

**MINUTES
CITY COUNCIL
CITY OF ARCADIA
TUESDAY, JUNE 15, 2010
6:00 PM**

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

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

Arcadia City Council

Mayor Roosevelt Johnson
Councilmember Sharon Goodman
Councilmember Lorenzo Dixon

Deputy Mayor Robert Heine
Councilmember Keith Keene

Arcadia City Staff

City Attorney Jason Henbest
City Marshal Charles Lee
Consulting Engineer Julie Karleskint

City Recorder Dana Williams
Systems Superintendent Fred Lewis
Police Capt. Matt Anderson

Councilmember Goodman gave the invocation, which was followed by the Pledge and roll call. The Mayor announced the Interim Administrator was not in attendance due to illness, before moving on to the Consent Agenda.

CONSENT AGENDA

1. MINUTES OF THE MAY 18, 2010 REGULAR MEETING
2. ARCADIA GOLF COURSE REPORT FOR MAY 2010
3. AIR-CADIA FLOWAGE AND HANGER RENT REPORT
4. CITY FINES AND ESTREATURES REPORT

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

DISCUSSION ITEMS

5. OPTIONS FOR SIDEWALK REPAIRS ALONG S. LEE AVENUE

The City Recorder distributed a third bid received after the agenda package had been distributed and noted the Council had requested cost estimates for the replacement of the sidewalk in front of Pleasant Hill United Methodist Church.

The Council confirmed with the Systems Superintendent that these quotes do not provide curbing and that the pastor had agreed to take care of placing the posts. The Systems Superintendent added that much of the damage was being caused not by churchgoers driving on the sidewalk, but rather by cars cutting through the property over to Watson Avenue. Mr. Lewis also stated that three different contractors had pointed out that even with wire in the mix, the concrete will still break if driven on; that the wire is designed to minimize separation once there are breaks.

Councilmember Keene reiterated that the Attorney had advised the Council to not become involved with sidewalks adding they should be the responsibility of the property owner. He continued that in good consciousness, he could not support repairs to the sidewalk at these costs. The Mayor agreed and mentioned that in the past another church (on Whidden Street) had made a similar request, although they were willing to pay for the materials if the City provided the labor.

It was the consensus of Council to table this item indefinitely.

6. OPTIONS FOR WATER UTILITY - JULIE KARLESKINT, HAZEN & SAWYER

Ms. Karleskint provided a brief timeline of events to-date regarding the Water Plant and an update on financing through a DEP \$3.3 million (or possibly more) grant. She pointed out the Water Plant is currently down for maintenance and in dire need of repair, citing rust and certain parts being held together with duct tape. Ms. Karleskint stated she is trying to finalize the Facility Use Plan (FUP) having received comments from the different organizations and working with the State Health Department to have them certify the *potential* health risk with the radionuclide in the water.

Ms. Karleskint continued that the correspondence received from the DEP in March informing the city it was included on the priority list also stated the FUP, the environmental review, biddable plans and specifications and the site certification must be submitted. She went on to say that she is "stuck" on the biddable plans and specifications noting it will require a sizeable financial investment but that before she can prepare the work assignment for it, she needs confirmation from the Council of their plans to move forward. Ms. Karleskint estimated the biddable plans and specifications at \$321,000; but that at this point she was only requesting authorization to prepare the work assignment for those plans and there would be no cost for her to do this.

On motion of Councilmember Keene, with a second by Councilmember Dixon, the Council voted unanimously, 5-0, to authorize Julie Karleskint of Hazen & Sawyer to prepare a work assignment for biddable plans and specifications for a new Water Treatment Plant.

