

MINUTES
CITY COUNCIL
CITY OF ARCADIA
TUESDAY, MARCH 16, 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
Systems Superintendent Fred Lewis

City Attorney Jason Henbest
City Marshal Charles Lee

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

SCHEDULED PRESENTATIONS

1. BEAUTIFICATION COMMITTEE REPORT - ADRIAN DALY/ BRUCE NEVEAU

Ms. Adrian Daly began by saying the committee had temporarily changed its name to "Concerned Citizens for A Cleaner Community", then continued on to discuss trash, debris and houses in disrepair throughout the city. She asked the Council what they could or would be willing to do to address the problems, since they are the leaders of the community.

Councilmember Keene responded that he was aware of the challenges and that the City is doing the best it can through Code Enforcement; however, at some point the community needs to take care of its own. He continued that as a community, he is excited by the group's pursuit and suggesting getting churches, civic groups, and other similar organizations involved. He did add that to fine someone (through code enforcement) was not the answer for making a change, but recommended the group get organized and develop a plan or course of action. Mr. Keene also stated that at the first meeting of the Economic Development Council, their consensus to was for the gateways and thoroughfares of the City to be the first focus for clean-up.

Ms. Daly answered that the City has an entire book of codes and regulations that are not being enforced. She felt the City was going to continue to deteriorate to the point of no return and added the group was looking to the Council for answers.

Councilmember Goodman stated that one sentence in the prepared beautification item "irked" her as if it were the Council who was throwing trash. Dr. Goodman continued that for eight

years, she has listened to this same kind of report and that it was not fair to blame the Council, it was time to stop pointing fingers and that the group apparently doesn't want to hear or see the results of what has been done. She went on to say that other communities have gotten together as a group to do clean up and/or beautification.

Mr. Neveau then read the prepared paper for the benefit of the everyone and at the conclusion, asked the Council where they should begin in order to make this a community project. He asked who, from the city, they should be coordinating with or talking to. The Mayor answered that the group should begin with the property owner then referred to a recent request by My Brother's Keeper organization about maintaining a particular street in the City. He added that churches and organizations need to start the process and followed up with an example from the City of Gainesville where they sponsored a clean up function. Mr. Neveau felt the inspiration and endorsement has to begin with the City and asked if there was a design committee or image consultant to represent the city. Councilmember Dixon pointed out the council were elected to legislate and not to pick up trash, and that he would not take the blame for others' littering or polluting. He added the City may support the clean up efforts with a truck to pick up bags once collected, but that the committee needs to take the lead. Dr. Dixon also addressed the trespassing issue related to entering private property; and encouraged the group to see the positive of what has begun and been done rather than to focus solely on what is remaining.

Ms. Genie Martin quoted code chapters for enforcement of clean up and asked if the Council would help during weekends. Ms. Martha Craven also spoke saying she had been visited by Code Enforcement for non-payment of her business license, but thought there were other offenses worse than hers that Code Enforcement should be focusing on.

Councilmember Goodman asked the Mayor to move on, citing 30 minutes had been spent on this topic alone and that the Council had provided the group with suggestions.

CONSENT AGENDA

2. MINUTES OF THE MARCH 2, 2010 WORKSHOP
3. MINUTES OF THE MARCH 2, 2010 REGULAR MEETING
4. FINE & ESTREATURES REPORT
5. AIR-CADIA FLOWAGE & HANGER RENT REPORT FOR FEBRUARY 2010
6. REQUEST BY THE COMITE CINCO DE MAYO-AZTECA PROMOTION TO HOLD ANNUAL CINCO DE MAYO PARADE ON MAY 1, 2010
7. APPROVAL TO DONATE TWO (2) ROUNDS OF GOLF TO THE BIG TREE GOLF LEAGUE AS A DOOR PRIZE FOR THEIR ANNUAL BANQUET.
8. ARCADIA GOLF COURSE REPORT FOR THE MONTH OF FEBRUARY 2010
9. REVENUE & EXPENSE REPORT FOR JANUARY 2010
10. CORRECTION OF ANNEXATION ORDINANCE #957 (ARCADIA GOLF COURSE)

On motion of Councilmember Keene and seconded by Councilmember Dixon, the Council voted unanimously, 5-0, to approve items #2 through #10 of the Consent Agenda printed above.

PROCLAMATIONS

11. PROCLAIMING APRIL AS CENSUS 2010 MONTH

Councilmember Dixon made a motion to have the proclamation read aloud. Councilmember Goodman provided a second and the motion carried unanimously, 5-0.

The City Recorder read the proclamation.

Councilmember Dixon then made a motion to approve the proclamation, which was seconded by Councilmember Goodman and unanimously, 5-0, approved.

