

A Regular Meeting of the Arcadia City Council was held on August 4, 2009 at 6: 00 p.m. in the Margaret Way Building at 23 North Polk Avenue. Council members attending responded on a roll call. Present: Dixon, Johnson, Goodman and Heine. Absent: Fazzone. Also in attendance were Administrator Rupp, Attorney Henbest, Marshall Lee, and City Recorder and Finance Director Baumann.

Deputy Mayor Dixon called the meeting to order.

The Invocation was given by Councilwoman Dr. Sharon Goodman.

Pledge Allegiance to the Flag.

The Minutes of the Regular Meeting and Joint Public Hearing of July 7, 2009 and Regular Meeting of July 21, 2009 were adopted on a motion by Johnson; seconded by Goodman and carried.

A Resolution of the City Council of the City of Arcadia, Florida supporting legislation to require that all elected officials operate under the same Sunshine Laws and provided for an effective date, was presented. Heine moved to adopt Resolution No. 2009-12 as read; seconded by Goodman and carried.

RESOLUTION NO. 2009-12

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF ARCADIA, FLORIDA SUPPORTING
LEGISLATION TO REQUIRE THAT ALL ELECTED
OFFICIALS OPERATE UNDER THE SAME SUNSHINE
LAWS; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, Florida's Government-in-the-Sunshine Law enacted in 1967 established a right of access to most meetings of Boards, Commissions and other governing bodies of State and Local Governmental Agencies; and

WHEREAS, in 2008 Governor Crist proclaimed that "The role of Florida's government is to serve the people of Florida and open government gives the people the tools they need to hold their Elected Officials accountable"; and

WHEREAS, on March 13, 2009, Governor Charlie Crist proclaimed March 15-21 as "Florida Sunshine Week"; and

WHEREAS, not all Elected Officials are governed by the same Florida in the Sunshine Laws; and

WHEREAS, our counties and municipalities live by this law and insure that government business is conducted in the open for all people to see; and

WHEREAS, all Florida government is better served when all Elected Officials live in the Sunshine.

REGULAR MINUTES
AUGUST 4, 2009
Continued

(Resolution No. 2009-10 Continued)

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Arcadia, Florida that:

SECTION I.- The City of Arcadia, Florida, and all cities of Florida, and the Florida League of Cities urge the Florida Legislature to pass legislation that requires all State Legislators, Boards, Commissions and other governing bodies of State and Local Governmental Agencies to operate under the same Sunshine Laws.

SECTION II.- That the Sunshine Laws that our counties and municipalities live by should be used for all Elected Officials.

SECTION III.- That a copy of this Resolution be provided to the Speaker of the House, the Senate President, Florida Governor Charlie Crist, the Florida League of Cities, the First Amendment Foundation, and the Florida Association of Counties.

PASSED AND ADOPTED by the City Council of the City of Arcadia, Florida this 4th day of August, 2009.

ATTEST:

CITY OF ARCADIA, FLORIDA

s/s RACHELLE M. BAUMANN, CMC
RACHELLE M. BAUMANN, CMC
CITY RECORDER

s/s RICHARD P. FAZZONE
RICHARD P. FAZZONE
MAYOR

Approved as to legal form and sufficiency

William S. Galvano
City Attorney

The Florida Department of Transportation presented the Utility Work Agreement for the Sidewalk Project on Martin L. King Street from U.S. 17 to Booker T. Washington Street was presented to the Council. Councilwoman Dr. Sharon Goodman asked for an explanation of this agreement. Administrator Rupp stated this was a grant and was not at City expense. Administrator Rupp stated because the work was on City property, the Council needs to agree to the work being done. Heine moved to proceed with the Sidewalk Project on City property at no cost to the City; seconded by Goodman and carried.

City Administrator Rupp presented to the Council recommendations for the livestock market property. A proposal from Mr. O' Leary had been presented to the Council Administrator Rupp stated Mr. O'Leary desired to lease the property. She stated she had met with Mr. O'Leary and Mr. Dixon and had gone over the proposal prior to the presentation to the Council. Administrator Rupp stated the property has a Residential zoning. The property was previously used as a livestock market by the State of Florida. When the existing zoning code was put in effect, the property was zoned Residential and was grandfathered in as a livestock market. The

REGULAR MINUTES

AUGUST 4, 2009

Continued

land reverted to its present designation as residential zoning when the state stopped using the property. Administrator Rupp stated there was no way the City could lease the property for commercial or any type of business without first changing the zoning and Land Use. Administrator Rupp stated a small scale Comprehensive Plan Amendment would need to be done before the zoning could be changed. Administrator Rupp recommended the Council not consider any type of lease until the process for a small scale Comprehensive Plan change had been done. She asked what the Council desired to put on the property or what to do with the property. Administrator Rupp stated if the zoning were changed to M2 zoning, this would allow more flexibility as to what could go on the property. Administrator Rupp restated, in order to go to M2 zoning, a small scale Comprehensive Plan Amendment would have to be done and it is a very lengthy procedure. Administrator Rupp stated if the property remained Residential, the only option for leasing would be to a developer for houses. Councilman Heine asked how long the procedure would take to rezone. Administrator Rupp stated two to three (2-3) months.

Attorney Henbest stated Small Scale Amended Comprehensive Plan was fairly simple. He stated the property was less than ten (10) acres and he felt the change could be justified. He stated this was a legislative decision, however, a Public Hearing must still be held. He stated this was not like previous Comp Plans that had to be transmitted to the State, with a six month period to get comments, but this was a much-abbreviated process. Councilman Dr. Roosevelt Johnson asked for any comments from Deputy Mayor Dixon stating Deputy Mayor Dixon had been appointed by the Council to meet with the individuals concerning this property. Deputy Mayor Dixon stated he understood the concerns of Administrator Rupp. He stated Mr. O'Leary has been very patient. Deputy Mayor Dixon stated he had no problem with following the legal advice given by Attorney Henbest.

