

MINUTES
CITY COUNCIL
CITY OF ARCADIA
TUESDAY, MAY 4, 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 Sharon Goodman
Councilmember Lorenzo Dixon

Deputy Mayor Robert Heine
Councilmember Keith Keene

Arcadia City Staff

Interim City Administrator Shelly Baumann
City Recorder Dana Williams

City Attorney William Galvano
City Marshal Charles Lee

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

SPECIAL PRESENTATIONS

1. PRESENTATION BY THE DESOTO COUNTY MURAL SOCIETY

Ms. Charlotte Carter, President of the DeSoto County Mural Society introduced the other members who were in attendance, before providing a brief background on the status of the first mural project. She then turned the podium over to Ms. Martha Craven, Vice President, who made a request of the City to replace the sidewalk along Polk Avenue, in front of the Rodeo mural. Ms. Craven went on to say the society has found someone who will dig up and remove the existing concrete sidewalk at no charge and that they hope to sell brick pavers to further enhance the area. However, the Society is requesting the City incur the cost of the concrete sidewalk portion which is 6' wide and 112' long.

Councilmember Dixon asked the Finance Director about the cost and whether the City had the money available. The Finance Director/ Interim Administrator answered the cost of the project for concrete and forms would be approximately \$1,030 and that the City could use infrastructure funds for this without impacting the general fund.

Councilmember Dixon then made a motion to grant the request of the DeSoto County Mural Society to have the City replace the sidewalk in front of the Rodeo Mural. Councilmember Goodman provided a second to the motion.

Upon discussion, Councilmember Keene questioned whether the Council should incorporate a "not to exceed" amount in the motion.

Councilmember Dixon amended his motion to include a not to exceed amount of \$1,200. The amendment was accepted by Dr. Goodman and a voice vote recorded unanimous, 5-0, approval.

2. UPDATE OF CITY OF ARCADIA MASTER PLAN

Ms. Susan Swanson, Executive Director of Arcadia Main Street, made a presentation asking for endorsement of the Arcadia Master Plan. She covered the four-page summary which outlined downtown improvements; adding her board had unanimously voted to support the plan. She then briefly covered a scope of services presented by SimplyVerde, a planning and landscape architectural firm. Ms. Swanson continued that the project cost is estimated at \$7,000 of which the Main Street program will cover 50% or \$3,500 and requested consideration from the City to cover the remaining half.

Ms. Swanson introduced Mr. Jeff Nagle of SimplyVerde who discussed walkability, greenways, connectivity and a trail system. He also discussed the steps of data collection, renderings and overlays, and LAP (local agency program) funding for the master plan project.

Ms. Mary Kay Burns of the DeSoto County Health Department, spoke about the departments' involvement to fight obesity and increase walkability, before adding the Health Department had recently been awarded a \$3,500 grant from the Robert Wood Johnson Foundation which they will donate to this project to cover the remaining half of the project cost.

The Council expressed their gratitude to the Health Department, pointing out this was a prime example of various entities working together for a common goal.

CONSENT AGENDA

3. MINUTES OF THE APRIL 19, 2010 CANDIDATE INTERVIEWS
4. MINUTES OF THE APRIL 20, 2010 REGULAR MEETING
5. MINUTES OF THE APRIL 21, 2010 CANDIDATE INTERVIEWS
6. MINUTES OF THE APRIL 22, 2010 CANDIDATE INTERVIEWS
7. REQUEST AUTHORIZATION TO PLACE 1/2 PAGE B/W AD IN THE FLC 84TH ANNUAL CONFERENCE PROGRAM WITH APPROPRIATE CHANGES (\$300)
8. REQUEST OF ARCADIA MAIN STREET TO CLOSE OAK STREET BETWEEN DESOTO AND ORANGE AVENUES FROM 4 - 9 PM FOR CAR SHOWS ON MAY 7, JUNE 11, AND JULY 9.
9. REVENUE & EXPENDITURE REPORT THROUGH MARCH 31, 2010
10. ARCADIA MOBILE HOME PARK REPORT FOR APRIL 2010

On motion of Councilmember Keene and seconded by Deputy Mayor Heine, the Council voted unanimously, 5-0, to approve items #3 through #10 of the consent agenda printed above.

