

MINUTES  
CITY COUNCIL  
CITY OF ARCADIA  
TUESDAY, FEBRUARY 1, 2011

CALL TO ORDER, INVOCATION, PLEDGE OF ALLEGIANCE & ROLL CALL

The meeting was called to order at approximately 6:00 PM with the following members and staff present:

Arcadia City Council

Mayor Robert Heine  
Deputy Mayor Keith Keene  
Councilmember Sharon Goodman

Councilmember Martha Craven  
Councilmember Roosevelt Johnson

Arcadia City Staff

City Administrator Lawrence Miller  
Asst. City Administrator Judi Jankosky  
Captain Matt Anderson

City Recorder Dana Williams  
City Attorney Jason Henbest

CONSENT AGENDA

1. MINUTES OF THE JANUARY 18, 2011 REGULAR MEETING
2. GOLF COURSE FINANCIAL REPORT FOR JANUARY
3. PRO SHOP FINANCIAL REPORT FOR JANUARY
4. CHECK WARRANTS FROM JANUARY 13, 2011

Councilmember Craven asked to discuss item #1. She questioned the grant submitted on behalf of the Water Treatment Plant which was discussed at the January 18<sup>th</sup> meeting. She wanted a better understanding about the grant and if there was a matching loan included. The City Administrator advised Councilmember Craven that it was a loan that will be forgiven and is separate from the grant, but there is no match involved.

Deputy Mayor Keene made a motion to approve items 1-4 of the consent agenda printed above. Councilmember Goodman provided a second to the motion, which was unanimously, 5-0, approved.

DISCUSSION ITEMS

5. QUIT-CLAIM DEED TO CHARLES C. AND MARTHA D. CRAVEN RELATED TO VACATION OF RIGHT-OF-WAY IN OCTOBER 2010.

The City Attorney announced Councilmember Craven would be abstaining from the vote due to inure of private gain associated with this item. He briefly explained the process of having vacated the alleyway at Wheeler's Café with regard to the right-of-way, but that in order to leave no question, this deed would be executed for the sliver where the encroachment exists.

The City Administrator questioned whether there would be any special benefit or privilege afforded Mrs. Craven from the time of the vacation as a private citizen to the execution of the deed now that she's an elected official. The City Attorney responded in the negative other than having to recuse herself from this particular vote.

On motion of Deputy Mayor Keene, seconded by Councilmember Johnson, the Council voted 4-0 to authorize execution and recording of the Quit-Claim Deed between Charles C. and Martha D. Craven and the City of Arcadia. The City Recorder reminded Councilmember Craven she had ten days in which to return her Form 8B, Memorandum of Voting Conflict, a copy of which will be attached to the minutes.

**6. DELEGATION AND SPECIAL POWER OF ATTORNEY WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION; AND AUTHORIZATION LETTER FOR RIGHTS OF ACCESS**

The City Administrator requested authorization to execute a delegation and special power of attorney with the Department of Transportation which will remain on file and allow continuing utility work within roadways and right-of-ways .

Councilmember Goodman made a motion to authorize the execution of the document referenced above. The motion was seconded by Deputy Mayor Keene and passed unanimously, 5-0, upon voice vote of the Council.

**COMMENTS FROM DEPARTMENTS**

**7. CITY MARSHAL**

**A) POLICE DEPARTMENT AND CODE ENFORCEMENT- JANUARY**

Captain Anderson was available to answer any questions regarding the report, of which there were none.

The City Administrator informed Capt. Anderson of an upcoming meeting with Citizens for a Cleaner Community and requested assistance from Code Enforcement with issues relating to special trash pick-up.

**8. CITY ATTORNEY**

The City Attorney reminded Council he had emailed a notice of deposition related to the Rupp litigation, excepting Councilmember Craven who was not on the Council at the time, and requested dates of availability in March to be deposed.