Attorney Henbest stated this was a (2) two-step process. He stated the first step was the amendment of the Comprehensive Plan. Attorney Henbest explained it would not be hard to change the Comprehensive Plan due to the fact this had been a livestock market for many years. He stated the next step would be the rezoning process, which are the two layers of Land Use Regulations that apply. Attorney Henbest stated the zoning could not be inconsistent with the Comprehensive Plan. Attorney Henbest stated the zoning change would need to go to the Planning and Zoning Board.

Councilman Dr. Roosevelt Johnson asked Attorney Henbest what would be the most efficient way to make the changes. Attorney Henbest stated the Council needed to decide what the City wants to do with the property in order to make sure the correct zoning was applied to the property.

Councilman Dr. Roosevelt Johnson moved to hold a Workshop on Tuesday, August 18, at 6:00 p.m. to discuss plans for the use of the property by the City; seconded by Councilwoman Dr. Sharon Goodman. Deputy Mayor Dixon asked what type of zoning would be required to proceed with Mr. O'Leary's proposal. Administrator Rupp stated M-2 would give the most flexibility. Administrator Rupp stated the only exceptions to that zoning would not allow a hospital, multi-family facility, or schools. Attorney Henbest stated the Council would want to decide the appropriate category for the Comprehensive Plan to which the City would want the property to become, in addition to the zoning category that allows for everything the City is

REGULAR MINUTES
AUGUST 4, 2009
Continued

planning. Councilman Heine suggested the attorney look at the ordinance and zoning prior to the workshop.

City Recorder and Finance Director Baumann stated after the Planning and Zoning Board meets everyone within three hundred (300) feet of the property would need to be notified more than thirty (30) days prior to the Council and Planning and Zoning Board meeting in a Joint Public Hearing to change the zoning. There would need to be a Public Meeting with legal notices in the paper. She stated a minimum of thirty-five (35) to forty-five (45) days is needed in order to get the notices out to the people in the proper period and then set the Joint Public Meeting with the Council including the display ads in the paper.

Mr. O' Leary addressed the Council stating it would be necessary to utilize the existing buildings as they are in order for him to be able to use the property. He stated the property had and is still being used for agriculture.

Attorney Henbest reported, in April, this matter came before the Council and at that time, he had informed the Council, in the past, his law firm had represented Mr. O'Leary and Mr. Game. Attorney Henbest stated he had Mr. O'Leary sign a letter that would waive potential conflicts between clients. Attorney Henbest asked that the City Council sign a copy of the letter of waiver of client conflict. He stated the letter stated that Mr. O'Leary and Mr. Game understood that his law firm would be representing the City of Arcadia regarding this proposal and any transaction that may result from that agreement. Attorney Henbest asked for a motion to approve the letter and authorize Mayor or Deputy Mayor to sign the letter on behalf of the City Council. Heine moved that on behalf of the City, Mayor sign a letter stating there is no client conflict with the City and Mr. O'Leary and Mr. Game; seconded by Goodman and carried. Attorney Henbest stated he would give the letter to Recorder Baumann to have signed by the Mayor before the workshop.

Proposed Ordinance No. 947 amending the future land use was presented on second reading. Johnson moved to waive the rules and read Ordinance No. 947 by title only; seconded by Heine and carried.

ORDINANCE NO. 947

AN ORDINANCE OF THE CITY OF ARCADIA, FLORIDA; AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN OF THE CITY OF ARCADIA, FLORIDA, SAID AMENDMENT BEING KNOWN AS "AMENDMENT #09-010SS" SPECIFICALLY, CHANGING THE LAND USE CLASSIFICATION FROM MEDIUM DENSITY RESIDENTIAL WITH RESIDENTIAL, PROFESSIONAL AND BUSINESS OVERLAY TO BUSINESS; FOR SIX (6) LOTS OF APPROXIMATELY ONE (1) ACRE LOCATED AT 210 EAST MAGNOLIA STREET AND 216 EAST MAGNOLIA STREET; TRANSMITTING SAID AMENDMENT TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS (DCA) FOR A FINDING OF COMPLIANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Johnson moved to adopt Ordinance No. 947 on second reading; seconded by Goodman. The motion carried on a roll call vote. Ayes: Dixon, Johnson, Goodman, and Heine. Nays: None
Absent: Fazzone.

REGULAR MINUTES
AUGUST 4, 2009
Continued

Proposed Ordinance No. 948 amending the zoning map of the City of Arcadia was presented on second reading. Goodman moved to waive the rules and read by title only; seconded by Johnson and carried.

ORDINANCE NO. 948

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF ARCADIA, FLORIDA, TO REZONING 210 EAST MAGNOLIA STREET, LEGAL DESCRIPTION AS LOTS 1,2,3 & WEST ½ LOT 4, BLOCK 49, TOWN OF ARCADIA FROM MULTIPLE DWELLING R-3 DISTRICT TO COMMUNITY BUSINESS B-1 DISTRICT; AND 216 EAST MAGNOLIA STREET, LEGAL DESCRIPTION AS THE EAST ½ LOT 4 LESS THE SOUTH 6 FEET; AND ALL OF LOTS 5 & 6 LESS THE SOUTH 3 FEET, BLOCK 49, TOWN OF ARCADIA FROM ONE-FAMILY DWELLING R-1C DISTRICT TO COMMUNITY BUSINESS B-1 DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Goodman moved to approve Proposed Ordinance No. 948 on second reading; seconded by Johnson. The motion carried on a roll call vote. Ayes: Dixon, Johnson, Goodman and Heine
Nays: None Absent: Fazzone

Proposed Ordinance No. 949 amending the future land use map of the comprehensive plan of the City of Arcadia, Florida was presented on second reading. Johnson moved to waive the rules and read the ordinance by title only; seconded by Goodman and carried.

