

**MINUTES  
CITY COUNCIL  
REGULAR MEETING  
TUESDAY, DECEMBER 15, 2009  
6:00 PM**

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

The meeting was called to order at 6:00 PM with Councilmember Goodman giving the invocation which was followed by the Pledge of Allegiance. The Mayor then called roll with the following members and staff present:

**Arcadia City Council**

Mayor Roosevelt Johnson  
Councilmember Sharon Goodman  
Councilman Lorenzo Dixon

Deputy Mayor Robert Heine  
Councilmember Keith Keene

**Arcadia City Staff**

City Administrator Markae Rupp  
City Attorney William Galvano

City Recorder Dana Williams  
City Marshal Charles Lee

**CONSENT AGENDA**

1. MINUTES OF THE NOVEMBER 24, 2009, SPECIAL MEETING
2. MINUTES OF THE DECEMBER 1, 2009, REGULAR MEETING
3. REQUEST OF ARCADIA MAIN STREET FOR CAR SHOWS ON JAN. 8, FEB. 12, MAR. 12 AND APR. 9, 2010, CLOSING OAK STREET FROM DESOTO TO ORANGE FROM 4 - 9 PM
4. CITY FINES & ESTREATURES REPORT
5. REVENUES AND EXPENDITURE REPORT FOR NOVEMBER 2009
6. AIR-CADIA FLOWAGE AND HANGER RENT REPORT FOR NOVEMBER 2009
7. ARCADIA GOLF COURSE REPORT

Councilmember Dixon requested that item #2 be pulled for discussion.

On motion of Councilmember Goodman, seconded by Councilmember Keene, items #1 and #3-7 of the consent agenda printed above were unanimously, 5-0, approved.

Councilmember Dixon requested that on page 7 of 7 of the minutes of December 1, 2009 regular meeting, the phrase "as scrap" be added to the last sentence.

On motion of Councilmember Goodman with a second by Councilmember Dixon, the minutes of the December 1, 2009, regular meeting were unanimously approved as amended.

**RESOLUTIONS**

8. RESOLUTION 2009-24 ESTABLISHING WATER AND SEWER RATES EFFECTIVE JANUARY 2010 AND ALLOWING FOR AN ANNUAL INCREASE BASED ON THE FLORIDA PUBLIC SERVICE COMMISSION INDEX

Councilmember Dixon made a motion to waive the rules and read Resolution 2009-24 by title only. Councilmember Goodman provided a second to the motion which passed unanimously, 5-0, upon roll call vote.

The City Recorder read the resolution by title. Councilmember Goodman made a motion to approve Resolution 2009-24 which was seconded by Councilmember Dixon. A roll call vote recorded unanimous, 5-0, approval.

The resolution in its entirety reads as printed below.

**RESOLUTION NO. 2009-24**

**A RESOLUTION ESTABLISHING WATER AND SEWER RATES EFFECTIVE JANUARY 2010 AND ALLOWING FOR AN ANNUAL INCREASE BASED ON THE FLORIDA PUBLIC SERVICE INDEX**

**WHEREAS**, in order to meet State and Federal Environmental laws, to establish proportionate user charges that places the cost of abatement directly on the sources of pollution, conserves potable water, and maintains financial self-sufficiency, and to provide the revenues for the Operations, Maintenance, Renewal and Debt Service requirements of the City's Water and Sewer Systems, and

**WHEREAS**, City of Arcadia Ordinance No. 822 provides that water and sewer rates shall be adopted from time to time by Resolution.

**NOW, THEREFORE BE IT RESOLVED**, that the following water and sewer rates are hereby adopted and shall be effective January 1, 2010 and shall be reflected on the January billings:

**WATER:**

<u>Monthly Use</u>	<u>Rate</u>
First 3,000 gallons	\$21.00 per month base
All over 3,000 gallons	\$ 3.48 per 1,000 gallons

**SEWER:**

<u>Monthly Use</u>	<u>Rate</u>
First 3,000 gallons water used	25.50 per month base
All over 3,000 gallons water used	\$ 4.26 per 1,000 gallons

**BE IT FURTHER RESOLVED**, that the rates as stated above will be increased annually based on the Florida Public Service Commission Index (FPSCI) Annually Approved for Water and Wastewater Utilities, and they shall become effective October 1<sup>st</sup> and will be reflected on the October billings.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA**, with a quorum present and voting this 15<sup>th</sup> day of December 2009.

/s/ Roosevelt Johnson, Ed.D, Mayor

Attest:

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

9. **RESOLUTION 2009-25 AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR SIDEWALK INSTALLATION ON POLK STREET FROM HICKORY TO MAGNOLIA STREETS.**

Councilmember Goodman made a motion to have resolution 2009-25 read by title only. Councilmember Keene provided a second to the motion, which carried unanimously, 5-0, upon roll call vote.

The City Recorder read the resolution by title. The Deputy Mayor made a motion to approve Resolution 2009-25 and Councilmember Dixon provided the second. The motion carried unanimously, 5-0.

The resolution in its entirety reads as follows:

**RESOLUTION NO. 2009-25**

**A RESOLUTION TO ENTER INTO AN AGREEMENT BETWEEN THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, HEREINAFTER REFERRED TO AS THE "DEPARTMENT," AND THE CITY OF ARCADIA, HEREINAFTER REFERRED TO AS "LOCAL AGENCY," FOR THE MAINTENANCE OF POST-PROJECT TRANSPORTATION ENHANCEMENTS.**

**WHEREAS**, pursuant to the American Recovery and Reinvestment Act of 2009, the Department is authorized to undertake a project within the Local Agency geographical limits; and

**WHEREAS**, said project is identified and known to the parties as Financial Project #428164 1 52/62 01, which will benefit the Local Agency; and

**WHEREAS**, in accordance with Title 23, U.S. Code, Section 116 and Federal Highway Administration regulations issued pursuant thereto, there must be an agreement from the Local Agency to maintain the project; and

**WHEREAS**, the Local Agency by this Resolution No. 2009-25 dated December 15, 2009, which is attached to and made part of the Agreement, has authorized its Mayor or designee to execute said Agreement.

**NOW, THEREFORE**, in consideration of the premises, the parties agree to all conditions of the agreement.

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Arcadia that approval be granted to enter into an agreement with the State of Florida Department of Transportation to

undertake the project for sidewalks on Polk Street from Magnolia Street to Hickory Street.

**BE IT FURTHER RESOLVED** that this approval is granted subject to all other City, County, and State regulations being met.

**PASSED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA** in regular session this 15<sup>th</sup> day of December 2009.

/s/ Roosevelt Johnson, Ed.D, Mayor

Attest:

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

**ORDINANCES**

- 10. SECOND READING OF ORDINANCE 956 REGARDING SIGNS; CREATING A NEW ARTICLE III WITHIN CHAPTER 6 OF THE ARCADIA MUNICIPAL CODE; AND PROVIDING AN EFFECTIVE DATE.**

On motion of Councilmember Goodman and seconded by Deputy Mayor Heine, the Council voted unanimously, 5-0, to waive the rules and have Ordinance 956 read by title only.

The City Recorder read the ordinance by title and presented it for consideration on second reading.

Councilmember Goodman made a motion to adopt Ordinance 956 on second reading and the Deputy Mayor provided a second. A roll call vote recorded unanimous, 5-0, approval. The ordinance in its entirety is printed below.

