

MINUTES
CITY COUNCIL
CITY OF ARCADIA
TUESDAY, JANUARY 19, 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
Deputy Mayor Robert Heine
Councilmember Lorenzo Dixon

Councilmember Sharon Goodman
Councilmember Keith Keene

Arcadia City Staff

City Administrator Markae Rupp
City Recorder Dana Williams
City Marshal Charles Lee

City Attorney Jason Henbest
City Attorney Assoc Adam Fernandez

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

The City Attorney introduced Mr. Adam Fernandez, an attorney with the firm of Grimes, Goebel who may fill in from time to time.

The Mayor asked the City Attorney for his interpretation of whether or not the meeting could be videotaped as requested by Mr. Lonnie Ward. Mr. Henbest checked the Government in the Sunshine manual, which confirmed the requested recording was permissible.

CONSENT AGENDA

1. MINUTES OF THE DECEMBER 15, 2009 PERSONNEL HEARING
2. MINUTES OF THE JANUARY 5, 2010 WORKSHOP
3. MINUTES OF THE JANUARY 5, 2010 REGULAR MEETING
4. CITY FINES & ESTREATURES REPORT FOR DECEMBER 2009
5. AIR-CADIA REPORT FOR DECEMBER 2009
6. ARCADIA GOLF COURSE REPORT FOR DECEMBER 2009

Prior to the meeting, the City Recorder had provided on the dais three (3) corrected pages (total) to the minutes submitted for approval above and requesting any motion of the Council to approve those minutes should include "as amended".

On motion of Councilmember Goodman, with a second by Councilmember Keene, the Council voted unanimously, 5-0, to approve items 1-6 of the Consent Agenda printed above as amended.

ORDINANCES

7. **SECOND READING OF ORDINANCE 958, AMENDING THE CAPITAL IMPROVEMENTS ELEMENT OF THE COMPREHENSIVE PLAN MORE SPECIFICALLY, AMENDING THE ADOPTED CAPITAL IMPROVEMENTS ELEMENT AND UPDATING THE 5-YEAR CAPITAL IMPROVEMENTS PLAN.**

On motion of Councilmember Keene, with a second by Councilmember Dixon, the Council voted unanimously, 5-0, to adjourn to reconvene in order to conduct a joint meeting with the Planning and Zoning Board on the item below.

The members of the Planning and Zoning Board identified themselves for the record. Present were: Chairman Russell Summers, George Whitlock, Shirley Brown, Michael Pooser and Melva Sawyer. Also present was Ms. Marissa Barmby of the Regional Planning Council (RPC) who briefly provided an overview of the ordinance, CIP element, and improvements schedule to be considered.

P&Z Boardmember Michael Pooser made a motion to recommend to the Council, the adoption of Ordinance 958 related to the Capital Improvements Element of the Comprehensive Plan. The motion was seconded by Boardmember Brown and passed unanimously, 5-0. At this point, the Chairman adjourned the portion of the meeting with the Planning and Zoning Board.

The Mayor opened a public hearing to receive comments from the public on the Capital Improvements Element or 5-year schedule for infrastructure improvements. Hearing none, the Mayor closed the public hearing and turned the matter over to the Council. The City Recorder read Ordinance 958 by title.

On motion of Deputy Mayor Heine, and seconded by Councilmember Goodman, the Council voted unanimously, 5-0, to accept the recommendation of the Planning and Zoning Board and to adopt Ordinance 958 providing for the amendment to the Capital Improvements Element and 5-Year improvement schedule of the Comprehensive Plan. The ordinance in its entirety appears below:

ORDINANCE NO: 958

AN ORDINANCE AMENDING THE CITY OF ARCADIA CAPITAL IMPROVEMENTS ELEMENT OF THE COMPREHENSIVE PLAN MORE SPECIFICALLY, AMENDING THE ADOPTED CAPITAL IMPROVEMENTS ELEMENT AND UPDATING THE 5-YEAR CAPITAL IMPROVEMENTS PLAN; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Sections 163.3161 through 163.3215, Florida Statutes, the Local Government Comprehensive Planning and Land Development Regulation Act, empowers and mandates Arcadia, Florida, to plan for future development and growth and to adopt and amend comprehensive plans, or elements or portions thereof, to guide the future growth and development of the City; and

WHEREAS, pursuant to Section 163.3184, Florida Statutes, the City Council of Arcadia held January 19, 2010 Regular Meeting

meetings and hearings on Ordinance #2009-958, with due public notice having been provided, to obtain public comment, and considered all written and oral comments received during public hearings, including support documents; and

WHEREAS, in exercise of its authority the City of Arcadia City Council has determined it necessary to adopt this Amendment to the Comprehensive Plan, which is marked as Exhibit "A" and is attached and made a part hereof, to ensure that the Comprehensive Plan is in full compliance with the Laws of the State of Florida; to preserve and enhance present advantages; encourage the most appropriate use of land, water, and resources consistent with the public interest; and deal effectively with future problems that may result from the use and development of land within Arcadia; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Arcadia, Florida:

1. That the Capital Improvements Element of the Comprehensive Plan of the City of Arcadia, Florida, is hereby amended as shown on Exhibit "A" attached hereto and made a part hereof.

2. That the 5-Year Capital Improvements Plan (CIP) of the Capital Improvement Element including the annual update of the 5-Year Capital Improvements Plan (CIP) of the Comprehensive Plan of the City of Arcadia, Florida, is hereby amended as shown on Exhibit "A" attached hereto and made a part hereof.

3. All Ordinances in conflict herewith are hereby repealed to the extent necessary to give this ordinance full force and effect.

4. Should any section, paragraph, clause, sentence, item, word or provision of this Ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole, or any part hereof, not so declared to be invalid.

5. This ordinance shall take effect immediately upon the date a final order is issued by the Department of Community Affairs finding the amendment to be in compliance in accordance with Chapter 163.3184, F.S., or the date a final order is issued by the Administration Commission finding the amendment to be in compliance in accordance with Chapter 163.3184, F.S.

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

ATTEST:

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

Approved as to form:

/s/ William S. Galvano, City Attorney

Exhibit "A"

**Capital Improvements Element
Goal, Objectives, and Policies
City of Arcadia Comprehensive Plan**

**Amended July 21, 1992
Update Adopted November 18, 2008
Update Adopted January 19, 2010**

GOAL:The goal of this element is the provision of public facilities and services in a timely, efficient, and fiscally sound manner in order to meet current and future needs of the community.

Objective 1:

The Capital Improvements Element shall direct the provision of public facilities for the purpose of accommodating existing development and desired future growth and replacing obsolete or worn out facilities. [9J-5.005(3)(b)1]

Policy 1.1: The City shall evaluate and rank proposed capital improvements projects for inclusion in and amendment to the Five-Year Schedule of Capital Improvements.

