

MINUTES
CITY COUNCIL
CITY OF ARCADIA
TUESDAY, APRIL 19, 2011
6:00 PM

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

The meeting was called to order at approximately 6:05 PM with the following members and staff present:

Arcadia City Council

Mayor Robert Heine

Deputy Mayor Keith Keene

Councilmember Martha Craven

Councilmember Sharon Goodman

Arcadia City Staff

City Administrator Lawrence Miller

City Attorney William Galvano

City Marshal Charles Lee

City Recorder Dana Williams

Asst City Administrator Judi Jankosky

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

SPECIAL PRESENTATIONS

1. EMPLOYEE OF THE MONTH – JACKIE HERRIN

The Mayor announced Jackie Herrin of the Utility Billing Office had been named employee of the month for April and presented her with a plaque commemorating the honor along with the thanks of the City for her efforts.

2. PROCLAMATION DESIGNATING MAY AS YOUTH WEEK

The City Recorder read the proclamation designating May as Youth Week. The Mayor presented the framed certificate to Ms. Jackie Tucker, along with Bob Allen and Deputy Mayor Keene.

CONSENT AGENDA

3. MINUTES OF THE APRIL 5, 2011 REGULAR MEETING
4. AIR-CADIA FLOWAGE AND HANGER RENT REPORT FOR MARCH 2011
5. GOLF COURSE FINANCIAL REPORT FOR MARCH 2011
6. PRO SHOP FINANCIAL REPORT FOR MARCH 2011

On motion of Deputy Mayor Keene and seconded by Councilmember Craven, items #3 through #6 of the Consent Agenda printed above were unanimously, 4-0, approved.

DISCUSSION ITEMS

7. LEASE AND BUSINESS AGREEMENT WITH SKYDIVE MARYLAND, INC.

The Assistant City Administrator reported the lease and business agreement with Skydive Maryland, Inc. has been reviewed and approved by the attorney's for both parties with the terms as discussed at a recent workshop reduced to writing.

On motion of Deputy Mayor Keene and with a second by Councilmember Goodman, the lease and business agreement as presented with Skydive Maryland, Inc. was unanimously, 4-0, approved.

8. AGREEMENT WITH DESOTO COUNTY FOR LEACHATE/SLUDGE

The City Administrator briefed the Council on this item saying it had been approved by the County Commissioners and essentially provided an opportunity for the City and County to perform an even exchange for leachate and wastewater residuals.

Councilmember Craven asked for clarification on the cost per gallon of leachate. The Administrator reported it was \$0.00530 per gallon or roughly a ½ cent, which is no different from the cost of the past.

Councilmember Goodman made a motion to approve the agreement with DeSoto County for leachate and sludge (residual) removal and disposal. Deputy Mayor Keene provided a second and the motion passed unanimously, 4-0, upon roll call vote.

9. INTERLOCAL AGREEMENT WITH DESOTO COUNTY FOR LOCAL AGENCY PROGRAM PROJECTS

The City Administrator briefly discussed this item as an Interlocal Agreement with DeSoto County related to the sidewalk program.

On motion of Deputy Mayor Keene and seconded by Councilmember Goodman, the Council voted unanimously, 4-0, to approve the Interlocal Agreement with DeSoto County for Local Agency Program Projects as presented.

ORDINANCES

10. PUBLIC HEARING AND SECOND READING OF ORDINANCE 965 - AMENDMENT TO THE SIGN CODE

The consensus of the Council was to accept the recommendation of the Planning & Zoning Board which was to continue this item until they had sufficient time to meet with the City Attorney related to several issues of concern with the amendment. On the advice of the City Attorney, the Mayor opened a public hearing to receive comments from the public before accepting any motions. With no one coming forward to speak, the Mayor closed the public hearing.

Councilmember Goodman made a motion to continue this item to the May 17th, 2011, regular meeting. Deputy Mayor Keene provided a second and a voice vote of the Council revealed unanimous, 4-0, approval.

COMMENTS FROM DEPARTMENTS

11. CITY MARSHAL

The City Marshal wished to reserve his comments for later in the meeting.

12. ATTORNEY

The City Attorney reported that his office had received the release documentation in connection with the settlement offer to former administrator, Markae Rupp, as previously approved. However, he added that a component of the document requested the release of liability be mutual, and that he felt the City should have been made aware of this request beforehand. The City Attorney wanted to bring this to the attention of the Council and further, requested authorization to address the issue with the insurance provider prior to signing. It was the consensus of the Council to provide that authorization to the City Attorney.

