

REGULAR MEETING

FEBRUARY 19, 2008

A Regular Meeting of the Arcadia City Council was held on February 19, 2008, at 6:00 p.m. in the Margaret Way Building at 23 North Polk Avenue. Council members attending were Goodman, Fazzone, Heine, Dixon, and Johnson. Also in attendance were Administrator Strube, Attorney Holloman, Marshall Lee, Parks and Recreations Supervisor Waters, Public Works Supervisor Reed, Special Projects Coordinator Hewett, Ms. Way, and Recorder Baumann.

Mayor Goodman called the meeting to order.

The Invocation was given by Dr. Sharon T. Goodman, Mayor.

Pledge Allegiance to the Flag.

The Minutes of the Regular Meeting of February 5, 2008 were adopted on a motion by Heine; seconded by Fazzone and carried.

Proposed Ordinance No. 939 amending the Police Officers' and Firefighters' Pension Fund was presented on second reading. Fazzone moved to waive the rules and read Proposed Ordinance No. 939 by title only; seconded by Johnson and carried.

ORDINANCE NO. 939

AN ORDINANCE OF THE CITY OF ARCADIA, FLORIDA, AMENDING CHAPTER 2, ARTICLE VII, DIVISION 3, SECTION 2, OF THE CODE OF ORDINANCES OF THE CITY OF ARCADIA, AMENDING THE CITY OF ARCADIA POLICE OFFICERS' AND FIREFIGHTERS' RETIREMENT SYSTEM; AMENDING SECTION 3, BOARD OF TRUSTEES; AMENDING SECTION 6, BENEFIT AMOUNTS AND ELIGIBILITY; AMENDING SECTION 8, DISABILITY; AMENDING SECTION 10, OPTIONAL FORMS OF BENEFITS; AMENDING SECTION 19, EXEMPTION FROM EXECUTION; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

Fazzone then moved to adopt Ordinance No. 939 on the second reading; seconded by Johnson. Mayor Goodman called for comments from the Public. There were none. Mayor Goodman called for comments from the Council. There were none. The motion

Regular Meeting
February 19, 2008
Continued

carried on a roll call vote. Aye: Fazzone, Heine, Dixon, Johnson, and Goodman. Nays: None.

Stacey Ricketts and Terry West, representing Hand of Angels, Inc. addressed the Council with a request for an Americans with Disabilities Act (ADA) Inclusive Playground for children. Ms. Ricketts and Mrs. West passed out packets to the Council with information including a tentative plan and sketches of the proposed playground. The playground will be for handicapped as well as non handicapped children. It will also accommodate a handicapped adult that maybe accompanying a child. Hand of Angels, Inc. is requesting permission to place the playground behind Lake Katherine beside the Health Department. Mr. Keith Keen, representing the DeSoto County Health Department addressed the Council in favor of the playground and the proposed location. The Hand of Angels, Inc. has already begun fund raising for the project and are willing to meet the 50% grant match requirement. Ms. West noted that Mr. Steve Weeks, Grants Coordinator for the City has agreed to help them with their grant application for this project. Councilman Fazzone asked if the City Parks and Recreation Department was aware of this project and he was informed that they are. Councilman Johnson confirmed the need of this type of playground noting that there are many children entering into Pre-K and other grades that were in need of this type of facility. Councilman Dixon is in favor of this project noting that this is good for the community. He stated that he would like to contribute to this cause. Dixon then moved to approve the request for an ADA Inclusive Playground to be placed on City property at Lake Katherine and for the City to assist in obtaining a grant for the construction of the playground; seconded by Johnson and carried.

Mr. William Minnear addressed the Council to inform them of the plans for the upcoming Rods and Wings show at Arcadia Municipal Airport on Saturday, April 5, 2008. Mr. Minnear requested the use of golf carts and that a police officer be present during the event. Marshall Lee stated his department would be available to assist. Mr. Minnear also requests that Mayor Goodman attend to present the Mayor's Trophy. Mayor Goodman will check her calendar. Heine moved to authorize the use of City golf carts for the annual Rods and Wings event; seconded by Fazzone and carried.