ORDINANCE NO. 949

AN ORDINANCE OF THE CITY OF ARCADIA, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN OF THE CITY OF ARCADIA, FLORIDA, SAID AMENDMENT BEING KNOWN AS "AMENDMENT #09-02-SS", SPECIFICALLY CHANGING THE LAND USE CLASSIFICATION FROM MEDIUM DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL WITH RESIDENTIAL, PROFESSIONAL, BUSINESS OVERLAY FOR APPROXIMATELY ONE (1) AND ONE-HALF (1/2) LOTS APPROXIMATELY 0.23 ACRES LOCATED AT 603 EAST OAK STREET; TRANSMITTING SAID AMENDMENT TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS (DCA) FOR A FINDING OF COMPLIANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Goodman moved to adopt Ordinance No. 949 on second reading; seconded by Johnson. The motion carried on a roll call vote. Ayes: Dixon, Johnson, Goodman and Heine. Nays: None. Absent: Fazzone.

Proposed Ordinance No. 950 amending the zoning map of the City of Arcadia, Florida, was presented on second reading. Goodman moved to waive the rules and read by title only; seconded by Johnson and carried.

REGULAR MINUTES
AUGUST 4, 2009
Continued

ORDINANCE NO. 950

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF ARCADIA, FLORIDA, TO REZONE 603 EAST OAK STREET, LEGAL DESCRIPTION AS LOT 5 AND THE WEST 18 FEET OF LOT 6, BLOCK 34, ORIGINAL SURVEY OF ARCADIA AND THE NORTH 24 FEET OF THE EAST 32 FEET LOT 6 AND THE NORTH 24 FEET OF THE WEST 8 FEET OF LOT 7, BLOCK 34, A SUBDIVISION OF THE WEST ½ OF THE SOUTHWEST ¼ SECTION 31, TOWNSHIP 37 SOUTH, RANGE 25 EAST FROM MULTIPLE FAMILY DWELLING R-3 DISTRICT TO RESIDENTIAL-PROFESSIONAL AND BUSINESS RPB DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Goodman moved to adopt proposed Ordinance No. 950 on second reading; seconded by Johnson. The motion carried on a roll call vote. Ayes: Dixon, Johnson, Goodman and Heine. Nays: None. Absent: Fazzone.

Proposed Ordinance No. 951 amending Article IV of the Code of Ordinances of the City of Arcadia, Florida, was presented on second reading. Goodman moved to waive the rules and read by title only; seconded by Heine and carried.

ORDINANCE NO. 951

AN ORDINANCE OF THE CITY OF ARCADIA, FLORIDA, A MUNICIPAL CORPORATION, AMENDING ARTICLE IV OF THE CODE OF ORDINANCES, CITY OF ARCADIA, FLORIDA; SPECIFICALLY AMENDING SECTION 2-116 OF ARTICLE IV, ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

Goodman moved to adopt proposed Ordinance No. 951 on second reading; seconded by Johnson. The motion carried on a roll call vote. Ayes: Dixon, Johnson, Goodman and Heine. Nays: None. Absent: Fazzone.

Proposed Ordinance No. 946 amending Article III of the Code of Ordinances was presented on third and final reading. Johnson moved to waive the rules and read by title only; seconded by Goodman and carried.

ORDINANCE NO. 946

AN ORDINANCE OF THE CITY OF ARCADIA, FLORIDA, A MUNICIPAL CORPORATION, AMENDING ARTICLE III OF THE CODE OF ORDINANCES, CITY OF ARCADIA, FLORIDA; SPECIFICALLY REPEALING SUBSECTION (d) OF ARTICLE III, ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

Johnson moved to adopt Ordinance No. 946 on third and final reading and that it become an Ordinance of the City of Arcadia; seconded by Goodman. Deputy Mayor Dixon called for

REGULAR MINUTES
AUGUST 4, 2009
Continued

comments from the Public. There were none. The motion carried on a roll call vote. Ayes: Dixon; Heine, Goodman and Johnson. Nays: None. Absent: Fazzino.

Ms. Helen Sears, Primary Planner, from Central Florida Regional Planning Council (CFRPC), presented a copy of the DeSoto County School Concurrency. She stated the City had entered an Interlocal Agreement in the past with the DeSoto County School District and DeSoto County. She stated the agreement had been in place since 2006. Ms. Sears explained to the Council new requirements outlined by the State. Ms. Sears stated the legislature has passed further legislation with requirements for School Concurrency. Ms. Sears invited the Council to attend the First Annual School Summit on August 20, 2009 at 5:30 p.m. at the Family Service Center at 310 West Whidden Street, Arcadia, Florida.

Mr. Randy Shane, of Florida Highway Products introduced to the Council Mr. Nick Marunick. Mr. Marunick presented a Power Point presentation on progressive pavement management for rejuvenation, overlay and micro surfacing of streets and roads within the City. He stated there were approximately fifty six (56) miles of road within the City. Mr. Marunick stated if that amount of roads would need to be replaced; it would cost the City roughly a million dollars (1,000,000,000.). Mr. Shane explained the cost and saving for each pavement management item. Council members thanked Mr. Shane for the information. Deputy Mayor Dixon commented this type of service was very much needed, however the budget would not allow the City to proceed at this time.

Mrs. Terry West, representing Hand of Angels, Inc. presented the Council with a packet explaining the point system necessary to secure a grant for an Inclusive Playground for children with disabilities. Mrs. West stated parts of the grant had been left out when it was originally completed, resulting in not enough points to secure the grant. Mrs. West stated she had secured someone that agreed to help her with completing the grant for resubmission. Mrs. West requested that she be provided with job descriptions of the City's Parks and Recreation staff, explaining this was also one way to earn points. Mrs. West requested a letter from the Council in partnership with Hand of Angels, Inc., a nonprofit. Mrs. West stated this letter must be submitted by September 15, 2009. Councilman Dr. Roosevelt Johnson asked if this letter was just to verify true information. Mrs. West stated that it was, and it was the same letter that had previously been signed by the past City Administrator. City Administrator Rupp stated to the Council one of the stipulations of the grant was that the City builds the restroom. Councilman Dr. Johnson asked if this is the same restroom that was already built. Deputy Mayor Dixon stated the location was going to be at Lake Katherine. Mrs. West stated that was so. Heine moved to provide a letter of verifying that the information provided on the grant is true information and to be signed by City Administrator Rupp; seconded by Johnson and carried.

