

REGULAR MEETING

JULY 1, 2008

A Regular Meeting of the Arcadia City Council was held on July 1, 2008 at 6:00 p.m., in the Margaret Way Building at 23 North Polk Avenue. Council members attending were Goodman, Dixon, Fazzino, Heine and Johnson. Also in attendance were Administrator Strube, Attorney Galvano, Marshall Lee, and Special Projects Coordinator Hewett. Recorder Baumann was absent attending the Florida City Clerks seminar.

Mayor Goodman called the meeting to order.

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

Pledge of Allegiance to the Flag.

Mayor Goodman moved to item number twelve (12) on the agenda, regarding the City Attorney Engagement Letter. Administrator Strube addressed the Council and stated that the Council had previously been given a copy of the engagement letter and what is currently proposed is based on the agreement of the Council and Mr. Galvano. Heine moved to accept the Letter of Engagement for Mr. William Galvano as City Attorney and for it to be signed by Mayor Goodman; seconded by Dixon and carried. Administrator Strube presented Attorney Galvano with his name plate for his seat on the dais.

The Minutes of the Work Session on June 3, 2008 and the Regular Meeting of June 3, 2008 were adopted on a motion by Heine; seconded by Fazzino and carried.

Proposed Ordinance No. 940 was presented for first reading. Each Councilmember had previously been given a copy of the Ordinance for study. Administrator Strube explained that this ordinance will allow the Council to award a density bonus incentive for affordable housing. Administrator Strube stated that this ordinance is needed in order to allow the Arcadia Housing Authority to construct the Cypress Senior Village which requires a density of ten (10) units per acre which exceeds the City's Future Land Use map of six (6) units per acre. The City cannot make any amendments to its Comprehensive Plan due to the insufficiency of its 2006 Evaluation Appraisal Review (EAR) Report. He reported that the City has been in contact with the Department of Community Affairs (DCA) who advised that if the City had an ordinance that authorized a density bonus for affordable housing then it would be possible to override the Future Land Use amendment. Administrator Strube noted that in order to meet the projects time line the ordinance was submitted for a 1st reading today and he anticipates that the 2nd reading will be held on July 15, 2008 and the third and final reading on August 5, 2008. This schedule should be sufficient to allow the project to move forward. He also stated that after the Planning and Zoning Board Meeting of July 8, 2008 he anticipates a re-zoning of the property will be scheduled. Heine moved to waive the rules and read the proposed ordinance by title only; seconded by Dixon and carried.

Regular Meeting
July 1, 2008
Continued

ORDINANCE NO. 940

AN ORDINANCE OF THE CITY OF ARCADIA, FLORIDA, A
MUNICIPAL CORPORATION, PROVIDING FOR THE
AWARDING OF DENSITY BONUS INCENTIVE FOR
AFFORDABLE HOUSING; PROVIDING FOR SEVERABILITY;
AND PROVIDING FOR AN EFFECTIVE DATE.

Fazzone then moved to adopt Ordinance No. 940 on first reading; seconded by Johnson. Mayor Goodman called for comments from the public. There were none. The motion carried on roll call vote. Ayes: Fazzone, Dixon, Johnson, Heine and Goodman. Nays: None.

Mrs. Mary Kay Burns, Administrator of the DeSoto County Health Department, addressed the Council regarding budget cuts relating to the Health Department. Mrs. Burns stated that due to the department's budget cut of Two Hundred Fifty Thousand Dollars (\$250,000.00) four positions had been eliminated. Mrs. Burns noted that clients of the Health Department are also citizens of the City of Arcadia. She stated that the department's budget is being looked at very closely in order not to discontinue any client services. Mrs. Burns asked that when the Council begins working on the upcoming budget that they consider giving a donation to the Health Department. Mrs. Burns reported that DeSoto County gave Fifty Nine Thousand Dollars (\$59,000.00) to the department last year. Mayor Goodman stated that the City will also be facing budget cuts this year as would be every other government agency in Florida. Councilman Dixon stated that the services of the Health Department are needed and he would support looking at the budget to see if the City could provide any aid to the Health Department. He also acknowledged that the City will be facing a significant reduction in its operating budget. The Council agreed to take the request into consideration. Councilman Fazzone asked how these cuts have effected the Capital Budget for the departments new building to which Mrs. Burns stated that the state will not allow them to accessed these funds at this time; however, they are working on seeking grant funds.