**ORDINANCE NO. 956**

**AN ORDINANCE OF THE CITY OF ARCADIA, FLORIDA, A MUNICIPAL CORPORATION, REGARDING SIGNS; CREATING A NEW ARTICLE III WITHIN CHAPTER 6 OF THE ARCADIA MUNICIPAL CODE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Arcadia, on behalf of its citizens, desires to adopt, implement, and enforce regulations of signs within the City.

**NOW, THEREFORE**, be it ordained by the City Council of the City of Arcadia:

**Section 1. Amendment of City Code.** Chapter 6 of the Arcadia Municipal Code is hereby amended to create a new Article III to read in its entirety as follows:

**ARTICLE III. SIGNS**

**Sec. 6-51. Generally.**

This article requires that all signs placed or erected within the city be approved by permit. This article also establishes regulations to govern the placement and size of temporary and permanent signs within the city and establishes application procedures and procedures for appeals.

**Sec. 6-52. Applicability.**

This article applies to all signs that are constructed, erected, operated, used, maintained, enlarged, illuminated, or substantially altered within the city. Mere repainting or routine maintenance of a sign shall not, in and of itself, be construed as a substantial alteration.

**Sec. 6-53. Findings of fact.**

The city council finds that:

- (a) The manner of the erection, location, and maintenance of signs affects the public health, safety, morals, and welfare of the people of this community.
- (b) The safety of motorists, cyclists, pedestrians, and other users of the public streets is affected by the number, size, location, lighting, and movement of signs that divert the attention of drivers.
- (c) The size and location of signs may, if uncontrolled, constitute an obstacle to effective fire-fighting techniques.
- (d) The construction, erection, and maintenance of large signs suspended from or placed on the tops of buildings, walls, or other structures may constitute a direct danger to pedestrian and vehicular traffic below, especially during periods of strong winds.
- (e) Uncontrolled and unlimited signs may degrade the aesthetic attractiveness of the natural and manmade attributes of the community and thereby undermine the economic value of tourism, visitation, and permanent economic growth.

**Sec. 6-54. Purpose and intent.**

The city council recognizes that there are various persons and entities that have an interest in communicating with the public through the use of signs that serve to identify businesses, services, residences, and neighborhoods, and also to provide for expression of opinions. The council is also responsible for furthering the city's obligation to its residents and visitors to maintain a safe and aesthetically pleasing environment where signs do not create excessive visual clutter and distraction or hazards for pedestrians and vehicles; where signs do not adversely impact the character of the city; and where signs do not conflict with the natural and scenic qualities of the city. It is the intent of the council that

the regulations contained in this article shall provide uniform sign criteria, which regulate the size, height, number, and placement of signs in a manner that is compatible to the scale and character of the city, and which shall place the fewest possible restrictions on personal liberties, property rights, free commerce, and the free exercise of Constitutional rights, while achieving the city's goal of creating a safe, healthy, attractive, and aesthetically pleasing environment that does not contain excessive clutter or visual distraction from rights-of-way and adjacent properties.

#### **Sec. 6-55. Severability.**

If any section, part of a section, paragraph, sentence, clause, phrase, or word of these regulations is, for any reason, held or declared to be unconstitutional, inoperative, or void, such holding of invalidity shall not affect the remaining portions of these regulations and it shall be construed to have been the legislative intent to pass these regulations without such unconstitutional, invalid, or inoperative part therein; and the remainder of these regulations, after the exclusion of such part or parts, shall be deemed to be held valid as if such part or parts had not been included therein; or if these regulations, or any provisions thereof, shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holding shall not affect the applicability hereof to any other person, property or circumstances.

#### **Sec. 6-56. Definitions.**

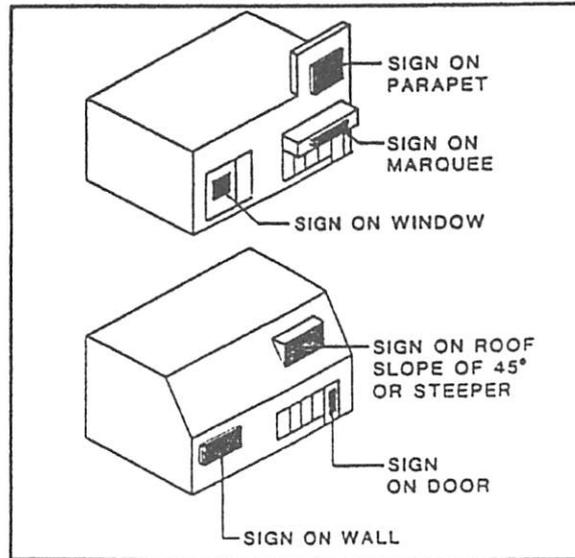
The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Animated sign* means any sign or part of a sign, including the advertising message, which changes physical position by any means of movement.

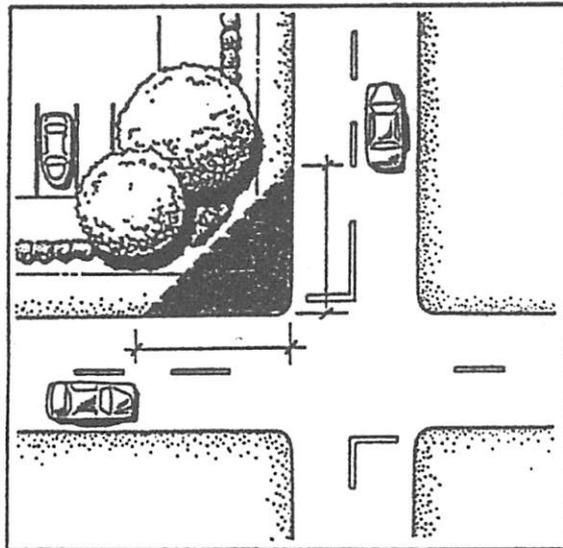
*Automatic changeable message device* means any sign, which through a mechanical, electrical, solar, or other power source is capable of delivering messages, which rotate or appear to rotate, change or move at any time and in any way, including tri-vision or any multi-prism sign faces.

*Billboard* means a type of permanent freestanding sign, where the bottom of the sign is at least twenty (20) feet above the ground and which is at least two hundred (200) square feet in area.

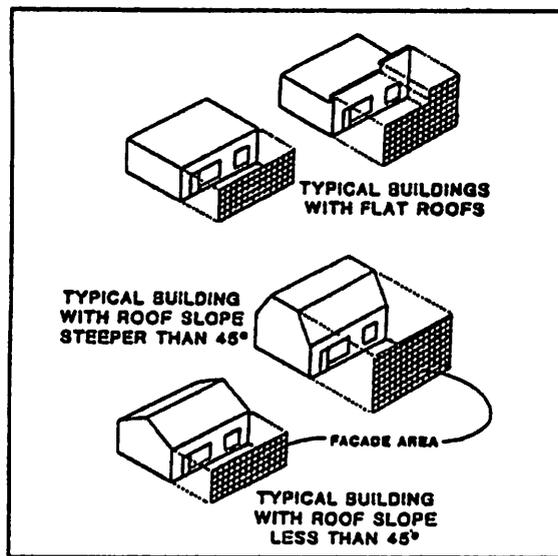
*Building sign* means a type of permanent sign displayed upon or attached to any part of the exterior of a building, including walls, windows, doors, parapets, marquees, and roof slopes of forty-five (45) degrees or steeper. (See Figure below.)