(Item of correction: The original memo re: item #8 above should have stated May 14th, not May 7th)

DISCUSSION ITEMS

11. REQUEST FROM ATTORNEY RIBEL FOR COUNCIL REVIEW OF PROPOSED LEASE BUY OUT AGREEMENT WITH AIR-CADIA

Mr. Ribel stated that he was presenting the lease buy-out agreement with the original

conditions as presented at the onset of discussion several months ago. The City Attorney added he had been in touch with Mr. Ribel's office earlier and confirmed the conditions of the agreement as presented. The Interim Administrator confirmed the payment installments were scheduled for four years and not three.

The Deputy Mayor offered a motion to approve the lease buy out agreement with Air-Cadia as presented. Councilmember Keene provided a second to the motion. A voice vote of the Council recorded the following: YES - Keene, Heine; NO - Dixon, Goodman, & Johnson. The motion failed 3-2.

12. DISCUSSION OF WATER TREATMENT PLANT OPTIONS

Ms. Julie Karleskint of Hazen and Sawyer, began by stating the plans and specifications for the Interconnect with DeSoto County had been delivered today and that DEP has notified her the permit is en route.

Ms. Karleskint then discussed the water treatment plant options. She informed the Council the facility use plan had been submitted to the DEP on April 15th but the capital financing plan would be submitted later, hopefully sometime next week and that once the rate impact is determined, a public hearing will be scheduled. Ms. Karleskint continued that she and Councilmember Keene had met with the Chris Rogers of DeSoto County to discuss the option of connecting to the County's system. According to Mr. Rogers, the County could assure a provision of 300-350,000 gallons of water per day for three years at \$3.05 per 1,000 gallons. However, the city currently requires 900,000 gallons per day to operate; and even if blending were the chosen alternative, the City would need at least 450,000 gallons per day to assure water quality. She went on to say the city has been looking at adding a new well but to-date the test well has not been done, making the availability of water there an unknown at this point.

To address financing, Ms. Karleskint stated the USDA grant has not yet been submitted though the City remains on their active list in the event the SRF loan does not come through. She added she is working towards getting a grant loan through the DEP and will find out in July if that comes through. If the city were eligible for an SRF grant, it would be for approximately \$2 million with alternate financing sought for the remaining \$4 million. She continued that the city would have to be ready to go, as a design/build option were that grant to be awarded.

Councilmember Dixon stated that he has optimism for the city to move forward and prefers ownership to renting or leasing. He also confirmed the debt service was currently \$275,000 per year on the wastewater plant which will be paid off in 2012. Dr. Dixon then asked what the calculation of debt would be for the water plant financing. The Interim Administrator responded that payments would be roughly \$170,000 per year on the \$2 million grant or \$270,000 per year on the SRF \$6 million loan; both of which are less than the city is currently paying. Councilmember Dixon then pointed out the City would own the asset as well as realize a reduction in the existing debt payment. Ms. Karleskint was adamant to point out the City's distribution and collection systems were in bad shape and advised the Council to consider putting money aside for improvements to those systems regardless of their decision to move forward with the construction of water plant. She suggested that perhaps a rate increase would be advisable in the coming budget year as a matter of addressing repairs and maintenance to the systems in a proactive manner. Councilmember Dixon added that although he loves the idea of working with the County, their

engineer has stated the County cannot provide a sufficient water supply.

Councilmember Keene pointed out also that water availability is not as much the issue as water conveyance is and that we can't get the water that we have where we need it. He went on to say that it is a complex issue with many opportunities to do things collaboratively, such as the interconnect, but that time is of the essence and the city needs to move forward and have a plan ready to go. Mr. Keene also pointed out the huge deficiency in savings and budgeting for renewal and replacement. Councilmember Goodman stated her appreciation for Mr. Keene's efforts and shared Dr. Dixon's sentiments about ownership; adding it was very important for the city to hang on to the assets which it has.