13. ADMINISTRATOR

A) CLEAN CITY CAMPAIGN AND PERMITTING ISSUES

The City Administrator noted that Arcadia has embarked on a clean city campaign and has made strides to clean up the city with regard to a special trash pick-up initiative. As part of that initiative, the City has begun removing trash from vacant and/or abandon properties under the jurisdictional authority of the Nuisance Ordinance which specifies if the "City Administrator, City Marshal or any designee of either finds and determines that nuisance exists which presents an immediate danger or threat to the health or life of an individual, he shall provide the record owner or owners of the property or upon an occupant of the property...and demand that owner cause the condition to be immediately remedied." The City Administrator continued that if the situation is not remedied within twenty four hours of the notice, it can be "remedied by the City at the expense of the property owner."

He then discussed the controversy surrounding a property at 437 S. Orange Avenue that had been cleared, saying his contention is the debris from that property did not constitute a building or structure under the definition of such from the Florida Building Code. The Administrator then showed a slide presentation of other, similar properties in various stages of disrepair which had been slated for demolition by the Marshal's office. Ranging from a pile of rubble on the ground to a minimal outline of what was once habitable, the Administrator pointed out the potential for life, health, and safety issues along with those for vermin harborage.

The City Administrator then discussed the permitting process along with the fact there currently is no Interlocal Agreement with DeSoto County in place for building or permitting services which therefore does not authorize the County jurisdictionally to grant building (or demolition) permits or to conduct inspections within the City limits. He went on to say that as an incorporated municipality under home rule, the City is within its rights to establish its own building department and permit process.

Councilmember Craven asked if the tax office listed a building on the property that was torn down. Discussion on the need for a protocol in permitting followed, including reference

to a State Statute requiring the need for a (demolition) permit. Mrs. Craven also believed there was a verbal agreement or on-going understanding that the County provided inspections and permitting on behalf of the City. The City Administrator also pointed out there would be no way to recover any money from the owner since there was already a \$31,000 lien on property by another party.

The Deputy Mayor agreed with the Mrs. Craven that the City needs to do what is right, but also understood what the Administrator was saying; adding the city had beefed up the nuisance ordinance to provide the vehicle for Arcadia's clean city initiative and had agreed to bear the cost for such; but that piles of rubble are a "bad scene" and a reflection on the community.

The Marshal also agreed with the City Administrator that those buildings needed to be taken down, but contended there was a protocol and procedure to do so. He read from a statute on altering or demolishing properties, admitting his method was slower. The Marshal stated his believe all were trying to get to the same destination, though they may be taking different routes to do so. He then talked about the lapse of the Interlocal Agreement with DeSoto County, saying he brought it to the attention of the Council on the advice of the Attorney several years ago, and that it was extended via a verbal commitment while the County attorney worked on a new agreement. He likened it to the permits required for the CDBG housing renovations, rhetorically asking why those were needed but not required for other properties.

The City Attorney pointed out a court would apply a "reasonableness standard" and offered to reach out to the County in order to make progress on a long overdue written agreement for building and permitting. It was the consensus of Council to direct the City Attorney to do so and to include the City Administrator as part of that process. Dr. Goodman also requested animal control be included in discussions and forthcoming agreement.

B) SMALL BUSINESS CONFERENCE

The City Administrator stated he had coordinated with Congressman Buchanan's office to conduct a Small Business Conference in Arcadia which will include the Small Business Administration, Department of Commerce and Department of Agriculture. The conference is tentatively scheduled for Tuesday, May 10th from 2:30 – 4:00 PM at the Family Service Center.

C) DEPARTMENT OF COMMUNITY AFFAIRS

As an update to the CDBG request for time extension, the City Administrator reported representatives from Guardian had informed him of the DCA's verbal approval to a one-year extension. He also addressed the five properties in line to be constructed with five additional properties to follow although the grant will not utilize the County's SHIP funds.

D) FIDUCIARY INSURANCE POLICY FOR POLICE AND FIREFIGHTER'S RETIREMENT PENSION BOARD

Referring to the letter of request included in the packet, the City Administrator briefed the Council on the Pension Board's request for the City to pay the fiduciary insurance policy

rather than to have the individual trustees, serving on behalf of the city pay it themselves. It was the Administrator's recommendation to authorize payment from city funds.