Councilmember Keene then asked if a location for the proposed well had been determined. Ms. Karleskint answered that according to Code, there is a 400' setback required around the well and there is not 400' available, so the City will need to request a variance. She also pointed out there will need to be a public hearing regarding the facilities use plan. **The Council, by consensus, scheduled the public hearing for the FUP for 5 PM on Tuesday, July 20, 2010.**

7. RECOMMENDATION BY THE CITIZEN ADVISORY TASK FORCE REGARDING PRELIMINARY RECIPIENTS LIST FOR CDBG FUNDING

The City Recorder reported that the Planning and Zoning Board members, serving in their role as the Citizens Advisory Task Force, unanimously approved the preliminary list of recipients for CDBG housing assistance. The listing, which was included in the agenda packet, is only preliminary in terms of ranking and that some of the intended recipients must provide additional documentation to Guardian as part of their qualifying process, which may, in whole or in part, end up shuffling the list.

She continued that final ranking will be determined by income, very low to receive first consideration, then low. Cost to benefit ratio of repair will also be a contributing factor. This benefit ratio will provide extra consideration for lesser cost; and in all rankings those persons, per category, who are disabled or handicapped, will receive extra consideration. The Recorder stated that Guardian, the CDBG Administrator, does require the Council's acceptance of the proposed preliminary ranking in order to move forward with the grant.

On motion of Councilmember Keene and seconded by the Deputy Mayor, the Council voted unanimously, 5-0, to accept the proposed preliminary ranking of CDBG applicants as presented on the list provided.

8. DESIGNATION OF FLC 84TH ANNUAL CONFERENCE VOTING DELEGATE

The City Recorder stated this item was related to the Florida League's 84th Annual Conference in Hollywood and that each city needs to designate a voting delegate to be submitted to the League prior to the start of the conference.

On motion of the Deputy Mayor and seconded by Councilmember Goodman, the Council unanimously approved the nomination and appointment of Mayor Johnson as the City of Arcadia's voting delegate at the FLC 84th Annual Conference.

ORDINANCES

9. FIRST READING OF ORDINANCE 960, NOISE

The City Recorder read Ordinance 960 by title and presented it on first reading. She informed the council that a copy of the proposed ordinance had been provided to the executive at Tremron and that he had been specifically invited to attend this meeting to discuss the ordinance.

On motion of Councilmember Goodman and seconded by Councilmember Keene, a voice vote of the Council recorded unanimous, 5-0, approval for first reading.

COMMENTS FROM DEPARTMENTS

10. CITY MARSHAL

Capt. Matt Anderson brought up the dispute regarding the "porch" on the south side of Wheeler's Café. He noted the porch does encroach onto the City's right-of-way and that the property owners have suggested they will donate other property in exchange for the City waiving the right-of-way where the porch is located. Capt. Anderson went on that it is the recommendation of the department to refer the matter to the Planning & Zoning Board for their review and recommendation. The Deputy Mayor suggested the attorney be involved in the matter also to assure legal compliance.

Councilmember Keene agreed, saying the City should look for solutions. Councilmember Dixon also agreed, adding it need not be complicated and that it is something he has seen before in other cities. Dr. Dixon continued that he had spoken with a previous Administrator regarding abandoned, unused alleyways and there is a State statute, which provides for closed alleyways to revert to the adjacent property owner once it has been closed for so many years. He cited a similar situation over by the courthouse annex behind Collins Management where a shed has been placed.

He continued he would like this transfer of ownership to be as least complicated as possible and that the additional small parcels be included on the city's tax rolls.

The Mayor recalled two examples where alleyway ownership was divided 50:50 between the two property owners.

The City Attorney raised two issues: first, that the ROW dedicated to the city by easement would still have an underlying property owner. He elaborated that if the City desired to vacate that ROW, it is a very simple process handled under Chapter 336 and by resolution although a public hearing and advertising would be required. The second point raised was the private issue of ownership once the ROW is vacated. The City Attorney spoke about what the deed to that property would indicate; whether it would revert to the adjacent property owner or if someone else had retained an ownership interest. He stated if the neighboring property owner had purchased it "lest and accept" the area covered by the easement, then they did not gain any interest in the property underlying the easement; however, if it says "subject to the easement" then interest would be to the center line. The attorney added ownership was questionable and he would be very hesitant to have the City issue any kind of opinion or determination as to who owns the property as a result of the City's vacation of the ROW.

