

**MINUTES
 CITY COUNCIL
 CITY OF ARCADIA
 TUESDAY, OCTOBER 5, 2010
 6:00 PM**

The meeting was called to order at approximately 6:00 PM with the following members and staff present:

Arcadia City Council

Mayor Roosevelt Johnson
 Councilmember Sharon Goodman
 Councilman Lorenzo Dixon

Deputy Mayor Robert Heine
 Councilmember Keith Keene

Arcadia City Staff

City Administrator Lawrence Miller
 City Attorney William Galvano

City Recorder Dana Williams
 City Marshal Charles Lee

CALL TO ORDER, INVOCATION, PLEDGE OF ALLEGIANCE & ROLL CALL

Councilmember Keene gave the invocation, which was followed by the Pledge of Allegiance and roll call.

CONSENT AGENDA

1. MINUTES OF THE SEPTEMBER 21, 2010 WORKSHOP
2. MINUTES OF THE SEPTEMBER 21, 2010 REGULAR MEETING
3. CHECK WARRANTS FOR THE PERIOD SEPTEMBER 22 THROUGH SEPTEMBER 30, 2010

Councilmember Goodman made a motion to approve each of the three items on the Consent Agenda printed above. Deputy Mayor Heine provided a second to the motion, which passed unanimously, 5-0.

REORGANIZATION

4. NOMINATIONS FOR MAYOR AND DEPUTY MAYOR

Councilmember Goodman nominated Robert Heine for Mayor. Councilmember Keene seconded the nomination with a unanimous, 5-0, vote confirming the appointment.

Councilmember Dixon nominated Keith Keene for the position of Deputy Mayor, which was seconded by Councilmember Goodman and passed unanimously, 5-0, to confirm the appointment.

5. RESOLUTION 2010-08 - APPOINTING MAYOR, DEPUTY MAYOR AND PRESIDING OFFICERS

The City Recorder read resolution 2010-08 in its entirety as printed below.

RESOLUTION 2010-08

**A RESOLUTION APPOINTING MAYOR,
DEPUTY MAYOR AND PRESIDING OFFICERS;
SETTING TERM OF OFFICE.**

IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA:

SECTION 1: That City Councilmember ROBERT W. HEINE be appointed to the Office of Mayor of the City of Arcadia, Florida and Presiding Officer of the City Council.

SECTION 2: That City Councilmember KEITH KEENE be appointed to the Office of Deputy Mayor of the City of Arcadia, Florida and Presiding Officer of the City Council.

SECTION 3: That said Appointees are hereby charged with all powers, duties, functions and responsibilities of their respective offices as set forth in the Charter and Ordinances of the City of Arcadia, Florida.

SECTION 4: That their term of Office shall be from the date of the Resolution through the end of Fiscal Year 2011 or until their successors are appointed.

SO DONE THIS 5TH DAY OF OCTOBER 2010.

/s/ Roosevelt Johnson, Ed.D.
/s/ Robert W. Heine
/s/ Lorenzo Dixon, Ph.D.

/s/ Dr. Sharon T. Goodman
/s/ Keith Keene

ATTEST:
/s/ Dana L.S. Williams, CMC, City Recorder

Outgoing Mayor Roosevelt Johnson passed the gavel to newly elected Mayor Robert Heine.

6. PRESENTATION OF PLAQUE TO OUTGOING COUNCILMEMBER DIXON

The City Recorder read a proclamation recognizing Councilmember Lorenzo Dixon's service to the City Council. Also read, was a framed letter of support from Del and Anita Crabtree. Mayor Heine presented each of these, along with a plaque and key to the City to Councilmember Dixon. Ms. Jennifer Codo-Salisbury, representing the Central Florida Regional Planning Council, also presented a plaque to Dr. Dixon expressing their appreciation for his service as Vice Chairman of the RPC.

Dr. Dixon then expressed his appreciation for having had this opportunity to serve the citizens of Arcadia on the Council, adding he was proud of what has been accomplished. He also noted that in accordance with State Statute, his resignation would be effective November 16th; however November 2nd will be his final meeting.

DISCUSSION ITEMS**7. SPECIAL EVENT REQUEST FOR "FAIRCLOTH PROJECT"**

Ms. Kim Wilson, along with Ms. Sherry Wilson requested use of the Tree of Knowledge Park for a fund-raiser to benefit the Faircloth family. Ms. Wilson stated the goal was to put an addition on the Faircloth home, and was part of a community wide effort. As part of the event, they will be serving BBQ chicken, have different groups in the community perform, host children's activities and have various vendors set up.