Deputy Mayor Dixon called for a five (5) minute recess in order to remove visual equipment used in a previous presentation.

Deputy Mayor Dixon called for the Regular Council meeting to return to order.

Mrs. Valerie Gilchrist, President of the DeSoto County Homeless Coalition presented the Council with a packet of information from the DeSoto County Homeless Coalition, Inc. Mrs. Gilchrist reported to the Council, the Coalition had received a grant in the amount of Ninety

REGULAR MINUTES

AUGUST 4, 2009

Continued

Three Thousand Dollars (\$93,000) from the American Recovery and Reinvestment Act of 2009. Mrs. Gilchrist stated an office had been established on Martin Luther King Street in Arcadia, and now has a grant writer awarded to them by the Compassionate Florida Initiative. Mrs. Gilchrist stated a grant for about Eight Million Dollars (\$8,000,000.000) has also been submitted. Mrs. Gilchrist stated this money would allow for demolishing of depilated homes within the City and the possibility of purchasing those homes and rebuild. Mrs. Gilchrist stated Pastor Elmore was being trained by USDA to package loans for individuals that had not been able to secure a loan from the bank. Mrs. Gilchrist requested the City approve a United States Department of Agriculture (USDA) grant application to purchase the Arcadia Business and Entertainment Center. Mrs. Gilchrist stated she had applied for the grant, but was told there was a lack of management skills. It was suggested she partner with the City in order to make this happen for the citizens of the City of Arcadia. Mrs. Gilchrist stated she had visited Leesburg, who already had this process in action Mrs. Gilchrist again requested that the Council approve the USDA grant application and by submitting the grant, the City would be the owner of the business incubator. Upon approval of the grant, the area be annexed into the City of Arcadia and to consider the establishment of a housing and economic development department. She also named various opportunities that could be received from this grant, including the possibility of a police substation. Deputy Mayor Dixon asked if a police substation would be funded by this grant. Mrs. Gilchrist stated that it would. Mrs. Gilchrist stated the search for grants would be continued in order to receive additional funding. Councilman Heine stated the question is money. Councilman Dr. Johnson stated if the money from rental units did not pay the payments on the loan/ grant, the would the City be responsible for making that payment? City Recorder and Finance Director stated the City would own it. She stated it is not a grant but a loan. Councilman Dr. Johnson stated he believed there were grants available; however, those grants might not be obtained at the right time and would leave the City responsible for payment. Councilman Heine stated he could not vote to "spend money we don't have". Deputy Mayor Dixon stated it sounds like the City would be co-signing. He stated he liked the idea, but would be scared to vote for this when the City does not have money at this time to pay the bonds it has outstanding. Deputy Mayor Dixon stated if it was on record that the City would not be responsible for anything, then he would vote in favor, but at this point, it was a risk to the City. He stated he hoped the Council would not act upon that right now. He stated he needs more time to look at some of the information presented. Councilwoman Dr. Goodman stated when she saw Small Business, she "went back to Charley, when everyone was so devastated". She stated people were offered loans. Councilwoman Dr. Goodman stated what was being stated, as a grant was a loan. Councilwoman Dr. Goodman stated she understood and acknowledged the dedication by Mrs. Gilchrist. Councilman Dr. Johnson also stated the idea is awesome, and development in the Southwest section was needed, however, he does not want the City to have to pay back any money. Mrs. Gilchrist invited the Council to attend the Community Forum for Monday August 10, 2009. A motion by Heine to deny the request to enter into a commitment with the DeSoto County Homeless Coalition, Inc.; seconded by Goodman and carried.

Mr. James Reinhart requested a variance on a driveway set back. Mr. Reinhart stated the distance between his property and the neighboring property did not allow for the building of a new driveway. Councilman Dr. Johnson stated Mr. Reinhart was seeking to extend the driveway on the left hand side of the home and to build a driveway on the right. Councilman Dr. Johnson moved to allow the driveway. Attorney Henbest advised the Council take no action, but to go through the proper channels by advertising the request through the proper procedures and to notify the neighbors. City Administrator Rupp stated she would research the information pertaining to the request. Attorney Henbest advised Mr. Reinhart to apply for a variance and

REGULAR MINUTES
AUGUST 4, 2009
Continued

7271

then appear before the Council. Councilman Dr. Johnson withdrew the motion on advice of the attorney.

The Fines and Forfeitures' for the month of June 2009 were Two Thousand Nine Hundred Fifty Six Dollars and four cents (\$2,956.04).

The Police Activity Report for the month of July was presented.

Councilman Heine asked if tickets had been written for not "buckling up". Marshall Lee stated there had been tickets written.

Marshall Lee advised the Council of a grant of Two Hundred Five Thousand Five Hundred Ninety Six Dollars (\$205,596) received by the Arcadia Police Department to fund one position for three (3) years. Marshall Lee stated if funds were not available at the end of three (3) years, the Civil Enforcement Code position would be absolved, and the grant position would be funded from the Code Enforcement Civilian. Goodman moved to accept the Arcadia Police Department grant for a three (3) years position, at no cost to the City; seconded by Johnson and carried. Councilwoman Dr. Goodman again stated this was not an added position, but a grant position at no cost to the City.

City Attorney Henbest passed out a memo to each Council member based on a request Councilwoman Dr. Goodman made to Attorney Galvano regarding the potential problems a breach of the Bond Covent could bring to the City. Councilwoman Dr. Goodman asked that a copy of this memo be provided to the newspaper.

City Recorder and Finance Director Baumann stated there was no report at this time; however, she is scheduled to meet with the Auditors on August 17 and 18 to begin preliminary audit work.

