

CITY OF CASSELBERRY CITY COMMISSION MEETING

Monday, January 8, 2024
5:30 PM

City Commission Chambers
1st Floor, Casselberry City Hall
95 Triplet Lake Drive, Casselberry, Florida

TO THE PUBLIC: Persons are advised that, if they decide to appeal any decision made at these meetings/hearings, they will need a record of the proceedings and for such purpose, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based, per Section 286.0105, Florida Statutes. Persons with disabilities needing assistance to participate in any of these proceedings should contact the A.D.A. Coordinator, 48 hours in advance of the meeting at (407) 262-7700, ext. 1150.

Any invocation that may be offered before the official start of the City Commission meeting is the voluntary offering of a private citizen to and for the Commission pursuant to Resolution 15-2808. The views and beliefs expressed by the invocation speaker have not been previously reviewed or approved by the City Commission and do not necessarily represent their individual religious beliefs, nor are the views or beliefs expressed intended to suggest allegiance to or preference for any particular religion, denomination, faith, creed, or belief of the City Commission or the City of Casselberry. No person in attendance at this meeting is or shall be required to participate in any invocation, and the decision whether or not to participate will have no impact on his or her right to actively participate in the meeting.

This is a public meeting, and the public is invited to attend. The agenda is subject to change. Please be advised that one (1) or more members of any of the City's Advisory Boards may be in attendance and may participate in the discussions at the meeting.

Persons can obtain an electronic copy of the agenda packet for this meeting by making a public records request to the City Clerk's Office by calling (407) 262-7700, Ext. 1133 or emailing cityclerk@casselberry.org.

AMENDED AGENDA

1. **MEETING CALL TO ORDER**
2. **INVOCATION**
3. **PLEDGE OF ALLEGIANCE**
4. **ROLL CALL**
5. **MINUTES - None**
6. **PRESENTATIONS/ COMMENDATIONS - None**
7. **CONSENT AGENDA**

The action proposed to be taken is stated for each item on the Consent Agenda. Unless one item is removed from the Consent Agenda by a City Commission member, no discussion on individual items will occur and a single motion will approve all items.

A. **Approval of Legal Services Invoices**

- Fishback Dominick LLP, Invoice No. 118254 - \$660.00

B. **Piggyback Agreement with Dana Safety Supply, Inc. for Vehicle Safety Equipment and Installation Services**

Approval to piggyback Seminole County Sheriff's Office Contract #C/A 2024-03 for purchase and installation of vehicle safety equipment and installation services from Dana Safety Supply, Inc. is requested.

C. **Piggyback Purchase of Golf Course Maintenance Equipment from Beard Equipment Company**

Consideration for approval to piggyback State of Florida's Agriculture and Lawn Equipment Contract 25101900-21-STC for purchase of golf course equipment for the Casselberry Golf Club from Beard Equipment Company in the total amount of \$144,788.49 is requested.

- D. **Change Order No. 1 to the Agreement with Construct Co, Inc. for the Wirz Park Boardwalk Replacement and Related Budget Amendment #24-023**
Approval of Change Order No. 1 to the agreement with Construct Co, INC. for the replacement and repair of the Wirz Park boardwalk for an additional amount of \$38,687.32 to repair extensive damage not fully anticipated with the original scope and related Budget Amendment #24-023 is requested.
- E. **Budget Amendment #24-022 - Adjustment to Remove Capital Lease Financed Purchases from the City Budget**
Approval of Budget Amendment #24-022 to remove Capital Lease Financed purchases from the Adopted City Budget is requested.
- F. **Fiscal Year 2023 Report of City Investment Activity**
The City of Casselberry Annual Report of Investment Activity for the fiscal year ending September 30, 2023 is submitted for City Commission review and acceptance.
- G. **FY 2024-2025 Capital and Operating Budget Calendar**
Approval of the Budget Calendar for preparing and adopting the FY 2024/2025 Budget is requested.
- H. **Excuse Absence of Commissioner Chad Albritton**

8. DISCUSSION ITEMS

- A. **Future Agenda Items**

9. RESOLUTIONS - None

10. FIRST READING OF ORDINANCES - None

11. PUBLIC HEARINGS - None

The purpose of a Public Hearing is to receive input regarding the item being considered. Public Hearings are not intended to be a time for the public to obtain information about the subject matter of the hearing. (Hearing Sequence: 1st - Staff; 2nd - Applicant/Requesting Party; 3rd - Public; 4th - opportunity for brief rebuttals, if appropriate; Final - City Commission motion, discussion and action.)