DISCUSSION ITEMS

12. NON-BINDING REFERENDUM RELATED TO UNINCORPORATING THE CITY

Councilmember Goodman opened the discussion by saying she had requested this topic since there has been so much discussion within the community including the round table discussion from a few weeks ago; and that Mr. Negley had confirmed with her a non-binding referendum could be added to the ballot at no cost to the city. Dr. Goodman continued that she would like to know how the citizens, and not just a small handful, feel about disbanding the city.

Councilmember Dixon stated he too had heard discussion of the subject around town; and while he is in favor of putting the question on the ballot, after hearing from Mayor Marks of Tallahassee "how important cities are at the League," he is not in favor of giving up the city unless the City was not financially sustainable. Councilmember Keene was also opposed to unincorporation; but felt that only a small handful of people are talking about it. He continued that with the low voter turnout, he is unsure whether the data collected would be valid and thought that perhaps a workshop on the topic would be a better forum. The City Recorder suggested that perhaps a poll could be added to the City's new website, once it is launched, to gauge community interest/opinion.

The Mayor felt only a vocal minority were discussing the issue and the Deputy Mayor felt people from both the City and County were complaining; adding the City is doing the very best it can with what [we] have but that there has never been a more cooperative spirit between the two entities.

On motion of Councilmember Goodman and seconded by Councilmember Dixon, the Council voted unanimously, 5-0, to initiate the necessary steps to include a non-binding referendum on the next City election ballot regarding retaining or unincorporating the City of Arcadia.

Councilmember Goodman then spoke about the non-public comments being made from the audience while the Council was deliberating and conducting City business. She cautioned members of the public that these chambers were small and comments regarding individual Councilmembers were often overheard by friends or family members also sitting in the audience; but that regardless of whether or not the public agrees with the decisions of the Council, the disparaging comments are disrespectful and may end up in a court of law.

13. APPLICATION FOR WATER SERVICE AT 1201 SW HARLEM CIRCLE

The Systems Superintendent explained this application as one which will require both the Council's and the Housing Authority's approval since the applicant is desiring to connect to the water lines of the Housing Authority. He continued that the applicant would be responsible for installation of the water line from the meter to the residence.

Councilmember Dixon asked if this was the vacant lot adjacent to the church (House of the Refuge of the Church of God) to which the Systems Superintendent responded it was. The Deputy Mayor questioned the requirement for annexing the property into the City as part of the service, to which it was determined as not a requirement. Dr. Dixon then asked about the possible loss of water pressure but the Systems Superintendent explained that would not be a problem.

On motion of Councilmember Dixon and seconded by Councilmember Goodman, the Council voted unanimously, 5-0, to grant the request for water service at 1201 SW Harlem Circle pending approval by the Arcadia Housing Authority.

Councilmember Dixon stated other properties in the Golden Medley and Harlem Circle area would like to be a part of the City government process also and we may want to look at annexing those areas.

COMMENTS FROM DEPARTMENTS

14. CITY MARSHAL

The Marshal had no report.

15. ATTORNEY

The Attorney reported that at the last meeting, he was instructed to prepare a letter to the State putting them on notice for mitigation and remediation at the cattle dipping vats site of the Livestock Market and that a copy of the draft letter had been prepared as distributed. The Attorney continued that he had shared a copy with Mr. Galvano who informed him, he sees Commissioner Bronson nearly every day and thought a friendly conversation with the Commissioner may make faster headway. The Attorney recommended withholding approval of the letter until the next meeting in order to give Mr. Galvano the opportunity to discuss the matter with the Commissioner and if the desired result is not forthcoming, the formal letter could then be sent.

A) AIR-CADIA LEASE PURCHASE AGREEMENT

The City Attorney then reported that he had spoken with Mr. Ribel late this afternoon who had some concern with paragraph 4 of the proposed agreement. The Attorney distributed copies of a revised paragraph 4 and covered the amendments and rationale for those changes.

The Interim Administrator pointed out the payment schedule should be four years rather than three as agreed upon at the last meeting with the concurrence of the Minnear's; and that an environmental study is currently underway at the airport property at the request of the City. The Interim Administrator also referred to a letter of support by the Airport Advisory Committee, which was provided at the dais this evening. The Attorney then stated there were two

typographical errors that also needed correction but that if it were the desire of the Council to proceed with the purchase agreement, he would recommend using this agreement as amended to act upon.

The Deputy Mayor made a motion to approve the agreement to terminate the airport lease between the City of Arcadia and Air-Cadia, Inc. as presented in the agenda packet and with the updates as discussed at this meeting, and specifically the updates to paragraph four (4). The motion was seconded for discussion by Councilmember Goodman.