Policy 1.2: Capital improvements projects shall be ranked and evaluated based on the following criteria:

- a. The project protects public health and safety, achieves maximum usage of existing facilities or fulfills the City's legal obligation to provide facilities and services;
- b. The project increases the efficiency of existing facilities or promotes infill development;
- c. The project represents the logical extension of facilities and services consistent with the Future Land Use Element, or is compatible with the plans of State agencies and the Southwest Florida Water Management District;
- d. Other priority criteria, as established in other elements of this comprehensive plan, shall be incorporated into the annual capital improvements prioritization; and
- e. Capital improvement projects shall be consistent with this Comprehensive Plan, including the Future Land Use Map Series and Future Traffic Circulation Map Series, shall be demonstrated to be financially feasible, and shall be consistent with debt management practices as established in Policy 2.5 of this Element. [9J-5.005(3)(c)1a-g]

Policy 1.3: City Council or its designee shall be responsible for ensuring that the City's fiscal policies are consistent with this Comprehensive Plan. [9J-5.005(3)(c)9]

Objective 2:

Upon adoption of the City of Arcadia Comprehensive Plan, Arcadia will coordinate land use decisions with the Five-Year Schedule of Capital Improvements and other projected resources. Arcadia shall ensure that established levels of service standards are maintained, and that needed capital improvements are provided for future development and redevelopment. [9J-5.005(3)(b)3]

Policy 2.1: Arcadia establishes the following level of service standards for new development and redevelopment: [9J-5.005(3)(c)4]

Facility	Level of Service
----------	------------------

Sanitary Sewer	171 gallons per capita per day; Four million gallon hydraulic peak flow design capacity
Potable Water	102 gallons per capita per day average daily flow; 160 gallons per capita per day peak daily flow 50% of average daily flow for water storage capacity (1995); 20 psi water pressure
Solid Waste	4.8 pounds per capita per day
Principal Arterials	C
Minor Arterials	D
Collectors	D
Backlogged Facilities	Maintain and Improve
Recreation and Open Space	4 acres per 1,000 people
Drainage	Arcadia establishes a drainage level of service for new development equal to a 25-year 24-hour storm event. Stormwater treatment and disposal facilities shall meet the design and performance standards established in Section 17-25.025, F.A.C. The first inch of stormwater run-off shall be treated on-site, pursuant to Section 17-3.051, F.A.C. Stormwater discharge facilities shall be designed such that the receiving water body shall not be degraded below minimum conditions necessary to assure the suitability of water for the designated use of its classification as established in Chapter 17-3, F.A.C. These standards shall apply to all new development and redevelopment. For existing development, the City establishes an interim level of service to manage the 10-year 60 minute storm event.

Policy 2.2 The City of Arcadia hereby adopts, by reference, the Southwest Florida Water Management District Regional Water Supply Plan and District Water Management Plan, and the Florida Department of Transportation Five-Year Work Program 2010-2014, for the currently adopted year and subsequent updates thereafter, into the City's Five-Year Schedule of Capital Improvements.

Policy 2.3: Development orders and permits will be granted only when public facilities are operating at the established level of service, or will be available concurrent with the impacts of the development. [9J-5.005(3)(b)6]

Policy 2.4: Proposed amendments to the Future Land Use Element and/or the Future Land Use Map of the City of Arcadia Comprehensive Plan shall consider the need for capital improvements to support the proposed amendment, and shall coordinate with the Capital Improvements Element and Five-Year Schedule of Capital Improvements to identify sources of revenue and demonstrate financial feasibility.

Policy 2.5: The City of Arcadia shall annually adopt a capital budget. This budget shall prioritize all capital projects in the City, indicate the funding source for each capital project, and shall form the basis for determining what shall be included in the annual amendment to the Five-Year Schedule of Capital Improvements.

Policy 2.6: The City of Arcadia shall manage debt such that annual debt service of all long-term obligations shall not exceed 20 percent of annually budgeted revenues.

Policy 2.7: The City of Arcadia shall annually review the status of all public facilities. This review shall consider available and projected capacity for purposes of concurrency management, and shall assess the need for the replacement or renewal of capital facilities. Identified needs shall be prioritized, and included in the City's capital budget and/or Five-Year Schedule of Capital Improvements as appropriate. Funding sources for identified capital improvements shall also be identified. This annual review shall consider adopted policies and amendments of all other elements of this comprehensive plan.

Policy 2.8: The City shall not allow exceptions for developments of de minimus impact.

Policy 2.9: The City hereby adopts by reference, the Desoto County School District 5-year Facilities Work Program, as approved by the Desoto County School Board for the years 2009/10 through 2013/14 and subsequent annual updates thereto, as part of its Schedule of Capital Improvements.

Objective 3:

In order to maintain established level of service standards, future development shall bear a proportionate cost of facility improvements necessitated by the impacts of the development. [9J-5.005(3)(b)4]

Policy 3.1: Arcadia shall analyze the suitability of impact fees or other user fees for the provision of sewer and water services. Collected impact fees shall be equitably allocated to the specific group(s) which will directly benefit from the capital improvement, and the assessment levied must fairly reflect the true costs of these improvements. [9J-5.005(3)(b)3]

Policy 3.2: As a requirement of land subdivision or land development, Arcadia shall require land dedication, or payment in lieu of dedication, or some other form of exaction, as appropriate, to retain easements for utilities and roadways. This is required to maintain the established level of service standards and to pay for public facility improvements necessitated by new development. [9J-5.005(3)(c)8]

Policy 3.3: Arcadia shall continue to apply for and secure grants or private funds when available to finance the provision of capital improvements.

Objective 4:

Arcadia will ensure that the needed capital improvements are provided for previously issued development orders. [9J-5.005(3)(b)5]

Policy 4.1: Immediately after adoption of the City of Arcadia Comprehensive Plan, Arcadia shall inventory all development orders issued prior to the plan's adoption and that have not yet requested or been granted a certificate of occupancy. An assessment shall be made of public facility needs. Public facility capacity shall be allocated to these developments for a period of one year, after which time they must adhere to level of service, concurrency and fair share standards established in this plan. Unless terms of the development order state otherwise, it shall be the responsibility of the City of Arcadia to ensure that adequate public facilities are available for such development. [9J-5.005(3)(c)5]

8. FIRST READING OF ORDINANCE 959, ANNEXING CERTAIN LANDS CONTIGUOUS THERETO CONSISTING OF APPROXIMATELY 4.45 ACRES LOCATED AT 2693 AND 2597 NE NAT AVENUE.

The City Recorder read Ordinance 959 by title. On motion of Deputy Mayor Heine and seconded by Councilmember Goodman, the Council voted unanimously, 5-0, to approve Ordinance 959 on first reading.

COMMENTS FROM DEPARTMENTS

9. CITY MARSHAL

- a) Referring to item #11 in the package, the Marshal pointed out a correction to the memo, saying that Mr. Cordes had never spoken with him concerning that intersection (Luther Avenue and NE Hickory), but instead had been advised of the problem by Adrian Klein. The Marshal continued that a traffic study had been conducted there which did not indicate a significant number of accidents and rather than passing on an approximate \$500 cost to the property owner to remove the tree, he had instead installed a four-way stop at the intersection. He concluded that the problem has been resolved and perhaps not according to City Code but certainly by the human element.

The Deputy Mayor questioned whether this "solution" would remove the City from any liability. The City Attorney responded that the City will always have some liability exposure but the actions taken will limit it somewhat.

Councilmember Keene applauded the Marshal having done something at that intersection by coming up with a reasonable way to abate the problem.

- b) **ECONOMIC AND QUALITY OF LIFE OPPORTUNITIES FOR THE ARCADIA COMMUNITY - LONNIE WARD, JR.**

The Marshal introduced Mr. Lonnie Ward, whom he had hired as a consultant for addressing Code Enforcement issues. Mr. Ward then showed a video presentation featuring dilapidated areas of the City and some of the issues for Code Enforcement he has been addressing. At the conclusion of the presentation, Mr. Ward stated it was his belief the City had been denied grant opportunities and other funding mechanisms by not having a Community Redevelopment Agency (CRA) in place. Mr. Ward talked about pursuing an interlocal agreement for all DeSoto County residents including the SW district to establish a funding base and create a revitalization of commercialism. He also

mentioned grants for start up opportunities, condemning and rebuilding the Smith-Brown Gym, and requirements for annexation of the SW section of the City. Mr. Ward stated that CRA areas are for the most poverty-stricken areas and that, by definition, would qualify for everything funding-wise that is available. He requested the Council look into the establishment of a CRA district, write grants and hire a consultant to oversee the project(s).

