

REGULAR MEETING  
APRIL 21, 2009

The Regular Meeting of the Arcadia City Council was held on April 21, 2009 at 6:00 p.m. in the Margaret Way Building at 23 North Polk Avenue. Council members attending were Fazzone, Dixon, Johnson, Goodman and Heine. Also in attendance: Administrator Rupp, Attorney Henbest, Marshall Lee, Parks and Recreation Supervisor Waters, Public Works Supervisor Lewis, and Recorder Baumann.

Mayor Fazzone called the meeting to order.

The Invocation was given by Dr. Roosevelt Johnson, Councilman.

Pledge Allegiance to the Flag.

The Minutes of the Regular Meeting of April 7, 2009 and the Work Session of April 14, 2009 were adopted on a motion by Heine; seconded by Johnson and carried.

Mayor Fazzone presented Margaret Way with a proclamation declaring April 2, 2009 as "Margaret A. Way Day" in Arcadia. The Council had previously endorsed this action.

A Transportation Post Project Maintenance Agreement between the Florida Department of Transportation and the City of Arcadia was presented. Heine moved to approve the agreement; seconded by Goodman. Prior to the vote Attorney Henbest addressed the Council and stated that the agreement requires a resolution approving the agreement which has not been done. He will have a resolution for Council approval at the next regular meeting of May 5, 2009. Councilman Heine then withdrew his motion approving the contract and Councilwoman Goodman her second.

Administrator Rupp addressed the Council regarding a scheduled presentation by Mr. Scott Williams, Building Official for the City of North Port. Mr. Williams was not in attendance and Administrator Rupp reported that Mr. Williams met with her earlier in the week and asked that he schedule his presentation for a later date.

The Fines and Forfeitures Report for the month of March 2009 in the amount of \$1,884.32 was presented.

Marshal Lee addressed the Council and reported that the Police Department has applied for a grant which would fund the salary of an additional officer. If the grant is received he will re-allocate staff in order to have an additional code enforcement officer.

Marshal Lee then informed the Council that the City would be receiving 40% of grant funds from the Edward Byrne Memorial Justice Grant Program the total grant is \$100,000 of which 60% goes to the County and 40% to the City. These funds are to purchase equipment.

The Recorder's report of Revenues and Expenditures through March 31, 2009 was presented.

REGULAR MEETING  
APRIL 21, 2009  
Continued

Administrator Rupp addressed the Council with several items the first being a request from the Cattlemen's Ranch Rodeo Parade to have Council Members be in the parade. The Council will let Administrator Rupp know if they will ride in the parade.

Administrator Rupp asked the Council if they wanted to place an ad in the special conference issue of the Florida League of Cities "Quality Cities". Councilwoman Goodman moved to place the same size ad as last year with corrections to titles as needed; seconded by Deputy Mayor Dixon and carried.

Administrator Rupp informed the Council that requested letters of support for the widening of U.S. 17 had been sent.

Administrator Rupp reported that the City has received official notice from the Department of Community Affairs that funding was not approved for a grant for Downtown Development; however this does not affect the awarding of a grant for Housing.

Administrator Rupp presented information to all Council members on the Institute for Elected Officials noting that in previous cities she has worked in new council members did attend this training session.

A request from the DeSoto County High School for the placement of an ad in the 2009 Year Book was presented. Heine moved to place an ad of the same size as last year with corrections to titles as needed; seconded by Goodman and carried.

Administrator Rupp reported that she did attend a meeting in North Port last week to discuss regional development opportunities. Those in attendance desire to establish a board and request that one (1) to two (2) members from each city in attendance be on the board. Councilwoman Goodman volunteered to serve. Heine moved to appoint Councilwoman Goodman and Administrator Rupp to serve on a regional board; seconded by Johnson and carried.

Administrator Rupp then addressed the Council and read a statement in full for the record.

*"One issue I feel compelled to address the Council about is my management authority over all City employees.*

*Sec. 2-95 of the Arcadia Code of Ordinances stated regarding the specific powers and duties of the City Administrator that:*

## REGULAR MEETING

APRIL 21, 2009

Continued

*The city administrator shall have the power and shall be required to:*

- (1) Appoint and , when necessary for the good of the city, remove all officers and employees of the city under his jurisdiction. The city administrator shall also have the power to suspend or otherwise discipline subordinates. He may however, delegate or otherwise authorize the head of a department to appoint or remove or otherwise discipline subordinates in his department. The city administrator shall be required, however, to notify the city council and the department head in any case involving the removal of an employee in order that each may be fully advised of the situation leading to the particular employee's removal.*

*Furthermore, Section 2-96, Establishment of city departments; appointment and supervision of department heads, states:*

*Departments shall be established by the city administrator after consultation and approval of the city council. At the head of each department there may be an employee of the city who shall have supervision and control of that department, and who shall be appointed by and shall be under the supervision of and control of the city administrator. Except as provided in this chapter or otherwise established, two or more departments may be headed by the same individual.*