Councilmember Dixon clarified the motion being considered was for the purchase of the lease for the airport at a price of \$150,000 to be paid with \$50,000 up front and four \$25,000 annual installments. The City Attorney confirmed in the affirmative and added there was also a provision included for the transition being that the agreement would go into effect on the first day of the first month following its execution.

The Deputy Mayor then asked about a 90-day grace period at the request of the Minnear's in order to complete some unfinished work. The Attorney confirmed with Mrs. Minnear that it would be the business of *The Leading Edge*, a sublet business whose agreement would be attached to this one essentially making the City the landlord over the subleased tenant.

Councilmember Dixon, referring to the tough economic times with several major airlines going out of business or cutting personnel, asked the Finance Director about the financial shape of the city and whether or not the City was financially sound noting in particular some concern with not having met our bond covenants. Before she answered, Dr. Dixon added he was in favor of the City taking possession of the airport although not on the terms as presented. The Interim Administrator/Finance Director responded yes, the city through its general fund from which this transaction will be funded, is financially sound. She continued the bond is a water/sewer enterprise fund; and while the purchase of the lease will have to be budgeted, it will also provide increased revenues through hangar rents, fuel sales and the like. In response to another point made by Dr. Dixon, the Finance Director stated the audit would show that revenues do not meet expenditures but that this purchase could be done within parameters.

Referring to the motion made above, the Mayor called for the vote, which recorded 3-2 approval with the Mayor and Councilmember Dixon dissenting.

B) RUPP TERMINATION LETTER

The City Attorney also reported on letter received from attorneys representing the former City Administrator requesting the possibility of a settlement for wrongful termination. The Attorney stated there is no reason to negotiate at this point, however he wanted to bring the matter to the attention of the Council and seek direction. He stated that he sat through the entire termination and that legally he felt nothing was done wrong. He added it had also been referred to the city's insurance company, which stands ready to address it.

Councilmember Keene asked about the reference to a "duly noticed public meeting" to which the City Attorney answered was merely an implication that since the termination was not an agendaed item, the termination was somehow "wrongful" but that as long as the *meeting* was properly noticed - which it was - the council is free to consider other matters.

Councilmember Dixon stated after speaking to the Mr. Galvano and the Interim Administrator, he was very confident everything was handled properly but that he is concerned about this going to the insurance company, adding in his opinion there is nothing to negotiate. He continued that the former Administrator received severance which she would not otherwise be entitled to had the termination been for cause and that she was unemployed when the City hired her. The City Attorney explained the City has insurance coverage for a reason and as part of that, the company will indemnify the City should any finding of wrongdoing be determined; but at this time, the insurance company was simply put on notice.

16. ADMINISTRATOR
A) REPORT ON AUCTION PROCEEDS

The Interim Administrator reported the City had received \$21,750 from the sale of equipment and machinery at the auction of March 6th.

B) SEWER REPAIR ISSUE AT HWY 17 BETWEEN VOLUSIA AND CYPRESS

The Interim Administrator also reported on a major sewer issue at Highway 17 and Volusia Avenue where a large section of pipe has caved in. She continued that the repair cannot be done with a slip liner but must be completely removed and replaced which will require a section of Highway 17 to be cut out in order to access the pipe. She went on to say the City will repave the road once the pipe is installed but that cost estimates exclusive of repaving are approximately \$46,000. The Interim Administrator stated the work is beyond the scope of City staff and has been contracted out with Shenandoah Construction as an emergency situation and that there are currently two pumps running 24/7 to keep the sewer flowing.

The Systems Superintendent briefly explained his crew had tried to clear the pipe but that there is approximately 200' of questionable area where the vitrified clay pipe has simply collapsed, posing a possible threat for a sinkhole. Councilmember Keene asked about the exact location to which the Systems Superintendent answered on Brevard (17 North) from Cypress to Maple.

Councilmember Dixon added there is a section of Orange Avenue which has sunk down 10-12" and rather than incur additional debt (referring to the City's purchase of the airport lease), if the City has an "extra" \$50-100,000, it should be used to fix the sidewalks and streets.

C) OTHER

The Interim Administrator advised the Council that Ms. Ann Hilliard had resigned from the Airport Advisory Committee and the City will be placing an ad seeking applicants. She also stated that advertising for the Planning & Zoning Board and Redevelopment and Economic Advisory Committee had been placed in the *Sun* and *Peace River Shopper* more than once with no responses having been received.

