

## **BOARD REGULAR SESSION, 9/26/23**

### **BOARD OF COMMISSIONERS VILLAGE OF HIGHLAND PARK**

THE BOARD OF COMMISSIONERS OF THE VILLAGE OF HIGHLAND PARK, FLORIDA MET IN REGULAR SESSION AT THE VILLAGE OF HIGHLAND PARK ADMINISTRATION OFFICE, 1650 NORTH HIGHLAND PARK DRIVE, ON TUESDAY, SEPTEMBER 26, 2023, IMMEDIATELY FOLLOWING THE 6:00 P.M. TRIM/BUDGET HEARING WITH THE FOLLOWING COMMISSION MEMBERS AND STAFFPERSONS PRESENT:

MARCUS HINSHAW, COMMISSIONER (Seat 1)  
BRANDON MCWHORTER, MAYOR-COMMISSIONER (Seat 2)  
AMANDA UPDIKE, COMMISSIONER (Seat 3)  
BRIAN UPDIKE, CITY MANAGER  
ANDREW HAND, CITY ATTORNEY  
MARY BRADLEY, INTERIM CLERK 1  
LITA O'NEILL, INTERIM CLERK 2

#### **CALL TO ORDER**

Mayor-Commissioner Brandon McWhorter called the meeting to order at 6:14 P.M.

#### **ROLL CALL**

The Village Clerk called the roll. Mayor-Commissioner Brandon McWhorter, Commissioner Amanda Updike, and Commissioner Hinshaw (remote call) were present. A quorum was present.

#### **Commissioner Hinshaw's Remote Attendance at the Meeting**

Mayor-Commissioner McWhorter opened the floor to the public to discuss whether there was a need to recognize the extenuating circumstances that prevented Commissioner Hinshaw from attending the meeting in person. There was no public comment. Mayor-Commissioner McWhorter then commented that if it was necessary to enable Commissioner Hinshaw to vote during the meeting, that a motion could be made later in the meeting. The Village Attorney agreed.

#### **Public Comments**

Mayor-Commissioner McWhorter opened the floor for public comments. He read a message sent by Mrs. Beasley noting the improvement in traffic flow due to the installation of a speed bump.

Blair Updike, resident of 1551 South Highland Park Drive, shared some points of concern regarding the staff positions within the Village of Highland Park:

- 1) The City Manager and the Clerks positions need better checks and balances. She suggested meeting once a month, not every other month for meetings so there is more accountability.
- 2) She also suggested a Clerk's report at each meeting so that there is transparency.
- 3) Another suggestion made was to keep the City Manager and the Clerk roles separated.
- 4) She recommended that Village business be done in the administration building.
- 5) She noted that Budget-to-Actual reports are helpful to do in-house.
- 6) Concerning clerk pay, she suggested for the first three months to track hours, and then establish the pay to determine if pay is equitable.

Ms. Updike provided a list for Clerk #2 duties. (Her notes are included as an attachment to these minutes.)

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Mayor-Commissioner McWhorter then read a letter from resident, Mr. Mark Smith, resident of 1514 South Highland Park Drive, to advise the Commission about Clerk and City Manager duties and roles. (His letter is attached to these minutes.)

Mr. Ric Busbee, resident at the Amoret Apartments, asked how many clerks there are. Brian Updike noted that two previous clerks are training the two new clerks. Mr. Busbee asked who is reading the water meters, and the City Manager answered. Mr. Busbee asked if the interconnection is working and the City Manager answered. Mr. Busbee asked about yard waste and bulk pickup. The City Manager explained that yard waste piles will not be picked up unless it is in small piles and bundled or put into bags or garbage cans. Large items like refrigerators are still picked up every 4<sup>th</sup> Friday of the month.

Connor Updike, resident of 1920 South Highland Park Drive, stated that we need some type of video equipment to livestream meetings. Commissioner Amanda Updike responded that recording meetings would be helpful.

### **Adoption of Previous Meeting Minutes**

Mayor-Commissioner McWhorter made a motion to adopt the minutes from the previous four meetings (dates of meetings include 7/25/2023 Regular Meeting, 8/22/2023 Budget Workshop, 8/22/2023 Special Session, 9/15/2023 Tentative TRIM and Budget).

Commissioner Updike seconded.

Mary Bradley read a Roll Call Vote:

McWhorter - yes

Updike - yes

The motion was adopted.

### **Presentation of Candidates for Clerk Positions**

Mayor-Commissioner McWhorter asked the City Manager to review the status of the Clerks roles. As of September 19, 2023, City Manager, Brian Updike, hired Mary Bradley (Interim Clerk 1) on a contractual basis for accounting tasks, and hired Lita O'Neill (Interim Clerk 2) on a contractual basis for other clerk duties.

