

REGULAR MEETING

FEBRUARY 18, 2003

A regular meeting of the Arcadia City Council was held on February 18, 2003 at 6:00 p.m. in Room D of the Way Building at 23 N. Polk Avenue. Councilmembers attending were: Goodman, Fazzone, Johnson, Heine and Whitlock. Also in attendance were: Administrator Strube, City Attorney Holloman, City Marshal Lee, Fire Chief Rutherford, Engineer DeCheske, Public Works Superintendent Waters, Ms. Way and Recorder Baumann.

Mayor Goodman called the meeting to order.

The Invocation was given by Whitlock.

Pledge of Allegiance to the Flag.

The minutes of the Regular Meeting of January 21, 2003 were adopted on motion of Whitlock; seconded by Fazzone and carried.

Mayor Goodman proclaimed the week of February 17th through 23rd 2003 as "Dr. Robert L. Owens, III week in Arcadia" and February 23, 2003 as "Dr. Robert L. Owens, III day in Arcadia" and encouraged all Arcadians to join in the activities planned in his honor. Fazzone moved to endorse this action; seconded by Johnson and carried. Mayor Goodman reported that Dr. Owens was snowed in and unable to attend the meeting, she then presented Dr. Owens brother, Deacon Collier Owens with the proclamation.

Mayor Goodman issued a proclamation in support of the selling of "Buddy Poppies" on February 21, 2003 and urged all patriotic citizens to wear a Buddy Poppy as mute evidence of gratitude for all who risked their lives in defense of our freedom. Fazzone moved to endorse this action; seconded by Johnson and carried.

Mayor Goodman then proclaimed the week of February 20th through 23rd, 2003 as "Ralph Bell Celebration Week" and urged all residents to participate in the Celebration. Fazzone moved to endorse this action; seconded by Heine and carried.

Dr. W. Paul Matthews, Jr., interim pastor of Elizabeth Missionary Baptist Church addressed Council to request a response to his letter of February 4, 2003 regarding the City's Community Development Block Grant (CDBG) application not meeting the delivery deadline. Dr. Matthew's stated that Council has not resolved this issue to his satisfaction; he does not feel the Council is at fault. Dr. Matthew's is seeking a full investigation be conducted into the events leading up to the loss of the CDBG grant and possible disciplinary action of the City Administrator. Attorney Holloman then

commented regarding any disciplinary action stating that sending the grant application by way of Federal Express is an accepted practice and has been done before. Attorney Holloman then read a verbatim excerpt of the Minutes of December 17, 2002 wherein no one suggested sending the application by any other form than Federal Express. Attorney Holloman noted that he has conducted a full investigation stating there is no fault on the part of anyone and certainly not Administrator Strube, Mr. Weeks or anyone connected with the City. Attorney Holloman recommends that no disciplinary action be taken and that Council terminate the matter and move on. Whitlock stated that Council was very specific when notified what had happened with the grant application that it would not happen again noting that it is part of the minutes and would be considered when doing an annual evaluation of the Administrator. Based on this information Dr. Mathews then stated he was satisfied and he will not raise this issue again.

Fazzone then stated that anytime an item is asked to be placed on the agenda Council asks that the request along with any necessary backup be given in advance in order for them to make an informed decision.

There was some discussion regarding the Grant Committee meeting, several people had thought it was scheduled for 5:00 PM today, however no one called to double check or showed up. Administrator Strube noted that he has requested the list from Tallahassee of all grant administrators that participate in the CDGB program, when that list is received then the committee will have something to talk about. Administrator Strube then reported that he is currently working on an appeal regarding the CDBG grant and that is taking up quite a bit of his time. Mayor Goodman stated that members of the Grant Committee were to meet with Attorney Holloman to go over Government in the Sunshine requirements and then move forward as a committee. Fazzone then moved to run an ad in the local paper to advertise that a Grant Committee Meeting will be held at 5:00 PM on Tuesday, March 4, 2003 and all interested citizens are welcome to attend; seconded by Johnson and carried. By way of the motion all members have been contacted regarding the Grant Committee Meeting.