*Clear visibility triangle* means that area formed by connecting a point on each curb line or edge of pavement to be located at the distance from the intersection of the street centerlines as required, and a third line connecting the two points. (See Figure below)



*Facade area* means that area of a building within a two-dimensional geometric figure coinciding with the outer edges of the walls, windows, doors, parapets, marquees, and roof slopes greater than forty-five (45) degrees of a building which is owned by or under lease to a single occupant. (See Figure below)



*Freestanding sign* means any sign which is incorporated into or supported by structures or supports in or upon the ground, independent of support from any building, and includes pole signs, pylon signs, ground signs, monument signs, or "sandwich signs."

*Geometric shape* means any of the following geometric shapes used to determine sign area: square, rectangle, parallelogram, triangle, circle, or semicircle.

*Home occupation* shall mean an accessory use conducted entirely within a dwelling and carried on by the members of the family residing therein, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof.

*Illuminated sign* means any sign which contains a source of light or which is designed or arranged to reflect light from an artificial source including indirect lighting, neon, incandescent lights, back-lighting, and also shall include signs with reflectors that depend upon automobile headlights for an image.

*Multiple occupancy complex* means any commercial use consisting of a parcel of property, or parcel of contiguous properties, existing as a unified or coordinated project, with a building or buildings housing more than one (1) occupant.

*Occupant* means any single commercial use (i.e., any use other than residential).

*Permanent sign* means any sign, which is designed, constructed, and intended for more than short-term use, including freestanding signs and building signs.

*Portable sign* means any sign which is manifestly designed to be transported by trailer or on its own wheels, including such signs even though the wheels may be removed and the remaining chassis or support structure converted to an "A" or "T" frame sign and attached temporarily or permanently to the ground.

*Roof line* means a horizontal line intersecting the highest point or points of a roof.

*Roof sign* means a sign placed above the roof line of a building or on or against a roof slope of less than forty-five (45) degrees.

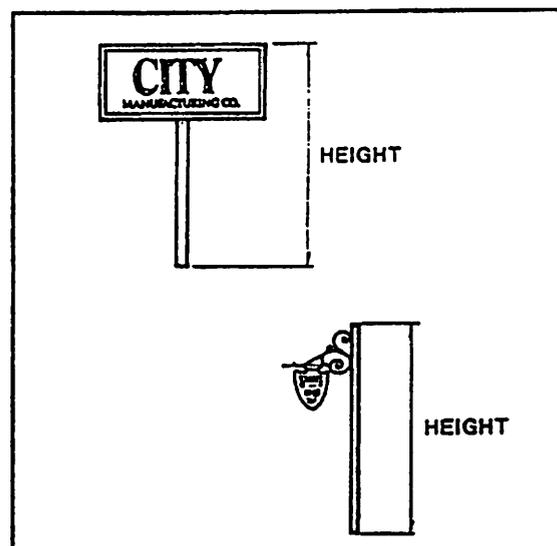
*Sign* means any identification, description, illustration, or device, illuminated or non-illuminated, which is visible from any outdoor place, open to the public and which directs attention to a product, service, place, activity, person, institution, or business thereof, including any permanently installed or situated merchandise; or any emblem, painting, banner, pennant, placard, designed to advertise, identify, or convey information, with the exception of customary window displays, official public notices and court markers required by Federal, State or local regulations; also excepting, newspapers, leaflets and books intended for individual distribution to members of the public, attire that is being worn, badges, and similar personal gear. Sign shall also include all outdoor advertising displays as described within Section 3108.1.1, Florida Building Code, and all Signs shall conform to the requirements of Section 3108 of the Florida Building Code. The term shall exclude architectural features, historical building murals, or parts not intended to communicate information.

*Sign area* means the area within the smallest geometric shape which contains the entire sign copy, but not including any supporting framework, braces, or supports.

*Sign copy* means the linguistic or graphic content, including trim and borders, of a sign.

*Sign face* means the part of a sign that is or may be used to display sign copy.

*Sign height* means the vertical distance from the finished grade at the base of the supporting structure to the top of the sign, or its frame or supporting structure, whichever is higher. (See Figure below)



*Sign structure* means any construction used or designed to support a sign.

*Snipe sign* means any sign of any material, including paper, plastic, cardboard, wood, or metal, when tacked, nailed, or attached in any way to trees, poles, stakes, fences, the ground, or other objects where such sign may or may not be applicable to the present use of the property upon which such sign is located.

*Temporary sign* means any sign, which is designed, constructed, and intended to be used on a short-term basis. A permanent sign with periodic changes to the message shall not be considered as a temporary sign.

*Vehicle sign* means any sign affixed to a vehicle.

*Wind sign* means any device, including but not limited to one (1) or more banners, flags, pennants, ribbons, spinners, streamers, or captive balloons, or other objects or material fastened in such a manner as to move upon being subjected to pressure by wind not specifically exempted by section 6-58 of this Code.

**Sec. 6-57. Permit required.**

(a) Except as otherwise provided in this article, no sign within the city shall be constructed, erected, operated, used, maintained, enlarged, illuminated, or substantially altered without first obtaining a permit as provided in this section.

(b) An applicant may submit to the city administrator or his or her designee a completed sign application.

(c) A separate application for a permit shall be made for each separate advertising sign or advertising structure, on a form furnished by the city administrator or his or her designee.

(d) The application for a permit shall describe the size, shape, and nature of the proposed advertisement, advertising sign or advertising structure, and its actual or proposed locations with sufficient accuracy to ensure its proper identification.

(e) The application for a permit shall be signed by the applicant or his or her authorized agent and, if different than the property owner, by the property owner or his or her authorized agent.

(f) For multiple occupancy complexes, individual occupants may apply for a sign permit, but they shall be issued in the name of the lot owner or agent, rather than in the name of the individual occupants. The lot owner, and not the city, shall be responsible for allocating allowable sign area to individual occupants.

(g) Within ten (10) days after receipt of an application, the city shall determine whether the information is complete or incomplete and inform the applicant of any deficiencies. If the application is deemed:

- (1) Incomplete, the applicant may submit the required information within ten (10) days without payment of an additional application fee, but if more than ten (10) days elapse, the applicant must thereafter initiate a new application and pay a new application fee; or
- (2) Complete, the city shall determine if the sign meets all provisions of this Code and shall issue the permit which states whether the application is approved, denied, or approved with conditions within twenty-five (25) days after the determination of completeness of the application.

**Sec. 6-58. Exempt signs.**

(a) Within all non-residential zoning districts, the following signs shall be considered as permitted signs and shall be exempt from the requirement to obtain a sign permit as set forth within this Article III so long as they are not in conflict with section 6-59:

- (1) Decals, limited to those as required by law, which are affixed to or painted upon store windows, store equipment, fuel pumps or other types of vending equipment used for dispensing retail products.
- (2) Lettering only, for the purpose of providing ownership, licensing and emergency contact information, when placed upon doors and windows of lawfully licensed businesses, with letters not exceeding three (3) inches in height and limited to a maximum area of two (2) square feet.
- (3) Signs within a building that are not visible from the exterior of the building. This shall not include window signs affixed to the interior of windows, which are visible from the exterior.
- (4) Building signs, historical markers, memorial signs, tablets or plaques, or the name of a building and the date of erection, when the same are cut into any masonry surface or when constructed of bronze or other similar noncombustible material.
- (5) Professional nameplates for physicians, surgeons, dentists, lawyers, architects, teachers, and other like professional persons placed on the premises occupied by the person(s), not exceeding one (1) square foot in sign face area, provided such professional has a valid occupational license as may be required for the particular profession to operate on those premises.

