

**MINUTES
CITY COUNCIL
CITY OF ARCADIA
TUESDAY, JUNE 1, 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

Interim City Administrator Shelly Baumann
City Attorney William Galvano
Systems Superintendent Fred Lewis

City Recorder Dana Williams
City Marshal Charles Lee

Deputy Mayor Heine gave the invocation, which was followed by the Pledge and roll call.

CONSENT AGENDA

1. MINUTES OF THE MAY 18, 2010 WORKSHOP
2. MINUTES OF THE MAY 18, 2010 REGULAR MEETING
3. FINANCIAL REPORTS THROUGH APRIL 2010

Councilmember Goodman made a motion to approve items #1 through #3 of the Consent Agenda above. Councilmember Keene provided a second to the motion, which passed unanimously, 5-0.

DISCUSSION ITEMS

4. SPECIFIC AUTHORIZATION NO 10 FOR HAZEN AND SAWYER, P.C. ENGINEERING SERVICES

The Interim Administrator presented this item as continuing professional services related to water and wastewater issues, and compliance with FDEP monitoring and reporting. She read a few of the included tasks as defined in the scope of services and added the fee for this agreement was \$25,000.

Councilmember Dixon questioned whether this was the same firm and agreement for which the City recently authorized a \$60,000 payment. The Interim Administrator answered it was the same firm; however that payment was for a different scope of service.

On motion of the Deputy Mayor and seconded by Councilmember Keene, the Council voted unanimously, 5-0, to approve Specific Authorization No. 10 of the General Consulting

Services contract with Hazen and Sawyer, P.C.**5. REQUEST BY THE CHAMBER OF COMMERCE OF DESOTO COUNTY FOR PLATINUM SPONSORSHIP**

The Interim Administrator stated a request from the Chamber of Commerce for platinum or any other level of sponsorship had been received in the mail, and that it was the pleasure of the Council to take action on it or not.

Councilmember Dixon asked if this sponsorship was similar to what had been done in the past, to which the Interim Administrator answered the City had previously provided a monthly stipend although it had been cut from the current year's budget.

The Mayor stated he felt this would fall into the same category as previously discussed; namely the no donation category.

The Council took no action.

6. REPAIR OPTIONS FOR S. LEE AVENUE SIDEWALK DRAINAGE

Mr. Fred Lewis, Systems Supervisor, reported that since his memorandum was submitted, he had discussed with "Shorty" repair options for the sidewalk along S. Lee Avenue at Pleasant Hill United Methodist Church, and who agreed the repair would involve raising the entire sidewalk to the level of the road and would be a costly endeavor. Mr. Lewis added that his suggestion for inserting a drain was merely that, a suggestion, and that Pastor Elmore did not agree with that option. He continued that regardless of any further action, the newly installed sidewalk and apron is already broken from vehicles having driven on it. He distributed photographs showing the cracks.

Mr. Lewis then described a repair for pouring new sidewalk, continuing 200'-300' in order to level everything including building up the shoulder of the roadway so that the water would flow to Alabama Avenue.

Councilmember Dixon asked if an estimate had been prepared, to which Mr. Lewis stated he has not received one. Dr. Dixon added he also did not like the idea of a drain in the sidewalk, saying repairs have not been done correctly from the beginning and the City needs to do it right this time utilizing a professional concrete contractor and including wire in the foundation. Councilmember Dixon, referencing another recently approved sidewalk repair, estimated this one to be similar in cost, roughly \$1,200.

Deputy Mayor Heine suggested adding metal posts every 5' or so to keep vehicles from parking or driving on the sidewalk. Dr. Dixon suggested also no parking signs and curbing.

Councilmember Keene asked about the historical background of the sidewalk. Pastor Patrick Elmore described several layers of surfacing having been installed over time, how he doesn't believe the newest installation to be 4" thick, and although the city did the best job with what they had available, the workers were not skilled enough to complete the job properly. He went on to say that rather than a river of water as was the case before the "repair", there now seems to be a lake of standing water. He did add that he would not be opposed to the post and chain barriers being

installed.

The Council directed the Systems Superintendent to obtain cost estimates for the repair of the entire length of sidewalk and rebuilding the roadway shoulder.

7. WHEELER'S CAFÉ – CARL WILEY, OWNER

The Interim Administrator announced the enclosed letter was received along with a request to appear on the agenda, however Mr. Wiley is not present this evening. She added the topic of his leased building having been built over a City easement was discussed several years ago; and that Dr. Hewett, who was involved in those discussions, is in the audience if the Council would like him to address the issue.

The Deputy Mayor made a motion to table the item; however following discussion, he withdrew his motion.

The City Attorney pointed out the letter was an inquiry from the lessee to the property owner and not necessarily an action for the Council. Councilmember Keene asked the Marshal about the specific code violation. The Marshal responded the topic was brought up during Dr. Hewett's tenure, but that to re-address the issue would be, in fact, to start over. He continued it will now go through the Special Master process before coming back to the Council.

COMMENTS FROM DEPARTMENTS

8. CITY MARSHAL

The Marshal stated his report and that of code enforcement was placed at the dais for the Council's review. In addition, he mentioned the decibel meter had been received so his office is ready to proceed with collecting readings.

9. ATTORNEY

A) REPORT ON CITY ADMINISTRATOR CONTRACT NEGOTIATIONS

The City Attorney reported that in contract negotiations with Lawrence Miller for the position of City Administrator, Dr. Miller had informed the Attorney that he currently holds an adjunct professor position with St. Petersburg College, which he would like to retain. The Attorney stated that typically, and as in the past, the City has included a provision within the Administrator's contract that the position is a full time job and outside employment is prohibited. In addition, the Attorney stated Dr. Miller had requested a starting salary of \$73,000 with an increase to \$80,000 at the end of his probationary period. Dr. Miller's rationale for this request was as Administrator, he felt his salary should be above subordinate employees and there is a police captain who makes more than the initial offer.