Dona Hoth, Events Coordinator for the Turner Agri-Civic Center addressed Council to request temporary closure of Oak Street from Orange Avenue to US 17 N., and Gibson Street from US 17 N. to Turner Road on April 16, 2003 at 3:00 PM for the Farmfest 2003 tractor parade. Ms. Hoth noted that they have received approval from the Department of Transportation (DOT). Marshal Lee then stated that he does not have a problem with the request, however due to the length of the route it will have an effect on his overtime budget. Fazzone moved to grant the request for temporary closure of Oak Street from Orange Avenue to US 17 N., and Gibson Street from US 17 N. to Turner Road on April 16, 2003 at 3:00 PM for the Farmfest 2003 tractor parade; seconded by Whitlock and carried.

Mr. Frank Bacho, representing Mr. Jorge Salpurido addressed Council to request a waiver of paved off street parking in connection with City Resolution No. 2003-1 for a Mortgage Financing Business located at 409 East Magnolia Street. Council stated that they are opposed to a request for a waiver of paved parking the requirement stands.

Mr. Bacho then addressed council to request a Special Approval to erect a double sided business sign which measures 3' x 4" at 409 East Magnolia Street. Whitlock moved to grant the Special Request to have a sign 3' x 4' at 409 East Magnolia Street in conjunction with Special Approval Resolution No. 2003-1; seconded by Fazzone and carried.

A report of Police Fines and Forfeitures for the month of January 2003 indicates fines \$6,409.32 law enforcement \$42.00 and radios \$1,050.00.

Marshal Lee then reported that there have been twenty-six (26) accidents at the intersection of DeSoto and Magnolia since the opening of the new section of US 17 S. Marshal Lee stated that he has been in contact with the Department of Transportation (DOT) they are aware of the problems with the intersection and will look at possible options to correct the situation.

Mayor Goodman acknowledged Council receipt of the 2002 Annual Financial Report as presented by Recorder Baumann.

The Recorder's report of Revenues and Expenditures for the month of January 2003 was presented.

Administrator Strube addressed Council regarding a request from the Parks and Recreation Department to purchase a new Athletic Field machine using existing budget funds which had been designated for a new vehicle. A used vehicle was purchased leaving available budgeted funds. Bids were received from Golf Ventures for a Jacobsen Groom Master for \$9,931.50 and Wesco Turf for a Toro Infield Pro 2020 with a Rahn Groomer pull behind all in one system for \$8,557.03. Fazzone moved to authorize the purchase of a Toro Infield Pro 2020 Athletic Field machine from Wesco Turf in the amount of \$8,557.03; seconded by Johnson and carried.

The January 2003 Public Works report was presented.

Fire Chief Rutherford addressed Council to request an increase in the ambulance rates for ALS and BLS transports noting that the rates have not been raised in several years. Heine moved to authorize an increase in ambulance rates ALS level 1 \$400.00, ALS level 2 \$450.00, Specialty Care Transport \$450.00 and BLS Emergency \$400.00; seconded by Whitlock and carried.

Chief Rutherford then reported that for the first time in 100 years the City has hired their first female firefighter/paramedic Rebecca Peterson. No special requirements regarding living quarters are necessary.

Public Works Superintendent Waters addressed Council to request the purchase of a new unit for slicing the greens at the Golf Course. Heine moved to authorize the purchase of a greens slicing unit in the amount of \$2,785.00; seconded by Whitlock and carried.

Mayor Goodman then stated that since the Chamber of Commerce Early Bird Breakfast at the Golf Course she has received several questions concerning a Councilmember being employed at the course. Administrator Strube stated that all employees of the Pro Shop are employees of Lee Drugs, Inc. and not the City of Arcadia. The golf course (greens) and the pro shop have had a private public joint activity for years. In 1980 the City put the Parks and Recreation Department in charge of the greens at the golf course. Mayor Goodman asked Attorney Holloman if this situation presented a possible conflict of interest. Attorney Holloman will look into the matter and report back his findings.

Mayor Goodman stated that she did not like finding out by way of the newspaper an issue regarding the quality of the City drinking water and requests that Council receive prior notification on such issues.

