

REGULAR MEETING
DECEMBER 16, 2008

The Regular Meeting of the Arcadia City Council was held on December 16, 2008 at 6:00 p.m. in the Margaret Way Building at 23 North Polk Avenue. Council members attending were: Fazzone, Dixon, Johnson, Goodman and Heine. Also in attendance: Administrator Strube, Attorney Henbest, Marshall Lee, Special Projects Coordinator Hewett, Joyce O'Steen, and Recorder Baumann.

Mayor Fazzone called the meeting to order.

The Invocation was given by Dr. Sharon Goodman, Councilwoman. She asked a special prayer for Councilman Fazzone and his wife for the recent loss of Councilman Fazzone's father in law.

Pledge Allegiance to the Flag.

The Minutes of the Regular Meeting of December 2, 2008 were presented. Deputy Mayor Dixon reported that statements made by him at that meeting were not included in the minutes. He specifically requested that statements made by him "*he and Administrator Strube are not enemies*" "*that he and I know the facts*" and specific comments regarding the Mayor accusing the Council of blasting Administrator Strube be entered into the minutes. Recorder Baumann stated she would re-do the minutes as per the request of Deputy Mayor Dixon. Attorney Henbest stated the Council did have the authority to decide what they wanted included in the minutes. Deputy Mayor Dixon also addressed comments made by Councilwoman Goodman which had not been included to which Councilwoman Goodman stated she had spoken with Recorder Baumann regarding that statement and she did not have a problem with her statement not being included in the minutes. Goodman then moved to adopt the minutes of December 2, 2008 with the revisions as per the request of Deputy Mayor Dixon; seconded by Johnson and carried.

Deputy Mayor Dixon moved to approve Joseph Fink as Interim City Administrator to be paid \$25.00 per hour; seconded by Johnson and carried. This ratifies Council action at the Work Session held at 5:00 p.m. today.

A request by letter from C. Carol Robinson for Samuel Morgan, NAACP President, to hold the Martin Luther King, Jr. Parade on January, 19, 2009 at 10:30 a.m. was presented. Heine moved to grant the request to hold the Martin Luther King, Jr. Parade on January, 19, 2009 at 10:30 a.m.; seconded by Johnson and carried.

Fines and Forfeitures Report for the month of November, 2008 was presented showing fines collected in the amount of \$1, 357.10.

The Recorder's report of Revenue and Expenditures through November 30, 2008 was presented.

The Airport Report for the months of October and November, 2008 were presented. Deputy Mayor Dixon asked about the status of a recent aviation inspection and was informed that the inspection went well. Mayor Fazzone stated all problems with the lights have been corrected.

The Golf Course Report for the month of November 2008 was presented.

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The Public Works report for the months of October and November, 2008 were presented. Councilman Fazzone asked if anyone had replaced retired Public Works Supervisor, John Reed to which Administrator Strube stated the position is being evaluated and is currently being worked by existing personnel. He noted that the Systems Department Supervisor, Mr. Fred Lewis is currently filling in.

Mayor Fazzone asked Administrator Strube to comment on a letter from DeSoto County Fire Chief Glen Prescott, regarding fire hydrants in the City. Administrator Strube stated that last years' report showed eighty nine (89) hydrants that needed maintenance. City staff got forty-four (44) back in operating order. There were still forty five (45) that need additional attention or replacement. Sixteen (16) were considered high priority; however ten (10) have been replaced at a cost of about \$2,500.00 each plus labor. Of the other twenty-nine (29) considered low priority, three (3) were replaced. As of this report, there are now forty- three (43) hydrants that need repair or replacement. Six (6) of those are a high priority, twenty-one (21) are a low priority and five (5) were replaced. There were eleven (11) new hydrants added to the list which are currently being evaluated. The six (6) that are critical will cost about \$3,000.00 to \$3,500.00 to repair.

City Recorder Baumann requested a copy of the letter presented to the Council by DeSoto County Fire Chief Prescott.