City Administrator Rupp presented to the Council a request from Habitat for Humanity for a partnership gift of One Thousand Dollars (\$1,000.) to enable them the use of an AmeriCor Vista Volunteer for the construction coordination of three (3) homes to be build in 2009 and 2010. Councilman Heine stated no at this time. He stated the Council voted to not provide requests for money to various organizations in 2008 due to the economy. Councilman Heine stated it was a great thing but money was limited. Deputy Mayor Dixon agreed with Councilman Heine. Deputy Mayor Dixon stated for the record, "I don't know if it was forgotten, but there was approximately Twenty Five Thousand given out each year". "Dr. Johnson should remember because he was the one that made that motion and he also stated that Twenty Five Thousand Dollars, what has happened to it, because the understanding I had gotten is that Twenty Five Thousand Dollars, if it still exist, would be dispersed among the City employees, which seldom get raises and when they do, it is so small they can't even see it". "I want to see, and I don't mean straight across the board, but for those in public work and riding that trash truck, and patching holes, I would like to see that carried through as Dr. Johnson put in action, along with the support of this Council last year". "We definitely agreed not to disburse any charitable contributions to any charitable organization".

City Recorder and Financial Director Baumann stated the money was to be given to employees if at all possible. She stated a determination would need to be made as to how the money would be allocated. She explained that previous increases of three (3) percent equated to approximately

REGULAR MINUTES
AUGUST 4, 2009
Continued

Eighty Five Thousand Dollars (\$85,000). Recorder Baumann stated she did not know how to spread Twenty Five Thousand Dollars (\$25,000) out since this would not allow for even a one (1) percent increase. Councilman Heine stated he believed the Twenty Five Thousand Dollars (\$25,000) was in last year's budget, not the 2009-2010 budget years. Councilman Dr. Johnson stated the discussion last year stated that would be the last year to give the money to out, because that money could go to the employees to increase their salary. Dr. Johnson requested a list of all employees in each department and their present salaries so the Council could study it to see where they feel the Twenty Five Thousand Dollars (\$25,000) would need to go most. Deputy Mayor Dixon agreed with Dr. Johnson. Marshall Lee address the Council stating there was Twenty Seven Thousand Dollars (\$27,000) in the Police Department Budget that could go to the City employees also. Deputy Mayor Dixon thanked Marshall Lee. He stated there were some City employees that are making less than eight dollars (\$8.00) per hour and they still qualify for welfare. Deputy Mayor Dixon stated some of these employees have worked for the City for ten (10) or thirteen (13) years. He stated it was time to quit overlooking those folks. Deputy Mayor Dixon asked for a report for each employee making less than Ten Dollars (\$10) per hour. Recorder Baumann stated she could provide the report. Councilman Dr. Johnson requested to pick up the information so that it could be discussed in the upcoming workshop. Councilwoman Dr. Goodman stated this was not new money, but money that was saved.

Deputy Mayor Dixon stated for the record that all the Council loved Habitat for Humanity and supported their work, but the lower paid City employees are the priority at this time.

City Administrator Rupp addressed the Council in regards to the approval to appoint a new City Recorder. She stated she had given a copy of the resume to the Council. Administrator Rupp stated the Attorney had assured her there was not a problem with the Ordinance, there is no reason you cannot move forward and appoint this person. Councilwoman Dr. Goodman stated she had a question to her fellow Councilmen concerning the revision of the Personnel Manual. She stated part of that discussion was not to overlook those people that are within the City or within our Community who have credentials we can look at. Councilwoman Dr. Goodman stated she did have a concern and she was aware of locals that have applied and concerned that the Council consider local people. City Administrator Rupp stated she agreed and did interview local people, however, she felt the specific need at this time was for someone who can come into that position and "hit the floor running", because they have the experience and knowledge of the laws and procedures of both Florida and Municipality. Administrator Rupp stated this person is a Certified Clerk. She stated this person has the experience in personnel also and has held the position for several years in Florida. Administrator Rupp stated if the person was not certified, that is a training curve by not knowing the rules and regulations. She stated this is the one she felt most met the needs of the office and the City at this time. Councilman Dr. Johnson stated the positions were advertised as two (2) positions. He stated he thought it was a great idea to combine. Councilman Dr. Johnson stated he had received a letter of interest from Mrs. Francine Clark who is presently working for us. He stated she had pointed out several things to him. The advertisement was for two (2) positions and it did not state that the salary would be Forty Five Thousand Dollars (\$45,000). We did not say at that time we would be working with the Florida Retirement System (FRS). He stated had she known all of this in advance she would have applied. He stated she did apply and received a letter that it was after the date. Councilman Dr. Johnson stated yes, it was after the date, but that the applicant did not apply for that type of position or salary when it was advertised. Administrator Rupp stated she did not advertise the position with a salary. She stated the City could not go with FRS due to the cost to the City.