Mark Madia of Vero Auto addressed the Council with a request to hold an Auto Tent Sale from February 26, 2008 through March 9, 2008, at the Arcadia Shopping Plaza. Mr. Madia stated that he is a licensed dealer of Ford and Mercury vehicles. Councilman

Regular Meeting
February 19, 2008
Continued

Dixon expressed concern noting that he does not want to create a situation that the Council cannot control or get rid of. Councilman Dixon would like to see how the most recently approved tent sale goes before approving another. Council expressed concern regarding the closeness of the two tent sale events, noting that they had just approved one to begin on March 13, 2008. Administrator Strube asked what criteria is used to select a location for these sales to which Mr. Maida replied that they look at income levels, the age of the population, and the number of auto dealers in the area. Administrator Strube asked if the vehicles were used to which Mr. Maida replied yes. Councilman Dixon asked if all the vehicles were sold with a warranty and or *AS IS*. Mr. Maida responded all vehicles were sold with a warranty through a Florida licensed bonded warranty company at no extra cost to the customer. Administrator Strube asked if the warranty work would benefit local car dealers to which Mr. Maida stated the work could be performed by any certified mechanic. Attorney Holloman suggested Mr. Maida come before the Council at a later date and supply information regarding the warranty company and the company he represents. Mayor Goodman stated that based on what we have in place; we will not approve this request tonight. Councilman Fazzone asked if Mr. Maida was aware of the other scheduled tent sale and he stated that he had been informed that one was scheduled. Dixon moved to deny Mr. Maida's request for an auto tent sale; however Mr. Maida may request Council consideration at a later date after providing additional information on his company; seconded by Heine and carried. Councilman Johnson feels that the Council needs to set a length of time and how often we will hold these types of events. Administrator Strube informed the Council that the firm that was approved for a tent sale on March 13, 2008 had also submitted a second request for an additional date in the future, they were told that they would need to come before the Council with that request. Councilman Dixon stated he wanted to be fair and not discriminate against anyone; however his main concern is that of the citizens. Attorney Holloman stated the ordinances were now being reviewed, and we need to check with other cities to see how they handle this type of request.

A request by Theodore R Hanus, Vice Chairman of the Arcadia Housing Authority for the ratification of Mel Jackson's nomination to the Board of Commissioners of the Housing Authority for a four (4) year term said term to expire December 31, 2012, was presented. Fazzone moved to ratify the appointment of Mel Jackson to the Arcadia Housing Authority; seconded by Dixon and carried.

Mr. Lou Towne addressed the Council and presented them with information on the War Birds Project at the Arcadia Airport. He stated the organization has joined with Edison Community College in support of a program for airplane mechanics, air traffic controllers, and various other fields related to the airline industry. He also noted that they will soon begin the process of repairing the T-33 located at Lake Katherine which was

Regular Meeting
February 19, 2008
Continued

damaged during Hurricane Charley. He is currently seeking permission from the Air Force to allow them to move the plane for repair.

The Fines and Forfeitures report for the month of January, 2008 was presented with fines of \$2,528.19.

Marshall Lee addressed the Council and informed them that his department was recently involved in the capture of a sexual predator who had escaped from the Jimmy Rice center on Highway 70. Marshall Lee stated that the lessons learned during and after Hurricane Charley were very effective in handling this type of situation.

The Recorder's Revenue and Expense Report through January 31, 2008 was presented.

Administrator Strube addressed the Council and presented information regarding bids for the 2007/08 Street Paving Project. The project was advertised in the DeSoto Sun Herald. An invitation to bid was also mailed to local asphalt companies who had bid on previous projects. Eleven (11) bid packages were requested by various companies only six (6) responded. The original estimate of the project was \$300,000.00. The lowest bidder was APAC of Sarasota, Florida with a bid of \$310,785.50. Fazzone moved to approve the recommendation of Administrator Strube to award the contract for paving to APAC of Sarasota in the amount of \$310,785.50; seconded by Heine and carried. Councilman Dixon asked if APAC was chosen because it was the lowest bidder to which Administrator Strube stated yes, the bid states it will be awarded to the lowest bidder. Councilman Dixon asked if the materials were of the best qualities. Administrator Strube answered yes that he had spoken with several other organizations and cities that had used APAC, and received good recommendations from them. Councilman Dixon stated he was concern about getting quality service. Administrator Strube stated APAC was one of the three (3) contractors that did most of the paving in the County.

