

**AGENDA MINUTES  
CITY COUNCIL  
CITY OF ARCADIA  
TUESDAY, JUNE 3, 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**

City Administrator Tom Slaughter  
City Clerk Penny Delaney  
Marshal Matthew Anderson

City Attorney Thomas J. Wohl  
Code Enforcement Officer Carl McQuay

Mayor Frierson gave the invocation, which was followed by the Pledge of Allegiance and roll call.

**PRESENTATION**

**Agenda Item 1 – Marshal Matt Anderson – 25 Years of Service to the Arcadia Police Department**

Mayor Frierson presented Marshal Matt Anderson with a plaque commemorating twenty-five (25) years of service of outstanding service with the Arcadia Police Department.

Mayor Frierson advised that Agenda Item 5 would be pulled from the Agenda.

**CONSENT ITEMS**

**Agenda Item 2 – City Council Minutes for May 20, 2014**

Deputy Mayor Fink made a motion to approve the City Council Minutes for May 20, 2014, and Councilmember Heine seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

**ACTION ITEMS****Agenda Item 3 – CDBG Modification No. 1 to Subgrant Agreement  
Contract No. 13DB-01-07-24-02-N22**

Carl McQuay addressed Council to advise this was an update on the CDBG Modification. He advised that Hazen and Sawyer had updated an estimate of the Bridle Path Subdivision water and sewer. He stated that all the bids came in over so the City would put it out for bid again. He advised that they had had readjusted and taken some things out to bring it down to make it within the budget. Councilmember Heine asked how much over the bids were and the City Administrator advised it was about \$100,000.00. Councilmember Heine made a motion to approve and Deputy Mayor Fink seconded the motion. Mayor Frierson abstained from voting on the issue. No discussion followed and it was unanimously, 4/0, approved.

**Agenda Item 4 – Grant for Camping Area**

George Chase of Friends of the Arcadia Airport, Inc., addressed Council regarding the grant for a camping area at the Arcadia Airport. He stated that Mike Moon of Hanson Professional Services had advised that there were no foreseen problems with the FAA or DOT. He advised the grant they were applying for would fund the entire project. However, if they do not get the grant, they have other sources of funding and the worst case scenario is they would fund it over a period of time and do it in stages. He stated the property and facility would remain under full ownership and control of the airport and Friends of the Arcadia Airport, Inc. would agree, as Mr. Moon states, that final approval and permitting would rest with the City. He further stated that Friends of the Arcadia Airport, Inc. would work closely with staff on all phases of the plan. He advised that Mr. Moon had suggested that rules of use be developed for the area and that they had copies of rules from other similar facilities that could be adapted for the City Attorney to review. Mr. Chase asked Council for their approval to move forward with seeking funding for the project and to work with staff on carrying out the plan.

The City Attorney advised that he and Mr. Moon of Hanson Professional Services discussed the issue and if Council is inclined to vote in favor of it, Mr. Moon has suggested that Friends of the Arcadia Airport, Inc. provide the grant to the City Attorney before submitting it. This would allow the assurance that there isn't anything that would bind the City to any terms and conditions of the grant before it's submitted and obviously to agree to the rules and regulations.

The City Administrator commented that obviously Council would like to see the Master Plan already completed to provide the understanding and predictability. In this case, they went through the Airport Advisory Board and Mr. Moon of Hanson Engineering. Mr. Moon gave a preliminary nonbinding review. He stated that essentially they have a Master Plan that is going through an update, but they wanted to know if there were any impacts that would cause either internally with the document or externally conflicts with it and none were found. If Mr. Chase applies for the grant and is awarded with it, two things will happen. The first is Council would still have to give approval for any building permit and as part of that, they would need to have

rules for the campground that would need to be reviewed to ensure they were consistent with City Code as well as any airport policies. Councilmember Heine made a motion to approve and Deputy Mayor Fink seconded the motion.

Mayor Frierson opened the discussion to the public for any comments. Gary Frierson of 1 N. Luther Avenue, Arcadia, Florida, stated that he felt it was a good project, but he had concerns about not only the proposed project and details, but how it got here. He stated Mr. Chase came before the Council with the project and the Council referred him to the Airport Advisory Committee. Mr. Chase came before the committee with his presentation. He stated that while several members may not have personally approved of the project, it was their responsibility to review and give it all possible consideration which they did. They asked Mike Moon to review it and consider what impact it would have with the Master Plan which his company has currently contracted to develop. Mr. Frierson advised that it is scheduled to be reviewed at the next Airport Advisory Committee meeting which they would consider design, location, limited use, possible ways to expand the use to other people who could benefit from it before the projects are launched.

