

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

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

The Mayor called the meeting to order at approximately 6:25 PM, having followed a public hearing on the Facilities Use Plan which ran over its allotted time. The following members and staff were present:

**Arcadia City Council**

Mayor Roosevelt Johnson  
Councilmember Sharon Goodman  
Councilmember Lorenzo Dixon

Deputy Mayor Robert Heine  
Councilmember Keith Keene

**Arcadia City Staff**

City Administrator Lawrence Miller  
City Marshal Charles Lee  
Police Capt. Matt Anderson

City Recorder Dana Williams  
Consulting Engineer Julie Karleskint  
City Attorney Jason Henbest

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

**CONSENT AGENDA**

1. MINUTES OF THE JULY 6, 2010 REGULAR MEETING
2. MOBILE HOME PARK REPORT FOR JUNE 2010
3. AIR-CADIA FLOWAGE AND HANGER RENT REPORT FOR JUNE 2010
4. CITY FINES & ESTREATURES REPORT

On motion of Councilmember Keene and seconded by Councilmember Goodman, items #1 through #4 of the Consent Agenda printed above were unanimously, 5-0, approved.

**DISCUSSION ITEMS**

5. CITY HALL ROOF REPAIRS, MARK STEWART, STEWART CONSTRUCTION

Mr. Mark Stewart, of Stewart Construction, distributed a few photos from atop City Hall and reported the tiles along the Mansard roof, appearing to be original, have been leaking for quite some time. He continued that the attached fire station is deluged with water each time it rains and that the substrate is gone, the flashing has holes throughout it and in many places of the attic, one can see daylight shining through. Mr. Stewart added the only way to correctly repair the leaks is to replace the approximate 2,500 sf of the mansard area roof.

The City Administrator asked if there was an alternative material which could be applied to achieve the same effect but at a lesser cost. Mr. Stewart responded that a metal (steel)

substitute which looks like tile is available at about half the cost of tile, with a warranty of 25 or 50 years; but that he did not quote that material, nor does he have the specifics on it with him. Mr. Stewart also stated that because City Hall is a historic building, if it were listed on the National Register, there may be preclusions from using an alternative though he could certainly investigate that to report back along with the cost and warranty information.

Councilmember Keene asked about the lumber specification of 100' and whether that was all Mr. Stewart estimated to be needed. Mr. Stewart answered that he would do up to 100' with any additional being charged at the rates listed. The Mayor asked more about the metal alternative, to which Mr. Stewart stated it was a corrugated metal that looked like tile. Councilmember Dixon confirmed the price of \$50,000 was only for the repair to City Hall and not the Margaret Way Building. Mr. Stewart stated it was and for a certain portion of the flat roof attached to City Hall.

The Deputy Mayor made a motion to authorize the City Administrator to proceed in contracting with Stewart Construction for the roof repairs to City Hall as outlined with the caveat of investigating a lesser cost for using a steel alternative provided it does not jeopardize the historic designation of the building. Councilmember Goodman provided a second to the motion which passed unanimously, 5-0, upon voice vote of the Council.

**6. REPLACEMENT OF SIDEWALK AT TRINITY UMC, JIM TRIPP, CHAIRMAN/TRUSTEE**

The City Administrator read a letter from Trinity United Methodist Church requesting replacement of the sidewalk at their property with the City donating the labor provided the Church incurs the expense of materials. It was noted an estimate had been received from the Streets Supervisor in the amount of \$2,100.

Councilmember Dixon stated he was pleased by this request as a testament to entities working together on projects benefiting the City. On motion of Councilmember Dixon and seconded by Councilmember Goodman, the Council voted unanimously, 5-0, to authorize the replacement of the sidewalk along 304 Oak Street with Trinity United Methodist Church paying for the materials and the City donating the labor force.

Councilmember Keene asked about a similar request presented at the last meeting and questioned any action taken by the Council. The City Recorder stated no action was taken on Mrs. Epps request in part because she was not in attendance to present her case and also because no cost estimates were provided.

