

MINUTES
CITY COUNCIL
CITY OF ARCADIA
TUESDAY, NOVEMBER 17, 2009
6:00 PM

CALL TO ORDER, INVOCATION & PLEDGE OF ALLEGIANCE

The meeting was called to order at 6:00 PM with Councilmember Keene giving the invocation which was followed by the Pledge of Allegiance. The Mayor then called roll with the following members and staff present:

Arcadia City Council

Mayor Roosevelt Johnson
Councilmember Sharon Goodman
Councilman Lorenzo Dixon

Deputy Mayor Robert Heine
Councilmember Keith Keene

Arcadia City Staff

City Administrator Markae Rupp
City Attorney William Galvano
Parks Director Kathleen Fox

City Recorder Dana Williams
City Marshal Charles Lee

SPECIAL PRESENTATIONS

1. MEMORIAL TO ANTHONY "BLAIR" STURM

The City Recorder read a memorial tribute honoring Anthony "Blair" Sturm prior to the Mayor presenting a framed version of the memorial to Mrs. Nancy Sturm and her children.

2. RECOGNITION OF DON WATERS' RETIREMENT

The City Recorder read a proclamation honoring Don Waters' retirement from the City. The Mayor presented Mr. Waters with the framed version of the proclamation and a key to the City, adding his thanks for the many years of loyal service to the City.

2B. RECOGNITION OF COUNCILMEMBER KEITH KEENE'S IEMO TRAINING

The Mayor presented Mr. Keene with a certificate of completion from the Institute of Government and Florida League of Cities *Institute of Elected Municipal Officials* training. The Mayor explained briefly the topics and coursework covered in the training and thanked Mr. Keene for his efforts on behalf of the City.

2C. RECOGNITION OF COUNCILMEMBER DIXON'S DEGREE COMPLETION

The Mayor announced that Mr. Dixon's absence from the previous meeting was due to his having been on campus completing his degree program. He added the Councilmember has since been conferred with the distinguished title of Ph.D. and offered congratulations on behalf of the City.

CLOSING OF THE SMITH-BROWN CENTER

Due to overwhelming interest from the public, the Mayor took the following matter out of order from the Administrator's comments section and heard the above referenced matter at this point. In addition, due to the sensitivity of the issue, the City Recorder has typed this portion of the meeting as a verbatim transcript so as to not misrepresent anyone's comments or misconstrue any statement made from its original context.

City
Administrator
(Rupp):

As you are aware, the Smith-Brown Gym has been closed now about three weeks. I didn't officially close the gym until last week. That was a decision I made based on a lot of issues that we have with vandalism at both the Smith Brown Gym and also at the Harris Park. I have a list that I've given you of the vandalism that has taken place at the Smith-Brown Gym just since August 2009. There's back up here - incident reports, police reports - of these incidents that happened along with some rough dollar figures of what the repairs would be. We don't have figures on all of the repairs but we do have on several of them. The park itself is another list for the last year of vandalism in that park. And there again we do have quite a few that dollar figures attached, quite a few that don't. The most recent was the slide, which we have not replaced. And you can see the dollar figure there of what it would it would cost to replace that. We have made quite a few changes at the park itself. We've put up new signage regarding the park being closed from dark to dawn. Also we have stripped all of the mulch out of the park that was being set on fire and replaced it with sand. We have boarded up the burnt slide so it's not easily available to get to until we decide if we're going to replace it or remove it. We've done some other smaller things there in the park to try and improve it as best we can and hold down the vandalism as best we can. This is definitely a temporary situation. I hated to do this. I know that the Smith-Brown is very well used and needed but at this point I felt I needed to make a drastic step until we can get a handle on who is doing the vandalism, why it's being done and put a stop to it so that it can be a safer and more pleasant place for the residents to use. And I know that there has been a lot of dissention because of it, but it's a decision I felt I was backed into a corner to make. And I have some pictures of some of the vandalism that maybe the public can understand a little better why I made this decision.

Councilmember

Goodman : And you said this was a temporary decision?

Rupp: It's definitely a temporary decision. I can't tell you how temporary. I'm hoping that because of this, if there's any residents that have any information on what's going on over there, who's doing the damage, why, anything they feel could be helpful that they will come forward so that we can investigate it and find a cause. But until I feel that it's a secure, safe place for people to go, I cannot consciously open it and have this continue.

Unidentified

Voice: You say it's been closed for three weeks?

Rupp: It has been closed for three weeks. Officially, I closed it last week.

Mayor

Johnson: Mr. Anderson, would you stand and come to the podium and identify yourself please? I'm sorry, Reverend Anderson.