12. OTHER ITEMS

- A. **Amended Pay Grade Schedule and Related Budget Amendment #24-021**
Approval of an amended Pay Grade Schedule to be structured 10% higher and related Budget Amendment #24-021 is requested.
- B. **Overview of the City Commission Appointment Process for the January 16, 2024 City Commission Special Meeting**

13. CITIZENS' COMMENTS

Persons who wish to make comment or make inquiry on any matter NOT ON THIS AGENDA may do so at this time. Please raise your hand and when recognized by the Mayor, come forward to the microphone, give your name and address and speak briefly on the matter. All comments must be directed to the Mayor or City Commission as a whole, not an individual City Commissioner, a City staff member or another member of the audience. Citizens may be heard during PUBLIC HEARINGS or at any time any agenda item is before the City Commission for consideration by following the same procedure described above.

14. CITY MANAGER'S REPORT

15. CITY ATTORNEY'S REPORT

16. CITY CLERK'S REPORT

17. CITY COMMISSIONER'S REPORTS/COMMENTS

18. ADJOURNMENT

Date

Donna G. Gardner, CMC
City Clerk



CITY MANAGER M E M O R A N D U M

7.A.

To: The Honorable Mayor and City Commissioners
From: The City Manager
Date: January 8, 2024
Subject: Approval of Legal Services Invoices

Introduction: Consideration for approval of the legal services invoice from the Code Enforcement Special Magistrate is requested.

Background: Pursuant to Resolution 16-2815, invoice information for attorney fees and legal services must be submitted to the City Commission for approval prior to payment.

Discussion: The following invoice has been reviewed by the affected departments and is being presented for approval:

Fishback Dominick LLP.

- Code Enforcement Special Magistrate Services - November 2023 - Invoice No. 118254 - \$660.00

Budget Impact: Funds for the Special Magistrate invoice are available in FY 2024 Budget Account No. 001-0140-514-31.03.

Recommendation: The City Manager and staff recommend approval of the legal services invoice as submitted.

Prepared by: Donna Gardner, City Clerk

Attachments:

1. Invoice No. 118254



CITY MANAGER M E M O R A N D U M

7.B.

To: The Honorable Mayor and City Commissioners
From: The City Manager
Date: January 8, 2024
Subject: Piggyback Agreement with Dana Safety Supply, Inc. for Vehicle Safety Equipment and Installation Services

Introduction: An agreement with Dana Safety Supply, Inc. by piggybacking Seminole County Sheriff's Office Contract #C/A 2024-03 provides for purchase of vehicle equipment and installation services in an amount not to exceed \$539,151 for a term from January 8, 2024 to September 30, 2026 with an option for two (2) one-year extensions/renewals when in the best interest of the City. (Ref: PBA-2023-1093)

Background: Several City Departments require the purchase and installation of safety equipment including light systems and components, after market vehicle accessories and law enforcement/emergency vehicle equipment installation.

Discussion: Dana Safety Supply, Inc. was awarded the Seminole County Sheriff's Office Contract #C/A 2024-03 to provide vehicle safety equipment and installation services. Due to the current and anticipated needs of the City, it is desirable to have a contract in place for the purchase and installation of vehicle safety equipment. Dana Safety Supply, Inc. has agreed to extend the Seminole County Sheriff's Office Contract #C/A 2024-03 pricing to the City of Casselberry. The initial contract term runs from January 8, 2024 through September 30, 2026, at an amount not to exceed \$539,151 with an option for two (2) one-year extensions/renewals when in the best interest of the City.

Budget Impact: Funding has been allocated in various operating accounts.

Recommendation: The City Manager recommends approval of the piggyback agreement with Dana Safety Supply, Inc. for vehicle safety equipment and installation services not to exceed \$539,151 for the initial term, which runs from January 8, 2024 to September 30, 2026.