**9. CITY ADMINISTRATOR**

**A) RENOVATION OF THE WAY BUILDING**

The City Administrator informed the Council about an incident which occurred on January 24<sup>th</sup> whereby Councilmember Craven came to the Way Building quite angry about the stucco work being done, and which was supported by written statements from two employees who were present at that time. According to information received by the Administrator, after

the permit for work was questioned with the building inspector and Code Enforcement, the contractors were told to stop work and they agreed, but added they would not return until the issue was resolved. He stated that also it was brought to his attention the Way Building did not have a certificate of appropriateness as required by the Historic Perseveration ordinance.

Reading from that ordinance, "the Way Building is located in the Arcadia Historic District, which among other places within the district requires that a certificate of appropriateness be applied for and granted before any construction, reconstruction, alternation and demolition may take place on structures within the historic district." The Administrator recommended the city continue with the planned renovations of the building and suggested a possible remedy to dispense with the necessary steps of obtaining a certificate of appropriateness would be to rescind the designation of the Way Building as part of the Arcadia Historic District. He added this would not affect all other structures within the district.

The City Administrator continued there had been no compliance with the Historic Preservation ordinance since its enactment in 2009, nor is there a designated Historic Preservation Committee as outlined in the ordinance. Further, obtaining a Certificate of Appropriateness had been previously ignored by others doing work in and around the City, therefore the Administrator questioned the motivation for stopping work on the Way Building and why now when other work such as the ADA compliant doors and repairing cracks to the building had been done without interference. He added the scene created that day had left a bad taste in the mouth of the contractor who did not want to get embroiled as a go-between.

Councilmember Craven stated she did not come to the Way Building that day as a Councilmember, but rather as a concerned citizen, and that while she is not opposed to putting stucco on the building, she was under the impression the first option was to determine if the brick front could be restored. In addition, she didn't understand why the City would adopt an ordinance they weren't going to enforce. She felt the City should set the precedent with the Way Building. Mrs. Craven also expressed concern about whether or not the procurement limits were followed and why the former lights were removed.

The City Administrator responded that he had followed every policy in place and that when the City accepted the federal dollars, they were directed to make the building ADA compliant. Further, he had secured three bids or quotes on the doors and motors, as well as for stucco contractors and the windows to be replaced.

Councilmember Goodman pointed out that at the last meeting the stucco work had been discussed and the Council had voted unanimously to move forward with it. She added that no councilmember has the authority to over or around what the Council, as an elected body, has voted to do. Dr. Goodman stated this was an opportunity to work together as a team; and that the role of the Council is to be policymakers and not to interfere with the administration.

The City Attorney brought up two issues, the first being the procurement policy, which he stated he had not previously known about but that all appears to be in order with the thresholds and procedures having been followed. The second concern was the certificate of appropriateness, adding the ordinance is not specific to building restoration or putting it back

to its original appearance, though he cautioned that any changes to be made should take into account the effect it will have as a historic structure designation.

Further discussion followed with both Deputy Mayor Keene and Councilmember Johnson providing support to proceed with the renovation. Also discussed was creation and delegation of the Historic Perseveration Committee.

**On motion of Councilmember Johnson with a second by Councilmember Goodman, the Council voted unanimously, 5-0, to delegate the membership of the Planning & Zoning Board to serve in the capacity of the Historic Preservation Committee pursuant to Ordinance 955.**

The City Administrator requested clarification as to whether the ordinance's criteria was applicable to the City itself. The City Attorney addressed that by saying the Council would not routinely adopt provisions for which it would not abide or for which it would deny itself; and then provided specific language which would be prudent to put in the form of a motion.

**On motion of Councilmember Goodman and seconded by Deputy Mayor Keene, the Council voted unanimously, 5-0, that the interpretation of Ordinance 955 will be adhered to by the Council but that similarly it did not intend to put the City in a position of having to issue a Certificate of Appropriateness to itself.**

**Councilmember Goodman then made a motion to approve the conceptual rendering formerly proposed and to authorize continuation of the renovation of the Way Building. Deputy Mayor Keene provided a second to the motion, which passed 4-1 with Councilmember Craven dissenting.**

Councilmember Goodman also suggested the Florida League of Cities be contacted to provide training on the Council's role under a weak Mayor form of government and to include the public in that training. She adamantly encouraged the editorials and letters to the editor to stop, saying this is one council and no one person does anything on their own or in contrast to what the elected body has voted to do.