Capt. Anderson stated it was the department's recommendation for the matter to go before the Planning and Zoning Board for their review and decision. The City Attorney responded it was not within the role of the P&Z Board but rather was at the discretion of the Council. The City Attorney will review the requirements and report back at the next meeting.

On another matter, the Capt. mentioned that several buildings were being rented for after-hours functions (e.g. bars, entertainment); and that the department has contacted many of them in the past, with each being very cooperative. However on occasion, the lessee is not always truthful about the purpose of the rental and one such incident occurred this past weekend at the "pink building" or "Garden Club". Supposedly rented as a graduation party, a call came in at 12:30 AM where teenagers as well as young adults were present, with several fights breaking out, there was an unfounded report of a gun, and an ambulance responding to a fainting patient was bombarded with rocks, shaken, etc. These are repeated types of incidents and the Capt. asked for assistance via an ordinance or statute to curb this "style" of party. He went on to say that he had three officers on duty who responded along with three sheriff's deputies for backup but were up against 250-300 party-goers, which was not good odds.

Councilmember Goodman suggested the Capt. discuss the matter with the attorney to see what legislation he can find to support the police or can write for implement into the code. The City Attorney stated he will look at the Statutes on non-profit rentals and have options on how to proceed at the next meeting, although initially he believes it may be related to occupational licenses.

11. ATTORNEY
A) UPDATE ON CITY ADMINISTRATOR CONTRACT

The City Attorney stated contract negotiations with Lawrence Miller had been completed with the terms as set forth at the last meeting, accepted by Dr. Miller and that the draft agreement had been put into final form. The Attorney continued the dates set forth in the contract are listed as July 12, 2010 through July 15, 2011.

With regard to Dr. Miller's adjunct professorship at St. Petersburg College, the Mayor suggested that just as the school board cannot control what teachers/administrators do after work, the City needs to look Dr. Miller's situation to see if his continuation as a professor can happen or should not happen. Councilmember Keene agreed, saying after a conversation with Dr. Miller, he believes the Council didn't have all the facts and therefore it should be at the discretion of the Council as to whether that position should be part of the terms of his employment agreement. Dr. Goodman added that the main concern is that the City of Arcadia gets the attention it requires in that there are some very pressing issues and should be his first priority. Councilmember Dixon agreed, saying he was previously unaware this professorship was for on-line teaching in the evenings and that he has no problem with Dr. Miller retaining the adjunct position now that he knows the facts.

Dr. Miller addressed the Council and the issue, calling it a possible disconnect from what was discussed at the last meeting. He added St. Petersburg College only allows an adjunct to work six hours (two classes) if they are employed elsewhere. His two classes are on-line, he grades different students' work and it is not something where he couldn't be in Arcadia at a moments notice to deal with a particular issue if needed. He then suggested the Council may want to revisit another issue within the contract as a means of saving the city money and creating a win:win situation for both parties-- that being health care. Dr. Miller stated he had worked for the State of New York for 31 years and has both a pension and a health care pension, so in terms of working for Arcadia, he doesn't necessarily need the health care package. Dr. Miller continued that when he spoke with Mr. Galvano, he wanted to make sure the attorney knew he was trying to plug himself into the city's salary structure; and following a review the city's budget, that is why he made the proposal he did as far as the contract negotiation.

Discussion followed on the cost of the health care benefit, which was estimated at about \$6,000 per year, but without exact figures, the consensus of the Council was to split the difference of the medical coverage benefit as an addition in calculating Dr. Miller's base salary. The City Attorney stated there was at least one more meeting before the contract is to go into effect, therefore the exact figures and small issues can be worked out with the contract coming back to Council in final form at the next meeting.