The City Manager read a letter he wrote that elaborated on the 2-clerk setup (see attached letter). The 2-clerk system has benefits including a clean audit with no violations reported in the management letter for the past 12 years. There were also reduced costs to the Village.

Based on the salary threshold from the FLSA for the \$35,562 total annual gross salary Clerk 1 pay is weighted higher than Clerk 2 pay due to the assigned tasks.

Mayor-Commissioner McWhorter asked for questions. Commissioner Updike noted that the original charter states that a Clerk and a Treasurer could be appointed. Mr. Updike noted that Clerk and Deputy Clerk titles have been used in the past.

City Manager Updike read minutes from the 1/26/2011 meeting, when Mark Smith asked the City Manager for clarification about the Deputy Clerk role.

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City Manager Updike read a letter recognizing the efforts of previous Clerk, Maggie Taylor. He noted that she went above and beyond the expected duties and saved the Village roughly \$100,000 over the twelve years of service.

City Manager Updike explained the Clerk and Deputy Clerk arrangement worked well. Discussion ensued about the roles described in the Village Charter and how the responsibilities that are required may be divided among staff as needed. Attorney Hand noted that job responsibilities and assigned duties can be defined. City Manager Updike read the tasks as described in the contracts he prepared for the contracted Interim Clerk 1 and Interim Clerk 2 positions (see attached).

Commissioner Amanda Updike asked if the responsibilities came from the former clerks' explanation of roles. City Manager Updike responded yes.

City Manager Updike commented to the Commission that the management letter he sent (see attached) was intended for the Commissioners to review so they can discuss and decide. There is no Ordinance that addresses the role of the City Manager, but one would be helpful for clarity.

Commissioner Amanda Updike inquired about how to structure the Commission-City Manager-Clerk roles. She asked whether an Ordinance would be necessary.

Mayor-Commissioner McWhorter noted that the City Manager directly reports to the Commission. Discussion about weak mayor systems and strong mayor systems ensued. Attorney Hand explained the difference using Apopka as an example of a strong mayor system. In a weak mayor system, all commissioners have the same authority, with the exception that the Mayor runs the meetings.

Mayor-Commissioner McWhorter noted that the Clerks do not answer to the City Manager. Discussion ensued regarding the organization of the Village staff roles.

Mayor-Commissioner McWhorter asked why a special meeting could not take place since the last meeting. Mr. Updike explained that he spoke with the city attorney, Mr. Hand, who then explained the issue with timing of meetings and posting public notice of meetings. Mr. Hand advised the City Manager to publicly notice 72 hours in advance, according to Sunshine Law case law, to give the proper notice to the public.

Mayor-Commissioner McWhorter asked Mr. Hand whether a meeting could take place with 24-48 hours of notice, if there were extraordinary circumstances. Mr. Hand responded that yes, that meeting would be considered an emergency meeting.

Commissioner Updike expressed her thoughts to Mayor-Commissioner McWhorter about the resignation of the former Clerks. She stated that the City Manager handled the transition to secure two new Clerks well.

Mayor-Commissioner McWhorter asked the City Manager when his last day will be. City Manager Updike responded that he will provide resumes of interested parties to the Commission, and he will stay on without pay to assist the new City Manager. Until that is completed, the City Manager stated that he will stay on in the role.

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Mayor-Commissioner McWhorter commented that he spoke with the auditors at Wicks, Brown, Williams, and that there are internal controls that could be put into practice that would allow the Village to continue with a 1-clerk system. Mr. McWhorter noted the drawbacks to a 2-clerk system. City Manager Updike stated that he would like to hear from the auditor directly.

Mayor-Commissioner McWhorter noted that a 1-clerk system would require the City Manager take on additional responsibilities.

The City Manager commented that he thought it would be helpful for the Commissioners to provide thoughts to the Village Attorney about the job duties. He added that the City Attorney would be able to help to define the roles and responsibilities for the Clerks and City Manager.

Mark Smith, resident of 1514 South Highland Park Drive, raised a question for clarification. He noted that since both Clerks (Maggie Taylor and LeeAnn Avirett) had resigned at the last meeting, and the City Manager was trying to accomplish official duties of the Village. Mr. Smith suggested considering a motion to approve the two Interim Clerks to conduct Village business. Mr. Hand noted that there was ambiguity since resignation was unclear and they are staying on to ensure business gets completed and train interim clerks. He then commented that to clear up any ambiguity, the Commission could set the record straight by stating officially who the Clerks are and for how long. Mr. Smith commented that recognizing the resignations of the former Village Clerks as of the last meeting before hiring an interim Village Clerk.

Mayor-Commissioner McWhorter made a motion to ratify both the Clerk 1 and Clerk 2 contractor agreements between the City Manager and the Clerks, noting that Clerk 1 shall be executing documents including TRIM notices and resolutions for the duration of the agreement. Commissioner Updike seconded.

Mayor-Commissioner McWhorter opened the floor to public comment. There was no public comment.

