

## REGULAR MEETING

DECEMBER 19, 2006

A Regular Meeting of the Arcadia City Council was held on December 19, 2006 at 6:00 p.m. in Room D of the Way Building at 23 N. Polk Avenue. Council members in attendance were: Johnson, Goodman, Whitlock, and Heine. Absent: Council Member Fazzone due to recent surgery. Also in attendance were: Administrator Strube, City Attorney Holloman, Marshall Lee, Captain Anderson, Special Projects Coordinator Hewett, Ms Way and Recorder Baumann.

Mayor Johnson called the meeting to order.

Invocation was given by Council Member Whitlock.

The minutes of the Regular Meeting of December 5, 2006 were adopted on a motion by Goodman; seconded by Heine and carried.

Ordinance No. 934 was presented on third and final reading. Whitlock moved to waive the rules and read the proposed ordinance by title only, seconded by Goodman and carried.

## ORDINANCE NO. 934

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA, ESTABLISHING THE PROPORTIONATE FAIR-SHARE TRANSPORTATION MITIGATION PROGRAM; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR FINDINGS; PROVIDING FOR APPLICABILITY; ESTABLISHING GENERAL REQUIREMENTS; PROVIDING FOR MEMORANDUM OF UNDERSTANDING ON PROPORTIONATE FAIR-SHARE PROGRAM; ESTABLISHING AN APPLICATION PROCESS; PROVIDING FOR DETERMINATION OF PROPORTIONATE FAIR-SHARE OBLIGATION; PROVIDING FOR IMPACT FEE CREDIT FOR PROPORTIONATE FAIR-SHARE MITIGATION; PROVIDING FOR PROPORTIONATE FAIR-SHARE AGREEMENTS; PROVIDING FOR APPROPRIATION OF FAIR-SHARE REVENUES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

Whitlock then moved to adopt Ordinance No. 934 on third and final reading and that it become an ordinance of the City of Arcadia; seconded by Heine. Mayor Johnson asked for comments from the public, there were none. The motion carried on a roll call vote. Ayes: Whitlock, Goodman, Heine, and Johnson. Nays None. Council member Fazzone was absent.

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ORDINANCE NO 934

AN ORDINANCE OF THE CITY OF COUNCIL OF THE CITY OF ARCADIA, FLORIDA, ESTABLISHING THE PROPORTIONATE FAIR-SHARE TRANSPORTATION MITIGATION PROGRAM; PROVIDING FOR THE PURPOSE AND INTENT; PROVIDING FOR FINDINGS; PROVIDING FOR APPLICABILITY; ESTABLISHING GENERAL REQUIREMENTS; PROVIDING FOR MEMORANDUM OF UNDERSTANDING ON PROPORTIONATE FAIR-SHARE PROGRAM; ESTABLISHING AN APPLICATION PROCESS; PROVIDING FOR DETERMINATION OF PROPORTIONATE FAIR-SHARE OBLIGATION; PROVIDING FOR IMPACT FEE CREDIT FOR PROPORTIONATE FAIR-SHARE MITIGATION; PROVIDING FOR PROPORTIONATE FAIR-SHARE AGREEMENTS; PROVIDING FOR APPROPRIATION OF FAIR-SHARE REVENUES; PROVIDING FOR SEVERIBILITY; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 163.3180, Florida Statutes, requires each local government to adopt by ordinance a methodology for assessing transportation proportionate fair-share mitigation options; and

WHEREAS, the Central Florida Regional Planning Council (the "CFRPC") develops and maintains a Strategic Regional Policy Plan that addresses transportation resources within the subject region; and

WHEREAS, the CFRPC provides assistance to local government to meet comprehensive planning requirements; and

WHEREAS, the Florida Department of Transportation (the "FDOT") designates and maintains a Strategic Intermodal System (the "SIS") to meet statewide and regional travel needs; and

WHEREAS, any mitigation for development impacts to facilities on the SIS requires the concurrence of the FDOT; and

WHEREAS, travel patterns and the traffic impacts associated with new development cross jurisdictional boundaries; and

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WHEREAS, DeSoto County, the City of Arcadia, and FDOT are the parties affected by travel patterns and traffic impacts created by new development in DeSoto County; and

WHEREAS, the successful application of a proportionate fair-share mitigation methodology requires consistent level of service standards and transportation data such as highway service volumes and cost estimates; and

WHEREAS, in the exercise of its judgement, the City Council (the "Council") of the City of Arcadia (the "City") determined that it is in the best interest of the City and its citizens to comply with Section 1163.3180, Florida Statutes, to address transportation concurrency, and to prepare to implement a Transportation Proportionate Fair-Share Program.