Prepared by: Brandy Ramirez, Administrative Services Coordinator

Attachments:

1. Dana Safety Supply Agreement
2. Seminole Sheriff Agreement



CITY MANAGER M E M O R A N D U M

7.C.

To: The Honorable Mayor and City Commissioners
From: The City Manager
Date: January 8, 2024
Subject: Piggyback Purchase of Golf Course Maintenance Equipment from Beard Equipment Company

Introduction: Consideration for approval to piggyback State of Florida's Agriculture and Lawn Equipment Contract 25101900-21-STC for purchase of golf course equipment for the Casselberry Golf Club from Beard Equipment Company in the total amount of \$144,788.49 is requested.(Ref. PBA-2024-1134)

Background: The Fiscal Year (FY) 2024 Adopted Budget provides funding for the following replacement equipment for the Casselberry Golf Club in account #405-0410-572.67-35:

- 1) \$122,000 for three (3) John Deere Mowers
- 2) \$38,000 for Utility Carts

Discussion: Casselberry Golf Club received a quote from Beard Equipment Company for the budgeted equipment based on pricing from the State of Florida Agriculture and Lawn Equipment Contract 25101900-21-STC (PG F2 CG 22). The proposal is attached and summarized as follows:

- 1) \$33,060.72 each for two (2) John Deere 2400 PrecisionCut Triplex Mowers
- 2) \$44,077.11 for one John Deere 7400A TerrainCut Trim and Surrounds Mower
- 3) \$26,232.36 for one John Deere ProGator 2020A Golf Utility Vehicle
- 4) \$8,357.58 for John Deere Gator TX Turf Utility Vehicle

The total cost for the above equipment is \$144,788.49 (\$110,198.55 for mowers and \$34,589.94 for utility carts) and is within available budget for these items. Beard Equipment Company has confirmed they can honor pricing past the stated expiration date in the quote.

Budget Impact: Sufficient funding, in the amount of \$144,788.49, is available in the Casselberry Golf Club Fund Equipment Other account #405-0410-572.67-35 for these purchases.

Recommendation: The City Manager and Public Works & Utilities Director recommend approval to piggyback the State of Florida's Agriculture and Lawn Equipment Contract 25101900-21-STC for the purchase of golf course equipment for the Casselberry Golf Club from Beard Equipment Company in the total amount of \$144,788.49.

Prepared by: Kelly Brock, Public Works & Utilities Director

Attachments:

1. Quote



CITY MANAGER M E M O R A N D U M

7.D.

To: The Honorable Mayor and City Commissioners
From: The City Manager
Date: January 8, 2024
Subject: Change Order No. 1 to the Agreement with Construct Co, Inc. for the Wirz Park Boardwalk Replacement and Related Budget Amendment #24-023

Introduction: Approval of Change Order No. 1 to the agreement with Construct Co, Inc. for the replacement and repair of the Wirz Park boardwalk for an additional amount of \$38,687.32 and related Budget Amendment #24-023 is requested. (Ref: ITB-2023-1059)

Background: The Fiscal Year (FY) 2023 Adopted Budget provided funding for the Trail Rehabilitation in the Infrastructure Sales Surtax Account 114-0710-541.63-40:

- \$253,000 for Trail Rehabilitation (project PW 2311):
 - Group 1, Wirz Park
 - Group 2, Carriage Hill
 - Group 3, Casselberry Golf Club

The work required includes replacing wood decking and handrails with composite materials (similar to the decking used throughout the City, e.g. Lake Concord Park Boardwalk). Replacement of posts, repair of stringers or structural framing is also included as needed.

On Monday, June 6, 2023 the City solicited for Wirz Park, Carriage Hill, and the Casselberry Golf Club Boardwalk replacement (ITB-2023-1059). Bids were due on Monday, July 10, 2023. Based off of the current market in which the City has experienced high construction costs, it was determined the City may award one or more groups (sections of the boardwalks) to more than one Contractor based on budget constraints. Each group was evaluated individually.

As the amount for Group 2 was within staff signing authority, it was awarded by City staff during Fiscal Year 2023 to Full Sail Builders, Inc. in the amount of \$39,043.25. In August 2023, the City Commission awarded Group 3 to Construct Co, Inc. in the amount of \$162,060.14. Award of Group 1 was postponed due to budget limitations and to allow for Group 2 and 3 to be constructed first, as together they were within available budget. Construction of these two locations has been completed.

