

**MINUTES
CITY COUNCIL
CITY OF ARCADIA
TUESDAY, SEPTEMBER 17, 2013
6:00 PM**

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 meeting was called to order at approximately 6:00 p.m.

Councilman Allen gave the invocation which was followed by the Pledge of Allegiance.

Arcadia City Council

Mayor Keith Keene

Deputy Mayor Robert Heine

Councilman Robert R. Allen

Councilwoman Alice Frierson

Councilman Joseph E. Fink

Arcadia City Staff

City Administrator Judi Jankosky

City Attorney Thomas J. Wohl

Finance Director Renee Green

City Planner Tom Slaughter

City Clerk Gia Lancaster

Marshal Matt Anderson

PW Director Cathy Miller

Mayor Keene recognized County Commissioner Buddy Mansfield, Former County Commissioner Judy Schafer, County Administrator Guy Maxcy and former City Councilman Dr. Lorenzo Dixon.

Mayor Keene opened the Public Hearing.

PUBLIC HEARING – (Open Public Hearing)

**RESOLUTION NO. 2013-21; A
RESOLUTION ADOPTING THE MILLAGE
RATE TO BE LEVIED BY THE CITY OF
ARCADIA, FLORIDA FOR FISCAL YEAR
2013-2014 (Finance Director)**

Resolution No. 2013-21 was read in its entirety. A motion was made by Deputy Mayor Heine and seconded by Councilman Allen to adopt Resolution No. 2013-21 as presented. Upon request from the audience Resolution No. 2013-21 was read into the record in its entirety once again. The motion carried 5-0.

**RESOLUTION NO. 2013-22; A
RESOLUTION ADOPTING THE FINAL
BUDGET FOR THE CITY OF ARCADIA,
FLORIDA FOR FISCAL YEAR 2013-2014
(Finance Director)**

Resolution No. 2013-22 was read in its entirety. A motion was made by Deputy Mayor Heine and seconded by Councilman Allen to adopt Resolution No. 2013-22 as presented. Councilman Fink stated the same reasons as the previous reading that he could not support this Resolution. The motion carried 4-1 with Councilman Fink dissenting.

CLOSE PUBLIC HEARING

Mayor Keene closed the Public Hearing.

OPEN REGULAR CITY COUNCIL MEETING

Mayor Keene opened the Regular City Council Meeting.

PRESENTATION – There were no presentations.

CONSENT AGENDA

1. Check Warrant Reports: 09/10/13
2. Request for Special Event Permit for Tree of Knowledge, Oak Street and Vicinity, Arcadia Plein Air Paint-out, Applicant, DeSoto Arts & Humanities Council
3. Request for Issuance of a Certificate of Appropriateness and Sign Permit for 122 North Brevard Avenue, Arcadia Family Optometry Center, Contractor Mr. Mike Riggins, Coastal Sign

A motion was made by Deputy Mayor Heine and seconded by Councilman Fink to approve Consent Agenda Items 1 through 3 as presented. The motion carried 5-0.

DISCUSSION ITEMS

4. September 8, 2013 Various Updates (Finance Director)

Mrs. Green stated the move to the Way Building was complete. The Utility and Finance Department are now secure and the safety issues were addressed. She stated that on numerous occasions the Police were called and people were escorted from the building. She added that she had an example tape of a disgruntled customer to play for the Council and warned that children should exit the chambers when played.

She reported that the computer update is nearing the end stage and the Utility staff is still in training mode. She thanked her staff for assistance during this time. She reported that staff was able to meet the budget without using reserves. She stated that she spoke to the Auditor but has not received any further information from Tallahassee.

Mrs. Green played a short tape recording and noted that these type calls occur every hour of every day.

5. Request for Issuance of a Certificate of Appropriateness and Waiver of Fees for Installation of Split Rail Fence, Applicant DeSoto County Historical Society (City Planner)

Mr. Slaughter explained this request was approved by the Historical Preservation Commission. Staff has determined compliance with zoning and fence permitting however the applicant, DeSoto County Historical Society (DCHS)-501c3 designated, is requesting a waiver of fees and staff is asking for direction from Council. He responded to Mayor Keene that the fee is currently \$165.00. Mr. Slaughter explained that the DCHS is merely defining their property and parking spaces with the requested fence permit.