He stated that he had learned that Mr. Chase and his company had a private meeting with the Administrator and the engineering company representative was asked to be present. He stated that the private company and the City Administrator were having private meetings with the contractor who is developing a Master Plan for the airport and the public not being invited and then the private company's plan is presented straight to Council for approval. He brought up his concern regarding the Sunshine Law.

Mr. Chase replied that when he appeared before Council the last time, he specifically asked for permission to meet with Mr. Moon and staff and Council gave him permission to do so. He stated that nothing had been done behind closed doors and he felt this was a win/win for the airport and they needed to move forward.

Councilmember Heine asked the City Attorney that given what he had heard, did he see any violation of the Sunshine Law. The City Attorney stated that he did not. He further stated that as he understood it, it was a meeting between the City Administrator, a member of the public and the City's airport consultant. Councilmember Keene asked Mr. Chase if the approval he was looking for tonight was to allow him to move forward with the grant application. Mr. Chase replied that they would like to move forward with the grant application, to submit to the City Attorney the application that they have completed so far, and he would also like permission to meet with staff this week and move forward. He stated that there were a lot of things they can do to prepare the area without the items they would use the grant money for. Councilmember Keene asked how many sights Mr. Chase anticipated providing. Mr. Chase stated only a handful, less than 5 or 6, 7, maybe 10 max. Councilmember Keene advised that 5 or more requires a campground permit from the State of Florida. Mr. Chase stated that they will do whatever is required. Mayor Frierson asked if anyone had looked into the impact this would have on the City's insurance. The City Administrator advised that a site design had to be done and it can't be done until after the grant is awarded. Mayor Frierson advised there was a motion and second on the floor. No discussion followed and it was unanimously, 5/0, approved.

## COMMENTS FROM DEPARTMENTS

### 6. CITY MARSHAL

Marshal Anderson apologized for not providing the department's monthly report. He stated that Council was aware of the grant which was received for the vehicle computers. He advised that as part of the grant which was received for the vehicle computers, a software computer upgrade was required on the server and due to that, the department's computers were down for three (3) days over the weekend. In addition to that, the employee that compiles the reports was out due to surgery. He stated that he hopes to have the department's monthly report available to Council at the next meeting.

Councilmember Heine asked Marshal Anderson how many were arrested in connection with the break-ins around his neighborhood. Marshal Anderson advised there were six (6) arrests, one (1) adult and five (5) juveniles. He further stated they ranged in some serious charges because one of the victims had a weapon stolen from his house so that charge was burglary of an unoccupied structure while armed.

### 7. CITY ATTORNEY

The City Attorney advised that as Council knew, the elections are now held in November, along with the regular general elections. He stated that he's had several meetings with the Supervisor of Elections to ensure things go smoothly since this is the first year that Arcadia has gone to a November election. There is a Florida Election Code in the statutes and if a municipality does not have any election codes of their own in place, then they would just follow the Florida Election Code. However, back in 1999, the City of Arcadia developed its own election code, had its own timeline separate and distinct from the Florida Election Code which worked fine when the Supervisor only had to do the City's election at one time. Now he's looking at having to do one timeline for the General Election for everyone else and a separate timeline for the City. The City Attorney advised that what they had talked about with the Supervisor of Elections is essentially repealing a lot of those sections in our election code to get on the same timeline as the rest of the State when they have a presidential election. He stated that a lot of the sections of the City's code are antiquated so it would bring all those up to date with the State. He advised that the Supervisor of Elections advised that if necessary he would come to the next meeting and give a little presentation or answer any questions that the City or public may have in regard to this. The City Attorney advised that he thought it was a good idea to get everything on the same timeline. He stated there wouldn't be separate qualification periods which there are now. Absentee ballots are completely different from each other right now which make it a tough job for the Supervisor of Elections. The City Attorney stated further that one of the specific issues within this matter which the Council would need to weigh in on is the canvassing board. A chairman of the county commissioners and a county court judge, along with a few others, would be on the canvassing board. The City has its own canvassing board and its board is any council members that are not up for re-election. So this year it would be Mayor Frierson and Deputy Mayor Fink with the Supervisor of Elections. He stated that the problem with that is that now they are all on the same ballot. He further stated that the Supervisor of

Elections had stated that it would make his job very difficult and very awkward. The City Attorney asked if Council was inclined to do that and if so, he could have an ordinance at the next meeting and hopefully have a second reading done by the first meeting of July.