REGULAR MINUTES
AUGUST 4, 2009
Continued

Councilman Dr. Johnson stated had the salary been known Mrs. Clark or any other person could have applied. He stated as Councilwoman Dr. Goodman had stated, when the manual was redone, to look within the City at the employees that are here to train them and move them up if they were capable. He stated Administrator Rupp was not here, so she might be unaware of that fact. Administrator Rupp stated she could only hire the person that I feel is best qualified for the position out of all the applicants and I believe this person is the best qualified for the position. Councilman Dr. Johnson stated Mrs. Clark was not really interviewed. Administrator Rupp stated she had already made the tentative offer before receiving the letter. Councilman Dr. Johnson stated he was sure Mrs. Clark would have applied if she had known the two (2) positions had been combined and the salary was Forty Five Thousand Dollars (\$45,000). Administrator Rupp stated she only knew at the time she interviewed the person that she could combine the positions, because she had the ability to do both of those responsibilities. Councilman Dr. Johnson stated he believed this eliminates people from our own community who may have the skills when you make a decision after the advisement. Administrator Rupp stated Mrs. Clark could have applied because the salary was not stated in the advertisement. Mrs. Clark replied Recorder Baumann had called her and told her the position was opening and the salary would be about Thirty Three Thousand Dollars (\$33,000). Mrs. Clark stated she was not interested at that time because the salary was less than her current salary. Councilwoman Dr. Goodman stated her concern that legally a position could not be posted and then told what the salary would be. She stated the posting could say salary is negotiable or set a range. Councilwoman Dr. Goodman stated people have the right to be told the salary. Councilwoman Dr. Goodman stated she had a concern that within the City, no one of an ethnic background worked in Administration. She stated she knew that with the experience in Administration now, someone from within could be certified and do the job and make the City proud. Councilwoman Dr. Goodman stated she would not vote to accept the recommendation of the Administrator. City Administrator Rupp stated the Council had told her she could combine the position to save the City money. Deputy Mayor Dixon stated for the record, "I never told you that". He stated, "The time I found out about the two being joined was the night you presented this at the last council meeting". He asked Recorder Baumann if she was certified when she began the position of City Recorder. Recorder Baumann stated she was not. She stated she was hired as Financial Director but the additional duties were given to her. Recorder Baumann stated she had informed previous Administration that she would not always be able to handle both positions. Deputy Mayor Dixon stated Recorder Baumann was certified as she worked for the City and Administrator Rupp was given her position even though she was not an experienced Administrator. Deputy Mayor Dixon asked Administrator Rupp if she had prior knowledge of the person she wanted to hire. Administrator Rupp stated she did not. Recorder Baumann also stated no.

Administrator Rupp asked the Council if they wanted her to re advertise. Councilman Dr. Johnson stated yes, with the salary stated. All Council members agreed. Administrator Rupp stated she felt the Council should have approval on all salaries; however, the Council had never given any salary range for any position within the City. Councilwoman Dr. Goodman stated that is why the Council hired Administrator Rupp because they all agreed there were things that had not been done. She stated she would like for the Council to state that when a job was offered, to never ever have a salary come after the fact, but to be upfront. She stated that is standard operating procedures. Recorder Baumann stated there was not a tremendous amount of personnel work that needs to be done. She stated she believed it could be combined. Councilwoman Dr. Goodman stated she agreed, however, it changed the nature of the posting.

REGULAR MINUTES
AUGUST 4, 2009
Continued

She stated legally, it must be done right. Councilman Dr. Johnson and Councilwoman Dr. Goodman stated they had no problem with combining the positions. Administrator Rupp stated she was not combining positions. She stated the title of the position would be City Recorder. Councilman Dr. Johnson stated that is not what Administrator Rupp said. Administrator Rupp stated she would notify the person she cannot be hired, however, she felt the Council would not accept any candidate that was not within the City. Councilwoman Dr. Goodman stated she felt if everyone were treated equitably, then she would look at the recommendation. She stated it was the attitude of the Administrator that she would not do this because the Council wanted to hire within. Administrator Rupp stated she did interview four (4) people within the City. Councilman Dr. Johnson asked if those that were not interviewed were sent a letter informing them of a decision. Administrator Rupp stated yes. Deputy Mayor Dixon stated to re-advertise and advertise fairly. He stated to make sure the applicant is aware they are not hired until the Council approves. Heine moved to re-advertise the position of City Recorder; seconded by Councilman Dr. Johnson and carried.

Administrator Rupp addressed the Council stating she had a request from a citizen to purchase four (4) cemetery plots from the local cemetery, and put crypts on each plot. The crypts would hold from twelve (12) to twenty-four (24) slots up to forty-eight (48) slots. The person would then ask the City to sell those spaces, in order to have a record of the burials of the people. In turn, the person would receive a small percentage of the sale of those spaces. Councilman Heine stated these spaces would be located in the center section of the cemetery past the first flagpole, between the oak trees and the replanted oak trees. Recorder Baumann asked Councilman Heine if this was the area set aside for the cremains, stating this area has specific sizes and levels for markers. Councilman Heine stated no, that would not be the location. Recorder Baumann stated the location where the person wanted to place the crypts was not plotted to sell. Councilman Dr. Johnson stated the person should come before the Council. Deputy Mayor Dixon stated the person be contacted and bring the request and information before the Council. Councilwoman Dr. Goodman moved to deny the request for purchasing cemetery lots to hold crypts; seconded by Heine and carried.

Administrator Rupp reported to the Council a Safety / Risk Management Committee has been formed. The Committee consists of department heads, who are addressing safety policies and issues within the City. She stated this committee was formed on the recommendation of the city's insurance professionals. Administrator Rupp provided the Council with a report stating some of the steps taken by the committee, in addition to investigating the possibility of purchasing defibrillators for public facilities, including the golf course. She stated the insurance professionals were pleased at the steps being taken and eventually this should lower the insurance rate.

Administrator Rupp provided the Council with a sample of an historic preservation Ordinance drafted by the City Attorney. The purpose of moving forward with designating the downtown and some residential areas as historical district, would not only preserve the historic personae and facades of Arcadia, but also would enable the City to seek historical grants to restore, refurbish, purchase or rebuild historic land and structures. Attorney Henbest stated part of the reason for the Ordinance being drafted is that a large portion of the downtown area has already been granted designation by the Federal Department of the Interior and placed the downtown area on the National Register. He stated typically, when this was done, an Ordinance accompanied it. Attorney Henbest stated the Ordinance was never done and without this type of Ordinance in place, the City could not apply for the historical grants. Attorney Henbest

suggested the Council look at the Ordinance and information. He stated any other information needed, the Council could contact either Attorney Galvano or himself.

Administrator Rupp addressed the Council with regards to the United States Department of Agriculture (USDA) Visioning Day. Administrator Rupp provided Council with a list of projects to be considered for funding. She stated the Vision Day is scheduled for August 18, 2009 from 9:00 a.m. to 3:00 p.m. Administrator Rupp asked for recommendations from the Council as to what items they would like to see move forward. Councilwoman Dr. Goodman stated she would like to see items number nine (9) ten (10), eleven (11) and twelve (12) on the list be brought to the attention of the USDA. She also suggested items one (1) and two (2) needed to be addressed. Councilman Heine asked that the water plant and lime slaker should also be considered. Administrator Rupp stated she had given the USDA a previous list, and was told there were programs available to cover almost everything on this list. Deputy Mayor Dixon suggested number five (5) on the list is considered.