(6) Signs denoting only the name and profession of an occupant of a building, placed flat against the exterior surface of the building and not exceeding three (3) square feet in sign face area, and provided such occupant has a valid occupational license as may be required to operate on those premises.

(b) Within all zoning districts, the following signs shall be considered as permitted signs and shall be exempt from the requirement to obtain a sign permit as set forth within this Article III so long as they are not in conflict with section 6-59:

- (1) Not more than one (1) real estate sign advertising the sale, rental, or lease of only the premises on which the sign is located. Such signs shall not exceed six (6) square feet in area, and five (5) feet in height. Signs advertising the sale, rental or lease of property exceeding this size and height shall not be considered as exempt signs.
- (2) Signs noting the architect, engineer, or contractor for a development project when placed upon work under construction, provided the sign shall be removed within fifteen (15) days of completion of construction. Such signs shall not exceed six (6) square feet in size or eight (8) feet in height.
- (3) Signs as required by law to display building permits or other similar required public notices.
- (4) Traffic signs, street name signs, legal notices of public meetings, danger signs, and temporary emergency signs, when erected by city, county, state, or federal authorities or at the specific direction of such authorities.
- (5) No trespassing and private property signs not exceeding two (2) square foot in area. Such signs shall not be displayed from or attached to trees, utility poles or any type of utility structure or equipment, including lift stations, fire hydrants, and the like.
- (6) Vacancy or no vacancy signs not exceeding two (2) square foot in area.
- (7) Temporary political campaign signs announcing the candidacy of a candidate for public office not exceeding four (4) square feet in area in residential zoning districts and thirty-two (32) square feet in all other zoning districts may be placed wholly within the boundaries of any property, at the discretion or consent of the legal owner and/or occupant of the property, provided such signs conform with all traffic, electrical, maintenance, fire and safety regulations of the city.

The placing of political campaign signs on city property, other public property, or on public rights-of-way shall be prohibited. Political

campaign signs displayed within motor vehicles conducting routine business activities on city or other public property shall not be prohibited, provided that no such vehicle shall be parked on city property, other public property, or on public right-of-ways for the sole purpose of displaying political campaign signs.

Illegally placed political campaign signs shall be removed by the code enforcement officer without notice to the candidate or abutting property owner or occupant.

Political campaign signs shall be erected no earlier than six (6) months prior to the date of the election for which they are posted and shall be removed within seventy-two (72) hours after the date of such election. If such signs are not removed within this period of time, the city may remove such signs and may charge the candidate the actual cost for such removal. Collected funds shall be deposited into the city's general revenue. Failure to remove signs is a violation of this Code and is enforceable pursuant to Chapter 162, Florida Statutes, as it now exists or as it may be amended in the future.

- (8) Personal expression signs limited to one (1) per lot or parcel, or in the case of multi-family uses, one (1) per dwelling unit, expressing personal views or opinions not exceeding four (4) square feet in area, providing such signs are otherwise in compliance with applicable local, state and federal laws. A personal expression sign can include a pole flag no larger than twenty (20) square feet on a pole no taller than twenty-five (25) feet.
- (9) Religious symbols.
- (10) Garage sale signs or open house signs within residential zoning districts, not exceeding four (4) square feet in size, limited to two (2) per site and located only at the location of such event. Such signs may be displayed one (1) day before the garage sale or open house and shall be removed immediately after conclusion of the event. No garage sale sign or open house sign may be erected upon any public right-of-way.
- (11) Signs placed within interior courtyards, the inside fence line of recreational fields and on golf courses, provided such signs are visible only to those persons visiting such place and are otherwise in compliance with this chapter.
- (12) Address and street number signs not exceeding two (2) square feet.
- (13) Holiday and seasonal decorations shall not be construed as signs, providing that these contain no commercial advertising message.

**Sec. 6-59. Prohibited signs.**

The following signs are expressly prohibited unless otherwise exempted or expressly authorized:

- (a) Signs that violate the building code or electrical code.
- (b) Any sign that presents safety, traffic or pedestrian hazard including signs which obstruct visibility.
- (c) Blank temporary signs.
- (d) Signs with visible moving, revolving, or rotating parts or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic, or mechanical means, except for governmental traffic devices and signs.
- (e) Signs with the optical illusion of movement by means of a design that presents a pattern capable of giving the illusion of motion or changing of copy.
- (f) Signs with lights or illuminations that flash, move, rotate, scintillate, blink, flicker, or vary in intensity or color, to include animated signs and automatic changeable message devices except for signs of this type that provide time and temperature only.
- (g) Wind signs, as defined by this Code.
- (h) Signs that incorporate projected images, emit any sound that is intended to attract attention, or involve the use of live animals.
- (i) Signs that emit audible sound, odor, or visible matter such as smoke or steam.
- (j) Signs or sign structures that interfere with free use of any fire escape, emergency exit, or standpipe, or that obstruct any window to such an extent that light or ventilation is reduced to a point below that required by any provision of this Code or other ordinance of the city.
- (k) Non-governmental signs that resemble any official sign or marker erected by any governmental agency, or that by reason of position, shape or color, would conflict with the proper functioning of any traffic sign or signal, or be of a size, location, movement, content, color, or illumination that may be reasonably confused with or construed as, or conceal, a traffic-control device.
- (l) Non-governmental signs that use the words "stop," "look," "danger," or any similar word, phrase, or symbol, or which is a copy or imitation of an official

sign that may be reasonably confused with, construed as, or conceal a traffic device.

(m) Signs that obstruct the vision of pedestrians, cyclists, or motorists traveling on or entering public streets thereby creating a safety hazard for the public.

(n) Signs, within ten (10) feet of public right-of-way or one hundred (100) feet of traffic-control lights, that contain red or green lights that might be confused with traffic control lights, thereby creating a safety hazard for the public.

(o) Signs that are of such intensity or brilliance as to cause glare or impair the vision of any motorist, cyclist, or pedestrian using or entering a public way, or that are a hazard or a nuisance to occupants of any property because of glare or other characteristics.

(p) Signs that contain any lighting or control mechanism that causes unreasonable interference with radio, television, or other communication signals.

(q) Searchlights used to advertise or promote a business or to attract customers to a property.

(r) Signs that are painted, pasted, or printed on any curbstone, flagstone, pavement, or any portion of any sidewalk or street, and traffic control signs.

(s) Signs placed upon benches, bus shelters or waste receptacles, except as may be authorized in writing pursuant to Section 337.407, Florida Statutes.

(t) Signs erected on public property, without the permission of the appropriate public authority (such as private utility poles, rights-of-way, parks, streets, and other public properties) located on public property, other than signs erected by the public authority for public purposes and signs authorized in writing pursuant to Section 337.407, Florida Statutes.

(u) Signs erected over or across any public street except as may otherwise be expressly authorized by this Code.