**The Deputy Mayor agreed and put in the form of a motion to direct the Administrator to contact the Florida League of Cities to secure available dates for (refresher) training to the Council. Councilmember Johnson provided a second to the motion, which passed unanimously, 5-0.**

## **B) GENERAL STAFF MEETING**

The City Administrator reported he had conducted a general staff meeting to discuss issues and concerns related to the respective departments, and to establish goals for the coming year. He added it was also an opportunity to address the health insurance plan and other benefits such as the ICMA-RC 457 deferred compensation plan.

### C) SPECIAL TRASH PICK-UP

The City Administrator reported that the problem of special trash pick up has been discussed as a group to include the Police Department and senior staff members having a role in the collection. It was decided the first priority would be to pick up any special trash items, regardless of the method of payment employed. Further, the Administrator said he would allow citizens to pay after the pick up but would provide a discounted rate for those paying in advance of the collection. He continued that for those residents who refuse to pay, steps will be implemented to recover the fees associated with collection and disposal of special trash items and that Code Enforcement will be notified after three attempts to collect or correct the issue. He also reported that residents will be informed of the procedures by letter, on a door tag, through the City's website and by sanitation personnel.

### D) PROCUREMENT POLICY

The City Administrator distributed a revised and complete copy of a procurement policy for which he was requesting adoption. He stated all pages are numbered and that he has shared it with both staff and the City Attorney; and that it is being proposed because the City's purchasing procedures need updating to more accurately reflect the current situation faced by administration in the timely and effective purchasing of goods, materials and services. He added the proposed policy lays out the various aspects of procurement from the authorization for award levels to the sale of Council-deemed surplus property.

Councilmember Craven noted that at the last meeting, the spending thresholds were compared with Punta Gorda and the School District, both of which have far greater budgets than Arcadia, adding she believed the thresholds are too high.

The Administrator answered that those are higher and that the Attorney had recommended a \$15,000 threshold, down from the \$25,000 previously suggested; but that the City routinely receives contracts such as the interconnect project which would substantiate this threshold and allow business processes to move more quickly and smoothly. Councilmember Johnson added that to implement approval amounts less than \$15,000, the Council might be hampering the operations; and the Deputy Mayor agreed saying the Council has directed the administrator to carry out their policies.

**On motion of Deputy Mayor Keene and seconded by Councilmember Goodman, the Council voted unanimously, 5-0 to implement the procurement policy as presented and included in the Council packet.**

### E) HOMELESS COALITION

The City Administrator, on behalf of the Homeless Coalition, requested their use of Louis Anderson Park for a clean up effort on February 19<sup>th</sup> from 9 AM - 1 PM; and for the Black History Talent Show at the Smith-Brown Gym on February 26<sup>th</sup>. The Administrator added anyone wishing to volunteer with the park clean up effort is certainly welcome.

On motion of Councilmember Goodman and seconded by Councilmember Keene, the Council voted unanimously, 5-0, to allow the Homeless Coalition use of Louis Anderson Park on February 19, 2011; and use of the Smith Brown Gym on February 26, 2011 for their respective events.

#### F) COMMENTS ON RECENT EVALUATION

The City Administrator in response to comments made on his evaluation as well as editorials and letters to the editor in the local newspaper took exception to certain remarks made concerning his qualifications for the position he holds. He considered the statements made erroneous and an affront to him, asking for a retraction as a matter of public record. The Administrator cited his numerous years of experience as Vice President of the New York City Transit and for work with the Health and Hospitals Corporation, offering his resume as a comprehensive outline of familiarity with municipal, state and county governments.

