

REGULAR MEETING  
MARCH 17, 2009

The Regular Meeting of the Arcadia City Council was held on March 17, 2009, at 6:00 p.m. in the Margaret Way Building at 23 North Polk Avenue. Council members attending were: Fazzone, Dixon, Johnson, Goodman and Heine. Also in attendance were: Interim Administrator Fink, Attorney Henbest, Marshall Lee, System Supervisor Lewis, Waste Water Treatment Plant Supervisor Underwood, and Recorder Baumann.

Mayor Fazzone called the meeting to order.

The Invocation was given by Councilman Heine.

Pledge Allegiance to the Flag.

Deputy Mayor Dixon moved to adopt the Minutes of the Work Session Interviews of March 2, 2009, Work Session of March 3, 2009, Regular Meeting of March 3, 2009, Work Session Interviews of March 4, 2009, and the Work Session Interviews of March 5, 2009; seconded by Johnson and carried.

Mayor Fazzone asked that Recorder Baumann read the scoring of the candidates for the position of City Administrator. Deputy Mayor Dixon asked that the names of each Council member be given instead of a number as had been assigned to each member on the scoring sheet provided to the Council. Recorder Baumann stated the following: CM#1: Heine, CM#2: Fazzone, CM#3: Johnson, CM#4: Goodman, CM#5: Dixon.

Recorder Baumann then read the candidates scores as listed on the score sheet:

Markae Rupp 233 points: 1<sup>st</sup> place  
Lawrence Miller 227 points: 2<sup>nd</sup> place  
Rex Taylor 209 points: 3<sup>rd</sup> place –  
Paul Mercier 206 points 4<sup>th</sup> place  
Roxann Read 199 points: 5<sup>th</sup> place  
Joe Fink 197 points; 6<sup>th</sup> place  
Diane Wolcott 144 points: 7<sup>th</sup> place

Recorder Baumann stated that Mr. Rex Taylor asked that his name be removed from the list of prospects if the City could not offer a salary of \$90,000 plus. Deputy Mayor Dixon moved to remove Mr. Rex Taylor from the list of candidates for consideration; seconded by Heine and carried.

Mayor Fazzone asked how the Council wished to proceed. Councilwoman Goodman moved that based on the ranking showing Ms. Markae Rupp in first place, she authorized Recorder Baumann to contact Ms. Rupp and set up a meeting between the Mayor, City Attorney and Recorder Baumann to offer Ms. Rupp the position of City Administrator; seconded by Heine and carried.

Councilwoman Goodman asked if the Attorney is working on the contract. Deputy Mayor Dixon asked that the Attorney complete the proposed contract and allow the Council to review it. Deputy Mayor Dixon stated the employer, not the employee should

REGULAR MEETING  
MARCH 17, 2009  
Continued

dictate the terms of the contract. Mayor Fazzino asked Attorney Henbest when the contract would be ready. Attorney Henbest stated at the next Council meeting of April 7, 2009. Deputy Mayor Dixon stated Interim Administrator Fink should be re-appointed for another month.

There was discussion regarding the need to have a work session prior to the next regular meeting in order for Council to review the Administrator's Contract. The Council all stated that they would prefer that the contract be ready ASAP. Attorney Henbest stated he could e-mail a copy of the agreement to Recorder Baumann to give to each Council member. If any Council member had any proposed changes or concerns they could either e-mail their issues to Attorney Henbest or get them to Recorder Baumann to pass on. Attorney Henbest cautioned each Council member not to discuss anything with another member so there would be no violation of the Sunshine Law.

Recorder Baumann asked if there was a salary in mind or would the salary be open for negotiations. Councilman Johnson stated the Council had decided not to exceed the salary of the former Administrator, which was \$75,000. Councilwoman Goodman is in favor of \$75,000.

Deputy Mayor Dixon asked that the Council members look at minutes in a previous meeting that had been agreed on \$65,000 and should not exceed \$75,000. Deputy Mayor Dixon stated he would not agree to \$75,000 looking at the resources available. Deputy Mayor Dixon stated that he supports the motion for Ms. Rupp and he believes the salary should start out at a good amount, than take the person up. He noted that she will be the first female City Administrator for Arcadia. He stated that based on her resume she has helped others get to the top and now it is her turn. He also stated he felt he was one of the primary people to *"get us to this point"*.

