

Regular Meeting

November 6, 2007

A Regular Meeting of the Arcadia City Council was held on November 6, 2007, at 6:00 p.m. in the Margaret Way Building at 23 North Polk Avenue. Council Members attending were Goodman, Fazzone, Johnson, Heine and Dixon. Also in attendance were Administrator Strube, Attorney Holloman, Captain Anderson, Special Projects Coordinator Hewett, Ms. Way, and Recorder Baumann.

Mayor Goodman called the meeting to order.

The Invocation was given by Dr. Lueray Norris, Jr., Pastor of Shiloh Baptist Church of Arcadia.

Pledge Allegiance to the Flag.

The Minutes of the Regular Meeting of October 16, 2007 were adopted on a motion by Johnson; seconded by Fazzone and carried.

Proposed Ordinance No. 938 annexing 5.8 acres of county land along Martin Luther King Street into the City limits, at the request of the Arcadia Housing Authority, was presented on first reading. Each council member had previously been given a copy for study. Fazzone moved to waive the rules and read the proposed ordinance by title only; seconded by Heine and carried.

ORDINANCE NO. 938

AN ORDINANCE OF THE CITY OF ARCADIA, FLORIDA, A MUNICIPAL CORPORATION, ANNEXING CERTAIN LANDS, APPROXIMATELY 5.8 ACRES, IN SECTION 1, TOWNSHIP 38 SOUTH, RANGE 24 EAST, LOCATED ALONG M.L. KING STREET AND ADJACENT RIGHTS OF WAY INTO THE CORPORATE CITY LIMITS OF SAID CITY, UPON PETITION OF THE OWNER OF SAID LAND; PROVIDING FOR REDEFINING OF BOUNDARY LINES OF SAID CITY TO INCLUDE SAID PROPERTY; PROVIDING FOR THE PUBLICATION OF SAID ORDINANCE; PROVIDING FOR FILING OF SAID ORDINANCE WITH THE CLERK OF THE CIRCUIT COURT, THE COUNTY ADMINISTRATOR, AND THE DEPARTMENT OF STATE; PROVIDING FOR A MAP SHOWING THE ANNEXED AREA; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE THEREOF.

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Fazzone then moved to adopt Ordinance No. 938 on first reading; seconded by Heine. Mayor Goodman called for comments from the public. There were none. Mayor Goodman called from comments from the Council. Councilman Dixon felt the City Council should contact the County Commission before taking action on this ordinance. Administrator Strube explained to Dixon the procedure for annexing property noting that per Florida Statutes he must send a certified letter to the County Commission informing them of the annexation along with a copy of the required advertisement and that all proposed ordinances are read three (3) times before becoming effective. This is only a first reading and if the readings continue forward this action would not be effective until December 14, 2007. Councilman Dixon asked if the County Commissioners were aware this action was being taken to which Administrator Strube stated they were aware of the proposed development of The Arcadia Housing Authority. Administrator Strube stated this proceeding was at the request of The Arcadia Housing Authority noting that a copy of their request was in the agenda packet. Councilman Dixon stated he had no problem with the annexing of the property, however, he wanted to work closer with the County Commissioners, and felt that notifying them before this action proceeded would be a matter of respect. A motion by Dixon to table the ordinance died for lack of a second.

Heine called for the vote. The motion carried on a roll call vote. Ayes: Fazzone, Heine, Goodman, and Johnson. Nays: Dixon

A request by Louella Corrales for an exception to the City Alcoholic Beverage Ordinance to allow the sale and consumption of beer during the November 10, 2007 Downtown Car Show, was withdrawn.

Mr. Carl Wiley, proprietor of Wheelers Restaurant and spokesman for the Downtown Car Show addressed the Council regarding the request to sell alcohol stating that he was opposed to the request for sale and consumption of beer at the event. Mayor Goodman stated she was opposed to the request as were several other Council Members. Administrator Strube noted that the request is against the City Ordinance. The manager of Beef O' Brady's also addressed the Council and apologized for the confusion explaining that Beef O' Brady's was only voicing a request from of some of its patrons; however, he was in complete agreement not to serve alcoholic beverages at this event. Members of the Clergy in attendance were also in opposition to the request.

Mayor Goodman requested that Administrator Strube speak with Pam Ames of the Main Street Committee regarding insurance coverage for the Downtown Car Show to which Administrator Strube stated that Jessica Ritch had called him late this afternoon to verify the coverage and he had also contacted the insurance company.

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The Police Activity Report for October, 2006 was presented to the Council.

Captain Anderson addressed the Council on behalf of the Police and Fire Pension Board. The Board would like to reappoint Gary Evans for a two year term. Dixon moved to reappoint Gary Evans to serve a two (2) year term on the Police and Fire Pension Board, said term to expire December 31, 2009; seconded by Fazzone and carried.

Fazzone moved to acknowledge receipt the Annual Report of Investment Activity for the Police and Fire Pension Board through September 30, 2007; seconded by Dixon and carried.

The Golf Course report for the month of October, 2007 was presented.

The Flowage and Hanger Rent Report for August, 2007 was presented. Special Projects Coordinator Hewett reported that of the three (3) remaining vacant hangers, two (2) have signed contracts pending.

