

## REGULAR MEETING

JANUARY 16, 2007

A Regular Meeting of the Arcadia City Council was held on January 16, 2007, at 6:00 p.m. in the Margaret Way Building at 23 North Polk Avenue. Council members attending were Goodman, Fazzino, Whitlock, and Heine. Mayor Johnson was absent. He was out of town on business for the School District of DeSoto County. Also in attendance were Administrator Strube, Attorney Holloman, City Marshall Lee, Captain Anderson, Parks & Recreation Supervisor Waters, Special Projects Coordinator Hewitt, Ms. Way and Recorder Baumann.

The Invocation was given by Marshall Lee.

Pledge Allegiance to the Flag.

The Minutes of the Regular Meeting of December 19, 2006 were adopted on a motion by Whitlock; seconded by Heine and carried.

Resolution 2007-1, establishing miscellaneous charges relating to water and sewer usage, to be effective February 1, 2007, was presented to the Council. Council Member Whitlock questioned the definition of Establish Account as listed under Miscellaneous Charges. Recorder Baumann explained this was a service fee for first time users. Fazzino moved to adopt Resolution No. 2007-1; seconded by Heine and carried.

## RESOLUTION NO. 2007-1

A RESOLUTION ESTABLISHING MISCELLANEOUS CHARGES  
RELATING TO WATER AND SEWER USAGE EFFECTIVE  
FEBRUARY 1, 2007.

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

NOW THEREFORE, BE IT RESOLVED that the following miscellaneous charges relating to water and sewer usage are hereby adopted:

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(Resolution 2007-1 continued)

SECTION 1.

Miscellaneous Charges:

Establish Account	\$ 5.00
Late Payment	\$ 10.00
Return Check	\$ 20.00
Reconnection	\$ 25.00
Reconnection or meter installation involving tampering or unauthorized usage	\$ 100.00

SECTION 2. The rates established in Section 1 shall be effective February 1, 2007 and shall be reflected on the February billings.

DULY PASSED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA in Regular Session at the City Council Chambers of said City of Arcadia, Florida this 16<sup>th</sup> day of January, 2007.

CITY OF ARCADIA, FLORIDA

/s/ ROOSEVELT JOHNSON  
ROOSEVELT JOHNSON  
MAYOR

ATTEST:

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

APPROVED AS TO FORM BY  
DAVID C. HOLLOMAN  
CITY ATTORNEY

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Resolution 2007-2, urging members of the Florida Legislature to support specific issues during the 2007 legislative session was presented. Whitlock moved to adopt Resolution No. 2007-2; seconded by Heine and carried.

RESOLUTION NO. 2007-2

A RESOLUTION OF THE CITY OF ARCADIA,  
URGING MEMBERS OF THE FLORIDA  
LEGISLATURE TO SUPPORT THE FOLLOWING  
ISSUES DURING THE 2007 LEGISLATIVE SESSION.

WHEREAS, municipal self-determination and local self-government are constantly under attack from a variety of public and private interests; and

WHEREAS, numerous counties have recently proposed revisions to their charters that would adversely impact the Home-Rule powers of municipalities within those counties; and

WHEREAS, a majority of Florida's municipalities have experienced negative impacts to infrastructure, housing stock and employment base from a series of natural disasters; higher than expected increases in the cost of building products; double-digit increases in the cost of property insurance; and inequities in the existing property-tax system; and

WHEREAS, Florida's continuing population increase has presented a challenge to cities struggling to meet the infrastructure needs required to accommodate new growth and development without an infrastructure revenue source dedicated to municipalities; and

WHEREAS, various proposed revisions to the property-tax system would have substantial adverse impacts for all municipalities in Florida should they be adopted; and

WHEREAS, Florida's municipalities are dependent on other governmental entities for financial stability and under the current system the state, counties, and school districts, control all funding sources authorized for implementing capital improvements and complying with concurrency requirements; and

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(Resoulution 2007-2 continued)

WHEREAS, Gov. Charlie Crist and Florida's House and Senate leaders have an opportunity to address the unique concerns of municipalities during the upcoming 2007 legislative session.

NOW THEREFORE, BE IT DULY RESOLVED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA:

Section 1. That the City of Arcadia urges Gov. Charlie Crist and members of the Florida Legislature to support legislation during the 2007 legislative session that:

- Restores and maintains municipal Home-Rule authority for municipalities located within charter counties;
- Supports a tax structure that is fair and equitable, and is competitively neutral and allows municipalities the flexibility to provide adequate service in their communities.
- Preserves the dedicated documentary stamp fees as a funding source for the State and Local Government Housing Trust Fund (Sadowski Trust Fund), eliminates the cap placed on fund distribution, and prohibits any of these trust fund dollars from being diverted to the General Revenue Fund.
- Provides a comprehensive and uniform workers' and compensation system for all municipal employees, regardless of employee classification, at a reasonable cost to employers.
- Provides a dedicated and recurring source of revenue, including municipal local option fuel taxes, rental-car surcharges, or other taxes or fees, for municipalities to fund transportation projects such as TRIP, urban arterial and other projects. Furthermore, the existing distribution formula for local-option transportation taxes imposed by a county should be revised to allow for a more equitable distribution to municipalities and provides for indexing of local-option fuel taxes.