NOW, THEREFORE BE IT ORDAINED, by the City Council of the City of Arcadia, Florida of DeSoto County, Florida that:

Section 1. Purpose and Intent: The purpose of this ordinance is to establish a method whereby the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors, to be known as the Proportionate Fair-Share Program, as required by and in a manner consistent with § 163.3180(16), F.S.

Section 2. Findings:

(1) The Council finds and determines that transportation capacity is a commodity that has a value to both the public and private sectors and that the City 's Proportionate Fair-Share Program:

- (a) Provides a method by which the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors;
- (b) Allows developers to proceed under certain conditions, notwithstanding the failure of transportation concurrency, by contributing their proportionate fair-share of the cost of a transportation facility;
- (c) Contributes to the provision of adequate public facilities for future growth and promotes a strong commitment to

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comprehensive facilities planning , thereby reducing the potential for moratoria or unacceptable levels of traffic congestion;

- (d) Maximizes the use of public funds for adequate transportation facilities to serve future growth, and may, in certain circumstances, allow the City to expedite transportation improvements by supplementing funds currently allocated for transportation improvements in the Capital Improvements Element (the "CIE").
- (e) Is consistent with § 163.3180(16), F.S.

Section 3. Applicability: The Proportionate Fair-Share Program shall apply to all developments in the City that have been notified of a lack of capacity to satisfy transportation concurrency on a transportation facility in the City's Concurrency Management System (the "CMS"), including transportation facilities maintained by FDOT or another jurisdiction that are relied upon for concurrency determinations, pursuant to the requirements of Section 4. The Proportionate Fair-Share Program does not apply to developments of regional impact ("DRIs) using proportionate fair-share under § 163.3180(12), F.S., or to developments exempted from concurrency as provided in the City's Comprehensive Plan Goals, Objectives and Policies, Concurrency Management System, adopted March 1981, replace in February 1991, and updated July 1992 and/or Chapter § 163.3180, F.S., regarding exceptions and de minimis impacts. The Proportionate Fair-Share Program does not preclude applicants from funding transportation improvements pursuant to a development agreement to meet concurrency requirements.

Section 4. General Requirements:

(1) An applicant may chose to satisfy the transportation concurrency requirements of the City by making a proportionate fair-share contribution, pursuant to the following requirements:

- (a) The proposed development is consistent with the comprehensive plan and applicable land development regulations.
- (b) The five-year schedule of capital improvements in the City's CIE or the long-term schedule of capital improvements for an adopted long-term CMS includes the construction phase of a transportation improvement(s) that, upon completion, will satisfy the requirements of the City's transportation CMS.

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(2) The City may choose to allow an applicant to satisfy transportation concurrency through the Proportionate Fair-Share Program by adding an improvement (construction phase) to the CIE or adopted long-term CMS that will satisfy the requirements of the City transportation CMS. For the purposes of the Proportionate Fair-Share Program, no capacity road project shall be added to the CIE unless any required alignment study or a Project Development and Environmental (the "PD&E") Study has been completed with an endorsed build alternative.

To implement this option, the City shall adopt, by resolution, a commitment to add the improvement to the five-year schedule of capital improvements in the CIE or long-term schedule of capital improvements for an adopted long-term CMS no later than the next regularly scheduled update. To qualify for consideration under this section, the proposed improvement must be reviewed by the Commission, and be determined to be financially feasible pursuant to § 163.3180(16)(b)1, F.S., consistent with the comprehensive plan, and in compliance with the provisions of this ordinance. Any improvement project proposed to meet the developer's fair-share obligation must meet the design standards of the jurisdiction with maintenance responsibility for the subject transportation facility.