For Group 1, six (6) contractors submitted bids. Bids ranged from \$164,634.25 to \$394,399.45. The lowest qualified bid submittal for Group 1 Wirz Park was Full Sail Builders, Inc. in the amount of \$164,634.25. However, Full Sail indicated they could not honor that pricing. Therefore, on November 27, 2023, the City Commission awarded the

contract to the second lowest qualified bidder, Construct Co. Inc., in the amount of \$199,093.37.

Discussion: Repair of the boardwalk has commenced, and significantly more extensive damage has been identified than anticipated in the original scope. An additional 64 upright posts need to be replaced beyond the 30 posts that were included in the original contract quantity. Change Order No. 1 addresses this additional scope at an additional cost of \$38,687.32.

There are no additional available funds currently for this project, so a Budget Amendment is necessary to fund Change Order No. 1.

Budget Impact: Budget Amendment #24-023 will provide sufficient funding by increasing both the Infrastructure Surtax Fund Other Non-operating Source account# 114-0000-389.90-00 and the Infrastructure Surtax Infrastructure account# 114-0710-541.63-40 by \$38,687.32.

Recommendation: The City Manager and Public Works & Utilities Director recommend approval of Change Order No. 1 to the agreement with Construct Co, Inc. for the replacement and repair of the Wirz Park boardwalk for an additional amount of \$38,687.32 and related Budget Amendment #24-023.

Prepared by: Kelly Brock, Public Works & Utilities Director

Attachments:

1. Change Order No. 1
2. BA 24-023



CITY MANAGER M E M O R A N D U M

7.E.

To: The Honorable Mayor and City Commissioners
From: The City Manager
Date: January 8, 2024
Subject: Budget Amendment #24-022 - Adjustment to Remove Capital Lease
Financed Purchases from the City Budget

Introduction: Approval of Budget Amendment #24-022 to adjust the adopted budget to remove capital lease financed purchases from the City Budget.

Background: The City Commissioners approved the Capital Lease purchase of police vehicles, a chiller plant, and a generator replacement using capital lease proceeds in the adopted budget for FY2024. These capital purchases were ultimately approved to be purchased with ARPA funds with new budget amendments.

Discussion: It is requested to adjust the budget for FY2024 to remove the budget for the purchase of police vehicles, a chiller plant, and a generator replacement using capital lease proceeds from the adopted budget.

Budget Impact: The Budget Amendment spreadsheet details changes to the budget as a result of Budget Amendments.

Recommendation: The City Manager and the Finance Director recommend approval of Budget Amendment #24-022.

Prepared by: Gladymir Ortega, Finance Director

Attachments:

1. BA 24-022



CITY MANAGER M E M O R A N D U M

7.F.

To: The Honorable Mayor and City Commissioners
From: The City Manager
Date: January 8, 2024
Subject: Fiscal Year 2023 Report of City Investment Activity

Introduction: The City of Casselberry Annual Report of Investment Activity for the fiscal year ending September 30, 2023 is submitted for City Commission review and acceptance. The report is a ministerial duty required under Florida Statutes and is provided for informational purposes only.

Background: In accordance with Florida Statutes Section 218.415 (15), the government entity's officials responsible for making investment decisions are required to submit to the governing body a periodic report that shows "securities in the portfolio by class or type, book value, income earned, and market value as of the report date."

Discussion: Per the above statute, staff is respectfully submitting a Fiscal Year 2023 Annual Report of Investment Activity for City Commission review. Contributions noted in Fiscal Year 2023 Report of Investment Activity represent deposits to the City's pooled cash account and additional investments occurring in Fiscal Year 2023, and distributions represent checks written and other charges.

Budget Impact: There is no impact to the City Budget.

Recommendation: The City Manager and the Finance Director recommend acceptance of the City of Casselberry's Fiscal Year 2023 Annual Report of Investment Activity.

Prepared by: Gladymir Ortega, Finance Director

Attachments:

1. FY 2023 Report of Investment Activity
2. FY 2023 Investment project By Class
3. FY 2023 Investment Reserves Portfolio by Class
4. FY 2023 Liquid Reserves Portfolio By Class



CITY MANAGER M E M O R A N D U M

7.G.