Louis

Anderson: Good evening to this Council. Pastor Louis Anderson, Pastor Friendship Missionary Baptist Church and as I was listening to you elaborate on the findings. I'm concerned. All I heard was "I". You made the decision.

Rupp: I did make the decision, yes.

Anderson: And my question is, did you consult anyone other than yourself?

Rupp: Well, I consulted my department heads, my parks and rec dept. I researched the records - the police records. I've got copies of all that right here and as far as I'm concerned, I have that authority to make that decision and I made it.

Anderson: Ok, we're not questioning your authority, what we're trying to figure out is...three weeks...this is what's sticking in my mind...three weeks...in three weeks time do you think you could have just narrowed it down to maybe one week. Because what I'm hearing you asking for some individual come forward with who's doing this and who's doing what pertaining to the vandalism. That's going to be hard. In the meantime I personally feel, because of this historical setting here, you're going to create more of a problem.

Rupp: I might create more of a problem but the problem's not going to go away by reopening the center, it's going to continue.

Anderson: And what are you willing to do within the next, say, 72 hours because the gym is the only avenue that the kids have?

Rupp: Then they should take care of it.

Anderson: Ok, *they* should take care of it.

Rupp: We have spent thousands of dollars over there...thousands of dollars in that area, trying to make a nice place for them and the thanks that we get is for them to vandalize it on a continuous basis.

Anderson: Let me ask you this, by "them" who are you referring to?

Rupp: Whoever's doing it.

Anderson: Ok, are you targeting one race? Or are you just ...(inaudible)

Rupp: No. I don't care what race it is, whoever is vandalizing it is hurting the ones that are using it.

Unidentified

Voice: Ok, everybody should take the blame. Are you going to blame...

Mayor: Identify....

Rupp: I'm not blaming anybody. I'm saying. Whoever it is that is doing the vandalism is hurting the ones that use the gym.

Mayor: Please. If you want to speak, please come to the podium so that you may be recognized and if you just line up I'll recognize you and you come and identify yourself.

Sam

Morgan: I'm Sam Morgan, President, NAACP. First of all, you cannot hold the community hostage for them to come and tell you who is doing some vandalism. So you're saying that unless we find out who the vandals are that is doing this, that the gym will not be reopened. You're creating more of a problem when you have kids from - three hours a day, five days a week that use that gym. At least they're occupied at the gym. Close the gym and you have all these kids running around, no place else to go. That's the only place in the community that kids can go. Now the two weeks that you had, as I understand it, it was closed because Mr. Blandin was ill.

Rupp: That is correct.

Morgan: Ok. That's poor management. If you only have -- if you depend on one person with something then something's wrong there. There should have been some way that you could have gotten somebody else in the parks dept to take over for Mr. Blandin. Or that couldn't be, then you should have come to the community and say "Hey, we need some help here." Nobody's done that. You just made the decision on your own. You consulted your department heads. That's all you did. You didn't ask anybody else. You just did that because you have the authority to do that. A lot of times having the authority to do something, there's a responsibility with that authority. And you, all of you, work for us. And working for us, the thing is you should give us the respect to say that "this is going on here" and we're going to close the gym. Maybe we could have found some way to get around that. You don't know that because you didn't ask. You just made it up on your own because of what you saw. You're in your own little box and that's where you're making your decisions. You have to actually look at the people that are down there to help out.

Rupp: Ok, number one, I don't work for you. I work for the Council. The Council works for you. I don't.

Morgan: Which in turn means that you work for us too.

Rupp: And I did call and talk to every one of my Council before I made this decision. I did. It wasn't a decision I made easily or made overnight. My hands, I felt, were tied. I am trying to save the City money and liability.

Morgan: Well I'll tell you what you're doing, instead of saving the City money, you want to cause the City to spend more money. Because the marshal is going to have to do a whole lot more than he's doing now. You have to give kids some occupational - doing things - you can't let them remain idle. One thing they do, they do play basketball in the gym. There are things there. The courts work with other kids that

are at risk in another part of that. All of that is working together. If you want to save the City money, open the gym.

Rupp: Well, if the marshal has to do more work over there, it's not going to cost the City any more money, that's part of his job.

Morgan: Hey, that might be a part of his job but it still means that he's going to have to have more people over there to do something. What you need - what you need to understand is, that is a sore point with us. That is the only building that are left from what the African, the old African-American school used to be. There's nothing else left there. And people in this City look at that highly. That that is a place that we want to keep there so the kids will know that there was a black school here once. ,

Rupp: And I don't have a problem with that. I have a problem with the community over there not taking care of their own property.

Morgan: The community "over there"?

Rupp: That's what you're saying. It's the community over there. That's what you keep saying.

Morgan: This is one community. This is one community.

Rupp: But that's not what you just said.