Section 5. Memorandum of Understanding on Proportionate Fair-Share Program:

The City shall coordinate with the FDOT, the CFRPC, and with DeSoto County, to implement the provisions of the Proportionate Fair-Share Program. Appropriate provisions for intergovernmental coordination will be detailed in a Memorandum of Understanding on the Proportionate Fair-Share Program (the "MOU"), and the City shall coordinate with the signatory parties to ensure that mitigation to impacted facilities is based on comprehensive and consistent transportation data.

Section 6. Application Process:

(1) Upon notification of a lack of capacity to satisfy transportation concurrency the applicant shall also be notified in writing of the opportunity to satisfy transportation concurrency through the Proportionate Fair-Share Program pursuant to the requirements of Section 4.

(2) Prior submitting an application for a proportionate fair-share agreement, a pre-application meeting shall be held to discuss eligibility, e.g., project status in CIE, application submittal requirements, potential mitigation options, and related issues. If the impacted facility is on the SIS, or any state transportation facility, then the FDOT will be notified and invited to participate in the pre-application meeting.

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(3) Eligible applicants shall submit an application to the City that includes an application fee of \$5,000 and the following:

- (a) Name, address and phone number of owner(s), developer and agent;
- (b) Property location, including parcel identification numbers;
- (c) Legal description and survey of property;
- (d) Project description, including type, intensity and amount of development;
- (e) Phasing schedule, if applicable;
- (f) Description of requested proportionate fair-share mitigation method(s);
- (g) Copy of concurrency application;
- (h) Copy of the project's traffic study or traffic impact analysis; and
- (i) Location map depicting the site and affected road network.

(4) The City shall review the application and certify that the application is sufficient and complete within 15 business days. If an application is determined to be insufficient, incomplete or inconsistent with the general requirements of the Proportionate Fair-Share Program as indicated in Section 4, then the applicant will be notified in writing of the reasons for such deficiencies within 10 business days of submittal of the application. If such deficiencies are not remedied by the applicant within 30 days of receipt of the written notification then the application will be deemed abandoned. The Commission may, at its discretion, grant an extension of time not to exceed 60 days to cure such deficiencies, provided that the applicant has shown good cause for the extension and has taken reasonable steps to effect a cure.

(5) Pursuant to § 163.3180(16) (e), F.S., proposed proportionate fair-share mitigation for development impacts to facilities on the SIS requires the consent of the FDOT. The applicant shall submit evidence of an agreement between the applicant and the FDOT for inclusion in the proportionate fair-share agreement.

(6) When an application is deemed sufficient, complete, and eligible, the applicant shall be advised in writing and a proposed proportionate fair-share obligation and binding agreement will be prepared by the City or the applicant with direction from the City and delivered to the appropriate parties for review, including a copy to the FDOT for any proposed proportionate fair-share mitigation on a SIS facility, or any state transportation facility, no later than 60 days from the date at which the applicant received the notification of a sufficient

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application and no fewer than thirty (30) working days prior to the Commission meeting when the agreement will be considered.

(7) The City shall notify the applicant regarding the date of the Council meeting when the agreement will be considered for final approval. No proportionate fair-share agreement will be effective until approved by the Council.

**Section 7. Determining Proportionate Fair-Share Obligation:**

(1) Proportionate fair-share mitigation for concurrency impacts may include, without litigation, separately or collectively, private funds, contributions of land, and construction and contribution of facilities as provided in § 163.3180(16) (c), F.S.

(2) A development shall not be required to pay more than its proportionate fair-share. The fair market value of the proportionate fair-share mitigation for the impacted facilities shall not differ based on the form of mitigation as provided in § 163.3180(16) (c), F.S. (contributions of private funds, lands or facility construction).

(3) The methodology used to calculate an applicant's proportionate fair-share obligation shall be as provided for in Section § 163.3180(12) , F.S., as follows:

The cumulative number of peak hour, peak direction trips from the complete buildout of the proposed development, or buildout of the stage or phase being approved, that are assigned to the proportionate share program segment as defined by traffic impact analysis divided by the change in the peak hour maximum service volume (the "MSV") of the proportionate share program segment resulting from construction of the proportionate share program improvement, multiplied by the anticipated cost of the proportionate share project. In this context, cumulative does not include project trips from previously approved stages or phases of development.