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(Resoultion 2007-2 continued)

- Requires legislative authorization prior to the Florida Department of Transportation removing or delaying any project that is contained in the FDOT Five-Year Work Plan.
- Preserves municipal authority to franchise cable and video services.

Section 2. That a copy of this resolution shall be provided to Gov. Charlie Crist, Senate President Ken Pruitt, House of Representatives Speaker Marco Rubio and members of the Florida Legislature.

PASSED AND ADOPTED by the City Council of the City of Arcadia, Florida, in Regular Session this 16<sup>th</sup> day of January, 2007.

CITY OF ARCADIA, FLORIDA

/s/ ROOSEVELT JOHNSON  
ROOSEVELT JOHNSON  
MAYOR

ATTEST:

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

APPROVED AS TO FORM BY  
DAVID C. HOLLOMAN  
CITY ATTORNEY

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By letter, Carol Francis, Program Manager for Arcadia Main Street requests Council approval for street closures during calendar year 2007 the for Watermelon Festival May 19, 2007 and the Fall Festival October 27, 2007. Pam Ames presented the request in the absence of Ms. Francis. Council Member Heine advised these closures would need to be coordinated with Marshall Lee who stated that he did not have a problem with the request. Fazzone moved to grant the approval for the street closures as presented; seconded by Heine and carried.

Marshall Lee did not submit the Police Fines and Activity Report for the month, stating that it would be submitted at the next meeting. He did verbally report there were 33 drug cases during October through December, 2006 as well as D.U. I. arrest.

The Recorder's report of Revenue and Expenditures for October 1, 2006 through December 31, 2006 was presented.

Administrator Strube addressed Council regarding the proposal to transfer lots 1, 2 and 4, and all of lot 3, Block E, Fountain Park, to DeSoto County for eventual use as Health Department facilities. County Administrator Coffey by letter to Administrator Strube has requested that the finalization of the transfer of the warranty deed be withheld until the County has completed several steps. Administrator Strube noted that the City has removed any "strings" and are ready to proceed with the transfer whenever the County is ready.

Administrator Strube then addressed the Council to discuss the determination of the monthly payment amount in accordance with Fire and Emergency Medical Services Interlocal Agreement. Administrator Strube states there is an issue in the interpretation of section of section 6.2.5- lowering of County MSBU/MSTU fees. He further stated that the intent of section 6 of the agreement was to limit the contractual obligation of the City to \$1,055,000.00 until such time that equal, countywide charges for these services are permitted to be applied within the corporate limits of the City. No where in the agreement does it authorize the County to fund the increased cost of providing the service through increased in General Fund transfers. In addition, there is no agreement to allow the County to continue to increase the cost of providing such services to the City through an increase in the transfer of General Fund revenues. In addition, this could result in double taxation. Until some issues with interpretation are resolved, Administrator Strube states he cannot inform the Council of the amount of credit that will be due the City. He noted that County Administrator Coffey will be submitting clarification for this issue.

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Administrator Strube states this could move toward a countywide funding and move away from the double taxation issue. After discussion the Council agreed to honor the interpretation of the County in regards to paragraph 6.2.5 since the language in the agreement was written by the County and the County is willing to clarify this section with a proposed amendment to the agreement.

The Council also supported accelerating the funding of the agreement with a countywide millage rate. This action would result in an instant equalizing of the taxing effort between the City and the unincorporated area and would qualify the merged departments to truly be considered a countywide service eligible for unlimited transfers from the General Fund. The Council also felt that delaying the implementation of a countywide millage rate would only add to the complexity of determining the fairness of the current funding mechanism as the annual cost of providing the service increases with each subsequent year.

A report regarding the status of developing a proposed bathroom design, and fence improvements at Martin Luther King Park and Louis Anderson Park were presented to the Council. City Parks and Recreation Coordinator Tara Anderson reported that City staff members met with residents to discuss the park. The main concerns were for a fence for the border of the complex and for restrooms at Louis Anderson Park. Ms. Anderson stated Coach Bowers was in the process of involving other local agencies. Administrator Strube stated tremendous strides have taken place in the meeting and residents agreed that any improvement to the parks would take time and community involvement. Wendy Werner addressed the Council stating that there might be state money and block grants available for use. Administrator Strube stated that obtaining grants could be difficult as it is a very competitive process. Council Member Fazzone asked if most grants were matching fund grants. Administrator Strube stated points toward a grant could be received if there were matching funds. Mr. Kirk Bryson, a member of the community, presented pictures of some restrooms to the Council. He explained the structure and materials used in the construction. The proposed restrooms are manufactured by a local company; Southern Solutions. The locks on the doors are programmable to allow for them to open and close at set times. It was reported the cost of installing restrooms at the park could be between \$18,000.00 for one (1) booth, to \$31,000.00 for two (2) booths. Mr. Bryson volunteered his services for installation if needed. Lonnie Ward addressed the Council, stating restroom facilities should be a priority. He believes that any improvements to the parks should rest on the local government, and could not be completed by the citizens. Mr. Ward stated there are ways to get funding however this should be done under the authority of the City, with the City Administrator in control. The Council agreed City staff should meet again and discuss the parks improvements and renovations.