A motion was made by Deputy Mayor Heine and seconded by Councilman Fink to approve the request for an issuance of a Certificate of Appropriateness for the installation of a split rail fence located at 300 North Monroe Avenue for DeSoto County Historical Society. The motion carried 5-0.

There was additional discussion regarding the waiver of the fees and Council agreed to a waiver of fees on a case by case basis.

A motion was made by Deputy Mayor Heine and seconded by Councilman Fink to approve the waiver of fees for the fence permit to DeSoto County Historical Society in the amount of \$165.00. The motion carried 5-0.

6. Prayer Policy (Attorney)

Attorney Wohl stated the proposed Resolution is still under review and staff may look into alternate measures to inform the public. The item required no action at this time.

Mr. Earnest Morgan stated that no man has a right to infringe upon another's right.

7. Purchasing Policy (Administrator)

Mrs. Jankosky stated that this policy is all encompassing and modeled from the City of Winter Park. Attorney Wohl has reviewed the policy as well. Councilman Fink replied it appears to be very complete. Mayor Keene agreed.

A motion was made by Deputy Mayor Heine and seconded by Councilman Fink to approve the Purchasing Policy as presented. The motion carried 5-0.

ORDINANCES

8. **ORDINANCE NO. 992: SECOND AND FINAL READING OF AN ORDINANCE AMENDING THE CITY OF ARCADIA CODE OF ORDINANCES TO REPEAL CHAPTER 58; TO ADOPT A NEW CHAPTER 58; TO ADOPT FLOOD HAZARD MAPS, TO DESIGNATE A FLOODPLAIN ADMINISTRATOR, TO ADOPT PROCEDURES AND CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS, AND FOR OTHER PURPOSES; TO ADOPT LOCAL ADMINISTRATIVE AMENDMENTS TO THE FLORIDA BUILDING CODE; PROVIDING FOR APPLICABILITY; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE. (City Planner)**

Ordinance 992 was read by title only. A motion was made by Councilman Fink and seconded by Councilman Allen to adopt Ordinance 992 at second and final reading. The motion carried 5-0.

9. **ORDINANCE NO. 993; SECOND AND FINAL READING OF AN ORDINANCE OF THE CITY OF ARCADIA, AMENDING CHAPTER 2, ARTICLE VII, DIVISION 3, SECTION 2, OF THE CODE OF ORDINANCES OF THE CITY OF ARCADIA, AMENDING THE CITY OF ARCADIA POLICE OFFICERS' AND FIREFIGHTERS' RETIREMENT SYSTEM; AMENDING SECTION 1, DEFINITIONS; AMENDING SECTION 15, MAXIMUM PENSION; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.**

Ordinance 993 was read by title only. A motion was made by Councilman Fink and seconded by Councilman Allen to adopt Ordinance 993 at second and final reading. The motion carried 5-0.

COMMENTS FROM DEPARTMENTS

10. City Marshal

Marshal Anderson explained a crosswalk issue that needs repairing at East Oak Street and Pasco as requested by the DeSoto County School Board. Marshal Anderson requested several crosswalks be painted and reported them to Mrs. Jankosky and Mrs. Miller. He stated that most of the crosswalks were painted except for East Oak Street. Marshal Anderson met with Mrs. Miller at the intersection of Manatee and Oak Street to view the crosswalk. He stated that Mrs. Miller told him that it was against Federal ADA rules to stripe without traffic controllers. At that time he told the School Board to contact Mrs. Miller directly. Marshal Anderson asked if this is true for that intersection then why are there painted crosswalks at other intersections, for example, Manatee and Magnolia. He explained that Florida Statutes speak to pedestrian crosswalks and states that a traffic control sign is a stop sign as well as a yellow flashing school crossing light. Marshal Anderson replied to Mayor Keene that there is no crossing guard on Oak Street.

