

REGULAR MEETING

JULY 17, 2007

A Regular Meeting of the Arcadia City Council was held on July 17, 2007, at 6:00 p.m. in the Margaret Way Building at 23 North Polk Avenue. Council Members attending were Johnson, Goodman, Whitlock, Fazzone, and Heine. Also in attendance were Administrator Strube, Attorney Holloman, City Marshall Lee, Special Projects Coordinator Hewitt, Grant Coordinator Weeks, Public Works Supervisor Reed, Ms .Way, and Recorder Baumann.

Mayor Johnson called the meeting to order.

The Invocation was given by Council Member Goodman.

Pledge of Allegiance to the Flag.

The Minutes of the Special Historic Sign Dedication Ceremony of June 19,2007 and the Regular Meeting of June 19, 2007 were adopted on a motion by Goodman; seconded by Whitlock and carried.

Proposed Ordinance No. 937 repealing sections 18-4, 22-31, 22-32, 22-33, and 22-34 of the Code of Ordinances of the City of Arcadia, Florida was presented on second reading. Whitlock moved to waive the rules and read the proposed ordinance by title only; seconded by Heine and carried.

ORDINANCE NO. 937

AN ORDINANCE OF THE CITY OF ARCADIA, FLORIDA,
REPEALING SECTIONS 18-4, 22-31, 22-33, AND 22-34 OF THE
CODE OF ORDINANCES OF THE CITY OF ARCADIA, FLORIDA;
MAKING FINDINGS; PROVIDING REPEAL OF CONFLICTING
ORDINANCES; PROVIDING SEVERABILITY; PROVIDING FOR
EFFECTIVE DATE.

Whitlock then moved to adopt Ordinance No. 937 on second reading; seconded by Heine. Mayor Johnson called for comments from the public. There were none. The motion carried on a roll call vote. Ayes: Whitlock, Fazzone, Goodman, Heine and Johnson. Nay: None.

A request from Myron Wickey for a modification of his contract price for a Welcome to Arcadia Sign was tabled until later in the meeting as Mr. Wickey was not in attendance.

A request from the Arcadia Rodeo Association was presented to the Council by Jackie Tucker. The Rodeo Association would like to sponsor a Cowboy Parade for horse and rider only, on July 28, 2007. The parade is to honor the Cowboys of our county, which

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are a part of the history of DeSoto County and Arcadia. The parade would begin at 4:00 p.m. and would line up at Oak Street and Orange Avenue. The parade would proceed to the Rodeo grounds. The Police Department will assist with traffic control. Whitlock moved to grant the request of the Arcadia Rodeo Association to hold a Cowboy Parade on Saturday, July 28, 2007; seconded by Heine and carried.

The Fines and Forfeitures report for the month of June, 2007 was presented showing \$4,843.93 for fines.

The Police Activity Report for June, 2007 was presented.

The Recorder's report of Revenues and Expenditures through June 30, 2007 was presented.

Administrator Strube addressed the Council to present preliminary budget information for the Fiscal Year 07/08. The proposed budget is for the General Fund only at this time and has tentatively been balanced using the rollback rate of 7.5587 mills. The millage rate adopted by the City last year was 7.981 mills. Based on the Legislature's Tax Reform efforts, the City's maximum millage levy without a super majority vote (4/5 ths) is limited to the rollback rate of 7.5587. The City is exempt from any additional deductions from the rollback rate due to being considered a municipality of "special financial concern"; otherwise the City would have had to take an additional 3% off the rollback rate, which would have been a loss of \$54,022 in revenue. The rollback rate reflects a millage reduction of .3593 mills or 4.5%; however due to new construction the rollback rate will still generate an additional \$14,075 in ad valorem tax revenue at 100% collection or \$13,371 at 95% collection.

An employee pay increase of 3% has been factored into the tentative budget at a cost of \$59,547 in the General Fund and \$23,373 in the Water and Sewer Fund for a total cost of \$82,920. Updated rates have not been received for health insurance, workers compensation insurance, or liability insurance; however the proposed budget reflects a 10% increase in expenditures for these insurances. It was noted that due to the merger of the Fire Department with the County the City's Worker's Comp insurance expenditures for FY 06/07 reflect a decrease of \$73,976.00 from the previous year.

Contributions to civic programs included in the proposed budget are for Senior Friendship Center \$2,631.00, Chamber of Commerce \$7,500.00, Main Street \$5,000.00, Selby House \$2,000.00, United Way 211 \$6,000.00, Homeless Coalition \$2,000.00, and the Historical Society \$2,500.00.

