

REGULAR MEETING
June 20, 2006

A Regular Meeting was held on June 20, 2006, at 6:00 p.m. in Room D of the Way Building at 23 North Polk Avenue. Council members attending were Heine, Whitlock, Fazzone, Goodman, and Johnson. Also in attendance were Administrator Strube, Attorney Holloman, Marshal Lee, Parks and Recreations Supervisor Waters, Grants Coordinator Weeks, Public Works Superintendent Reed, and Ms. Way. Recorder Baumann was absent due to recent surgery.

Mayor Heine called the meeting to order.

The Invocation was given by Council member Goodman.

Pledge Allegiance to the Flag.

The Minutes of the Special Meeting of the City Council and County Commission of May 15, 2006 and the Regular Meeting of May 16, 2006, were adopted on motion of Whitlock; seconded by Johnson and carried.

Proposed Ordinance No. 922 was presented for a third and final reading. Whitlock moved to waive the rules and read the proposed ordinance by title only, seconded by Goodman and carried.

ORDINANCE NO. 922

**AN ORDINANCE OF THE CITY OF ARCADIA, FLORIDA,
CREATING A MUNICIPAL SERVICE BENEFIT UNIT, PURSUANT
TO CHAPTER 170.201 OF THE FLORIDA STATUTES, FOR THE
PURPOSE OF PROVIDING FIRE PROTECTION SERVICES;
PROVIDING CREATION OF THE UNIT AND BOUNDRIES;
PROVIDING PURPOSE; PROVIDING TERM OF UNIT; PROVIDING
A GOVERNING BODY; PROVIDING GENERAL POWERS OF THE
GOVERNING BODY; PROVIDING SPECIAL ASSESSMENTS;
PROVIDING CITY OF ARCADIA FIRE PROTECTION SERVICE
FUND; PROVIDING SEVERABILITY; PROVIDING REPEAL;
PROVIDING AN EFFECTIVE DATE.**

Whitlock then moved to adopt Ordinance No. 922 on the third and final reading and that it become an ordinance of the City of Arcadia; seconded by Fazzone. Mayor Heine called for comments from the public, there were none. The motion carried on a roll call vote. Ayes: Whitlock, Fazzone, Goodman, Johnson, and Heine. Nays: None.

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ORDINANCE NO 922

AN ORDINANCE OF THE CITY OF ARCADIA, FLORIDA, CREATING A MUNICIPAL SERVICE BENEFIT UNIT, PURSUANT TO CHAPTER 170.201 OF THE FLORIDA STATUTES, FOR THE PURPOSE OF PROVIDING FIRE PROTECTION SERVICES; PROVIDING CREATION OF THE UNIT AND BOUNDARIES; PROVIDING PURPOSE; PROVIDING TERM OF UNIT; PROVIDING A GOVERNING BODY; PROVIDING GENERAL POWERS OF THE GOVERNING BODY; PROVIDING SPECIAL ASSESSMENTS; PROVIDING CITY OF ARCADIA FIRE PROTECTION SERVICE FUND; PROVIDING SEVERABILITY; PROVIDING REPEAL; PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Arcadia, Florida has determined that a need exists for fire protection, and all services related thereto, within the corporate boundaries of the City; and

WHEREAS, the City of Arcadia is authorized, by Chapter 170 of the Florida Statutes, to provide fire protection services in the City and to levy and collect special assessments for the provision of such services; and

WHEREAS, the furnishing of protection against fire and the furnishing of emergency medical services in accordance with the purposes of this Municipal Service Benefit Unit has been determined to be a special benefit to all real property within the territorial bounds of the City; and

WHEREAS, the City of Arcadia, Florida, desires to promote the orderly and safe development of property through the provision of fire protection services; and

WHEREAS, the City of Arcadia, Florida, finds it a valid government purpose and a public necessity to establish a Municipal Service Benefit Unit for the purpose of providing fire protection services within the corporate boundaries of the City of Arcadia.

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

SECTION 1. CREATION OF THE UNIT BOUNDARIES.