Morgan: Look...I'm not going to argue and debate with you. The issue is, when is the gym going to be opened. Give us a plan...

Rupp: I can't tell you that. I cannot give you a...

Morgan: Then you need to open it back up.

Rupp: Ok, this Council can tell me at any time to open that gym. That's their decision.

Councilmember

Dixon: Well I would like to...if we can do that, that's where I was going to go tonight. I'm going to say just like I said to Mr. Strube on another matter, because you and I spoke. I didn't know anything about it until I got in Thursday and my response was, if you remember Miss Markae, that that was your decision but I'll say what I want to say publicly in the sunshine. I didn't want anything saying "he said" or "she said". I personally, this is just my opinion; I don't think was a good idea. You've made me aware that it was repairable - the damage that was done. So therefore, it is safe but I have a problem when you make the good kids suffer with the bad ones. Don't make me suffer because of what someone else done. And there are children out there that - I'm telling you that definitely - by that gym being opened - and Marshal Lee I'm sure would attest to this - it makes this job less easier. Coach Bowers is there to keep it open if Victor was sick, but that's not really the primary issue here, that because he was sick. Because of the vandalism of the meter and what have you, I still stand firmly. And if this Council has that say-so and if they - well, I'm just one, but I would say it should be open by this time tomorrow evening so those kids can play basketball. And if that needs to be in the form of a motion I'll just...instructions from

your superiors since you work for us...I'm glad to hear that...I'll be the one to say it and hopefully we have enough to agree with that because I strongly feel that the good kids should not suffer along with whatever one or two done. If we give the law enforcement proper and ample time, they going to find them. I guarantee you. They not going to get by Charles Lee. I promise you. Lieutenant, they're going to - they're going to do their jobs. But the gym can be open. There's nothing there that's hazardous or detrimental for them to be in that building. Now if that was the case, I'd say leave it closed until we get it repaired. But you told me FPL replaced the meter, they've changed whatever they needed to, I'm saying open it back up.

City

Recorder: Is that a motion, sir?

Morgan: I don't see why you can't have the gym open while you're still working on those problems you say that exist. There is no reason to close the gym. You aren't going to be working on the problems any more with the gym closed than when it's open.

Goodman: Let me ask you this question....the vandalism that was done has been repaired, correct?

Morgan: Right.

Rupp: The electric box was replaced and then it was vandalized a second time with spray paint on the building and the electric box.

Goodman: So at this point, is the vandalism corrected?

Rupp: The doors have not been replaced and you have an estimate here, the total cost to replace all four doors is \$4,000.00.

Goodman: Also at this time, for instance, Victor was sick or whatever, do you have a plan in place so that if the gym is reopened...(waiting for crowd to quiet down)...do you have a plan in place so that if the gym is reopened we will have proper staff?

Rupp: At this time, Victor...Victor's doctor said he could come back to work as of yesterday. He did not because I closed the gym but his doctor's statement said he could come back on the 16th, which was yesterday.

Goodman: Is there someone other than Victor?

Rupp: No, no one has ever been down there but Victor. And we do have other staff members, we can...

Unidentified

Voice: Coach Bowers...

Goodman: But we can...but there is other staff that can stand in?

Rupp: There are other staff members but that would be a matter of changing their hours because Victor worked on Saturday. So I could pull someone else off of the parks and rec department but to do that, they'd have to work...that it would be a part-time position because the gym is only open 4:30 to 7:30 and on Saturdays.

Goodman: And that would not inhibit the investigation from going forward to make sure whoever is doing the vandalism is dealt with?

Rupp: As long as the police department did the investigation.

Goodman: Well, then based on that information, I'll make the motion that Smith-Brown is reopened...

Dixon: I've already made the motion...

City Atty

Galvano: Mr. Mayor, if I may, there is a motion pending.

Goodman: There is a motion? Then I'll second it. I didn't hear the motion, sorry.

Mayor: It has been moved and properly seconded. Are there any discussions on the motion?

City

Recorder: Yes, I have a question. Is it simply to reopen the gym by this time tomorrow?

Dixon: Yes, ma'am. That's what I said. A motion that the gym be opened back up by this time tomorrow evening. There's Coach Bowers which has assisted Victor for many years out there volunteering...

Recorder: That's not part of the motion, sir. It's just to re-open the gym by this time tomorrow?

Dixon: By this time tomorrow evening.

Mayor: Then my question would be... Victor... the doctor released him to be back at work as of yesterday?

Rupp: Yes.

Mayor: So will he be able to be there tomorrow?

Rupp: I don't know. I mean...

Goodman: And that's why I asked the question. So if not Victor, someone will be there to staff...

