

MINUTES
CITY COUNCIL
CITY OF ARCADIA
TUESDAY, APRIL 20, 2010
6:00 PM

The Deputy Mayor called the meeting to order at approximately 5:00 PM with the following members and staff present.

Arcadia City Council

Deputy Mayor Robert Heine
Councilmember Keith Keene

Councilmember Sharon Goodman
Councilmember Lorenzo Dixon

Arcadia City Staff

Interim City Administrator Shelly Baumann
City Attorney Jason Henbest

City Recorder Dana Williams

CALL TO ORDER, INVOCATION, PLEDGE OF ALLEGIANCE & ROLL CALL

Councilmember Keene delivered the invocation, which was followed by the Pledge of Allegiance and roll call. The Deputy Mayor also announced the Mayor was ill this evening.

CONSENT AGENDA

1. MINUTES OF THE APRIL 6, 2010 WORKSHOP
2. MINUTES OF THE APRIL 6, 2010 REGULAR MEETING
3. FINES & ESTREATURES REPORT
4. AIR-CADIA FLOWAGE AND HANGER RENT REPORT FOR MARCH 2010
5. ARCADIA GOLF COURSE REPORT FOR MARCH 2010

On motion of Councilmember Keene and seconded by Councilmember Goodman, the Council voted unanimously, 4-0, to approve items #1 through #5 of the consent agenda printed above.

DISCUSSION ITEMS

6. REQUEST FROM ATTORNEY RIBEL FOR COUNCIL REVIEW OF PROPOSED LEASE BUY OUT AGREEMENT WITH AIR-CADIA

Mr. Frank Ribel presented a revision to the agreement for the lease buy out with Air-Cadia, noting the only changes from the original agreement presented are payments over four years (as opposed to the original three years) and that it specifically mentions *Leading Edge* as a sub-contractor for painting.

The Deputy Mayor also pointed out the anniversary date of October 1st noting this revision calls for the initial payment to be made within 14 days of execution of the document. He also suggested that perhaps the discussion and vote be deferred until such time as a full Council could be in attendance.

The City Attorney added the March 16th agreement did include a 14 day provision with the balance to be spread over four years and that he had further run a comparison to the previous agreement with the only changes being minor punctuation and the addition of the *Leading Edge* reference. He also explained that the initial payment would be due on the first of the month following execution.

Councilmember Keene, noting his disappointment in having to delay a decision but agreeing the full council should be participants in the discussion and vote, suggested the topic be **tabled until the next, regular meeting**. That was the consensus of the Council.

7. **REQUEST FROM PATRICK ELMORE, PASTOR OF PLEASANT HILL UNITED METHODIST CHURCH FOR REPAIR OF THE SIDEWALK IN FRONT OF THE CHURCH. THE CURRENT SIDEWALK IS SEVERAL INCHES BELOW THE ROADWAY; AND IN ADDITION TO CAUSING SIGNIFICANT FLOODING OF THE CHURCH PROPERTY, IT CREATES AN OBSTACLE FOR ELDERLY PARISHIONERS. ESTIMATE COST NOT INCLUDING STAFF TIME IS APPROXIMATELY \$500-\$600**

Pastor Elmore requested the Council consider repair of the sidewalk at 319 Lee Avenue in front of the Pleasant Hill United Methodist Church. He reported the existing sidewalk is several inches below the grade of the road and with no curbing, the area floods during storm events and is a footing hazard for many of his parishioners who are elderly and/or walk with assistance. Pastor Elmore also reported that the street is also cracking and that when it rains, dirt washes up onto the lawn and church property, further increasing the risk.

The Deputy Mayor stated his awareness of the problem but asked if perhaps parishioners were driving across the sidewalk. The Pastor stated they were not and that the church has plans for landscaping including sod which will be an even further deterrent. Mr. Elmore added that he didn't understand why the church should pay the cost of the repairs.

The Interim Administrator said she had asked the Streets Superintendent to measure and provide a cost estimate to raise/repair the sidewalk, which he did and estimated at \$500-600. She specified however that cost did not include a curb.

Councilmember Keene mentioned that he had driven by and looked at the property, but noted the challenge is that many places throughout town have similar problems. He asked the City Attorney about the liability in this instance. The City Attorney responded that every sidewalk in the city has potential for liability and that the city's coverage is limited to \$100,000; but that the Council should first determine where in the list of priorities and with limited funds, this project should fall.

