

## REGULAR MEETING

FEBRUARY 5, 2008

A Regular Meeting of the Arcadia City Council was held on February 5, 2008, at 6:00 p.m. in the Margaret Way Building at 23 North Polk Avenue. Council members attending were Goodman, Fazzone, Heine, Johnson, and Dixon. Also in attendance were Administrator Strube, Attorney Holloman, Marshall Lee, Captain Anderson, Parks and Recreation Supervisor Waters, Ms. Way, and Recorder Baumann.

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

Pledge of Allegiance to the Flag.

The Minutes of the Regular Meeting of January 15, 2008 were adopted on a motion by Heine; seconded by Dixon and carried.

Proposed Ordinance No. 939 amending the Police Officers' and Firefighters' Pension Fund was presented on first reading. Each council member had previously been given a copy of the ordinance for study. Heine moved to waive the rules and read proposed Ordinance No. 939 by title only; seconded by Fazzone and carried.

## ORDINANCE NO. 939

AN ORDINANCE OF THE CITY OF ARCADIA, 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 first reading; seconded by Heine. Mayor Goodman called for comments from the public. There were none. Mayor Goodman called for comments from the Council. There were none. The motion carried on a role call vote. Aye: Fazzone, Heine, Johnson, Dixon, and Goodman. Nays: None.

Administrator Strube noted that letters must be sent to the Division of Retirement and the state actuary along with an Actuarial Impact Statement prior to the final reading of proposed Ordinance No. 939.

Regular Meeting  
February 5, 2008  
Continued

Administrator Strube addressed the Council regarding Resolution No. 2008-3 requesting that the City pursue measures to become a "Green Local Government". The Florida League of Cities has asked that the City endorse the concept. It was noted that the City would need to seek a designation based on what the City could afford to implement. Johnson moved to adopt Resolution No. 2008-3; seconded by Fazzone and carried.

RESOLUTION NO. 2008-03

A RESOLUTION OF THE CITY OF ARCADIA TO PURSUE MEASURES TO BECOME A "GREEN LOCAL GOVERNMENT" THROUGH IMPROVED ENVIRONMENTAL PERFORMANCE, USING CRITERIA AND STANDARDS DEVELOPED BY THE FLORIDA GREEN BUILDING COALITION, AND ENCOURAGING THE LEGISLATURE AND GOVERNOR TO SUPPORT THE GREEN LOCAL GOVERNMENT PROGRAM.

WHEREAS, the City of Arcadia recognizes the importance of environmental stewardship in a variety of media, including energy, water, air, land and waste; and such successful environmental stewardship practices will enhance local and national energy security, protect natural resources for future generations, and result in long term cost savings; and

WHEREAS, the Florida Green Building Coalition, Inc. is a Florida non-profit corporation with open membership whose primary mission is to develop and maintain Green Designation Standards for Florida and to promote cost-effective, sustainable improvements in the built environment; and not only presents opportunities for a municipality to "be green", but also provides examples and resources; and

WHEREAS, the Florida Green Building Coalition, Inc. has developed the "Green Local Government Standard," which designates Green Cities and Green Counties for outstanding environmental stewardship; and

WHEREAS, municipalities who incorporate sufficient criteria such that they meet or exceed designated thresholds are "certified" or "registered" as a Green Local Government; and

WHEREAS, the Green Local Government Standard focuses on improving municipal environmental performance through measurable criteria for municipalities to pursue in order to promote alternative energies and a cleaner environment; and

WHEREAS, the Green Local Government Standard is a useful reference even for those municipalities who do not choose to become "certified" or "registered", but who are trying to achieve a particular environmental goal.

NOW THEREFORE, BE IT RESOLVED by the City of Arcadia endorse the Florida Green Building Coalition's "Green Local Government Standard" as a voluntary

Regular Meeting  
February 5, 2008  
Continued

(Resolution No 2008 – 3 continued)

means for municipalities to take positive steps toward improving and advancing environmental quality and energy security.

PASSED BY THE CITY COUNCIL, OF THE City of Arcadia, Florida in Regular Session in the City Council Chambers the 5<sup>th</sup> day of February, 2008.

CITY OF ARCADIA, FLORIDA

ATTEST:

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

s/s DR. SHARON T. GOODMAN  
DR. SHARON T. GOODMAN  
MAYOR

A request by letter, from Christi Pryor, DeSoto County Cooperative Extension Service to hold a Cattlemen's Ranch Rodeo Parade on Saturday, April 19, 2008 at 9:00 am was presented. Marshal Lee addressed the Council to request that any request requiring street closures be directed to his office in order for him to check his department schedule prior to being placed on the Council's agenda. Administrator Strube will send a letter to the DeSoto County Cooperative Extension Service informing them that in the future they need to get approval from the Police Department prior to coming before the Council for approval. It was noted that all parades require overtime, Marshal Lee estimates that each parade costs about \$1,700.00 in overtime. Councilman Dixon is in favor of parades and would like to see if the overtime portion of the Police Departments budget could be increased. Heine moved to grant the request to hold a Cattlemen's Ranch Rodeo Parade on Saturday, April 19, 2008 at 9:00 am; seconded by Dixon and carried.