To: The Honorable Mayor and City Commissioners
From: The City Manager
Date: January 8, 2024
Subject: FY 2024-2025 Capital and Operating Budget Calendar

Introduction: Consideration of approval of the FY 2024-2025 budget calendar is requested.

Background: Florida Statutes must be followed in the preparation and adoption of the Budget and dates associated with those requirements are inserted into the Budget Calendar to ensure statutory compliance. The FY 2024/2025 Budget must be adopted by the end of September 2024 as it takes effect October 1, 2024.

Discussion: The City Manager will work with the Department Directors to prepare and disseminate a draft-balanced Budget for City Commission review by the end of June 2024. The TRIM (Truth in Millage) notice for FY 2024/2025 property taxes is mailed by the Seminole County Property Appraiser to all property taxpayers in August 2024. Per the Budget Calendar, the Casselberry City Commission must adopt a proposed millage rate at the July 29, 2024 City Commission meeting. City Commission Budget workshop has been scheduled for July 15, 2024, and forthcoming from the workshop discussions, a proposed millage rate will be determined.

Budget Impact: There is no impact to the City budget.

Recommendation: The City Manager and Finance Director recommend approval of the Budget Calendar for FY 2024/2025.

Prepared by: CJ Kaawach, Senior Budget Accountant

Attachments:

1. Budget Calendar for FY25



CITY MANAGER M E M O R A N D U M

To: The Honorable Mayor and City Commissioners
From: The City Manager
Date: January 8, 2024
Subject: Excuse Absence of Commissioner Chad Albritton

Introduction: Commissioner Chad Albritton advised on January 8, 2024 that he is unable to attend the meeting due to being out of state because of a family medical emergency. He has respectfully requested that his Excuse of Absence be placed on the Consent Agenda for consideration.



CITY MANAGER M E M O R A N D U M

To: The Honorable Mayor and City Commissioners
From: The City Manager
Date: January 8, 2024
Subject: Future Agenda Items

Introduction: The opportunity to discuss items for placement on future City Commission agendas is provided.



CITY MANAGER M E M O R A N D U M

12.A.

To: The Honorable Mayor and City Commissioners
From: The City Manager
Date: January 8, 2024
Subject: Amended Pay Grade Schedule and Related Budget Amendment #24-021

Introduction: Approval of an amended Pay Grade Schedule and related Budget Amendment #24-021 in the amount of \$980,150 is requested.

Background: The City Commission approved a Pay Grade Schedule as Appendix A in the City's FY24 Annual Budget that went into effect October 1, 2023. The Pay Grade Schedule is one part of the City's Classification and Compensation Plan, which is defined in City policy and is designed to achieve the City's employee compensation goals. The goals as defined in City policy include:

- a. Ensure fair and consistent pay practices.
- b. Comply with applicable federal and state laws and regulations.
- c. Operate within the constraints of the City's budgetary and financial limitations.
- d. Ensure administrative efficiency.
- e. Allow the City to offer competitive wages relative to the external and internal labor markets.

In addition to a basic review and update to the Pay Grade Structure completed annually, the full Classification and Compensation Plan is reviewed through a Classification and Compensation Study. Such studies result in updates to the plan and to the pay grade structure. A Classification and Compensation Study was started in November of 2022 and led to the development of the FY24 Pay Grade Structure. The Pay Grade Structure was developed using multiple sources of market data and three different methods for evaluating positions based on various attributes.

Development, maintenance, and adherence to a defined plan is critical for the City's success with recruitment and retention of a qualified and competent workforce. In addition to meeting the City's compensation goals, adhering to the plan and related compensation policies, standards, and methods helps avoid pay compression, reduces staff turnover, ensures pay equity, and assists in positive employee morale, all of which are known to lead toward less absenteeism, lower turnover, and higher productivity.

Discussion: The FY24 Pay Grade Structure developed as part of the Classification and Compensation study was verified to include pay ranges that are very well aligned with pay ranges of matching positions for other employers. The ranges are well aligned with employers in both private and public sectors, including benchmark cities, which include all cities in Seminole County plus a few other cities that were identified as competing for the same applicants. Although the pay ranges are comparable to those at other cities, staff have

learned that the pay ranges for most employers are not sufficient to attract qualified applicants.