This methodology is expressed by the following formula:

$$\text{Proportionate Fair Share} = \sum \left[ \left( \frac{\text{Development Trips}_i}{\text{SV Increase}_i} \right) \times \text{Cost}_i \right]$$

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Where:

$\Sigma =$

Sum of all deficient links proposed for proportionate fair-share mitigation for a project;

Development Trips<sub>i</sub> = Those trips from the stage or phrase of development under review that are assigned to roadway segment "i" and have triggered a deficiency per the concurrency management system (the "CMS");

SV Increase<sub>i</sub> = Service volume increase provided by the eligible improvement to roadway segment "i";

Cost<sub>i</sub> = Adjusted cost of the improvement to segment "i". Cost shall include the cost of all project phases (preliminary engineering or alignment study, design, rights-of-way acquisition and construction) in the years said phrase will occur with all associated costs.

(4) The cost of the proportionate fair-share project shall be determined by the maintaining jurisdiction.

(5) The value of right-of-way dedications used for proportionate fair-share payment shall be subject to the approval of the maintaining jurisdiction. No value shall be assigned to right-of-way dedications required under ordinance or as a condition of development approval.

Section 8. Impact Fee Credit for Proportionate Fair-Share Mitigation:

(1) Impact fee credits for the proportionate fair-share contribution will be determined when the transportation impact fee obligation is calculated for the proposed development. Impact fees owed by the applicant will be reduced per the Proportionate Fair-Share Agreement as they become due per the DeSoto County Impact Fee Ordinance.

(2) The proportionate fair-share obligation is intended to mitigate the transportation impacts of a proposed development at a specific location. As a result, any road impact fee credit based upon proportionate fair-share contributions for a proposed development cannot be transferred to any other location unless provided for within the local impact fee ordinance.

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(3) The amount of traffic impact fee credit for a proportionate fair-share contribution may be up to, but shall not exceed, the project's proportionate fair-share amount and will be determined based on the following formula:

$$\text{Credit} = \text{Cost of Proportionate Share Project) x (Total Project Traffic Impact Fee Liability)}$$

Section 9. Proportionate Fair-Share Agreements:

(1) Upon execution of a proportionate fair-share agreement and satisfying other concurrency requirements, an applicant shall receive a City certificate of concurrency approval. Should the applicant fail to apply for building permits within the timeframe provided for in the City concurrency certificate, then the project's concurrency vesting shall expire, and the applicant shall be required to reapply. Once a proportionate fair share payment for a project is made and other impact fees for the project are paid, no refunds shall be given. All payments, however, shall run with the land.

(2) Payment of the proportionate fair-share contribution for a project and other road impact fees not subject to an impact fee credit shall be due and must be paid within 60 days of the effective date of the proportionate fair-share agreement. The effective date shall be specified in the agreement and shall be the date the agreement is approved by the Council.

(3) All developer improvements accepted as proportionate fair share contributions must be completed with three years of the issuance of the first building permit for the project which is the subject of the proportionate fair share agreement and be accompanied by a security instrument that is sufficient to ensure the completion of all required improvements. It is the intent of this section that any required improvements be completed within three years of the issuance of the first building permit for the project, which is the subject of the proportionate fair share agreement.

(4) Dedication of necessary right-of-way for facility improvements pursuant to a proportionate fair-share agreement must be completed prior to the effective date of the proportionate fair share agreement.

(5) Any requested change to a development project subsequent to issuance of a development order shall be subject to additional proportionate fair-share contributions to the extent the change would generate additional traffic that would require mitigation.

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(6) Applicants may submit a letter to withdraw from the proportionate fair-share agreement at any time prior to the execution of the agreement. The application fee and any associated advertising costs to the City will be nonrefundable.

Section 10. Appropriation of Fair-Share Revenues:

(1) Proportionate fair-share revenues shall be placed in the appropriate project account for funding of scheduled improvements in the City's CIE, or as otherwise established in the terms of the proportionate fair-share agreement. Proportionate fair-share revenues may also be used as the 50% local match for funding under the FDOT TRIP.

(2) In the event a scheduled facility improvement is removed from the CIE, then the revenues collected for its construction may be applied toward the construction of another improvement within that same corridor or sector that would mitigate the impacts of development.

