

# CITY OF HAWTHORNE

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**COMMISSIONERS:**

Eleanor Randall, Mayor  
William Carlton, Vice Mayor  
DeLoris Roberts  
Harry Carter  
Matthew Surrency

**INTERIM CITY MANAGER:**

Linda Rice Chapman  
**CITY CLERK:**  
LaKesha H. McGruder

**INTERIM CITY ATTORNEY:**

Audrie Harris

MINUTES  
REGULAR COMMISSION MEETING  
OCTOBER 6, 2009

**A. CALL TO ORDER**

Mayor Randall called the Commission Meeting to order at 6:30PM. Mayor Randall gave the Invocation and Vice Mayor Carlton led the Pledge of Allegiance. Board Present: Mayor Randall, Vice Mayor Carlton, Commissioners Carter, Surrency and Roberts. Staff Present: Interim City Manager Chapman, Interim City Attorney Harris, and City Clerk McGruder.

**B. MINUTES**

Moved to approve the minutes with amendments.

Motion- Commissioner Roberts

Second- Commissioner Carter

Vote- 5-0

**C. RECOGNITION AND GUESTS**

None for this meeting

**D. COMMITTEE REPORTS/APPOINTMENTS/INFORMATION****1. Charter Review Advisory Board Member**

Mayor Randall- Does any Commissioner have any suggestions. You were asked to think of someone to serve on the Board.

Commissioner Roberts- Asked Ms. Susan Vogel and Ms. Vogel will let her know if she will volunteer.

Mayor Randall- Will wait on the response from Ms. Vogel.

**2. Santa Fe College Board**

Interim City Manager Chapman- Attended meeting with Mayor Randall and spoke with Mr. Chuck Clemons who stated he would help bring a Santa Fe College satellite branch to Hawthorne. Mr. Ward Scott volunteered to serve on the Committee to help raise money to make this happen. She is asking the Commission Board to appoint 6 other members to serve. Staff will contact their choices to see if they are willing to serve.

**E. PUBLIC HEARINGS, ORDINANCES AND RESOLUTIONS****1. Resolution 2009-25**

Interim City Attorney Harris read the resolution by title only.

Moved to adopt Resolution 2009-25.

Motion- Commissioner Carter

Second- Commissioner Surrency

Vote- 5-0

Mayor Randall closed the Public Hearing and Opened the Regular Agenda

Vice Mayor Carlton- Apologized for being late and missing the interview for one candidate and half of the interview for the second candidate applying for the City Manager position. He came to City Hall and was told there were no minutes and the interviews were not recorded last night. Vice Mayor Carlton read section 286.111 of the Sunshine Manual and stated he feel his constitutional rights was violated because he could not get a copy of the minutes from last night interviews.

Mayor Randall- Said she was sorry that Vice Mayor Carlton feels his rights were violated. The City Clerk did take notes. Mayor Randall also added that she made the decision not to do a recording. If she is in violation of the Sunshine Law in doing that then she apologize and she stand corrected.

Interim City Attorney- Minutes was taken last night and as soon as the Clerk has completed them, they will be available. We are not required to record meetings, but only required to take minutes and minutes were taken. City was in compliance of the Sunshine Law and there has been no violation during that meeting. Interim City Attorney Harris asked City Clerk McGruder if minutes were taken last night. City Clerk McGruder said yes, they were ready this morning.

Interim City Manager Chapman- The questioned was asked concerning the minutes of the interviews. The interviews was not transcribe verbatim and was unaware Lakesha had finished the minutes, but the minutes do not contain what Vice Mayor Carlton was asking for.

## **F. REGULAR AGENDA**

### **1. Methodist Church Road**

Commissioner Surrency removed himself from this discussion based on conflict of interest.