Rupp: If you direct me to open it, I will find someone to staff it. I can't guarantee you it will be Victor.

Goodman: (inaudible) move the investigation forward.

Rupp: Because right now we have some other issues with Victor. As far as his health issues go and I cannot guarantee you that I will have Victor back there.

Goodman: But somebody ...

Rupp: If you direct me to open it, I will find staff to open it.

Mayor: Are they just health issues that you have with him?

Rupp: Yes. He is the one that told us he could not work until he got a doctor's release.

Mixed
Voices: (inaudible)

Unidentified
Voice: Did you fire Victor?

Rupp: No I did not fire Victor.

Mixed
Voices: (mixed voices and commotion, most of which was inaudible)

Mayor: Excuse me, excuse me, (gavel) excuse me. We have a motion and we are discussing only that issue, not really any other issues. Are there any other questions on that motion? If not, let us take a vote. All in favor?

Council
Voices: Aye (x 5)

Mayor: Opposes? (silence) We have none so the gym will be open tomorrow. Thank you. Coach Bowers, at this time you may speak.

Coach
Bowers: Thank you kindly. I work at your center, every day, two hours a day. I know that center. I don't want you to do anything but help me as a community citizen there that works at that center to make Arcadia better and make that recreation available to boys and girls. I'll do that voluntarily. You don't know me and I don't know you. But I can't, I can't fundamentally understand your recreational concept ma'am, if the things I've heard are (inaudible) in relationship to geography. Seems like to me that's affecting your mind. And I don't know you...I've talked to you once, but my recreational concept and ideology does not agree with what I've heard you say. That's beside the point. Let me tell you what I'll do. I'm going to work on it. I'll work there. I will assist, voluntarily, to lend support for the Smith-Brown Center in any way you'd like me to or this Council would like me to. And let me tell you the results of that. I ain't puffed up. What I'll do is I'll show you a product. So you did a bad survey from the start that irritated me mightily. And I'm not angry but it seems to me like you are angry because you have not fundamentally done your homework. You've done it superficially. That is not appropriate in relationship to the need of recreation in the world. So as a result of that I'm volunteering my services if you would like it. And I feel very strongly you're not going to want it because I'm being pretty blunt with you; but I will volunteer my services to help at Smith-Brown Gym, two hours or even more if you allow that. But I also heard you say you would staff that. I've available in relationship to your staff and to give support to that in any way I can. But let me tell you how I'll help you out a bit because I want you to help this community. I want you to help the City be better. I got some name here equipped in recreation just like you and I have that will lend

support to a discontinuation or whatever is going wrong because the things that are going wrong ma'am is correctable. Council, what's going on at Smith-Brown are correctibles. We need to take care of our children. These children need to release the pent up energies that they have from the things that they are going through. I ain't even going to worry about us. We can take it or we ought to be able to take it. But our children can't take much of the stress that they have. And recreation is their outlet. You need to allow these children to have their outlets. And I'm not mad I'm just making myself bluntly known to you for the second time that I've met you. Because I'm willing to help you and this Council. I'm here for the long haul. And as a result of that, I'm available. Do not...do not if I would suggest this, if you want to know something about Southwest Florida get some people who know the nuts and bolts of the community and I ain't flouncing me...I know the community.

Unidentified

Voice: Speak up Coach...there's about 30 people out here.

Bowers: I know the community. I know you all. I know you all. And whatever I tell you to do, you best do it. (Applause and mixed voices) I'm getting a little hot about it and everything. I've been through heat...I've been through a lot of, lot of, lot of, lot of heat so I'm ready for this but I ain't mad I'm just being emphatic. I'm going to take my seat.

Goodman: Coach, I say this is good. I think we as a community are going to have to get angry so that we as a community can stand together for our children because they do need an outlet and I adore what you just did in saying that you will take a stand and you will help because it's going to be all of us working together to make this thing work for our kids - *all of us*.

Bowers: And we going to be better. I see your sign all the time when I'm riding. Let this city be the best little city and we can do it. People can look in on us...people can look in on us and see what Arcadia city is doing and be proud of it. I'm going to take my seat...

(mixed voices - indistinguishable)

...played basketball Saturday I really didn't know superficially what was going on. These guys worked hard to try to keep us safe. In order that the gymnasium was locked if you'd asked me, I have a key, 'cuz I'm catch up, stay up, and my kids are good. I'll walk over there with them and let them play a little bit. And these guys who worked for you all wanted to play to release their pent up energies that they had gone through...making way for safety for us and they couldn't get in. I think some of these guys (indistinguishable, then laughter) pride but nevertheless, it kind of hurt me ...just as much as it's hurting me for these children not to be able to play. Thank you, Council. Thank you, Council, for allowing this opportunity. I'm available in any way that you see fit to allow myself to use my experiences to help you do what you ought to do recreationally and at the Smith-Brown Center.