Councilmember Goodman expressed her appreciation for Mr. Ward bringing back this issue, noting it had been discussed in the past and although not being ignored, had not been actively pursued up to this point. She also pointed out that while she supports the development of the downtown area, all of Arcadia is not located within downtown.

Councilmember Keene also complimented Mr. Ward on his presentation, noting it was way past time to get a CRA started. He felt the creation of a CRA district would provide more opportunity for collaboration between entities and support the 'one community, one voice' concept.

Mr. Ward asked the Council to take two actions, namely to direct the creation of a CRA as outlined to provide funding in the Southwest district and to direct the drafting of an agreement for condemnation as outlined in his presentation and remarks. The Mayor suggested the Council take time to review the information provided and to make a recommendation at the next meeting (February 2, 2010).

Ms. Barmby of the RPC pointed out a CRA will be included in the Evaluation and Appraisal Report coming up in March.

Councilmember Dixon, noting his service on the Regional Planning Council, reminded everyone that Jennifer Codo-Salsbury had made a presentation previously on this topic and suggested that rather than "re-invent the wheel", the City quit talking about it and take action. He asked Mr. Ward to add Orange Avenue in the CRA area; and instructed the City Administrator to work with both Mr. Ward and the RPC on the matter.

10. Attorney

The City Attorney stated the main issue of his time has been the termination of the airport lease. He reported the Minnear's attorney had a few comments and minor changes from the most recent draft (e.g. the breakdown of payment schedule) but both sides have been working diligently in hopes of bringing the final agreement to the Council at their first meeting in February.

Councilmember Dixon questioned the original 30-day window from when the option was first presented and whether there were other potential buyers in line. The City Attorney responded he had no knowledge of other or potential buyers but that both sides had been in negotiations since the 30-day offer was extended. Dr. Dixon noted his lack of support for buying back something that already belongs to the City and encouraged the attorneys to finish up.

11. **ADMINISTRATOR**

A) **HAZARDOUS INTERSECTION AT LUTHER AVENUE**

With the matter having been previously discussed [see pg. 7], the City Administrator simply commended the Marshal on his action; adding her memo was related to a Council request and not intended as pointing a finger.

The Administrator also referenced a comment made during Mr. Ward's presentation about demolishing the Smith-Brown Gym only to rebuild it. She pointed out that new fire doors were to be installed the following day, and that installation of exit signs with emergency lighting had been completed. She added that outside lighting was being coordinated with FPL; but that in order to air condition the facility, ceilings would have to be dropped and insulation added.

Mr. Ward added that as a developer, he was aware air conditioning could be installed with ductwork and without a dropped ceiling. He recommended the Administrator talk to a certified installer.

B) **RECOMMENDED PROCEDURES FOR THE SALE OF SURPLUS PROPERTY**

The Administrator pointed out the suggested guidelines for sale of surplus and salvaged property, adding a workshop was scheduled for 5 PM on Tuesday, February 2nd, just prior to the next regular meeting.

The Administrator also introduced Mr. Jerry Smith, the recently hired Building Official/Planner for the City. Councilmember Dixon questioned Mr. Smith on his salary and most recent employment position.

PUBLIC

Mrs. Judy Rowley read a prepared statement of events and concerns from her husband, Steven Rowley related to his recent termination from the City. She requested the Council overturn the City Administrator's action and reinstate him to his former position of Parks and Recreation Foreman. At the conclusion of Mrs. Rowley's remarks, the Mayor stated he had received the email from Mrs. Rowley, but told her it was within the Administrator's authority to hire and fire employees. The Mayor added that he did not forward the email to the Administrator nor did he take offense to having been contacted by an employee - or in this case, an employee's spouse. The Mayor continued that he later he received a telephone call from the Administrator advising him of the dismissal and the events which transpired calling for the termination. He added he had also received complaints from other city employee, which he was willing to bring before the Council but was asked not to due to their concerns for job security. Further, the Mayor added he did not feel the email that was received was grounds for insubordination because it was sent by *Mrs. Rowley*, who is not a city employee.

Councilmember Goodman too, was contacted electronically by Mrs. Rowley and did forward the email to the City Administrator in order to get to the bottom of the matter. She agreed with the Mayor that it was not a matter of insubordination because constituents can and should be able to come to her at any time. Dr. Goodman stated she was elected to have the people share their concerns. However, Dr. Goodman also pointed out that another employee had made slanderous and libelous comments towards her and her husband – which would be dealt with through legal avenues – but that never had she made a demand to have any employee fired, nor did she consider those actions to be insubordination.

The City Administrator responded that Mr. Rowley needs to go through the appeal process and that her thoughts on his insubordination was not a result of the letter or email written to the Mayor and Councilmember Goodman, but rather because his supervisor had asked him to do something and he refused. She further added the first step in the appeal process has been scheduled for Wednesday, January 20th.

Councilmember Keene agreed with each of the Mayor, Dr. Goodman and the Administrator, saying the Council had just recently set precedent for the appeal process and needs to adhere to those steps. The Mayor stated that when contacted he had agreed to let Mrs. Rowley speak since she is not the employee who will be filing the grievance. He also advised Mrs. Rowley that in the future, she should contact all members of the Council.

Councilmember Dixon asked the Administrator if there were any city policies or procedures stating that upon termination of any employee, the Council should be notified. The Administrator answered “yes, and they were” to which Dr. Dixon responded that he had not been notified either in person or by phone. The Administrator replied that she “had thorough knowledge that [you] were aware of it”. When Councilmember Dixon point out that [knowledge] was speculation, the Administrator countered that it was “fact” and that she “did not need to respond to [these] questions” as she was not on trial but that she “had it on very good authority that he was in contact with Mrs. Rowley over this issue”. Councilmember Dixon pointed out that he took offense to the fact that as one of her employers, she had not bothered to contact each of the Councilmembers as the previous Administrator had, so that all would be aware of current situations within the City. He also referenced a motor vehicle accident the Administrator had which similarly had not been brought to the attention of Council.

On another matter, Mr. Wendell Campbell, Vice President of Brothers Keepers, asked about the procedure required to have Martin Luther King Jr. Street incorporated into the Adopt-A-Street program. The Mayor felt the group or others could simply designate that street (or any other) for clean up and that signage would be erected to so indicate the organization responsible. Councilmember Goodman commended the community for coming forward to help without asking for anything in return; and she added that in exchange, the City would make the sign. Mr. Campbell did request the City’s assistance with trash bags and pick up tools.

On motion of Councilmember Dixon, seconded by Councilmember Goodman, the Council voted unanimously, 5-0, to approve Martin Luther King, Jr Street in the Adopt-A-Street program and to have a sign made indicating Brothers Keepers as the organization in charge of its clean-up.

Robert Harrison, pastor of St. John Baptist Church, questioned why the convicts working in the City always seem to be concentrated in one area and why their work cannot be used throughout the City. The Mayor responded that the department assigns where they work but that the Administrator can contact the warden and suggest other areas. Councilmember Goodman suggested Rev. Harrison provide the Administrator with a list of the street names he would like to see added to their list.

Dr. Lueray Norris, Jr., Shiloh Baptist Church, emphasized now is the time to create a CRA. He added the concept has been talked about with nothing having been done thus far and that it was time the city and council "join hands" to make it happen.

Ms. Corinthia Ross asked what it would take to start a community pride program similar to that of the Brothers Keeper request but for the entire city. The Mayor thought whoever would be interested should get with the City Administrator to recommend the area(s) to be adopted.

Mr. Sam Morgan asked when the [Smith-Brown] gym would be opened to which the City Administrator answered it was currently open. Mr. Morgan then asked when the doors would be installed and the Administrator responded "tomorrow".