(v) Vehicle signs with a total sign area on any vehicle in excess of ten (10) square feet, when the vehicle:

(1) Is parked for more than sixty (60) consecutive minutes within one hundred (100) feet of any street right-of-way;

(2) Is visible from the street right-of-way that the vehicle is within one hundred (100) feet of; and

- (3) Is not regularly used in the conduct of the business advertised on the vehicle. A vehicle used primarily for advertising, or for the purpose of providing transportation for owners or employees of the occupancy advertised on the vehicle, shall not be considered a vehicle used in the conduct of the business.
- (w) Portable signs as defined by this Code.
- (x) Roof signs as defined by this Code.
- (y) Signs placed, posted, or erected upon land, or upon any structure or natural feature upon the land without the written consent of the owner of such land or the agent of such owner.
- (z) Signs placed upon any tree, telephone pole, electric pole, lamppost, hydrant, or fence or on any public building, or within any public park or public property.
- (aa) Signs with obscene language, or obscene graphic representation of the human body.
- (bb) Snipe signs, as defined by this code, located in public rights-of-way.

**Sec. 6-60. Permitted temporary signs.**

- (a) Any temporary sign not complying with the requirements of this section is illegal and subject to immediate removal.
- (b) The following temporary signs are permitted without a sign permit, provided that the sign conforms to the requirements set forth below:
  - (1) Signs to indicate that an owner, either personally or through an agent, is actively attempting to sell, rent, or lease the property on which the sign is located, provided that the sign:
    - a. Does not include price, terms, or other similar details;
    - b. Is not illuminated in any manner so as to create a traffic hazard or constitute a nuisance to any adjacent or surrounding property;
    - c. Does not exceed six (6) square feet in area in residential districts;
    - d. Does not exceed thirty-two (32) square feet in area in all other districts; and
    - e. Is removed immediately after sale, lease, or rental.

- (2) Signs to indicate the grand opening of a business or other activity, provided that the sign is not displayed for a period exceeding fourteen (14) days within the first three (3) months that the occupancy is open for business, and that the sign is not placed on the public right-of-way.
- (3) Construction-site identification signs provided that the sign:
- a. Does not exceed six (6) square feet in area;
  - b. Is not displayed more than sixty (60) days prior to the beginning of actual construction of the project;
  - c. Is removed within fifteen (15) days after the issuance of the final occupancy permit;
  - d. Is removed if construction is not initiated within sixty (60) days after the message is displayed, or if construction is discontinued for a period of more than sixty (60) days, pending initiation or continuation of construction activities.
  - e. Is not located in the public right-of-way.
- (4) Signs to indicate the existence of a new business, or a business in a new location, if such business has no permanent signs, provided that the sign is not displayed in the public right-of-way and for a period of more than sixty (60) days or until installation of permanent signs, whichever shall occur first.
- (5) Signs to announce or advertise such temporary uses as fairs, carnivals, circuses, revivals, sporting events, festivals, business or any public, charitable, educational or religious event or function, provided that the sign:
- a. Is located on the lot where the event will occur;
  - b. Is not displayed more than two (2) weeks prior to the event; and
  - c. Is removed within seventy-two (72) hours after the conclusion of the event.
- (c) Permitted temporary signs shall not be counted as part of allowable area for freestanding or buildings signs.

**Sec. 6-61. Freestanding signs.**

Freestanding signs are permitted within all commercial districts provided that:

- (a) The sign area for each multiple occupancy complex and each occupant not located in a multiple occupancy complex in a commercial zoning district shall not exceed ninety-six (96) square feet in area or eight (8) feet in height;
- (b) No development shall have more than one (1) freestanding sign.
- (c) They are located consistent with the otherwise applicable setback requirements.
- (d) They are not located in the public right-of-way.

**Sec. 6-62. Building signs.**

- (a) Building signs for buildings with a single business or occupant.
  - (1) *Size permitted:* One (1) square foot of sign face area for each linear foot of the building width that faces the street frontage, provided that the total signage shall not exceed two hundred (200) square feet of sign face area, including buildings on corner lots. (For example, if the width of the building facing the front of the lot is fifty (50) feet wide, the maximum total sign face area for all building signs is fifty (50) square feet. If the building is on a corner lot, then the widths of the building facing multiple street frontages can be added together to determine the total signage area but in no case shall the total building signage exceed two hundred (200) square feet, nor shall any individual sign exceed the square footage corresponding to the linear width of the building side on which that sign is posted.)
  - (2) *Number of building signs permitted:* Not more than three (3) building signs shall be allowed on any one (1) side of a building.
- (b) Building signs for buildings with multiple businesses or occupants.
  - (1) *Size permitted:* One (1) square foot of sign face area for each linear foot of the unit(s) occupied by one (1) business or occupant, provided that the total signage shall not exceed two hundred (200) square feet for any one (1) business. If the business or occupant is on the corner then the widths of the business or occupant facing multiple street frontages can be added together to determine the total signage area but in no case shall the total business or occupant signage exceed two hundred (200) square feet, nor shall any individual sign exceed the square footage corresponding to the linear width of the building side on which that sign is posted. (For example, if the width of a unit or several units, occupied by one (1) business is twenty-four (24) feet, then one (1) sign, a maximum of twenty-four (24) square feet of sign face area is permitted.)

- (2) *Required spacing between signs on buildings with multiple occupants:* Building signs for different occupants shall be separated by a minimum distance of thirty-six (36) inches.

(c) In lieu of the above-described fascia signs, a business or authorized use may install a single bracket sign or a single marquee sign in accordance with the following provisions:

- (1) *Size permitted:* The maximum size of a bracket sign or a marquee sign shall be determined in the same manner as a fascia sign, provided that no such sign shall have more than sixty (60) square feet of projected sign face area.
- (2) There shall be not more than twelve (12) inches of clear space adjacent to the building wall, and such signs shall not extend or project from the face of the building more than ten (10) feet.
- (3) No portion of such sign shall extend above the height of the roof.
- (4) No portion of such sign shall be closer than eight (8) feet to any sidewalk or pedestrian walkway, and no closer than five (5) feet from any street side property line. All such signs shall be securely anchored to a wall and shall in no manner be connected to or suspended from the roof of any building.

**Sec. 6-63. Entrance signs for subdivisions and multifamily developments.**

Except for exempt signs as provided for in section 6-58, signs within residential zoning districts shall be limited to those as set forth below:

- (a) For single-family and two-family residential subdivisions and developments containing ten (10) or more residential lots, where individual lots are accessed from a common internal roadway, one (1) sign identifying the name of the subdivision shall be allowed at each entrance from a collector or arterial street, not to exceed two (2) signs.
  - (1) *Size permitted:* Thirty-two (32) total square feet of sign face area.
  - (2) *Maximum height of sign:* Eight (8) feet.
  - (3) *Type allowed:* Freestanding style. Where more than one (1) sign is allowed, each such sign erected shall be constructed and designed in the same manner.
  - (4) *Illumination:* These signs may be externally illuminated with ground mounted lighting only. Any lighting shall project from the ground onto

the sign only, and shall not be directed towards any street or residential lot.

(b) For multi-family residential uses, one (1) sign identifying the name of the multi-family development shall be allowed at each entrance not to exceed two (2) signs.

(1) *Size permitted:* Sixty (60) square feet of sign face area.

(2) *Maximum height of sign:* Eight (8) feet.

(3) *Type allowed:* Freestanding or monument style. Where more than one (1) sign is allowed, each such sign erected shall be constructed and designed in the same manner.

(4) *Illumination:* These signs may be externally illuminated with ground mounted lighting only. Any lighting shall project from the ground onto the sign only, and shall not be directed towards any street, vehicular drive or residential unit.