Councilwoman Goodman stated in these critical financial times, we don't want to be on the high end, but she did not think \$75,000 is too much. She stated she had no problem with \$65,000, but *"we want to make it attractive"*.

Deputy Mayor Dixon stated for the record, *"Looking at small cities and rural towns, in comparison to us, they are paying \$55,000 to \$65,000"*.

Councilman Johnson proposed beginning with \$65,000 and work from that amount. He believes that by starting at \$65,000, there would be some room to go up from there.

Deputy Mayor Dixon stated that he is looking at this from a business perspective. He stated he was *"looking at it for the City"*. He stated *"she deserves pay equal to any man"*. He stated *"you have to look at experience and credentials, but let's start at \$65,000."*

There was some discussion regarding the pay if the 2<sup>nd</sup> place candidate were to be hired to which Councilwoman Goodman stated *"we have to be careful"* if the posting had stated that we would pay more for a higher degree than we could; however it did not. The fact that someone has a degree higher than what was required should be of no consequence when considering the salary.

REGULAR MEETING  
MARCH 17, 2009  
Continued

Deputy Mayor Dixon noted that when the Attorney firm was hired; the Council went to a higher amount. Councilman Johnson stated the firm was asked to lower their rate, and had agreed.

Attorney Henbest asked the Council to consider an extension of the contract for Interim Administrator through April 30, 2009. Dixon moved to extend Interim Administrator Fink's contract through April 30, 2009; seconded by Heine and carried.

Councilwoman Goodman requested that at the end of Mr. Fink's contract the Council recognize Mr. Fink for his time as Interim Administrator. All Council members agreed.

Councilwoman Goodman announced that the Council had received a letter of resignation from Mrs. Joyce Osteen, who will be retiring on April 10, 2009. In her letter Ms. O'Steen had requested to return on a part-time base. Councilwoman Goodman stated "*I want to start with a clean slate*". "*It needs to be advertised*". Councilwoman Goodman stated the new Administrator needs to be involved in the hiring of a new assistant. Goodman moved to accept the resignation of Joyce Osteen as presented to the Council in her letter; seconded by Deputy Mayor Dixon and carried.

Deputy Mayor Dixon asked Attorney Henbest if the Council needed to formally accept Ms. O'Steen's resignation since the Council does not hire anyone other than the Administrator and Attorney to which Attorney Henbest stated it was proper procedure since the letter was sent to the Council.

A request by letter, to hold the 8<sup>th</sup> Annual Cinco de Mayo Celebration on Saturday, May 2, 2009, was presented. Mr. Rufino H. Rodriquez, Committee President, was not present, however, City Marshall Lee stated he did not have a problem with the parade being held from 6 pm to 8 pm, starting at Orange Avenue, proceeding down Oak Street and ending at Volusia Avenue. Goodman moved to approve the request to hold the 8<sup>th</sup> Annual Cinco de Mayo parade on May 2, 2009 from 6pm until 8 pm; seconded by Deputy Mayor Dixon and carried. Deputy Mayor Dixon stated he would like to see all the communities come together, with an invitation to participate in all parades. Marshall Lee stated he would carry this request to Mr. Rodriquez.

The Fines and Forfeitures for the month of February, 2009, was presented showing Fines in the amount of \$1,045.46 and Radio in the amount of \$12.50. Marshall Lee also thanked Interim Administrator Fink for his work, stating he enjoyed working with him.

The Recorder's report of Revenue and Expenditures through February 2009 was presented.

Interim Administrator Fink reported that the repair to the roof of Fire Station One had been scheduled to begin; however, a three (3) day window of clear weather was needed which did not happen. The repair is now scheduled to start on March 23, 2009 and be completed by Wednesday, March 25, 2009.

REGULAR MEETING  
MARCH 17, 2009  
Continued

Interim Administrator Fink thanked Deputy Mayor Dixon for his input in saving the City \$1,000 on the recently purchased truck for the City. Deputy Mayor Dixon stated he could not take credit for that as he only made a suggestion and that was to tell the dealer to *"beat the offered price, not match it"*.