Mr. Richard Bowers expressed his respect for the members of Council and stated they were "right on the bubble" if they unify and come together. He then talked about the [Smith-Brown] gym, and how it is being opened everyday by Mr. Nathaniel Lee. Mr. Bowers felt the Council should recognize his equity and provide some form of commendation.

Ms. Martha Craven asked if a CRA were to be created and taxes increased, would the difference go to the CRA district. The City Attorney explained very briefly about Tax Increment Funding (TIFF) and their effect on the projects designated for that area.

Ms. Valerie Gilchrist expressed support for a CRA but felt any actions or discussions should be inclusive of the community in order to receive public input. She also asked about the procedure for getting on the agenda to make a presentation to the Council, which the Mayor explained to her.

MAYOR AND COUNCIL MATTERS

The City Recorder reported briefly on her recent trip to the IIMC Region III meeting in Orlando and thanked the Council for their support in the furtherance of her professional education. Councilmember Dixon questioned the cost of the seminar, the need for further education when according to the Administrator's recommendation for hiring, the Recorder would be able to hit the ground running. The Recorder explained the qualification of being a Certified Municipal Clerk but also the levels of certification through the Master Municipal Clerk Academy, equating it to higher education degrees.

The Deputy Mayor questioned when streetlights would be replaced and whether or not Florida Power and Light had responded to the City's request. The Marshal answered that FPL had recently cut hours and although the list of outages had been sent, FPL had yet to respond. Councilmember Goodman then asked what the criteria was for adding street lights in dark areas.

The Marshal and the Police Captain stated it was a simple request to FPL; however, there would be a fee charged to the City for their usage.

Councilmember Goodman reiterated her comments about not micromanaging staff and that no one holds anything over her head in that she has never instructed any member of staff to fire another.

Due to sensitivity, volatility and emotion of the following item, the City Recorder has typed this portion of the meeting as a verbatim transcript so as to not misstate any comment or remark which may be otherwise interpreted out of context.

Councilmember

Dixon: Yes, I will make this as quick as possible. At the last meeting I asked for some information and I asked for it to be presented to me, just for the record by the next meeting. It was pertaining to the hiring of the Parks and Recreation Director. I presented early that the next morning as I told you all I would - it didn't take me 20 minutes to go find the documents of our meeting - where we had voted not majority but unanimously to advertise the set salary of that position which was in the range of \$20-25,000. Now I hear insubordination quite a bit and I'm not the smartest guy up here, but if this is not insubordination I would like someone to help me better understand the definition of insubordination. Instead of the Administrator, Ms. Markae Rupp, following and carrying out those orders from this Council - and I don't know how important it is to you all that your staff carry out your orders -but it sounds to me that she does not tolerate insubordination, therefore I don't. She obviously is currently paying approximately \$35,000+ for that position. Approximately \$10,000 more than what we approved her to advertise the job as and to pay. Now, I just wondered where that other \$10,000 is coming from. Is it a deduction from her annual salary as the Administrator? Or did she just find some more taxpayer dollars to overstep our authority and hire someone at a \$10,000 increase more than we had instructed her to pay. Now I don't know how you all look at it, but I've heard the word 'slap in the face' but that is a real one and I want some answers Miss Markae. And I hope that you have a good one because with that alone I was hoping you would submit a resignation tonight and especially reading some of this stuff that we've read; but if not, this one councilmember has a serious concern with your role as City Administrator at this point. That's only one incident so let's just answer to that one first. Why was Miss Kathryn Fox paid or being paid currently \$10,000 approximately more than what this Council - Councilwoman Goodman was the one who made the motion, Councilman Heine seconded in and we all voted in that direction and instead you went your own way instead of following the instructions of your - you wasn't here Mr. Keene so you should definitely be able to vote if I have to make a motion and not be biased but so I just want to hear your explanation and I want it on record, what's your reason for paying \$10,000 more than what we had instructed you to pay?

City Administrator

Markae Rupp: Ok, I will tell you.

Dixon: Please.

Rupp: I interviewed for this position and the budget that the Parks and Rec Director oversees is \$1+ million. I guarantee you I could not find anyone qualified to handle that responsibility with those qualifications for the salary that the Council had voted one. I looked at the Code. In our Code under the Administrator's authority and duties it says, "the administrator can recommend the salary of officers and employees of the City subject to the approval of the City Council except...except that employees may be granted a raise in that salary within the limitations of the annual budget adopted by the Council. And that is exactly what I did. It was in the budget.

Dixon: and you done that after the budget, correct?

Rupp: Yes.

Dixon: And after the fact that we had given instructions?

Rupp: Yes.

Dixon: And without bringing it back to our attention?

Rupp: No. It says in the Code that I have that authority.

Dixon: That was...and if you really, really, really think that and that's your interpretation of it...

Rupp: That's my interpretation.

Dixon: This is the concern that we had with the previous Administrator - that they had too much authority, they do stuff and this is way prior to me coming but I'm on here I'm going to hold everyone accountable and you're going to be number one that I'm going to hold accountable. Now if you thought that you interpreted that from the Code, why didn't you bring it back to us or to Miss Goodman or to Mr. Heine or any of us and said 'we can't find anybody for that price range'. And let me just show you something Miss Markae, you won't out talk me here. Let me show you - Miss Tara Anderson, Miss Tara Anderson for example. This woman is a 20+ year veteran of this town and if this Council don't get concerned - you think that the person that you think is going to mess up your town is not going to be one. You going to have a messed up town but it won't be from Dixon. Miss Tara Anderson dedicated all of her youth, her entire life to work for this City, 20 some years, plus years. You brought this...she only came and asked - and I found out afterwards - seeking legal advice that we could have made recommendation or even encouraged that raise she was requesting....we just can't say 'hire' or 'fire'. She asked for a \$3 raise and just for the record, I talk loud you all don't think I'm mad...I'm not angry. I think you ought to know that by now. I've been on here two years plus, I'm just a Pentecostal preacher - we yell or we scream. But Miss Tara asked for a \$3 raise and

then take on all the responsibility with the experience and a Bachelor's degree, knows what she's doing and then take on Mr. Don Waters responsibility once he retired, which you hired another person for that, I don't know at what amount but that - if that wasn't a savings to this City to have kept her, gave her the \$3 which you said at that time - the record will show if I need to find those minutes - that we cannot afford it. You said 'we can not afford it at this time and I just cannot do it.' But then three months later or lesser it's like a slap in her face to me. I like that word you all. They came up with a good word - slap in the face. And then you pay another person pretty much what she was making and some. And the reason why I say 'and some' is because you hired from - I have not confirmed this yet but you hired another little person to be a secretary for her out there which Tara Anderson never had. She done it all. But we couldn't keep her for a \$5 raise total. That's all she asked for. That's part of this town, she helped build this Parks and Recreation. We wouldn't be having the problems we're having now if we would have kept someone who like you said was experienced, qualified and capable of getting the job done. She out qualifies this person that you hired and runs circles around her. And I have a concern that you were not willing to give her \$3-5 raise but then you bring some person here that has no experience, walks around dressed up every day. You need a blue collar person, not a while collar person to be Parks and Recreation Director. It's not just a person to run around and give orders. It's a person who does what Miss Anderson done....got out, put hands on, worked. You know, I got a problem with that and just to know you went \$10,000 more...and if you're saying you're hiding behind that...that little clause there, I think you better ask somebody else because this Council...Mr. Galvano made it clear last meeting, we are the ultimate authority. And y'all may not want to be but I'm going to be until I die, leave here or they kick me out, vote me out whatever. I'm going to exercise my authority. And we gave those instructions. And I don't see how any of you could feel good about it knowing that she went and (inaudible) and read up on something and think that she can...the book. We wrote the book or somebody wrote it. So you're not justified and I think it's very clear that it's demonstration and actions of you...of insubordination if there's any such thing and you know, you can hit the desk, you can frown....

