

**MINUTES
 CITY COUNCIL
 CITY OF ARCADIA
 TUESDAY, JULY 6, 2010
 6:00 PM**

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

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

Arcadia City Council

Mayor Roosevelt Johnson
 Councilmember Sharon Goodman
 Councilmember Lorenzo Dixon

Deputy Mayor Robert Heine
 Councilmember Keith Keene

Arcadia City Staff

City Attorney William Galvano
 City Marshal Charles Lee
 Police Capt. Matt Anderson

City Recorder Dana Williams
 Consulting Engineer Julie Karleskint

Rev. Guice gave the invocation, which was followed by the Pledge of Allegiance and roll call. The Mayor announced the Interim Administrator had asked to be excused from the meeting and had been granted same.

CONSENT AGENDA

Councilmember Keene noted one correction to the minutes of the June 15th regular meeting; that page 2 included a reference to a 470' setback, when the correct notation should be 400'.

1. **MINUTES OF THE JUNE 15, 2010 WORKSHOP**
2. **MINUTES OF THE JUNE 15, 2010 REGULAR MEETING**
3. **ARCADIA MOBILE HOME PARK REPORT**

Councilmember Dixon made a motion to approve the items on the Consent Agenda printed above including item #2 as amended. Councilmember Goodman provided a second to the motion and a voice vote of the Council recorded unanimous, 5-0, approval.

DISCUSSION ITEMS

4. **REQUEST BY ELLA EPPS FOR SIDEWALKS AT 315 S. LEE AVENUE**

Ms. Epps was not in attendance at the meeting and therefore no action was taken on this item.

5. **CITY HALL ROOF REPAIRS**

The City Recorder explained briefly about having gone out for bid to-date for the re-

roofing of City Hall. She stated upon inspection of the roof by Mark Stewart of Stewart Construction (Sebring, FL), he admitted a complete re-roofing job was not needed and that replacement of the tiles on the mansard portion of City Hall would repair the leaks. Mr. Stewart was not in attendance, but the Council requested he be invited to the next meeting to more intricately address his proposal and answer questions.

6. AWARD OF BID FOR THE DESOTO COUNTY WATER INTERCONNECT

Ms. Karleskint of Hazen and Sawyer reported on the recent bid project for the Interconnect saying eight bids were received ranging in price from \$97,450 to \$139,220. She continued the lowest, responsive bidder was Censtate Contractors and that they have previously done work for the City on projects such as the ground storage tank and reclaimed water, with the City having been satisfied with their work. The Censtate bid was accompanied with the required bid forms, bid bond, and acknowledgement of all addendums, therefore it is the recommendation of Hazen and Sawyer to award the bid for the DeSoto County Water Interconnect to Censtate Contractors.

On motion of Councilmember Keene, seconded by Deputy Mayor Heine, the Council voted unanimously, 5-0, to award the bid for the DeSoto County Water Interconnect to Censtate Contractors in an amount of \$97,450.

7. SPECIFIC AUTHORIZATION NO. 11 FOR CITY OF ARCADIA WATER TREATMENT PLANT

Ms. Karleskint then addressed specific authorization #11 for the final design, bidding and construction phase services of the Water Treatment Plant. She stated the cost for this phase is \$360,000 which includes design, geotechnical investigations, survey and permitting components.

Mr. Bob Allen, 12 S. 12th Avenue, voiced his opposition to the City moving forward with the construction of a new plant. He felt the Interconnect was a sufficient means until such time as a contract with the County could be put in place to provide water to the City. Mr. Allen felt the \$6 million price of a new plant with a debt service for 30 years was too much for the city to incur.

Councilmember Keene explained that he had had extensive conversations with the County regarding their providing water to the City and it was determined they cannot provide sufficient quantity to meet the city's needs or at a competitive price. Mr. Keene added he was not willing to close a door to options, but that at this point, he didn't see any options.

On motion of Councilmember Goodman and seconded by Deputy Mayor Heine, the Council voted unanimously, 5-0, to approve Specific Authorization #11 with Hazen and Sawyer in an amount not to exceed \$360,000.

8. UPDATE ON WTP CONSENT ORDER DISCUSSIONS WITH FDEP

Ms. Karleskint made the Council aware of an impending revision to the DEP's consent order at the Water Plant. She provided a brief explanation of excess lime entering the sand

filters resulting in an accumulation of sludge in the backwash pond and the offsite discharge of that backwash wastewater from the pond. She stated the DEP wants a short term option but right now there aren't any and stressed the importance of moving forward with the new WTP as a means of demonstrating to the DEP the City is making progress towards corrective action.