The City Attorney stated that there is a procedure in place which requires special events such as this to provide insurance naming the City as an additional insured, as well as to complete an indemnification and hold harmless agreement. He added the Council has followed these procedures in the past and will hopefully continue to do so as a means of protection for the City.

Ms. Wilson stated she has received a temporary food service events permit from the Health Department and questioned whether the insurance could be a rider on the apostolic church's insurance where the Faircloth's are associated.

On motion of Councilmember Dixon and seconded by Councilmember Johnson, the Council voted unanimously, 5-0, to approve the special event permit at the Tree of Knowledge Park on November 6, 2010, with the condition that proper liability coverage and indemnification is provided to the City Administrator prior to the event.

Councilmember Dixon stated he would be receiving two more City checks prior to his departure from Council and that he would personally donate both of those to the Faircloth event.

8. SPECIAL EVENT REQUEST FOR "WEEK OF THE FAMILY"

Ms. Cindy Siegel, also requested use of the Tree of Knowledge Park for the "Family Health, Education and Fitness Fair" to be held November 1, 2010. This application was originally lacking the insurance requirement; however, the City Recorder stated it had been received after distribution and prior to the meeting.

On motion of Councilmember Johnson and seconded by Councilmember Dixon, the Council voted unanimously, 5-0, to approve the use of Tree of Knowledge Park on November 1, 2010 for the Family Health, Education and Fitness Fair.

9. CDBG APPLICANT RANKING

Mr. Ben Wiles, Grants Administrator with Guardian Community Resource Management, Inc. gave a brief overview and summary of the CDBG grant rehabilitation process and ranking of applicants.

Mr. Wiles requested the ranking be approved in the order of the two properties slated for rehabilitation, followed by those identified for demolition which have been cleared through the County process, and lastly in point value ranked order.

On motion of Councilmember Goodman, with a second by Councilmember Dixon, the

Council voted unanimously, 5-0, to approve the Community Development Block Grant applicant ranking as presented herein [the staff report] for the continued processing of applications.

RESOLUTIONS

10. RESOLUTION 2010-09 – LET’S MOVE CAMPAIGN AGAINST CHILDHOOD OBESITY

The City Recorder read Resolution 2010-09 by title. Councilmember Goodman made a motion to approve the resolution as printed below. Councilmember Johnson provided a second and a voice vote of the Council recorded unanimous, 5-0, approval.

RESOLUTION 2010-09 LET’S MOVE CAMPAIGN

WHEREAS, the City of Arcadia, Florida, supports policies that focus on health and wellness, continuing education, and healthier lifestyles in all communities; and

WHEREAS, many cities, counties, and schools have adopted policies, programs, and ordinances that promote healthy lifestyles by making their communities walkable, promoting youth and senior activities, eliminating the sale of junk food in city, county, or school facilities, providing incentives for stores that sell fresh produce to locate in depressed neighborhoods, and providing exercise opportunities for their residents; and

WHEREAS, city officials believe there are important, long-term community benefits to be gained by encouraging healthy lifestyles, including a decrease in the rate of childhood obesity and its negative health-related impacts; and

WHEREAS, cities and other community partners can work together to understand the relationship between obesity, land-use policies, redevelopment, and community planning; and

WHEREAS, cities and other community partners can work together to ensure that there are safe places for their residents to be active such as in parks, ball fields, pools, gyms, and recreation centers; and

WHEREAS, access to healthy foods has a direct impact on the overall health of our community and planning for fresh food, open space, sidewalks, and parks should be a priority; and

WHEREAS, the Florida League of Mayors has partnered with the Healthy Eating Active Living (HEAL) Cities Campaign to provide training and technical assistance to help city officials adopt policies that improve their communities’ physical activity and retail food environments; and

WHEREAS, the Florida League of Mayors support the *Let’s Move!* Campaign headed by the First Lady of the United States, the President’s Task Force on Childhood Obesity and Secretary of Health and Human Services’ in an effort to solve the challenge of childhood obesity within a generation.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Arcadia, Florida, that:

SECTION 1. The City of Arcadia supports preventative measures to fight obesity as set forth by the First Lady of the United States of America in the *Let's Move* campaign;

SECTION 2: That the City of Arcadia supports efforts to (1) help parents make healthy family choices, (2) create healthy schools, (3) provide access to healthy and affordable foods, and (4) promote physical activity.