**7. PRESENTATION OF FINDINGS FROM THE WATER RATE STUDY BY PUBLIC RESOURCE MANAGEMENT GROUP, THIERRY A. BOVERI, SENIOR RATE ANALYST**

Mr. Boveri, having made a full presentation at the public hearing prior to the start of this meeting, reiterated it was the firm's recommendation that in conjunction with approving the Facilities Use Plan (FUP), the City move forward with plans for a new Water Treatment Plant, to apply for grant monies and the State Revolving Funds, and to implement a 20% rate increase effective October 1, 2010; which will resolve deficiencies in the operating and capital budgets as well as address debt service and create an R&R fund.

Councilmember Dixon stated he would be in favor of approving the FUP and the construction of a new plant; however he had mixed emotions about the rate increase which would be the second 20% increase this year. He continued that 6 months ago, the consultants had recommended a 30% increase of which the Council approved 20%; and that he was prepared to vote on the other 10% at this point; but felt it would be hard to justify 20%. Mr. Boveri answered that when his firm recommended the 30%, they had made it clear that figure did not include any capital needs but rather only operating costs and debt service payments. Councilmember Dixon stated his concern was that he had not heard the actual number (or percentage) of accounts in arrears or default; and felt a rate increase would be putting the onus on those customers who do pay. He concluded by saying that while he is in favor of the new plant and the FUP, his conscience won't allow him to vote for the 20% rate increase.

Mr. Henry Thomas, also of Public Resources Management Group, Inc., explained the rate increase goes hand-in-hand with the FUP. He went on to say that without the rate increase, the City will not qualify for the funding to construct the water plant. He added the City has done quite a bit to collect on bad debts, but that those are not the issue; the increase is needed to put back into the system.

Councilmember Keene was glad to see the mindset shifting to run the utilities like a business; but warned that even increasing the rates by 20% tonight was not the end. The Mayor added that had the Council acted when they should have, the City wouldn't be in this position now.

**On motion of the Deputy Mayor and seconded by Councilmember Keene, the Council voted 4-1 to approve the facility use plan and to proceed with the steps necessary to adopt the recommendations included in the presentation, specifically a 20% rate increase in utilities, implementation of an automatic inflation based indexing for utility rates, and annually reevaluation of the need for future rate adjustments. Councilmember Dixon cast the dissenting vote.**

#### **COMMENTS FROM DEPARTMENTS**

##### **8. CITY MARSHAL**

The Marshal presented several items, the first being a letter received from Arcadia Main Street regarding closing Oak Street for several car shows. The City Recorder noted the City had received the same letter late this afternoon and that it is scheduled for the August 3<sup>rd</sup> agenda.

The next item related to the zoning of the Tremron plant. He pointed out the property there is zoned Light Industrial (M1), which is prohibitive of their operations and that it should be zoned M-2. The City Attorney explained this as a non-conformity as a result of the annexation, saying that when a business or structure exists but then regulations change (in this case through annexation from the County to the City), it does not require a rezoning until the business is sold, the use changed or extensive damage repairs are made.

The Marshal noted that during a recent code enforcement hearing, it was brought up that the Interlocal Agreement with the County for inspections and animal control expired in

2006 and that Code Enforcement may not have the authority to enforce much of what it has been doing. The Marshal understood that any action the Council may take would be from this date forward; however in the meantime, he felt his staff was "flying blind."

The City Attorney responded that he had done some research looking for a motion of Council to maintain the status quo until such time as a new Interlocal was drafted. He continued that the County has been handling inspections via a verbal agreement through the administrators and that for four years it has been working without problems. Councilmember Goodman added a historical perspective of the discussion among Council brought to light because of problems with the schools. The City Administrator acknowledged that he had spoken with (County Manager) Jan Brewer and will be meeting with her in the near future about this and other matters. The City Attorney added he hopes to have a temporary solution available for the August 3<sup>rd</sup> meeting included in which will be requesting retroactive approval of all actions taken by the County during the lapsed period.