Mr. Albert Lee, a member of the public, addressed the Council regarding street repairs specifically asking when Orange Avenue would be paved. Administrator Strube stated evaluation of needed repairs were in the process of being completed on all streets. He also stated that some repairs had already been done to Orange Avenue. Administrator Strube reported that an estimated \$250,000 in repairs has been identified. Mr. Lee asked when the repairs would begin to which Administrator Strube replied that they should begin in about two (2) months. Council Member Johnson asked when the list of street priorities would be ready for the Council to review. Administrator Strube stated that is being worked on now and once the list is complete it would be the Council's decision as to which streets would be repaired and in what order.

A member of the public addressed the Council regarding a ten (10) play card he purchased from the Arcadia Golf Course. The card did not have an expiration date on it, and based on a recent ad in the paper he will not be allowed to use the card. Special Projects Coordinator Hewett stated that he was acting on the Council's direction when the price sheets were approved each year detailing the dates that memberships were effective. He put a stop to the use of the 10 play cards without an expiration date because the price sheet in effect did not allow for them. The sale of the 10 play cards without an expiration date were done by someone who was not authorized to do so and sold at summer rates to be used in the winter months. Mr. Hewett estimates that the City lost approximately \$7,000.00 in revenue due to the sale of these cards. Councilman Dixon question if the person who signed the cards had the authority to do so to which Mr. Hewett stated this is one of the problems with the staff being under Lee Drugs, Inc. as they do not respect his authority. Council Member Heine asked who would be signing 10 play cards in the future to which Mr. Hewett responded that when the purchase is tracked through the new computer program no signature would be required. Mayor Goodman

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stated the Council had worked very hard on a Policy and Procedures Manual for the City and that if the policies and procedures were not being followed, the Council would need to take further action. Mr. Hewett again stated that the employees are not City employees as they are hired by Lee Drugs so they do not fall under the City's personnel policy. Attorney Holloman stated that the citizens purchased the 10 play cards in "good faith" and he believes that the City must honor the cards. After discussion Heine moved to allow the use of the ten (10) play cards previously issued without an expiration date; seconded by Johnson and carried.

Mr. Albert Lee addressed the Council stating that he believes that there has been and always will be a problem with having Lee Drugs, Inc. involved in the operating of the Golf Course. Mr. Lee feels that if the course belongs to the City of Arcadia, it should be run by the City. Mr. Lee also stated he did not believe there was a corporation in existence called Lee Drugs, Inc. to which Attorney Holloman stated this was and still is an active corporation.

Dr. Norris, a member of the public, addressed the Council, asking the status of a traffic light at M.L. King Street. Mayor Goodman called upon Special Projects Coordinator Hewett for an update. Mr. Hewett stated he had spoken with Mr. Cashdollar with the Department of Transportation (DOT) who informed him that DOT is conducting a survey of the intersection. Upon completion of the survey, someone from DOT will address the Council with their findings. Mayor Goodman stated the newspaper would be advised of this meeting and asked that members of the community be present to voice their concerns and opinions.

Administrator Strube addressed the Council noting that The Housing Authority had submitted a letter requesting that a new extension of Hendry Street be named Hendry Circle and two (2) new dead end streets to be added off Harris Road, to be named Friendship Avenue and Harmony Drive. The streets are going to be in the new construction at the east end of Hendry Street. These names have been approved by DeSoto County Emergency Management. Council was in agreement to the naming of the streets.

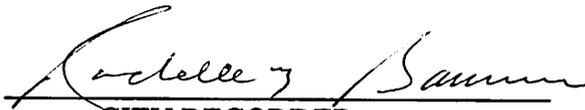
Council Member Fazzone addressed the Council regarding problems at the Golf Course stating that to his knowledge no one had disregarded any action taken by the Council. He noted that the issuance of 10 play cards without an expiration date had been done for years as well as the allowing for the payment of annual memberships on a payment plan. He stated that some of the problems that occurred were due to the retirement of the previous manager and Mr. Hewett's unforeseen illness. Fazzone then stated that someone had to keep the course going and therefore he stepped in and tried to help with management. Mr. Hewett noted that a new computer system would soon be up and running which would only allow rates and memberships to be paid as per the program set up. He believes that this will put a stop to past problems of different people allowing different payments and procedures. Council Member Fazzone then stated that a PGA

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Pro is needed at the course noting that an advertisement for the position was in effect. Mayor Goodman stated that no one from this Council should be interfering with Mr. Hewett's management of the Golf Course and if conflict continues then the Council will need to pursue this in another manner. Mr. Hewett is answerable to his supervisor, City Administrator Strube. Mayor Goodman stated that Mr. Hewett has the full support of the Council to run the Golf Course and she does not want to discuss the Golf Course on a continuing basis at every meeting. Mr. Hewett then noted having the employees under Lee Drugs, Inc. does not allow his running of the Course. Dixon moved to terminate the contract with Lee Drugs, Inc. effective January 1, 2008; seconded by Johnson and carried.

Attorney Holloman reported that he will be absent from the Council Meeting of November 20, 2007 as he will be out of state.

There being no further business, the meeting was adjourned.

  
CITY RECORDER

  
PRESIDENT