

**MINUTES
 CITY COUNCIL
 CITY OF ARCADIA
 TUESDAY, SEPTEMBER 7, 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
 Councilmember Keith Keene
 Councilmember Lorenzo Dixon

Deputy Mayor Robert Heine
 Councilmember Sharon Goodman

Arcadia City Staff

City Administrator Lawrence Miller
 City Marshal Charles Lee

City Recorder Dana Williams
 City Attorney William Galvano

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

SPECIAL PRESENTATIONS

1. **PROCLAMATION RECOGNIZING NATIONAL PATRIOTISM WEEK, SEPTEMBER 6-12, 2010**

The City Recorder read a proclamation honoring National Patriotism Week which had been submitted at the request of the Benevolent and Protected Order of the Elks. Ms. Francesca Anderson, Exalted Ruler of the Arcadia Elks Lodge, then accepted the framed proclamation from the Mayor.

CONSENT AGENDA

2. **MINUTES OF THE AUGUST 17, 2010 REGULAR MEETING**
3. **CHECK WARRANTS FROM AUGUST 12, 2010 TO SEPTEMBER 2, 2010**

The City Attorney noted one correction to page five of the August 17th minutes. In the second paragraph under his comments, the word "now" was written as "not" and should be amended or deleted altogether.

On motion of Deputy Mayor Heine and seconded by Councilmember Keene, the minutes of August 17, 2010 as amended, and check warrants for the period August 12 through September 2, 2010, were unanimously, 5-0, approved.

PUBLIC HEARING

4. **FY-11 MILLAGE RATE**
5. **FY-11 BUDGET**

The City Administrator stated the proposed millage rate for Fiscal Year 2011 is 8.0899, which is the same as was adopted in Fiscal Year 2010. He continued the budget was a balanced budget offering the same amount of services as previous years but with reductions in staff through unfilled vacant positions, elimination of some seasonal positions, and reorganization. The Administrator also noted the elimination of the sick and vacation buy back programs as an additional cost savings.

Councilmember Keene said he was pleased with the budget, had spoken to the Administrator concerning the reorganization, and is "Ok" with budgeting for some overtime; but questioned the plan for future over-and compensatory time. Dr. Miller responded he intends to implement the FLSA regulations whereby only "line employees" will receive over-or compensatory time.

The Mayor opened a public hearing for the millage and budget, but with no one coming forward to speak, he closed the public hearing and accepted any motions from the Council.

Councilmember Dixon asked that his rationale for the upcoming vote be noted as that he believes the budget "looks good" but that he was against the millage increase last year and wishes more "fat" could have been trimmed for the upcoming year in order to roll the [millage] rate back.

On motion of Councilmember Goodman with a second by Deputy Mayor Heine, the Council voted 4-1 to approve the FY-11 millage rate of 8.0899 mils and the budget as presented. Councilmember Dixon cast the dissenting vote.

DISCUSSION ITEMS

6. SPECIFIC AUTHORIZATION NO. 12 WITH HAZEN & SAWYER FOR CITY OF ARCADIA INTERCONNECT

The City Administrator explained this scope of additional work product related to the interconnect project which is being paid 75% through the South Florida Water Management District and 25% from DeSoto County. The interconnect project as a whole secures up to 200k gallons of flush water from the County but also allows the City to give the pumps a desperately needed rest.

The City Attorney confirmed that he had read over the agreement and found it legally sufficient.

On motion of Councilmember Keene with a second by Councilmember Dixon, the Council voted unanimously, 5-0, to approve Specific Authorization #12 with Hazen and Sawyer for the City of Arcadia Interconnect.

COMMENTS FROM DEPARTMENTS

7. CITY MARSHAL A) ACTIVITY REPORT FOR AUGUST 2010

The Marshal stated his department's activity and code enforcement report had been provided and he was available for any questions of which there were none.

8. ATTORNEY

The City Attorney reported he had obtained a legal description for the Wheeler's Café property and that it can be scheduled for a future agenda.

He also stated he had received a response from the County regarding their franchise ordinance with the thrust being they would like to sit down and talk about the City's concerns. He will work with the City Administrator in doing so.

A third item was that his office is still waiting on the final disposition of the Craig Smith vs. the City of Arcadia case.

9. ADMINISTRATOR

- A) APPROVAL TO REMOVE INTERIM FINANCE DIRECTOR AS AUTHORIZED SIGNER ON ALL BANK ACCOUNTS**
- B) AUTHORIZATION FOR FINANCE DIRECTOR TO SIGN ON ALL BANK ACCOUNTS**

The City Administrator requested, as a result of hiring a new Finance Director, that Ms. Bettye Coone, Interim Finance Director, be removed as an authorized signer on all bank accounts; and that Mr. Jorge Santana, the new director, be added as an authorized signer on all accounts for the City.