Capt. Anderson discussed the draft rental hall ordinance recently distributed by the Attorney's office and asked that prior to first reading, it be tweaked to include properties owned by DeSoto County but within the City limits and to provide increased "bite". The Captain also asked about incorporating a provision to implement fines for repeated and nuisance alarm calls, which should be at the option of the Marshal or the Council.

Councilmember Dixon asked for clarification related to adding in the County. The Captain answered he was trying to avoid loopholes for county properties located within the city limits or should the City expand their boundaries in the future.

#### 9. ATTORNEY

The City Attorney, referencing the rental hall draft ordinance, asked that if anyone had other comments to please contact him and that short of any concerns, the ordinance would be presented for first reading at the meeting on August 3<sup>rd</sup>.

He also discussed the easement issue at Wheeler's Café, saying the only piece missing now is the metes and bounds legal description. The Attorney thought the City may have that description from a previous survey, but if not, requested authorization to have a surveyor prepare another at the property owner's expense. Mrs. Martha Craven, from the audience, agreed to bear the cost of a survey if a legal description was not readily available.

#### 10. ADMINISTRATOR A) UPDATE ON FINANCE DIRECTOR POSITION

The City Administrator reported advertisements for a Finance Director had been placed in several places and that the position was advertised with a salary range of \$48 - 52,000 with a preference for experience in developing governmental budgets. He added approximately 13 applications had been received and that his review of them along with scheduling interviews will begin immediately. The Administrator continued that the budget process has started and with only person in the finance department, it has made a difficult situation even harder to

negotiate. He has filled the Accounting Clerk III position which will provide some measure of relief for the Interim Director.

**B) DEPARTMENT OF COMMUNITY AFFAIRS MONITORING OF ARCADIA CDBG GRANT**

Dr. Miller reported the Department of Community Affairs conducted a field monitoring visit related to the CDBG grant as noted in item 10B of the agenda package and that representatives from Florida Small Cities, Guardian, and the city attended. This was a preliminary meeting to get things in order to begin the construction phase of the project and a part of that was to inform the city the front of the Margaret Way building would have to come into ADA compliance. He stated a designated parking space would be established in the front of the building, the restrooms equipped, and the front doors replaced to accommodate a wheelchair and automatic openers; but that the funds to accomplish these tasks would come from the administrative portion of the CDBG grant.

**C) FLOODING ON N. MONROE STREET**

Regarding the complaint about flooding on N. Monroe Street, the City Administrator had staff investigate the problem. It was reported that in order to prevent flooding, the ditch needs to be dug out and maintained so that water can flow away from the resident's house in question. It appears, however, that access to the ditch is in the back of the property at 222 N. Monroe, the owner of which refuses to allow city staff or equipment access. The Administrator continued also that he has been advised the property at 222 N. Monroe is currently on the market and he hopes to discuss the accessibility issue with the broker in order to make the property more attractive for sale and to alleviate flooding for nearby properties.

**D) MAINTENANCE OF CEMETERY**

The City Administrator stated he has instructed staff to maintain the lawn at the cemetery and that he has been assured it will be done on a regular basis. He added the golf course staff will be assisting Parks & Recreation staff in handling this task as the cemetery is a fairly large parcel with only one person currently assigned to the area. The Administrator added he is confident all staff will work together as a team to keep the grounds maintained but that he will continue to monitor the performance and advise the Council accordingly.

The Mayor added he had received a complaint yesterday from a gentleman from Tampa who had visited the cemetery, walked through knee high grass, and fallen when a grave space collapsed. The Mayor said this gentleman had spent 4-5 hours trying to climb out and had injured his leg in the fall.

The Deputy Mayor said that was not uncommon when vaults are not required, but the Mayor added that he had a report the sprinklers had been running for hours thus saturating the ground. Councilmember Dixon suggested the City Administrator look through the budget to see if it would allow for additional staff at the cemetery in order to keep up with the landscape needs.