Councilman Johnson asked how often trash is being picked up to which Administrator Strube reported that it is being picked up when observed or a call is received. Councilman Johnson then stated that he did call to have trash picked up at his residence; however it took several calls to get it removed. When it was picked up they only got his and did not get his neighbor across the street. Administrator Strube stated that was not acceptable and he would speak to the trash removal crew. Deputy Mayor Dixon asked if it could be because the original truck driver is no longer with the City and the new driver might not be as knowledgeable of the routes. Administrator Strube replied that the new driver has filled in on both the trash and garbage truck and is familiar with the routes.

Deputy Mayor Dixon questioned a statement in the fire report. He asked the meaning of "if the hydrants are not repaired and maintained in a timely manner, we could possibly lose credits". He asked what the credits were and what consists of a "timely manner". Administrator Strube stated the credits involved insurance guidelines; however there are no standards as to a "timely manner" such as needing to repair a hydrant within twenty four (24) hours. He stated this is an on ongoing issue, with hydrants being repaired and breaking down. He noted that there are over four-hundred (400) hydrants in the City. The Fire Departments does an exercise every six months (6) to one year where they open the hydrants and flush them. He stated this sometimes causes lime to dislodge that has built up in the lines and can create water issues for those residences on that line. Deputy Mayor Dixon stated he thought this was a serious issue and something needed to be done. He asked if this was something that could be done with grants or just through the budget to which Administrator Strube reported that it would be through the budget. Administrator Strube then stated that the Council will need to make a decision to get the work done noting that about \$100,000.00 is actually needed to completely repair or replace all of the priority hydrants. This is something that cannot be done with existing staff.

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Mr. John Collins, Criminal Defense Attorney for Mr. Jean Baudreau, addressed the Council regarding his client. He stated that Mr. Baudreau had been charged with the theft of a shirt from the City of Arcadia Golf Course Pro Shop. Special Projects Coordinator Ernie Hewett signed the affidavit based on Pro Shop personnel identifying Mr. Baudreau from a security tape. After reviewing the security tape it was not clear that it was Mr. Baudreau, and the City witnesses also did not affirmatively state they thought it was him. The Office of the State Attorney subsequently felt there was insufficient evidence to proceed with the case and on April 8, 2008, it was dropped. Mr. Collins is requesting a lifetime membership at the course be given to Mr. Baudreau. It was noted that Mr. Baudreau was arrested and did have to post a bond. Mr. Baudreau had an alibi and feels that he should be given the chance to clear his name. Mr. Baudreau incurred legal fees in the amount of \$2,500.00. Attorney Collins stated he has advised Mr. Baudreau not to seek any legal action against the City, however, he feels it would be a good will gesture for the City, without admitting guilt, to provide Mr. Baudreau and his wife with a lifetime membership to the City of Arcadia Golf Course. Attorney Collins stated Mr. Baudreau and his wife live in Canada and are only residents of Arcadia for several months during the winter. He also stated that Mr. Baudreau had played golf with about thirty nine (39) others golfers at the course. Deputy Mayor Dixon stated he agreed with what Attorney Collins was asking for, however, he did not agree that a lifetime membership should be awarded. He stated that he does not want to indicate that the City is admitting to any guilt and he would support a couple years of free golf. City Attorney Henbest stated that the Council could award the membership as long as they are taking the position of no guilt. Mayor Fazzone asked that in the future if Mr. Collins should have an issue to come before the Council that he requests that the item placed on the agenda in order to give the Council backup material and the time to review it. When asked Special Projects Coordinator Hewett stated on advice of Council he had no comment. Johnson moved to table the issue until the Council could review more information and to address the issue at the next meeting of January 6, 2008; seconded by Goodman. After discussion Goodman withdrew her second and the motion died for lack of a second.

Mayor Fazzone stated he would be happy to speak with Mr. Baudreau and clear up any ill feelings that he might have toward the City. Council members Dixon and Goodman stated the issue should be handled through Attorney Collins and the City Attorney, with no involvement from any Council member.