There was a brief discussion of what's been done in the past, what is required of new developments, how this may open the floodgates for other churches or businesses to make a similar request, the cost of the project, and if a curb were to be added where it would begin and end. Councilmember Dixon felt that sidewalks are the city's responsibility and this project could be the first thing as part of the Council's vision to move the City forward. Dr. Dixon also confirmed with the Interim Administrator that the \$500-600 cost estimate was only for material and did not include staff time. Councilmember Goodman felt a predominantly elderly

congregation would be a good and valid reason to authorize this repair, but added the Council will have to tell others the city does not have a pot of money set aside for similar requests.

Dr. Ernest Hewett, spoke about the code provisions that specifically states property owners are responsible for their sidewalks and that while special exceptions have been granted in the past, both he and the City Attorney recommend against them. He did add that in the past, the city has used work crews for the labor and issued materials but billed the cost to the property owners.

Councilmember Dixon asked specifically that it be noted Dr. Hewett was speaking as an individual and not as implied staff or a city employee; adding that whatever has been done in the past is irrelevant and that the Council did not seek the input from the public on this issue.

The City Attorney added the repair requirement was not an ordinance but an act of the legislature via Law of Florida Section 86-11 and does not fall into a special exception code as in the subdivision/zoning code relating to variances. He added the Council can require the property owner to do the repairs to the right-of-way as it is a public purpose.

Councilmember Goodman made a motion to approve the request of Pleasant Hill United Methodist Church to repair the sidewalk below grade on Lee Street based on extenuating circumstances and to waive the \$30 permit fee. She noted as part of her motion this was a one-time repair authorization and not intending to open the floodgates for other, similar requests. Councilmember Keene provided a second to the motion and a roll call vote recorded unanimous, 4-0, approval.

8. PROPOSAL FOR PHASE II ENVIRONMENTAL SITE ASSESSMENT ADDITIONAL TESTING AT THE ARCADIA AIRPORT FOR A FEE OF \$20,160.00 (SEE ATTACHED PROPOSAL)

The Interim Administrator covered a letter received from Environmental Services, Inc. related to the Phase II environmental assessment at the airport and defining the scope of services proposal for that assessment. She stated the City will not know what issues it is facing until the assessment is done. The City Attorney asked if any of the areas defined were within the ten acres of Air-Cadia's exclusive use; to which the Interim Administration answered she did not know but would ask the company for specifics on location. The City Attorney then added that depending on where the assessment is done would determine the timing for control of the airport but that a Phase II study will have to be done at some point.

Councilmember Keene asked if the Phase I study included a map of the area or merely a narrative. The Interim Administrator responded she was not involved with that part of the study but would check to see and report back.

The Council, by consensus, decided to table the Phase II Environmental Site Assessment for additional testing at the Arcadia Airport at this time.

RESOLUTIONS**9. RESOLUTION 2010-02, LOCAL HAZARD MITIGATION STRATEGY**

The City Recorder read Resolution 2010-02 by title. The Interim Administrator stated this resolution is a FEMA requirement and will have a companion resolution of DeSoto County submitted along with it.

On motion of Councilmember Dixon, seconded by Councilmember Goodman, the Council voted unanimously, 4-0, to approve Resolution 2010-02, as printed below.

RESOLUTION 2010-02**A RESOLUTION ADOPTING THE DESOTO COUNTY LOCAL HAZARD MITIGATION STRATEGY PLAN**

WHEREAS, Chapter 252 *Florida Statutes*, assigns to the board of County Commissioners responsibility for disaster mitigation, preparedness, response and recovery; and

WHEREAS, DeSoto county is subject to natural and man-made hazards including hurricanes, tornadoes, floods, freezes, droughts, fires and chemical releases and faces potential damage to life, property, natural resources and the local economy; and

WHEREAS, the DeSoto County Comprehensive Emergency Management Plan has been prepared in accordance with the requirements of chapter 9G06, Florida Administrative Code; and

WHEREAS, these plans establish a framework through which DeSoto County may realistically prevent or mitigate the impacts of, prepare for, effectively respond to, and lessen recovery efforts as a result of reduced damages from a wide variety of emergencies which may or do occur either naturally or as a result of man-made cause; and