The Airport Report for the month of December, 2007 was presented. The report stated 19 of the 20 hangers were rented.

The Public Works report for the month of January, 2008 was presented.

Councilman Heine reported that he had received complaints that trucks were hauling brush behind the cemetery during burial services. Public Works Supervisor John Reed stated he would take care of the problem.

The Arcadia Golf Course report for January, 2008 was presented.

Regular Meeting
February 19, 2008
Continued

Mayor Goodman asked if anyone from the Public wished to address the Council.

Ms. Paulette Alexander addressed the Council requesting an exception for putting a sidewalk on property at 121 Citrus Avenue where the construction of a new home has been completed. Ms. Alexander stated the sidewalk would cost over \$6,000.00 and noted that the slab for building her home had not cost that much. She does not feel that this requirement helps promote affordable homes. She presented pictures of her road noting that her sidewalk would be the only one on the road. Councilman Johnson stated he was aware of the area and did agree the sidewalk would look odd. He believes that an exception could be made. Johnson then moved to grant a waiver in the requirement for a sidewalk at 121 Citrus Avenue; seconded by Fazzino and carried.

Mrs. Adrienne Daley addressed the Council questioning why the large field at the back of the cemetery was getting sprinkled and the cemetery was not. Councilman Heine explained the water was reuse water. Administrator Strube stated the water was Public Access Reuse Water and is used on the golf course as well. He stated the area in questions has two (2) graves on it and is the new part of the cemetery. He noted that the old part is still on an individual or caretaker system of watering.

Mr. Paul Hoover addressed the Council regarding the status of a letter written to the County regarding double taxation of City residents. Councilman Dixon stated that the County did say that they would meet with the City to discuss this issue. Mayor Goodman directed Administrator Strube to send a letter to the County requesting a date for a joint work session to discuss this issue.

Mr. Barry Upshaw, a local contractor, addressed the Council to request an exception to the sidewalk requirement for newly constructed homes on Lee and Myrtle. He asked what needs to be done to get exceptions for these sidewalks. Councilman Johnson stated he would need an exception for each home on an individual bases. Mayor Goodman stated that information including cost and other documentation needs to come before the Council. Councilman Dixon asked if there are specifications for these sidewalks. Councilman Dixon believes that it should be the responsibility of the City not the homeowners to build sidewalks as it is a part of the City's infrastructure. He believes that grant funds might be available and that some work needs to be done to obtain these funds.

Special Projects Coordinator Hewett addressed the Council and stated that the City Code requires sidewalks and it is part of the building permit process. He then stated that all permits receive a letter detailing the size and thickness of the concrete for a sidewalk.

Regular Meeting
February 19, 2008
Continued

Mr. Chuck Craven addressed the Council stating that he has never received a waiver or any exemptions and has always had to comply with the City ordinances. He stated that Mr. Hewett and the Fire Marshall have constantly disallowed work he has done in the restoration of several buildings downtown. He then informed the Council that he plans to complete his latest project, sell everything and move out of the area. Special Projects Coordinator Hewett addressed the Council and stated that Mr. Craven has done a lot of good for the downtown; however the City Code requires building permits and Mr. Craven has done a lot of remodeling and building without pulling a permit noting specifically a 12 foot extension to Wheeler's Café. Mr. Craven had originally thought this was his property, it was later discovered that it is City property and he has encroached on it.

Mr. Shawn Knapp a local contractor addressed the Council and suggested that rather than granting exceptions for sidewalks the areas should be looked at for consistency throughout the neighborhood.

Mrs. Genie Martin addressed the Council saying that she wanted to thank Mr. Craven for all the work he has done in Arcadia.