(5) *Internal directional signs:* Internal directional signs and signs identifying buildings shall also be allowed limited to three (3) feet in height and eight (8) square feet in sign face area.

#### **Sec. 6-64. Compliance with building and electrical codes.**

All permanent signs, and the illumination thereof, shall be designed, constructed, and maintained in conformity with applicable provisions of the building and electrical codes.

#### **Sec. 6-65. Maintenance of signs.**

(a) All signs allowed by this article, including their supports, braces, guys and anchors, electrical parts and lighting fixtures, and all painted and display areas, shall be maintained in accordance with the building and electrical codes.

(b) The vegetation around, in front of, behind, and underneath the base of freestanding signs for a distance of ten (10) feet shall be neatly trimmed and free of unsightly weeds, and no rubbish or debris that would constitute a fire or health hazard shall be permitted under or near the sign.

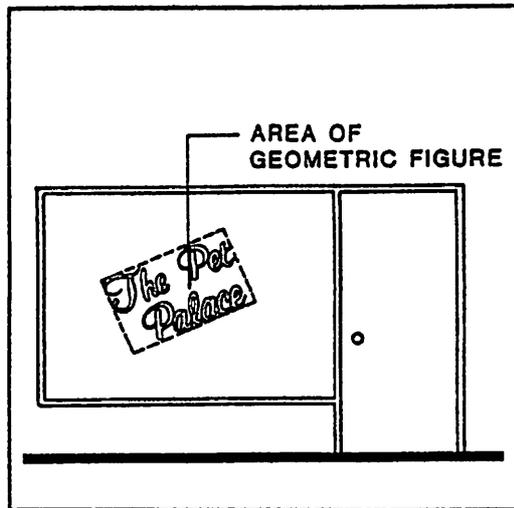
(c) Signs and sign structures shall present a neat and clean appearance.

**Sec. 6-66. Right of entry for inspection.**

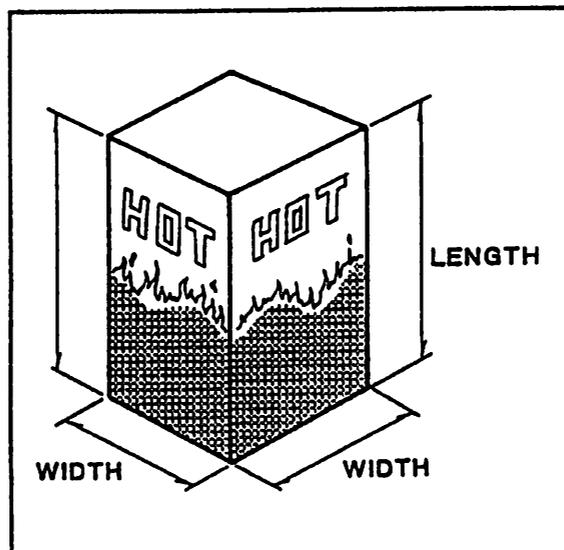
City employees in the performance of their functions and duties and under the provisions of this article may enter into and upon any land upon which advertising signs or advertisements are displayed and make such examinations and surveys as may be relevant subject to constitutional limitations and state law.

**Sec. 6-67. Sign area computation.**

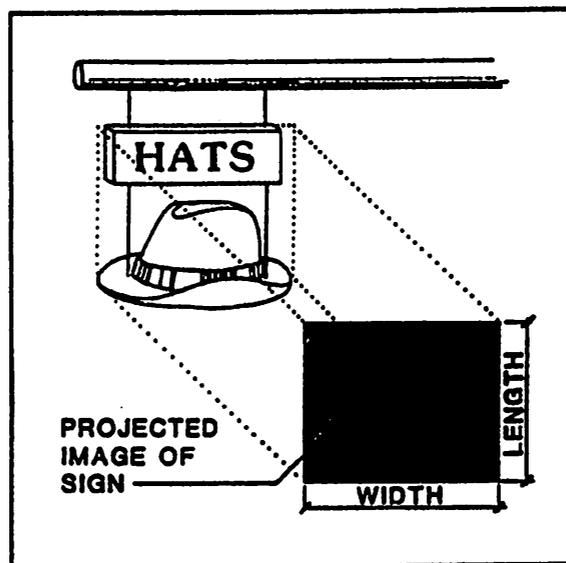
- (a) For freestanding signs, the sign area shall be the area within the smallest geometric shape that touches the outer points or edges of the sign face.
- (b) For building signs, the sign area shall be the area within the smallest geometric shape that touches the outer points of raised portions of the sign or of all borders or trims, or in the absence of such border or trim, the outer points of the letters or pictures. (See Figure below)



- (c) For freestanding signs, where two (2) sign faces are placed back to back on a single sign structure, and the faces are at no point more than four (4) feet apart, the sign area shall be the area of one (1) of the faces.
- (d) For freestanding signs, where four (4) sign faces are arranged in a square, rectangle, or diamond, the sign area shall be the area of the two (2) largest faces. (See Figure below)



(e) Where a freestanding or building sign is in the form of a three-dimensional object, the sign area shall be the area within the smallest geometric shape that touches the outer points or edges of the largest possible two-dimensional outline of the three-dimensional object and multiplying that area by two (2). (See Figure below)



**Sec. 6-68. Illumination standards.**

- (a) Sign lighting may not be designed or located to cause confusion with traffic lights.
- (b) Illumination of the sign is permissible, provided that none of the light emitted shines directly onto an adjoining property or into the eyes of motorists or pedestrians using or entering public streets.

(c) Illuminated signs shall not have lighting mechanisms that project more than eighteen (18) inches perpendicularly from any surface of the sign over public space.

**Sec. 6-69. Placement standards.**

(a) *In right-of-way.* Supports for signs or sign structures shall not be placed in or upon a public right-of-way or public easement, except under the terms of a lease between the owner of the easement or right-of-way and the owner of the sign or with the written approval of the city.

(b) *Over right-of-way.* No freestanding sign shall project over a public right-of-way.

(c) *Blocking exits, fire escapes, etc.* No sign or sign structure shall be erected that impedes use of any fire escape, emergency exit, or standpipe.

**Sec. 6-70. Clearance standards.**

(a) *Over pedestrian ways.* All signs over pedestrian ways shall provide a minimum of ninety (90) inches of clearance.

(b) *Over vehicular ways.* All signs over vehicular ways shall provide a minimum of one hundred sixty-two (162) inches of clearance.

**Sec. 6-71. Design standards.**

(a) All freestanding signs shall be designed to resist a wind pressure of twenty (20) pounds per square foot in any direction.

(b) No building sign may project more than one (1) foot from the building wall.

**Sec. 6-72. Nonconforming signs.**

All signs, which were lawfully in existence and constructed or installed with properly issued sign permits and other applicable permits as of the effective date of these amended regulations, and which are made nonconforming by the provisions herein shall be allowed to remain in accordance with the following conditions:

(a) Freestanding signs, permitted pursuant to section 6-61, made nonconforming upon the initial effective date of these amended regulations, which are not in compliance only with respect to the minimum required distance of five (5) feet from any property lines shall be allowed to remain in the existing location provided that no portion of the sign is located within any publicly owned right-of-way or utility easement and that no interference with clear sight

distance exists, and further provided that such signs are otherwise in compliance with the terms of this article.