Mrs. Miller stated that when she met with Marshal Anderson she told him that cross striping has to be controlled or stop signs are required which is Federal Transportation Standards. Council agreed to install stop signs and complete the striping.

Marshal Anderson reported that the Turner family is conducting an event related to a Gator Reality TV show in Arcadia. They wish to film on Saturday, September 21, 2013 from 8 a.m. to 8:30 a.m. and asked if Oak Street near the Courthouse could be closed for that period of time. Council gave consensus for the request.

Marshal Anderson requested if four (4) confiscated vehicles and four (4) retired vehicles could be sent to auction at the Lee Civic Center on October 1, 2013. Council gave consensus for the auction of the eight (8) vehicles.

Marshal Anderson reported that he felt misinformation may be going around the City. He explained that the policy in 1993 allowed Officers to take vehicles home if they lived within DeSoto County. The policy was tweaked when Marshal Lee was in office. He clarified that no Officer has driven to Sebring or Sarasota. Officers are allowed to utilize vehicles for attending classes and that is usually located in Polk County.

Mayor Keene stated that the Police presence in the City is well received and the Department is doing a much better job.

Lt. Joens explained that the Police Department received an anonymous donation from someone outside of the City which they will utilize to purchase ballistic vests. He will deliver the check in the amount of \$13,000 to Finance to place in the Police fund account.

11. Attorney

Attorney Wohl reported that he is continuing work on the Special Event and Code Enforcement Ordinances. The Special Event Ordinance was sent to Mrs. Jankosky and Code Enforcement for review.

12. City Administrator

a. Smith Brown Gym Update

Mrs. Jankosky reported that the Fire Department inspected the Smith Brown Gym and asked the City to install an alarm system as well as replacing the entrance doors. Council agreed that Mrs. Valerie Gilchrest be allowed one more food drive at the gym and Council requested a quote to install the alarm and repair the doors.

Mr. Charles Conklin asked if Mrs. Gilchrest will be allowed to extend the permit previously paid up until December. Mrs. Gilchrest stated she would also reach out to others (Gulf Coast) for funding. Council agreed that her permit could be extended.

PUBLIC (PLEASE LIMIT PRESENTATIONS TO FIVE MINUTES)

Mrs. Beth Carsten questioned what the Prayer Policy was considering. Attorney Wohl replied that it will only be a procedure and tailored to fit the City of Arcadia. Ms. Carsten replied that Arcadia is a God fearing City and she feels the Council should have the freedom to pray and someone in the audience may pray.

THE FOLLOWING TRANSCRIBED BY THE CITY CLERK PER DIRECTION OF THE CITY ADMINISTRATOR:

Mr. Steve Underwood: "I am here to defend my job. I was terminated a week and half ago by Mrs. Miller. I've been through four (4) Administrators and I've never done anything wrong until Mrs. Miller has come on scene. I was written up a total of nine (9) times in two and half months Mrs. Miller has been here. If you look in my previous record there is zero. So I leave that with Council. Something needs to change and I'm not here just for myself, I'm here for City employees and the City of Arcadia. This needs to be taken a close look at of people undermining, trying to discredit me and I've done a good job and if anyone had an issue with me they should have come to me in person. Not write me up nine (9) times on nine (9) write ups on the day I was terminated that I knew nothing about. So if you can prove to me something different, I've done that bad of a job in the 24 years I've been here since October 31st of 1989, prove it to me."

Mayor Keene: "Steve there is a, I here you, I appreciate your comments. I think you've thrown down the challenge to all Council. There is an opportunity for you to go through an appeal process that's in the personnel manual, outlined in the personnel manual. Am I correct?"

Mr. Underwood: "If that's the case then how come I wasn't able to read the nine (9) write ups, two (2) that were shredded by HR in front of me that she couldn't justify."

Mayor Keene: "I don't know."

Mr. Underwood: "Exactly, you don't know. Exactly."

Mayor Keene: "No Sir, let me clear something up then, you've been around here 24 years all right. The Council sets policy and does the budget, and we are a strong City Manager system. That's why in our personnel manual we have an opportunity for an employee who wants to appeal what's happened to them to come to the Council."