PUBLIC

Ms. Pamela Robinson who lives at the corner of Monroe and Walnut Streets, asked about a petition to have speed limit signs posted for 20 MPH that area, adding there is a pre-school near

there and neighborhood children playing but that cars race down the street. She also mentioned a city runoff there, which has caved in but is not fenced off and the danger for children running through it. She requested the speed limit be dropped and signs posted accordingly. The Mayor asked the Marshal to observe that area to determine need, and the Marshal agreed to do so.

Ms. Genie Martin apologized to the Council saying she did not mean to offend of them with her earlier remarks. She also briefly announced a concert to be held in her honor at the first Presbyterian church on March 21st.

Mr. Rufino Rodriguez, president of the Comité Cinco de Mayor-Azteca Promotion thanked the Council for approving the parade request and for the support of the City.

Ms. Ann Hilliard stated the reason for her resignation from the airport committee was due to health reasons. **On motion of Councilmember Goodman and seconded by Councilmember Dixon, the Council voted unanimously, 5-0, to authorize a letter of appreciation be presented to Ms. Hilliard for her service on the Airport Advisory Committee.**

Ms. Janie Watson addressed the Council about their having mentioned a workshop with regard to the beautification efforts and asked if it would be appropriate to set a date/time at this point. It was explained to Ms. Watson the meeting would not be a Council workshop, but rather one of the committee who would establish their own date and time and that an invitation should be sent to the Mayor if they would like a city representative to attend.

MAYOR AND COUNCIL MATTERS

The Deputy Mayor asked the Marshal about the street light outages supposedly reported six weeks ago. The Marshal answered the list had been provided to FPL, but that they had cut way back on services and personnel. The Deputy Mayor asked that FPL be reminded again.

Councilmember Dixon reported on the Ridge League of Cities dinner meeting recently attended and the discussion of the speaker, the Mayor of Tallahassee, was that a major priority throughout Florida was sidewalks. Dr. Dixon felt sidewalks were a very important avenue for people to travel and that a person in a wheelchair recently let him know some sidewalks in Arcadia pose a threat of the chair flipping over. Councilmember Dixon also pointed out that Bartow is redoing all their sidewalks with stimulus money and hoped Arcadia's new Administrator would be aggressive in going after some of that money as well. He will provide some information to the Interim Administrator.

Councilmember Keene reported on his negotiations with DeSoto County representatives regarding purchasing water, saying more data is still needed in order to determine capacity etc. but that he would like to bring the water management district and DEP into the discussions. Mr. Keene stated that conservation measures are encouraged by the water management district and also that the city's consumptive use permit have value. He briefly discussed water values from the district, how much water is available in those different values or "layers of water", and how all entities do not necessarily use their allocation. Mr. Keene did say there was a very cooperative spirit in working with the county.

Councilmember Keene then again briefly covered the first meeting of the Economic Development Committee meeting wherein they came to the consensus that to focus on the gateways and appearance of our thoroughfares is the key to turning things around.

The Mayor also mentioned the Ridge League of Cities dinner meeting saying they have had some wonderful speakers and booths set up to distribute information; and he encourages others to attend. He reported that the recent meeting in Bartow had 235 in attendance. The Mayor also wanted everyone to encourage students of DeSoto County to apply for the Ridge League Scholarship program, which offers four \$2,500 scholarships annually. He added that in the past about four DeSoto County students have received the award but this year there were only 12 applicants without any from DeSoto County.

Councilmember Dixon also asked the Recorder about the status of the Administrator background checks. The Recorder stated she had received the waiver for background checks for each of the selected candidates and had turned that information over to the Marshal. The Marshal added he had begun the local criminal and educational background investigations but that the FDLE reports would take about two weeks to come back although he had received verbal clearance on most. Councilmember Dixon then asked if the Council should set the date and time to begin interviews; and the Mayor suggested the Council might want to review the questions to be asked. Councilmember Keene stated he definitely wanted to review the questions and recommended the members suggest a timeline by the next meeting. The Recorder explained the Council had previously approved the questions to be asked; although it was the consensus of Council to revisit them once again.

On motion of Councilmember Keene and seconded by Councilmember Dixon, the Council voted unanimously, 5-0, to conduct a workshop at 5 PM on April 6, 2010, for the purpose of examining and formulating a list of questions to be asked of the City Administrator candidates.

The Mayor asked the Interim Administrator to begin preparations for the City of Arcadia to host the Ridge League on June 10th, noting this will be the meeting where the scholarships are awarded.

ADJOURN

Having no further business, the meeting was adjourned at 8:02 PM.

APPROVED THIS 6th DAY OF APRIL 2010.

By:


 Roosevelt Johnson, Ed.D., Mayor

ATTEST:


 Dana L.S. Williams, CMC
 City Recorder