SO DONE THIS 5TH DAY OF OCTOBER 2010.

By: /s/ Robert W. Heine, Mayor

ATEST:

/s/ Dana L.S. Williams, CMC, City Recorder

ORDINANCES

11. FIRST READING OF ORDINANCE 961 – RENTAL HALLS

The City Recorder read ordinance 961 by title.

ORDINANCE NO. 961

AN ORDINANCE OF THE CITY OF ARCADIA, FLORIDA, A MUNICIPAL CORPORATION, RELATED TO RENTAL HALLS; ESTABLISHING ARTICLE III OF CHAPTER 34 OF THE CODE OF ORDINANCES, CITY OF ARCADIA, FLORIDA; PROVIDING FOR THE LICENSING AND REGULATION OF RENTAL HALLS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Goodman made a motion to approve Ordinance 961 on first reading and Councilmember Dixon provided a second for discussion purposes.

The City Administrator stated he had spoken with several citizens and there were several issues of concerns, the first of which was the requirement for security as provided in Sec. 34.137(e). The Administrator questioned why there was a need for security officers if the owners' representative would suffice. The City Attorney responded that the Council determined the policy but the rationale was to provide an extra layer of protection to the Arcadia Police Department by having security personnel who were trained and/or certified. The Administrator expressed citizens' concern that this provided an extra burden to them financially making the ability to sustain costs limited. This led to further discussion on cost for officers and/or security personnel, provisions in rental contracts, and notifications of event rentals provided in advance to the Police Department and Sheriff's Office. Also discussed was how quickly crowds can get out of hand and past experiences at various event locations.

Councilmember Keene asked about methods so the City could be assured renters had secured a temporary alcohol license and Councilmember Goodman added she had counseled several underage children who had attended and been served alcohol at those events. The City Attorney again stated it was the Council's decision to have oversight and that this ordinance

provides the "tools" for such by providing information, notice, transparency and enhanced security. He added there might be some flexibility in the number of security personnel required but should not offer "wiggle room" for oversight in general.

Ms. Dorothea McCall, President of the Garden Club questioned whether Sec. 34-132 (c) exempted The Arbor. The City Attorney confirmed if an establishment such as The Arbor had an ABT license, they would be exempt. Ms. McCall took issue with that provision, saying the only change between the current and previous version of this ordinance was to exempt the one place where trouble has occurred. She continued that the ordinance was written for businesses and that the Garden Club, nor the Women's Club were businesses, having no payroll, no employees, etc. She also read several components of the club's rental agreement currently used which she felt fulfilled their obligation for responsible rentals.

(Dr. Goodman left the meeting at this point.)

The Mayor asked if the contract she read from had worth; to which the City Attorney answered it may have bearing for a civil claim but an ordinance is a matter of general law. Councilmember Dixon suggested modifying the contract agreement to ask for the estimated attendance and whether or not alcohol would be served. Deputy Mayor Keene stated his appreciation for the citizen input and concern but pointed out that the Marshal had identified problem areas and as a Council, they were trying to help with that. He also added that rental halls need to be held to a standard, which this ordinance will provide.

The Mayor called for the vote, which was unanimous at 4-0. However after the vote, Councilmember Dixon asked that the record reflect he had seconded the motion for discussion only and would have liked to withdraw his second. The City Attorney pointed out the vote had been called, cast, and the outcome stands.

COMMENTS FROM DEPARTMENTS

12. CITY MARSHAL

The Marshal had no comments other than he was available to answer any questions regarding his report.

13. ATTORNEY

On the issue of requiring water connections, the City Attorney stated he was having staff look into the requirements and suggested scheduling a workshop on the matter once their research is complete.

The City Attorney also stated the environmental nuisance ordinance is in progress; and that there is no update on either the Rupp or South lawsuits.