On motion of Councilmember Goodman and seconded by Deputy Mayor Keene, the Council voted unanimously, 4-0, to authorize the reimbursement for waiver of recourse coverage on the fiduciary liability insurance policy to the City of Arcadia Police Officers' and Firefighter's Retirement System.

E) DESOTO COUNTY CHAMBER OF COMMERCE TATER HILL EVENT

The City Administrator stated he had received a request from the Chamber of Commerce regarding their fundraising event, the Tater Hill Fun Shoot, to help support their mission; and that as part of the event, they are seeking donated items for a raffle. They have requested and he recommends providing rounds of golf from the Arcadia Municipal Golf Course as part of the raffle prizes.

On motion of Deputy Mayor Keene with a second by Councilmember Goodman, the Council voted unanimously, 4-0, to donate two rounds of golf to the Chamber to be used as raffle drawing prizes at the Tater Hill Fun Shoot.

F) REQUEST FOR USE OF FIRE STATION #2 BY DESOTO CO VOLUNTEER FIRE & RESCUE

Pursuant to a written request by DeSoto County Volunteer Fire & Rescue, the City Administrator stated the department had requested use of Fire Station #2 for training and meetings. He added that if it were Council's pleasure to agree to the request, he would recommend and pursue an agreement with the organization for their on-going, but not exclusive use.

On motion of Councilmember Goodman with a second by Councilmember Craven, the Council voted unanimously, 4-0, to direct the City Administrator to craft an agreement with the DeSoto County Volunteer Fire and Rescue association for the use of Fire Station #2 (at 10th and Cypress) for monthly meetings and training.

PUBLIC

Ms. Anne Pepper requested an update on the Livestock Market and the deadline of the mitigation grant. The City Administrator responded a grant had been submitted and that he is awaiting the response. He also added, for the record, that the inquiry by the Turners was used as a catalyst for the grant as it relates to the potential for economic development but that it does not infer the property will be sold or leased to them.

Ms. Pepper also discussed the water quality at her home and provided a sample of water taken from her washing machine which revealed an accumulation of sand.

Ms. Colleen Spangler of the Main Street Program requested that Oak Street from DeSoto to Monroe and Polk Avenue from Magnolia to Hickory be blocked off for the Watermelon

Festival on May 14th from 9 AM - 3 PM, but with set up commencing at 7 AM. The Council agreed.

Mr. Charlie Conklin talked about bringing the city into the 21st century, attracting people to the city, and how various properties give the impression he's not wanted. He also talked about some people building on weekends to avoid the permitting process.

Mr. Gary Frierson asked for clarification on whether or not a permit was required for construction, alteration or demolition within the City limits. Specifically he asked whether or not the City recognized the verbal agreement for continued service by the County. The Deputy Mayor answered that although the Council didn't expressly state it was not recognized, something better was needed. Councilmember Craven suggested that if the City did not recognize the verbal agreement, then all permits issued since its expiration would be void. The City Attorney answered in the affirmative, saying that yes a permit was needed and that the City had been acting under an existing course of conduct and policy to which it adhered.

Mr. Joe Gallimore, 935 N. Arcadia, asked what was needed to conduct a special event at the fairground pavilion on May 6th. He explained the benefit as a fund-raiser towards a medical transplant. Mr. Gallimore was instructed to complete a special event permit application available online or from the administrative offices.

MAYOR AND COUNCIL MATTERS

Councilmember Craven questioned several items from the quarterly financial report including whether it was policy for items to be paid when they were not budgeted. She also asked about a "special pay" line item, building improvements, and budget amendments.

Deputy Mayor Keene recognized Ms. Julie Brusehaber, the WIC Coordinator for DeSoto County.

The City Recorder requested one final workshop to finish the Personnel Manual. It was decided to conduct the workshop on Tuesday, May 3, 2011, at 5 PM immediately prior to the next regularly scheduled meeting.

ADJOURN

Having no further business at this time, the meeting was adjourned at 7:27 PM.

APPROVED THIS 5th DAY OF MAY 2011.

By: Robert W. Heine

Robert W. Heine, Mayor

ATTEST:

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