

**CITY COUNCIL SPECIAL MEETING
MINUTES – JANUARY 7, 2011**

The City Council of the City of Edgewood, Florida met in special session on Friday, January 7, 2011 at Edgewood City Hall, 405 Larue Avenue, Edgewood, Florida. Council President Beardslee called the meeting to order at 3:00 p.m.

Present: Council President Judy Beardslee
Council Member Malcolm Henley
Council Member Neil Powell
Council Member Jim Bozeman

Absent: Council Member David Willis
Mayor Michael Teague

Staff: City Attorney Drew Smith
Police Chief Pete Marcus
Acting City Clerk Debbie Wallace

The purpose of the meeting is to make a selection of a City Clerk from current applicants. Council President Beardslee notes she called for this Special Meeting to specifically address the applications and resumes received related to the open position of City Clerk which was originally intended to be review at the next regular scheduled meeting, January 18, 2011. Council President Beardslee states under the work circumstances at City Hall it is imperative to get some relief at City Hall. Council President Beardslee asked if anyone was aware if Mayor Teague has sent or made any recommendations at this point. Acting City Clerk states she has not received any recommendations from Mayor Teague.

Council President Beardslee defers to City Attorney on how it relates to this Council's ability to address this as far as the void of the City Clerk position, under the circumstances whether or not this City Council has the authority to make a decision in the absence of Mayor Teague and Council Member Willis. City Attorney Smith states ultimately if the Council determines there is a circumstance that makes it unreasonable to wait for the next regular schedule City Council Meeting, City Council can act and has to act if that is the determination of the Council.

Council Member Bozeman notes he is not prepared to make a decision based just on resumes. Council Member Bozeman inquires if any of the applicants had been interviewed. Council Member Henley notes he has interviewed one applicant. Council Member Bozeman feels he cannot defer to Council Member Henley's view due to other applicants not being interviewed. President Council Beardslee opens discussion on how City Hall is being operated by just one person and the imperative need to provide relief.

Council Member Bozeman feels the City has had several City Clerks and feels rushing into hiring a City Clerk is not going to cure past problems. In addition Council Member Bozeman would like someone to interview all applicants and feels a legitimate recommendation can then be submitted to City Council.

Council President Beardslee opens meeting to public for comments. Ray Bagshaw, 409 Oak Lynn Drive, asked if there are certain qualifications that are being look for from the resumes that have been received. Mr. Bagshaw suggests narrowing down the selection by establishing the qualifications. Mr. Bagshaw's outlook is to defer determination of qualifications to Council Member Henley. Council Member Henley describes on how interviewing applicants can go in the assumption that they could be qualified and then they are not. Council Member Henley notes Ms. Bea Meeks was previously employed by the City and is a known person to City Council.

Council Member Bozeman feels references should be check on all the applicants with their previous employers. Council President Beardslee notes once a decision is made and an offer has been extended it is all based conditional upon everything coming back cleared and then the funds are used at that point to conduct a background check. Council President Beardslee notes job position has been posted twice for quite sufficient time and if extended another 30 to 60 there will not be any additional interest in addition the present situation at City Hall would come to a standstill if Acting City Clerk had an emergency situation.

Comment from citizen, Frank Aguilar, 415 Oak Lynn Drive, feels the City needs to get assistance for the Acting City Clerk in operating City Hall. Mr. Aguilar also feels the City needs to develop and proceed like a City if it is going to be one and fund whatever needs to be funded and take care of the backlog that was found in the filing system. Mr. Aguilar would like to see a time table set as to when interviews are going to take place if that is what City Council determines and move forward. Council Member Powell responds to Mr. Aguilar, City Council has requested the Mayor to make his recommendation however he has not done so. Mr. Aguilar understands and states City Council is dealing with the Mayor not being present.

Council Member Bozeman suggests if applicants can be interviewed within one week and then hold a special meeting to go over Council Member Henley's recommendation. Council President Beardslee notes Council Member Henley has been making recommendation to City Council for the last 60 plus days and believes City should stand up and be accountable for. Council President Beardslee notes if a City Clerk is place in position there is a six month probationary period that would resolve any issues.