The number of employee separations has increased from 25 in 2021 to 31 in 2022 and to 37 in 2023. The annual turnover rate has increased from 10% to over 15% in the same period. This has increased the need for more job postings and recruitment efforts. There were 23 job postings in 2021, 41 in 2022, and 37 in 2023. While the need to hire employees has increased, the number of applicants has decreased. The average number of applicants per posting was 54 in 2021, 39 in 2022, and 29 in 2023. The number of qualified applicants has reduced from an average of 15 per posting in 2021 to 6 in 2022 and 2023. There was at least one qualified applicant for every posting in 2021, however there were 3 postings in 2022 and another 3 in 2023 without a qualified applicant. In addition, several postings that resulted in qualified applicants did not result in a hire due to the qualified applicant(s) taking a position somewhere else or not accepting the City's job offer. Several qualified applicants were not willing to attend an interview and withdrew their application due to the applicable pay range.

With an increased demand for applicants, employers continue to increase their pay ranges. Some employers are taking additional steps as well, such as providing job offers that do not align with their own pay ranges. In an effort to ensure successful recruitment and retention and to maintain an effective workforce, the recommendation is to adjust the pay ranges in the City's Pay Grade Structure by 10% effective January 7 along with a corresponding 10% salary adjustment for eligible staff, which excludes employees covered by the police collective bargaining agreement.

Budget Impact: Budget Amendment #24-021 will provide sufficient funding with an increase to the General Fund in the amount of \$552,888, an increase to the Stormwater Utility Fund in the amount of \$73,867, an increase to the Building Safety Fund in the amount of \$41,536, and an increase to the Water and Sewer System Fund in the amount of \$311,859.

Recommendation: The City Manager and Administrative Services Director recommend approval of the Pay Grade Structure and approval of the related Budget Amendment #24-021.

Prepared by: Andy Brooks, Administrative Services Director

Attachments:

1. FY24 Paygrade Schedule
2. BA 24-021 Salaries Adjustments



CITY MANAGER M E M O R A N D U M

12.B.

To: The Honorable Mayor and City Commissioners
From: The City Manager
Date: January 8, 2024
Subject: Overview of the City Commission Appointment Process for the January 16, 2024 City Commission Special Meeting

Introduction: The City Clerk will provide an overview of the City Commission appointment process for the January 16, 2024 City Commission Special meeting.

Background: Commissioner Andrew Meadows resigned from Seat No. 2 effective December 30, 2023. Sections 4.08 and 4.09 of the City Charter provide that the City Commission must appoint a qualified voter of the City to fill the vacancy within 30 days. City Charter Section 4.03 sets for the eligibility requirements to serve on the City Commission.

Section 4.03. - Qualifications and disqualifications.

Members of the City Commission shall have been residents of the City continuously for the one year immediately preceding qualification. They shall have the qualifications of electors in the City, and shall be residents and reside within the municipal limits while in office. Any member of the City Commission ceasing to possess any of the foregoing qualifications, or who shall be convicted of a felony, shall forfeit his office. Absence from three consecutive regular meetings by any member of the City Commission shall operate to vacate the seat of said member, unless such absence is excused by the City Commission and such absence recorded upon the minutes of said meeting setting forth the conditions, if any, of such excuse.

The term of the appointment is until the next regular election in August 2024. On December 11, 2023, the City Commission directed the City Clerk to follow the process she described to begin the selection process. A notice was advertised in the Orlando Sentinel both in English and Spanish on January 4 and 7, 2024 advising prospective applicants to submit the qualifying application in person to the City Clerk between Noon, January 8, 2024 through Noon, January 12, 2024. The notice was also posted on the City's website beginning on January 2, 2024 and subsequent email blasts were sent out from the website on January 2, 2024 and January 5, 2024. At the conclusion of the qualifying application submittal period, the City Clerk will then provide the timely submitted applications to the City Commission so they can be considered for appointment at Special City Commission meeting on Tuesday, January 16, 2024.