On motion of Councilmember Dixon and seconded by Councilmember Goodman, the Council voted unanimously, 5-0, to authorize the signatory deletion of Bettye Coone on all City bank accounts and signatory addition of Jorge Santana on all similar accounts.

The City Administrator then introduced Mr. Santana who was sitting in the audience.

- C) ENGINEER OF RECORD SERVICES FOR WATER, STORMWATER, AND WASTEWATER ENGINEERING**

The City Administrator recommended the firm of Hazen and Sawyer be selected as the engineer of record related to water, wastewater and stormwater engineering projects for the City. He stated three firms had submitted their qualifications and were outstanding in their own right, that it was an arduous process and a difficult choice; but evaluation forms submitted by the City Recorder, Water Plant Supervisor and himself had each scored Hazen and Sawyer in the top slot. Therefore it was his recommendation that the City will be best served by employing the services of Hazen and Sawyer, P.C.

On motion of Councilmember Goodman with a second by Councilmember Keene, the Council voted unanimously, 5-0, to authorize a contract with the firm of Hazen and Sawyer, P.C. for engineering services related to water, wastewater and stormwater.

D) T-HANGERS AND FEMA

The City Administrator reported on a discrepancy between the City, the City's insurance carrier, and FEMA on responsibility for payment as a result of damage and repairs to T-Hangers A & B at the airport from 2004's Hurricane Charley. He stated previous administrators had tried to resolve the issue and that he had picked up where they left off by appealing the decision of FEMA to not reimburse the City for the repairs in question. FEMA's position is that because the city's insurance policy includes a clause that a structure within 1,000' of a covered structure is also covered under the policy, they will not pay; however the insurance company believes the policy was never intended to cover the T-Hangers. The Administrator added he had sent a letter to the insurance company demanding proof of the city's intent not to cover the hangers and payment if that could not be produced; then another letter to FEMA appealing their denial so that the city is covered on both ends.

Meanwhile, the city has received payment of \$207,008 from government sources that will reimburse the general fund for expenses incurred during the hurricane.

The City Attorney stated if the Administrator did not receive a satisfactory response from either agency, his office would step in to assist.

E) STONEGATE APARTMENTS - WATER BILL, DUMPSTERS & WASTEWATER CONNECTION

The City Administrator advised the Council that the proprietor of Stonegate Apartments has been made aware of the City's position regarding payment of past utility services and that as of September 2nd, their outstanding balance was \$14,516.53 with an addition \$237.44 due for special garbage collection. He continued that payment arrangements have been made and the next scheduled payment is due on the 15th in the amount of \$3,725.11. Further, the Administrator added that any missed payments will result in the account being turned over to collections along with disconnection of city services with an additional deposit and full payment of the outstanding balance required prior to reconnection.

The Administrator added that the city no longer has any customers with outstanding balances who are not currently on a payment plan; and that a policy has been implemented regarding customers who have left owing a balance and then returned wanting new service.

Councilmember Goodman confirmed that if services were disconnected or a payment missed, the entire account balance would require payment prior to restoration of services. The Administrator answered yes. Councilmember Dixon asked if the complex was on the city's water system or using a well; to which the Administrator answered it is not on city water.

Councilmember Keene stated his understanding the complex was utilizing both city water and well water. He also reported Stonegate had made application for a limited use water system which is currently under evaluation by the Health Department. Mr. Keene continued the existing well is a huge obstacle and that the facility is currently still under a "boil water" notice; but if the entire complex is being served by a well, the application will take on a different

scope. The City Administrator clarified the complex is on both city water and well water with the part having been discussed utilizing the well; and that Fred Lewis of the Utility Distribution Systems is monitoring the situation daily. Councilmember Keene also stated that at a previous meeting it was implied the Department of Health was aware of the situation at Stonegate Apartments and he wanted to make it clear the Health Department had not been notified of the issue prior to that meeting, although they are now moving forward with the limited use application.

PUBLIC

Ms. Terry West, of Hand of Angels thanked the Council for their support of a grant application related to an ADA compliant playground facility at Lake Katherine. She requested the Council, by motion, authorize the City Administrator to sign the grant application packet, request for match waiver and cooperative grant agreement.

The City Attorney reviewed the documents and agreed to their legal sufficiency.