A request by letter from Ms. Teresa Perez, to hold an auto tent sale at the DeSoto Plaza on July 17 through the 21, 2008 by Charlotte Honda, d/b/a Florida Auto Liquidators was presented. Dixon moved to deny the request for an auto tent sale until some form of regulation of this type of event can be put into place; seconded by Fazzone. Councilman Dixon stated he was in favor of these types of sales; however too much of anything can be bad for you. He would like additional information and more time to look at these types of sales before approving any more. Councilman Fazzone reported that he

Regular Meeting
July 1, 2008
Continued

has received several phone calls opposing tent sales and noted that the County is currently preparing an ordinance to address this issue. Councilman Fazzino recommends that the City wait until the County ordinance is completed in order for the City and County ordinances to be compatible. The County had issued a six month suspension in approving tent sales which would be up in September. Councilman Fazzino asked Councilman Dixon to amend his motion to wait until the County has something in place. Councilman Dixon stated he will not amend his motion. He does not believe that the City should wait to see what the County is going to do. Councilman Dixon stated that the City is a government entity and with the new attorney it should not take until September to draft an ordinance. Councilman Dixon then stated for the record that he is very much in favor of this type of event; however he feels that there should be some type of regulation in order to protect the citizens from being taken advantage of. Councilman Fazzino stated that he thought there were some regulations currently in place. Councilman Dixon noted he spoke with Administrator Strube, and the City does not have an ordinance regulating tent sales. Councilman Johnson agreed that tent sales need to be regulated and he suggested a workshop be held to address the issue. Attorney Galvano stated that he reviewed the City Code and at this time there is nothing in place regarding this issue. After discussion Dixon amended his motion to deny the request from Ms. Perez for an auto tent sale and to meet at 5:00 PM prior to the next Council Meeting on July 15, 2008 in order to put together some type of regulation on tent sales; seconded by Johnson and carried.

The Fines and Forfeitures Report for the month of May, 2008 was presented indicating fines in the amount of \$2,330.50.

The Police Department activity report for the month of June 2008 was presented.

Marshall Lee addressed the Council and informed them that all sealed bids for towing services were due in today, July 1, 2008. Three (3) bids were received and the bid of Twenty-five (\$25.00) from Darryl Suggs as an amount to be paid to the City for each vehicle towed, was accepted. Marshall Lee estimates that this would bring in about Seven Thousand Dollars (\$7,000.00) in additional revenue to the City. Other bids received were a bid of Ten (\$10.00) from Joe Pursell and Twelve (\$12.00) from Pursell's. This money will go into the General Fund to help with the expenses. Dixon expressed concern that the City took the highest bid on the towing contracts. It was explained that this money will be paid to the City and will be a revenue source not an expense. Administrator Strube asked if this would do away with the current rotation of wrecker services to which Marshall Lee stated that it would. Marshall Lee stated that the vehicle owner will still have the right to select the wrecker service of their choice.

Marshall Lee then addressed the Council stating that the Police Department entered into an agreement about two (2) years ago with Manatee County regarding the use of K-9's.

Regular Meeting
July 1, 2008
Continued

Manatee County realizes that the City of Arcadia has fewer funds available and they have donated two (2) 2003 Crown Victoria's which are outfitted as K-9 vehicles to the Police Department. The vehicles are worth about \$30,000.00. He stated the Police Department will pass down two older vehicles to other departments within the City.

The Recorder's report of Revenues and Expenses through May 31, 2008 was presented.

Mr. Ray Stewart, of the DeSoto Insurance Agency, Inc. addressed the Council regarding the renewal of the City's Property and Casualty insurance policy with Preferred Governmental Insurance Trust (P.G.I.T.). The normal renewal date is October 1, 2008; however the reinsurance markets are more competitive and the City could save approximately Ten Thousand Six Hundred and Fifty Dollars (\$10,650.00) by renewing on July 1, 2008 with a fifteen (15) month contract. Mr. Stewart stated an additional benefit is that the rate would be locked in for this year's hurricane season. Heine moved to accept the new P.G.I.T. policy renewal effective July 1, 2008 for a term of fifteen (15) months and a rate of \$253,807.00; seconded by Dixon and carried.