(Ordinance 922 Continued)

Pursuant to the powers granted to the City of Arcadia, Florida, by the Constitution of the State of Florida, and the Florida Statutes, in particular, Section 170.201, Florida Statutes, the City of Arcadia, Florida hereby creates a Municipal Service Benefit Unit to be known as "ARCADIA FIRE SERVICES BENEFIT UNIT", hereinafter referred to as the "Unit", and more particularly described as follows:

All properties located within the corporate boundaries of the City of Arcadia, Florida.

SECTION 2. PURPOSE.

The purpose of this Unit is limited to providing fire protection services to the above-described property within the corporate boundaries of the City of Arcadia, Florida.

SECTION 3. TERM.

This unit shall exist until terminated by the City of Arcadia, Florida, by repeal of this Ordinance.

SECTION 4. THE GOVERNING BODY.

The City Council of the City of Arcadia, Florida, shall be the Governing Body of the Unit.

SECTION 5. GENERAL POWERS.

The Governing Body shall have all powers necessary or convenient to carry out the purposes of this Ordinance and such additional rights and powers as are provided by the Constitution of the State of Florida and the laws of the State of Florida as granted to municipalities.

SECTION 6. SPECIAL ASSESSMENTS.

(a) The Governing Body shall have the right, power, and authority to levy special assessments against the benefited real property within said Unit to provide for the purpose of said Unit.

b) The rate of such assessments shall be fixed by a resolution of the Governing Body as hereinafter provided.

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(Ordinance 922 Continued)

(c) The County Property Appraiser of DeSoto County, shall furnish the Governing Body with a tax roll covering all properties within said Unit on which the Governing Body will place the levy for each piece of property thereon, each year, and any property owner in said Unit shall have the right to file a protest in writing against the proposed special assessments and to appear before the Governing Body in support of such protest and the Governing Body shall hold at least one (1) meeting to consider such protests.

(d) The Governing Body shall adopt a resolution fixing the rate assessment and shall return the tax roll to the County Property Appraiser, having first noted thereon the special assessment of each parcel of property within the Unit.

(e) The County Property Appraiser shall then include in the DeSoto County Tax Roll the special assessments thus made by the Governing Body and the same shall be collected in the manner and form as is provided for the collection of county taxes and paid over by the County Tax Collector to the Governing Body,

(f) The special assessments levied by the Governing Body shall be a lien upon the land so assessed, along with the county taxes assessed against same, until said assessments and taxes have been paid, and if the same become delinquent, shall be considered a part of the county tax, subject to the same penalties, charges, fees and remedies. Said assessments shall be enforced, collected, and distributed, as provided for at law as determined by the City Council of the City of Arcadia, Florida.

SECTION 7. CITY OF ARCADIA FIRE PROTECTION SERVICES FUND.

There is hereby created and established a fund to be known as "THE ARCADIA FIRE PROTECTION SERVICES FUND", from which the costs of any fire protection services may be paid, either in whole or in part. All Funds collected as special assessments for the Unit shall be timely deposited to "THE ARCADIA FIRE PROTECTION SERVICES FUND". The Governing Body shall not expend funds received as special assessments by the Unit for any purpose other than as provided in SECTION 2 of this Ordinance.

SECTION 8. SEVERABILITY.

The provisions of this Ordinance are severable, and it is the intention to confer the whole or any part of the powers herein provided for. If any of the provisions of

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(Ordinance 922 Continued)

this Ordinance shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions of this Ordinance. It is hereby declared to be the legislative intent that this Ordinance would have been adopted and such unconstitutional provision not been included therein.

SECTION 9. REPEAL.

All ordinances and resolutions, or parts of ordinances and resolutions, in conflict herewith, be and the same are hereby repealed.,

SECTION 10. EFFECTIVE DATE.

This Ordinance shall become effective upon notification of the filing of same in the office of the Secretary of the State of Florida.

PASSED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA, on this 20th day of June, 2006.

CITY OF ARCADIA, FLORIDA

ATTEST:

/s/ ROBERT W. HEINE
ROBERT W. HEINE,
MAYOR

By: /s/ RACHELLE M. BAUMANN
RACHELLE M. BAUMANN
CITY RECORDER

PASSED ON FIRST READING May 2, 2006
PASSED ON SECOND READING May 16, 2006
PASSED ON THIRD READING June 20, 2006

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

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Administrator Strube recommended the Council hold a public hearing in August to determine the amount of the assessment city residents would be charged. The Property Appraiser will provide a tax roll for all city properties so that the Council can adopt a rate of assessment.