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Other items of note in the budget were the request from the Police Department to purchase three (3) new vehicles; only one (1) was funded for \$23,333.00. A request to replace the Parks and Recreation Department mini van was not funded. And \$169,750.00 was budgeted for fuel expenditures which represents a 66% increase from FY 05/06.

Administrator Strube stated that the budget must be submitted by August 3, 2007, in order to meet the deadline for the Truth In Millage (TRIM) notice. Administrator Strube suggested that the Council hold a workshop one hour before the August 21, 2007 meeting. Council Member Whitlock asked if the remainder of the information would be ready in the next couple of weeks to which Administrator Strube stated that he should have the water and sewer fund budget completed at that time.

Heine moved to adopt the rollback rate of 7.5587; seconded by Whitlock and carried.

Special Projects Coordinator Hewitt addressed the Council regarding stop work orders which were issued to three (3) residents of the City for not having a building permit. Mr. Hewitt stated there was still a problem with enforcement because of a lack of an Interlocal Agreement between the City and the County. Council Member Fazzone inquired who is responsible for applying for the permits to which Administrator Strube stated it is the homeowner responsibility. Fazzone then inquired if the Interlocal Agreements were getting closer to being completed to which Administrator Strube stated he had not seen nor signed any of the pending Interlocal Agreements with the County.

The Planning and Zoning Board at their meeting on July 10, 2007 recommended the following to the City Council:

1. That David M. Childs be granted a Special Approval by Resolution No. 2007-5 allowing him to divide his property on the corner of Walnut and Manatee into two (2) parcels each with a duplex, and that 206/208 North Manatee be approved for a plot width reduction to 52.40 feet with all setbacks being met. Heine moved grant the request by Resolution No. 2007-5; seconded by Fazzone and carried.

RESOLUTION NO. 2007-5

WHEREAS, David M. Childs owns property on the corner of Walnut and Manatee Ave. (Parcel # 36-37-24-0081-0080-0170) which contains two duplex, and

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(Resolution No. 2007-5 continued)

WHEREAS, David M. Childs is unable to obtain financing since this seems to be an unusual situation in Arcadia, and

WHEREAS, David M. Childs would like to divide the property to resolve this issue, however to do so the size of one plot would not meet the required plot width for a duplex, and

WHEREAS, the Planning and Zoning Board has considered the request and found that it appears to be a unique situation and that all setbacks and other requirements have been met, therefore they recommend that the City Council grant a special approval for Mr. Childs to divide his property on the corner of Walnut and Manatee into two parcels each with a duplex, and that 206/208 North Manatee be approved for a reduced plot width of 52.40 feet with all setbacks being met.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Arcadia, Florida that a special approval be granted to David M. Childs to divide his property on the corner of Walnut and Manatee into two parcels, each with a duplex, and that 206/208 North Manatee be approved for a reduced plot width of 52.40 feet with all setbacks being met.

BE IT FURTHER RESOLVED that this approval be granted subject to all other city, county, and state laws, rules, and regulations being met.

PASSED BY THE CITY COUNCIL of the City of Arcadia, Florida in Regular Session in the City Council Chambers this 17th day of July 2007.

CITY OF ARCADIA, FLORIDA

By: /s/ Roosevelt Johnson

ROOSEVELT JOHNSON, MAYOR

ATTEST:

By: /s/ Rachele M. Baumann
 RACHELLE M. BAUMANN
 CITY REDORDER

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Planning and Zoning recommendations cont.

2. That Gil Stainbrook be granted a Special Approval by Resolution No. 2007-6 allowing for the placement of a carport, slab, and tool shed in the side and front yard of his home at 912 N. Arcadia Avenue due to the fact his home was built prior to the present regulations and was built without a rear yard. Fazzone moved to grant the request by Resolution No. 2007-6; seconded by Whitlock and carried.

RESOLUTION NO. 2007-6

WHEREAS, Gil and Glenda Stainbrook own a home at 912 N. Arcadia Avenue,
and

WHEREAS, their home was built prior to the present regulations without a now required rear yard, and

WHEREAS, they have a need for a carport and tool shed which was built in the side and front yard, and

WHEREAS, this is in violation of Section 110-631 (a) and (b) of the City Code,
and

WHEREAS, The Planning and Zoning Board has reviewed this situation and has recommended that the City Council grant a special approval permitting the accessory structures to remain in the side and front yard.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Arcadia, Florida that a special approval be granted to Gil and Glenda Stainbrook to permit the carport and tool shed to remain in the side and front yard.