Administrator Rupp stated the Southern Shockers Softball Team asked to hold a golf tournament on October 10, 2009, as a fundraiser to earn money to travel to Boulder, Co in July 2010 as one of the top thirty-two teams in the nation. Administrator Rupp stated she had spoken with Parks and Recreation Supervisor Waters, and he does not have a problem with team using the golf course. Goodman moved to allow the Southern Shockers Softball Team hold a fundraiser tournament at the City Golf Course; seconded by Johnson and carried.

Administrator Rupp addressed the Council with regards to the City's Sign Ordinance. Administrator Rupp stated there was not a Sign Ordinance. She stated she had been asked for copies of the Ordinance, to put up signs, to change signs, and to move signs. She stated there is no Sign Ordinance or regulations. Marshall Lee stated there is a Sign Ordinance. Administrator Rupp stated there is not an Ordinance. She stated that in 1999 the Council agreed to consider two aspects of a land development regulation; however, it was never adopted by the Council. Councilwoman Dr. Goodman stated Dr. Hewett brought the Sign Ordinance before the Council. Administrator Rupp stated the Ordinance was not codified. Attorney Henbest stated he had spoken with Administrator Rupp and if this Ordinance was not adopted then the City did not have an official enforceable Sign Ordinance. He stated if the document was dated 1999, then it was outdated. He stated the Federal Law that has addressed signs in the last two (2) years has turned the Sign Ordinances, "On their heads". Attorney Henbest suggested he look at the Ordinance, bring it up to date and bring it back before the Council to be adopted as an Ordinance and be codified into the codebook. Heine moved to approve the Sign Ordinance be brought up to date by the City Attorney and be brought back before the board for adoption and codification; seconded by Johnson and carried.

Administrator Rupp stated to the Council that advertisement had begun for the Parks and Recreation Director. She stated it would be posted in house for two weeks and would go to Department Heads to be posted in their areas before being advertised to the public.

Administrator Rupp stated the position would be advertised to the public on August 18, 2009 and would close on August 21, 2009. Councilwoman Dr. Goodman asked if Administrator Rupp had a salary in mind. Administrator Rupp stated she had nothing to go by as far as salary. Councilman Dr. Johnson asked if she could put a salary range. Administrator Rupp stated Thirty (30) to Thirty two (32) Thousand. Deputy Mayor Dixon asked if this person would be required to have any type of degree. Administrator Rupp stated no, it would be experience in many

REGULAR MINUTES
AUGUST 4, 2009
Continued

different areas. She stated she was looking at organizational skills, outgoing personality, clerical skills, coordinating and managing staff, must have a high school diploma and a Florida Drivers License in addition to oversight in maintenance of the parks and facilities. Council recommended the salary range be Twenty Five Thousand to Twenty Seven Thousand Dollars (\$25,000-\$27,000). Deputy Mayor Dixon asked that it be from Twenty Four Thousand to Twenty Seven thousand Dollars (\$24,000-\$27,000). Council and Administrator Rupp final agreement was Twenty to Twenty Five Thousand Dollars (\$20,000-\$25,000). Goodman moved to advertise the salary for Parks and Recreation Director at the salary range of Twenty to Twenty Five Thousand (\$20,000-\$25,000); seconded by Heine and carried.

Administrator Rupp advised the Council and Public of County Road closures.

Administrator Rupp stated there was an issue with flooding in an area of town. She stated the blockage was found in the lines from West Elementary to Gibson to Monroe. She stated the blockage is underneath the school. She stated cameras would be used to determine the location of the blockage and try to use a machine to clear the blockage. She stated this procedure would probably be very expensive. Administrator Rupp stated it would be done this week, before the start of school. Mr. Fred Lewis, Public Works Director, stated he found the blockage in front of the office building at West Elementary School. Mr. Lewis stated this is not a good situation.

Administrator Rupp addressed the Council with regards to the roof at City Hall. She stated water is pooling under the stairwell, in addition to records stored up stairs getting wet. Councilman Dr. Johnson suggested Administrator Rupp research the age of the roof and the company that did the work on the roof to see if the warranty was still in effect.

Mr. Raymond Stewart, DeSoto Insurance presented the Council with information regarding the renewal of Insurance. He stated the company has offered an early renewal with locking in the rates for two (2) years. He quoted figures for Property Insurance from 08-09 at Two Hundred Fifty Three Thousand Eight Hundred and Seven Dollars (\$253,807.) with the new rate for 09-10 of Two Hundred Eleven Thousand One Hundred Seventy Two Dollars (\$211,172). Workers Compensation for 08-09 was One Hundred Twenty Eight Thousand Seven Hundred Fifty Five (\$128,755) with the 09-10 rate being One Hundred Fourteen Thousand Eight Hundred Fifteen Dollars (\$114,815). A motion by Heine to approve the lock in rate for 09-10 insurance rates; seconded by Johnson and carried.

Administrator Rupp reminded the Council of the Budget Hearing dates, stating the dates were on their calendar.

Administrator Rupp addressed the Council with regards to a letter she received from South Florida Community College thanking the City for participating as a Business Partner. Two students from SFCC worked for the City during the summer, paid for by SFCC.

