

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

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

The Mayor called the meeting to order at approximately 6:00 PM with the following members and staff present.

**Arcadia City Council**

Mayor Roosevelt Johnson  
Councilmember Keith Keene  
Councilmember Sharon Goodman

Deputy Mayor Robert Heine  
Councilmember Lorenzo Dixon

**Arcadia City Staff**

Interim City Administrator Shelly Baumann  
City Recorder Dana Williams

City Attorney Jason Henbest  
City Marshal Charles Lee

Councilmember Goodman delivered the invocation, which was followed by the Pledge of Allegiance and roll call.

**SPECIAL PRESENTATIONS**

**1. PROCLAMATION DENOTING APRIL AS WATER CONSERVATION MONTH**

**Councilmember Goodman made a motion to approve the above referenced proclamation. The motion was seconded by Councilmember Dixon and unanimously, 5-0, approved upon voice vote of the Council.**

The City Recorder read the proclamation aloud and the Mayor presented the framed copy to Ms. Terri Behling of the Southwest Florida Water Management District.

**2. PROCLAMATION RECOGNIZING APRIL 13<sup>TH</sup> AS GUARDIAN AD LITEM PROGRAM VOLUNTEER RECOGNITION DAY**

**On motion of Councilmember Dixon and seconded by Councilmember Keene, the above referenced proclamation was unanimously, 5-0, approved.**

The City Recorder read the proclamation and the Mayor presented a framed copy to Ms. Sandee Woods of the Twelfth Judicial Circuit. Ms. Woods thanked the Council for their support and then introduced two volunteers in the Guardian ad Litem Program; namely Ms. Candy Reed and Ms. Tawana Dixon.

**3. CERTIFICATE OF APPRECIATION RECOGNIZING ANN HILLIARD**

The City Recorder read aloud the certificate of appreciation recognizing Ms. Ann Hilliard

for her service to the Airport Advisory Committee. The Mayor then presented Ms. Hilliard with the framed certificate and offered the City's thanks for her service.

4. AMENDED INTERLOCAL AGREEMENT FOR PUBLIC SCHOOL FACILITY PLANNING – JENNIFER CODO-SALISBURY, CFRPC

Ms. Jennifer Codo-Salisbury provided an overview of the amended interlocal agreement for public school facility planning consistent with *Florida Statutes* §163.31777 et al. She emphasized this was a joint agreement encompassing the DeSoto County School District, DeSoto County and the City of Arcadia which will be forwarded to the State upon adoption for their review, comments, and ultimately, approval. The agreement includes amendments to the Level of Service Standards, consistency for growth projections, provisions for consistent and financially feasible public school facility elements, a uniform concurrency evaluation, proportionate share mitigation and updates to definitions. Ms. Codo-Salisbury then distributed printed presentation materials and briefly covered the various slides.

On motion of the Deputy Mayor and seconded by Councilmember Goodman, the Council voted unanimously, 5-0, to transmit the amended Interlocal Agreement to the Florida Department of Community Affairs and the Florida Department of Education for their review.

CONSENT AGENDA

5. MINUTES OF THE MARCH 16, 2010 REGULAR MEETING
6. MOBILE HOME PARK REPORT FOR MARCH
7. REVENUE & EXPENDITURE REPORT FOR FEBRUARY 2010
8. REQUEST BY ARCADIA MAIN STREET TO CLOSE OAK STREET FROM DESOTO AVE TO ORANGE AVE FROM 8 AM – 5 PM ON SATURDAY, MAY 15, 2010, FOR THE WATERMELON FESTIVAL

On motion of the Deputy Mayor and seconded by Councilmember Dixon, the Council voted unanimously, 5-0, to approve items #5 through #8 of the Consent Agenda printed above.