Section 11. Conflict: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 12. Severability: If any provisions of this ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such provision and such holding shall not affect the validity of any other provision, and to that end the provision of this ordinance are hereby declared severable.

Section 13. Codification: This ordinance shall be codified in the Code of Ordinances of the City of Arcadia, Florida.

Section 14. Effective Date: this Ordinance shall take effect immediately upon adoption.

ATTEST:

CITY OF ARCADIA, FLORIDA

/s/ ROOSEVELT JOHNSON  
ROOSEVELT JOHNSON  
MAYOR

By: /s/ RACHELLE M. BAUMANN  
RACHELLE M. BAUMANN  
CITY RECORDER

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(Ordinance 934 continued)

PASSED ON FIRST READING November 21, 2006

PASSED ON SECOND READING December 5, 2006

PASSED ON THIRD READING December 19, 2006

APPROVED AS TO FORM:  
DAVID C. HOLLOMAN, CITY ATTORNEY

Jackie Tucker, Parade Coordinator for the Elks Lodge 1524, addressed the Council to request permission to hold a Welcome Home parade in honor of the 651<sup>st</sup> MP Company, the local National Guard Battalion, on Saturday, January 13, 2007 at 10:00 A.M. Ms. Tucker stated the parade would end at the Rodeo grounds, where further community activities were planned, including free hot dogs and hamburgers. Council Member Whitlock asked if anyone had spoken to Marshall Lee regarding this parade. Marshall Lee reported that this would involve overtime for officers, noting that there would be two (2) parades in three (3) days. Marshal Lee stated that he did not have a problem with working the parade if it is approved by Council. Heine moved to grant the request for a Welcome Home parade in honor of 651<sup>st</sup> MP Company to be held on Saturday, January 13, 2007 at 10:00 A.M.; seconded by Whitlock and carried.

By letter, C. Carol Robinson, NAACP Parade Coordinator, requests permission to have the Martin Luther King Parade on Monday, January 15, 2007, at 10:30 A.M. Marshall Lee stated that he is aware of this request noting that it would be the same parade as last year. It will involve using officers in an overtime situation. Council Member Whitlock moved to grant the request to hold the Martin Luther King Parade on Monday, January 15, 2007 at 10:30 A.M.; seconded by Heine and carried.

Shaun Knepp addressed Council to request approval to build duplexes on Lots 7 and 8, Block D of A. W. Gilchrist Subdivision which is currently zoned R-1C One Family District. Attorney Holloman addressed the Council stating this request is a quasi-judicial matter. Attorney Holloman asked Council Members if anyone had previously discussed the request. All Council members responded they had not. Attorney Holloman then asked if anyone had visited the site or received any written correspondence regarding this request. All Council members responded they had not. Attorney Holloman then swore in Mr. Knepp. Mr. Knepp stated the duplexes would be rental property, providing affordable housing and would meet the requirements for building duplexes within the R-1C zoning. Administrator Strube addressed the Council stating he believes this to be a good proposal and would bring valuable housing to the City. Administrator Strube recommends approving this request. Heine then moved to approve the request by Resolution No. 2006-21 per City Code Section 110-241 that the Council finds for the necessity and desirability

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for public convenience and/or welfare and of their conformity with the spirit and purpose of the chapter and that it is in the best interest of the City of Arcadia, for building two duplexes on Lots 7 and 8, Block D, of A.W. Gilchrist Subdivision; seconded by Whitlock and carried.

RESOLUTION NO. 2006-21

A RESOLUTION GRANTING APPROVAL IN ZONING LAWS TO SHAWN KNEPP TO CONSTRUCT TWO DUPLEX IN A ONE-FAMILY DWELLING R-1C DISTRICT AND SETTING FORTH CONDITIONS.

WHEREAS, Shawn Knepp has requested approval in zoning laws to permit him to construct two duplex in a one-family dwelling R-1C district, and

WHEREAS, Section 110-241 uses permitted under (7) states: subject to the approval of the City Council, after a finding of their necessity or desirability for public convenience and/or welfare and of their conformity with the spirit and purpose of this chapter: Two-family dwellings conforming to the requirements specified for R-2B districts, in R-1C one-family dwelling districts, and

WHEREAS, the City Council finds there is a need for affordable housing in Arcadia which can be helped by granting this approval.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Arcadia, Florida, that Shawn Knepp be granted approval to construct a duplex on East-half lots 7 & 8, Block D, Gilchrist Subdivision of SE ¼ of NW ¼, and a duplex on the West-half of lots 7 & 8, Block D, Gilchrist Subdivision of SE ¼ of NW ¼ in Arcadia.