Council Member Powell motioned to select a potential City Clerk to fill the vacancy on a full time basis, Council Member Henley seconded, all in favor, Council President Beardslee, Council Member Powell, Council Member Henley, oppose Council Member Bozeman, motion passes 3 to 1.

Council President Beardslee inquires if there is a recommendation or motion to hire one of the applicants based on the qualifications and requirements of the City of Eggedwood.

Council Member Henley motioned to hire Ms. Bea Meeks for City Clerk, Council Member Powell seconded.

Council Member Powell opens discussion on salary for Ms Meeks. Council Member Henley states Ms. Meek's offer was \$65,000 and his counter offer was \$60,000. Council Member Henley notes City Council can agree on another counter offer if determined. Council President Beardslee states total for retirement contributions could be 10.84 or 10.87 and with benefits could total to \$68,000. Council President Beardslee states there are sufficient funds in the budget to contain a full time City Clerk until a Resolution can be approved to amend the budget. Council President Beardslee states if a decision is made to hire a full time City Clerk it is very likely there is going to be a budget amendment before the end of the fiscal year.

Council Member Powell inquires on notice of time Ms. Meeks would have to give her current employer in order to resign. Council Member Henley states it could possibly be 30 days or less to give notice to her current employer. Discussion ensued on start date for Ms. Meeks. Council President Beardslee would like to add an amendment to the original motion and have Ms. Meeks start work on Monday, January 24, 2011. Council President Beardslee calls for a five minute break in order for Council Member Henley to contact Ms. Meeks to establish a start date.

Meeting resumes at 3:28 pm. City Attorney Smith states he talked with Ms. Meeks and as a Department Head at the City of Mascotte she is required to give a 30 day notice if she waives that she loses all accrued sick and vacation time. Council President Beardslee notes her amendment to original motion was not accepted or seconded therefore it dies. Council and City Attorney continue with questions and discussion as to when Ms. Meeks will be available to begin work. All agree on February 9, 2011 for Ms. Meeks to start.

Council President Beardslee opens discussion on hiring a temporary employee to help out with City Hall operations. Chief Marcus responds he does not see a problem with his part time employee helping out at City Hall however his primary concern is covering the police department. There is further discussion on authority over City Hall. City Attorney Smith affirms either Council Member Henley or Mayor Teague, have the power to hire a temporary employee for City Hall.

Council Member Powell propose to amend motion to give Ms. Meeks till February 9, 2011 to begin, Council Member Henley would like to add or sooner to amendment.

Council President Beardslee asked if there would also be an amendment as to the offer of salary and to verify probationary period for the City Clerk position. City Attorney Smith Council defines probationary period as for the City Clerk. President Beardslee suggests starting Ms. Meeks at \$55,000 and then at the end of the six month period raising it to

\$60,000. City Council and Mr. Bagshaw ensued discussion and questions in determining a starting salary for Ms. Meeks. Council President Beardslee withdraws her amendment for further discussion.

Council Member Henley recommends Ms. Meeks starting salary to be \$55,000 and after the six months probationary period if Ms. Meeks is still in satisfactory standing increase salary by \$5,000 as a bonus, composing a total salary of \$60,000. Council President Beardslee asked Council Member Henley if this was an amendment to motion, Council Member Powell accepted amendment. City Attorney Smith stated he would like to make clear for the record on the wording of the motion; offer the city clerk position to Ms. Bea Meeks, with a not to exceed salary of \$55,000 for the first six months, and then increase it to \$60,000 per year after completion of the six months probationary period if she is still retain by City Council.

Council Member Henley notes it is not an accurate restatement of his motion. Council Member Henley motioned to start Ms. Meeks at \$55,000 and if still in satisfactory standing after the six months probationary period increase salary \$5,000, in addition offering a \$5,000 sign on bonus.

Council Member Henley motioned to move it up. Council President Beardslee notes her concerns of the \$5,000 bonus as it is not part of the budget and is normally not an offer extended to staff. City Council opens discussion and questions with residents on the average pay rate for a City Clerk. Council President Beardslee withdraws her comment on a start salary of \$55,000 if is causing concern and would like to compose a clearer motion. Council Member Henley withdraws his motion.

