

MINUTES
CITY COUNCIL
CITY OF ARCADIA
TUESDAY, MARCH 1, 2011
6:00 PM

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

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

Arcadia City Council

Mayor Robert Heine

Councilmember Sharon Goodman

Councilmember Martha Craven

Councilmember Roosevelt Johnson

Arcadia City Staff

City Administrator Lawrence Miller

City Attorney Jason Henbest

Captain Matt Anderson

City Recorder Dana Williams

Assistant City Administrator Judi Jankosky

Councilmember Johnson gave the invocation, which was followed by the Pledge of Allegiance and roll call. The Mayor announced Deputy Mayor Keene was in Atlanta this evening.

CONSENT AGENDA

1. MINUTES OF THE FEBRUARY 1, 2011 REGULAR MEETING
2. MINUTES OF THE FEBRUARY 15, 2011 REGULAR MEETING
3. MINUTES OF THE FEBRUARY 22, 2011 WORKSHOP
4. CHECK WARRANT FROM FEBRUARY 17, 2011
5. PRO SHOP FINANCIAL REPORT FOR JANUARY 2011
6. GOLF COURSE FINANCIAL REPORT FOR JANUARY 2011

Councilmember Craven requested that item #1 be pulled for discussion.

Councilmember Goodman made a motion to approve items #2 through #6 of the Consent Agenda printed above. The motion was seconded by Councilmember Johnson and unanimously, 4-0, approved.

Councilmember Craven refuted the portion of the February 1st minutes regarding her husband's involvement with the Way Building renovations. She stated Mr. Craven never told the contractor's to stop work, nor did he come to the Way Building on the date in question; but rather that information was relayed by Lester Hornbake of the County. Mrs. Craven also disputed the statement that employees had witnessed Mr. Craven's actions. Continuing, Councilmember Craven added that she, nor her husband, had done work to any of their buildings after November 2009 when the Historic Preservation ordinance was adopted. Further, Mrs. Craven distributed and read from a page of the *Florida Municipal Officials' Manual*

which states, in part "Minutes should provide a reasonable summary of the activities which occurred at the meeting, but they are not to be word-for-word transcriptions of the proceedings." She felt the verbatim portion included in the February 1st minutes were personal in nature having nothing to do with city business, but that if the Council insisted on allowing that section to remain, then all items under the Administrator's comments should be done verbatim.

Councilmember Goodman agreed with Mrs. Craven, adding that she had contacted the City Recorder following the meeting suggesting that the comments in question be summarized, rather to include all the verbiage.

The City Administrator responded saying he had requested the verbatim portion be included because he felt there were omissions to the minutes of his evaluation on January 11th, and hoped his response would set the record straight. In addressing Mrs. Craven's other comments, the Administrator stated he wasn't present on the morning in question but was told Mr. Craven had spoken to the contractor. In addition, he disputed that work to both Wheeler's Café and the Oak Park Inn hadn't been done after the enactment of the Historic Preservation ordinance, adding he had documentation from the building department.

On motion of Councilmember Goodman and seconded by Councilmember Craven, the Council voted unanimously, 4-0, to have the minutes of February 1, 2011, amended to remove the verbatim transcript portion and correct the references noted by Councilmember Craven.

DISCUSSION ITEMS

7. DESOTO COUNTY ECONOMIC DEVELOPMENT SHOP LOCAL INITIATIVE - MANDY HINES AND MIKE TABER

Ms. Hines and Mr. Taber presented DeSoto County's "Shop Local" campaign and materials. Mr. Taber discussed the 2011 goals of the project through a slide presentation focusing on the economic impact in DeSoto County, support for local businesses, spending dollars within the County that would remain in the County and partnering initiatives with key stakeholders. He also presented findings from a survey of independent businesses, before displaying the various components of the "Shop Local" campaign website. Mr. Taber next discussed the supporting accoutrements which will be available in the coming week.

8. N. ARCADIA AVE SOFTBALL FIELD LEASE BY DCYAA - MIKE JETER AND ELMER JOHNSON

Mr. Johnson, along with Mr. Jeter and Ms. Eva Lowe, talked about the effort to establish an adult softball league under the DCYAA's by-laws. He wanted to assure the Council that communication between the Southern Shockers and the adult league coordinator was open and flowing regarding all things associated with creation of the league, maintenance of fields, scheduling and the like.

The City Administrator invited Mr. Johnson to meet with him to keep the City informed regarding scheduling in the event there would inquiries by other groups about field use.

* **LEADERSHIP DeSOTO PROJECT - ELECTRONIC SIGN AT CHAMBER OF COMMERCE**

(This was a walk-on item at the request of Brian Burns, President of the Leadership DeSoto Class II.)