Mr. Joe Purcell of Pursell's Wrecker and Road Service addressed the Council with a concern regarding a public records request he made to the Arcadia Police Department. Mr. Purcell stated that the records are needed in order to close out his books, noting that he did agree to pay for copies of the records. He was originally told by Captain Anderson that it would be about \$200.00 to \$300.00. When he called on February 8, 2008 he was informed that the amount due was \$652.00. He asked to review the records prior to payment to see if they were complete; however he was told that he must pay in full first. Marshall Lee informed the Council that it took two (2) employees four (4) days to complete the request and the checklist was complete. Marshal Lee stated that when the request was first received Captain Anderson did not realize how much information would be copied or how much time it would take which accounted for the lower estimate. Marshall Lee reported that the records are ready to be picked up and they do not bill anyone. Mayor Goodman informed Mr. Purcell that his records request is ready and he needs to pay the bill and pick them up.

Mayor Goodman congratulated Mrs. Valerie Gilchrist, President of the Homeless Coalition on receiving a grant for \$2,500,000.00 for a new homeless shelter.

Mayor Goodman then addressed the Council and the public stating she wanted to make it "crystal clear" even if the Council agreed to let the people decide in 2009 what form of government they wanted, it would not guarantee that Sharon Goodman would be mayor.

Regular Meeting
February 19, 2008
Continued

She then stated that she has two (2) offices and does not need another; however she was thankful for the Councilmen who had voted on it years ago. She noted that a consensus was reached by the Council at the Work Session of February 12, 2008 that they would not move from the current form of government; however they would look at putting "teeth" in it. Fazzone moved to follow the consensus reached during the February 12, 2008 Work Session, to keep the current appointed mayor form of government and to put "teeth" into ordinances in order to have a more accountable system of government; seconded by Johnson and carried. Ayes: Johnson, Fazzone, Heine. Nays: Dixon, and Goodman.

Councilman Dixon stated that he strongly believes the public should decide, not the Council and the issue should be put on a ballot. Mayor Goodman agreed that this could be on a ballot for the 2009 election. Councilman Fazzone stated that when any ordinance is changed it will require three (3) readings and he feels that the public could have their input at that time. Mayor Goodman stated that the public does not vote to approve ordinances only the Council has that authority.

Mayor Goodman reported that at the Council's work session held earlier today at 5:00 PM, Administrator Strube informed the Council of his decision to retire effective January 1, 2009. Mayor Goodman reported that that the Council had agreed to honor his request.

Councilman Dixon stated that he is ready for this town to move forward and believes that thirty (30) to ninety (90) days is ample notice and does not see the purpose of a ten (10) month notice. Councilman Dixon stated for the record, whether it happens now or in ten (10) months, he has heard that several other employees will leave when Ed leaves. He then addressed a concern regarding the Golf Course and possible criminal activity. The Sheriff stated that no action or charges have been taken due to the lack of names and information given to the Sheriff's Department. Councilman Dixon expressed his displeasure with Administrator Strube's handling of the incident noting that it was not reported until a week after it occurred. Councilman Dixon stated he was not responsible for what has happened at the Golf Course noting that issues have been going on for quite a long time. Councilman Dixon then stated that the City can only go up it can't go down and forty-five (45) days is enough notice and Administrator Strube needs to go.

Administrator Strube stated that when the incident report was turned over to the Sheriff's Department it did contain names. He also noted that all of the employees who have access to the cash drawers are well known. He explained the delay in reporting the incident as a timing issue with closing out one day and still being off when you close out the next day, noting that sometimes these things straighten themselves out the next day. Administrator Strube then stated that he could not do an investigation and went to the highest law enforcement officer in the County which is the Sheriff. It was also noted that the Golf Course is just outside the City limits in the County. Mayor Goodman asked that Administrator Strube follow up with the Sheriff's Department.

Regular Meeting
February 19, 2008
Continued

Fazzone then moved to honor Administrator Strube's request to retire effective January 1, 2009; seconded by Heine and carried. Ayes: Fazzone, Johnson, Heine, and Goodman.
Nays: Dixon.