Coleman Brewer representing the DeSoto Historical Society addressed the Council to request a waiver of permit fees for the partial demolition, repair, and reconstruction of the Ingrahm House. It was noted that the estimated fees would be about \$300.00. Dixon moved to grant the request to waive the permit fees for the demolition, repair, and reconstruction of the Ingrahm House; seconded by Johnson and carried.

Lonnie Lee Richardson addressed the Council to request permission to place a Department of Community Affairs (DCA) approved modular on Levines Street for use as a community assembly. The property is located in Block B of Joe Lewis Farms; there is no paved road to the location. Administrator Strube stated that the City will still require a site plan and permit review by the City and the County for the structure. Councilman Dixon asked why the Council is being asked to approve a building that is already allowed to which Councilman Johnson stated that the only approval needed would be for the off street parking. Councilman Heine asked if in the past a waiver was granted for one (1) year to which Councilman Johnson stated that a church facility was different. It was noted that most churches in the area do not have paved parking. The Council requests that the parking area be marked off. Johnson moved to waive the requirement for paved off street parking; seconded by Dixon and carried.

Regular Meeting  
February 5, 2008  
Continued

Martha Craven, Vice President of the Arcadia Main Street Program addressed the Council to request permission to hold a monthly Second Saturday Merchants Sidewalk Sale. No street closures would be required. Johnson moved to grant the request for a monthly Second Saturday Merchants Sidewalk Sale; seconded by Dixon and carried.

The Police Activity Report for January 2008 was presented to the Council.

Marshal Lee addressed the Council to report that Angie Allred is now the Code Enforcement Officer.

Marshal Lee then gave the Council an outline of the wrecker service proposal noting that he would prefer that the Mayor and Council approve any contracts. It was noted that the current Code requires that the Marshal awards bids for these services. Councilman Dixon recommends that this item be tabled until the Council can review the information and that the Department continues to use the rotation schedule. The Council will review the proposal at their work session scheduled for Tuesday, February 12, 2008 at 5:30 pm.

Captain Anderson addressed the Council and presented a handout showing proposed salary increases for several police officers. The increase would be funded from savings incurred due to the retirement and or termination of several higher paid employees who have been replaced with lower paid employees. Councilman Johnson stated that he wants to keep current employees and would like to see the City's salary and benefits equal to the County in order to prevent staff from leaving. Councilman Heine questioned if the increase would take effect in the new budget year of October 2008 to which the Council stated that since the funds are currently budgeted there would be no need to wait until October 2008 to implement the increase. Johnson moved to approve the proposed salary increases as presented; seconded by Fazzone and carried.

The Recorder's report of Revenue and Expenditures through December 31, 2007 was presented.

A request from Mr. Alberto Riveron to allow for a scrap metal recycling center at 205 S. Monroe Avenue which was previously tabled from the Council meeting of January 15, 2008 was addressed. It was noted that Mr. Riveron is still working with the property owner and is not ready to address the Council regarding his request. Heine moved to table Mr. Riveron's request until Mr. Riveron is ready to address the Council; seconded by Johnson and carried.

Administrator Strube presented the Council with a letter from Central Florida Regional Planning Council (CFRPC) regarding a proposal from the agency to assist with the development of an Evaluation and Appraisal Report (EAR) at no cost to the City. Florida Statutes Chapter 163, requires each municipality to periodically update its comprehensive plan through the preparation and adoption of an EAR. The EAR is due

Regular Meeting  
February 5, 2008  
Continued

to the Department of Community Affairs by June 30, 2008. Councilman Dixon is the City's representative to the CFRPC and he reported that he recently attended his first CFRPC meeting, and would have a report after attending the next meeting. Heine moved to accept the proposal by Central Florida Regional Planning Council to prepare an Evaluation and Appraisal Report at no cost to the City; seconded by Fazzone and carried.