DISCUSSION ITEMS

9. REQUEST BY ARCADIA MAIN STREET TO PARTNER IN FORMING A COMMITTEE TO DEVELOP A MASTER PLAN FOR DOWNTOWN.

Councilmember Keene reported that he had recently attended a meeting to conceptually plan for downtown and to delineate the area encompassed by the Main Street program. The group felt the priority area was Volusia to Orange running east/west and Hickory to Magnolia from the north to the south. Mr. Keene continued that the Main Street program is not eligible for grant funding primarily because they do not have a Master Plan and so a group has come forward to offer to help develop a plan that will move the program forward. He added that rather than everyone running off in different directions, the Main Street program was looking for an endorsement by the Council to proceed with development of a Master Plan at no expense to the City at this time.

Councilmember Dixon stated he had heard about the Master Plan and was excited to learn that the Main Street program was at this point in order to move the City forward. He continued the Master Plan would be a major deal for the City and that he was in favor of endorsing or supporting it; adding we need a plan for the City of Arcadia to figure out where we're going and how we're

going to get there. Dr. Dixon then added “ because where there is no vision, the people perish.”

**On motion of Councilmember Dixon and seconded by Councilmember Goodman, the Council voted unanimously, 5-0, to partner with the Main Street Committee as they develop the Master Plan and to appoint Councilmember Keene as their liaison.**

#### COMMENTS FROM DEPARTMENTS

##### **10. CITY MARSHAL**

The Marshal referenced the March code enforcement report, which had been provided at the dais.

He also stated the preliminary background checks on the City Administrator applicants had been completed (all without records) and that once the field is narrowed further, he will verify educational institutions. The Marshal stated the Council was free to proceed with the initial interview process.

The Marshal also discussed the issue of speed along North Monroe and Walnut Streets, which had been raised as a point of concern from the previous meeting. He stated his officers had conducted a survey over a couple of days with the fastest recorded speed at 37 mph and 15 mph at the lowest. He felt because it was a short street, the burst of speed was a valid concern and recommended lowering the speed limit to 20 mph.

**On motion of Councilmember Goodman and seconded by Councilmember Dixon, the Council voted unanimously, 5-0, to drop the speed limit on N. Monroe Street between Hickory and Whidden to 20 mph.**

The Marshal then discussed several complaints his department has received regarding noise from the Tremron Plant. He stated that Code Enforcement had issued a 5-day notice, which he has since suspended until such time as the matter could be brought to the Council’s attention. The Marshal asked for guidance on the matter.

Councilmember Dixon responded that he also had been contacted regarding Tremron and that he had talked to the residents in the area who, with the exception of one, had voiced no complaint. Dr. Dixon added the City inherited the plant along with its operations and the (annexation) ordinance needs to be respected particularly because Tremron provides employment to roughly 35 people. The Councilmember continued that it would serve no purpose to have annexed the property if we then run them off. He felt the Marshal made a wise decision to suspend the code enforcement action and that Tremron should be allowed to continue their operations.

Mr. Bud Costner spoke briefly saying the Livestock Market had been in the area 30-40 years and the Tremron noise was nothing in comparison to the animals being auctioned.

Councilmember Keene added he had not talked to the area residents but that he agrees 100% with Dr. Dixon. Mr. Keene also stated he saw a presentation by Tremron a few months back and was impressed with their operations and they are exactly the kind of business Arcadia needs.

Councilmember Dixon then stated the City needs to do something to attract businesses such as Tremron, which provides jobs and increases the tax base, adding he would not support sanctioning the plant.

Councilmember Goodman provided her appreciation for Dr. Dixon having taken the time to visit with each resident in that area, adding she had some calls on the matter also. She continued she is sensitive to both the people and the business, but would agree to not hurt or jeopardize the company.

While there was no formal action by motion, it appeared to be the consensus of the Council to support the Marshal's suspension of the code enforcement violation notice.

**11. ATTORNEY**

**A) LETTER TO AGRICULTURE AND CONSUMER SERVICES COMMISSIONER, RE:  
CATTLE DIP VAT ASSESSMENT REPORT**

The City Attorney reported that he had updated the letter to the Department of Agriculture and Consumer Services to include reimbursement for the cost of the environmental assessments and asbestos removal.

