

REGULAR MEETING
NOVEMBER 4, 2008

A Regular Meeting of the Arcadia City Council was held on November 4, 2008 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 Strube, Attorney Galvano, Parks & Recreation Supervisor Waters, Special Projects Coordinator Hewett, City Marshall Lee and Recorder Baumann.

Mayor Fazzone called the meeting to order.

The Invocation was given by Chaplain Mike Runyon.

Pledge of Allegiance to the Flag.

Mayor Fazzone recognized seven (7) Boy Scouts from Troup 39. As a part of the Scout Merit Badge Program, the Scouts are required to attend a meeting of local government. Also in attendance were Assistant Scout Master La Bow and Scout Master Snow.

The Minutes of the Regular Meeting of October 21, 2008 were adopted on a motion by Johnson; seconded by Heine and carried.

Attorney Galvano addressed the Council regarding Proposed Ordinance No. 943, providing for regulation of Temporary Sales of Motor Vehicles and stated that some of the language in the ordinance had been modified. He stated this did not result in a "material change" but to make the language more user friendly.

Proposed Ordinance No. 943 Providing for regulation of Temporary Sales of Motor Vehicles was presented on second reading. Goodman moved to waive the rules and read Proposed Ordinance No. 943 by title only; seconded by Heine and carried.

ORDINANCE NO. 943

AN ORDINANCE OF THE CITY OF ARCADIA, A MUNICIPAL CORPORATION, PROVIDING FOR REGULATION OF TEMPORARY SALES OF MOTOR VEHICLES; AND PROVIDING FOR AN EFFECTIVE DATE.

Goodman moved to adopt Ordinance No. 943 on second reading; seconded by Dixon. Mayor Fazzone called for comments from the public. There were none. The motion carried on a roll call vote. Ayes: Dixon, Fazzone, Johnson, Goodman and Heine. Nays: None.

Proposed Ordinance No. 944 amending the Capital Improvements Element of the Comprehensive Plan was presented on second reading. Dixon moved to waive the rules and read Proposed Ordinance No. 944 by title only; seconded by Heine and carried.

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ORDINANCE NO. 944

AN ORDINANCE OF THE CITY OF ARCADIA, FLORIDA, AMENDING THE CAPITAL IMPROVEMENTS ELEMENT OF THE COMPREHENSIVE PLAN, SAID AMENDMENT BEING KNOWN AS "AMENDMENT #08-01-CIE CAPITAL IMPROVEMENTS ELEMENT"; SPECIFICALLY, AMENDING THE ADOPTED CAPITAL IMPROVEMENTS ELEMENT AND UPDATING THE 5-YEAR CAPITAL IMPROVEMENTS PLAN; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Goodman moved to adopt Ordinance No. 944 on second reading; seconded by Heine. Mayor Fazzone called for comments from the public. There were none. The motion carried on a roll call vote. Ayes: Dixon, Fazzone, Johnson, Goodman and Heine. Nays: None.

A Proclamation declaring the month of November as TideWell Hospice and Palliative Care Month was presented. Goodman moved to endorse this action; seconded by Dixon and carried.

Mr. Gary Stewart, a member of the public, addressed the Council regarding the Arcadia Golf Course. Mr. Stewart is a winter resident and stated he and other members of the golf course have concerns regarding the recent 15% increase in membership fees. He then presented a petition signed by 38 members requesting that the rate be lowered. Mr. Stewart asked that the Council revisit membership dates which now begin November 1st through April 30th. Mr. Stewart noted that many winter visitors arrived in October and now have to pay green fees until time for the membership period to occur. He asked for flexibility in the timing of memberships. Administrator Strube stated that Council had decided not to pro-rate memberships; however the new computer system might be able to recognize partial memberships. He noted that the current rate sheets are very specific as to dates and rates. Heine moved to study the possibility of changing the way memberships are established in order to accommodate winter residents who come down prior to November. The motion died for lack of a second.

Mayor Fazzone believes that the Council is under a misconception that the golf course is not an asset to the City and the community. He feels that the course should be run by a golf professional. He also believes that the Council should see if they can accommodate winter residents with different membership dates. Goodman would like an in-depth report showing that the course is an asset. Administrator Strube stated that the City is a government and that one department may help offset expenditures of another. He also stated that the re-payment schedule for the course expansion could be changed from thirty (30) years to forty (40). He noted that many golf courses are closing due to the current economy. He stated that any report will not be a "true" profit and loss report as the revenues do not lend themselves to a profit and loss statement due to the timing of when they are received.

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Ms. Christine Engels, Executive Director of the Arcadia Housing Authority presented the Council with a handout outlining renovation, construction, demolition, occupancy eligibility and tenant selection procedures which are part of the rebuilding of units after Hurricane Charley. Ms. Engels explained that they are building with a mixed finance package noting that some of the funding was not available to government agencies which resulted in the Housing Authority becoming a limited partnership known as Oak Associates. Most of the funding is from tax credits which have very specific requirements. This has resulted in procedural changes regarding eligibility requirements and rules for tenants. The Housing Authority has hired a company called Southwind Management to process applications. She then explained the roles of Southwind Management Company and The Work Number Company. Ms. Engels reviewed information regarding income verification and application rejection handouts which were included in the packet. Ms. Engels invited any tenant that had questions to meet with her. She explained no promises could be made to tenants to return to the apartment they had previously occupied.