There was some discussion regarding the City's form of government and possibly holding a work session at which time the public could express their concerns or desires.

Councilman Johnson requested that the meeting date for the next Work Session and Regular Meeting be change to Thursday, March 6, 2008 as both he and Mayor Goodman would like to attend an award ceremony being held by the DeSoto County School Board. It was noted that both Councilman Johnson and Mayor Goodman have employees who will be honored at the event and that Councilman Dixon's wife is also to receive an award. Johnson then moved to reschedule the Regular Meeting date from Tuesday, March 4, 2008 to Thursday, March 6, 2008 at 6:00 PM and to schedule a Public Hearing on Thursday, March 6, 2008 at 5:00 PM to receive the concerns from the citizens on an elected mayor; seconded by Dixon and carried. Ayes: Johnson, Dixon, Goodman, and Heine. Nays: Fazzone.

Councilman Dixon thanked Mrs. Genie Martin and the Beautification Committee for all their hard work throughout the City. He also asked Mr. Craven not to leave Arcadia, and voiced his appreciation for all the work Mr. Craven has done in the City.

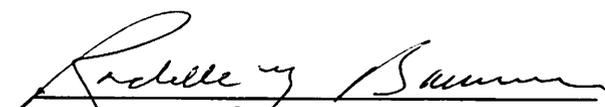
Councilman Johnson also thanked Mr. Craven for his contributions to the City of Arcadia by restoring buildings, opening businesses, and the other beneficial things he has done.

Mayor Goodman addressed Mr. Craven stating that his fight has not gone un-noticed and she hopes that he would "stick it out".

Heine moved to approve the advertisement for a City Attorney; seconded by Dixon and carried.

Dixon moved to advertise in the local paper as well as state wide for a City Attorney, with the closing date of March 25, 2008; seconded by Johnson and carried.

There being no further business the meeting was adjourned.


CITY RECORDER


PRESIDENT

PUBLIC HEARING

MARCH 6, 2008

A Public Hearing of the Arcadia City Council was held on March 6, 2008, at 5:00 p.m., in the Margaret Way Building at 23 North Polk Avenue. Council members attending were: Goodman, Fazzino, Johnson, Heine, and Dixon. Also in attendance: Administrator Strube, Attorney Holloman, Marshal Lee, Special Projects Coordinator Hewett, Ms. Way, and Recorder Baumann.

Mayor Goodman called the Public Hearing to order and stated the purpose of the Public Hearing was to receive concerns and comments from the citizens for having an elected Mayor.

Pledge Allegiance to the Flag.

Mayor Goodman addressed the Public to update them on the current status of a Weak Mayor or Strong Mayor type of government. Mayor Goodman stated the Council, at the previous Work Session on February 19, 2008, had come to a consensus to stay with the current form of City government. She stated the Council felt that the public should have input in deciding the form of government. Mayor Goodman explained this is not a campaign for an individual to become a strong mayor or to elect a mayor. She also stated if a mayor was elected, it might not be anyone on the Council at this time.

Mayor Goodman then called for input from the public.

Mr. Joe Fink, a member of the public, and previous Councilman for the City of North Port addressed the Council. Mr. Fink stated that the Council has all the power it needs at this time, noting that Administrator Strube cannot start or stop a project, pass a budget, or create new positions without the Council's approval.

Mr. Joe Cavanaugh, addressed the Council in favor of an elected Mayor.

Mr. Bob Allen, a former City Councilman and former County Commissioner addressed the Council stating he was not in favor of changing the current form of City government, nor voting for a strong mayor. He is in favor of reviewing the ordinances and codes however and suggested a group of citizens be appointed to a committee for this process.

Mr. Keith Markey, a local business man, addressed the Council stating that after speaking with several local citizens he was assured that several citizens would come forward to help in the process of reviewing the ordinances. He feels that people doing business with the City should be treated like customers, making sure that requests are processed in a timely manner and problems solved with courtesy. He stated changing the form of government would not alleviate those matters and that possibly the best thing to do at this time is nothing.