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The Golf Course report for the month of December, 2006 was submitted to the Council. Year to date revenues showed a decline. However, there were some rain days in November, and only nine (9) holes were open for twenty-one (21) days.

The Public Works report for the month of November, 2006 was submitted to the Council. A total of 495 man hours was reported by Inmates in November. It was noted that the new sweeper was not working due to a brush issue. The company did come down to repair the unit.

Mrs. Jeannie Martin, from the Beautification Committee, requested that a code enforcement report be submitted to the Council each month showing steps being taken in code violations and clean up. It was noted that the Marshall's monthly report shows the number of code enforcement violations. Attorney Holloman addressed Mrs. Martin in the absence of Code Enforcement Officer Rogers. Mr. Holloman reported that two (2) cases have been complete and that judgments have been served. The response time for this is thirty (30) days, at which time a lien will be recorded on the properties. One case has been tried in front of Special Master Vince Sica. Mrs. Martin requested clean up for the area in front of the car washes on Highway 70 East. In addition, she requested Christmas decorations be put up in the City during the season. Council Member Heine responded to the trash issue in front of the car wash stating that the trash had been cleaned up many, many times, but that the area is full of trash again almost immediately.

Geraldine Wall of 431 Singletary thanked the Council and the City for her new home funded with Community Development Block Grant (CDBG) funds. She is very pleased and appreciates all the work done by the City for her in order to get her into this home.

Council Member Heine asked if all the homes were completed to which Administrator Strube replied that the rest of the homes are very close to completion.

Council Member Fazzone stated Mrs. Crews on North Hernando was having a problem with trash as a result of old houses torn down next door to her and he asked that Administrator Strube look into this problem.

Sam Morgan, local N.A.A.C.P. President, voiced a concern to the Council regarding old cross ties and trash along the railroad southwest of town at Monroe and Pine Streets. Mr. Morgan stated the cross ties had been there over two (2) years. He stated they were an eyesore to the community. Marshall Lee stated he had spoken with the railroad in regards to this issue. The railroad had responded they would not be removing the cross ties. Marshall Lee stated the attorneys for the railroad said the City could sue them if they wanted. Council member Heine requested that Attorney Holloman write a letter from the City. Mr. Morgan suggest a public campaign, with newspaper coverage might be one way to reach the railroad officials.

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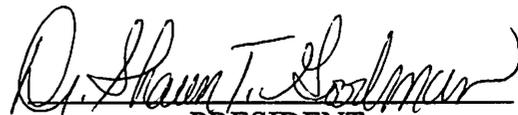
Mr. Kirk Bryson addressed the Council stating he and his wife had been in attendance at the Martin Luther King celebrations at the park on Monday, and had enjoyed themselves. They found the park to be very nice and complimented Tara Anderson and her staff for a job well done.

Attorney Holloman address the Council in regards to Sexually Oriented Businesses. He stated each member should have by now received information from Manatee County regarding the ordinance they prepared to regulate this issue. Attorney Holloman stated each member should read the very lengthy document. He stated a previous ordinance had been denied and the preparation of this ordinance by Manatee County and the review before the 11<sup>th</sup> Circuit would be instrumental in the passing of an ordinance for the City of Arcadia and DeSoto County. Attorney Holloman also requested Marshall Lee contact other city police departments as to how they were handling this issue. Attorney Holloman stated that a municipality must have rational to support reasoning for their ordinance because this issue is constitutionally protected. He again emphasized the importance of reading this information. Attorney Holloman stated this ordinance should be ready for first reading on April 17, 2006, in order to comply with the time line.

Council Member Fazzone requests that microphones be placed at each Council Member's seat in order to be heard clearly and for the transcription tape to be made clearer. Administrator Strube stated a new system would be needed and he asked that Special Projects Coordinator Hewitt look into getting information to meet this need. Fazzone moved to have microphones installed at each Council station by the next Council meeting and that a new recording system to be compatible with the microphone system also be purchased; seconded by Heine and carried. It was noted that it might take longer to purchase the recording system to which Council was in agreement.

There being no further business, the meeting was adjourned.

  
CITY RECORDER

  
PRESIDENT