Mr. Underwood: "How do you appeal and not to interrupt you Mr. Mayor, how do you appeal something and the first appeal goes to the first person that terminates you?"

Mayor Keene: "Then you go to the second person. I'm telling you there is a process."

Mr. Underwood: "And I agree 100 percent."

Mayor Keene: "Can I speak just a minute, I didn't interrupt you. Give me just a minute. As I understand it, unless I'm missing something, the personnel policy outlines how to do this and the buck does stop with the City Council. Ok, if you lose your appeal everywhere else then you are here. I would encourage you to go through the process."

Mr. Underwood: "I have already started that process but there is so much undermining going on in the City, the process is going to be all for naught."

Mayor: "Well I don't..."

Mr. Underwood: "If I've done that bad of a job in the 24 years I've been here through four Administrators you would think someone by this time would have told me I've done that bad of a job, not three Administrators, four Mrs. Jankosky being the fourth. You can go to my co-workers and anyone you would like to speak to that would back me up 100% that my termination or written resignation which I've done neither except for I did appeal it, will back me up 100%. Thank you very much."

Mayor Keene: "Thank you Steve. Anyone else from the Audience? Then we will move onto Mayor and Council Matters."

MAYOR AND COUNCIL MATTERS

Councilwoman Frierson: "Well I am going to address the elephant in the room. I think Steve has a point. How does he use the appeal process when they are the very people that dismissed him?"

Mayor Keene: "I mean...how else would it work though Alice? I mean your first person is the one who dismisses you, if that's the line you come through, that's the way I remember when we all up here approved the personnel policy, that's the way it would work."

Councilwoman Frierson: "OK, that seems fruitless to me."

Mayor Keene: "Then we need to change the personnel policy."

Councilwoman Frierson: "Also I'd like to say several years ago we started down this road and that's why I got actively involved. We had long-term employees that were forced out, terminated forced to retire and the City was a long time recovering from all that and many ways we have not recovered from it and we are going to start down this road again. I don't think the two dismissals, I think there is more coming down the road, from emails and conversations with the City Administrator I think she has a list. And I think the Council should address it."

Deputy Mayor Heine: "It smells to high heaven. I have always been for the employees, always there's not one in here that can tell me I haven't been. You see people like Steve who repaired this room that we needed so long ago - repaired it, got it ready with his crew, three people from the garage department; they took enough of the bull that they went on and resigned. Jerry didn't get a chance to resign he was just plain out fired, he was a long time employee. They told Steve either you resign or be fired, that's holding a gun to a man's head. And in 24 years not only did he work in this room; he worked in the old highway patrol getting it ready for the Police Department. He's done wonders, last year alone he maneuvered; he bought four new pickups for the City and saved \$4,000 on each truck. Now you tell me this man hasn't done his job and if he ain't hired back I'll guarantee he needs to get him a good lawyer and sue hell out of us."

Councilman Allen: "Well I think, (audience asks for him to speak directly into microphone)...I kind of feel like Mr. Heine, several have come to me and brought letters of retirement or firing that I think should have a better representation before that happens or during that period of time and I think Council certainly owes that group of employees some attention."

Councilman Fink: "Well as being one of two that actually read the file concerning this."

Councilwoman Frierson: "I've read the files twice, twice."

Councilman Fink: "I know you have Mam, and I have the files right here for both and if we are to believe that this was done in error or because of vendetta then I would suggest to you that we don't have a problem with what was done as much as how it was done and to whom. And I think that is problematic in this. I think that what we need to realize is that we have put Administrator Jankosky in charge as the ultimate hire and fire of the City of Arcadia, and if you have a problem with this, you do not have a problem with Mrs. Miller who is the Director of Public Works; you have a problem with Mrs. Jankosky. And I would suggest to you that I see nothing in this and

