

The Regular Meeting of the Arcadia City Council was held on May 5, 2009 at 6:00 p.m. in the Margaret Way Building at 23 North Polk Avenue. Council members attending were Fazzone, Dixon, Johnson, Goodman and Heine. Also in attendance: Administrator Rupp, Attorney Henbest, Marshall Lee, Parks and Recreation Supervisor Waters, and Recorder Baumann.

Mayor Fazzone called the meeting to order.

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

Pledge Allegiance to the Flag.

The Minutes of the Regular Meeting of April 21, 2009 were adopted on a motion by Heine; seconded by Deputy Mayor Dixon and carried.

Resolution No. 2009-6 Establishing Miscellaneous Charges Relating to Water and Sewer Usage was presented. Recorder Baumann read the resolution in full. Recorder Baumann then explained that this resolution will allow the City to increase the current meter deposit for accounts that have been turned off twice (2) in the last six (6) months for non-payment or if a customer left owing a balance of \$100.00 or more and has moved back into the area and is requesting water service. Ms. Baumann reported that during the month of April forty-one (41) customers were turned off for non-payment, thirty-six (36) paid and were turned back on and five (5) left and were final billed. Of the forty-one (41) turned off ten (10) of those had been turned off twice in the last six (6) months. Deputy Mayor Dixon stated that he is in favor of the resolution noting that it is similar to what Lake City has in place. Heine moved to adopt Resolution No. 2009-6; seconded by Goodman and carried.

RESOLUTION NO. 2009-6

A RESOLUTION ESTABLISHING
MISCELLANEOUS CHARGES RELATING TO
WATER AND SEWER USAGE

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, and

WHEREAS, the City desires to increase the meter-utility deposit for customers who are constantly turned off for nonpayment or leave owing a balance due, and

WHEREAS, If a customer has been disconnected for non-payment two (2) times in the last six (6) months they will be required to post an additional deposit to be double (2x) the regular rate prior to the water service being reconnected, and

WHEREAS, If a customer has moved out leaving a past due or unpaid balance in excess of \$100.00 (One Hundred Dollars and no/cents) and attempts to establish service on a new account they will be charged double (2x) the regular rate and must pay the past due balance in full prior to having the water service connected.

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

REGULAR MEETING

MAY 5, 2009

Continued

(Resolution No. 2009-6 Continued)

SECTION 1.**UTILITY DEPOSIT: Fee to establish new account service.**

| <u>Water Meter Size</u> | <u>Inside City</u> | <u>Outside City</u> | |
|-------------------------|--------------------|---------------------|--------------------------|
| | | <u>Water Only</u> | <u>Water & Sewer</u> |
| ¾" | \$ 80.00 | \$ 80.00 | \$ 120.00 |
| 1" | 165.00 | 165.00 | 250.00 |
| 2" | 330.00 | 330.00 | 500.00 |
| 3" and Larger | 700.00 | 700.00 | 1,000.00 |

SECTION 2.

UTILITY DEPOSIT: Fee to re-establish service after being turned off twice (2) in the last six (6) months or if customer moved out and left a past due balance of \$100.00 or more.

| <u>Water Meter Size</u> | <u>Inside City</u> | <u>Outside City</u> | |
|-------------------------|--------------------|---------------------|--------------------------|
| | | <u>Water Only</u> | <u>Water & Sewer</u> |
| ¾" | \$ 160.00 | \$ 160.00 | \$ 240.00 |
| 1" | 330.00 | 330.00 | 500.00 |
| 2" | 660.00 | 660.00 | 1,000.00 |
| 3" and Larger | 1,400.00 | 1,400.00 | 2,000.00 |

SECTION 3. The rates established in Section 1 and Section 2 shall be effective upon adoption of this resolution.

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 5 day of May, 2009.

ATTEST:

CITY OF ARCADIA, FLORIDA

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

s/s RICHARD P. FAZZONE
RICHARD P. FAZZONE
MAYOR

APPROVED AS TO FORM:

s/s WILLIAM S. GALVANO
WILLIAM S. GALVANO
CITY ATTORNEY

Resolution No. 2009-7 Relating to the Maintenance of Sidewalk Improvements to Dr. Martin Luther King, Jr. Street was presented. Recorder Baumann read the resolution in full. Deputy Mayor Dixon thanked Mr. Joe Fink for getting the funding for the sidewalks on Martin Luther

King, Jr. Street during his tenure as Interim Administrator. Deputy Mayor Dixon then moved to adopt Resolution No. 2009-7; seconded by Johnson and carried.