BE IT FURTHER RESOLVED that this approval be granted subject to all other city, county, and state laws, rules, and regulations being met.

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(Resolution No 2007-6 continued)

PASSED BY THE CITY COUNCIL of the City of Arcadia, Florida in Regular Session in the City Council Chambers this 17th day of July 2007.

CITY OF ARCADIA, FLORIDA

By: /s/ Roosevelt Johnson
 ROOSEVELT JOHNSON, MAYOR

ATTEST:

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

Planning and Zoning Recommendations Continued:

3. That Delia Noyola be granted a Special Approval by Resolution No. 2007-7 allowing for a reduction in the street side yard setback for the construction for a carport to be constructed using a present slab and that the carport be tied into the roof line of the current residence. Goodman moved to grant the request by Resolution No. 2007-7; seconded by Heine and carried.

RESOLUTION NO. 2007-7

WHEREAS, Delia Noyola, 421 West Effie Street has placed a carport on the existing concrete slab at the rear of her home, and

WHEREAS, this home was constructed years before the present regulations requiring a 15 foot set back from the street, and

WHEREAS, there is a utility shed that is also now in violation to Section 100-631 (b) which is to removed, and

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(Resolution No 2007-7 continued)

WHEREAS, The Planning and Zoning Board has considered the circumstances and has recommended that the City Council grant a special approval to permit the carport to remain with a reduced street side yard set back and the carport be tied into the roof line of the residence and that the utility shed be removed when the carport is completed.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Arcadia, Florida that Delia Noyola be granted special approval to permit the carport to remain with a reduced street side yard set back and that the carport be tied into the roof line of the residence and that the utility shed be removed when the carport is completed.

BE IT FURTHER RESOLVED that this approval be granted subject to all other city, county, and state laws, rules, and regulations being met.

PASSED BY THE CITY COUNCIL of the City of Arcadia, Florida in Regular Session in the City Council Chambers this 17th day of July 2007.

CITY OF ARCADIA, FLORIDA

By: /s/ Roosevelt Johnson
ROOSEVELT JOHNSON, MAYOR

ATTEST:

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

The Planning and Zoning Board as the Citizen's Advisory Task Force (CATF) recommended that the Council approve two clients for housing grant assistance funding. Whitlock moved to approve the application of Alfredo Ruiz, 315 North Monroe and Trinnia Smith, 310 Owens Avenue, for grant funds to be used for housing rehabilitation, subject to the property owners meeting all grant requirements; seconded by Heine and carried.

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The Public Works report for May 2007 and June 2007 were presented. Public Works Supervisor John Reed reported that not all of the fire hydrants reported by the County Fire Marshall as inoperative were inoperative. All of the hydrants on the list have been checked and he is in the process of repairing any that were out of order. Council Member Heine asked about the use of the new street sweeper to which Mr. Reed reported that a person with a Commercial Drivers License (CDL) is required to operate the sweeper and at this time he only has one qualified operator. All Council Members expressed their sympathy in the recent death of Bill Roan who had worked in the Public Works Department. Mr. Reed stated that Bill's position has not been filled at this time and that other employees are helping out until a replacement is hired.

Administrator Strube reported that the plans for the restrooms at Louis Anderson Park have been certified. The next step will be the permitting and then the ground breaking. A certified contractor will be working along with the DeSoto County Community Development Corporation to complete this construction.

The Golf Course Report for the month of June, 2007 was presented. Council Member Whitlock commented on the good condition of the golf course.

Administrator Strube addressed Council to request approval of Specific Authorization No. 47 with Boyle Engineering Corporation for services related to wastewater collection system repair and damage assessment associated with Hurricane Charley for an additional \$33,500.00. Heine moved to authorize the mayor to sign Specific Authorization No. 47 with Boyle Engineering Corporation in the amount of \$33,500.00; seconded by Whitlock and carried.

Administrator Strube then addressed Council to request approval of Specific Authorization No. 53 with Boyle Engineering for services related to the Water Distribution System Disinfection Conversion. This conversion should get the water in compliance with DEP. Whitlock moved to authorize the mayor to sign Specific Authorization No. 52 with Boyle Engineering Corporation in the amount of \$77,200.00; seconded by Goodman and carried.