**Councilmember Keene made a motion, which was seconded by Councilmember Dixon, to authorize the Mayor to sign and send the revised letter to Commissioner of Agriculture and Consumer Services regarding mitigation and reimbursement for the Cattle Dip Vat area at the Livestock Market. A voice vote of the Council recorded unanimous, 5-0, approval.**

Regarding the Air-Cadia lease purchase agreement, the City Attorney stated he had recently spoken with the Minnear's attorney, Mr. Ribel who initially had raised a couple of concerns but that the agreement was essentially to the point of everything having been agreed upon with one exception. That exception was assurance for payment by the City over the course of the next four years. The City Attorney continued that he was working through how best provide that assurance at little or no cost to the City, or to find another method of providing an assurance "without the deal falling apart."

Councilmember Keene said he was very disappointed in hearing about the surety request and questioned whether it had been raised prior to the Council having approved the agreement. The City Attorney responded there was some discussion to that effect but there was nothing received from Mr. Ribel about a specific desire for surety. Mr. Keene continued that the other party had their chance to do a due diligence prior to offering a contract for consideration and while it's not his desire for the surety to be a deal breaker, it is certainly disappointing to learn about at this point. Councilmember Goodman shared that disappointment, adding it was not fair and had she known about this her vote would have been different; and if they wanted it to be the deal-breaker she would be willing to make a motion for reconsideration.

**Councilmember Goodman made a motion to rescind the Council's previous action of March 16, 2010 for approval of the agreement to buy-out the airport lease between the City of Arcadia and Air-Cadia Inc. as presented and amended. The motion was seconded by Councilmember Dixon and following further discussion on the matter, a vote of 4-1 was recorded with the Deputy Mayor dissenting.**

12. ADMINISTRATOR  
A) UPDATE ON US 17 NORTH REPAIRS

The Interim Administrator reported that the Department of Transportation's (DOT) requirement for a MOT plan to be certified by an engineer had been completed and submitted last week; however, the City is now waiting on confirmation from the DOT with approval or further instructions. Meanwhile, the Systems Department has been running pumps 24/7 for another week. An update on the road closure will be provided as soon as the City is authorized to proceed with the work.

B) PLACEMENT OF SIGNS FOR BROTHERS KEEPERS MAINTAINING MLK BLVD.

The Interim Administrator distributed photographs of the posted signage related to the organization *Brothers Keepers* maintaining clean up of Martin Luther King, Jr. Street. She also noted a list of supplies that had been provided to the group to assist with their efforts.

The Mayor stated he had also received thank you's on the nicety of the signage.

C) RECOMMEND AWARDING A CONTRACT FOR RE-ROOFING THE WAY BLDG AND CITY HALL TO THE LOWEST BIDDER, SUTTER ROOFING, IN THE AMOUNT OF \$70,250

The Interim Administrator explained the Council had previously authorized re-bidding the roofing repairs for the Margaret Way Building and City Hall and that three submissions had been received. She continued that Jerry Smith, the City's former Planner, had reviewed the initial proposals and agreed to review this second group as well, which he did and recommended the contract be awarded to the lowest bidder, Sutter Roofing, in the amount of \$70,250.

**On motion of Councilmember Keene and seconded by Councilmember Goodman, the Council voted unanimously, 5-0, to award the roofing contract to Sutter Roofing in the amount of \$70,250.**

D) APPOINT AIRPORT ADVISORY MEMBER TO REPLACE ANN HILLIARD

The Interim Administrator advised the Council there were several applications for appointment to the Airport Advisory Committee. The Deputy Mayor requested that he/they be given more time to consider the applications.

**On motion of Deputy Mayor Heine and seconded by Councilmember Dixon, the Council voted unanimously, 5-0, to table this item until the next regularly scheduled meeting.**

The Administrator reported she had given the Health Department approval to place a 30' banner across SR 70 on the East side of town recognizing Public Health Awareness Week, April 5-12. She added that DeSoto County was assisting in the hanging and removal of the banner.