(b) Freestanding signs, permitted pursuant to section 6-61, made nonconforming upon the initial effective date of these amended regulations, which are not in compliance only with respect to maximum width, height or size shall be allowed to remain, provided that such signs are otherwise in compliance with the terms of this article.

(c) Nonconforming signs, including those as described in preceding subsections (1) and (2) shall be made conforming with all provisions of this article when any of the following changes are made:

- (1) Any change to the structural supports or structural materials, including temporary relocation associated with routine maintenance of a property.
- (2) Any change which increases the illumination.
- (3) Any change which increases the height of a sign.
- (4) Any change, which alters the display area or face area by more than twenty-five (25) percent.
- (5) Any replacement required as the result of an accidental act or a weather related act.
- (6) Any replacement of an abandoned sign.
- (7) Any change necessary for compliance with Florida Building Code requirements.

(d) The provisions of this section shall not be construed to apply to signs that are abandoned, deteriorated, dilapidated, or in a general state of disrepair, or which are determined to create a hazard to public safety.

**Sec. 6-73. Violation constitutes nuisance; abatement.**

Any sign which is constructed, erected, operated, used, maintained, posted or displayed in violation of this Code is hereby declared to be a public and private nuisance and shall be forthwith removed, obliterated or abated. Any sign, such as a snipe sign or real estate sign, may be removed without notification to the owner, if such sign is placed in a public right-of-way.

**Sec. 6-74. Procedure for appeal.**

Any administrative decision that is made by any city official in the administration or enforcement of this article may be appealed within thirty (30) days to the circuit court.

**Section 2. Effective Date.** This Ordinance shall take effect immediately when passed upon second reading.

PASSED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA, on this 15<sup>th</sup> day of December 2009.

/s/ Roosevelt Johnson, Ed.D, Mayor

Attest:

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

11. SECOND READING OF ORDINANCE 957 ANNEXING TO THE CITY OF ARCADIA, FLORIDA, A MUNICIPAL CORPORATION , CERTAIN LANDS CONTIGUOUS THERETO CONSISTING OF APPROXIMATELY 14.06 ACRES LOCATED AT 3144 AND 3164 NE HWY 17, IDENTIFIED BY THE DESOTO COUNTY PROPERTY APPRAISER BY PARCEL IDENTIFICATION NUMBERS 19-37-25-0000-0290-0000, 19-37-25-0000-0291-0000, 19-37-25-0000-0300-0000, 19-37-25-0000-0320-0000, AND 19-37-25-0000- 0340-0000; PROVIDING FOR A METES AND BOUNDS LEGAL DESCRIPTION ATTACHED TO [THE] ORDINANCE AS EXHIBIT "A", AND PROVIDING FOR AN EFFECTIVE DATE.

**Councilmember Dixon offered a motion to waive the rules and have Ordinance 957 read by title only. Councilmember Goodman provided a second to the motion and a roll call vote recorded unanimous, 5-0, approval.**

The City Recorder read the title of the ordinance and presented it for consideration on second reading. **Councilmember Goodman made a motion to adopt Ordinance 957 on second reading. The Deputy Mayor provided the second and it was unanimously, 5-0, approved following a roll call vote. The ordinance in its entirety appears below.**

**ORDINANCE NO. 957**

**AN ORDINANCE ANNEXING TO THE CITY OF ARCADIA, FLORIDA, A MUNICIPAL CORPORATION, CERTAIN LANDS CONTIGUOUS THERETO CONSISTING OF APPROXIMATELY 14.06 ACRES LOCATED AT 3144 AND 3164 NE HWY 17, IDENTIFIED BY THE DESOTO COUNTY PROPERTY APPRAISER BY PARCEL IDENTIFICATION NUMBERS 19-37-25-0000-0290-0000, 19-37-25-0000-0291-0000,**

19-37-25-0000-0300-0000, 19-37-25-0000-0320-0000, AND 19-37-25-0000-0340-0000; PROVIDING FOR A METES AND BOUNDS LEGAL DESCRIPTION ATTACHED TO THIS ORDINANCE AS EXHIBIT "A"; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Arcadia City Council, on behalf of its citizens, desires to annex the property described in the attached Exhibit "A"; and

WHEREAS, said property petitioned to be annexed is contiguous to the corporate limits of the City of Arcadia, Florida, and meets the requirements of Section 171.044, Florida Statutes; and

WHEREAS, the property is owned by the City of Arcadia, a municipal corporation.

NOW, THEREFORE, be it ordained by the City Council of the City of Arcadia, Florida:

Section 1. That the land described in Exhibit "A" attached hereto and incorporated herein by reference is land sought to be annexed by motion, and the same is hereby annexed to and incorporated within the City of Arcadia, DeSoto County, Florida, as fully and effectually as if the same were included within the boundary of the City of Arcadia, Florida as set forth in its Charter.

Section 2. Such land, above described, shall immediately become subject to the jurisdiction and powers of the City of Arcadia, Florida.

Section 3. This Ordinance shall take effect immediately.

PASSED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA, on this 15<sup>th</sup> day of December 2009.

/s/ Roosevelt Johnson, Ed.D, Mayor

Attest:

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

**12. FIRST READING OF ORDINANCE 958 UPDATING THE CAPITAL IMPROVEMENTS ELEMENT OF THE COMPREHENSIVE PLAN.**

**Councilmember Goodman made a motion to waive the rules and have Ordinance 958 read by title only. The Deputy Mayor provided a second to the motion and a roll call vote recorded unanimous, 5-0, approval.**

Ms. Marisa Barmby, of the Central Florida Regional Planning Council, made a brief presentation saying there were only small changes made to the Capital Improvements Element, namely to relocate the population section, to spell out names of various plans, and to mention the date changes for the DeSoto County School District. She also covered the five-year

feasibility plan which shows the financial allocation by year in order to qualify for grants and other funding opportunities across the horizon.

The Deputy Mayor made a motion to approve Ordinance 958 on first reading and Councilmember Keene provided a second. A roll call vote recorded unanimous, 5-0, approval.

**COMMENTS FROM DEPARTMENTS**

**13. CITY MARSHALL**

The Marshal stated he had nothing to report except to wish everyone Happy Holidays.

**14. ATTORNEY**

The City Attorney mentioned he would be meeting with Mr. Ribel, the attorney for Air-Cadia to finalize the lease negotiations with the intention of having an agreement ready for the next meeting.

Regarding the sale of surplus property as was discussed at the last meeting, the City Attorney presented an AG opinion on the topic. Mr. Galvano explained that absent any statutory provision or ordinance to the contrary, surplus property can be disposed of at the Administrator's discretion. In addition, it is the opinion of the Attorney General that the state statute does not apply to municipalities, other than to dispose of property with "good faith" and the "best interests" of the City. The Attorney continued that if the Council chooses to establish guidelines or rules, then he would suggest it be discussed in a workshop setting and that he would work with the Council since there are several options. He did add that he was not making a recommendation for change, only stating the standard.

Councilmember Dixon, who initially raised the concern, distributed *Florida Statutes* Chapter 273, saying he felt the City did fall under the statutory provision since it is within the state but also that there needed to be more accountability. He questioned whether the City had ever disposed of such high dollar property prior to what is currently being done at the Livestock Market, adding he would be in favor of changing the procedures to require advertising for surplus sales.