Ms. Genie Martin appeared before the Council as a member of the DeSoto County Beautification Committee. Mrs. Martin and other members continue to request a full – time code enforcement officer be hired. Mrs. Martin presented the Council with police reports from April through May. Mrs. Martin commended the Police Department for their work, stating there were 1,581 citations given since April 1, however, only 29 were beautification related. Mrs. Martin reminded everyone the beautification committee was organized five years ago.

Committee member Adrienne Daly addressed the Council to ask if a code enforcement officer would be hired. Mayor Heine stated the budget only had so much money with which the Council could work. Mayor Heine stated he was for hiring a code enforcement officer “100 percent”; however, the budget would have to be reviewed to see if funds were available.

Council member Whitlock reported that the City currently has a full time code enforcement officer who is strictly assigned for code enforcement, and that he was doing a good job.

Attorney Holloman stated that Officer Rogers is doing a great job, noting that two (2) cases are scheduled to go before the Special Master on July 5, 2006.

Mrs. Martin addressed one (1) of the twenty-nine (29) beautification complaints and trash on State Road 70 East, across from the car wash. Mrs. Martin cited one of the complaints is that of a group of men are drinking outside of a business. Mrs. Martin indicated that she does not believe that incident was a beautification issue. Mayor Heine stated that the trash in the area of the carwash had been cleaned-up, however, the next day it was right back. Mrs. Martin stated she is “sick of complaining”, and may not return to the Council to complain as she feels her complaints are “falling on deaf ears”. Mayor Heine asked if she thought the Council did not care, he stated they do but could “only do what they could with what they had to work with”.

A request by Katie Grantham, Public Relations/Data Manager for United Way to appear before the Council was tabled as Ms. Grantham was not in attendance.

Gerald Newberry, President of the DeSoto County Historical Society, Inc. appeared before the Council to inquire how \$1,000.00 given to the Society by the National Historical Trust could be released for use. Administrator Strube advised Mr. Newberry to submit invoices for work that was tangible to justify the use of the money.

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Administrator Strube recommended that Council release the funds to the Historical Society upon submission of these receipts. Whitlock moved to release \$1,000.00 to the Historical Society upon the submission of invoices for work; seconded by Fazzone and carried.

A request by Valerie Gilchrist for \$50,000.00 for the DeSoto County Homeless Coalition was tabled as no one from the Coalition was present. The Council felt the best place for the Coalition to start would be with the County. The City budget has not been completed for this year and Council does not believe that funds would be available for this request.

A request by Lorenzo Dixon to appear before the Council was tabled as Mr. Dixon was not present.

A request by Betty and Leon Holiman to appear before the Council was tabled as Mr. and Mrs. Holiman were not present. Administrator Strube stated that he and Attorney Holloman have looked into the rules addressing the property the Holiman's are requesting to purchase from the City. Attorney Holloman advised this should go before the Planning and Zoning Board. If this were to be a public use purpose, then a sealed bid process would be produced and sent to the adjacent property owners. Attorney Holloman believes that good, decent housing is a public purpose. Fazzone moved to refer this issue to the Planning and Zoning Board; seconded by Whitlock and carried.

A report of Police Fines and Forfeitures for the month of May 2006 indicates fines in the amount of \$4, 149.77, and radios \$12.50.

The Recorder's report of Revenue and Expenditures for the month of April 2006 was presented.

Mayor Heine questioned Grants Coordinator Steve Weeks regarding status of CDBG funded replacement homes. Mr. Weeks reported that three (3) houses are being painted and nine (9) are on trucks to be delivered. Mr. Weeks informed the Council that thirty - four (34) homes have been processed through the County and that fifteen (15) are in the City. He stated that County funds are being spent in the City.

Mr. Weeks asked for a letter to authorize Phase Two of City Hall restoration. Johnson moved to approve the letter; seconded by Goodman and carried.