Mary Bradley took a roll call vote.  
Commissioner McWhorter – yes  
Commissioner Updike – yes  
The motion passed.

Discussion between the Mayor and the City Manager occurred to elaborate the steps that will be taken toward a new City Manager. Mayor-Commissioner McWhorter suggested Mr. Ric Busbee would make an excellent candidate for City Manager. He asked Mr. Busbee his thoughts. Mr. Busbee said that he would be glad to serve, but he did not want to oversee the Clerks. Mr. Updike noted that he would bring forward more qualified candidates. Commissioner Updike asked to go slowly with the decision about City Manager. Mayor-Commissioner McWhorter asked Commissioner Hinshaw his thoughts. Commissioner Hinshaw did not see a reason to rush the decision about City Manager.

Mayor-Commissioner McWhorter asked if the Commission if they would like to meet before the next regularly scheduled meeting on November 28<sup>th</sup> (the Tuesday after Thanksgiving.)

The Commission decided holding a special meeting on October 25<sup>th</sup> at 6:00pm. Mayor-Commissioner McWhorter commented that having the candidates present at the special meeting would be helpful.

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City Attorney, Andrew Hand, suggested providing examples of City Manager roles from other small municipalities to the Commission so the Commission could think through what they need. A job description for a City Manager could be created to avoid ambiguity.

Mark Smith, resident of 1514 South Highland Park Drive, suggested placing the job duties in either a resolution or ordinance rather than a Charter amendment. He noted that the goal is simply to outline the duties of the position as appointed by the Commission and added that a resolution would provide sufficient framework and guidance, while still allowing any future Commission to make changes easily. City Attorney, Mr. Hand, did comment that a resolution or ordinance would be sufficient, but a Charter amendment is the most risk-averse. The City Manager mentioned that he has been looking at job descriptions for City Managers and Clerks. City Manager Updike told the Commission that he would forward the draft job descriptions that the former Clerks drafted.

Mayor-Commissioner McWhorter asked Ms. O'Neill (Interim Clerk 2) to contact the Town of Hillcrest Heights to learn about their operations and find out how they handle a 1-clerk system.

### **CITY MANAGER'S REPORT (attached)**

Mr. Updike noted that he already recognized Maggie Taylor for her dedication to the role as Clerk. He also recognized Leeann Avirett and her public service to Highland Park. He thanked Ms. Avirett for everything she did to make his job easy. Mr. Updike expressed his gratitude to the Commission, the staff, and the citizens of Highland Park for the privilege to serve. He stated that Highland Park is a great place to raise children, and he knows more great things will continue to happen.

Mayor-Commissioner McWhorter thanked Mr. Updike for his dedicated service.

Mr. Updike mentioned a lightning strike impacted the computer system on the groundwater storage tank. It is working, but repairs need to be made. Also, he noted mulch for the play park will be needed soon, as well as maintenance of the groundwater storage tank.

Mayor-Commissioner McWhorter asked about the interconnection with the city of Lake Wales water line and when it engages. Mr. Updike explained that when at full pressure (~62-63 psi, but it could be filled more) when it drops below 55 psi, the valve to the city of Lake Wales line opens up, and that is how it is designed to work. It has been working, but recently did have an issue. Mr. Updike made a minor adjustment, and noted there are easy fixes. Mr. Updike stated that it is a great addition to the water system. Mr. Busbee asked how to know when the interconnect system has kicked in, and Mr. Updike answered that it is pressure dependent. Mr. Updike also noted that Maggie Taylor and Leeann Avirett obtained the grant for the project.

### **QUESTIONS/COMMENTS/ANNOUNCEMENTS**

Mr. Hand asked that any Commissioners that have any cities they are interested in learning more about, even those that are not listed on Municode, to please send them to him.

Mr. Updike asked the City Attorney about whether a Charter amendment or ordinance to define the City Manager's duties. Mr. Hand noted that "you can get where you need to get just by having a job description," but there will always be interpretation. A Charter amendment would be the best way to insulate the Village.

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Mr. Hand asked the Commission to give him ideas about other municipalities to contact other than Hillcrest Heights to see how they organize and operate.

Mr. Hand stated that per Sunshine Law, the Mayor may put together a position paper and send it out to others, such as the City Manager. Mr. Hand recommended bringing samples to a future meeting. There is a request from Commissioner Hinshaw to Mayor McWhorter for his position. Mayor McWhorter can provide his position to the Commissioners, but no conversation or discussion may take place until a public meeting. The Mayor may send it directly to the City Manager, who can then forward it individually to each Commissioner.

Mr. Hand suggested including position papers attached to the meeting agenda so everyone can read through prior to meetings.

Mayor-Commissioner McWhorter adjourned the meeting at 8:39pm.

Respectfully Submitted,

Lita O'Neill, Village Clerk