Administrator Strube addressed the Council regarding a request from Casa San Juan Bosco, Inc. The Council at the September 4, 2007 meeting authorized the issuance of a letter of intent to provide water and sewer service to the Farm Worker Community at 2316 SE Hillsborough Avenue. The proposed development consists of 125 rental homes on approximately 86 acres. Sister Cathy Buster, Vice President of Casa San Juan Bosco, Inc. addressed the Council and reported that authorization of the development agreement is all that is needed to complete an application to the United States Department of Agriculture (USDA). Administrator Strube recommends that Council approve the development agreement and authorize the City Administrator to sign and implement the provisions of the agreement. Heine moved to approve the water and sewer development agreement between the City of Arcadia and Casa San Juan Bosco Inc., and the implementation of the provisions of the agreement and authorize the City Administrator to sign the agreement; seconded by Dixon and carried. Councilman Dixon asked Sister Cathy Buster if she was pleased with the working agreements of the City to which she responded that this agreement will save them over a million dollars.

The Flowage and Hanger Rent Report for November 2007 was presented to the Council. Nineteen (19) of the twenty (20) hangers are rented.

Mr. Bob Holderman from the Peace River Woodcarvers addressed the Council to extended an invitation to the Council and members of the public to attend the Woodcarvers Annual Show at the Turner Center on Saturday, February 16, 2008. Mr. Holderman thanked the Council for allowing them to use the Speer Center for classes.

Ms. Theresa Perez, representing Charlotte County Honda and Mr. Ron Johnson, the local manager of the Sweetbay Supermarket addressed the Council with a request to hold an auto sale in the parking lot of Sweetbay on March 13-16, 2008 from 9:00 a.m. until 8:00 p.m. Councilman Heine reminded the Council of a previous experience several years ago with an event of this type that drew criticism from local car dealers. Councilman Dixon stated this was a new day and he was excited to see new things come to Arcadia. He stated that this is just a marketing and networking event and he is ready to make a motion for approval.

Attorney Holloman asked what the zoning was for the area and was informed that it is Commercial General. Mayor Goodman asked if a precedent had been set for these types of events to which Administrator Strube stated the precedent was to not have them. Attorney Holloman stated the Council had been given short notice and he did not feel that they had time to review and prepare for this request. Mayor Goodman asked Ms. Perez if she had spoken with anyone from the City prior to tonight's meeting. Ms. Perez stated

Regular Meeting  
February 5, 2008  
Continued

she had inquired if a sale could be scheduled; however she was told they were not allowed. Attorney Holloman asked if permission from the City is really needed to which Ms. Perez stated permission was needed due to a requirement by the Division of Motor Vehicles. Councilman Dixon then moved to grant a special exception to allow Charlotte Honda to have an auto sale at the parking lot of Sweetbay Supermarket on March 13-16, 2008; seconded by Johnson and carried.

Councilman Fazzino noted that the problem with the previous car sale was that they were not a reputable dealer and after vehicles were purchased the customers could not get them serviced.

Mrs. Billie Waldron addressed the Council with a request for trees and bushes that are blocking City streets be trimmed. Mrs. Waldron stated she had presented this request a few months ago. Councilman Fazzino stated it had been the request of the Council on numerous occasions to have all department heads attend Council meetings noting that a problem of this nature could be settled quickly if the department head had been in attendance. Councilman Dixon agreed with Councilman Fazzino on the need for department heads to attend Council meetings. Councilman Dixon stated that he was told by staff that they would be better off if they did not attend Council meetings, he hopes that no one would be discouraged from attending. Mayor Goodman requested Administrator Strube to remind department heads to be in attendance. Administrator Strube will inform Parks and Recreation Supervisor Don Waters, and Public Works Supervisor John Reed to be in attendance noting that they are the only actual department heads.

Mr. Shawn Knapp addressed the Council regarding Council's action at the December 4, 2007, meeting granting a clear deed for property that was being sold that the City had a lien on. Mr. Knapp stated the property had been purchased and he was in the process of building a home on it. Attorney Holloman stated a clear deed could be given for this property in accordance with previous Council approval.

Mrs. Jane Martin addressed the Council with concerns regarding a request by a tenant of her building for an Occupational License which was submitted on January 2, 2008. Mrs. Martin feels that it took much longer to secure this license than she thought was necessary. The problem stemmed from the requirement for a backflow preventor device. When the tenants applied for the license they were given a hand out informing them of the need for a backflow device. Ms. Martin believes that this situation is an owner's issue and not a tenants issue as they do not have permission to install any device on rental property without permission. She stated that the tenants visited and called City Hall numerous times and could not get clear information regarding the criteria for obtaining this license. Administrator Strube stated Systems Supervisor Fred Lewis sent a letter on January 3, 2008; however the tenants did not get it and when Mr. Lewis was made aware of that he sent the letter again by fax on January 22, 2008. Administrator Strube noted that Mr. Lewis reviews all occupational license applications to make sure that the business has a backflow device. Administrator Strube explained that the City is