The Planning and Zoning Board at a meeting on June 10, 2008 recommended the following to the City Council:

1. That the request of Mr. Shawn Knapp for a waiver in the requirement for a sidewalk at a newly constructed home located at 360 W. Gibson be granted as allowed for by City Code Section 90-137. *"The city council upon recommendation of the board, may waive the requirement of sidewalks on streets in those blocks where the average width of the lot is 200 feet or more, or where a park, railroad canal or other use on one side of a street makes a sidewalk on that side not essential for safety of pedestrians"*. Dixon moved to grant the request for a wavier in the requirement for a sidewalk at 360 W. Gibson based on City Code Section 90-137; seconded by Johnson and carried.
2. That the request of Kenan Enterprises Inc. and Met and Son's LLC (ala Ken Cetin) regarding their/his petition to rezone all lots 8, 12, 13, & 14; the East 5ft. of Lot 7, the East 5 ft. of the North 50 ft. of Lot 11, and the East 10 ft. of the South 100 ft. of Lot 11, Block 6, Tier 8, Gilchrist East End Addition be amended to rezone all of Lots 7 through 14, Block 6, Tier 8, Gilchrist East End Addition from Two-Family Dwelling R-2A to Residential-Professional-Business RPB and a joint Public Hearing be scheduled with a possible date of September 2, 2008 time to be set at 6:00 PM or as soon thereafter as possible. Dixon moved to hold a Public Hearing on September 2, 2008 time to be set at 6:00 PM or as soon thereafter as possible to consider the re-zoning request; seconded by Johnson and carried.

Regular Meeting
July 1, 2008
Continued

Administrator Strube addressed the Council regarding a proposed re-zoning request from Mark Steward d/b/a MCS Contractors Inc. for property close to the intersection of Lee Avenue and Levines Avenue. The current zoning is One-Family Dwelling R-1A although the surrounding property appears to meet a zoning of One-Family Dwelling R-1 B. Ms. Way researched the property and discovered that it was originally platted in 1953 which would pre date the current zoning code of 1961. The Council could enact Code Section 110-605 "*Use of nonconforming lot for single-family dwelling*" or Code Section 110-11 "*Authority to grant exceptions for existing platted lots*" rather than having the property re-zoned. Attorney Galvano stated that staff had done an excellent job of representing the situation showing that the City has for some time considered the adjoining property as R-1B and therefore the City based on this history can approve to allow the property to be used as R-1B under Section 110-11. Heine moved to approve either the enacting of Section 110-11 or to re-zone the property based on a recommendation from the Planning and Zoning Board at their next meeting of July 8, 2008; seconded by Dixon and carried.

Administrator Strube addressed the Council and presented Specific Authorization No. 4 with Hazen and Sawyer for Engineering Services for Well Construction Bid Services in the amount of \$20,000.00. Fazzone moved to approve Specific Authorization No. 4 for Well Construction Bid Services with Hazen and Sawyer in the amount of \$20,000.00 seconded by Johnson and carried.

The Airport Report for the months of April 2008 and May 2008 were presented. Special Projects Coordinator Hewett reported that all hangers are rented with the exception of one that is in litigation.

The Golf Course Report for the month of May, 2008 was presented.

Mr. Paul Hoover addressed the Council regarding the issue of double taxation and asked if the County has scheduled a workshop to discuss this issue. Administrator Strube reported that he has a meeting scheduled next week with the County regarding the water quality issue at Wal-Mart which is the end of the County's water line. He hopes that at that meeting he will be able to discuss several other issues with the County such as the double taxation, animal control and building inspections.

Mr. Louis Ross addressed the Council concerning two (2) houses in his neighborhood that have been in bad repair since Hurricane Charley. Attorney Galvano stated that he has spoken with Administrator Strube regarding dilapidated structures and what can be done. He also asked that the alley behind his house belonging to the City be mowed. Mayor Goodman asked if the prisoners could be used to clean alley to which Administrator Strube stated he will check into the cleaning of the alley. There was some

Regular Meeting
July 1, 2008
Continued

discussion about abandoning City alleys and turning them over to property owners; however if there are utilities in the alley then they cannot be abandoned in that manner. All Council was in agreement that it is the City's responsibility to keep the alley ways mowed not the property owners.

Mr. Joe Fink addressed the Council regarding the issue of double taxation and stated that it is up to the City Council to make sure that the County follows the letter of the law in this matter.

Mrs. Helen Anthony, a former City of Arcadia employee addressed the Council concerning her termination from the City for DUI. Ms. Anthony stated that other employees who were charged with a DUI are still working for the City although she had been terminated. Councilman Heine stated that Ms. Anthony spoke with him regarding her termination in June 2007, he noted that this was a matter for the Administrator to handle as he saw fit. Heine also explained to Ms. Anthony that she should read her employee manual to which she stated that she had not received the revised Employee Manual. Mayor Goodman asked that Ms. Anthony provide Administrator Strube with the names of the other employees she believes have received a DUI and were not terminated. Attorney Galvano stated that Ms. Anthony does have the right to address the Council with her concerns; however he cautioned the Council not to establish any form of standard. He noted that most of the employees are employees "at will" which means that they are employed at the will and pleasure of the City. Councilman Dixon requested that Administrator Strube look into this issue. Councilman Johnson asked Administrator Strube if all employees received a revised Employee Manual to which he stated that new employees did receive them. Councilman Johnson then asked that Administrator Strube provide all employees with a new Employee Manual and have each employee sign they had received the manual.