RESOLUTION NO. 2009-7

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA, REGARDING CAPITAL PROJECTS; APPROVING AN AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION RELATING TO THE MAINTENANCE OF SIDEWALK IMPROVEMENTS TO DR. MARTIN LUTHER KING, JR., STREET; AUTHORIZING THE EXECUTION OF SAID AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the State of Florida Department of Transportation (the "FDOT") has undertaken the project and obtained approval for federal participation in sidewalk construction along the north side of Dr. Martin Luther King, Jr., Street within the City of Arcadia (the "City") between Booker T. Washington and U.S. Highway 17 under Financial Project # 425544 1 52/62 01 (the "Project"); and

WHEREAS, FDOT has secured funding for the Project pursuant to the American Recovery and Reinvestment Act of 2009; and

WHEREAS, Title 23, Section 116, of the United States Code, along with federal Highway Administration regulations issued pursuant thereto, requires that the City enter into an agreement whereby it is made responsible, at its cost, for the maintenance of the sidewalk in accordance with the (a) Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (2005), as amended, and (b) FDOT Procedures 850-065-001 and 850-065-002, as amended; and

WHEREAS, it is in the best interests of the City to approve and authorize a Transportation Post Project Maintenance Agreement to establish the mutual rights and obligations of the City and the FDOT with respect to the Project and the future maintenance of same.

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

SECTION 1. APPROVAL OF DOCUMENTS. The Board hereby approves the form and substance of the Transportation Post Project Maintenance Agreement between Florida Department of Transportation and City of Arcadia for Financial Project # 426644 1 52/62 01 substantially in the form in the record of the Council meeting on May 5, 2009.

SECTION 2. AUTHORIZATION TO EXECUTE. The Mayor, or the Vice Mayor in his place, and the City Recorder and City Attorney are hereby authorized and directed to execute and deliver the Transportation Post Project Maintenance Agreement between the FDOT and the City for the Project, substantially in the form in the record of the Council meeting on May 5, 2009, the execution thereof being conclusive evidence of its approval.

SECTION 3. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

PASSED AND DULY ADOPTED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA, with a quorum present and voting this 5th day of May, 2009.

ATTEST:
FLORIDA

CITY OF ARCADIA,

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

s/s RICHARD P. FAZZONE
RICHARD P. FAZZONE
MAYOR

(Resolution No. 2009-7 Continued)

APPROVED AS TO FORM:

s/s WILLIAM S. GALVANO
WILLIAM S. GALVANO
CITY ATTORNEY

Resolution No. 2009-8 Establishing an Airport Advisory Board was presented. Heine moved to waive the rules and read the resolution by title only; seconded by Deputy Mayor Dixon and carried. Heine then moved to adopt resolution No. 2009-8; seconded by Goodman and carried.

RESOLUTION NO. 2009-8

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA, REGARDING THE AIRPORT-ESTABLISHING THE AIRPORT ADVISORY COMMITTEE AND THE PROCEDURES AND RULES GOVERNING SAME; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Arcadia desires to take steps that will improve its Airport for the current users of same as well as take steps to attract more clientele to the Airport and increase its profitability.

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

Section 1. Establishment of the Airport Advisory Committee. The Airport Advisory Committee is hereby established *as follows*:

(1) This Committee shall be advisory only and may be abolished, disbanded, or reorganized at any time by the Council pursuant to an amendment to this resolution.

(2) The Council shall appoint members to the Committee by motion made at a public meeting. The motion may provide for the term of office of each member, and the terms of office may be staggered, all in the sole discretion of the Council.

(3) Open positions for members of the Committee shall be announced at a City Council meeting and may be advertised in a manner determined by the City Administrator. Applicants for such positions shall follow the procedures set by the Council and the City Administrator regarding advisory board applications and shall provide assurances to the Council of the lack of conflicts and potential conflicts of interest.