Rupp: May I respond?

Dixon: Sure you may. Go ahead.

Rupp: Miss Tara Anderson resigned of her own will because she came to me with a deadline of one hour. Either I give her a raise....

Dixon: That's not true...

Rupp: That is true and Tara stood here and said it was true.

Dixon: But she came back and said it that she had told them that - it's on the record, I promise you - she said that she wanted to come here that night before the Council and make her request, that she does not want to go anywhere and I support it - that

idea because you said we couldn't afford it but looks to me like we could have afforded...

Rupp: She gave me no recourse. She came to my office. She told me I had one hour and told me that unless I gave her a \$3 raise that day and a guarantee of hiring her into Don Waters' position when he retired with another raise that she was going to leave. And she had to give them an answer by the end of that day. I did not feel I could make that decision without coming to the council so I told her 'I cannot make those promises to you' and so she said 'fine' and she took the other position.

Dixon: Back to what you just said...you just incriminated yourself. You said you told her....this is what you just said...you told her that you could not make that kind of decision, a \$3-\$5 raise without going back to the Council.

Rupp: And a guarantee....

Dixon: Is that what you just said?

Rupp: And a guarantee that she would be made the Parks and Rec Director or whatever - given Don Waters' position when he left. I could not guarantee that.

Dixon: You know why?

Rupp: I had not been here that long. I did not know her or her work that well. I could not promise her that I would do that.

Dixon: You could not guarantee her that, which you could have if you read your charter right. You have the right, from what you just said prior to that to set the salaries, to change the salaries and with that being said why didn't you consider that? I mean you done it with Kathleen Fox.

Rupp: Because if I would have done that and come to the Council, then I would have been accused of going around the Council and making decisions. And I was not going to put myself in that kind of a position.

Dixon: Let me just say this for the record and I'll be finished and I hope that I'm not interrupted...I think that I have the right to speak as a councilmember. I hope you get agitated enough that you just jump up and resign. That's what I hope you do.

Rupp: Mr. Dixon...

Dixon: Let me finish. With that being said, there is...when you add this other girl's income in there that you hired as her little clerk out there...

Rupp: Yes?

Dixon: How much is that? Ten or 12? Someone told me around \$10-12,000.

Rupp: I don't know.

Dixon: You know why she don't know? Because...

Rupp: Her hourly salary is what? Eight dollars? Eight-fifty an hour

Dixon: Miss Shelly, if I may ask, do you roughly have an idea how much that girl make? Ten or twelve thousand. Someone told me around \$10-12,000.

Finance Director

Shelly Baumann: Honestly I don't. I don't see the paperwork for new hires, so I don't...

Dixon: That sound close?

Baumann: I really don't know.

Dixon: So in other words, let's just say that that's facts which I believe there's some truth to it, \$10 or \$12 so there's a total of about \$46,000 being paid out for Parks and Recreation Director. That's what it sums up to be.

Rupp: If you want to look at it that way.

Dixon: That's just what it is, I mean ten for that one, thirty-six ...you can count, right?

Rupp: She is a part-time employee. You cannot say that the director's salary is included with her salary.

Dixon: You gave her...it's still coming from the City, the taxpayers money.

Rupp: In fact, she was hired before the director.

Dixon: Ok, so the point is, Miss Markae, and I'm going to tell you, you might want to seriously and I can't speak for everybody else, consider preparing your resignation by the next meeting because I will be making a motion whether it pass or fail, I will not tolerate your insubordination to me and if this council does not support me that's fine. At the end of the day we're going to all be here. I promise you. I've been here 16 years trying to prove myself and I'm going to do what I know is right for this town. If you keep spending and giving all these peoples five and ten thousand dollars hike in their pays, with no experience, this City is already on the verge of being broke, we're going to be slap under. We're just waiting on the Titanic, that's all we're waiting on. And you've been a good spender since you've been here but I haven't saw nowhere where you've brought in as a plus in finances or in anything, as far as I'm concerned, to the City. I supported giving you the chance, now I'm letting you know where I'm at. I think that we've hired two municipal, certified municipal clerks is what we've done. We've hired two and we

only needed one. And I think we got a pretty good one there but we need an administrator. That's the way I feel and ...

Rupp: Well, I'm sorry you feel that way and if it makes you feel any better or maybe not, I will not tender my resignation because I am here to serve this community. I am here at the pleasure of the whole Council, not just one and I feel that I have done my job commendably. I have lists of accomplishments that I and the City have made since I've been here. And it would be a decision of this entire Council for me to leave. And if the Council as a whole decides that I need to go, that's their decision. But I am not leaving because I do not feel that I have done for this community what I was hired to do and what I'm capable of doing and what I feel in my heart I want to do. So I will not resign.

Dixon: You also made known at one of the previous meetings that you did not work with Mr. Morgan, NAACP President got up, you made the whole public know you did not work for them. Now you're saying you're here for the....

Rupp: I did not say I work for them, I said I had things I would like to do for them.

Dixon: Well, I'm going to go on record tonight and you know what? I don't have to pray about this, I don't care if it pass or if it fails, I want the public to know that this is one of the worstest votes that I ever cast and I'm voting to continue her stay as Administrator during the evaluation and with all the concerns that are out there and it's making us look worser that we ever looked in this town. And you can believe that. People are voicing their concerns. It's not about (inaudible) for the City, it's about, in my opinion, a check - a paycheck. So, you know, with that being said and then knowing, as I said earlier, that there was a car accident that you had - rear ending, I have legal documents from the Sheriff's Department - showing - let me finish - where you rear-ended someone and you're talking about others putting the City at liability...how many of you knew about, let me ask, have it been brought to any of you all's attention? Has she told you all that she...has the Administrator brought that to you all's attention when it happened or anytime recently?

Mayor: I didn't know about it.

Dixon: You don't know about it. You don't know about it.

Rupp: It happened in May.

Councilmember

Keene: (something inaudible) I wasn't even on the Council.

Dixon: Yeah, you wasn't even on the Council. Dr. Goodman, was you made aware of it at the time - four or five months ago?

Councilmember

Goodman: (murmurs in the negative)

Dixon: No? Ok. Mr. Heine says he was which I expected.

Councilmember

Heine: I heard about it.

(mixed voices)

Dixon: Right, but I would definitely think that every one of us should have been notified or put on notice that this was (inaudible)

Mayor: How did you hear about it?

Heine: I heard it from somebody. I don't know I didn't....

Dixon: So you heard it from somebody?

Heine: May have been when I was down at the garage.

Rupp: Well for the record, I did actually at the scene I called our insurance adjuster. After I returned back to the office the Mayor was notified and he was the Mayor at the time.

Dixon: I knew you would say that.

Rupp: Mr. Fazzone. He was!

Dixon: The Mayor is not this Council.

Rupp: But I...but the Mayor is the chairman of this Council and I feel like when I give the Mayor information, if he feels it needs to be shared with the rest of the Council he will inform me of that or he will do it himself.

Mayor: We're not supposed to do that.

Dixon: We didn't hire him to respond to us. We hired you to do that.

Mayor: We're not supposed to.

Rupp: Mr. Dixon if I called you every time I had a decision to make or I made a decision or an issue came across my desk I promise you I would be on the phone with you eight hours if not more a day.

Dixon: And you know what? That might be right. But as long as it's concerning serious issues and matters such as these, you should. Just like you informed some others, you should.

Rupp: It was not a serious matter. The insurance agent came out, he took pictures, it was turned over to the insurance adjuster, it was handled, it was not an issue, there was no lawsuit, nothing. It was handled the way...