Goodman: But understand (applause)...understand in order to get a handle on what was going on there had to be something put in place. And I feel that this Administrator tried to do what she thought would be best to try to get it under control. I believe that. And

I believe that she cares about our kids. I believe she cares about the fact that we're all here. I believe that she's going to make the kind of decisions that are going to continue to make sure Smith-Brown is going to be taken care of. I believe that this is good. That this Council room is overflowing, people are in the hallway. You are showing her that *we* care. And we can't do anything but move forward. She can't do anything but move forward because this is her community now. She lives here. She's a part of this community and we're going to all work together to make sure Smith-Brown *stays* open and that we all work together to make sure our children know that we're going to hold them responsible. They're not going to be able to go vandalize and tear up and do things and we're not going to hold them responsible. We're going to hold them responsible. They need to know that. *ALL* of us.

Mayor: Thank you.

Rupp: Mayor? May I respond to Coach Bowers?

Mayor: Sure.

Rupp: I do appreciate his offer. And I will take advantage of his offer. I think it was a very generous offer. And we will be using him if he will allow us to staff the gym. I do take great offense that he has pretty much told me that I looked at this as a black and white issue. (background voices) You did say that. Not in those so many words...(background voices)

Mayor: Let her speak. (voices) Let her speak. (voices) Let her speak.

Dixon: Let her speak. Please.

Rupp: I do not see color. I see children. I see dollars that it has cost the city. I see safety issues for the whole community. That's what I see. I don't see color. And I think if you did your homework and talked to people in every part of this city, they will tell you that I have bent over backward to help the people of this community - the whole community - the city. I have gone out of my way to make the city a city, a community, all one. And I resent the fact that you feel that I did this because of the location, the geographical location. That is not true. And I resent the fact that you feel that way.

Goodman: Can you show us the pictures that you have?

Rupp: I certainly can. (begin slide presentation)

Dixon: What is that? What is that, Miss Markae?

Rupp: These are the doors. These are doors at Smith-Brown. Where they tried to break in.

(audience noise)

Goodman: Just look at them. Just keep looking at the pictures. A picture says a thousand words. And let's look at the pictures.

Dixon: What are we looking at?

Rupp: Where the cars have run into the parking posts there.

(audience noise)

Mayor: (banging the gavel) Please hold your comments until we finish the viewing.

Dixon: Is that...what we just passed, is that...back up to that one...but what I want for the record, I already know the answer but I want it for the record, is that vandalism from kids or from the community or is that just old wear and tear for the 40 or 50 years the building's been there?

Rupp: These are pictures that were taken by our Parks & Rec and Kathleen can explain it a little easier I guess. These are the new signs that we put up - no alcoholic beverages allowed and it's closed at sunset.

P&R Dir.

Fox: As per Victor for Smith-Brown Gym, he did tell me that the underneath doors are a result of people breaking in, trying to break in and break the doors to get in there to vandalize, you know, to get things that are in there. It got so bad that he took out a Coke machine because people were trying, kids were trying to break in to open up a Coke machine. Who knows? He said he moved it to Coach Bowers' office as a result of that. Right here, this is the Tot Lot which I have been working diligently trying to keep it safe for the kids. I have my guys out there everyday cleaning up glass and garbage. And it keeps going on fire. The reports are right in front of you - seven fires in the last six months where it resulted in damage that was right there where that board is. That was on fire and that was mulch. That's the bathrooms that they keep breaking into that cost the City \$30,000 to build and it keeps being broken into and vandalized repeatedly. These are the bathrooms at Lewis Anderson Park. Again, you can see it's not hooked up. And meanwhile we going to fix it and it keeps getting more vandalized. So what we did this week, we spent \$620 of the City's money to take out all the mulch that keeps going on fire that keeps taking down all of the slides for the children and replaced it with sand. That was the only way I could figure that would be safe for the kids. With the glass...because of broken glass and what goes on there at night unsupervised, I put up signs to make it clear there is no, you know, park closes at sunset and there is no alcoholic beverages allowed so people will stop breaking glass and ruining it for the kids.