(4) The Committee should be comprised of at least three (3) and no more than seven (7) members. The Committee members should possess or obtain a basic understanding of the current airport operations and should express an interest in improving the Airport for current and future users as well as attracting more clientele to the Airport and increasing its profitability. At least two (2) members shall be residents or business owners in the City, and at least two (2) other members shall be residents or business owners in the unincorporated area of De Soto County.

(5) The City Administrator shall serve as an *ex officio* member of the Committee and shall act as a liaison between the Committee and the Council.

(6) The Committee shall follow any meeting procedures adopted by the Council, or in absence of same or where same are silent by the most recent edition of Robert's Rules of Order. Unless a quorum is present, the Committee shall not take formal action but may meet to hear presentations. Meetings shall be scheduled in the discretion of the Committee or at the request of the Council or the City Administrator.

(Resolution No. 2009-8 Continued)

(7) Staff, administrative, and facility support for the Committee shall be provided by a city department designated by the City Administrator. Minutes of the meetings of the Committee shall be kept by the City Recorder. The City Attorney shall provide all legal services to the Committee but only as specifically directed, from time to time, by the Council; provided, however, the City Attorney shall not be required to undertake or continue representation of the Committee where to do so would, in the opinion of the Attorney, conflict with his representation of the Council or constitute a violation of the Rules Regulating the Florida Bar.

(8) A member of the Committee may resign at will or be removed at any time by the Council. Should any member of the Committee resign or be removed before completion of his/her term, the Council shall appoint a new member for the remainder of such member's term following the procedure included herein above.

SECTION 2. Effective Date. This Resolution shall be take effect immediately upon adoption.

PASSED AND DULY ADOPTED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA, with a quorum present and voting this 5th day of May, 2009.

ATTEST:

CITY OF ARCADIA, FLORIDA

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

s/s RICHARD P. FAZZONE
RICHARD P. FAZZONE
MAYOR

APPROVED AS TO FORM:

s/s WILLIAM S. GALVANO
WILLIAM S. GALVANO
CITY ATTORNEY

Resolution No. 2009-9 Establishing an Audit Committee was presented. Johnson moved to waive the rules and read the resolution by title only; seconded by Deputy Mayor Dixon and carried. Goodman then moved to adopt Resolution No. 2009-9; seconded by Heine and carried.

RESOLUTION NO. 2009-9

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA, REGARDING SELECTION OF AUDITORS; ESTABLISHING THE AUDIT COMMITTEE AND THE PROCEDURES AND RULES GOVERNING SAME; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 218.391(2), Florida Statutes, the City Council of the City of Arcadia is required to establish an Audit Committee to assist the Council in selecting an auditor to conduct the annual financial audit required pursuant to Section 218.39, Florida Statutes, and, in the discretion and at the determination of the Council.

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

Section 1. Establishment of the Audit Committee. The Audit Committee is hereby established pursuant to, and is directed to undertake and fulfill all mandatory obligations imposed by, Section 218.391, Florida Statutes, as follows:

(Resolution No. 2009-9 Continued)

(1) This Committee shall be advisory only and may be abolished, disbanded, or reorganized at any time by the Council in accordance with statutory requirements and pursuant to an amendment to this resolution.

(2) The Council shall appoint members to the Committee by motion made at a public meeting. The motion may provide for the term of office of each member, and the terms of office may be staggered, all in the sole discretion of the Council.

(3) Open positions for members of the Committee shall be advertised. Applicants for such positions shall follow the procedures set by the Council and the City Administrator regarding advisory board applications and shall provide assurances to the Council of the lack of conflicts and potential conflicts of interest.

(4) The Committee should be comprised of at least three (3) and no more than seven (7) members. The Committee members should possess or obtain a basic understanding of governmental financial reporting and auditing and should include at least one financial expert, where possible. One or more members of the City Council may be members of the Audit Committee. No person currently employed by the City, nor any other person who has been employed by the city within the last seven (7) years, may serve on the Committee.

(5) The Committee shall follow any meeting procedures adopted by the Council, or in absence of same or where same are silent by the most recent edition of Robert's Rules of Order. Unless a quorum is present, the Committee shall not take formal action but may meet to hear presentations. Meetings shall be scheduled in the discretion of the Committee or at the request of the Council or the City Administrator, provided that the Committee shall meet at least as required by Florida law.