Mr. Burns gave a brief overview of Leadership DeSoto, saying that each class selects a project and raises funds to complete that project; and that this year the Leadership class, at the recommendation of Councilmember Keene, has selected an electronic decorative sign to be installed at the intersection of Brevard and Magnolia Streets on the Chamber of Commerce property. He went on to say the sign will be slightly larger and set just a bit farther back than the existing sign. The premise of the electronic sign is to get away from the "dingy" black letter that requires manual changing and is susceptible to weather and wind. Mr. Burns also stated the class had a fund-raiser planned for mid-April; but that in discussions with the City Administrator, he was informed the City's current sign ordinance does not permit this type of electronic signs and questioned whether the Council would be amenable to revisiting the sign ordinance.

The City Attorney, having read over Mr. Burns' materials, cautioned the Council about granting a variance for this sign, adding that decisions based on who is asking is a slippery slope and ventures into the first amendment. However, he added that if the Council were prone to granting the request, an update to the sign ordinance was certainly within the parameters.

Councilmember Craven asked if the Council were to allow this by amending the ordinance, could she then have a similar type sign on the side of her building next to Suntrust Bank. The City Attorney answered that would be a possibility, although the council did have the option to "draw lines" to limit these types of signs and that typically it would not be something every business would choose. He also added that flashing or scrolling illuminated signs were generally considered a public safety hazard along roadways, causing drivers to be distracted, so it is somewhat of a balancing act between providing information and the safety issue. He suggested that electronic signs could be limited to certain zoning districts or roadways and with a separation requirement or other such criteria. Mr. Burns stated he understood the DOT regulations to be based on setbacks, speed limits and traffic patterns.

Councilmember Goodman felt that while the project was not restricted to a particular business, it would enhance businesses throughout the community; and that she would like to find a way to work with this group, calling it a worthwhile project.

On motion of Councilmember Goodman and seconded by Councilmember Johnson, the Council voted unanimously, 4-0, to direct the City Attorney to prepare an update to the sign ordinance to allow for electronic signs.

ORDINANCES

9. FIRST READING OF ORDINANCE 964 RELATED TO NUISANCES

The City Recorder read Ordinance 964 by title. The City Attorney noted that language based on what Deputy Mayor Keene had suggested at a previous workshop, would be added to

Section 50-101 of this ordinance prior to second reading which is scheduled for March 15th.

Councilmember Craven made a motion to approve on first reading Ordinance 964 related to Nuisances. Councilmember Goodman provided the second and a voice vote of the Council recorded unanimous, 4-0, approval.

COMMENTS FROM DEPARTMENTS

**10. CITY MARSHAL
A) POLICE AND CODE ENFORCEMENT REPORT FOR FEBRUARY 2011**

Captain Anderson was available to address any questions related to the Marshal's report; however there were none.

**11. ATTORNEY
A) CITY ADMINISTRATOR CONTRACT AMENDMENT**

The City Attorney noted that at the last meeting, the Council had directed him to prepare an amendment to the City Administrator's employment contract extending the term through January 11, 2012, which is one year from the date of the probationary period evaluation. He continued that the simple amendment to that contract was included in the agenda package and that he had reviewed it with the City Administrator.

Councilmember Craven, reading from past meeting minutes, stated the original contract negotiation called for the Administrator to live within DeSoto County and to not have outside employment. The Mayor added the first version of the contract was drawn up with a specific dollar figure and the provision to relocate, however when Dr. Miller didn't need the City's insurance, the amount changed and the location provision was omitted. Councilmember Johnson pointed out that at a later meeting of the Council the Administrator's employment with St. Petersburg College was discussed and agreed to be allowed to continue.

The City Attorney stated the minutes clearly reflect the intention of the Council to have the Administrator relocate to DeSoto County; however during his discussions with Mr. Galvano, the subject of moving was not mentioned and therefore not included in the written terms of the contract. He continued that this amendment changes nothing other than the ending date of the contract and that if the Council wants to amend anything further that would be in a subsequent amendment realizing as a contract, all terms are subject to negotiation.

Councilmember Goodman stated initially she had wanted the City Administrator to reside within the County, but that it is no longer a concern of hers after seeing his involvement in the community. She added that Dr. Miller is more involved than some past administrators who did live here.

Councilmember Goodman made a motion to approve the First Amendment to the City Administrator's Contract and Councilmember Johnson provided a second. A voice vote of the Council recorded the following: In favor: Goodman, Johnson. Opposed: Craven, Heine. The tie vote resulted in no action. The Mayor asked at the amendment be placed on the next scheduled agenda.