what I read that was not a following of policy. I look at this and I see this and unless they fabricated these files, and if you're suggesting that in case happened, then we have a far more serious problem and I suggest to you even further that it's not in our pay grade to get involved in individual hiring's and firings' and whether or not a friendship is involved in these rather than it's a straight business decision. All of these things are involved in this. I don't see a problem. I see a problem in that, yes ok, we've had four Administrators in a number of years, and please allow me to finish my train of thought before you start to boo or hiss because I'm sure you're not going applaud. But Just a little over a year ago this Council took it upon itself to cost us \$25,000 to get rid of Lawrence Miller, now I would suggest to you that with the paperwork that is involved that is here and who have seen it, if we do something similar it is going to be a minimum of an additional \$25,000 that we don't have to get rid of this woman and I don't see that she has done anything that would warrant that and now unless you are going to... Excuse me, please."

Mayor Keene: "Please Councilman Fink can I interrupt for a moment. I've asked the Police Department if we have any folks that can't control themselves I've asked them to escort the folks out. Let's give our utmost attention to the speaker. I appreciate it and I'm sure Council and the neighbors sitting close to you appreciate and want to hear what we are saying."

Councilman Fink: "Thank you Mr. Mayor, I appreciate that. I believe if we take the same action as a Council that we did just a little over a year ago we will find ourselves in far more heat than the \$25,000 that we paid out to Dr. Miller. And we don't have that money to spend and I'm not suggesting that we keep a City Administrator that is inept, but I do not find, again, in reviewing these documents, this one and this one, that our Administrator has done anything that would warrant that. Again, unless we find that she has, I just wonder how Council Members that haven't reviewed and Mam I'm not suggesting that you be asked this question but I'm real concerned as to where you are getting your information from if you are feeling that this is not justifiable to the Council Members that have not read this documentation. Because if you haven't come in and asked for an overview and you haven't read the documentation then what the heck are you making your judgment off of? Because you are not getting it but from one source and I'm not suggesting that is not important, what I'm suggesting to you is she has a right to be asked as well before any finalization or before anything, before you make a judgment but apparently a judgment has been made already. Because I have asked has anyone else reviewed these file, I knew you had read these files, Mam and I commend you for that, I commend you for doing your homework and due diligence but the rest of the Council! has not. And they have not even asked for a summation from the City Administrator."

Councilwoman Frierson: "I not only have read the files but I had four (4) meetings with the City Administrator that ended very unsatisfactorily. In reading the files the Public Works Director came on staff on June 25th. June 27th she writes Mr. Underwood up. There is usually a honeymoon period going on here where you get to know each another and personalities. Apparently there was none of that. It was in your face you're gonna be gone, we are going to break up the good ole boy system whatever that is. And I just think that it was, it was wrong."

Councilman Fink: "I don't, that's your feeling on this and I don't have a problem because you actually did your homework and I do appreciate that, but to make a judgment without doing homework and to suggest putting someone else's job in jeopardy without doing homework and you are not doing that."

Councilwoman Frierson: "No I think an employee, if they are going to be written up, they should have a conference with the Public Works Director and that employee should sign that he understands what he did wrong. None of those are signed by an employee, none of them. No there is no notation that this employee has been advised of this whatsoever. They are signed strictly by the City Administrator and Public Works Director. Not an employee. An employee was put on a 30-day probationary period and 7 days later he was dismissed. I have a problem with that."

Mayor Keene: "You know Councilman Fink...."

Councilman Fink: "It is my understanding that refusal to sign such a document, also occurred."

Councilwoman Frierson: "That refused to sign them? That's not what I read at all."

Mayor Keene: "Steve can I say something before you go on?"

Mr. Underwood: "Go on."

Mayor Keene: "Because what has been made so clear is that there are three (3) of us who have not read this documentation. Thanks for your permission I've got the gavel. I'm running the meeting."

Mr. Underwood: "You're the man."