Mr. Weeks then reported that Mr. Pete Pollard from Sebring, would be happy to speak to the Council regarding establishing a Community Redevelopment Area (CRA). Council members Goodman and Whitlock agree that this needs to be presented to the public. A workshop will be set up and the time and date announced.

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Mr. Weeks then presented information to the Council regarding a bid for cleaning and televising the sewer system in the City. Video Industrial Services, Inc. of Birmingham, Alabama is the lowest bidder. Administrator Strube stated that FEMA will allocate more funds if the City can show a need. Goodman moved to authorize the signing of a contract with Video Industrial Services, Inc. for Sanitary Sewer Pipe Cleaning and closed Circuit TV inspection in the amount of \$140,000.00; seconded by Johnson and carried.

On a recommendation by staff Whitlock moved to award a bid for the Expansion of the Reclaimed Water Main to Flow-Line, Inc. in the amount of \$693,672.00; seconded by Fazzone and carried.

On a recommendation by staff Whitlock moved to approve Specific Authorization No. 49 with Bolye Engineering for engineering and construction phase services for the Reclaimed Water Main Expansion Project in the amount of \$39,595.00; seconded by Goodman and carried.

The May, 2006 report of Arcadia Golf Course receipts and number of play was present

Don Waters, Parks and Recreation Supervisor reported that the new eighteen (18) holes will be open this Friday, June 23, 2006.

After discussion Fazzone moved to waive the green fees for the Arcadia Elks Lodge for sponsoring a Troops Benefit Tournament on June 24, 2006; seconded by Whitlock and carried.

The Public Works report for May 2006 was presented.

Public Works Superintendent John Reed addressed the Council to report on the demonstration of a new sweeper for the City. Administrator Strube stated that this is the type of equipment we need and would be beneficial to the City. The current equipment is six (6) or seven (7) years old and requires a lot of maintenance. The new unit would cost \$158,038.00. Fazzone asked if this would be a lease of equipment or a purchase, Administrator Strube reported it would be a purchase. Administrator Strube recommends this purchase be made. Fazzone then moved to purchase a new street sweeper in the amount of \$158,038.00; seconded by Goodman and carried.

Administrator Strube reported that work crews from DeSoto Correctional Institute (D.C.I.) are not at work pending an answer from Tallahassee. Administrator Strube stated that the City is committed to funding an officer's position. This would be a dedicated crew under contract to the City. Mayor Heine noted that this crew could be a help cleaning the streets, in addition to the new sweeper.

The Flowage report of Air-Cadia, Inc. for the months of April 2006 and May 2006 for the Municipal Airport was presented.

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It was reported that the hanger building was up and the doors were on. Administrator Strube reported that work is continuing on the FFA hanger and the fuel system. It was suggested that a type of credit card system is needed for fuel purchase. Also reported, vandals were riding four wheelers on the runways after hours. This was reported to the Police Department. A request for the purchase of a new fence was brought before the Council. Mayor Heine forwarded this request to Administrator Strube for review. Council Member Fazzone asked if there is any certain time or nights these incidents are occurring, it was reported there were not.

John Reed, Public Works Supervisor addressed the Council regarding the need for a new bushog. Mayor Heine requests that he speak with Administrator Strube concerning this request.

A request to the Council by a member of the public to provide more agendas at the meetings was discussed. Administrator Strube will provide more agendas.

Council member Fazzone addressed Steve Weeks to inquire on the progress of removing damaged houses and buildings. Mr. Weeks reported that the application was sent to FEMA and to Washington for approval of payment, and he indicated that by next month Washington should answer either yes or no.

Attorney Holloman addressed Council to request a meeting at 5:30 p.m. on July 18, 2006, out of the Sunshine Law to confer with Don Bennet, City representative on the Messina litigation. Whitlock moved to hold an executive session on July 18, 2006 at 5:30 p.m. as requested by the City Attorney to discuss pending litigation; seconded by Fazzone and carried.

Council member Whitlock asked about the use of Fire Station One by the County. Administrator Strube stated he believes it will be used by West Coast Ambulance Service or for storage.

Council member Johnson requests that Administrator Strube address the new mileage and meal rates that are to be in effect. Administrator Strube will look into the request.

There being no further business, the meeting was adjourned.


CITY RECORDER


PRESIDENT