Interim City Attorney- Mr. Carlos Gosnell is present from the Hawthorne Methodist Church and he originally contacted the City about this issue. The Church owns the property on both sides of the road Identified as parcel #19794. No records can be located to show who- the City or the Church owns this portion of SE 66<sup>th</sup> Avenue. A 1993 boundary survey submitted by the Church indicated that this portion of SE 66<sup>th</sup> Avenue is a proposed easement. The Church seeks to retain the property to allow for greater flexibility in citing future Church facilities. No records can be found to show ownership of this portion of SE 66<sup>th</sup> Avenue. At this time, direction is needed from the Commission. Due to the lack of records, it cannot conclusively be said who, the City or the Church owns this property. Should the Commission decide to grant the Church request, the City would be making the decision to not contest ownership of this portion of SE 66<sup>th</sup> Avenue. The City would be conceding to the Church exercising ownership.

Commissioner Roberts- Have no problem consenting to the Church use of the land if County records show no proof of ownership.

Moved to show City consent to the Church's request for use of that land and the Church will provide the documents to be recorded to reflect that portion is properly owned by the Church.

Discussion:

Commissioner Carter- Suggested getting the City's Public Works Supervisor to make sure the City has no utilities that run down that street.

Motion and Second was withdrawn.

Moved to show City consent to the Church's request for use of that land and the Church will provide the documents to be recorded to reflect that portion is properly owned by the Church. Subject to verification from City worker Bill to verify the City don't have utilities down the street

Motion- Commissioner Roberts

Second- Commissioner Carter

Vote- 3-1 (No Vote Vice Mayor Carlton) (Commissioner Surrency did not vote due to conflict of interest)

Interim City Attorney Harris- If the Public Work Supervisor come back and say utilities are running through then the motion would be denied and it will have to come back before the Commission for further action if necessary.

Interim City Manager Chapman- What documentation from staff do you need?

Mayor Randall- Something in writing stating if or if not city utilities run down the street.

## **2. Charter Review Advisory Board**

No Discussion

## **3. Uniform Contract**

Interim City Manager Chapman- Gave the background information and asked for approval of a new contract to be modified from \$22.00 per employee per week to \$7.70 per employee per week.

Moved to approve the Interim City Manager to reduce amount of contract to \$7.70 per week per employee and go back to original idea of the City t-shirts.

Motion- Commissioner Surrency

Second- Commissioner Carter

Vote- 5-0

Discussion- None

## **4. Communities For Life Survey**

Commissioner Roberts- Through research the Interim City Manager found out the City of Hawthorne owns the old Health Department Building on SE 65<sup>th</sup> Avenue. With Commissioners previous approval Mr. & Mrs. Leonard Jones passed out surveys to each Church to get citizen feed back on the things they desire to have inside the City.

Commissioner Roberts informed the public about the Communities for a Lifetime survey and the percentage of people that responded and the desires of the citizens based on the survey. She also informed every one of Communities for a Lifetime meeting at Hawthorne High School on October 8, 2009.

Interim City Manager Chapman- The columns on the survey don't add up to 100% because some people didn't answer all the questions.

Mayor Randall- We are making progress and have the Governor's office involved in it now and the process is going along.

Memory Stewart- If she can get a copy of the survey percentages to see what the citizens want, maybe the Library can start running some of those programs.

## **5. Senior Center**

Interim City Manager Chapman- Gave background description on the Senior Center facility and asked for permission to send out bids to bring the building into working condition.

Moved to authorize the Interim City Manager to go ahead with bids for the Senior Center Building.

Motion- Vice Mayor Carlton

Second- Commissioner Surrency

Discussion:

Commissioner Carter- Is it or is it not going to be a CRA project?

Interim City Manager Chapman- Not sure, it can only be a CRA project if the CRA Board decides to have it as project. To her knowledge the CRA plan is in the process of being amended and she don't believe the Senior Center is part of the CRA plan but it could be because it's in the appropriate district.

Commissioner Carter- Stated he would have a problem if the money came from the general fund and if it's not budgeted for.

Interim City Manager Chapman- stated the money is budgeted for and she estimates the repairs to be probably under \$10 thousand dollars.

The Commission Board discussed this issue further.