Mayor Keene: "Thank you, yeah you bet, I am not for much longer because I think we are reorganizing at the next meeting that is my understanding, is that correct? I needed to get that out of the way tonight as well. I had not asked for this, and thank you for yielding to me and you as well to let me say my piece. I hadn't read this because the way I understood it in the personnel policy there was a procedure that you went through with this and I didn't think we were to a point where I needed to be involved in looking at any of this apparently we have fast forwarded and that's where we are. Ok I guess it's time for the three of us that haven't looked at this to have a look and maybe put this as an agenda item at the next meeting and let's try to get to the bottom of this if that's what we think we need to do. Steve I'm not saying that we don't, I'm not against you on this I'm not against anybody because I haven't done my homework as Councilman Fink has said so I can't speak to this at all. If that made any sense to the rest of the Council, does it?"

Councilman Allen: "Yes."

Councilman Fink: "And Mayor I didn't mean you because you had not spoken to the issue."

Mayor Keene: "No, no but that's my whole point maybe that is something else I need to understand. Does everyone understand that we have a personnel policy and people have rights to appeal what's been done to them?"

Deputy Mayor Heine: "I have seen the personnel file and spoke to her since this started and I was not satisfied."

Mayor Keene: "I get that Deputy Mayor Heine but I think it would be worthwhile and have that look and put this as an agenda item."

Mr. Underwood: "May I address the Council? On the day I was terminated I was called into Mrs. Sandy Vitella's office along with Mrs. Miller and I was presented with, I did not look at all of them, maybe 4 to 5 reprimands to my knowledge, but I was so in awe of getting terminated did I look them over? No I didn't because 24 years of service you are thinking ok what did I do so terribly wrong to deserve these reprimands and I looked briefly through them. Well then 2 to 3 days later I go up there I have additional 7 or 8 reprimands in my file that I knew nothing of on top of the ones on the day I was terminated. How can I correct a problem in my personnel file or be verbally written up or physically written up on a piece of paper that I have no knowledge of until the day I am terminated? There were 2nd and 3rd and 4th verbals and written up on things I wasn't aware of. If I'm not aware of them Mr. Mayor how can I correct them, is my question?"

Mayor Keene: "I don't know. You got me. You got me. What were you reprimanded for? If we want to get into the discussion we can stay here the rest of the night. But I don't know I haven't seen anything. I would like to take a look."

Mr. Underwood: "If you look in my previous file before Mrs. Miller came on scene do you know how many reprimands are in my file in 24 years of service to the City of Arcadia? Zero. So I couldn't have been doing that bad of a job."

Mayor Keene: "I'm not suggesting that you were. Like I said you got me. I don't know I haven't looked. And you can give me the look all you want."

Mr. Underwood: "I'm fine I back you I back the City of"

Mayor Keene: "I don't understand why this is occurring...."

Mr. Underwood: "I back the City of Arcadia 100 %. I gave 24 years of blood, sweat and tears to the City and this is one thing to speak of that me and my employees done and to be treated the way I was treated is unacceptable and that's my opinion and that's all I have to say and thank you very much for City Council's time."

Mayor Keene: "I would like to have concurrence from Council that we talk about this, make this an agenda item. Can we do that TJ or not?"

Attorney Wohl: "I would think we need to check with our employment law attorney. We do have the personnel policy. We want to follow it. I understand the necessity of getting this addressed as soon as possible. I think we need to consult with them before doing anything. Again this is outside the scope of my retainer; we do have an employment law attorney that we should consult with."

Councilwoman Frierson: "I would ask that we do that."

Deputy Mayor Heine: "I would too."

Councilwoman Frierson: "As soon as possible these guys are without jobs, and we need to deal with this quickly."

Jeanie Raines, City Employee: "Once again I have been threatened, more rumors I am beyond tears I hope this time. I am just appalled. I don't have a problem with Mrs. Jankosky; she has always spoken to me even when I wasn't supposed to be there. Big Daddy, big secret, I did go. And she invited me in her office and spoke to me. As far as you go to your director of Public Works and speak to her, you can't, you will be talked over, it is, I don't mind he's my friend, all these people here have reasons to be here. Jerry is my Big Daddy. He is the best boss, nothing against Tara, I love you Tara. Don Waters knows I love him and all the other bosses but when Big Daddy gets mad, it's ten minutes. You understand that? It's fine. It's ten minutes and it's over and I don't have to walk around sick. I have come to work sick for the last three weeks and it started when I almost had my house foreclosed. I can understand what Steve is saying. I ain't had 24 years, I'm sure ya'll can hear me. I'm sorry I'm upset I might cry after all. I've had 11 years. I have never come and asked for a raise in 11 years, my house....."