Councilmember Heine asked the City Attorney for his recommendation to the Council. The City Attorney stated that his recommendation is to repeal a lot of what the City's code is. Deputy Mayor Fink asked the City Attorney if he had researched enough of what needs to be repealed with the Supervisor to know exactly what we can do and if it can be done through an all-encompassing ordinance. The City Attorney replied that he had and that would be his recommendation and also to go with the canvassing board. Deputy Mayor Fink stated that he felt they could defer to the County canvassing board since they will be doing the elections. Deputy Mayor Fink made a motion to have the City Attorney provide an ordinance at the next meeting and Councilmember Heine seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

The City Attorney advised that he, the Finance Director, the City Administrator, Deputy Mayor Fink and Mayor Frierson attended the sentencing hearing for Charles Lee. He advised it was continued to at least after July 1<sup>st</sup>. The State Attorney conferred with them and stated that there was some representation from the defense that there may be restitution. While it was not made before the sentencing hearing, they hope to make it within the next few weeks. So the decision was made to continue it to allow four (4) weeks for restitution to be made. The alternative would have been to go forward with the sentencing hearing and hope that the Judge awarded restitution as part of the punishment. The State Attorney indicated that had that been the case, the Judge could have given him 10-20 years to make restitution. He further advised what we're hoping for is full restitution within the next month. If that is not done, the Judge indicated there will be no more continuances and the sentencing will take place anyway.

## **8. CITY ADMINISTRATOR**

The City Administrator advised that staff has briefed Council on a number of upcoming projects that had been put on hiatus to deal with other matters, but there are four (4) major workshops that the City needs to get moving on. He advised that the City is at risk of losing the funding on one of them if they don't get started. He stated that there is the Strategic Plan, the workshop on special event and temporary use of downtown area, building and facility use and the budget and audit workshops. The City Administrator asked Council if the second and fourth weeks would work being the off-weeks of Council Meetings. After much discussion, it seemed that Tuesdays no earlier than 4:00 p.m. worked for most council members. The City Administrator advised that he would send out an e-mail to all council members with prospective dates for confirmation.

## **PUBLIC**

John Patten of Venice, Florida, stated he was a former broadcast reporter and currently runs a news site called "veniceflorida.com". He stated that he knows Mr. Slaughter fairly well from dealing with city government. He stated that someone had posted the news here regarding

Mr. Slaughter on his website and he advised that the City only got half the story. He stated that immediately following Mr. Slaughter's departure, his two main accusers were promoted and one of them took Mr. Slaughter's job. He further stated that these same two accusers were having an affair and was caught by police in a car in a city park. They ended up resigning and all parties were told to not talk about it. Mr. Patten stated that he wondered why they were gone until someone from the police department leaked him the police report. He stated that he learned the police report was hidden and later found out from a city employee that the reason it was hidden was because they were afraid Mr. Slaughter would use it as a basis for a lawsuit because it discredits his two main accusers. He stated that he had given a copy of the report to the City Clerk. He further stated that Venice has managed to mishandle a number of sexual harassment claims since that time and gave examples of various claims. Mr. Patten stated that he has on a couple of occasions told Mr. Slaughter that he needed to get an attorney and go back there and go after them, but he doesn't want to do that.

Councilmember Keene stated that he appreciated Mr. Patten sharing that side of the story, but asked what Mr. Patten's motivation was for attending the meeting and sharing it with Council. Mayor Frierson asked Mr. Patten who asked him to come. Mr. Patten replied that no one had asked him to come. He stated that someone had come on to his website and started using it as a forum to blast Mr. Slaughter and Mr. Patten stated that he doesn't like being used like that. He further stated that Mr. Slaughter was one of the few people he could go to at City Hall and get a straight story. He stated that sometimes Mr. Slaughter wouldn't answer him because he couldn't, but that he never got a false story from him.

Gary Frierson of 1 North Luther Avenue, Arcadia, Florida, stated that on an unrelated note, he wanted to point out that he was not against the camping at the airport. He stated he had a problem with the process and felt one should go through the steps. He also pointed out that he thought they needed a tentative millage rate sometime next month. The City Administrator pointed out that he was correct and that it had been dropped off Friday.

Martha Craven of 15 West Oak Street, Arcadia, Florida, stated that she didn't know Mr. Slaughter, but that she did read the investigative report from Venice. She stated that she hopes the Council knows that they put the City at great liability by putting Mr. Slaughter in a supervisory position. She stated there is case law for it.

Chuck Craven of 15 West Oak Street, Arcadia, Florida, stated that he didn't know Mr. Slaughter either, but pointed out that Mr. Slaughter has a six (6) month probation period. He stated that without giving him any money or without any cause or prejudice, could he be dismissed. He stated all the publicity is not good for the town.