Dixon: Are you certain there won't be one? Are you certain there won't be a lawsuit?

Rupp: The insurance has informed me that there have been no further claims against me or against the City in that accident. It is a closed case. The damages have been paid.

Dixon: The damages has but we all know but (inaudible). I've been in some of these myself. Individuals in rear-end accidents or at-fault accidents, they can come back six months or a year later and sue for pain and suffering - all kinds of damages.

Rupp: Do you know how many automobile accidents City vehicles have been involved in just since I've been here? Am I to inform you every time a City vehicle is in an accident?

Dixon: We're not talking about every other - we're talking about the one that you was in.

Rupp: What's the difference?

Dixon: The one that you was in.

Rupp: What's the difference?

Dixon: You have a staff that goes out and wreck a vehicle, they are supposed to report it to their supervisor or to you?

Rupp: That's correct.

Dixon: Ok, so why shouldn't you have to report it to your superior?

Rupp: Because the reason they need to report it to me is so I can report it to the insurance. That's my job.

Dixon: And you don't think you should report it to us?

Rupp: Why? You don't report it to the insurance. It's an insurance issue. It's something that I handle on a daily basis.

Dixon: Miss Markae, I so move at this time that we end and cost this City no more waste of their tax dollars with this incompetent Administrator, you. I so move to that effect that we end this termination based on, well it's a no cause contract anyway but based upon proof that I have of falsifying information in your application...

Rupp: Oh no.

Dixon: Oh yeah, oh yeah. It'll be proven.

Rupp: Oh no.

Dixon: I so move, I so move, whether this Council wants to keep you or not that's up to them, I want it off of me and I want the public to know that your termination be in effect as of this day, this night as Administrator of this City and I hope that they would understand the same thing that every other city and every other commissioner has done, including the County Commissioners. It's nothing to go back and correct when you've done something wrong, make it right and we've waiting long enough and it needs to be corrected and made right.

City

Recorder: I'm sorry, you mentioned falsifying information. Are you saying its termination with cause?

Dixon: No, I said without cause because our contract says without it.

Recorder: ok.

Dixon: And that's the term I'll use. That's what I've been advised to use. We don't have to have a cause. I'm going to do just what West Middleburg did. We're going to terminate her without a cause even though they had a cause...

Recorder: Got it. Got it.

Dixon: ...for embezzlement and taking money and using City funds.

Rupp: That's a lie. That is a lie. And I've got the documentation to prove it.

Dixon: You plead guilty and you paid it back so you must have taken it.

Rupp: I did not plead guilty of anything.

Dixon: Why you paying something back you didn't take?

Rupp: I didn't take it. I reimbursed the City for an expense.

Dixon: No, for money that you were not approved to use. That's why they voted against you six to one to terminate you.

Rupp: That's not why they terminated me.

Dixon: That's what their minutes say. I got their minutes.

Rupp: That's not what the minutes say. It says I was terminated without cause.

Dixon: For this....there's a motion on the floor to terminate you without cause and let's move forward with moving this City forward. And if they wish to keep you and stay in this same old rut, it's off of Councilman Dixon.

Mayor: There's a motion. Do we have a second?

Goodman: Second for discussion.

Mayor: It's has been moved and properly seconded. Any discussions?

Councilmember

Keene: Mr. Mayor...or Ms. Goodman, I'm sorry.

Goodman: Go ahead.

Keene: No, I was just going to say what...I don't want to be pulled into saying something that I don't want to say so I'm not going to but I'm going to say this. What I'm hearing tonight is we...goes back to an old movie. We're having a failure to communicate here and Ms. Rupp what I hear you saying is that our Charter or our ordinances or whatever gives you some certain rights to do some things but I think it would behoove you to communicate...

Dixon: You better believe it. That's what I said.

Keene: ...to the Council. I also understand what Mr. Dixon is saying. I'm having a hard time wanting to vote to terminate you this evening. I'd rather do something and Mr. Attorney maybe you can help me, maybe some kind of censure or opportunity that would offer an opportunity to rehabilitate some things if you will. But there is certainly a failure to communicate here. I remember I was sitting out there the night that you guys restricted it to \$20-25,000 and I remember hearing that. My thought to myself was that they're never going to find anybody for \$20-25,000 and that came to be; but I just...that's what, that's what I would like to see. I don't want...you started out this evening talking about hiring and firing. That should all be yours. That shouldn't come to us unless someone is going to appeal a process. I saw the...I saw what was in the paper. I thought it was interesting that there was a sentence in there that says the Council had no comment. No one called me for comment.

Goodman: Me either.

Keene: So there's two (mixed voices)...there's three of us, so that sentence....(mixed voices) I'm not sure what that meant. I'll talk to Miss Hoffman later and maybe try to get some understanding, maybe I just misunderstood. But there are some issues here and I think it all revolves around a lack of communication with this Council. I have supported you and I've told you that even though I'm wasn't....Kathleen Fox, I'm not sure she was right for the job when we did this Shocker's thing out at the ball park. I'm like "My Gosh, maybe that girl's got some talents I didn't know" so I

would applaud those efforts but we're not getting the communication in an effort like it should be and that's my comment.

Goodman: And that's why I seconded for discussion because that's what I wanted to discuss. And Markae, you remember that I sat in your office with you, and you and I have gone back and forth and one thing I've always said is communicate. I would err on the side of over communicating rather than not communicating because we live in a small community. I'm telling you the walls talk. And you've got to be the communicator. I mean for instance, had I been in that situation, I don't want to be but take for example the Kathleen thing, had I known that the Council... I mean we took pains to stay in that meeting, we discussed it for what? It wasn't a quick discussion. We wanted to stay within this limit and even if I read it in my contract, or the ordinance since that was a big issue with the Council I would have come back and said "hey look, here's what is and here's what I need to do and you all look at it." I mean there's just got to be over communication, over communication, you know on those issues. I mean the thing about you know, the accident, I was called and asked about it and if was anybody else I would say "aah blow it off" but when you're the Administrator all eyes are on you just like if I were to sneeze, it's going to be on the front page of the paper because we're elected. But that's just the way it is for us. We're all live....we're in a glass bowl, and we should be. We're in a glass house and we should be. And anything you do will be looked at more critically than anybody else so I again, I would err on the side of over communicating and let the Councilmembers tell you 'hey look, you don't have to tell me that' or 'that's ok, thank you'. I would err on the side of over communicating rather than not communicating. You know the issues with the...you know the other job and whatever the hiring and firing of, the falsification of whatever, I mean those are all serious issues that you know I dealt with as an administrator for the school system with the end result, the people do not have a job. And you just....and Mr. Keene, I hear you...there are some things that you have done well I mean, for instance now...well let me go into this though before I go into that. I also have a problem with, and you clarified it I believe, I have a problem, a real problem with staff being told not to talk to us. That happened before, previously with an Administrator. I...that...if anything makes my hair stand on top of my head, is telling somebody can't (coughing in the background made the words inaudible). I mean that's why we're elected, people should be able to feel free to talk to us and not feel like they're threatened that they'll have their jobs taken because I did have a couple of folks come to me and say they wanted to talk to me but they were afraid because of what might happen to them. And no matter how I tried to assure them, you know they felt that way and you just can't...I was hoping for Arcadia to move forward. The only reason I even agreed to run again and stay on this Council is because I thought we were moving forward and by golly, I just, I don't know, I...there are things that you have done well as Mr. Keene said. And I mean, for once yes, the staff, they really are having staff meetings, they have job descriptions and I expected at first, you know some talk from staff because folk who never signed in now have to sign in. Nobody's going to like that because if I could do that before and was never held to the gun, why's this lady coming in here holding us to the gun. So I expected some of that but now some of these other things that continue to

come out, I just...so my question to you is this...are you willing, the Councilman said, are you willing to work with us and have us come up with a plan whether it's this council and you sitting together in a meeting or we specifically, we did sort of like that before, but where you specifically talk about how we're going to communicate with each other. I suggested something early on with the last Administrator, I suggested doing that, you know, before each meeting that there's communication. I know people's schedules get crazy but...and let me say this, I like having the phone because I was tired of paying my own money for city calls. I had done it all...ever since I've been elected and I like having the phones. And I like the laptops because I can get this thing and I can get my agenda and I can go with it wherever I am and I can do that and I'm not restricted to pieces of paper which can be cumbersome, so I like that but to each his own. You know, I consider that to be a plus. Things that have happened as a plus. You know, so...but there are issues that are of serious concern. So are you willing to work with us on this on that? Are you willing for us to work together as a team to say 'ok here's some issues and let's deal with it'?