Deputy Mayor Heine: "Hold on, hold on."

Ms. Raines: "My home was being foreclosed, this isn't just a house. My son has lived there since he was 2 years old, my boyfriend died of cancer in my living room. I explained to this lady I needed help it didn't even have to be a raise. I needed some sort of help from the City. I've never come in 11 years, you know what I was explained. I needed to go apply for assistance. I have a job, a 40 hour a week job, I'm sorry but the way I was raised, as long as you are working you don't go apply for assistance. I don't apply for assistance when I'm in that ditch behind Smith Brown Gym, Big Daddy sees to it if it's taking me a little too long and he gives me assistance. I'm by myself in the ditch, sweating, bleeding, that's my job, I enjoy my job. But I'm getting off the thing. Not only did I have this problem which I discussed with Ms. Sandy. And I didn't get to go to Ms. Judi, Sandy made me understand and by the way my shrink did too, they took our pants away. This is what my shrink Dr. Gallego will be happy to tell you. He explained to me that I was being silly if they took your pants away what made you think they'd give you some money. So maybe I was in the wrong there, but I don't believe that woman should have been able to tell me to apply for assistance. I don't know how many other here have applied, it ain't that easy. Then we were told that she made a promise that the cemetery would be done in 4 days by 4 people. She made the promise; we were not consulted as far as I know she has never mowed or weeded in a cemetery. Have any of ya'll mowed or weed eated in a cemetery. You understand that. Can you imagine 4 people knocking out that entire cemetery in 4 days? And I was told if it's not done in 4 days heads would roll. Apparently she got angry because she seen me and Shannon speaking, unless she has some kind special hearing, she don't know what me and Shannon were talking about, how does she know he didn't need a key for the gate? How does she know he didn't have a problem in the burn pile? I not only work in the cemetery not only Smith Brown Gym, I'm up town you've seen me pulling grass, you've seen me spraying, I'm everywhere I do it all. She took it upon herself to assume I was gossiping that's how it was later explained. We were supposed to follow the chain of command. Would you want to approach this person again, if you had been told apply for assistance, if you had been told your head would roll if you didn't' do an impossible job? No I did not besides I didn't have her phone number. She said yes, you do, unless she's been sneaking in my phone without me knowing it. How would she know that with my phone in my pocket? I am angry tonight. I mean no respect to ya'll and if I get fired for it, I got the paper in my drawer already applied for the memorandum if I lose my job to keep my house. Big Daddy was done wrong, Steve was done wrong. No disrespect to you Mr. Fink I'm not a good ole boy, I'm a girl. 11 years I have never told a boss no. Tara, did I ever unless I did not do the job did I tell you no? Never. Sandy

she is here somewhere she's a nice lady she calmed me down, she came out when I called the administration office because I was told from her that I could talk to her at any time. That's when this woman Mrs. Miller come out and informed me that I did have her number and I said no Mam I do not. When your number was offered Big Daddy told me not to take it. And I didn't do it because that is the top of my chain of command that is my boss that is who I listen to. If I think he is being treated unfairly that is when I went to Ms. Judi because I have been up here before and I have spoke to Ms. Judi because people were talking about my Big Daddy. And I told her that's wrong I've never had a problem that I couldn't go to him whether it be work, be home. I don't want this to go to agenda. They need to come back to work; they need to be there tomorrow at the very latest Monday. If she can't learn some manners, now she don't want to be fired. I don't wanna see nobody lose their job, it sucks. I've never been fired but one time many years ago. I don't want to see her lose her job; I want her to go to school to learn how to talk to people. She needs to learn it's not ok to come up to someone you don't even know and tell them to go apply for assistance. I have pride. If I didn't have pride you would not see me in the ditches working the way I do; you wouldn't see me with weed eaters longer than I am tall, tractors that I have to climb into. I don't need to apply for assistance, Ms. Sandy at least offered me a shrink. I already got one of those." Inaudible section