Discussion: The recommended appointment process for the January 16, 2024, City Commission meeting is as follows:

1. Each applicant in attendance at the meeting will be given two (2) minutes to speak and introduce themselves. They will be called up in alphabetical order.
2. The City Commission will select the top five (5) applicants. They will mark their tally sheets with an "X" and will not rank the applicants.
3. A brief recess will be called in order for the City Clerk to tally the votes for each applicant and determine the top five (5) applicants.
4. The meeting will be reconvened, and the City Clerk will announce each Commission member's selections and then announce the top five (5) applicants.
5. The top five (5) applicants, in alphabetical order, will be provided for twelve (12) minutes total to speak to the Commission and answer the six questions that were listed on the application. The questions are:
 - a) What is your vision for today and the future of Casselberry?
 - b) What are your top three goals within that vision for the Casselberry community?
 - c) Why do you want to serve as a City Commissioner, and why now?
 - d) What are your qualifications, including professional, leadership and community experience?
 - e) How will your qualifications strengthen this City Commission?
 - f) Do you have any potential conflicts of interest with the City or its officials?
6. The City Commission will entertain citizens' comments limited to two (2) minutes each. Each person that comes forward will be asked to give their name and address for the record.
7. Citizens' comments will be closed, and the City Commission will discuss the applicants and consider the selection of a new Commissioner to fill the vacancy.
8. At the appropriate time, a motion in support of a particular qualified candidate will be made in order to determine whether or not that applicant has the requisite three (3) vote majority support of the City Commission which is necessary to fill the vacancy. If the motion fails for lack of a second or majority support, deliberations should continue, and additional similar motions should be made, until a qualified applicant is appointed by majority vote of the City Commission.
9. If no applicant receives a majority vote, then the City Clerk shall readvertise the notice, and another qualifying application submission period will be held the following week beginning at Noon, January 22, 2024 and ending at Noon, January 26, 2024. The timely received applications will be forwarded, along with those that were previously received timely in the first period, to be considered for appointment at a Special meeting to be held on Monday, January 29, 2024. The same process will be followed at that Special meeting, and if no applicant receives a majority vote, then the City Clerk will schedule a special election to fill the vacancy.
10. With respect to voting, Section 4.16 of the City Charter provides:

Section 4.16. - Legislative procedure.

A majority of all members elected to the City Commission shall constitute a quorum, but a less number may adjourn from day to day and compel the attendance of absent members in such a manner and under such penalties as may be prescribed by Ordinance. The affirmative vote of three members shall be necessary to adopt any Ordinance or Resolution, except as specifically required by SS. 157.296 (the City zoning Ordinance), City Code, and the passage of all Ordinances and Resolutions shall be taken by "yeas" and "nays" and entered upon the journal.

Therefore, a minimum of three (3) votes of the City Commission is required to appoint a qualified applicant to fill the vacancy.

11. Section 286.011, Florida Statutes, further requires that a vote electing a candidate to fill the vacancy shall be recorded or counted for each Commissioner present. As such, given the City Charter voting requirements and the provisions of Section 286.011, secret ballots are prohibited. In addition, a Commissioner cannot "abstain" from voting unless they have a valid voting conflict within the meaning prescribed by law. Under Florida law, a voting conflict "almost always, if not always, refers to financial interest in public official that is directly enhanced by the vote in question." George v. City of Cocoa, 78F.3d 494 (11th Circuit 1996). In this particular situation, a voting conflict should not be an issue.

12. Appointment by the City Commission takes effect immediately if the appointee is present and does not decline appointment. However, if the appointee is absent, the appointment does not take effect until the appointee is notified of his or her appointment and has not declined appointment. Further, the qualified appointee must submit the required Financial Disclosure Form 6 to the State and must take the customary oath of office before assuming the Office of City Commissioner.

Budget Impact: There is no impact to the City Budget.

Recommendation: The City Manager, City Attorney and City Clerk advise the City Commission that pursuant to Sections 4.08 and 4.09 of the City Charter, the Commission is required to appoint a qualified elector of the City to fill the vacancy in City Commission Seat No. 2, created by the resignation of Andrew Meadows, within 30 days of his resignation, or the City Clerk will call a Special Election.

Prepared by: Donna Gardner, City Clerk

Attachments: None