Mary Kay Burns, Administrator, DeSoto County Health Department, presented the Council with pictures of the land given to the County by the City for the expansion of the Health Department. The old buildings on the site have been demolished, and the land has been cleared and cleaned. Mrs. Burns invited the Council to attend a meeting that will be held on Wednesday, July 18, 2007, with several agencies in which potential HUD money and other grant funds might be used provide health services to the community. Mrs. Burns also reported that Keith Keen from the DeSoto County Health Department will oversee the county wide Mosquito Control Program. It was noted that the County can only apply for one (1) mosquito control grant and the City can not also apply as was originally thought.

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Goodman moved to grant the request to reappoint Sandra Sanders to a one (1) year term as Special Master said term to expire August 12, 2008; seconded by Whitlock and carried.

It was noted that Stan Abram is researching possible attorneys to replace Vince Sica as a Special Master.

Administrator Strube addressed Council regarding a request from Mr. Wickey for a modification of the contract price for the Welcome to Arcadia Sign which was tabled from earlier in the meeting. It was noted that Mr. Wickey was still not in attendance. The sign has been completed and has the signature of Mr. Wickey as sign maker, as well as an added reference to the Wood Shop, which is a business of Mr. Wickey's. The original price of the sign as agreed upon was \$4,000.00 which included a reduction in order for Mr. Wickey to have his name on the sign. Mr. Wickey is now requesting an additional \$5,460.00. A check for \$2,000.00 was paid in October of 2006. It is against the City Code to have an individual's business name on the sign. It was noted that Mr. Wickey was the contest winner for the original design of the sign. After discussion Heine moved to release the remaining \$2,000.00 of the original agreed price, to allow Mr. Wickey's name to remain on the sign; however the "Wood Shop" must be removed and Mr. Wickey is to sign a full release to the City; seconded by Goodman and carried

Council Member Heine addressed Council to discuss his concerns regarding a letter the Council had received along with newspaper articles and questions he has received in reference to a proposed housing project to be built by Catholic Charities by the name of Casa San Juan Bosco. Heine questioned if the Council should be involved in the debate regarding who is to supply water to the property. Administrator Strube stated that when the article was in the paper was the first time that anyone, including himself, was aware of this issue. Attorney Holloman stated he felt due to potential litigation, the project should not be discussed. Administrator Strube felt that because this was a known issue, some points needed to be discussed. He stated that at this time it appears that the agreement with the County and Casa San Juan Bosco is basically in default. The City had been asked if they have the capacity to provide water to this project to which they responded that they do have the capacity. Administrator Strube stated we are trying to find a happy median. He asked if the Council is against pursuing this issue to which Goodman and Heine replied that they were not against the project. They would like to be notified when something of this nature affecting the City business was being discussed in order to know how to respond to questions from the public regarding this issue. Goodman stated that a phone call, email or something would be appropriate when letters, newspaper articles, or other information was received by administration. Mayor Johnson commented that he appreciated phone calls he had received in the past in regards to upcoming information. Administrator Strube again stated that he also read about Catholic Charities wanting to go with the City for water services in the paper and did not

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have any first hand knowledge that the Council did not have. Council Member Heine stated he felt Sister Cathy Buster, vice president of the Casa San Juan Bosco housing project, should bring any request before the Council. Administrator Strube also informed the Council that another project in the immediate area is being planned which would have 345 units on sixty (60) acres and the City may be asked if they have the capacity to provide water to it as well.

Mayor Johnson presented the Council with a letter from Governor Christ regarding allegations by Ms. Greenwood, daughter of Rosa McQueen, against the City, concerning property owned by Mrs. McQueen. Mayor Johnson stated he had extensive knowledge of this situation, having discussed the matter in the past with Ms. Greenwood and Ms. McQueen. The problem is that Mrs. McQueen would not relinquish money given to her by FEMA in order to qualify for Community Development Block Grant housing assistance. This would have resulted in "double-dipping" and therefore disqualified her from receiving a home through grant funds. The Council felt that a letter explaining the situation should be prepared at once and sent to the Governor.

Council Member Goodman asked if there was any way the members could be notified when these types of letters and information were received. Administrator Strube stated copies of information had been placed in the Council Members mailboxes. Council Member Goodman asked if a phone call could be made advising the members there was important information they needed to be aware of in their mail boxes. Attorney Holloman also stated information had been mailed. He did not realize there was a problem with information not being received. Mayor Johnson again stated a phone call would be appreciated.

Council Member Goodman asked Grant Administrator Steve Weeks about the status of a house on Bay and Owens Streets. Mr. Weeks advised the Council that this is not a City project.

There being no further business the meeting was adjourned.


CITY RECORDER


PRESIDENT