Council President Beardslee motion to extend an offer of employment for the position of City Clerk to Ms. Bea Meeks based on her application for the position that is opened; propose to offer her a starting salary of \$60,000 with the understanding that she begins employment no later than February 9, 2011. Council Member Henley and Council Member Powell seconded. Council President Beardslee states her motion is with the understanding Council Member Henley contact Ms. Meeks today and if she declines Council Member Henley will contact City Attorney to re-post position, all in favor, Council Member Bozeman opposes.

Council President Beardslee addresses if City council would like to direct temporary assistance for City Hall operations and asks Acting City Clerk to contact Council Member Henley if assistance is needed. City Attorney Drew notes Council Member Henley has the authority to approve temporary assistance for City Hall.

Council Member Powell opens discussion on the situation he feels has been thrust upon City Council by the Assistant City Clerk, Sheyenne Contreras. City Attorney Smith states Ms. Contreras has been charge not convicted and would like Council to reframe from further comments on her charges. Council Member Powell references employee personnel policy; if employee causes embarrassment to the City employee should be

terminated. There is further discussion with City Attorney Smith on employment issues surrounding criminal charges and personnel policies.

Council Member Powell opens discussion on actions taken by Ms. Contreras at the December 21, 2011 meeting; states it was embarrassing and are grounds for dismissal. City Attorney states the Mayor has the authority to hire and terminate employees; if Mayor does not follow what Council dictates as for policy Council has the ability to step in and perform the job for the Mayor. City Attorney states disciplinary action has been taken since Ms. Contreras has been put on administrative leave with pay by Mayor Teague.

Council President Beardslee reads memo she received from Mayor Teague regarding her request to Mayor Teague to take disciplinary action on Ms Contreras for her behavior at the December 21st meeting and her current criminal charges. There is further discussion on memo received from the Mayor and Ms. Contreras's behavior.

Council President Beardslee notes City Council adopted by ordinance the personnel policy and City Council has repeatedly on many different occasions given directions that have not been followed. Council President Beardslee feels City Council is responsible for the City's reputation and to protect the City. There is further discussion on Ms. Contreras conduct and enforcing personnel policies for her dismissal. Council Member Henley suggests in revising the personnel policy to make clear on dismissal of an individual in a case like Ms. Contreras.

City Attorney Smith states leave with pay is good in the sense of not getting into a back pay situation with an employee. Council President Beardslee notes Ms. Contreras should be placed on administrative leave without pay; Ms. Contreras is not at City Hall performing work duties. Council President motioned Ms. Contreras be put on administrative leave without pay, with the understanding if the City has to back pay her it will do so. Council Member Powell seconded. Council Member Bozeman states under the Mayor's authority Ms. Contreras was to be paid two weeks administrative leave and feels this direction should be taken. There is further discussion on paying Ms. Contreras while on administrative leave. Chief Marcus gives his view on the charges against Ms. Contreras; warrants were issued for her arrest; no crime was committed in the City of Edgewood. City Attorney Smith describes the due process element is to allow the government to conduct its own investigation. Chief Marcus states he is not anticipating any wrong doing on her part in the City of Edgewood. Council President Beardslee notes Ms. Contreras can be put on administrative leave indefinitely as long as there is no pay and all other prior issues that do not pertain to her criminal charges then be addressed.

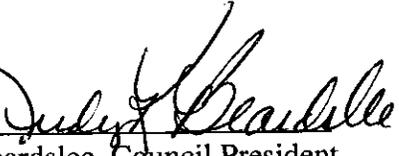
Council President calls the question all in favor;President Council Beardslee and Council Member Henley in favor; Council Member Powell and Council Member Bozeman oppose, motion failed, two to two.

Council President Beardslee motioned to direct Acting City Clerk, Debbie Wallace and Mayor to Teague to review and take action of personnel policy violations and her memo dated January 6, 2011, Council Member Henley seconded, all in favor, motion passes.

Council Member Powell opens discussion on setting a date to review the personnel policies. City Attorney Smith suggested to select dates for a personnel policy workshop on the next schedule regular city council meeting. Council President Beardslee directs selecting a workshop date to review personnel policies be place on the agenda for the next regular schedule meeting on January 18, 2011.

ADJOURNMENT

The meeting adjourned at 4:49 pm



Judy Beardslee, Council President



Debbie Wallace, Acting City Clerk