The Deputy Mayor thought the ponds had been cleaned out at least three times during his tenure on Council, to which Ms. Karleskint responded they had been excavated; however with the build up of lime, they are not percolating well.

ORDINANCES

9. SECOND READING OF ORDINANCE 960, NOISE

The City Recorder read ordinance 960 by title. Mr. Eugene Hickson asked about this ordinance as opposed to the one currently on the books. The Mayor explained this was to improve upon, update and activate remedial action for excessive noise.

Councilmember Goodman made a motion to adopt on second reading Ordinance 960 related to Noise. Councilmember Dixon provided a second to the motion and a roll call vote recorded unanimous, 5-0, approval.

COMMENTS FROM DEPARTMENTS

10. CITY MARSHAL

The Marshal stated his monthly report and code enforcement activity had been placed at the dais and that he was available for any questions the Council may have.

11. ATTORNEY

A) STATUTE RELATED TO NON-PROFIT RENTAL FACILITIES

The City Attorney stated his associate had prepared a memorandum addressing these issues and citing an example from Minnesota. He continued that the Minnesota ordinance provides both authority and enforcement, and as an example ensured rentals were for certain bona fide purposes along with five days' notice being provided to local law enforcement that the rental would be a certain type of event, the number of expected attendees, etc. The Attorney felt his office could put something similar together for the City of Arcadia in order to provide law enforcement better management.

B) VACATION OF ROW/EASEMENT AT WHEELER'S CAFÉ

The City Attorney stated that while the code could use some cleaning up, the Council does have authority on its own motion to vacate property; however the Code has an application process which outlines certain procedures that have to be accomplished in order for a proper vacation to occur. He went on to say his office had matched that application process with *Florida Statutes* under county road division where a very similar procedure is set out. His recommendation was that if it is the Council's desire to proceed with the vacation at Wheeler's Café, to do so with the proper procedures of conducting a public hearing, advertising, notice to interested/adjacent property owners and notification to utilities in order to prevent a challenge of the title at any point in the future. The City Attorney added that one of the components

needed in order to do this properly was a legal description. The City Attorney stated he would work with Mrs. Craven and the new administrator to locate an accurate and usable legal description.

C) APPROVAL OF CITY ADMINISTRATOR'S CONTRACT

The City Attorney stated the version of the contract included in the packet is revised according to the negotiations made at the last meeting. He noted page four included the amendments regarding base salary and health insurance coverage, and page six contained the clause about retaining the affiliation with St. Petersburg College.

On motion of Councilmember Dixon and seconded by Councilmember Goodman, the Council voted unanimously, 5-0, to authorize the Mayor to execute the contract on behalf of the City with Lawrence A. Miller for the City Administrator's position.

D) APPROVAL FOR CITY ADMINISTRATOR AS AUTHORIZED SIGNER ON ALL BANK ACCOUNTS

The City Attorney briefly explained this item and the next, particularly as they were time sensitive in relation to payroll authorizations.

On motion of Councilmember Goodman and seconded by Councilmember Keene, the Council voted unanimously, 5-0, to approve Lawrence A. Miller as the City's Administrator as an authorized signatory on all City bank accounts.

E) APPOINTMENT OF INTERIM FINANCE DIRECTOR WITH AUTHORIZATION TO SIGN ON ALL BANK ACCOUNTS

Councilmember Dixon made a motion to appoint Bettye Coone as Interim Finance Director with authorization to sign on all City bank accounts. Councilmember Goodman provided a second to the motion, which passed unanimously, 5-0, upon voice vote of the Council.

In the event Mrs. Coone did not wish to accept the position and because of the timing issue, a contingency appointment was also made. **Councilmember Dixon made a motion to appoint Lawrence A. Miller as the Interim Finance Director with authority to sign on all city bank accounts in the event Mrs. Coone declined the appointment. Councilmember Keene provided a second to the motion and a voice vote recorded unanimous, 5-0, approval.**

12. ADMINISTRATOR

A) CLARIFICATION ON SELLING SCRAP MATERIALS

The City Recorder stated at the last meeting the Council had provided direction to dispose of surplus property from the Livestock Market according to the procedures adopted in February, and clarified for the record it was their intention to incur the expense of advertising for the sale of scrap railroad ties and tin. The Mayor responded those procedures were put in place for a reason and should be followed.