B) ACCOUNTS RECEIVABLE MANAGEMENT (ARM) OF FLORIDA

The City Attorney reminded everyone the Accounts Receivable Management contract had previously been approved pending legal sufficiency and that all issues have been worked out by Mr. Galvano.

12. ADMINISTRATOR

In the Interim Administrator's absence, the City Recorder read from a memo prepared by the Administrator on the matters below.

A) UPDATE ON US 17 VOID REPAIRS

"Regarding the voids on US 17, we have been informed that work will not begin until summer school is out. That being said Mike with Shenandoah construction is planning on July 17th

through 20th which should now meet with FDOT approval. The estimated cost for this phase of the project is \$45,062.50. It could be less if the actual number of hours in the estimate are not needed."

B) FDOT POLK STREET SIDEWALK

"On Wednesday, June 9, 2010, Jerry Cordes and [Shelly] met with Lindsey Barnwell and Stephan Verberne of FDOT to review and discuss the Polk Street sidewalk rehabilitation program.

First [I] want to make it very clear that the City will not be getting new sidewalks on Polk Street. This program is to address handicap accessibility only and for the most part will only affect the East side of the street with the exception of crosswalks.

Only the East side driveways and sidewalk aprons leading into the driveway will be removed and replaced. The rest of the sidewalk will remain as is including any chips, cracks, etc. Two sections of sidewalk by the Mercer Building will be replaced; however they must begin the saw cut 1' away from the building as it is considered a historic structure. This means that the chips against the building will not be replaced. Curbing will be replaced in some areas. It will not be the entire length of the street and will only be on the East side of the street. The concrete area that is at an angle next to the Mercer building will be removed and replaced with sod. This area cannot remain concrete as it leads pedestrians to believe that it is a sidewalk.

Pedestrian ramps will be replaced: at the intersection of Hickory and Polk, at the intersection of Oak Street and Polk, at the intersection of Magnolia and Polk on the North side of the crossing only. Pedestrian signals will be installed at the intersections as just noted. Also please be aware that these signals will take up sidewalk area specifically at the intersection of Oak and Polk."

Councilmember Keene asked about the City's options for this project. The Recorder responded this was an FDOT grant, basically the options were to say "no thank you" or add to the project cost in order to complete the project according to the Council's/City's specifications. Mr. Keene said he didn't want the FDOT to throw in a bunch of money that will conflict with the initiative of Main Street's Downtown Improvement Concept Plan. He continued that a part of that plan was to conduct several charrettes to receive input on how the community would like the area to look and although he is excited at the initiative of any FDOT project, he feels it may be just an interim step. Mr. Keene concluded saying he was not opposed to the FDOT project, but wanted to also be thinking about the long-range effect.

C) SCRAP MATERIAL (TIN AND TIMBER) AT THE LIVESTOCK MARKET

The City Recorder stated the city has received a request to purchase scrap items at the Livestock Market, such as tin and timber and that it was at the discretion of Council on how to dispose of those items.

It was the consensus of Council that the City should follow the policies adopted for the Sale of Surplus Material and get the most possible for the scrap items.

**D) DESOTO COUNTY PROPERTY APPRAISER ESTIMATED ASSESSED VALUE FOR
2010**

The City Recorder stated that the Interim Administrator/Finance Director had received an estimated assessed value for 2010 from the Property Appraiser's office and that accordingly the City will experience a minimum shortfall of \$150,000 if it adopts the same millage rate as last year of 8.0890 mils. This data was provided for information only.

E) REQUESTS FROM THE GOLF COURSE

The City Recorder reported that the Golf Course personnel have requested three items, namely:

- a reduced rate to \$10 after 12 PM for all days except Wednesdays, which is league day;
- to offer a Father's Day special where patrons bring their dad out for a day of golf with ½ price rates and receive a free hot dog and drink, and
- to conduct a night golf tournament

On motion of Councilmember Keene and seconded by Councilmember Dixon, the Council voted unanimously, 5-0, to approve each of the three items outlined above related to the golf course requests.