Attorney Henbest addressed the Council regarding the lease for the old livestock market noting that he just needs to clarify which entity would be on the lease that being the State of Florida or the Department of Agriculture in order to complete the to contact.

Attorney Henbest stated that the Nuisance Ordinance was discussed with Attorney Galvano who stated that the City's ordinance currently in place provides for a process and it does not differ much from most of the state. Attorney Henbest suggest a Request for Proposal (RFP) for a waste hauler be prepared to see what they might be willing to do in removing some of the dilapidated houses and buildings. He stated this was in draft form and would have it to the City Recorder by Wednesday, March 18, 2009.

Attorney Henbest then reported that he is currently reviewing the lease between the City and Air Cadia to see if both parties are meeting all of their obligations. He noted that he will be speaking with Interim Administrator Fink regarding this as well as bringing it back before the Council.

Deputy Mayor Dixon asked the Attorney if he felt the Council should agree on a percentage increase annually on the contract with the livestock market lessee.

Mayor Fazzino asked Attorney Henbest if an advertisement for lease was needed. Attorney Henbest stated that because the State had owned the property before deeding it back to the City, he felt it was proper procedure to lease it to the State. He stated he would, however, check all information to make sure before finalizing the contract.

Attorney Henbest stated Interim Administrator Fink had questioned the liability of clean-up the City might be held responsible for because of old dipping vats. Attorney Henbest stated because the dipping vats were under control of the State, the City would have no liability by taking the property. Attorney Henbest stated the lease would be for Four Hundred Dollars (\$400.) per month. In addition, built into the lease would be up to a ten percent (10%) increase yearly. Deputy Mayor Dixon stated he had done a lot of leases and that is why the thought had occurred to him. He stated it would not have to be done annually, but with the option to do so.

Deputy Mayor Dixon reported that Mr. Court had called and was ready to move forward on the lease and presenting it to his superiors for final approval. Mr. Court stated that he is okay with everything that had been presented to him.

Heine moved to reduce summer Green and Cart Fees at the Arcadia City Golf Course beginning April 1, 2009 through October 31, 2009 as presented; seconded by Goodman and carried.

The Public Works Report for the February, 2009 was presented.

REGULAR MEETING  
MARCH 17, 2009  
Continued

Councilwoman Goodman announced that Ms. Roxann Read who was a candidate for the position of City Administrator was in attendance. The Council directed Recorder Baumann to notify all applicants that the Council is in negotiations with the leading candidate.

Mr. Paul Hoover, local business owner, addressed the Council wanting to know the status of meetings with the DeSoto County Board of Commissioners regarding double taxation and what the Council was prepared to do to fight this issue. Mayor Fazzone suggested this was a job for the new City Administrator. Councilwoman Goodman stated the County put in writing there is no issue and if the City continues to pursue this, the County will take the City to court.

Mr. Albert Rawls, a member of the public, addressed the Council with a complaint of loud noise and profanity coming from the South end of town until after midnight on Saturday, March 7, 2009. Marshall Lee advised that there was a local car show in that area and that Car Show and Rodeo were over before midnight. Councilwoman Goodman stated she had ridden through the South section and did not hear any loud noise. Deputy Mayor Dixon reported receiving phone calls around 11:00 to 11:30. He stated he heard the noise and language from his home, and it was coming from the Southwest section of the City. Councilman Johnson stated he received calls reporting this incident as well. He thanked Mr. Rawls for the courteous way he handled this complaint. Deputy Mayor Dixon stated the City has a Noise Ordinance in place. Deputy Mayor Dixon then stated for the record: "*Marshall Lee, if they break the law and noise is too loud, then I think you need to go an enforce it*". He noted that the noise was not from the Car Show or the Rodeo.

Mrs. Adrienne Daley, a member of the public, asked what was going on at the cattle market. Deputy Mayor Dixon explained the existing State agency is being allowed to stay there and will be paying rent. In addition, the City is going to try and clean up the remaining property, to develop it so that it may generate income for the City.

Deputy Mayor Dixon stated he noticed that the President Obama had been in the area two (2) times in three (3) or four (4) months, and had been meeting with various city Mayors. He stated the Mayors have asked for money for their cities and he felt we should be interested in stimulus money as well. Interim Administrator Fink stated we were getting stimulus money for sidewalks on Martin Luther King through the Department of Transportation (DOT).