(6) Staff, administrative, and facility support for the Committee shall be provided by a city department designated by the City Administrator. Minutes of the meetings of the Committee shall be kept by the City Recorder. The City Attorney shall provide all legal services to the Committee but only as specifically directed, from time to time, by the Council; provided, however, the City Attorney shall not be required to undertake or continue representation of the Committee where to do so would, in the opinion of the Attorney, conflict with his representation of the Council or constitute a violation of the Rules Regulating the Florida Bar.

(7) A member of the Committee may resign at will or be removed at any time by the Council. Should any member of the Committee resign or be removed before completion of his/her term, the Council shall appoint a new member for the remainder of such member's term following the procedure included herein above.

SECTION 2. Effective Date. This Resolution shall be take effect immediately upon adoption.

PASSED AND DULY ADOPTED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA, with a quorum present and voting this 5th day of May, 2009.

ATTEST:

CITY OF ARCADIA, FLORIDA

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

s/s RICHARD P. FAZZONE
RICHARD P. FAZZONE
MAYOR

APPROVED AS TO FORM:

s/s WILLIAM S. GALVANO
WILLIAM S. GALVANO
CITY ATTORNEY

REGULAR MEETING
MAY 5, 2009
Continued

A proposal for usage of the Old Livestock Market was tabled as no one was in attendance to give a presentation.

Melissa Sanders, Planning & Preparedness Manager for the DeSoto County Health Department and Kirby Hollingsworth addressed the Council. Ms. Sanders gave an update on the swine flu noting that the DeSoto County Health Department is in a monitoring and surveillance mode. There are no confirmed cases in DeSoto County and five (5) in Florida. Ms. Sanders then addressed the Council to invite them to attend a Walkable Communities Workshop to be held on Monday, June 1, 2009 from 9:00 a.m to 3:00 p.m. It was noted that approximately 76% of DeSoto County residents are considered obese. Councilwoman Goodman asked if photos for Louis Anderson Park were included in the photos to be reviewed by Mr. Dan Burden prior to his speaking to which she was informed that they were not; however Mr. Burden will be touring the area prior to the workshop.

The Police Activity Report for the month of April 2009 was presented.

The Council acknowledged the receipt of the 2008 Annual Financial Report.

Administrator Rupp addressed the Council and read a "thank you" letter from the Parks and Recreation Department to Wal-Mart for supplying trees for the Cemetery and various city parks and for their assistance in planting the trees.

Administrator Rupp then reported that several weeks ago she attended a meeting regarding diseases that are attacking palm trees in the area and noted that five (5) trees in the City were recently removed and burned in order to keep the disease from spreading.

Administrator Rupp presented a proposed application form to be used for prospective board members noting that she would then bring a list of board members to the Council for approval. Deputy Mayor Dixon moved to approve an application form for board members to use; seconded by Heine and carried.

Administrator Rupp addressed the Council requesting approval to apply for a "debit card" in the amount of \$5,000 to be issued by First State Bank in her name to be used for travel and registration to various meetings and seminars being attended by the City Administrator or the Council. She also asked that a second card be issued in the amount of \$2,500 by First State Bank in the name of Rachelle M. Baumann as the Finance Director. She noted that the card would be used for travel and registrations and would only be used with the approval of the Administrator. It could also be used by the City Recorder. Goodman moved to approve the application for two (2) debit cards from First State Bank as requested; seconded by Heine and carried.

Administrator Rupp then addressed the Council to request a change to the current code regarding the reading of ordinances to allow for reading two (2) times as required by state statute rather than three (3) times as currently required by City Code. The current process is cumbersome and slows down development processes. Goodman moved to authorize Attorney Henbest to draft an Ordinance to change the required reading of ordinances from three (3) times to two (2) times as per state statute; seconded by Deputy Mayor Dixon and carried.

REGULAR MEETING
MAY 5, 2009
Continued

Administrator Rupp stated that she will present an organizational chart to the Council in the near future and that she will be making title changes and/or duty changes as well. At this time she would like to establish a new department to be known as a Personnel Department. Deputy Mayor Dixon moved to authorize the establishment of a Personnel Department; seconded by Heine and carried.