BE IT FURTHER RESOLVED, that this approval is subject to the following:

1. All regulations required by the State, County and City be met for each Duplex.
2. The current plot use shall be in accordance with Section 110-241 (7-f) of the City of Arcadia Zoning Code.
3. A separate water meter and sewer tap will be installed for each living unit.

PASSED BY THE CITY COUNCIL of the City of Arcadia, Florida in Regular Session this 19<sup>th</sup> day of December, 2006.

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(Resolution 2006-21 Continued)

CITY OF ARCADIA, FLORIDA

By: /s/ ROOSEVELT JOHNSON  
ROOSEVELT JOHNSON  
MAYOR

ATTEST:

By: /s/ RACHELLE M. BAUMANN  
RACHELLE M. BAUMANN  
CITY RECORDER

Marshall Lee presented the Fines and Forfeitures report for the month of November 2006 showing \$3,492.46 for fines.

City Recorder Baumann informed the Council that the auditors have not completed their findings in order for final entries to be made to the financial report. Upon completion and review of the entries a report will be submitted to the Council.

The Flowage and Hanger report for October 2006 for the airport was presented. The report shows fifteen (15) of the twenty (20) hangers are rented.

Revisions to FY 2006-2007 Rate Schedule for Arcadia Golf Course were presented. Council Member Goodman asked for clarification as to who is actually the manager of the golf course. Administrator Strube stated that Ernie Hewett, Special Projects Coordinator, is the administrator's liaison at the course and Valerie Bonett and Steve Canter are the day-to-day co-managers. Administrator Strube then reported that Mr. Hewett has revamped the rate schedule for memberships and fees at the course. He asked that Council consider and approve the new rate schedule in their agenda packet. This schedule is more descriptive on membership status, play status and dates and timing of memberships. Council Member Goodman wanted clarification that no Council Member should interfere with the proposed rate schedule or fees to which Administrator Strube agreed. Goodman then asked if she or any other Council Member can give a guest memberships or a reduced membership fee to someone. Administrator Strube replied yes, if the person meets certain criteria. Administrator Strube stated that if the City can use someone in a position such as a starter or ranger then they can get a membership since the City is not paying them for their service. It was noted that the proposed rate schedule does not allow for the financing of a membership. Attorney Holloman stated that under no circumstances, would favoritism be tolerated at the Golf Course. It must be made very clear that discounted or free services would only be for those persons who

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have provided a benefit to the City such as a starter not because someone is a friend. All Council members agreed. Goodman stated that she is glad to see Mr. Hewett back after being out for several months due to illness and thanked him for the good work on the new rate schedule. Special Coordinator Hewett reported that four (4) rangers now have guest memberships resulting from services they rendered to the City. Mr. Hewett also reported that the point of sales computer is almost in place and that it will elevate any problems with fees and charges. Goodman expressed concern about the management of the Golf Course stating that no Council Member should be in a management position. Mr. Hewett stated that Council Member Fazzone has done a lot of good at the course especially after the hurricane. Mayor Johnson advised the Council and Mr. Hewett not to discuss Mr. Fazzone until he is present. It was agreed employees are to report to the two co-managers, Valerie Bonnett and Steve Canter or to Mr. Hewett. Council Member Heine asked if a manager or Golf Pro is still being recruited. Mr. Hewett stated he is working with the PGA for an advertisement for a Golf Pro. Administrator Strube stated that the type of Pro in the West Palm Beach area may not be the type needed for Arcadia. Mayor Johnson questioned the adequacy of the salary. Administrator Strube stated that he hopes to recruit someone with a degree of experience that would bring other programs with them. This person could also teach, market, or have their own ideas on how to make this a lucrative position. Mr. Hewett stated he would like to see the Golf Course run as a profitable business. Council Member Heine asked how Lee Drug was involved in the Golf Course. Recorder Baumann explained that Lee Drugs pays for the monthly expenditures at the Pro Shop such as electric, water, rental of carts, advertising, and the purchasing of goods for sale. Lee Drugs then submits an invoice to the City for reimbursement of these expenses. They only function as an accounting service and have never had control of City funds. Mayor Johnson reported that Recorder Baumann systematically explained to him Lee Drugs function at the Pro Shop. Both Mayor Johnson and Administrator Strube stated that they feel that Lee Drugs provides a very inexpensive service for the City. Whitlock moved to approve the new rate schedule for the Golf Course and Pro Shop; seconded by Heine and carried.