PUBLIC

Mr. Ken Clark, a representative for the Special Olympics, requested use of the golf course for practices up to the State competition. He explained a little about the program as has been done in the past, and the use of the practice green and driving range. Mr. Clark estimated the usage as two times per week through the July 22nd county tournament, and then continuing on through August for the state tournament.

On motion of the Deputy Mayor and seconded by Councilmember Dixon, the Council voted unanimously, 5-0, to permit the Special Olympics to use the golf course facilities for training and practice up through the Area 9 Olympic event.

Mr. Vaughn Aiken, 2072 NE Floridian Circle, referring to the issue with Tremron asked what the next step was in the noise ordinance adoption. The Mayor responded that once the ordinance goes into effect, any violation will be a matter for Code Enforcement. The Attorney added that the ordinance implements specific levels from particular noise sources and that the decibel meter in use by the police department can determine if a violation exists. Mr. Aiken felt that Tremron does not care about the noise or vibration their operations are creating because they are making a product and selling it. The Deputy Mayor answered that without this ordinance, there is no recourse for the noise; and Councilmember Keene addressed the Special Master hearing from a few weeks ago citing the existing parameters for noise could not be enforced so this is an attempt to tighten up on the noise readings. He also suggested including provisions for nuisances and environmental issues.

Councilmember Dixon reiterated that after the next meeting when the ordinance is officially adopted, it will give Code Enforcement something with "teeth" to enforce. He also pointed out that he personally had brought this needed legislation to the attention of the council and worked with

the attorney in initiating the ordinance revision. Dr. Dixon added he had discussed it with the Special Master, feels good about it, and believes the citizens will see a difference once adopted.

Mr. Aiken concluded by saying he has to be a good neighbor and that Tremron moved in on [us] and although he wants the Tremron plant operations to continue, they need to be good neighbors in return.

Mr. Dennis Tyson, President of Main Street, noted the first meeting on the downtown master plan is going to be July 15th at the Chamber of Commerce. He also questioned who would be caring for (watering and mowing) the grass as described in the FDOT sidewalk presentation and whether the pedestrian signage would be on new or separate poles.

Ms. Janie Watson asked about the surplus material at the Livestock Market and whether anyone could purchase materials.

MAYOR AND COUNCIL MATTERS

Councilmember Goodman complimented the staff on the coordination of the Ridge League of Cities dinner, saying she appreciates the hard work and effort that went into the event.

Councilmember Keene reported on the DeSoto County Economic Development Advisory Committee's third meeting and the progress to-date. He stated they had completed the strategic survey, with a consensus being to improve the gateways to the city. Mr. Keene also said the committee had received a presentation from the County's Code Enforcement and will invite the City's Code Enforcement to the next meeting. Meanwhile, the committee ranked industries they would like to attract to this area with the top four being: agriculture, manufacturing, technology, and energy. Mr. Keene noted some other topics were economic development incentives for businesses and investors for the community. He continued that Mandy Hines, of DeSoto County, has a presentation that goes along with the 'One Voice, One Community' theme and visioning discussions and that he would like to place her presentation on a future agenda.

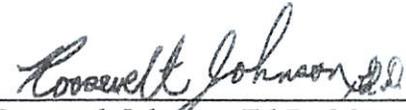
The Mayor also thanked the staff for the success of the Ridge League event, saying he had received "lots and lots" of positive comments; and that he has received many requests for the DVD which was shown. He also encouraged the other members of council to work hard with the Ridge League in order to continue [our] representation on the League's State and Executive boards at the end of his term.

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ADJOURN

Having no further business at this time, the meeting was adjourned at 7:45 PM.

ADOPTED THIS 6TH DAY OF JULY 2010.

By: 
Roosevelt Johnson, Ed.D., Mayor

ATTEST:


Dana L.S. Williams, CMC, City Recorder