

SPECIAL SESSION, 10/25/23

**BOARD OF COMMISSIONERS
VILLAGE OF HIGHLAND PARK**

THE BOARD OF COMMISSIONERS OF THE VILLAGE OF HIGHLAND PARK, FLORIDA, MET IN SPECIAL SESSION AT THE ADMINISTRATION BUILDING, 1650 NORTH HIGHLAND PARK DRIVE, ON WEDNESDAY, OCTOBER 25, 2023, AT 6:00 P.M. WITH THE FOLLOWING COMMISSION MEMBERS AND STAFF PERSONS PRESENT:

BRANDON McWHORTER, MAYOR-COMMISSIONER (SEAT 2)
AMANDA UPDIKE, COMMISSIONER (SEAT 3)
BRIAN UPDIKE, CITY MANAGER
MARY BRADLEY, CLERK 1 (INTERIM)
LITA O'NEILL, CLERK 2 (INTERIM)
ANDREW HAND, CITY ATTORNEY VIA TELEPHONE

Others Present:

Chris Wharem
Oscar McElroy
Paul O'Neill
Mark Smith
Derek Camann
Conner Updike
Ric Busbee

CALL TO ORDER

The meeting was called to order at 6:05 p.m.

ROLL CALL

The Village Clerk called the roll. Mayor-Commissioner McWhorter and Commissioner Updike were present. Mayor-Commissioner McWhorter noted that Commissioner Hinshaw submitted his resignation (effective Monday, October 23rd). A quorum was present.

PUBLIC COMMENT

Paul O'Neill, 1351 South Highland Park Drive, stated that if Ric Busbee was being considered a candidate for the City Manager role, he would support that due to Mr. Busbee's previous experience.

APPOINTMENT OF COMMISSIONER SEAT 1

Commissioner Updike asked if there could be a longer period of time for the vacancy of Commission Seat 1 to be posted, as only two days had passed since the most recent version of the agenda had been posted (showing the vacant Commission seat). City Attorney Hand commented that he was not aware of any special procedures or considerations to follow to appoint a vacant Commission seat. The attorney consulted the Charter, but would need to take time to review any ordinances or resolutions to ensure that adopted procedures are followed. Clerk O'Neill asked the City Attorney whether it would be possible to continue to conduct business with a quorum even if the Commission does not appoint a replacement for Commission Seat 1 tonight. Mayor-Commissioner McWhorter tabled the discussion until the next regular meeting.

REVIEW OF ROLES AND RESPONSIBILITIES OF VILLAGE COMMISSION, CITY MANAGER, AND VILLAGE CLERKS; PRESENTATION OF CANDIDATES FOR THE ROLES OF CITY MANAGER AND VILLAGE CLERKS

Mayor-Commissioner McWhorter noted that he sent his position paper out prior to the meeting for review (see attached).

Commissioner Updike thanked him and made her comments:

- 1) Comments were made on whether the Village has a Strong Mayor/Weak Mayor system - Commissioner Updike asked for clarity about the relationship between the Commissioners, the Mayor, and the City Manager. City Manager Updike commented that an ordinance really needs to be adopted to make roles of each more clear. Cmr. Updike asked for a definition of what "reports to" means. She noted that the clerks do report to the Commission, and she commented that the structure is already in place. She asked Mayor-Commissioner McWhorter what he would like to hear at each meeting or how often he would like to receive updates. Mayor-Commissioner McWhorter stated that all the staff should report directly to the Commission. The City Manager suggested that a full commission be present before drafting specifics about the roles.
- 2) "Moral hazard" - Commissioner Updike asked for clarification about this. Mayor-Commissioner McWhorter responded that the City Manager is responsible for spending funds to maintain the grounds. He noted that the City Manager should feel comfortable approaching the Commission about necessary purchases. City Attorney Hand asked whether the Commission would like his comments. The hiring and firing should not be done by the City Manager. The City Manager has no powers of discipline, and that falls on the Village Commission. The City Manager commented that the Purchasing Ordinance addresses this issue. Commissioner Updike added that other municipalities, like Frostproof and Bowling Green, have a City Manager that oversees the hiring and

firing of staff. The goal is to try to avoid a moral hazard by having the staff report through appropriate channels, and there is no fear of retribution.

- 3) Commissioner Updike noted that she agreed with the Mayor's suggestion in the position paper to separate the Clerk and Treasurer titles.
- 4) Active and Passive Commissioners - (page 4) Commissioner Updike asked how many meetings are suggested in the Charter. It was stated that the Commission meets every other month per the Charter. She asked what the Mayor recommends about meeting frequency. The City Manager commented that certain times of the year it is necessary to meet more often (Budget and TRIM season). Mayor-Commissioner suggested that Special Work Sessions should be scheduled once every other month. Attorney Hand commented that the Commission could give direction to staff at those work sessions, rather than wait until regular sessions.

Cmr. Updike asked for clarification that simply by meeting more often the Commission could resolve some of the issues about staff reporting to the Commission.

Regarding City Manager duties, clarification was sought regarding the "direct and supervise" language as it pertains to the City Manager role. Attorney Hand asked whether the Commission wanted to keep this language. The current City Manager noted that in his 12 years, he has had to change contractors without getting approval of the Commission in advance. However, permanent employees are a different issue than a contractor.