Councilmember Craven chose not retract her statement included in the addendum to his evaluation; but reiterated that his only municipal experience as a City Manager was for a six month period as assistant to the Assistant City Manager in Sarasota.

A lengthy discussion followed touching on topics such as preferential treatment, support for the Administrator from many within the community, the subjectivity of any evaluation process, and working together to move forward with the majority decisions made by Council.

#### PUBLIC

Mr. Chuck Craven, referring to his involvement with the Way Building renovations, stated his interest and concern was because the look and character of the building were changing. Further, he refuted the allegation that he demanded the contractors to stop work, although he did inquire about their permit. Mr. Craven added that a friend who does stucco work had asked him about the contractor selection criteria adding the friend, a local vendor, had expressed an interest in bidding the job. Mr. Craven also questioned why the historic light fixtures were removed and not planned to be reused, and concluded with a defense of his wife and the remarks made towards her earlier this evening.

Mr. Ernest Morgan spoke about ongoing issues, although there was no question posed or resolution requested.

Ms. Penny Kurtz, Assistant Administrator for the Desoto County Health Department, announced the playground dedication ceremony to be held February 15, 2011 at 12 noon and invited everyone to attend.

Ms. Adrian Daly felt there was too much sensitivity to the issues discussed earlier, adding that everyone has a right to express their opinion without it being viewed as a personal attack.

Ms. Ann Hilliard stated that although she feels the wrong choice was made with respect to the Administrator's hiring, her opinion is not based on race, but rather experience.

Mr. Darby Ellis spoke about a "Feed the Children" event to be held February 26 which will also honor Mr. Eugene Hickson. Mr. Ellis stated he had spoken with the Marshal, but requested Council's approval for additional crowd control at the event.

## MAYOR AND COUNCIL MATTERS

Councilmember Craven had several comments. First, she stated that she was sorry the City is losing a very competent City Recorder adding she felt Dana Williams kept the city going through some very turbulent times and hoped the reasons for leaving were as stated. Secondly, Councilmember Craven asked the City Administrator if he had any problem with her speaking to employees, noting she felt they could give her a better understanding of what is going on. The Administrator responded he did not have a problem and encouraged her to do so although cautioned against making requests into directives. Mrs. Craven then once again reiterated that her intention for going to the Way Building on January 24<sup>th</sup> was purely as a citizen who lives downtown and who has restored a building.

Councilmember Craven, noting inquiries from others around the City, questioned the need for having hired an Assistant City Administrator. She quickly added she believes Ms. Jankosky does a good job, but noted that no other city similar in size to Arcadia has an assistant, and that the added salary increases the administrative payroll. The City Administrator responded that in the reorganization of the departments, the attempt was to refocus city services and while there is no longer a Parks and Recreation Department, there is emphasis on Economic Development. He added that in order to attract applicants with outstanding qualifications, he added the title of Assistant City Administrator as an additional incentive to enhance their careers.

The Deputy Mayor stated he was all about entrepreneurial spirit, but last week he had also experienced the noise and vibration from Tremron at three second intervals as far away as his home. He addressed quality of life issues in comparison to a constant nuisance and asked that the Council and administration figure something out. The City Administrator answered that he had contacted Mr. Gallagher, plant manager of Tremron, and was waiting for a return call.

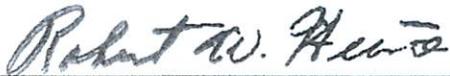
Councilmember Goodman agreed with Councilmember Craven about losing a competent City Recorder. She added Dana will be missed. The City Administrator added that he also admired Dana and her personality and wished her the best; then explained he is advertising for the position and looking forward to receipt of more resumes for the position.

Mayor Heine expressed the importance of the council working together as a team.

ADJOURN

Having no further business at this time, the meeting was adjourned at 8:15 PM.

ADOPTED THIS 15<sup>TH</sup> DAY OF MARCH 2011.

By:   
Robert W. Heine, Mayor

ATTEST:

  
Dana L.S. Williams, CMC, City Recorder