Mr. Robert Womack of Womack Sanitation addressed the Council regarding his previous proposal for sludge disposal. Administrator Strube stated that the roll off appears to be the best way for removal. Councilman Heine and Dixon stated that they are in favor of using Mr. Womack's services which should help to reduce current costs associated with the removal of sludge. Administrator Strube will issue a Purchase Order for the removal of sludge to Womack Sanitation.

Attorney Galvano expressed his appreciation for being selected as City Attorney and stated he was looking forward to working with the Council. He reported that he was able to prepare an advertisement for the City Administrator position noting that it would not be a requirement that the administrator live in the City giving the timing of the adoption of the Charter in relation to F.S. 166.21.5.

Regular Meeting
July 1, 2008
Continued

Councilman Dixon welcomed Mr. Galvano. He then asked that Administrator Strube reconsider and withdraw his resignation and remain as the City Administrator. Councilman Dixon stated that Administrator Strube has done a good job and knowing what the City is looking at regarding revenue shortfalls he feels that it would be in the City's best interest to retain Mr. Strube.

Councilman Fazzino, Johnson and Heine agreed with Councilman Dixon in asking for the withdrawal of his resignation. Mayor Goodman stated everyone needs to work together as a team and it seems that over the past few months that this is now happening. She is in support of Administrator Strube remaining. Mayor Goodman stated that her term is up in 2009 and she does not have any intention of running for re-election as she has been on the Council since 1995. Councilman Johnson stated that he is also in his last term. Administrator Strube expressed his appreciation for the comments from the Council especially from Councilman Dixon noting that they have had their differences and he agreed to withdraw his resignation.

Dixon moved to accept the withdrawal of Mr. Strube's resignation and to stop and withdraw all advertisement for the City Administrator position; seconded by Johnson and carried.

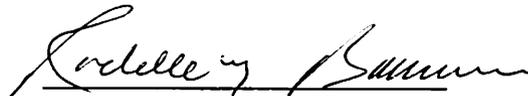
Mayor Goodman thanked Mr. Fink for addressing the issue of dual taxation. Councilman Dixon believes that with the new attorney the City will be able to move forward on this issue. Attorney Galvano stated that there are steps that can be taken prior to this being a formal agenda item as was suggested by Mr. Fink and he will begin working on it.

Administrator Strube addressed the Council regarding the upcoming budget. He stated that normally on July 1, the Property Appraiser has to provide the City with the Certified Taxable Value for the upcoming year. However, this year the Property Appraiser requested and received from the State approval to delay the Certification of Taxable Value until no later than July 11, 2008 due to software issues in implementing Amendment 1. The City will have 35 days after receipt to return the form with a millage rate. In order to maintain the budget review and approval schedule, Administrator Strube recommends the Council consider a work session on July 15, 2008 to review the budget and schedule another work session for August 5, 2008. For 2008, the increased homestead and tangible property tax exemption of Amendment 1, in addition to property devaluation of property, has resulted in a reduction of the total assessed value of non-exempt property from last years taxable value. This reduction is estimated to be 12.% or \$190,000.00. This amount equates to a reduction in the normal growth rate of four (4) years in the roll back rate. Administrator Strube stated that he is working to balance the

Regular Meeting
July 1, 2008
Continued

budget but with the projected shortfall it will be difficult. This year due to the decreased values the roll back rate is really a roll forward/up rate which would allow the Council to go from 7.5 to 8.4 mills. He does not believe that this would sit well with the citizens as the idea behind Amendment 1 was for tax relief. Administrator Strube noted that after Hurricane Charley in 2004 the City reduced expenditures by about \$400,000.00 by not filling several positions that became vacant. He feels that the Council will need to make a decision on what services that they want to continue to provide. Councilman Fazzone noted that other Cities are going to a four (4) day work week and asked if this was something this Council might needed to consider. Administrator Strube stated the Water Plant and the Police Department are a 24 hour operation and would not be able to have cuts. Councilman Dixon believes that the Administration and Public Works departments need to be looked for possible cuts stating that this is not a popular thing, but may need to be done.

There being no further business the meeting was adjourned.


CITY RECORDER


PRESIDENT