B) FY-11 BUDGET INFORMATION

The Mayor read a prepared statement from the Interim Administrator regarding several items. The first of which related to the 4th of July parade and the mess made from the horses in the parade. The Interim Administrator had reported the street sweeper had been broken for over a week and was not available to assist in the cleanup after the parade; and that although a staff member with a broom and trash can was dispatched for clean up, barricades were moved for vehicular traffic prior to completion of the task. Discussion followed various methods to prevent this in the future such as putting all horse entries at the end of the parade, requiring a cleanup man to follow their entry or possibly requiring horses to wear a tail bag.

The Mayor mentioned a sewer cave in occurring today on Palmetto between Orange and Monroe Streets.

He then moved on to the voids along US 17, saying work is anticipated to begin on Saturday, July 17th and continuing through Monday, July 19th at a projected cost of \$45,062.50.

Finally, the Mayor noted a draft budget had been distributed for the Council's review and that in it, the gross taxable value is proposed at \$185,171,715 which is down from last year's of \$219,393,434 resulting in a reduction of ad valorem taxes of \$263,007. He noted it featured several notations such as consideration of phasing out retiree's insurance payments and elimination of the janitorial service for City Hall and the Way Building; and that health insurance rates were projected to include a 12% increase although property, liability and workers compensation rates will not be increased due to the 2-year renewal contract enacted last year. At the end, the FY11 general fund budget amounts for revenues and expenditures are very close to the budget of FY06.

Councilmember Keene publicly acknowledged the tireless effort Shelly Baumann had put forth on the budget and extended his thanks to her for doing so. Dr. Goodman echoed those sentiments.

PUBLIC

Ms. Gwen White, 515 Bond Street, stated she was trying to clean up her property and put a slab and shed on it, however the footers were not placed/poured within the allowable setbacks. She continued that the property is not buildable and that because she's paying taxes on it, she should be able to do something with it. The Mayor with the consensus of Council referred her matter to the Planning & Zoning Board for their recommendation.

Ms. Ann Pepper, 1539 N. Arcadia, read a prepared statement regarding noise and the recent adoption of the noise ordinance.

Mr. Eugene Hickson, discussed his concern for city property, particularly the cemetery, stating one man can not adequately take care of it all. Mr. Hickson felt there should be at least three people working there in order to keep up with mowing and trimming and said recently the cemetery was a disgrace, calling it "almost a jungle."

Ms. Alice Frierson, 820 W. Gibson, also read a prepared statement questioning the Council's lack of decorum over the past two years, saying very little positive has resulted, and

that the innuendos and accusations have taken its toll on the city, both in terms of the employees and public. She urged the Council to demonstrate positive leadership, to move forward and begin working harmoniously.

Ms. Roseanne Collins, 208 N. Monroe, addressed a flooding issue on her property as a result of too much water converging on one location, namely the Jordan Branch. She submitted photographs of her flooded property and talked about the assistance in terms of sand bags provided by the Street Department. Ms. Collins said this was the second claim she has submitted to FEMA in eleven months and that they won't continue to pay; although it would be an opportune time to submit for a grant since they are aware of the problems. She asked that the City do something to reroute the water and address drainage along the canal.

Ms. Janie Watson spoke in concurrence with Mr. Hickson's comments regarding the cemetery, particularly for the Memorial Day weekend, calling it a disgrace.

Ms. Adrian Daly added the Jordan Branch runs behind her church and agreed it needs cleaning out.

MAYOR AND COUNCIL MATTERS

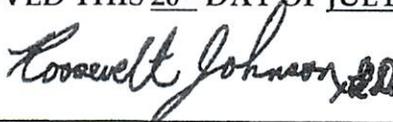
Councilmember Keene referenced a letter he received concerning a house built at the corner of Airport Road and Maple, which was traditionally in a no-build zone since it is in the direct flight path for the Arcadia Airport take off and approach runway 13/31. Mr. Keene, reporting from the materials, stated that DeSoto County had donated the property to Habitat for Humanity and that while an FAA study had concluded the home's highest point did not warrant a Determination of Hazard to Air Navigation, it did recommend noise attenuation/insulation features be incorporated into the design and construction as a result of being within the 65 DNL noise contour. Councilmember Keene felt at the very least, mention of the FAA's recommendation should be included in the minutes. He also asked that each Councilmember and the City Attorney be provided a copy of the letter and supporting documentation.

ADJOURN

Having no further business at this time, the meeting was adjourned at 7:20 PM.

APPROVED THIS 20th DAY OF JULY 2010.

By:



Roosevelt Johnson, Ed.D., Mayor

ATTEST:



Dana L.S. Williams, CMC, City Recorder