

# **CITY OF CASSELBERRY CITY COMMISSION MEETING**

Tuesday, January 16, 2024  
5:30 PM

City Commission Chambers  
1<sup>st</sup> Floor, Casselberry City Hall  
95 Triplet Lake Drive  
Casselberry, FL 32707

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**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.

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](mailto:cityclerk@casselberry.org).

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## **SPECIAL MEETING AGENDA**

- 1. Call to Order**
- 2. Pledge of Allegiance**
- 3. Roll Call**
- 4. Appointment to Fill City Commission Vacancy for Seat No. 2**
  - A. Applications Received January 8 - 12, 2024**
- 5. Citizen's Comments**
- 6. Adjournment**

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Date

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Donna G. Gardner, CMC  
City Clerk



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

4.A.

**To:** The Honorable Mayor and City Commissioners  
**From:** The City Manager  
**Date:** January 16, 2024  
**Subject:** Applications Received January 8 - 12, 2024

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**Introduction:** Consideration of the six (6) applicants to fill the vacancy for Seat No. 2 of the City Commission is requested.

**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 forth 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, or until November 2024 if a run-off election is needed for Seat No. 2. 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. A total of seven (7) applications were received. However, one of the applicants withdrew their name from consideration, leaving the following six (6) qualified applicants to be considered for the appointment:

1. Thomas Cardenas
2. Nancy Divita
3. William Dixon

4. Travis Kelley
5. Thomas Kirk
6. Francis (Tim) Veigle

**Discussion:** On January 8th, the City Clerk gave an overview of the recommended appointment process to the City Commission. That process 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) candidates. They will mark their selections 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 for the record and then announce the top five (5) applicants.
5. The top five (5) applicants, in alphabetical order and not by number of votes received, will be provided twelve (12) minutes total to speak to the Commission and answer the six (6) 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. After all the applicants have been given the opportunity to speak to the Commission, the City Commission will then 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 dies due to lack of a second, or if it fails due to lack of majority support, deliberations should continue, and additional similar motions should be made until a qualified applicant receives three (3) affirmative votes to be appointed.
9. If no qualified applicant received a majority vote, then the City Clerk shall readvertise the notice, and another qualifying application submission period will be held 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 qualifying 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 the required three (3) vote majority, then the City Clerk will schedule a special election to fill the vacancy.
10. With request 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 their appointment and does not decline the appointment. Further, the 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. A special meeting will be held on January 22, 2024 to give the oath of office and seat the appointee, if one is selected on January 16th.

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

**Recommendation:** The City Manager, City Attorney and City Clerk request the City Commission consider the six (6) applicants to fill the vacancy in City Commission Seat No. 2, pursuant to City Charter Sections 4.08 and 4.09.

**Prepared by:** Donna Gardner, City Clerk

**Attachments:**

1. Application - Thomas Cardenas
2. Application - Nancy Divita
3. Application - William Dixon
4. Application - Travis Kelley
5. Application - Thomas Kirk
6. Application - Francis (Tim) Veigle