One of...in March, we had a big fire...to the right, I don't know if you can see it, there's a blue slide. That cost \$1,488.58 to replace. It was replaced. Again, fires keep starting. We have Jennie in the back and Cheri who sit there and stamp it out themselves when they're over there working cleaning it out for the kids. This is an on-going vandalism with fire. As of last week, that right there - a double slide, which we have boarded up is now going to cost the City \$1,369.56 to replace and that's within...from April until now. So what we did was we took it out, cleaned it up, I have my guys over there every day. The only thing we want to do for these kids is to keep it safe everywhere. Sunday I got a call, that's what happened at

Smith-Brown was the final nail on the head. Smith-Brown again. They, whoever it was pulled out the electrical box with exposed wires that were hot and live. And any kid – and this was actually at the learning center which makes it even worse because God only knows, if no one saw it and it went on fire or anybody could touch it and reach in – would have been electrocuted right there and then. So really, it's only to keep the kids safe. And I have been working diligently with my staff, working day and night to make sure *ALL* of the parks – no matter where they are in the City of Arcadia – are being cleaned every day, de-glassed every day, everything is being done. I mean, they're nailing, they're sanding wood at Gym Space, they're hammering in nails, I mean I'm going through it with a fine tooth comb to keep these kids safe. So that's all our only concern is to keep these kids safe and some place to go without vandalism.

Goodman: And you're determined to keep that...to keep at it?

Fox: Absolutely.

Goodman: No matter what it takes?

Fox: Absolutely.

Goodman: You know I had a teacher when I was young, in elementary school, very young that used to say "The good has got to suffer with the bad" and she would say things and would punish the whole class and I hated it. I grew up hating it and I said whenever I become a teacher I'm going to make sure that I get to the bottom of who's doing what and don't punish everybody because of....and I was always Little Miss Goody Two Shoes but I got beat up because of what somebody else was doing and I hated it. And I still hate it. So I feel like this Council has made the right decision in saying we would stand by reopening; but I also thank you and Ms. Rupp for closing it to say "We don't want anybody to get..." It would be a horror for somebody to walk up there, specifically with the Early Learning Center there, for a child to walk up and be electrocuted. So I'm glad that you took those steps. Now we're here together saying now let's move forward, let's get it open and let's get on what's causing it to make sure we get on top of it and move it forward. We don't want anything unsafe for the kids. And I know you all agree, these kids need something to do.

Fox: You know what I think is a good thing that maybe a Neighborhood Watch is started. And what the parents – this is the kids, Smith-Brown and Lewis Anderson park is for the kids. The city has spent an enormous amount of money not only building this stuff, maintaining it and making all the changes for everything that's been vandalized in the last six months. If the Neighborhood Watch is started with the parents in conjunction with the police department and they start having – why don't they have a meeting down at Smith-Brown and get patrols being – you know this is the parents park for their kids. And we have to close bathrooms down, not only there. We have to close them down at also the Tree of Knowledge. We had to put – we had to secure the windows with bars, I have to have my staff now locking all the bathroom doors because of vandalism. Not just at those two places. It is....but we're taking steps at every single park to do that by closing bathrooms at a certain time and public can't go in because of it. Because of vandalism, the public and the

kids and the community is suffering. So we need to do something about getting that vandalism stopped. And I believe in...it's with Neighborhood Watches. And with the Police Department helping.

Gloria
Kendricks:

I just need to say something. I'm a part of that...I'm Gloria Kendricks, I'm with RCMA over there. That Smith-Brown Gym, those doors, it's wear and tear. Our buildings there, you don't see the graffiti over there. We don't use bars. Ninety-nine percent of those black and Hispanic boys are in jail. Locks...we don't put bars on their doors. We need to work with the parent. That's what we do. We don't have all that you're talking about...graffiti written all over that...we don't have that. And we open it for the children to play. And those slides you have there, that's wear and tear. That pole you had over there? Hurricane Charley did it like that. I'm there. I know that. Those windows up there? They haven't been here since I've been there. I've been there twenty-some years and the same thing. I just want to let you know that. You walk up to that building over there, it's not locked. If we have a problem over there, we go to the parent. We work with the parent. If you work with the parent, then you have to work with the children. You can't just work with children, you work with the parent. You talking about putting them in jail? They all in jail anyway! We don't do that stuff. I don't believe in that. I don't believe in doing children like that. We need to love them. We need to nurture our children. You look at all the little black boys - all the little black boys and girls in prison, what color you think they are? They all are black. So we need to start working with the children. Not talking about locking them up. We need to do more in the parks out there. Those...that piece of playground equipment? We need to replace that stuff every three years. It wear and tear.

Fox: No, these were fires. And we have the fire reports.