WHEREAS, the Local Mitigation Strategy Working Group consists of employees and community members of DeSoto County and the City of Arcadia and is open for participation to any and all interested parties, and is chaired by the DeSoto County Director of Emergency Management; and

WHEREAS, the Local Mitigation Strategy Working group has identified local hazards, assessed county-wide vulnerability and risk to these hazards and prioritized mitigation initiatives that would reduce local vulnerability to these hazards; and

WHEREAS, initiatives identified on the Local Mitigation Strategy Initiatives are given more consideration by state-managed funding programs such as the Hazard Mitigation Grant Program, Emergency Management Preparedness Assistance Trust Fund, Communities Trust, Community Development Block Grant, Florida Communities Trust Fund and many others; and

WHEREAS, the Local Mitigation Strategy can serve as the Flood Mitigation Plan as required of all communities participating in the National Flood Insurance Program and seeking project funding from the Flood Mitigation Assistance Program; and

WHEREAS, the DeSoto County Local Mitigation strategy is designed to be a process-oriented document with review and revision policies that allow the Working Group to meet new or changing conditions including hazard-event frequency, perceived local needs and funding opportunities; and

WHEREAS, the DeSoto County Local Mitigation Strategy has been reviewed by the Florida Division of Emergency Management and the Hazard Identification and Risk Management Branch of FEMA Region 4 and determined to be in compliance with the criteria for such plans contained in 44CFR 201-6(b)-(d); and

WHEREAS, Rule chapter 9G-6, Florida Administrative Code, requires adoption by the governing body of participating jurisdictions of the DeSoto County Local Mitigation Strategy Plan prior to receiving Federal and State approval.

NOW, THEREFORE, BE IT RESOLVED, that the City of Arcadia hereby adopts the DeSoto county Local Hazard Mitigation Strategy Plan as the formal guide for the City of Arcadia's hazard mitigation activities.

THIS RESOLUTION is hereby adopted this 20th day of April 2010.

By: /s/ Roosevelt Johnson, Ed.D., Mayor

ATTEST:

/s/ Dana L.S. Williams, City Recorder

COMMENTS FROM DEPARTMENTS

10. CITY MARSHAL

There was no report by the Marshal.

11. ATTORNEY

The City Attorney had nothing to report.

12. ADMINISTRATOR

**A) REQUEST AUTHORIZATION TO PREPARE AN RFP FOR SPRINKLER SYSTEM AT
ARCADIA AIRPORT**

The Interim Administrator requested authorization to prepare a Request for Proposals for a sprinkler system at the Airport which is in relation to the fire code violations previously reported and to assist in determining the tank size needed for a suppression system.

On motion of Councilmember Keene and seconded by Councilmember Dixon, the Council voted unanimously, 4-0, to authorize the preparation of an RFP for a sprinkler system at the Arcadia Airport.

B) APPOINT AIRPORT ADVISORY MEMBER TO REPLACE ANN HILLIARD

The Interim Administrator mentioned this item had been tabled from the last meeting and that a replacement to the Airport Advisory Committee was needed.

Councilmember Goodman made a motion to appoint Ronald Watson to the Airport Advisory Committee. The motion was seconded by Councilmember Keene and unanimously, 4-0, approved upon roll call vote.

C) ACKNOWLEDGE THE RESIGNATION OF EFFIE KEEN FROM HOUSING AUTHORITY BOARD

The Interim Administrator noted that Ms. Effie Keen had resigned from the Housing Authority Board and that although she has requested replacement names to be submitted, none have yet to be received.

Councilmember Goodman asked that a Certificate of Recognition be prepared and presented to Mrs. Keen at an upcoming meeting.

D) OTHER MATTERS

The Interim Administrator provided a report on the sewer issue on Highway 17 and the recent repairs from such. She noted that the project went from an estimated \$46,260 to \$70,525, not including repaving of the road, as a result of additional conditions mandated by the FDOT. She continued by informing the Council of two very large voids found during the repair and had "spider veined" since the sections of pipe were TV'd earlier in March. The Interim Administrator suggested that a viable option now is to hire a company to do an ultrasound of the road using ground-penetrating radar to further investigate what is under the road and that if other voids are found to exist, corrective action could be taken using the most cost effective measure rather than as an emergency repair.