Mayor Goodman then asked that all correspondence addressed to her as the Mayor be sent to City Hall and not her place of employment. She noted that she had been served at work with a notice regarding a Fire Department suit from 2001 and then inquired why she had not been previously informed of this suit. Attorney Holloman said that he will notify all Council regarding any pending suits; however he can not go into any detail. It was also noted that just because the incident occurred in 2001 does not mean that the suit began then; usually they become a suit just before the time to file runs out which can be a couple of years. Chief Rutherford stated that the Mayor could have called his office with any questions regarding the suit. Mayor Goodman and Chief Rutherford had a heated exchange after which Chief Rutherford submitted his resignation. Former Councilman and Mayor Eugene Hickson stated he was surprised at the Mayor's response to Chief Rutherford. Administrator Strube stated that he did not know that the item in question was a law suit noting that it was a 768 notice. Heine asked that Council not accept Chief Rutherford's resignation as it was done in the heat of the moment.

Sam Abram, President of the DeSoto County/City of Arcadia Beautification Committee addressed Council requesting to go on record that the Committee has never pushed one type of grant over another.

Mr. Abram then inquired about the status of the sign for downtown and was informed by Administrator Strube that all bids are due in by February 26, 2003.

Ms. Adrienne Daly with the Beautification Committee stated that she is very proud of the new golf course and asked if it was financed with grant funds and was informed no. Administrator Strube reported that the course expansion will be paid for from golf course revenues.

Ms. Daly then inquired about the Street Lighting Grant. Administrator Strube reported that a pre construction conference is scheduled for Friday, February 21, 2003. It will take more than a month to get the underground wiring in place.

Mr. Eugene Hickson again addressed Council to request paving from Court Street to Marquis Avenue. Mr. Hickson then stated that there are two (2) large oak trees on City property near his property which need to be removed. Mr. Hickson would also like to install a sidewalk between his property and Elizabeth Baptist Church. After discussion it was decided that the City will provide the labor, Mr. Hickson will provide the concrete.

Dr. Mathews asked how many on Council would be attending the celebration for Dr. Ownes.

Dr. Mathews then asked that an item be placed on the next agenda to request that an office for the Mayor be created.

Heine stated that if Chief Rutherford has resigned he suggests until Council can appoint a new Chief that the shift captains should be in charge.

Chief Rutherford then addressed Council stating that he has worked for the City since 1979 and he put in eight (8) months on the city/county merger. After the last Council meeting Chief Rutherford requested that the Mayor meet with him. He stated that he has always had an open door policy and he should not have been forced to resign because of being humiliated in public. Mayor Goodman noted that she had planed to meet with Chief Rutherford during her lunch, however do to other commitments she had to cancel. Mayor Goodman stated that she to felt humiliated when fingers were being pointed at her. Captain Blosser then addressed Council stating that Chief Rutherford has gotten the Fire Department on track and he does not want to see the Chief resign. Mayor Goodman asked Chief Rutherford to re-think his resignation and apologized for making Chief Rutherford feel humiliated. Chief Rutherford then apologized to the Mayor and stated that he would like to meet with her to discuss several issues before he makes a decision on his resignation. Dr. Matthews requests Council set this issue aside for thirty (30) days. Heine moved to set aside Chief Rutherford's resignation for thirty (30) days as a cooling off period; seconded by Johnson and carried.

REGULAR MEETING
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Continued

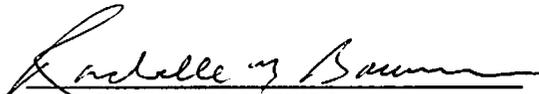
Attorney Holloman asked if Chief Rutherford was withdrawing his resignation and was informed yes.

Administrator Strube stated that he hopes that communication between his office and members of the Council can improve, and that we must reflect what is good for the City as we are a team. He will strive to do that in the future.

Fazzone noted that in the past Council would go and talk with Administrator Strube and that he has been an excellent administrator for many years and if he were to leave it would be a great loss to the City.

Johnson stated that he hopes that everyone can look past these issues and do what is the best for the City.

There being no further business the meeting was adjourned.


CITY RECORDER


PRESIDENT