13. CONSIDERATION OF ENTERING INTO AN AGREEMENT WITH ACCOUNT RECEIVABLE MANAGEMENT OF FLORIDA (ARM OF FLORIDA) FOR COLLECTION OF DELINQUENT ACCOUNTS

The Interim Administrator requested approval to contract with Account Receivable Management of Florida (ARM) for collection of unpaid and delinquent utility services. She went on to say that at one point the city did use a collection agency but that the timing of things within that company didn't work out to the benefit of the city.

Councilmember Keene asked how this would be funded to which the Interim Administrator responded it was fee based on the amount(s) collected. Councilmember Dixon asked what the percentage would be. The Interim Administrator answered it could be as low as 15% or \$2.50 per account if a flat rate were used. The Mayor pointed out that delinquent accounts were high and the Interim Administrator agreed, saying that there were 53 turn-offs during one cycle of this month alone. She went on to say the City needs to be more aggressive in the collection of those accounts. Councilmember Keene asked about the track record of this company to which the Interim Administrator did not have an exact answer but did respond the company provides periodic testing of their representatives regarding statutory requirements, and that all calls are recorded and monitored.

On motion of Councilmember Goodman and seconded by Councilmember Dixon, the Council voted unanimously, 5-0, to authorize entering into an agreement with ARM of Florida for collection of delinquent accounts.

The City Attorney pointed out the information provided was merely an overview and that the actual agreement would be forthcoming.

14. REQUEST FROM COUNCILMEMBER DIXON TO DISCUSS CODE §50-67 NOISY VEHICLES OR EQUIPMENT

Councilmember Dixon stated he originally requested this item but believes there will be quite a bit of discussion regarding it and therefore recommends setting a workshop on the matter. However, he did explain the City's noise ordinance appears antiquated and without clarity including the fact there is no mention of decibel levels, how to monitor noise or enforce it. Dr. Dixon went on to mention the Code Enforcement hearing, which took place earlier in the day whereby the presiding Special Master deferred a ruling based on the fact the code, as written, is not enforceable. Councilmember Dixon added he has looked at the noise ordinance for Wauchula,

Sebring and similar cities that have definitions and clarity to them.

The City Attorney stated noise ordinances are very difficult to have on paper and difficult to enforce because by their nature, there is some level of subjectivity. He continued that in looking at the Arcadia code he found it to be "old school" with a "tremendous level of subjectivity" citing as an example, the wording of "loud and unnecessary". The Attorney went on to say that although examples from other cities were provided, he would caution the Council on the converse in that even if a perfect noise ordinance were to be crafted, acquiring a decibel level is "easier said than done." He suggested that his office be allowed to put together a sample ordinance for consideration at a workshop.

It was the consensus of Council to conduct a workshop on a noise ordinance on Tuesday, May 18th at 5 PM.

COMMENTS FROM DEPARTMENTS

15. CITY MARSHAL

The Marshal reported that in conjunction with the previous item, there was a need to bring the Tremron issue before the Special Master even though it was the Council's desire to suspend the original violation. He went on to say he was advised that because currently there is an ordinance on the books, enforcement cannot be selectively ignored. The Special Master has granted a 60-day deferment since as written the ordinance is not enforceable due to its subjectivity; however within those 60 days, the City must at least "be on the road to a fix." The Marshal asked that the Council look not just at this particular code section, but several which are old, vague, and out-of-date.

16. ATTORNEY

The City Attorney had no report other than to say it was good to be back in town following the legislative session.

17. ADMINISTRATOR

A) ACKNOWLEDGE RECEIPT OF A COPY OF THE 2009 ANNUAL FINANCIAL REPORT

The Interim Administrator/Finance Director presented the 2009 Annual Financial Report to each member of Council, who acknowledged receipt of their copy.