Kendricks: They set a little match and we go tell the parent they did this and we go work with them. We have to work with them. I know that. Children going to be children. And if you don't give them something constructive to do, they have to do something. They got to get that energy out somewhere. And I know that so I just wanted to let you know. We don't have it there. And I love that Smith-Brown building. We started putting buildings out there. You don't see all that out there at them other buildings. They would do something constructive to that building like 15-20 years ago they said we're going to put air conditioner, we going to put you a pool, we're going to do this. Nobody did anything. These citizens are out here also. You think about it. They need something in the community. It's the only thing they can look at. It's Smith-Brown Gym out there. And it don't look nice when you pull up. We put paint on it. We paint that building. Because nobody come down and paint it. We do it. We don't ask you to give us money to paint the building. We did those nice floors. You done showed that, that thing 'round that little pole there. But we paid that bill for Coach Bowers. We there if he needed anything, we're there for him. And I didn't like the idea, I'm going to talk to him now. I ask you please don't take that sign down. And I thought we was ok. That hurt me. Because I don't like that.

Rupp: There's no reason anybody needs to get in that area.

Kendricks: May not be no reason anybody need to get in that area but you got bars there. I don't like bars.

(mixed voices)

Rupp: That's the only way we can keep the cars out.

Fox: It's city property. That's why the gates were closed because cars were coming and hitting poles and...the cars don't need to be on....cars don't need to be there.

Kendricks: No, no, I don't want to argue. I'm not that type of person. All I want to say, that building's been like that since I been there. That's not vandalism, that's wear and tear. Those little blue pictures like that - Charley knocked it over.

Fox: Alright well I...here's what Victor told me. He said underneath the doors he showed me why the bottom of the doors are getting worse and worse and worse. If you go on the inside of the gym, the right side door is actually barred down and has been barred because of the vandalism, people trying to break in. And as much as, yes, some stuff would be wear and tear, at the bottom of the doors if you look how big they're getting it is from someone trying to pry it open. This is as per Victor, not me. I wouldn't know.

Mayor: At this time we will discontinue with the discussion since the gym will be open. I think that was the issue, so we are cutting off at this point.

CONSENT AGENDA

3. MINUTES OF THE NOVEMBER 3, 2009 WORKSHOP
4. MINUTES OF THE NOVEMBER 3, 2009 REGULAR MEETING
5. CITY FINES AND ESTREATURES REPORT
6. GOLF COURSE REPORT FOR OCTOBER 2009
7. VOLUNTARY RETIREMENT FOR ELECTIVE OFFICERS
8. AIR-CADIA REPORT FOR OCTOBER 2009

On motion of Councilmember Goodman and seconded by Councilmember Dixon, the Council voted unanimously, 5-0, to pull item #7 printed above for further discussion.

The Deputy Mayor made a motion, which was seconded by Councilmember Keene, to approve items #3 through #6 and #8 of the consent agenda printed above. The motion carried unanimously, 5-0.

The Mayor stated that according to state statute, elected officials are entitled to retirement benefits for twenty consecutive years of service; and although the Council has the authority to waive or amend the policy, he would like the City Attorney's interpretation on the matter. The City Attorney discussed the Statute saying it had established a threshold of retirement benefits for consecutive service with no more than a 6-month hiatus other than one for military service; and that it would be his guidance to adhere to and match existing facts in the Statute.

The Council accepted the Attorney's recommendation and took no action, thereby denying the request of former Mayor Richard Fazzone to have the City provide him retirement benefits.

ORDINANCES

9. **FIRST READING OF ORDINANCE 956 REGARDING SIGNS; CREATING A NEW ARTICLE III WITHIN CHAPTER 6 OF THE ARCADIA MUNICIPAL CODE; AND PROVIDING AN EFFECTIVE DATE.**

Councilmember Dixon made a motion to waive the rules and have ordinance 956 pertaining to signs read by title only. Councilmember Keene provided a second and the motion carried unanimously, 5-0.

The City Recorder read the ordinance by title as printed above.

On motion of Councilmember Goodman seconded by Councilmember Keene, the Council voted unanimously, 5-0, to approve ordinance 956 on first reading.

10. **FIRST READING OF ORDINANCE 957 ANNEXING TO THE CITY OF ARCADIA, FLORIDA, A MUNICIPAL CORPORATION, CERTAIN LANDS CONTIGUOUS THERETO CONSISTING OF APPROXIMATELY 14.06 ACRES LOCATED AT 3144 AND 3164 NE HWY 17, IDENTIFIED BY THE DESOTO COUNTY PROPERTY APPRAISER BY PARCEL IDENTIFICATION NUMBERS 19-37-25-0000-0290-0000, 19-37-25-0000-0291-0000, 19-37-25-0000-0300-0000, 19-37-25-0000-0320-0000, AND 19-37-25-0000-0340-0000; PROVIDING FOR A METES AND BOUNDS LEGAL DESCRIPTION ATTACHED TO [THE] ORDINANCE AS EXHIBIT "A", AND PROVIDING FOR AN EFFECTIVE DATE.**

Councilmember Keene made a motion to waive the rules and read Ordinance 957 by title only. Councilmember Dixon provided the second and a voice vote recorded unanimous, 5-0, approval.