In addition to the above public comments, additional comments were made regarding the probation period, a criminal background check, the report from the City of Venice, the attempts by the City of Venice to hide public records, the tainting of the search process from the beginning, and the issue of Mr. Slaughter being allowed to be in the top five (5) selection as long as he was qualified. A county resident spoke against bashing from a councilmember. Another individual stated he had been threatened by two (2) people on Facebook and it has been turned

over to the Sheriff's Office. Other comments were made regarding the pursuit of a full investigation into the allegations made against Mr. Slaughter and one City resident suggested that maybe for Mr. Slaughter's sake or the betterment of the City, for Mr. Slaughter to just step back and move on and do something different.

Councilmember Allen asked if they had heard enough. He stated there had been innuendos, no facts being presented, and felt it needed to be dropped and move on.

Councilmember Keene stated that this is such serious business. He stated that they had chosen a blue ribbon panel to review the applicants and come up with the top five to give consideration to and that's what we do in our country. It's a democratic process. He stated that he felt they were dedicated to finding the most qualified person for the position. The majority of the Council said that Mr. Slaughter was the candidate for the position. He stated he disagreed with it, but felt he could throw his support to Mr. Slaughter. He advised that when they had the five candidates, he googled them and found some issues with three of the five. He said he'd been around government long enough to know there's a lot of he-said, she-said that goes on, but a charge of sexual harassment is a serious thing and as a supervisor, you're obligated to investigate that. He stated he had seen the newspaper article, but he had not seen the workplace investigation until that day. He further stated that he wanted to give Mr. Slaughter the benefit of the doubt, but what concerned him more was some of the issues that he did admit to. He felt a lot of this could have been circumvented had Mr. Slaughter brought it up during the interview. He wanted to give serious consideration to doing a background check to either wipe the slate clean or give him the option to be the fantastic planner that he knows he is or seek other alternatives. He stated that he wanted the opportunity to make the motion that they do that.

Councilmember Heine stated that he has received nothing but good reports from all the City employees. He stated that he hasn't talked to one City employee that hasn't been happy since this man has been on board. The public tells him that there's a difference in the water department and how they approach you. He stated that he supported him to start with and still does so. He felt that he was the man for the job. He said he's been somewhat threatened, but he's been threatened before when he was a police officer so he can live with that.

Deputy Mayor Fink stated that as far as getting this right, he's asked himself what are we going to find out if we do as you're suggesting. He stated the facts are the City of Venice gave the man \$30,000.00 to leave and his accusers profited from his leaving the City of Venice. He pointed out that the charges of substance were investigated by the acting Chief of Police of the City of Venice because the previous Chief of Police had also been cut from the City of Venice. He stated that he believed that people had their minds made up that Mr. Slaughter was not qualified and when they couldn't get an audience that way, now it's this way. He stated publicly for the record, if there is any hint of impropriety, he cannot imagine Councilmember Heine, Councilmember Allen, or Councilmember Keene allowing that hint of impropriety to go unchallenged. He stated that he would suggest this is not behavior that happens like magic. This is either a long standing thing or a short standing thing and there's no record of this in the military, in the City of North Port, or anywhere except for the City of Venice after the change of the City Manager and he stated that he finds that significant.

Mayor Frierson stated that she felt it was serious enough to have an investigation done and go from there and she further stated that she would entertain a motion to that effect. Councilmember Keene made the motion. Mayor Frierson asked if there was a second and no one seconded the motion.

Chuck Craven of 15 West Oak Street, Arcadia, Florida, quoted Vance v. Ball State. He stated that due to the allegations against Mr. Slaughter and because the City knows about it and put him in a supervisory position, the City is vicariously liable.

Mayor Frierson stated that it was regrettable the rest of the Council wasn't willing to go the extra mile on this and clear it up once and for all. She felt the public deserves better and she felt Council had more responsibility to the public than that. She further stated that she was embarrassed and ashamed of Council.

Councilmember Keene stated that regarding the harassment charges, it's Mr. Slaughter's word against someone else's and the truth is somewhere in between. He stated his concern was that there were other issues that were in the report and he wished Mr. Slaughter would man up and address them. He stated that he was concerned that they, as a Council, was not willing to wipe the slate clean. He felt there was an opportunity here for that and they are apparently unwilling to do that. He stated that he hoped the Council was as interested in the future of the City of Arcadia as he is.

#### MAYOR AND COUNCIL MATTERS

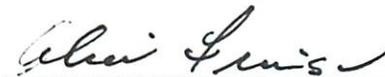
None

#### ADJOURN

Having no further business at this time, the meeting was adjourned at 7:40 P.M.

ADOPTED THIS 17<sup>th</sup> DAY OF June, 2014

By:



Alice Frierson, Mayor

ATTEST:



Penny Delaney, City Clerk