Mary Kay Burns, Administrator of the DeSoto County Health Department, addressed the Council regarding the status of land to be transferred from the City to the County for the construction of buildings for the Health Department. Ms. Burns estimates that it will be five (5) to ten (10) years for the Health Department to get approval or funding from the State in order to begin construction of any new buildings, noting that at this time the DeSoto County Health Department is not on the list. It was noted that modular units will be put on the property until funding for new buildings is received. Mrs. Burns presented the Council with pictures of the building currently on the property which has been targeted with graffiti. Administrator Strube is aware of the problem and painting has begun to cover the graffiti. Administrator Strube then presented a copy of a letter to the Council from County Administrator Coffee which showed a cc to all Council Members; however none of them had received a copy until now. County Administrator Coffey addressed the Council regarding the delay of the transfer and reported that the testing for asbestos has not been completed. Administrator Strube then stated that the questions or concerns as addressed in Mr. Coffee's letter are not a problem such as the need to change the reverter clause from three (3) years to

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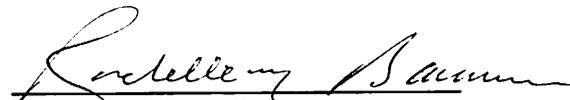
five (5) or more since it appears that State funds will not be available for at least five (5) years. There was also some discussion regarding the moving of utility lines and the cost. The letter by Administrator Strube used documents similar to documents used in the 1986 transfer of the current Health Department site from the City to the County. County Administrator Coffey named concerns regarding pipes, easements, surveys, and a three (3) year reverter provision stated in the document. Administrator Strube stated he was addressing these concerns and believed that all of them could be resolved to the agreement of both the City and County. If Council does not want a time limit it can be removed. Goodman requests that a date certain for the transfer of the property be established by the Council meeting of January 16, 2007.

Lonnie Ward , DeSoto Community Development Director, and Robert Rives, addressed the Council regarding the quality of a fence at Louis Anderson Park. Mayor Johnson added he had seen the fence and agreed it was not acceptable as did Council Member Goodman. Administrator Strube explained the fence was erected quickly to elevate any problems or accidents that might arise from 4- wheelers at the park. Administrator Strube felt there would be an increase of 4-wheelers in the area due to the Christmas Holidays. He noted that the fence was a quick fix as a preventive measure. Members of the community, including Richard Bowers, spoke in opposition to the fence. The concept was understood, but the outcome is not acceptable. Mr. Rivers stated the community wanted something of which they could be proud. Administrator Strube agrees the fence does not look good and he suggested that a square post design might be a better look. He stated the cost would be investigated. Mr. Ward also requests another bathroom facility on the East end of the ball field. Mayor Johnson suggested that Administrator Strube meet with Parks and Recreations to come up with a design and cost estimate for a new bathroom and a plan to correct the fence. Goodman requested that a plan be available by the next Council meeting of January 16, 2007. Kirk Bryson addressed the Council. Mr. Bryson is involved in the Golden Melody housing revitalization and is offering his experience to the City. Council Member Goodman request Mr. Bryson give a contact number to Administrator Strube.

Richard Bowers extended an invitation to the Council Members and others to attend a fundraiser for the Fred Fields Scholarship Fund to be held at DeSoto County High School Gym on January 15, 2006 at 6:30 p.m.

Mayor Johnson thanked the citizens of the community for attending the Council Meeting tonight and stated that the Council wants to hear ideas and concerns that the public may have in regards to the City.

There being no further business, the meeting was adjourned.

  
CITY RECORDER

  
PRESIDENT