*That being said, I respectfully request that no member of the Council take it upon his or her self to contact any employee of the City, either during business hours or out of the office, for the soul purpose of directing them to perform a task or duty, or to chastise them or complain about the performance of their duties. If any Council Member has need of the services of a City employee, the request should come through me. Additionally, if a Council Member has a negative issue with a City Employee, it should come through me. If further action needs to be taken, I will see that what is necessary to be done is accomplished.*

*This request has a twofold purpose. To earn the respect and trust of my staff and employees, they must understand that I am the final authority in all matters. It is not fair to have a Council Member, who is my boss, undermine my authority and responsibility with my employees. It negates my authority, and makes the employee uncomfortable and untrusting of me.*

*There are many articles and opinions written regarding the ethical behavior of Council Members micromanaging municipal employees, and the problems that it causes. Not only does it confuse the employees, but it creates the appearance that the Council does not trust me, as City Administrator, to be able to administer my staff in an efficient and effective manner. I am asking that you empower me to do the job that you hired me to do, including trusting me to administrate my staff as I see fit."*

Heine moved to approve Administrator Rupp's request as read to empower her to do the job as City Administrator; seconded by Goodman and carried.

## REGULAR MEETING

APRIL 21, 2009

Continued

Attorney Henbest addressed the Council regarding issues that were discussed at the Airport Work Session of April 14, 2009. He requests that Council take formal action at this time on the areas as discussed those being 1) work with management of AirCadia, 2) review the lease agreement to make sure that both parties are in compliance, and 3) establish an Airport Advisory Board. Heine moved to approve the three (3) requests as presented by Attorney Henbest; seconded by Goodman and carried.

At the next regular Council meeting Administrator Rupp will submit a list of citizens who have expressed an interest in serving on the Airport Advisory Board. She will also come back with recommendations regarding the lease at that time.

The Airport Report for the month of March 2009 was presented.

The Golf Course Report for the month of March 2009 was presented.

The Public Works Report for the month of March 2009 was presented.

Deputy Mayor Dixon stated that he had asked for information on the old outstanding balances due to the Utility Department and he is now asking for the information publicly for the record. He stated that the Council has been asked to forgive past due bills in the amount of about \$200,000 through 1999 and he would like to see the unpaid balance from 2000 through current.

Administrator Rupp stated that the request was not to "forgive" the debt it was to remove them from the system. You can still pursue collection efforts. Recorder Baumann's request was to remove the detail from the system in order to be in compliance with the auditors request. This is a matter of housekeeping rather than forgiving the debts.

Deputy Mayor Dixon thanked Administrator Rupp for the clarification on this issue and noted that at the last Council meeting the Council decided not to take action on this issue until an additional audit done.

Mayor Fazzone questioned why the Council could not approve the request to clean up the system and still pursue an additional audit.

Deputy Mayor Dixon stated that the Council can take action to approve this; however he will not until after the results of the additional audit are completed.

Councilwoman Goodman asked for additional clarification on the cleaning up of the system requesting the assurance that it would not mean the forgiving of the actual debt owed. Administrator Rupp stated it would not forgive the debt.

REGULAR MEETING  
APRIL 21, 2009  
Continued

Recorder Baumann reported that in the month of March 2009 the Utility Department collected about \$2,000 in old past due bills when customers who have moved back into the area attempted to open up a new account. She noted that the system does show the past due and that until the past due balance is paid in full the water service will not be turned on.

Goodman then moved to authorize the adjusting of accounts as presented by Recorder Baumann for the express purpose of cleaning up the system through 1999, the actual debt is not forgiven, and an additional audit will still be preformed; seconded by Johnson and carried.

Mr. Jim O'Leary addressed the Council to present a proposal on the use of the old livestock market. He was requested to give the proposal to Administrator Rupp for discussion at the next regular Council meeting. Deputy Mayor Dixon stated that he spoke with Mr. O'Leary and had asked that the get the information to the Administrator in order to be on the agenda.

Attorney Henbest addressed the Council and reported that his employer Grimes, Gobel, Grimes, Hawkins, Gladfelter & Galvano had previously represented Mr. O'Leary and his partner Mr. Gain. If the City should want to move forward with a lease agreement Mr. O'Leary and Mr. Gain have agreed to sign a waiver in order for Attorney Henbest to represent the City in any form of action.

Mr. John Shaffer, owner of the Hot Fudge Shoppe and president of Main Street addressed the Council and reported that the Easter Egg Hunt was successful; however the last car show was not. He is not planning on holding a car show in May as originally scheduled.

Mr. Shaffer then reported that he spoke with Deputy Mayor Dixon regarding his request to be allowed to place tables and chairs on the sidewalk outside his business and he will not be pursuing his request.

Recorder Baumann reported that the blinds have been installed on the second floor of City Hall.

Deputy Mayor Dixon submitted information from the Central Florida Regional Planning Council regarding auditors that they recently used and suggested that they might be contacted regarding the utility audit. Mayor Fazzone questioned if this would need to go out for bid to which Deputy Mayor Dixon stated that the City Attorney had previously stated that any purchase under \$25,000 would not require a bid process.

There being no further business the meeting was adjourned.

  
CITY RECORDER

  
PRESIDENT