12. ADMINISTRATOR
A) LOUIS ANDERSON PARK

The City Administrator noted he had attended a clean-up effort at Louis Anderson Park on Saturday, February 19th with volunteer members of Brothers' Keepers and the DeSoto County Homeless Coalition. Dr. Miller continued that there were numerous ideas for enhancing the park that would work to get young people off the streets and into positive development activities. Part of the effort was focused on repairing the basketball and tennis courts, refurbishing the baseball field and in general, doing to basic repairs that were long overdue. The Administrator added that he had also met with Coach Bowers who indicated he will support the effort of partnering with other community leaders to provide sports and tutorial programs for youth in the community.

He also mentioned the recent opening of the Business Center where the community was engaged, motivated and willing to work together; and the partnership with businesses on west-bound Oak Street in the sidewalk replacement/brick pavers to improve the quality of life throughout Arcadia.

B) CITY RECORDER POSITION

The City Administrator expressed his appreciation to the City Recorder who has agreed to stay on board through March 31st. He added that resumes for the position were being received sporadically and although he thought he had found a suitable candidate, she later withdrew her candidacy; and therefore the search continues.

C) TREMRON GROUP

The City Administrator reported he had met with John Gallagher, plant manager for Tremron, and taken a tour of the facility. Although a very engaging individual, Mr. Gallagher is limited by how much authority and power he has within the company. Mr. Gallagher did share his past efforts to reduce the issues of noise and appeared amenable to a workable solution if one could be found. He informed the City Administrator that Tremron wanted to be a good business neighbor in the community but that he did not have the authority to unilaterally make decisions to abate the noise which could cost thousands of dollars. The Administrator added that they will work together to address the issue and if a resolution cannot be reached, the nuisance ordinance, if adopted, will be in place for enforcement.

D) SAFETY COMMITTEE

The City Administrator stated he had met with the City's insurance company to discuss safety issues and the resurrection of a Safety Committee. He continued that individuals from various departments will serve on the committee as representatives of their department; before introducing Ms. Jackie Herrin who will serve as Safety Officer for the City. Dr. Miller also reported on the purchase of safety equipment, specifically AED's and Ambu bags and that many of the staff will be trained in First Aid and CPR in the near future.

Mr. Michael Carr suggested the City implement a recycling program to assist with both the issue of broken glass (bottles/jars) and as a 'pride in our city' campaign. He felt if a recycling program were in place, glass would not be in plastic bags or trash cans where it becomes a safety issue. He briefly spoke about the number of times broken glass has punctured his bicycle tires and asked the Council to consider a resolution the problem.

Ms. Janie Watson also addressed issues at the airport, saying the city's contractual obligation is to maintain the hangers and facility including the hanger doors and winches. Again, the Mayor mentioned the possibility of a workshop and Councilmember Johnson pointed out the issues at the airport were not Dr. Miller's fault nor did they suddenly occur over the past six months. The City Administrator added that he did mention the Butler Building in his previous comments but that safety issues such as fire suppression and a second form of egress were more critical. He explained this was not an event, but a process and that the City has reached out to the FAA to address the contractual concerns. Ms. Watson stated her ultimate concern was the City is losing revenue if the facility is not up to standard; to which Dr. Miller responded his priority is to operate a safe airport and fire suppression is a priority before the need to attract renters.

MAYOR AND COUNCIL MATTERS

Councilmember Craven felt the City was spending a lot of money that is not in the budget and questioned the need for a budget amendment. She added she is not opposed to spending money on parks, however the downtown businesses have been told there's no money available and have put in sidewalk pavers, pots, and plants at the owner's expense; yet downtown is the base of the City's revenues through property and sales taxes. She questioned how the City has money to do other things. The City Administrator explained that different departments have line items in their budgets for contractual services, which has been used to address the various needs and projects. He went on to say there has not been a budget amendment for the things completed this far, although certain projects have come back to Council for approval. In addition, Dr. Miller did not believe the city has shown favor in one community over another, pointing out the \$60k received from the stimulus package that was used to put bricks on the East side of Polk Avenue. He stated he tries to work with all people in the community and to discuss priorities.

The Mayor requested a workshop be scheduled to discuss issues at the Airport, including the Master Plan. No date or time was set.

ADJOURN

Having no further business at this time, the meeting was adjourned at 7:40 PM.

APPROVED THIS 15th DAY OF MARCH 2011.

By:



Robert W. Heine, Mayor

ATTEST:



Dana L.S. Williams, CMC, City Recorder