Mayor Fazzone asked Interim Administrator Fink about the status of the Housing Grant to which Interim Administrator Fink reported that the names of people with interest are being taken; however at this time the grant agreement has not been received.

Councilman Johnson reported a request was made to him for the Council to provide a walking trail at Louis Anderson Park. Marshall Lee requested that that before a trail is constructed that the park get lighting noting that at this time there is no electricity.

REGULAR MEETING  
MARCH 17, 2009  
Continued

Councilman Johnson complimented the Public Works Department for the speedy pick up of lawn cuttings.

Councilwoman Goodman addressed the Council regarding the response received from Senior Friendship Center regarding their hiring practices and that they had declined to come before the Council on this issue. She stated she found that strange since they never had a problem appearing before the Council to ask for money or when they objected to someone else using the building. Councilwoman Goodman stated she wanted a reassurance from Senior Friendship Center that every applicant is being given the same consideration. She stated that she was very disappointed with Senior Friendship Center that they did not think enough of the Council to attend this meeting. Mayor Fazzone suggested a formal complaint be filed with the Equal Opportunity Commission (EOC). Councilwoman Goodman stated the spokeswoman for the Senior Friendship Center will be in town on March 30, 2009. Marshall Lee reported that his wife has a Master's Degree also applied for the position and received the same treatment. Councilwoman Goodman said that she is not trying to be "*mean spirited*" what Senior Friendship Center stands for is wonderful. She stated that any organization can get bad in it and told the Council that they would be appalled by some of the stories that have been told to her by past and current employees. Mayor Fazzone stated that he would like to sit in on the meeting to which Attorney Henbest stated it would be best if only one Council member attended the meeting in order to avoid any sunshine issues. Councilwoman Goodman stated that she did not have a problem with Mayor Fazzone attending the meeting in her place. Mayor Fazzone and the applicant voicing the complaint will meet with the spokeswoman to discuss this issue.

Recorder Baumann reported that the blinds for the second story windows of City Hall have been ordered at a cost of less than One Thousand Eight Hundred Dollars (\$1,800), and are now waiting on the glass man to replace several windows.

Mayor Fazzone asked about the housing of West Coast Ambulance. Interim Administrator Fink stated the County is claiming the entire second floor of City Hall is Fire Station One; however historically only from the east wall over the elevators to the double doors over the fire bays have been considered part of the fire station. He reported that West Coast Ambulance is still occupying the building. Councilman Heine stated West Coast Ambulance is a private enterprise serving Highlands, DeSoto and Hardee and the fire station includes only the sleeping quarters and the down stairs bays. Councilman Heine stated that if West Coast Ambulance wants to rent, they can rent Station Two on 10<sup>th</sup> Street. He thought that they should pay the City something. Interim Administrator Fink reported that the Fire Merger contract is for ten (10) years and at this time only a little over two years (2) have passed. He asked that the Attorney review the agreement noting that the County has an obligation to provide at the same rate to the city, he does not believe that the current contract is legal as it is not equitable between city and county residents.

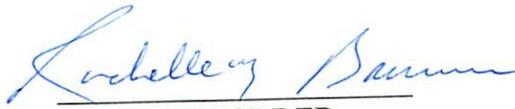
REGULAR MEETING  
MARCH 17, 2009  
Continued

Deputy Mayor Dixon stated *"At some point this board would have to do what is right and fight for what is right". I want Roger and the whole commission to know I am not going to tolerate it – we had to prove by state statute to get the same rate as the County for dumping". "I am sick and tired of playing games". "They are not going to take over our building"*.

Interim Administrator Fink discussed State Statues with Attorney Henbest regarding interlocal litigation procedures. Henbest stated he would look at the statue and review the contract.

Councilwoman Goodman asked for direction from the Council to Interim Administrator Fink regarding Fire Station No. 1 to which Deputy Mayor Dixon stated that they need to be notified that they are not to occupy any area past the double doors upstairs. Interim Administrator Fink asked if locks were needed to which Deputy Mayor Dixon stated he did not think they would be needed, as he does not believe that they will trespass.

There being no further business, the meeting was adjourned.

  
CITY RECORDER

  
PRESIDENT