Rupp: Yes I am and I think I always have been open to any suggestions from this Council in workshops where they have set forth different issues and different things that they wanted me to do. And I've tried very hard to do that. I think I've been very open anytime any councilman comes into my office. If I have a real issue, that I feel is extremely important or that might come before the Council, I call and talk to the Council and the Mayor about those issues. I do call the Mayor for his opinion and his guidance on certain issues that I don't bring to the other Council because I don't feel...I'm not really asking for Council approval, I'm asking for guidance. And I do that and I am more than willing to continue to do that, to communicate whatever it takes but to this point I feel like if it is an important issue, I have communicated that with the Council. And...but if that's not enough, if they want a run down every day, I keep a log in my office of every phone call I have, every meeting I have. If you want me to call you on a daily or weekly basis and tell you everything that I've done in my office, I'll gladly do that.

Keene: Ms. Rupp, the point that I was trying to make, a Council before me coming on, apparently restricted you to \$20-25,000 for this position. You just told us that, you know it was within your rights to go above that and are you willing to state that you never brought that information back to the Council of what the pay was?

Rupp: Yes.

Keene: Because isn't that right?

Rupp: Yes, I am willing to state that.

Keene: So you not seeing the issue of communicating with the Council?

Rupp: No, because I have the authority to hire and fire and set the salaries. And in the exception it says that I can change that.

- Keene: Mr. Mayor, I call the question on the motion.
- Mayor: Well, I wanted to discuss....
- Dixon: Mr. Mayor, excuse me...right before you do that, since I made the motion, I would just like to provide the Council with this information from another previous City employee where she....I guess...made mention of where she would do what she feels the Council wants done as far as his pay but after the budget, she would increase it. So this is not just a one time deal, this is the mindset of this Administrator, that she don't have to follow order. And we can discuss it or not. I'm not withdrawing mine's. And I'm firm. I mean, I wish that we would have done what I said during the evaluation, extended that probational period which I said because we dropped the ball. We did not do an extensive background history, work study on this woman and that's why you're reading all the mess you're reading. I was surprised, somebody called me and told me it was in there, I didn't even know. They told me. I read it today and these are serious concerns. Some stuff has been mailed to my house from other elected officials - to my house. And you're welcome to those documents - it's public information. And you'll know that I don't just go to sleep and dream up this stuff and there are proof of minutes - you can deny it, you know, I can't deny that I never went to jail, but I can prove to you and deny that I was never found guilty of it. In your case...
- Rupp: I was never found guilty of anything.
- Dixon: You paid up.
- Rupp: I was never found guilty of anything and that was not why I was terminated.
- Dixon: You admitted guilt...you admitted guilt.
- Rupp: And I guarantee you that article that was in the paper today...I have a document that I typed answering a lot of those issues, they were mis-quoted...
- Dixon: I'm not talking about theirs...I'm talking about what I got from West Melbourne.
- Rupp: But what you're saying that what was in that paper is true. They were not true and I can prove they were not true.
- Dixon: West Middleburg's minutes back up what I'm saying.
- Rupp: West Melbourne's minutes does not...
- Mayor: Let's...a question was called on the motion but I did say that I wanted to address....have my opportunity to make a statement. And my statement was even in the, during the evaluation period I felt like the communication was not good. And I said 'with me'. I did not say with anyone else. But I did feel that I was not

being communicated with properly. I agree with you when you made a statement that you do call the Mayor. You have done that and since I'm holding that seat, I do get calls from you. I do get phone messages from you. I don't carry my phone everyday but I check it to make sure I get the message, then I will respond. The other thing that really concern me is when I have employees really coming to me – and it's not just one, but employees come to me and they have concerns. Some are concerned that individuals are being given advanced positions versus someone who has more experience and then they are getting paid more. And I'll just go back to, I'll just go back to Mr. Rowley for an example. He was not, well I guess you would say I don't think he was totally dismissed from being a foreman because he had someone under him, am I correct?

Rupp: Yes.

Mayor: So he had someone under him. But then his duties and responsibilities were not the same. But then we had another person who was given additional responsibilities and the salary increased, I'm going – I was told, I don't know whether this is true or not only you can correct this – I was told it was a substantial amount and versus how many years that person had been on probably four to six years. But then someone who's been working for like twenty some years now their salary is just a few cents different from their paycheck. And the thing that concerns me, if you have a lateral move, fine. I have no problem with that. But if there is a position that someone is going to make a larger salary, I think every individual needs to be given an opportunity to apply for that position if it's going to be another position that is going to pay a great deal in salary. And rather than to say chosen. I do believe that at one point, it is in our manual that that should happen. That we should advertise when we have new positions available. And so I consider that as being a new position since we did not have that position before.

Rupp: Ok, I'm a little confused because we did have that.

Mayor: You had that position you were paying a salary for now and you didn't change the salary...

Rupp: No we did not.

Mayor: ...for the other person. So when you added, when you gave another person that position their salary went up.

Rupp: Because she had two...

Mayor: So you've got two foreman's salary going.

Rupp: Because she had two...I did not, I did not feel I could take away the salary of that position, the man in that position because of the many years that he's been with the city. Ok? When I...actually the department head, the supervisor came to me with concerns about the performance of that position, the man in that position. And she asked me if she could allow a different person to take over the responsibilities for

that foreman position. I told her that I didn't have a problem with that if...that was in her purview to do whatever she needed with her employees in her department. But I did not feel it was right to ask someone to take on more responsibility without a raise. And it was not a significant raise. And...

Dixon: But it was a raise.

Rupp: It was a raise.

Dixon: And not only that one, there are other raises she's not telling us about.

Rupp: I do not have to. I do not have to come to this Council every time I give a raise. That is not your purview.

Mayor: Let me...let me finish asking my question. Another thing that employees are saying to me, they are saying that for an example, Don Waters retired and Tara no longer works with us. And the employees are saying that they are given instructions not to speak to these individuals if they are on the job.

Rupp: What individuals?

Mayor: Not to speak to Don Waters or Tara....

Rupp: They are not getting that from me. I guarantee you they are not getting that from me. I have never told an employee they couldn't talk to anyone. Ever.

Mayor: And see I just want to know these things because I really, you know I'm hearing so much and then there's some that feels like even the raises and the salaries that are being given are unfair to those who have been there for a long period of time. And I don't know how many of these things have happened. I just know that, you know Wal-Mart becomes an interesting place to go when you meet a City employee or SweetBay. And I will say on the other hand that there was a person in SweetBay that really felt real good about what was going on. But the majority of the individuals that come to me, it's not. They don't feel good.

Rupp: Well I think I can probably have several of my department heads and supervisors come before the Council and speak to you on the way that I've made changes in the City.

Mayor: And of course that's where, one of them, I got the positive comments from.