The City Attorney suggested staff report the entrapment incident to the City's insurance carrier in the event of further action.

#### E) BUDGET MEETINGS WITH STAFF

The City Administrator reported he had met with department supervisors to discuss the preliminary budget prepared by the former Finance Director; with discussions centering on what level of input they had in development of their respective budgets and their ability to continue operation of their department within the confines of the proposed budget. He advised the staff the city is in a deficit mode and that they will assume a greater responsibility for administering their budgets and the allocation of funds to meet the service needs of the citizens.

#### F) ASSISTANT TO THE CITY ADMINISTRATOR

The City Administrator stated that a grants writer/planner position was included in the FY-10 budget and since that position has yet to be filled, he would like to use the allocation to hire a consultant working part time as his assistant to explore technology enhancements, grant opportunities, organizational and operational improvements, economic development and the like.

On motion of the Deputy Mayor and seconded by Councilmember Dixon, the Council voted unanimously, 5-0, to authorize the City Administrator to hire a part-time consultant to assist him as needed.

#### PUBLIC

Mrs. Martha Craven thanked the Council for the sidewalk improvements beneath the mural and in particular to Jerry Cordes who she described as "helpful" and "good to work with". She also mentioned the fundraising efforts of brick pavers which will be installed along that walkway.

Mr. Gary Frierson first welcomed Dr. Miller to Arcadia; before asking about the interlocal agreement mentioned earlier which came up during the Code Enforcement hearing. His question was if there is a period of time when permits are in limbo, would people who got permits during that time be entitled to a refund. The City Attorney cited *Florida Statutes* which requires any structure constructed in the State to obtain a permit.

Mr. Frierson also mention that he had attended the budget workshop whereby the City purported to be roughly ½ million short in revenues for the coming year; but yet at tonight's meeting new roof repairs and Highway 17 repairs were authorized. He questioned where in the budget those types of funds were listed. The City Administrator responded they are included in contractual services and/or repairs and maintenance.

Mr. Frierson also expressed his agreement with raising the water rates, saying that by not previously taking a pro active step, the City is in the shape its in. He added that the 5% may seem like it hurts less but still the City would be in a deficit. Without thanking the Council for raising the rates, he did state his respect for their decision.

Mr. Dennis Tyson, president of Arcadia Main Street, thanked all who attended the Master Plan presentation last week and encouraged anyone who has not seen the design kiosk, to view it at the Main Street office and provide their opinions and preferences.

**MAYOR AND COUNCIL MATTERS**

The Mayor mentioned a card of appreciation received from Charlotte Carter and the Mural Society thanking the Council for their support.

Councilmember Dixon asked that “for those that believe in the power of prayer and knows how to get a prayer through” they keep in mind the people in Mississippi, Alabama, and Pensacola, FL, who have been affected by the tragedy of the oil spill where he recently visited those areas.

Councilmember Keene added to Mr. Tyson’s comments about the Downtown Improvement Plan, saying he appreciated the enthusiasm which goes along with the theme of “Catch the Buzz.” He also encouraged everyone to look at the presentation materials, noting realization of the project will take a collaborative effort.

Mr. Keene also talked about the County’s public hearing on July 27<sup>th</sup> to consider a utility and franchise ordinance. His concern was, particularly related to franchise; the city may find itself in a position to have to pay for our utility lines that run across a county right-of-way. Councilmember Keene asked the City Administrator to research the issue to assure the city doesn’t get “boxed in.”

Councilmember Keene also asked that a copy of the check warrant for the preceding weeks be included on the Consent Agenda of each future meeting.

**ADJOURN**

Having no further business at this time, the meeting was adjourned at 8:05 PM.

**ADOPTED THIS 3<sup>RD</sup> DAY OF AUGUST 2010.**

By:



Roosevelt Johnson, Ed.D., Mayor

ATTEST:



Dana L.S. Williams, CMC  
City Recorder