She also reported that Girl Scout Brownie Troop #777 and the Wal-Mart Distribution Center will be donating trees to be planted at Lake Katherine in recognition of Earth Day; April 22<sup>nd</sup>.

From her role as Finance Director, the Interim Administrator reported the audit has been completed and sent to the printer and that she anticipates having bound copies available by the next meeting.

## PUBLIC

Ms. Ann Pepper and her husband, Ken Pepper, each spoke on the noise and vibration emanating from the Tremron Plant and how it is disruptive to their sleep and lives. They felt that although some steps have been taken to mitigate the noise, more could be done including reducing hours of production. Ms. Pepper also felt a primary reason the plant was not closing the bay doors between the buildings was to circumvent fire code standards.

Ms. Mary Costner, stated the vibration can also be felt at her house but is more acutely aware that because of the noise and vibration, 35 people have a job. She added she couldn't imagine saying anything to anybody with a business in this economy.

Ms. Betty Green requested a special rezoning of 721 N. Rollins in order to operate a day care business. The Interim Administrator explained the property does not require a rezoning and that child care facilities can be located in most zoning districts provided the specified criteria for those facilities is met.

(At this point, Dr. Goodman left the meeting)

Ms. Sandee Woods mentioned that April was Child Abuse Prevention Month and requested that her organization be permitted to place blue awareness ribbons along Oak Street from U.S. 17 to Monroe Street; adding she would be responsible for removing the ribbons within the first few days of May.

Councilmember Dixon noted his appreciation for what Ms. Woods does, and that she is an outstanding supervisor for the program.

**On motion of the Deputy Mayor and seconded by Councilmember Dixon, the Council voted unanimously, 4-0, to allow the placement of blue Child Abuse Prevention Month ribbons along Oak Street during the month of April .**

Mr. Paul Hoover requested the Council reconsider their recent action regarding the airport lease particularly in terms of the time and money spent thus far. He continued that Mrs. Minnear had specifically stated the surety issue was not a deal breaker, and that asking for something is different from demanding it. Councilmember Keene reiterated his disappointment adding the Council would be open to receiving another offer were one to be forthcoming.

Ms. Pepper, again referring to the Tremron Plant, said she would be pleased if the plant operated 8 AM - 5 PM but felt that 24/7 was "inhuman."

## MAYOR AND COUNCIL MATTERS

The City Recorder reported on the progress of the City's website and stated it was scheduled to go live by the end of the week.

The City Attorney requested the Council ratify the decisions discussed during the workshop session regarding dates/times of interviews, slate of candidates and the questions to be asked.

On motion of Councilmember Keene and seconded by the Deputy Mayor, the Council voted unanimously, 4-0, to approve April 19, 21, and 22, 2010, as the dates for the City Administrator interviews, to conduct those interviews at one hour intervals from 4-7 PM each day, to interview the slate of the nine selected candidates, and to use the ten questions presented by Councilmember Keen as well as #1, 6, 7, 8, and 10 from the list provided by Dr. Johnson.

Councilmember Keen reported that he had spoken with the SWFWMD and that also he has a meeting scheduled with Chris Rogers from DeSoto County next week regarding purchasing water so he should have more information available for the Council by the next meeting.

The Mayor briefly discussed the possibility of putting the poll question related to unincorporation on the City's new website and his concern about who would be voting.

On motion of Councilmember Keene and seconded by Councilmember Dixon, the Council voted unanimously, 4-0, to delete the poll question on unincorporation from the City's website (when it goes live).

Councilmember Dixon added that he was an optimist about the city and he wishes Dr. Goodman hadn't left because he would have made a motion to suspend the actions of the Council regarding the non-binding referendum.

#### ADJOURN

Having no further business, the meeting was adjourned at 7:27 PM.

APPROVED THIS 20<sup>th</sup> DAY OF APRIL 2010.

By:



Roosevelt Johnson, Ed.D., Mayor

ATTEST:



Dana L.S. Williams, CMC  
City Recorder