14. ADMINISTRATOR

The City Administrator had several issues on which to report. The first was the sidewalks on the east side of Polk Avenue between Hickory and Magnolia were being repaired with new curbs, grass, and concrete as part of a DOT project using federal stimulus dollars. He continued

that due to this funding source, the DOT will be using federal guidelines to complete the project and that their rules and regulations are different from the City's regarding handicap accessibility. The Administrator added grass will be used to level off the sidewalk; but that the City can then put in material which is aesthetically pleasing and meets City regulations. Some storeowners want brick in front of their business instead of grass and the city will work with them on that; but also in the sidewalk area with mulched box cutouts, the City would be willing to install brick pavers at the owners' expense and in keeping with their desire.

On motion of Deputy Mayor Keene and seconded by Councilmember Dixon, the Council voted unanimously, 4-0, to authorize the City Administrator to proceed as desired with the installation of brick pavers in the sidewalk cut-out boxes providing the business owner purchases the pavers for the front of their store(s).

The City Administrator then discussed elimination of overtime for department heads in the new budget, but that he has taken steps to adjust salaries of those department heads by using some of the savings from the new overtime policy to bring them more in line with their duties and responsibilities. He also stated employees who are on-call will be paid a flat fee of \$30 per day with overtime beginning if they are actually called out.

With regard to water and sewer rates, the City Administrator pointed out county customers are paying the same rates as city customers but that there should be a two tier system which may encourage voluntary annexation. The City Administrator stated he would bring back a tiered system for Council's consideration.

The City Administrator talked about utility service deposits which was discussed at the last meeting. He requested an increase in new service deposits to account for those customers who leave service owing the city yet with an insufficient deposit on record to cover the amount owed.

On motion of Deputy Mayor Keene and seconded by Councilmember Johnson, the Council voted unanimously, 4-0, to increase the connection fee deposit for new connections to One Hundred (\$100) dollars.

The issue of the ADA compliant motorized doors in the front of the Way Building has moved forward with two bids according to the City Administrator, however he also reported there are other city buildings which also need to be brought up to compliance such as the ramp at the Speer Center. He added the CDBG funds can be used to address those issues.

The City Administrator announced a new Assistant City Administrator had been hired and would begin work on Monday, October 11th. She is Judi Jankosky, a planner from Lady Lake, FL.

And lastly, the City Administrator briefly explained the forthcoming additions to the City's website which will include buy local, Green City initiative and disaster relief center pages; before also announcing he should also have the FPL energy audit available for the next meeting.

PUBLIC

Ms. Martha Craven, 15 W. Oak Street, asked about a provision in the rental hall ordinance which would require security if alcohol were to be served. The City Attorney answered that if alcohol is served, the host must notify the police department and provide enhanced security.

Ms. Evelyn Sasser, also asked about the ordinance, specifically Sec. 34-132 which exempts schools and government buildings. She felt churches should be included in the exemption as well. The City Attorney explained the exemptions as written have oversight by government, which churches do not. Ms. Sasser then asked about the cost of a permit, to which the City Attorney answered it had yet to be established.

MAYOR AND COUNCIL MATTERS

The City Recorder explained there were provisions in the Code, which provided for a Board of Adjustment to hear and make recommendations on variances, although the City has no such board in existence. Further, there is a possibility a variance request will be forthcoming and requested the Council designate the Planning & Zoning Board as the Board of Adjustment for some period of time or "until further notice".

Councilmember Johnson stated he did not want to see the P&Z Board serve indefinitely and suggested implementing a sunset date.

On motion of Councilmember Johnson with a second by Deputy Mayor Keene, the Council voted unanimously, 4-0, that until December 31, 2010, the Planning & Zoning Board shall fulfill all duties of the Board of Adjustment pursuant to any City ordinance or other applicable law.

Councilmember Johnson thanked everyone for allowing him to have served as Mayor for the past year, noting he was also beginning his last year on the Council. He also reminded everyone of the Ridge League dinner to be held in Mulberry on October 14, 2010.

Councilmember Dixon pointed out that November would be his final month to serve on the Regional Planning Board and suggested the Council be thinking about a replacement for his appointment there. He also thanked the public for having allowed him to serve, adding he would still be in and around Arcadia. Councilmember Dixon then thanked Dr. Johnson for his service, calling him a "great inspiration".

ADJOURN

Having no further business at this time, the meeting was adjourned at 7:43 PM.

APPROVED THIS 19th DAY OF OCTOBER 2010.

By:



Robert W. Heine, Mayor

ATTEST:



Dana L.S. Williams, CMC, City Recorder