

REGULAR MEETING

MARCH 20, 2007

A Regular Meeting of the Arcadia City Council was held on March 20, 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, Ms. Way, and Recorder Baumann.

Mayor Johnson called the meeting to order.

The Invocation was given by Council Member Heine.

Pledge of Allegiance to the Flag.

The Minutes of the Regular Meeting of March 6, 2007 were adopted on a motion by Goodman; seconded by Whitlock and carried.

Proposed Ordinance No. 935 was presented on third reading. Council Member Whitlock moved to waive the rules and read the proposed ordinance by title only; seconded by Fazzone and carried.

ORDINANCE NO. 935

AN ORDINANCE AMENDING SECTION 18-3 OF THE CODE OF ORDINANCES OF THE CITY OF ARCADIA, FLORIDA; MAKING FINDINGS; PROVIDING AN EXCEPTION FOR PLACES ALREADY HOLDING A LICENSE TO SELL ALCOHOLIC BEVERAGES WHEN A HOUSE OF WORSHIP, SCHOOL, PARK OR PLAYGROUND FOR CHILDREN MOVES WITHIN 300 FEET OF SUCH PLACE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Fazzone then moved to approve Ordinance No. 935 on third and final reading and that it become an Ordinance of the City of Arcadia; seconded by Whitlock. Mayor Johnson called for comments from the public. Mr. Kirk Bryson addressed the Council with a concern. Mr. Bryson felt the wording should specify a date or time frame. Attorney Holloman does not feel that the ordinance needs to be specific on the time frame for "grandfathering in". Mayor Johnson called for additional comments. There were none. The motion carried on a roll call vote. Ayes: Whitlock, Fazzone, Heine. Nays: Johnson, Goodman.

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WHEREAS, the City Council of the City of Arcadia, Florida, finds it necessary and in the best interests of the citizens of the City of Arcadia, Florida, to clarify Section 18-3 of the City Code of the City of Arcadia, Florida, in the event a house of worship or school, or a park or a playground for children locates within 300 feet of a place already licensed to sell alcoholic beverages; and,

WHEREAS, the City Council of the City of Arcadia, Florida, considers it only fair and reasonable that such place continue to be allowed to sell alcoholic beverages.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA, as follows:

Section 1. That Section 18-3 of the Code of Ordinances of the City of Arcadia, Florida, is hereby amended to read as follows:

- (a) No Business for the sale of alcoholic beverages shall operate at any place within the city limits which is less than 300 feet, measured radially, between the nearest door of the place sought to be licensed and the nearest door of a house of worship or school, or park or a playground for children.
- (b) In the event that a house of worship or school or park or a playground for children locates within 300 feet or less of a place previously licensed to sell alcoholic beverages measured as set forth in Section (a), then such place may continue to sell alcoholic beverages under the license which it then holds. Such place shall continue to have the right

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(Ordinance No. 935 continued)

to sell such alcoholic beverages under that particular type of license, but no other, even though the property ownership changes and even though the sale of alcoholic beverages has been discontinued at that place for a period of time.

Section 2. If any subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional, the remainder of this Ordinance shall not be effected by such invalidity.

Section 3. That this Ordinance shall take effect pursuant to Chapter 73-403 of the laws of the State of Florida.

PASSED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA,
ON THIS 20TH DAY OF March, 2007.

ATTEST:

CITY OF ARCADIA, FLORIDA

By: /s/ RACHELLE M. BAUMANN
RACHELLE M. BAUMANN, CMC
City Recorder

By: /s/ ROOSEVELT JOHNSON
ROOSEVELT JOHNSON
Mayor

PASSED ON FIRST READING February 20, 2007

PASSED ON SECOND READING March 6, 2007

PASSED ON THIRD READING March 20, 2007

APPROVED AS TO FORM:
DAVID C. HOLLOMAN, CITY ATTORNEY

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Mrs. Mary Kay Burns, Administrator of the DeSoto County Health Department addressed the Council, thanking them for the transfer of a deed for the old water plant property. Mrs. Burns showed pictures to the Council of the grounds around the old water plant and stated that the County is willing to clean up the grounds while tearing down the old building if the City requests them to. Fazzone moved to have Administrator Strube send a letter to County Administrator Coffey requesting that the County clean up the grounds; seconded by Goodman and carried.

Mrs. Burns then presented Mr. Keith Keene from the DeSoto County Health Department. Mr. Keene introduced Kedesch Altidor to the Council. Ms. Altidor is heading the Protocol for Accessing Community Excellence (PACE) program, for DeSoto County. The Southwest section of Arcadia is the neighborhood that has been chosen to begin the new program. Ms. Altidor shared her enthusiasm for environmental health with the Council and stated that she is very happy to working in Arcadia. Mayor Johnson welcomed Ms. Altidor to Arcadia.

Mr. Rufino Rodriquez, President of the Cinco de Mayo Committee, addressed Council to request permission to hold the Sixth Annual Cinco de Mayo Parade on May 5, 2007. The parade would require the closing of Oak Street from Orange Avenue to Volusia Avenue on Saturday, May 5, 2007, from 6:00 to 8:00 P.M. Mr. Rodriquez has spoken with City Marshall Lee in regards to traffic control for this parade and the Marshal does not have a problem with the date or time. Heine moved to grant the request to close Oak Street from Orange Avenue to Volusia Avenue on Saturday, May 5, 2007, for the Sixth Annual Cinco de Mayo Parade; seconded by Goodman and carried.

Marshall Lee presented the Fines and Forfeitures report for the month of February showing \$4,135.35 for fines.

Marshall Lee then reported that the string of aggravated robberies with weapons over a recent six week period has been resolved with the arrest of an individual last week. The Council and Public thanked the Marshall for the great work.