**On motion of Councilmember Dixon, seconded by Councilmember Keene, the Council voted unanimously, 5-0, to conduct a workshop at 5 PM on Tuesday, January 6, 2010 for the purpose of discussing disposal of surplus property procedures.**

The City Attorney next stated he was in discussions with the County regarding the Interlocal Agreement (Interconnect) and that they are looking at dispute resolutions and mediation. He reported that as soon as he hears back from County representatives, negotiations will get underway.

**15. ADMINISTRATOR**

**a) AIRPORT COMMITTEE RECOMMENDATIONS**

The City Administrator reminded the Council of the request from the Airport Committee regarding implementation of an Airport Master Plan and Security System as was provided by letter at the last meeting.

**On motion of Councilmember Keene, with a second by Councilmember Dixon, the Council voted unanimously, 5-0, to direct the City Administrator to develop an RFP for an Airport Master Plan; and an RFP for an Airport Security System to include fencing, cameras, and entrance security and to seek funding assistance through Homeland Security and/or FDOT/FAA.**

**b) EARLY OFFICE CLOSURE ON DEC. 31, 2009**

The City Administrator requested Council allow her to close City offices as of Noon on Thursday, December 31<sup>st</sup> in order to allow employees time to prepare for their travel and/or New Year's festivities. Councilmember Dixon inquired as to whether the holiday schedule had already been approved, to which the City Administrator stated it had, but that this was a little something extra she would like to do for the employees.

**On motion of Deputy Mayor Heine, and seconded by Councilmember Goodman, the Council voted 4-1, to close City offices at noon on Thursday, December 31, 2009. Councilmember Dixon cast the dissenting vote.**

**c) COUNTY SPONSORED DEVELOPMENT COMMITTEES**

The City Administrator reported that the County, at their Leadership meeting, had announced the formation of three committees designed to expound on the theme "Once Community, One Voice". She continued each committee would be comprised of a County representative, a city representative, a member of the school board, a member of the Chamber and five citizens. The three committees are to be: Economic Development, Educational Development, and Tourism Development. The Administrator asked if any Councilmember would be willing to serve.

**On motion of Councilmember Goodman, seconded by the Deputy Mayor, the Council voted unanimously, 5-0, to appoint Councilmember Keene to the Economic Development committee.**

**On motion of Councilmember Goodman, seconded by the Deputy Mayor, the Council voted unanimously, 5-0, to appoint Mayor Johnson to the Educational Development Committee.**

**On motion of the Deputy Mayor, seconded by Councilmember Keene, the Council voted unanimously, to appoint Councilmember Goodman to the Tourism Development Committee.**

**d) CDBG ADMINISTRATOR**

The City Administrator reported on the recent RFP for CDBG administrator, saying the City had received six responses and that three staff members had reviewed the proposals and provided a ranking which was distributed at the dais. She continued that it is her recommendation to negotiate with the first ranked firm of Guardian Community Resources Management, Inc. and if not successful, to proceed to the second ranked firm of Fred Fox Enterprises.

**Councilmember Goodman made a motion to allow the City Administrator to proceed with her recommendation for engaging the first ranked firm of Guardian Community Resources Management, Inc as CDBG Administrator and if not successful, to begin negotiations with the second ranked firm of Fred Fox Enterprises. Councilmember Keene provided a second to the motion, which passed unanimously, 5-0, upon roll call vote.**

**e) COUNTY CDBG APPLICATIONS**

The City Administrator, referring to the county's housing grant which recently ran an ad in the newspaper, stated a resident had reported that when she inquired about an application through the County, was told she would not be eligible for housing assistance because she was a City resident. The Administrator will check with the County for the exact provisions on qualification.

**f) SMITH-BROWN GYM**

The City Administrator reported on the Smith-Brown Gym, saying it is currently open per the Council's direction and that the City will be co-sponsoring the concert scheduled for Saturday night. She added the Parks and Recreation Director had been diligently working to bring the gym up to code having spent roughly \$2,000 thus far to do that. Improvements to-date included repair of light switches, replacement of light bulbs, installation of signage and fire extinguishers, replacing the lock on the electrical box, and cleaning the bathrooms including installation of new soap and towel dispensers. However the Fire Marshal had recently inspected the facility and issued a number of concerns as provided on the recently distributed report. Of significant importance were: the exit doors having been barred shut inside and out, non-functional, non-lighted exit signs, and lack of emergency and outdoor lighting. The Administrator continued that she felt the building was unsafe for occupancy and therefore offered the Tree of Knowledge Park free of charge as a change in venue for the concert. She also reported that the Police Department will be required to provide security at the event for insurance purposes.

The Mayor stated he didn't believe the city would in be in this shape if they would have stayed on top of the needed repairs; but that we also have a responsibility to make good for what the Council has instructed to happen. He suggested working within the community to make the Smith-Brown Gym a community project; believing that would not only restore the building but also provide pride in ownership of the facility. Councilmember Goodman added the responsibility is not only for the Council but also for the community and she was happy to

see the City Administrator looking after the repairs so that the gym receives the attention and repairs it deserves.

Councilmember Keene asked if perhaps the Speer Center was available [for the concert] to which the Administrator answered it was although its capacity is only around 200 whereas Smith-Brown has an occupancy load of 419.

Councilmember Dixon stated the Council had already taken action and that the sponsors had a reason, purpose and goal to hold the concert at the Smith Brown Gym; adding they would not reach their goal with the target audience at the Tree of Knowledge Park.

Discussion followed on safety issues, the Fire Marshal's response, insurance and liability coverages, and specifically the fire exit doors. Councilmember Dixon volunteered to remove, brace open during the event and replace following the event, the side exit doors so as to not be in violation of the Fire Code.

### PUBLIC

Mr. Danny Bilyeu, aide to Congressman Vern Buchanan, spoke briefly saying he was in town for the Leadership DeSoto meetings, the Congressman appreciates all the work being done at the local level and it appears there will be money available for a right-of-way purchase on US 17 in the 2014-2015 time frame. Other than that, the Congressman was working on health care issues and wishes everyone a very Merry Christmas.

Ms. Martha Craven, asked what had been added to the sign ordinance. The City Administrator responded nothing had been added other than to actually implement sign restrictions which were something missing from the existing Code. Ms. Craven also asked if there was a plan in place to assist with the City's financial issues other than to merely raise taxes. The City Administrator answered the city had recently increased water rates, taxes had been stabilized, and every effort was being made to hold down expenses where possible, particularly with personnel and equipment.

Mr. Sam Morgan, President of the local NAACP chapter, stated the flyer from the County on the CDBG grant does exclude the City residents.

### MAYOR AND COUNCIL MATTERS

Councilmember Dixon asked why the City hasn't done anything with the CDBG grant funding it was awarded. The City Administrator explained the background of the application and award adding the Council had just voted earlier this evening to begin negotiations with the grant administrator.

The Mayor mentioned a salute to Veterans at the Turner Center on January 26<sup>th</sup>, 2010. He also reported on the FLC meeting and that Councilmember Dixon was nominated by Commissioner Patrick Huff of Bartow and confirmed by unanimous vote, as Vice President of the Regional Planning and Zoning Council.

ADJOURN

Having no further business at this time, the meeting was adjourned at 7:18 PM.

APPROVED THIS 5<sup>th</sup> DAY OF JANUARY 2010.

By:

Roosevelt Johnson, Ed.D.  
Roosevelt Johnson, Ed.D., Mayor

ATTEST:

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