Dixon: And you know why? What those individuals - I won't throw them under the bus, I never knew what under the bus meant but I've learned - don't put their names out there. And this is what got me so pissed off tonight, excuse my French. There was one of the City employees came to my house...what night was that, Tawana, my wife...

Mrs. Dixon: Ummm, was it Monday? Friday?

Dixon: ...it was just a few days ago, about three-four days ago, literally crying so in an up-
 rage, we thought we was going to have to call the paramedics and I didn't want to
 have to call to my house to pick her up because they'd think Dixon had done
 something to her, my wife was there, last Thursday before dinner, and this person
 was so disturbed with you and your administr...your staff and what you all had
 coerced her into and she went on to say and I told her I would like for her to put it
 into writing because I don't like to speak hearsay, but she was....I mean we thought
 we was going to have to take her to the hospital or something, she says that, to me,
 that she appreciates the idea of getting a promotion that she had gotten as a
 supervisor but she understand what others are saying and what everybody's saying
 and what we're saying, that you got a...and I'm speaking I'm going to go ahead and
 do this and if you fire her tomorrow or cause her any problems or anybody that's
 over her, then you all will know why it happened. Miss Jeannie, you all call her
 Little Jeannie, rides around with the Parks and Recreation. I didn't call her, I live at
 my house, I paid for it and she came there. I didn't go looking for her. I'll make that
 clear. Miss Cherry, a black lady happens to work with her has been with this City
 for 20+ years. And Jeannie has been here about seven years. Everybody knows
 the...I guess the...I don't want to degrade anybody but everyone knows the
 mindset, the ability to work, abilities of each one of those persons. We know them.
 I've talked to them before I got elected, I'm going to keep talking to them even
 thereafter. They are constituents and not just employees. Now, you take the seven
 year employee that don't know half of what the 20+ year knows as we've noted with
 Ms. Anderson and make them a supervisor over all those peoples and then you
 allow your supervisor to give every one of them a separate vehicle to ride around in,
 burning up all this fuel as bad as this economy is, every one of Parks and Recreation -
 - whether you all know it or not - they all got separate vehicles now. Ed had them in
 twos and couples and saving on the fuel as we've asked the City, the police
 department to do and everybody to do, but this person with all these wild ideologies
 just...I'm concerned about the way these people are thinking. Just decided we'd
 give them all a vehicle. That is a serious concern. So I got a serious problem with
 your judgment and your way of doing - having business and you know, that hurt
 me for that woman to come to my house crying in that sort of pain. My wife and us,
 we tried to comfort and I'm sad to have to call her name but I (inaudible) am not a
 liar. And if we don't listen to them, if they're not being heard, who's going to listen?
 We're the one they voted in here to make sure this town runs right, that our monies
 are spent right, and if we don't oversee nothing else, we oversee the money - I
 promise you that. And this city is going to end up in the same situation you was in
 before you got this job.

Rupp: Mr. Dixon?

Dixon: ...in financial problems.

Rupp: Mr. Dixon, I am not going to call you a liar but I'm going to say that the facts as you
 presented them are not exactly what happened and I think the Marshal can back me

up on that. And my understanding is that you did call the young lady and ask her to come to your home.

Dixon: No, that's a lie. That's a lie. That's a lie.

Rupp: That's fine, but I'm telling you, that's what happened.

Dixon: That's a lie. What do the Marshal need to confirm?

Rupp: The Marshal can confirm that she was not coerced into signing anything.

Dixon: I can tell you that's what she said to me that you all encouraged, well not the signing of that but you encouraged her to file certain papers and you and Miss Fox encouraged her - that was her exact words 'encouraged her' - that she needed to file this information. That's what she said to me. And I'll take a lie detector test to that. But the point that I want to make about that - you missed that, you don't want to answer this that how can you and your novice supervisor that you hired, hire her and make her supervisor and give her more pay than the 20 year veteran of that had been there over...

Rupp: Because the files and the records show that the 20 year employee did not have the abilities and the skills to be a foreman.

Dixon: With that being said, I'm saying the same thing. With the knowledge that we have now and that has further surfaced, you have not the ability to be the Administrator. Your record shows it. You have....what utility experience do you have? What airport experience do you have? Tell me. In what city and where we can find it that information. What experience do you have in, excuse me, in utilities; what experience so you have in running airports, what experience do you have in any of these things? Even as an administrator which we know you never been one.

Rupp: Yes I have been one.

Dixon: You said you acted as one?

Rupp: I have been interim administrator and I have been...

Dixon: Interim is definitely different.

Rupp: ...and I have been the Clerk, City Clerk slash Administrator in a different form of government.

Dixon: Where was this at?

Rupp: In Mascotte.

Dixon: Mascotte? Where is that?

Rupp: It is in Lake County.

Dixon: In know, I want her to say what state and where.

Rupp: In Lake County, Florida. Ok? It's on my resume.

Keene: Mr. Mayor, I called for the question.

Mayor: Question on the motion. All in favor of the motion? (To Dr. Dixon) Are you going to repeat the motion?

Dixon: It's clear.

Mayor: The motion...(to Recorder) would you read that motion?

Recorder: Is to terminate the City Administrator effective this evening without cause. (To Dr. Dixon) Is that correct, sir?

Dixon: Yes.

Mayor: All in favor of the motion, say 'Aye'.

Councilmembers in unison:

Dixon: Aye

Keene: Aye

Johnson: Aye

Goodman: Aye

Mayor: Opposed?

Heine: Nay

Dixon: Four to one.

Rupp: May I be excused?

Dixon: As Donald Trump said, "you're fired"

Keene: Mr. Mayor, I still haven't had my chance...I haven't had the chance to make my comments yet. We didn't get to me.

Mayor: Your comments, I'm sorry.

Keene: I'm not going to be here unfortunately at the next meeting. I'll be on a Department of Health meeting in Tallahassee, so I regret that I won't be able to be here.

Dixon: Marshal? Excuse me I don't mean to interrupt, Marshal please make sure that you escort her to the office, nothing is tampered with, computers or nothing. She's fired as of now. Do what the Marshal did, the Chief did in Middleburg, escort her to her office. The same thing Middleburg done. And make sure that's in the minutes, what I just said.

End of verbatim portion.

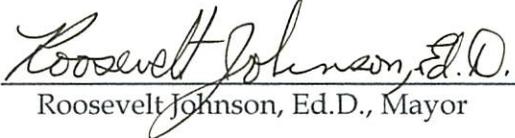
Councilmember Keene, continuing his comments, pointed out the Council had showed very little decorum this evening, allowing speakers to ramble on and on. On another matter, Mr. Keene offered a motion to appoint the City Recorder as Interim Administrator until such time as a new Administrator could be hired. The motion was quashed prior to a second.

On motion of Councilmember Goodman and seconded by Councilmember Dixon, the Council voted unanimously, 5-0, to appoint Rachelle "Shelly" Baumann as Acting City Administrator for an interim period of time.

Ms. Baumann stated her appreciation for the vote of confidence and stated her willingness to take on the responsibility while continuing to work on the audit and preparation of W-2 forms. She also requested to meet individually with each of the Councilmembers to glean their expectations of the role.

Having no further business at this time, the meeting was adjourned at 9:13 PM.

APPROVED THIS 2nd DAY OF FEBRUARY 2010.

By: 
Roosevelt Johnson, Ed.D., Mayor

ATTEST:


Dana L.S. Williams, CMC
City Recorder

RECORDER'S NOTE:

On pages 20, 24, and 30 of these minutes, the City of West Melbourne (FL) was inadvertently referred to as West Middleburg. The speaker noted his corrections at the following meeting; however because that portion of these minutes were prepared verbatim; the corrections were not made in the actual transcript.