Deputy Mayor Dixon moved that based upon the City not admitting to any guilt that the Council award four (4) three (3) month winter seasonal memberships at the City of Arcadia Municipal Golf Course to Mr. and Mrs. Baudreau; seconded by Heine and carried.

Deputy Mayor Dixon then moved that Mr. Baudreau sign a release prepared by the City Attorney; seconded by Goodman and carried.

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Administrator Strube addressed the Council and presented a proposed design for a new sign at the fire station attached to City Hall. The new sign will have a DeSoto County logo on it and say DeSoto County Fire Rescue. Heine moved to approve the sign as presented seconded by Dixon and carried.

Administrator Strube then reported that the roof on the fire station needs repair and once bids are received the information will be presented to the Council.

Administrator Strube noted that this is his last meeting and he thanked the Council noting that they have been through good and bad times together. He stated he is acquainted with Mr. Fink and felt confident he would be a good interim Administrator. He stated that he would be available if needed.

Councilman Heine reported that he has spoken with Mrs. Joyce Osteen regarding ongoing FEMA issues noting that she felt that she might not be able to answer some specific questions by FEMA in concerning some of the project worksheets (PW's). She asked if Mr. Steve Weeks could be contacted if needed to answer questions that FEMA might have since he had handled most of the paperwork. Deputy Mayor Dixon asked if Mr. Weeks had already been compensated for the work, if so then if FEMA needs to speak to Mr. Weeks he would need to come back. Administrator Strube reported that while Mr. Weeks worked on and was compensated for several grant programs he did not receive any compensation for helping out with any FEMA issues. Administrator Strube then reported that there is still a problem with the agreement between the City and Craig A. Smith Association who had been hired to complete the City's project worksheets. At this time there is continuing litigation as a result of them not proceeding with the proper worksheets and information. Attorney John Thomas is handling this litigation for the City. He then noted that FEMA auditors are now present and reviewing the files.

Councilwoman Goodman reported that she was embarrassed this week when using the Mayor's Office for a meeting with a constituent who is now the Interim City Administrator. She stated that the office appears to have been converted to a storage room and did not look like the official office that it should be. Councilwoman Goodman requests that the office be restored to a condition that it could be used at any time by any Council member to meet with citizens. She also recommended a Work Shop to outline rules and specifics for hiring a new City Administrator.

Mr. Joe Fink, interim City Administrator addressed the Council and stated that he believes a Work Shop is a good idea. He inquired who on the Council was computer literate. He believes that the Council should have computers and cell phones paid for by the City. He stated the Council should show they are in the 21st Century and someone with whom to do business noting that they need the tools to do the job.

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Councilman Johnson reported that he attended the Ridge League of Cities Christmas meeting in Auburndale last week. He asked the Council to consider attending these meetings.

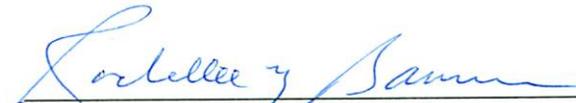
Deputy Mayor Dixon stated he was excited about working with the new Interim Administrator, Mr. Fink. He also stated he shares the same concerns Councilwoman Goodman has regarding the Office of Mayor. He stated that the Council had fought very hard to get a Mayor's/Council members' office. He wondered who authorized the office to be used for storage. He stated that the office needs to be cleaned up ASAP and respected. It needs to be a place that any Council member can use to meet with citizens.

Deputy Mayor Dixon stated the new doors on the fire station are beautiful and he is excited about the EMS and Fire Departments operating out of the station.

Attorney Henbest conveyed a Merry Christmas from Attorney Galvano to the Council and Staff.

Councilman Fazzone thanked the Council for their remembrance of his father in law. He wished retiring Administrator Strube good luck in his retirement. He asked the Council to consider awarding Administrator Strube with a lifetime membership with a cart at the City of Arcadia Municipal Golf Course in recognition of his retirement and years of service. Heine moved to award a lifetime membership with a cart at the City of Arcadia Municipal Golf Course to Administrator Strube; seconded by Goodman and carried.

There being no further business, the meeting was adjourned.


CITY RECORDER


PRESIDENT