Dr. Dixon: "I didn't know that the subject was coming up tonight. I think what I hear the attorney saying is that this is an administrative matter rather than a legislative matter. I recall when I was elected that I was elected to do legislation as a Councilman as a Deputy Mayor not to deal with administrative matters. That's what 3 members on this Council chose to do when they undermined and broke laws to get rid of Dr. Miller and hired Mrs. Jankosky our current Administrator. This is what they asked for; this is what they chose to do those 3 members. I don't think it was Mayor Keene or Joe Fink, it was Robert Heine, Alice Frierson and an appointed member, never been elected on Council at all and only makes motions to adjourn meetings, Bob Allen. With that being said, I've always fought and stood up for the employees of this City when I was on the Council and they know this. I'm very disturbed when I hear this man has been terminated Steve Underwood that is a very serious concern to me when he put 24 years of his heart. I'm going to try to keep it,(inaudible) because it's personal to me as well. There was a man Steve Rowley, they were the same after working here about 30 years, I was the member that made the fight and overturned that decision and saved him if ya'll remember. And not only reinstated him but gave him retroactive pay from the time he was off because I felt it was totally unfair to take a person that had put so much time and work and take that away from them like that, they have a family they have children. I think that needs to be looked at but I'm not the man, Jeanie if you get fired, you had your right to speak, it's your constitutional right. I promise you the person that fires you will be terminated by me, that is not a threat, and the citizens of this City because we vote; we put you guys there to do a job and make sure these employees are taken care of. I've demonstrated what I m saying with that being said, I want to make it very clear. Mrs. Jankosky, in my opinion, is doing a fine job. I think she's moving us in a very positive direction even though I'm not a Council Member or Vice Mayor and it may be administrative rather than legislative. I will personally tonight ask for Mrs. Cathy Miller's resignation and I would hope and pray because no one will stop me from praying to my God, just suggested that Mr. Attorney I'm not saying your suggesting that and you are doing a pretty good job, I appreciate your cautioning this Council tonight. I don't know Mrs. Miller and you don't know me, we have met once or twice but you resigned from the County is that correct?"

Mrs. Miller: "Yes, to take this position here."

Dr. Dixon: "You resigned from the County, I don't care why you resigned I'm asking for you to resign from the City of Arcadia and if you don't resign I'm going to do everything in my power, in my authority to seek for termination and that's where I'm at with it. You guys just please allow Judi to do her job, follow the policies and the most brilliant thing Heine said tonight was get a lawyer and sue the hell out them."

Jerry Cordes: "I've been here almost 18 years. I started out with Mr. Strube and Joyce were here and I'm sure ya'll remember Joyce she wasn't a very nice lady, but we got along and I have never had any problem with anybody doing whatever was requested. I kinda seen this coming so I had Ms. Sandy pull my file. I have nothing in my files unless there was something put in there after about a week ago. No write ups no nothing and she tells me I'm insubordinate and I'm not doing my job. How can I do my job when she changes it every day, if I start here she wants me to start over here, if start over here she wants me to start over here. And I'm sorry she done run off 4 or 5 people that were good people over garbage. And she wants me to do things that I don't feel right doing myself most of my people are here, my ex-people. I can't lie to them and tell them they are going to get extra money or get a raise that's up to you people. I can't promise they are going to get a .50 cent raise because I don't have that authority. I don't tell them what they want to hear I tell them what I know. I think I was wrongfully terminated and I've been doing that job for quite a while and I've never had any problems before and I don't have a write up in my file. Thank you."

ADJOURN

There being no further business the meeting adjourned at 7:30 p.m.

APPROVED THIS 18th DAY OF February, 2013.

By:

Alice Frierson

Alice Frierson, Mayor

ATTEST:

Penny Delaney
~~Gia S. Lancaster, CMC~~ *Penny Delaney*
 City Clerk