The City Recorder read Ordinance 957 providing for the annexation of approximately 14.06 acres by its title as printed above.

On motion of Deputy Mayor Heine, with a second by Councilmember Keene, the Council voted unanimously, 5-0, to approve Ordinance 957 on first reading.

COMMENTS FROM DEPARTMENTS

11. **CITY MARSHALL**

The Marshal stated that Collier County Sheriff's Office would be donating, and delivering the following day, two fully equipped vehicles for the City's use.

12. **ATTORNEY**

The City Attorney reported he would be meeting in the near future with Mr. Ribel, the Attorney for the Minnear's, to continue negotiations and finalization of the airport lease agreement.

13. **ADMINISTRATOR**

The City Administrator referred to the interlocal agreement with the County regarding the

City Flush Water Purchase (interconnect), requesting a motion to conduct a special meeting in order to finalize the agreement.

On motion of Deputy Mayor Heine, seconded by Councilmember Goodman, the Council voted unanimously, 5-0, to hold a special meeting on Tuesday, November 24, 2009, at 5:30 PM for the purpose of finalizing the City Flush Water Purchase Agreement.

The Administrator stated she had received confirmation from FEMA on the award of Phase II for the Water Distribution Valving Project and that the work should be completed over the next six months.

The Administrator noted a request from the Arcadia Moose Lodge regarding a golf tournament and their request to use the municipal course for such on November 21, 2009. She asked that the Council formally authorize the request.

On motion of Deputy Mayor Heine, seconded by Councilmember Keene, the Council voted unanimously, 5-0, to approve the use of the Arcadia Municipal Golf Course on November 21, 2009, for the ARC Golf Tournament sponsored by the Arcadia Moose Lodge.

PUBLIC

Rev. Alvin Moore began speaking about the termination of a city employee, saying there was no legitimate reason for it. Councilmember Goodman pointed out the matter is under investigation and that if the appeal process continued, the Council would be testifying under oath and therefore should not be hearing the matter at this point or taking any action. The City Attorney agreed, adding that the matter was not noticed on this agenda and that by continuing discussion on the matter; the Council may be prejudicing them for the hearing at a later date. The City Administrator clarified the first step in the appeal process has taken place, the second will be conducted later this week and if the third and final step is necessary, it would be properly noticed as a hearing before the Council.

Mr. John Super of Arcadia Main Street thanked the City for its support of the car shows, but requested more lighting be added along Oak Street to allow the cars to be better showcased.

Pastor Lewis Anderson inquired about having the water meter at Myrtle and Hector Streets relocated closer to the building, saying at the present it was approximately 500' from the church structure.

Mr. Anderson also requested that Hector Street be reopened through to Highway 70. He felt that at least as a safety measure for emergency vehicles, the road should be reopened. Councilmember Dixon expressed some concern for pedestrian traffic through the area.

In a third matter, Mr. Anderson alluded to a drainage problem in the general vicinity of Myrtle and Hector Streets, saying only that an elderly woman living in the area needs assistance from flooding. He requested a swale or drainage ditch be installed in that general area.

On motion of Councilmember Goodman, seconded by Deputy Mayor Heine, the Council voted unanimously, 5-0, to have the Administrator explore the possibility of reopening Hector Street through to Highway 70 and to investigate the drainage situation in that area as well.

MAYOR AND COUNCIL MATTERS

Councilmember Goodman stated she was overjoyed with the number of people in attendance this evening and appreciated the fact that everyone was witnessing the actions and discussions of the Council for themselves, rather than relying on the press or hearsay. She encouraged those in attendance to get the word out to others to attend also, noting, "when you show up, it makes a difference."

Councilmember Keene recollected fondly about Coach Bowers and the power he displayed having been in tact for many years. Mr. Keene believes also that recreational facilities are needed; but added what is public is the public's and therefore should not be destroyed or damaged. He added his appreciation for the efforts of the City Administrator and encouraged the citizens to make their wishes known rather than to only be heard in a reactive situation.

The Mayor reported that he had recently attended a Ridge League business meeting and is pleased to announce the City of Arcadia will be hosting the monthly dinner in June 2010. He also announced the December meeting would be in Lakeland. Finally, the Mayor stated he was serving on the Scholarship Committee and encouraged anyone with children in school to apply for the Ridge League \$2,000 scholarship.

ADJOURN

Having no further business at this time, the meeting was adjourned at 7:15 PM.

APPROVED THIS 18th DAY OF DECEMBER 2009.

By:


 Dr. Roosevelt Johnson, Mayor

ATTEST:


 Dana L.S. Williams, CMC, City Recorder