Vote- 5-0

## **6. Financial Report on Fiscal Year 2008/2009**

Interim City Manager Chapman- Gave the ending balances of the City's bank accounts at the close of September 30, 2009 as follows: The General Fund-\$84,091.49; Water Fund-\$2,597.14; USDA Water/Sewer Restricted Fund- \$51,432.61; Water Impact Trust Fund-\$5,095.00; Sewer Impact Trust Fund- \$13,495.00; USDA W/Water Fund- \$22,641.42. Giving the City an ending balance of \$179,352.66. Some funds are restricted but have portions that can be transferred to the General Fund to cover administrative expenses. There is \$13 thousand dollars advanced for project payment which will be reimbursed by grant money increasing the end of the year General Fund surplus to approximately \$97 thousand dollars.

The Commission Board discussed the ending balances, Audit and Budget further.

Mr. Glenn Molandar- Ask how much money was in the budget for sewer repairs? His mother home is located on SE 218<sup>th</sup> street and in 2005 and again 3 weeks ago, gallons of raw sewage backed up into her home and was running into the City streets because of the huge amounts of rain and this problem has not be taken care of.

Interim City Manager Chapman- Have ordered the parts to fix the problem and have spoken with 2 sets of engineers who suggested putting in an inflow preventer, which will help decrease the probability of this happening again.

Discussion continued from the Commission Board.

## **7. City Manager Selection Process**

Mayor Randall- Last night the Commission Board did interview 3 great candidates and it went very well. The Chairman of the City Manager Selection Committee was present. The Commission Board had a ranking sheet and was asked to rank the candidates and turn them in. Hopefully a decision will be made at the October 20, 2009 meeting. The Interim City Attorney has been instructed to do background checks and a salary range has been voted on.

Vice Mayor Carlton- Commission Board did not vote on a salary range, we voted for a salary of \$65 thousand dollars per year.

Discussion by Commission Board on the salary.

Interim City Manager Chapman asked City Clerk McGruder to repeat the previous motion.

City Clerk McGruder- There was some discussion on the motion and she went back and listened to the audio from the September 28, 2009 meeting and the motion was a follows: Moved to set a minimum and standard salary to start at \$65 thousand. The motion was made by Commissioner Carter and Second by Vice Mayor Carlton and passed at a 5-0 vote.

Commissioner Roberts- Mr. Waldron dropped out and we ended up with 3 applicants. Are we moving forward with those 3 or will we look back at some other applicants that didn't make the first top 8.

Mayor Randall- Her hope is to move forward with the 3 we interviewed and if we don't come to a consensus with those 3, and depending on the background check then we go to the other applicants.

Vice Mayor Carlton- Asked the Commission Board to take into context that the Interim City Manager has 6 ½ months on the job training that has helped pull this City back up.

Interim City Manager Chapman- Respectfully request the Interim City Attorney to remove herself from assisting in the City Manager selection. If she decline I would ask this board to take action to remove her from the process. The interview questions was crafted to place candidates in a better position than her. The City Clerk was ordered not to record the interviews and wants the record to reflect that she had earlier instructed the City Clerk to record the entire process.

Interim City Manager Chapman read an email from Barbara Peterson of the Florida Sunshine Website who is the President of the Organization that publishes the Sunshine manual, and stated Ms. Peterson is really concerned that you may have violated the Sunshine Law on this process.

Interim City Attorney Harris- Replied, as she learned that a candidate for the position was requesting the interviews to be recorded and as it has been clearly admitted, a recording is not required. My recommendation to the Commission was based on the fact that a recording is not required, as it was my recommendation that it would be no benefit to the City for recording the interviews that the Interim City Manager was a participant in and that it could only have the potential of being abused and used against the City which I think is evident by the actions tonight. The Board was in complete confines of the Sunshine Law which was confirmed with various sources on her end before the meeting accord. Minutes was taken and recorded. There was no direction to the Commission or the City Clerk that those minutes be modified, redacted, or summarized in any fashion. Each question ask last night was asked of every candidate. The question asked for the City Manager intended relationship with Commission, Attorney and Staff as a whole. It did not ask for a particular current relationship. It was asked to each candidate. Ms. Chapman chose not to answer the question as presented. She chose to make comments of her current relationship with her. Interim City Attorney Harris asked a series of questions addressed to the City Clerk concerning the minute taken process for the interviews.

