve weeks, but felt the one hundred twenty days should be changed to sixty or ninety. Councilmember Heine was in agreement with Deputy Mayor Fink. Councilmember Keene stated that he felt twelve weeks was more than adequate and he felt one hundred twenty days was way too much. He further stated that he

thought thirty days, but then felt that maybe sixty was more fair. He advised that it was not in any previous contract so it did not have to be in the contract at all. The City Attorney advised that if three new committee members are sworn in in December, the City Administrator would have the ability to elect the agreement terminated and have the right to collect severance. The City Administrator stated that sixty days was okay. Councilmember Heine asked if he accepted sixty days and the City Administrator stated that he did. Mayor Frierson stated that the severance pay would be effective for twelve weeks and the specific allowance for termination of contract would be within sixty days of the date if three new members are sworn into office.

The City Attorney advised Council that Mayor Frierson felt \$70,000.00 was appropriate for a base salary and Mr. Slaughter felt \$77,000.00 was appropriate. He therefore suggested they meet in the middle at \$73,500.00, but no agreement was reached. Councilmember Keene asked if insurance was in addition to the \$73,500.00 to which the City Attorney replied it was not. He asked for a figure which would represent the insurance and Ms. Carsten advised it would be \$5,463.00. Mayor Frierson suggested Council check with the Finance Director to determine if money was in the budget for it. Ms. Carsten advised that for 2014, the City Administrator salary was budgeted at \$70,012.80 and an estimated \$20,000.00 was remaining to date. Deputy Mayor Fink asked if it would be acceptable to all parties if they approved \$70,000.00 until October 1, 2014 and then up the salary to \$73,500.00. Mayor Frierson suggested a probation period and Deputy Mayor Fink stated that Mr. Slaughter had been the interim administrator for eight months. Mayor Frierson opened the discussion up to the public.

Candy Reed of 1516 N. Arcadia Avenue, Arcadia, Florida, spoke from the public and asked if the City is behind in the budget regarding the funds previously discussed, where is the additional money going to come from for the City Administrator position. She advised that City employees had not had raises in years and wondered if it was fair to all.

Doris Moreno of P.O. Box 571, Arcadia, Florida, spoke from the public and asked what the salary included. Mayor Frierson stated that in addition to the base salary, there would be insurance, retirement and a phone.

Jackie Scoggins of 117 N. Hillsborough Avenue, Arcadia, Florida, spoke from the public and stated that the Council had discussed taking back raises in the past and wondered how they could talk about a raise for the City Administrator.

Deputy Mayor Fink again suggested \$70,000.00 until October and then deal with the new budget. The City Attorney asked if he was talking about renegotiating in October to which Deputy Mayor Fink stated yes. Mayor Frierson pointed out that they were talking mid range for a City Administrator with no experience. Deputy Mayor Fink pointed out that he had been doing the job for the last eight months. Councilmember Keene suggested \$70,000.00 for the salary with insurance because it totals approximately \$75,000.00, not including retirement. The City Attorney verified they were talking about three years and more flexibility with a staggering salary or possibly renegotiating the salary. Councilmember Heine asked if Mr. Slaughter would accept \$70,000.00 with insurance. Mr. Slaughter accepted. Mayor Frierson and Councilmember Keene stated they were committed to working with Mr. Slaughter as City Administrator.

Deputy Mayor Fink suggested Mr. Slaughter live in the county and to do so within one hundred twenty days or even ninety days. Gary Frierson of 1 N. Luther Avenue, Arcadia, Florida, spoke from the public advising that Mr. Maxcy and Ms. Jankoski found it very difficult to find housing and Mr. Frierson stated it is hard to find something within ninety days.

Councilmember Keene stated that he didn't feel residency was a deal breaker. He didn't feel ninety days was enough and suggested one hundred eighty days. Mayor Frierson stated that she was in agreement that residency was not a deal breaker.

The City Attorney stated that in an attempt to recap the discussion, the term of the contract would be three years. Regarding severance, if Council were to terminate the contract, Mr. Slaughter would be eligible for twelve weeks of severance pay. If, as a result of any single election or appointment, there is a change in the identity of three (3) or more members of the elected Governing Body, the City Administrator shall have the right to elect that such change constitutes termination of the Contract, such election by the City Administrator to occur within 60 days of the date that the three (3) new members are sworn into office. If done, Mr. Slaughter would be eligible for eight (8) weeks of severance pay. Finally, the base salary would be \$70,000.00. Councilmember Allen moved to approve the contract as stated above and Councilmember Keene seconded the motion. No discussion followed and it was unanimously, 5/0, approved. The City Attorney stated this would be retroactive to May 19, 2014 and the contract would be effective May 20, 2014. Mr. Slaughter thanked Mayor Frierson for her time and commitment to her belief in staff. He also thanked the search committee, City Council, and staff. He stated that he is committed to improving the City organization and wanted to make it clear to the public that the City had turned a corner and had succeeded. He further stated that any future mistakes would be in execution and not intent and he wanted the let the taxpayers feel they are getting more bang for their buck.

## **COMMENTS FROM DEPARTMENTS**

### **11. CITY MARSHAL**

Marshal Anderson thanked staff and Council for the luncheon which was provided to the City of Arcadia Police Officers. He advised it meant a lot to them and it was the first time it had ever been done.

He also wanted to thank Karen Whaley regarding the progress of the traffic lights on the corner of Highway 17 and State Road 70. He stated he was told the replacement poles should be in place by July 4, 2014.

Deputy Mayor Fink asked if there were in leads regarding the shooting on Martin Luther King. Marshal Anderson advised it was a county investigation, not city. He stated that he can't divulge much information, but stated that it was moving forward and progress was being made.

**12. CITY ATTORNEY**

The City Attorney advised that the sentencing hearing for former Marshal Charles Lee is scheduled for June 3, 2014, at 1:30 p.m. He stated the State Attorney would be contacting the City Administrator and/or the Finance Director next week regarding representation at the hearing.

**13. CODE ENFORCEMENT OFFICER**

Code Enforcement Officer Carl McQuay advised Council of three (3) houses that had been demolished with liens on them. He further advised that a fourth one was in the works. He stated that he had received bids and had several lots mowed and sprayed by City employees to maintain the growth of these lots.

**14. INTERIM CITY ADMINISTRATOR**

NONE

**PUBLIC**

Charles Conklin stated that he had been presented with a high water bill, but wanted to thank the Finance Director and the City Administrator for e-mailing him and explaining what had happened.

**MAYOR AND COUNCIL MATTERS**

Deputy Mayor Fink stated that he wanted to make a motion to present a commendation to the City Clerk who had walked into office with a lot going on with the search for a new City Administrator. He stated that he felt she had done a commendable job. Councilmember Heine seconded the motion.

**ADJOURN**

Having no further business at this time, the meeting was adjourned at 7:45 P.M.

ADOPTED THIS 3<sup>rd</sup> DAY OF June, 2014

By:



Alice Frierson, Mayor

ATTEST:

  
Penny Delaney, City Clerk

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