Regular Meeting  
February 5, 2008  
Continued

attempting to have a cross connection program in place. This procedure was more complicated than a new hook up and took extra time to complete. Mayor Goodman asked Administrator Strube if he was working toward solving this problem to which he stated he was. Councilman Dixon asked Administrator Strube if three (3) weeks was a long time for such a small town to issue an occupational license to which Administrator Strube stated that this was an unusual situation. He then noted that it is a state law to have a cross connection program in place, the intent is to protect the public water supply. Councilman Johnson asked if a check list could be given to anyone applying for a license so they would know the procedures needed to comply. It was noted that all applicants are given a copy of the backflow device requirement; however a more detailed list of the steps for obtaining an occupational license will be compiled.

Ms. Martin then addressed Council regarding signs and the need for information on signage to be given out when someone applies for an occupational license. Administrator Strube noted that citizens on Magnolia Street had voiced concerns with problems regarding signage. Councilman Johnson suggested an informational flyer addressing signage was needed. It will be added to the occupational license check list.

Administrator Strube addressed the Council regarding their recent request for an office for the Mayor and Council Members to use in order to meet with citizens. The office is ready with the exception of a desk, signage, and other furniture. The furniture in the office is on loan from other departments. Councilman Fazzone suggested getting used furniture from Bucko's. There was some discussion regarding the cost of furniture. Councilman Dixon stated that when he made his motion for an office he was not open to creating any additional costs for the City as the City is on a strict budget. Councilman Dixon stated the office was not only for the Mayor, but for all Council members. Councilman Dixon does not recommend the current furniture and asked if other furniture could be located and suggested that maybe the School Board might have some furniture they would want to donate. Mayor Goodman reported that she met with Senator Mel Martinez's District Representative today and had to scramble to get furniture for the office. She then stated that Mr. Dixon's motion was very clear that the office is for the Mayor and the Council. She reported that she did select some furniture from a catalogue; however if it is too expensive or not acceptable she will not force the issue. Administrator Strube reported that he viewed Staples web site for desks noting that a simple desk was \$985.00. Councilman Johnson suggested the City check and see if they can "piggy back" on the School Boards purchasing contract for furniture in order to get a better price. Councilman Heine suggested a possible limit of \$5,000.00 be set for furniture. Councilman Dixon asked if the City could afford this amount and suggested purchasing from Sam's Club. Administrator Strube feels that the furniture needs to be of a good quality so that it will last. Attorney Holloman asked if Administrator Strube had met the Council's direction to have an office ready within thirty (30) days to which the Council stated that he had. Councilman Johnson suggested that proposed furniture be reviewed at the February 12, 2008 workshop. Johnson then moved that a desk, executive chair and two side chairs be considered for purchase for the Mayor's Office and Administrator Strube present prices to the Council on February 12, 2008; seconded by Dixon and carried.

Regular Meeting  
February 5, 2008  
Continued

Council was asked how the signage should read to which Councilman Dixon stated the members had already decided it would be titled Mayor's Office.

Attorney Holloman informed the Council, by letter, of his decision to resign as City Attorney. This resignation is effective February 29, 2008, or earlier at the option of the City, or upon the appointment of a replacement Attorney. Councilman Johnson thanked Attorney Holloman for his services. Heine moved to authorize Administrator Strube to advertise for a City Attorney; seconded by Dixon and carried. Attorney Holloman stated he would be happy to continue to serve the City until a replacement could be found. Mayor Goodman requests that a formal recognition for Attorney Holloman's services to the City be prepared. Heine moved to have a formal recognition for Attorney Holloman prepared; seconded by Johnson and carried.

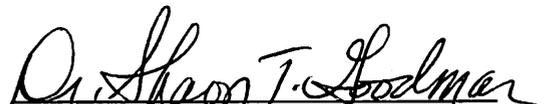
A request from the All-Florida Championship Rodeo for the Council to place an ad in the 2008 Program was presented. Councilman Johnson would like all Council members' photos on this ad and any others in the future. Johnson then moved to place an ad in the 2008 Rodeo Program with Council members' photos; seconded by Fazzone and carried.

Administrator Strube addressed the Council to report that he recently met with the County regarding their need to flush out the end of their twenty-two (22) mile water line located at Wal Mart. The City may be able to use it as part of their customer base to help serve the old Wal Mart plaza, Arcadia Village and the Turner Center. The County must find a use for the water as they are mandated to purchase a specific amount of water from South West Florida Water Management District (SWFWMD).

The Council all thanked Attorney Holloman for his twenty-four (24) years of service to the City.

There being no further business, the meeting was adjourned.

  
CITY RECORDER

  
PRESIDENT