The "procurement of services" resolution contains checks and balances in it already.

The City Attorney noted that the job descriptions should include the titles, since they are mentioned already in the Charter.

Cmr. Updike commented that she finished her comments about Mr. McWhorter's position paper.

The City Attorney mentioned that he has some bullet points for the Commission to consider for job responsibilities. A very basic checklist of what a City Manager can and can't do could be used in a future Ordinance. He could prepare as an Ordinance at the next meeting or the meeting after that. Upon first reading, the Ordinance could be changed as much as it needs to be changed.

Mayor -Commissioner McWhorter asked the City Attorney to send the list of items so it can be considered in a future Ordinance.

CANDIDATES FOR CLERK POSITIONS

Mayor-Commissioner McWhorter asked Mary Bradley and Lita O'Neill whether they would like to work in the positions as Village Treasurer and Village Clerk. Both stated yes.

Mayor-Commissioner McWhorter pointed out that in his position paper there was a change made to the duties and the rate of pay. He asked Commissioner Updike if there were any questions about this change. There were no questions.

Mayor-Commissioner McWhorter made a motion to hire Lita O'Neill as the Village Clerk and Mary Bradley as the Village Treasurer at the rate of pay and job duties presented in Mayor McWhorter's position paper. Commissioner Updike seconded the motion.

The floor was opened to public comment. There was none.

A roll call vote was taken.

Mayor-Commissioner McWhorter - yes

Commissioner Updike - yes

CANDIDATES FOR CITY MANAGER

Mayor-Commissioner McWhorter opened the floor to discuss the role of City Manager. He invited any of the candidates present to speak. Ric Busbee, Derek Camann, Chris Wharem, and Oscar McElroy were present.

Ric Busbee stated that it would be a seamless transition because he has the experience. No one else spoke.

Derek and Chris have informed the current City Manager that if they are not selected as the City Manager, they would be interested in serving as a Commissioner.

Mayor-Commissioner McWhorter noted that there are a lot of new people in roles governing the Village. He stated that bringing in people with experience would make the most sense. Mayor McWhorter is in favor of bringing in Mr. Busbee. Cmr. Updike commented that she doesn't see the importance of bringing in someone with a large amount of experience because the current City Manager is willing to assist anyone that fills the role.

Cmr. Updike asked Ric Busbee if he thought that she was capable and whether he would be able to give her the respect she needed as a Commissioner, and Mr. Busbee stated yes. Cmr. Updike stated that she is interested in hiring someone new as the City Manager.

Cmr. Updike asked Mr. Camann, Mr. Wharem, and Mr. McElroy whether they were interested in serving as a Commissioner if not hired for the City Manager role. Mr. Wharem stated that he has experience in building housing communities and utilities, Mr. McElroy stated he is retired.

The City Manager commented that if Mayor-Commissioner McWhorter and Commissioner Updike could not agree on the City Manager, a third Commissioner would help make the decision.

Mayor-Commissioner McWhorter tabled the City Manager discussion, in order to discuss the vacant Commissioner (Seat 1) role. Mr. McWhorter noted that Mr. Mark Smith has expressed a willingness to serve in the role and is a former Mayor and Commissioner of Highland Park. He has resided in Highland Park for about 30 years. He has served as an attorney, including time spent as the City Attorney for Frostproof and Hillcrest Heights.

Cmr. Updike stated that there was a desire by some people in the Village who have asked her to “clean it out.” Mayor McWhorter noted that Mr. Smith has not served for seven years, and is not a part of the “old regime.” He stated that the value of having Mr. Smith there would be invaluable and that the Village would benefit greatly from having Mark Smith on the Commission.

Mayor McWhorter made a motion to appoint Mark Smith as a Commissioner. Commissioner Updike did not second the motion.

Commissioner Updike made a motion to appoint Chris Wharem as a Commissioner. Mayor-Commissioner McWhorter did not second the motion.

The current City Manager, Brian Updike, asked the City Attorney to advise about what the next steps are. Mr. Hand provided an example (Mount Dora) of not holding a special election to arrive at a decision.

The Village Clerk read Section 3 of the Charter.

Cmr. Updike stated that younger candidates would have more investment in the community. Mayor McWhorter stated that diversity on the Commission is a good thing. He noted that Cmr. Updike has young children, he has young children, and it would be important to have someone else to balance out the Commission.

The City Attorney stated that there was no obligation to make a decision on this topic this evening. Mayor-Commissioner McWhorter closed discussion and suggested continuing the discussion at a public work session.

QUESTIONS/COMMENTS/ANNOUNCEMENTS

The Mayor opened the floor to questions, comments, and announcements. City Manager, Brian Updike, stated that he hopes that the Commission can come to a decision soon. In the meantime, he stated that he will stay on board until a successor can be decided.

Mayor-Commissioner McWhorter requested setting up a work session to continue discussion. Wednesday, November 1st, at 3:00pm was selected to meet for a public work session. The Mayor asked the City Attorney if he could be available if questions arise and he said yes.

Mayor-Commissioner McWhorter adjourned the meeting at 7:23p.m.

Respectfully submitted,

Lita O'Neill
Village Clerk