Mayor Randall- All of the questions was given to her from the Interim City Attorney and she asked the questions based on what was given to her. The Commission Board was also asked to ask their own personal questions. The exact same questions was asked to every candidate, and the ranking sheet was given by the City Manager search committee. Mayor Randall also stated, to indicate we were trying to do something to discredit you, does injustice to this Board and I take offense to that because we tried to keep the process as clean and open as possible and we wanted it to be as fare as possible so it wouldn't be any repercussions to the Board. So no one can say we were showing favoritism to any candidate.

Commissioner Surrency- Suggested the personal conflict between the Interim City Manager and the Interim City Attorney should stay outside the meeting room

The topic was discussed further.

#### **G. CITIZEN COMMENT**

Vivian Wagner- read something in a cook book from 1914. She has been working on cleaning up our town for over 15 years. The bathrooms in the City Park are filthy. Citizens should start cleaning up the town themselves and not rely on someone else to do it for you.

Memory Stewart- The Library is doing a survey to develop strategic development for long term planning.

Larry Tilbury- The buck starts and stop with the City Manager and we will see results now.

#### **H. REPORTS/ANNOUNCEMENTS/PROCLAMATIONS**

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Interim City Manager- Invited everyone to the Hog Fest. There will be a ribbon cutting ceremony on the kid's new playground.

Interim City Attorney- Asked if the selection committee workshop minutes completed and will they be place on the next agenda? City Clerk McGruder stated they were completed the day after the workshop. Interim City Manager Chapman replied they would be on the next agenda. Interim City Attorney also spoke on the Interlocal Agreement of Traffic Signal and Beacons between the City of Hawthorne and the City of Gainesville. She also gave the locations of the beacons and traffic signal.

Mayor Randall- Thanked everyone for coming tonight. Their will be disagreements and mistakes will be made. It brings a lot of confusion when people discuss City issues with other people. There was no intent of the Commission Board to hide anything form the Citizens. This Board has been very open with the Citizens.

Commissioner Carter- Thanked the Interim City Manager for doing the pothole repairs and asked when the next CRA meeting will be? Interim City Manager Chapman said Kelly will decide when the next meeting will be and contact everyone. Commissioner Carter said the reason he was asking was because the roof at City Hall needs repairing. His comment on the Senior Center earlier should not reflect that he don't support the Senior Center because he does.

Vice Mayor Carlton- No Comment

Commissioner Surrency- "Let's talk about Health Care in your Community" groups will be held in October and November. Those participating will receive a free gift card. You must be a resident of Alachua County. Encourage everyone to attend the Hog fest even though he will not be present. During City Government week students will tour City Hall, and asked the Board to do a Resolution recognizing the youth for City Government Week.

Commissioner Roberts- Resolution don't have Mayor signature on it and it needs to be in Tallahassee. The meeting was noticed on the marquee out front. Deacon Sewell Proctor funeral is Saturday at New Hope at 2PM. He was a big volunteer for the City of Hawthorne. Interim City Attorney- Suggested any notes made during the interview yesterday to submit then to the City Clerk for the records. Commissioner Roberts replied that research from the Florida League of Cities said if notes were used to serve as a personal aide of the public official recollection of a matter those notes are not considered a public record. Interim City Attorney added the only reason she is recommending this because it has been made clear that one candidate has taken an adversarial relationship and its been made clear that it may be litigious. So you are well advised to protect yourself in that manner and certainly she will discuss it further with her personally if needed, but she is making that recommendation to the City.

## **I. ADJOURN**

Moved to adjourn the meeting.

Motion- Commissioner Surrency

Second- Commissioner Roberts

Vote- 5-0

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These minutes of the October 6, 2009 Commission Meeting are submitted for approval.

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LaKesha H. McGruder, City Clerk

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Eleanor Randall, Mayor