B) PHASE II ENVIRONMENTAL STUDY OF THE AIRPORT

The Interim Administrator, responding to a request for additional information related to the Phase II environmental study at the airport, listed the five different areas along with a price for each, two of which pertained strictly to *Air-Cadia*, but added that in light of the fact the Council has chosen to not move forward with the agreement, it would be at the Council's discretion whether or not to proceed with the environmental study. She added should the Council move forward with this assessment the study is an "all or nothing" scope of service which cannot be done in pieces. She went on to say that once ESI finds findings they would have to proceed with testing for everything identified as a concern. The Interim Administrator advised the Council that since this was in excess of \$20,000 and not of an emergency nature, it could be deferred until next budget year.

Councilmember Keene requested additional research on the statement inference that a proper tank closure assessment had not been done. He added the records on that were at his office, which he would review, and report back; but that he believes the tanks were originally installed in secondary containment, that the containment is still there and if so, a closure assessment would not have been required.

The Interim Administrator then reported on the sewer issue on Highway 17, saying the City is still waiting for the results of the ground-penetrating radar, which will determine whether there are any additional voids. Once that report is received and the results reviewed, the city can decide on a proper course of action.

She also reported that most of the palm trees downtown did not make it through the frost this year and will need to be replaced. A representative from Arcadia Main Street has suggested that when the trees are removed, bricks be placed in the concrete opening until they can decide on a suitable replacement.

PUBLIC

No one from the public wished to speak.

MAYOR AND COUNCIL MATTERS

The City Recorder requested the Council's preference on individual or the group photo of the Council for use with the FLC Annual conference program ad approved in item #7 above. It was the preference of the Council to use the group photo.

She also announced the launch of the city's website - www.arcadia-fl.gov and encouraged everyone to look it over and provide any feedback or comments.

The City Recorder also distributed the rating/ranking score sheets from the Administrator interviews noting the top three candidates were: Lawrence Miller of Lakewood Ranch, James Bursick of Vero Beach, and Eric Kuykendall of Rosebud, Texas. Councilmember Dixon reminded everyone that the Council had authorized him and the Marshal to conduct employment and educational background checks on the top three candidates prior to an offer. He asked the Recorder to advise the applicants of the status of the process and to place the item on the May 18th agenda.

Councilmember Goodman announced the Leadership DeSoto class was conducting a fundraiser dinner for their class project to install a fitness addition to the Walt Brewer Sports Complex. The fundraiser will be a spaghetti dinner and poker tournament on May 13th at the Chamber. Anyone interested in tickets should contact her.

Councilmember Dixon as part of his vision for the City, put into writing some ideas to help move the City forward, particularly in the area of readjusting/stabilizing finances to provide for infrastructure improvements. He asked the City Recorder to provide copies to all Councilmembers, the City Attorney and the Marshal and to include the item for discussion on May 18th.

Councilmember Keene stated that he had been contacted by a resident about the ability and regulations for driving a street-legal electric golf cart on a public highway. He recalled provisions made for allowing golf carts on roadways in certain parts of the county, but asked the City Attorney for the criteria of such within the city limits.

The City Attorney stated legislation was proposed this year to make a uniform approach to golf cart usage on state roads vs. county roads vs. city roads; but that unfortunately the legislation did not pass. He did propose that as a rule of thumb beyond the state road and if the cart is street legal, it might "carry today" although it is currently an issue in this state and can create a dangerous situation. The Mayor and others recalled the topic having been discussed in the past. The City Attorney is going to provide the Council with a copy of the legislative staff analysis; and the Marshal also had some research on the issue.

The Mayor thanked everyone for his or her visits, cards, flowers and prayers during his recent illness.

ADJOURN

Having no further business at this time, the meeting was adjourned at 7:20 PM.

APPROVED THIS 18th DAY OF MAY 2010.

By: Roosevelt Johnson, Ed.D.
Roosevelt Johnson, Ed.D., Mayor

ATTEST:

Dana L.S. Williams
Dana L.S. Williams, CMC
City Recorder