The Recorder's Report of Revenues and Expenditures through February 28, 2007 was presented. Recorder Baumann noted that revenues in the Water Department are down due to the installation of new meters, resulting in some late billings. Administrator Strube reported that the meters are working fine and when the meter data interfaces with the billing system it will result in more accurate billings. This could cause complaints from some customers.

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Mr. Richard Bowers, President, of the DeSoto County Community Development Corporation, addressed the Council regarding the progress for improvements at Louis Anderson Park. Mr. Bowers stated the Corporation is committed to making Arcadia the Best Small Town in Florida. Mr. Bowers complimented the Council and City staff for working with the Corporation to develop plans and specifications, and for the authorization of funds for new restroom facilities at the park. Mr. Bowers stated the Corporation was ready to move forward with the plans to construct the restrooms. Administrator Strube stated the final plans would be put out for bid. The Council and Administrator Strube thanked the DeSoto County Community Development Corporation for the compliments and stated that the compliments were appreciated.

Administrator Strube addressed Council regarding Amendment One to Specific Authorization No. 48 with Boyle Engineering for continued general engineering services for an additional \$25,000, raising the total budget under Specific Authorization No. 48 to \$50,000. Heine moved to approve the amendment to Specific Authorization No. 48 in the amount of \$25,000.00; seconded by Whitlock and carried.

Administrator Strube then addressed Council regarding Specific Authorization 51 with Boyle Engineering for Preliminary and Final Design of manual and automatic valves for the City's water distribution system. This project will enhance the reliability of the domestic water supply. Heine to approve Specific Authorization 51 with Boyle Engineering in the amount of \$58,000.00; seconded by Goodman and carried.

Administrator Strube then addressed Council to request that the City enter into a Master Engineering Service Agreement with Hazen and Sawyer under Specific Authorization No. 1 for general engineering services, with a budget of \$20,000. Administrator Strube explained that the engineer who had been working for Boyle Engineering on many of the City's projects is now with Hazen and Sawyer and he recommends entering into an agreement with them in order to have someone who knows the City system working on it. Goodman moved to approve an agreement with Hazen and Sawyer known as Specific Authorization No. 1 in the amount of \$20,000.00; seconded by Whitlock and carried.

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The Air-Cadia Flowage and Hanger Report for January 2007 was presented.

Special Projects Coordinator Hewitt reported that a lease for rental on two (2) of the hangers has been signed. He then stated that Ringland Corporation will be repairing additional hangers that had been previously damaged.

Mr. Kirk Bryson inquired about money available for road repair. Mr. Bryson stated he is in the process of building new houses on 27 lots in Harlem Circle. He would like to help with the repair of Martin Luther King. Administrator Strube stated he would research the classification of the roads in that area to if they are the responsibility of the City or the County. He will also look to see if the budget can address this problem. Mr. Strube indicated portions of Orange Avenue to Highway 17 qualify for Federal Highway Funds; however the City does not get these funds the County does.

Mr. Paul Hoover, a member of the Public and owner of The Arbor in downtown Arcadia addressed the Council. Mr. Hoover is sponsoring an event at The Arbor to try and draw people from out of town to Arcadia. He hopes to promote the City and downtown area in addition to providing a unique event for Arcadia. The first event in his new venture is a theater and dinner presentation. Mr. Hoover requested the Council endorse his business and offered to give the City forty (40) tickets to his show for \$1,600. Mr. Hoover stated in turn, he would use the money along with additional funds to advertise the event. Mr. Hoover believes that this venture will help other business in the City. It was suggested that the City give their forty (40) tickets to the Main Street Association for them to sell. The City would then recover the \$1,600. Council Member Fazzone questioned who would receive the profit from this performance to which Mr. Hoover replied that he would. Attorney Holloman stated that he would not say the Council could not give the money, but he did not like the precedent. Council Member Fazzone stated that he would rather see the money donated to Main Street. After discussion Fazzone moved to make a one time donation of \$1,600.00 to Main Street for the purchase of forty (40) tickets for the Main Street Association to sell and keep the proceeds; seconded by Heine. The motion carried four (4) to one (1) with Council Member Goodman voting no.

Special Projects Coordinator Ernie Hewitt addressed the Council regarding a request by Mayor Johnson that a City flag be created. Mr. Hewett stated that six (6) flags could be purchased for \$92.00 each and an additional \$150.00 for a one time

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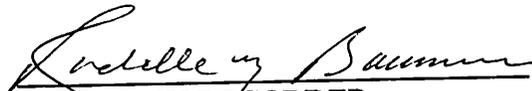
set-up fee. This would also include shipping. He suggested a blue background to which the Council agreed. The flag would display the City seal. In addition, Mr. Hewitt stated that three (3) rugs in the same color and with the City seal could be purchased for City Hall if the Council were interested. The Council all stated that they were in favor of getting the rugs as well as the flags. It was noted that the rugs will only be purchased if the design is sharper than what was submitted on the proof. Mayor Johnson noted that one (1) flag will be donated to the League of Cities to represent the City of Arcadia.

City Recorder Baumann reported that she had received sixty (60) pages of the audit report to proof and that more would be coming at a later date.

Mayor Johnson presented each Council member a brochure he had received from the Ridge League of Cities. The brochure spoke of taxation, water & national resources and transportation. These items will be Legislative priorities at the 2007 Legislative Sessions, with taxation being the top issue. Heine moved to send a letter to the Legislature regarding these issues; seconded by Fazzone and carried.

Special Projects Coordinator Hewitt announced the results in the Club Championship at the Golf Course and stated that the newspaper covered the event very well with a write up and pictures. It was noted that Council Member Fazzone took 4th place.

There being no further business, the meeting was adjourned.


CITY RECORDER


PRESIDENT