Administrator Rupp addressed the Council with regards to a Grants Writer position. Administrator Rupp stated this position would include some Planning duties and other technical administrative duties. She stated the Grants Writer was very much needed. Administrator Rupp stated one grant already awarded to the City needed a Grant Monitor. Administrator Rupp stated a Grant Writer would be needed if the USDA funded projects for each grants. She stated if a Grant Writer was not employed by the City, the position would have to be advertised each time the City moved forward with applying for a grant. She stated this person could be included in

Planning and Zoning issues. Administrator Rupp asked for approval from the Council to offer the position. She stated the position would be paid from Administrative Grant Funds from each grant. Administrator Rupp stated the budget included additional funds to cover if the Administrative Grant Funds did not cover the entire salary or benefits. Administrator Rupp stated the salary would be Fifty Thousand Dollars (\$50,000); the amount of the Administrative cost provided in the current grant received by the City was One Hundred Thousand Dollars (\$100,000) over two years. Deputy Mayor Dixon asked what percentage of the grant was paid to Administrative cost. Administrator Rupp stated one hundred percent of the Administrative cost was paid for by the grant. Councilwoman Dr. Goodman asked if Administrator Rupp was basing the salary on the currently received grant. Administrator Rupp stated yes, for the Community Development Block Grant for Seven Hundred Thousand Dollars for housing. Administrator Rupp explained to the Council the Administrative Fees are written in the grant and would pay the Administrator of that grant One Hundred Thousand Dollars (\$100,000) over a two (2) year period at no cost to the City. Administrator Rupp again stated benefit costs were provided in the budget for 2009-2010. Councilwoman Dr. Goodman stated once the grant was over, the position was done. Administrator Rupp stated that was correct, unless that person continues to acquire other grants. She stated those grants would have Administrative cost included. Councilwoman Dr. Goodman stated that at no time would that person be salaried by the City. Administrator Rupp concurred, stating the position would be salaried by the grants written by the person that were awarded. Deputy Mayor Dixon asked why would there be a budget for other costs to this position. Administrator Rupp stated this would cover cost such as travel expense. Deputy Mayor Dixon asked that whomever agreed to do the grant writing and received a percentage of the grant, whatever that amount may be, then for them to receive wages or compensation from the City, would that not be a conflict of interest? Administrator Rupp stated no, because the person would be an employee of the City. Attorney Henbest addressed the Council explaining if the person did not obtain any other grants within the two (2) year period that has already been awarded, then there would be nothing for that person to administer. He stated, however, if those administrative costs exceeded the administrative cost of Fifty Thousand Dollars (\$50,000) for administering that grant, the person would not get a bonus, but would be allocated amongst the different grants. He stated this was not money coming from the City's General Revenues to fund the salary. Councilman Dr. Johnson stated grant writers did not always write grants for just one City, but would in addition write grants for someone else. He stated the person should be self-employed, pays his own transportation and other expenses, because he may be writing grants somewhere else. Councilman Dr. Johnson stated usually grant writers did not write for only one origination. Administrator Rupp stated if this person were an employee of the City, they would only write for the City. Deputy Mayor Dixon stated if they were an employee of the City, they might not be entitled to the independent grant-writing fee. He stated in the past a person was in an office in the Administrative offices of the City, using City supplies and the assistance of the City staff and still getting the percentage of the grant money. He stated the person applying for this position needs to make it clear if they want to be an employee of the City or as an independent Grant Writer and receive a percentage of the grants. Administrator Rupp explained administrative cost were already included in the grants. She stated, "You must have a Grant Writer", "that is part of the grant". Councilman Dr. Johnson stated he understood the Administrative Cost; however, he stated, most Grant Writers would not limit themselves to one grant. Councilman Dr. Johnson and Councilman Heine felt the best Grant Writer might not apply for this type of position. Administrator Rupp stated if the Grant Writer was not an employee of the City, each time a grant was needed, a Grant Writer would have to be advertised for and hired. She stated if a Grant Writer was on staff, it allows automatically going after grants without advertizing for a Grant Administrator each time. Recorder Baumann stated the

REGULAR MINUTES
AUGUST 4, 2009
Continued

administration of grants was a record keeping issue and the Grant Administer must be very diligent in keeping those records when working on more than one grant. Administrator Rupp stated to the Council the advertisement for Grant Administrator did not state the position as being an employee of the City or contractual employee. Councilman Dr. Johnson stated this would allow the Council to decide how we want to administrator the grant.

Administrator Rupp stated it was her understanding she could hire and fire for the City, however, this does not seem to be the Council's mindset. Deputy Mayor Dixon stated he understood that, but, the Attorney, City Clerk, Special Master and City Administrator, the Council has "say so". Administrator Rupp stated personnel decisions she had made have become an issue with the Council. Councilman Dr. Johnson stated the term "Council" was inclusive and he had not ever come to Administrator Rupp about anyone. Councilwoman Dr. Goodman stated she believed the Council has tried to be supportive of your hiring practices. She stated, however, when it comes to City Recorder, that is different. Councilwoman Goodman stated there would be disagreements, and this should be done without attitudes and backlash.

City Administrator Rupp stated she did not want to make this decision and then get "flack" from whomever, because they did not like the way it was done or the person or whatever. Councilwoman Dr. Goodman stated if the process, in regards to the City Recorder was done properly and everyone knows what the position is and that the salary is Forty-five Thousand Dollars, then move forward. She stated she is responsible to the constituents of the City of Arcadia.

The Airport Report for June 2009 was presented.

The Golf Course report for June 2009 was presented.

The Public Works Reports for May and June 2009 was presented.

Mrs. Jeannie Martin, a member of the Public expressed appreciation to City Marshall Lee, and applauded his leadership. She spoke against an article published in the paper regarding Marshall Lee, stating the facts were not correct.

Councilman Dr. Johnson addressed the Council with regards to a question asked to him about an easement behind a home where the sewer or water line meets the property owner's property line, whose responsibility is it to keep that alley maintained. He stated he responded to her that it was the City's. Councilman Dr. Johnson stated the property was at the corner of Pine Street and Citrus Avenue. Councilman Heine stated this should have already been resolved. Deputy Mayor Dixon and Councilman Heine agreed it was the Cities responsibility to maintain the easement. Attorney Henbest stated he would research any Ordinance pertaining to maintenance of City property and would have a definite answer by the next Council meeting.

There being no further business the meeting was adjourned.

The minutes as submitted by Francine Clark.


CITY RECORDER


PRESIDENT