On motion of Councilmember Dixon with a second by Councilmember Keene, the Council voted unanimously, 5-0, to authorize the City Administrator to sign all documents related to the grant application for the ADA compliant playground/park at Lake Katherine.

The City Marshal introduced Mr. Fred Anderson, of the Department of Juvenile Justice.

Ms. Ann Pepper, 1539 N. Arcadia Avenue, asked about Section 50.68 of the noise ordinance, saying similar provisions in Ft. Myers code had not withstood a legal challenge. The City Attorney confirmed he had heard of a recent interpretation of that section and that his office was looking into how best to tweak the wording of that section. He requested it be included on the next agenda.

Mr. Paul Hoover thanked the Council for recognizing Patriotism Week and mentioned the AmVets will be hosting a B-b-q on September 11th as well. Mr. Hoover also spoke on the recent press surrounding an incident at The Arbor, saying that one of his policies is for any function to include security; but that typically any disturbances occur on the street without the knowledge of the inside guests.

Mr. Hoover also announced plans to open the upstairs of The Arbor as a mini-mall of specialty shops. He went on to say 13 shops are planned for the first phase, with 28 additional stores planned for phase two. There will also be an 1,800 sf anchor shop.

Ms. Susan Swanson, Executive Director of Arcadia Main Street, talked about the planned painting/restoration of the Way Building that is occurring and that she contacted Simply Verde, the firm in charge of the Main Street Master Plan regarding it. The gentleman with that firm knows of an architect who specializes in historic architecture and believes the Way Building wasn't done as originally designed or in a historic manner. Ms. Swanson asked the Council for two weeks grace in any painting/restoration to see if she could secure the architect's services at no financial impact beyond what has already been budgeted. The City Administrator asked what would be included in his scope of services, to which Ms. Swanson

answered the design of the face of the building including a color scheme consistent with historic buildings.

On motion of Councilmember Goodman and seconded by Councilmember Keene, the Council voted unanimously, 5-0, to delay any further work on the Way Building for two weeks in order to allow the Main Street staff to confer with an architect specializing in historic restorations.

MAYOR AND COUNCIL MATTERS

The City Recorder asked for responses to the Ridge League of Cities dinner to be held at the Polk State College, Winter Haven campus on Thursday, September 9, 2010.

The City Administrator stated he would be meeting with the Airport Advisory Committee and that one thing the Council needs to begin considering is a hydrant at the airport for fire suppression. He also briefly mentioned the lease purchase from *Air-Cadia* and requested a sense of the Council's preference. Councilmembers Keene and Heine were in favor of revisiting the purchase of the lease; however the Mayor and Councilmembers Goodman and Dixon felt otherwise. That aside, the Administrator also mentioned the need for an updated Airport Master Plan saying the current one was completed in 1994; and that the FAA does have grant funding available.

The Administrator also mentioned the next meeting would include the first Employee of the Month recognition.

Discussion on how the Council will fill the seat to be vacated by Councilmember Dixon followed. Councilmember Goodman asked if the Council were going to accept applications or letters of interest or simply make nominations; pointing out that two letters of interest have already been received and others have asked about the process. The City Attorney stated there was no required procedure for application or nomination but that by Charter, the Council must agree on an appointee within two consecutive regular meetings or conduct a special election. He added the eligibility criteria for appointment was to be a qualified voter of the city. Councilmember Keene asked about Dr. Dixon's intention. Councilmember Dixon, pointing out he was "of age and could speak for himself," stated he had submitted his resignation in accordance with State Statutes to the Governor, the Secretary of State and the Supervisor of Elections, and that he does not wish to be reappointed or considered for reappointment. He added he would continue his service through the first meeting of November. Further discussion followed with the Council instructing the City Administrator to place an ad informing the public to submit letters of interest by November 1st, to submit the same to the Council beginning November 9th and to schedule a workshop on November 16th for interviews and applicant discussions.

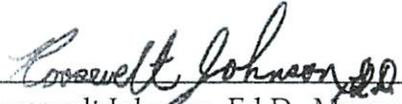
The Mayor again reported on the FLC Conference and how impressed others were with the qualifications of this Council. He again urged other members to take interest in the Ridge League and Florida League Board positions.

ADJOURN

Having no further business at this time, the meeting was adjourned at 7:15 PM.

ADOPTED THIS 21ST DAY OF SEPTEMBER 2010.

By:



Roosevelt Johnson, Ed.D., Mayor

ATTEST:



Dana L.S. Williams, CMC
City Recorder