Deputy Mayor Heine stated his belief the Administrator's position was full time and asked about the term of Dr. Miller's contract with the school. The City Attorney responded he was under the impression Dr. Miller wasn't "finishing up" anything, but rather would like to retain the adjunct professor position in addition to the being the full time Administrator. Councilmember Goodman agreed with Mr. Heine, adding the Administrator is a full time position. Councilmember Dixon said he had a "serious problem with the dictatorship of the dollar amount" when the Council and applicants were aware of the advertised salary. Dr. Dixon thought perhaps the request for \$80,000

would be a "deal breaker" if Dr. Miller was not willing to accept the terms as advertised and with regard to retaining the other position. He continued the Dr. Miller cannot compare himself to an employee who has been with the City nearly 26 years, and that if Dr. Miller cannot accept the terms as offered, perhaps the Council should move on to the next candidate. Councilmember Keene added the money was a deal breaker for him as well and that if Dr. Miller wanted to be an adjunct professor at the college in Arcadia, that would be a different matter. A brief discussion followed on the terms of the contract, the willingness of the second choice candidate, Mr. James Bursick, to relocate to Arcadia vs. a rental/leased property and other components of the Administrator's position.

At the conclusion of that discussion, Councilmember Goodman made a motion to direct the City Attorney to inform Dr. Miller of the Council's desire to remain with the original terms of the offer (\$70,000 starting salary, annual contract, 6-month probation, no outside employment) and if those terms were unacceptable to him, the City Attorney should begin negotiations with James Bursick for the position of City Administrator. Councilmember Keene provided a second to the motion, which passed unanimously, 5-0, following a voice vote.

B) CRAIG A. SMITH & ASSOCIATES VS. CITY OF ARCADIA

The City Attorney reported that the lawsuit of Craig A. Smith & Associates vs. City of Arcadia appears to be moving towards a trial date in July and that the attorney handling that case has identified an expert witness he would like to retain in order to testify to all defenses the city has raised. Mr. Galvano went on to recall that approximately 15 months ago, the Council held an executive session in which Mr. Thomas, the attorney of record, estimated the legal fees and costs associated with this case at \$40,000; and although the expert witnesses rate is \$285/hr, the charge for such would be included in that original cost estimate. He then added the case, roughly a \$250,000 suit, is pending in part on whether or not FEMA procedures were followed. The City Attorney then stated this is not an "11th hour" charge and that Mr. Thomas simply wanted the Council to be aware.

On motion of Deputy Mayor Heine and seconded by Councilmember Goodman, the Council voted unanimously, 5-0, to authorize John Thomas, Esq. to contract with an expert witness for testimony in the Craig A. Smith & Associates vs. City of Arcadia suit.

C) NOISE ORDINANCE UPDATE

Lastly, the City Attorney stated he had modified and sent the revised noise ordinance to staff who will schedule it for first reading at the June 15th meeting.

10. ADMINISTRATOR

The Interim Administrator reported on the ground penetrating radar (GPR) study of US 17, which revealed additional voids in the road and the progress to-date in getting FDOT to respond. She went on to say she has spoken with Shenandoah Construction regarding repairs who will have their engineer review the GPR. At this point, she feels the most cost effective method would be to backfill the voids, citing foam injections would be too costly for consideration; and that depending on when the report from the engineer is received and submitted to the DOT, possible road closure dates for the repairs are the weekend of June 12-13 or 19-20.

PUBLIC

Mr. Gary Frierson, 820 W. Gibson, asked whether the problem identified last year with clogged storm sewer lines underneath Gibson near the school had ever been repaired. The Systems Supervisor stated the lines had been cleaned out as far as possible which does allow somewhat better drainage, however crews could not get a camera all the way into the lines to determine the exact location or cause of the blockage. He thought the blockage was underneath the school and had previously obtained a price quote of \$35,000 to reroute the lines, which was vetoed by the previous administrator.

Mr. Frierson then asked about the new administrator's salary range and questioned the definition of residency. The Council, after refuting several remarks paraphrased by Mr. Frierson, defined it as an established residence whether by rent, lease or ownership and becoming a registered voter in DeSoto County.

MAYOR AND COUNCIL MATTERS

Councilmember Dixon encouraged everyone to watch the WINK news telecast where the topic of Southwest Florida declining property values will be a featured story. He felt the only way to face the economic crises would be raise taxes (which he would not support) or to cut salaries or departments.

Councilmember Keene briefly discussed the greenway on N. Monroe, which has been flooding for decades, and hopes that through the Visioning process, the Council can get an inventory of issues needing to be addressed and prioritize them accordingly.

Councilmember Goodman said she was glad to be moving forward with the Administrator's position and prays that as a city, we can move forward in unity. She also talked about the DeSoto County Historical Society's recent recognition of Richard Bowers and the influences he and Howard Melton have made in the community over the years.

The Mayor referenced an email received from Jennifer Faircloth, which he felt had some ideas worth discussing in a workshop setting. He requested a workshop be set for 5 PM on June 15th, immediately prior to the next regular meeting.

ADJOURN

Having no further business at this time, the meeting was adjourned at 7:03 PM.

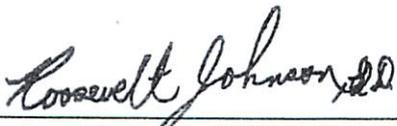
APPROVED THIS 15th DAY OF JUNE 2010.

ATTEST:

By:



Dana L.S. Williams, CMC, City Recorder



Roosevelt Johnson, Ed.D., Mayor