A request by letter, from the American Legion Post K11 and VFW to hold a Veteran's Day Parade on November 11th at 11:00 a.m. was presented. Marshall Lee stated the Police Department did not have a problem with the request. Heine moved to approve the request for Veteran's Day Parade to be held on November 11, 2008 at 11:00 a.m. beginning at Orange Avenue and Oak Street; seconded by Dixon and carried.

The Police Activity Reported for the month of October 2008 was presented.

A request to re-appoint Sandra Sanders to serve a one year term as Special Master was presented. Heine moved to re-appoint Ms Sanders; seconded by Goodman. After discussion Heine withdrew his motion and Goodman her second. Attorney Galvano stated that the Council can extend the existing contract or advertise for the position. He also stated that the Special Master is an adjudicator between the City and the individual they do not represent the City. Administrator Strube read City Code Section 2-146 relating to candidates for the position of Special Master. Johnson and Dixon expressed concern regarding the possibility that Ms. Sanders could represent a company that was in litigation with the City. Administrator Strube stated that the situation in question with Ms. Sanders representing a company in litigation with the City is closed and no further action will be taken. It was noted that Ms. Sanders did say that she was interested in continuing as a Special Master for the City. After discussion Dixon moved to advertise the position of Special Master; seconded by Heine and carried.

Dixon moved to re-appoint Vince Sica to serve as the Council's appointee for a two (2) year term on the Police & Fire Pension Board said term to expire November 30, 2010; seconded by Heine and carried.

Johnson moved to acknowledge receipt of the Annual Report of Investment Activity for the Police & Fire Pension Board through September 30, 2008; seconded by Goodman and carried. Recorder Baumann stated the report is available for review in the Recorder's Office.

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Attorney Galvano addressed the Council and presented a handout showing the necessary steps to abate an existing nuisance of property of an abandoned church structure at 321 Owens Avenue. The memo gave a history of the nuisance, legal issues and a recommended course of action. The Church of God in Christ of America, Jurisdiction of Florida changed their name in June 2004 and are now known as the Eastern Florida Jurisdiction, Church of God in Christ, Inc. Attorney Galvano recommends that certified notice be sent to the corporation and that a notice be published in the paper as well. Dixon moved to authorize Attorney Galvano to move forward on abating the nuisance; seconded by Heine and carried.

Administrator Strube presented Contribution Agreements for FY 2008/2009 with various civic agencies which had been addressed during the budget process. The following agreements were presented for review and approval by the Council as below:

- Dixon moved to approve a \$3,000 donation to the DeSoto County Historical Society; seconded by Johnson and carried.
- Johnson moved to approve a \$5,000 donation to the DeSoto County Health Department, to be in dispensed in twelve (12) payments; seconded by Goodman and carried.
- Johnson moved to approve a \$5,000 donation to Arcadia Main Street Program, to be dispensed in twelve (12) payments; seconded by Goodman and carried.
- Goodman moved to approve a \$3,000 donation to the DeSoto County Community Development Corporation; seconded by Dixon and carried.
- Heine moved to approve a \$2,000 donation to the DeSoto County Homeless Coalition; seconded by Dixon and carried.
- Goodman to approve a \$1,000 donation to 211; seconded by Heine and carried.

The contracts as approved will now be signed by each agency, the City Attorney and then the Mayor. Mayor Fazzone noted that this would be the last year for donations to these agencies as per previous Council action.

The Airport report for the month of September, 2008 was presented.

Mr. Paul Hoover, a member of the public, addressed the Council with a request for permission to hold the antique car show on Saturday, November 15, 2008, and for street closure. City Marshall Lee stated his department did not find problem with the street closing request. Heine moved to approve the request for an Antique Car Show on November 15, 2008 and for street closure as in the past; seconded by Dixon and carried.

Mr. Andrew Smith, a member of the public, addressed the Council with a request for an exception for a sidewalk for property he is developing on Orange Avenue. Councilman Johnson stated that there are no other sidewalks in this area. Dixon moved to approve the request for an exception for a sidewalk to Mr. Andrew Smith; seconded by Johnson and carried.

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Ms. Beverly Hopkins, a member of the public, addressed the Council with concerns regarding her water bill. Administrator Strube will look into Ms. Hopkins complaint

Mr. Curtis Clark, representing Brother Keepers Ministries and Missionary Baptist Church request Lake Katherine be opened for one day "catch and release" fishing day, on November 29, 2008. Administrator Strube stated Ms. Anderson, of the Parks and Recreation Department is aware of the request and has no problems with it. Goodman moved to approve the request to open the lake for fishing on November 29, 2008; seconded by Dixon and carried.

Attorney Galvano addressed the Council regarding the reading of the mayor's summary report relating to the evaluation of City Administrator Strube. He urged the Council to be cautious with the evaluation procedure noting that not all of the Council members have met with Administrator Strube which is a requirement of the evaluation process. He feels that if the Council were to proceed at this time it could cause legal problems in the future. Mayor Fazzone asked that the review of Administrator Strube's evaluation be placed on the agenda for the November 18, 2008 meeting. Heine moved to place the review of Administrator Strube on the agenda for the next meeting of November 18, 2008; seconded by Johnson and carried.

There being no further business the meeting was adjourned.


CITY RECORDER


PRESIDENT