Administrator Rupp asked the Council to consider allowing for the hiring of a full time code enforcement officer to be under the direction of the City Administrator. Ms. Rupp believes that this would allow for more control on follow-through for non-compliance for issues that do not need to go through the Police Department. Deputy Mayor Dixon moved to authorize the creation of a new position for a Code Enforcement Officer to report to the City Administrator; seconded by Goodman and carried.

Administrator Rupp then addressed the Council regarding Deputy Mayor's Dixon's request for information on the current utility accounts receivable balance. Ms. Rupp read from a memo to her from Recorder Baumann outlining the amount owed based from current through over 121 days. The over 121 days is \$877,226.32 which includes \$187,589.23 through 1999 as previously discussed. It was noted that the accounts receivable balance increased significantly at the end of Fiscal Year 2003/2004 and the beginning of Fiscal Year 2004-2005 due to problems associated with Hurricanes Charley, Francis and Jeanne. The accounts receivable balance did decrease in FY 2006/2007 by 26,680.92 and again in FY 2007/2008 by \$97,000.57. This shows that the City is very aggressive in their collection efforts and that procedures are in place to keep customer balances current.

The Mobile Home Park report for the month of May 2009 was presented.

Martha Craven a local business owner asked about the new code enforcement position. Administrator Rupp explained that this person would have the authority to issue citations and that the City Administrator does have the authority to assess fines or place a lien on properties.

Mr. Louis Ross of 307 S. Manatee addressed the Council regarding properties near his home that have not been cleaned up since August 2004 after Hurricane Charley. Deputy Mayor Dixon stated that he remembered Mr. Ross previously coming before the Council regarding these properties. He then explained that the City must go through specific legal channels before having any authority to correct the situation. He stated that the City intends to get tough, he asked Attorney Henbest to let Attorney Galvano know that the City needs to be able to move forward on this issue. Attorney Henbest stated that the City Code is where it needs to be regarding enforcement and it is now a matter of moving the properties through the process.

Pastor Patrick Elmore addressed the Council and presented pictures of structures showing an accelerated rate of deterioration and asked what the Council is doing regarding these properties. Administrator Rupp stated that she spoke with someone this week that is interested in doing renovation/demo in the Southwest section of the City. She hopes to have some visible proof in the next 3-6 months. Mr. Elmore asked if the City had a master plan and was told to see Mr. Joe Fink for a copy of it. Mr. Elmore then suggested that the City require customers to attend a credit awareness workshop if they become delinquent in their payments to which Administrator Rupp stated that the City can suggest that; however they cannot require it.

Mr. Eugene Hickson addressed the Council and welcomed Administrator Rupp. He then asked when paving would be done on Court Street and Alabama noting that it has been 2-3 years since he first addressed the Council with this request.

Adriane Daly addressed the Council stating that she is pleased that the Council is serious about code enforcement. She questioned that there are still homes with blue tarps over the roof to which it was noted that some citizens took their insurance money and spent it on other things and did not make the necessary repairs to their home.

Deputy Mayor Dixon reported that he has been out of state and is now back.

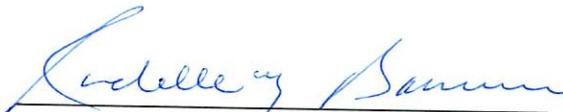
Councilman Heine stated that he is glad that Administrator Rupp is on board.

Councilwoman Goodman thanked Administrator Rupp for the new format for the agenda which is now in a three (3) ring binder stating that it is a noticeable improvement. Ms. Goodman then stated that she was pleased with the statement Administrator Rupp read at the last Council meeting noting that now she can sit as a council member and know that items are being taken care of as they should be.

Councilman Johnson reported a citizen concern regarding 10th Street going to the School Board bus yard noting that the sides of the street have deteriorated and need repair. He also expressed his appreciation for the notebook style agenda.

Mayor Fazzone announced that he will be out of state and unable to attend the next Council meeting.

There being no further business the meeting was adjourned.


CITY RECORDER


PRESIDENT