The Interim Administrator stated that after further inspection and review by Councilmember Dixon and Steve Underwood on the roofs of the Way Building and City Hall, it appears the previous Administrator's request to completely re-roof both buildings was premature. She continued the Way Building will only require repairs therefore altering the scope of the services having gone out to bid. She requested the Council move to reject all bids received for the project and to authorize preparation of an RFP for the re-roofing of City Hall and repair work only on the Way Building.

On motion of Councilmember Dixon and seconded by Councilmember Keene, the Council voted unanimously, 4-0, to reject all bids of RFP 2010-01.

On motion of Councilmember Goodman with a second by Councilmember Dixon, the Council voted unanimously, 4-0, to authorize the preparation of an RFP for re-roofing City Hall and roofing repairs only to the Margaret Way Building.

The Interim Administrator reported she had received a memo from the Fair Association stating they were not interested in the scales at the Livestock Market,. She continued the scales are very large, heavy and difficult to move; and therefore was requesting direction from here on their disposition. The Interim Administrator offered to contact the scale company to determine any potential interest on their part or even to advertise the scales for sale. Councilmember Dixon felt the scales were worth something and would like the City to receive whatever it can for them.

The Interim Administrator also noted the PODS had been removed from the side yard of City Hall and relocated one to the Systems Department and the other to the garage where they will be of more use. She continued that two pallets of sod had been placed to cover the area. Councilmember Dixon stated it was a good decision to move the PODS and part of the beautification the Council has been talking about, therefore he applauded her and job done.

The City Attorney pointed out the City had put in place procedures for surplus property which could be applied to the disposition of the scales at the Livestock Market.

He also noted that with regard to the roofing bids (item 12d), a proper course of action would be to have first made a motion to reconsider the previous action of the Council prior to taking any further action. With the actions outlined below, the two votes on this matter (pg 6 of these minutes) will be negated and considered void.

On motion of Councilmember Goodman and seconded by Councilmember Dixon, the Council voted unanimously, 4-0, to reconsider the award to Sutter Roofing for the RFP 2010-01, Roofing Services, in the amount of \$70, 250.

Councilmember Dixon then made a motion to reject all bids related to RFP 2010-01 Roofing Services. The motion was seconded by Councilmember Keene, and passed unanimously, 4-0, upon voice vote.

Councilmember Dixon made a motion to authorize the preparation of an RFP for reroofing City Hall and roofing repairs on the Margaret Way Building. The motion was seconded by Councilmember Keene and carried unanimously, 4-0, upon roll call vote.

PUBLIC

No one from the public requested to speak.

MAYOR AND COUNCIL MATTERS

Councilmember Keene provided a brief update on the water purchase discussions he has been having with DeSoto County Utilities and the water management district, saying that he had hoped to talk again with the engineer, but that didn't happen, nevertheless he suggested the Council make a decision at their next meeting. He then distributed a handout for the Council's review and consideration which summarized and highlighted the results of his meetings and options to be considered. Mr. Keene added the conveyance of water from the

Management District is through DeSoto County Utilities, which could be a concern but that he was not making a recommendation, only providing information at this time.

Councilmember Goodman announced that she had read in the minutes where had she been in attendance towards the end of the last meeting; Councilmember Dixon would have discussed rethinking the Council's action to place a non-binding referendum regarding unincorporation at on the next city ballot. She agreed with his comments, adding this council has been subject to more criticism than any other and doesn't "think the squeaky wheels will go away."

Councilmember Dixon added that out of respect he didn't pursue the conversation in her absence and while he still believes the city can make it, if the Council elects to include a referendum, he would prefer a binding one. Dr. Dixon continued that he believes the burden of proof is on those who believe otherwise but if the Council continues doing what they've been doing and move the City forward into prosperity, Arcadia will make it.

On motion of Councilmember Goodman and seconded by Councilmember Keene, the Council voted unanimously, 4-0, to rescind its previous action to include a non-binding referendum related to unincorporation on the next city ballot.

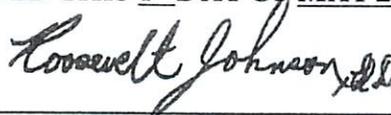
The Deputy Mayor requested everyone to be in prayer for the Mayor.

ADJOURN

Having no further business at this time, the meeting was adjourned at 7:10 PM.

APPROVED THIS 4th DAY OF MAY 2010.

By:



Roosevelt Johnson, Ed.D., Mayor

ATTEST:



Dana L.S. Williams, CMC
City Recorder