

REGULAR MEETING
AUGUST 15, 2006

A regular Meeting of the Arcadia City Council was held on August 15, 2006, at 6:00 p.m. in the Margaret Way Building at 23 North Polk Avenue. Council members attending were Heine, Whitlock, Fazzone and Goodman. Absent: Council Member Johnson. Also in attendance were Administrator Strube, Attorney Holloman, Captain Anderson, Grants Coordinator Weeks, Ms. Way and Recorder Baumann.

Mayor Heine called the meeting to order.

The Invocation was given by Council member Whitlock.

Pledge Allegiance to the Flag.

The Minutes of the Work Session of June 6, 2006, were adopted on motion of Goodman; seconded by Whitlock and carried.

The Minutes of the Special Meeting Closed Attorney Client Session of July 18, 2006, were adopted on motion of Whitlock; seconded by Fazzone and carried.

The Minutes of the Regular Meeting of July 18, 2006, were adopted on motion of Fazzone; seconded by Whitlock and carried.

Mayor Heine called the Public Hearing to order and stated that the purpose of the public hearing as advertised is to consider non-ad valorem assessments for the City of Arcadia Fire Rescue Municipal Services Benefit Unit (MSBU). Each Councilmember was previously given a copy for study of a handout containing information regarding MSBU for Fire Protection Service. Administrator Strube reported that notices were sent out by the County. He then explained that the proposed assessment rates were developed by a consultant hired by the County in 2003, and are the same rates the County is using. Administrator Strube stated that at this time the City does not anticipate reducing Ad Valorem taxes to off set any revenue received from the MSBU. For 2007-08, the City will have the option of continuing its MSBU or to allow the County to extend its MSBU into the City which would then be a true county wide tax. The City's MSBU assessment for fire is expected to generate \$350,000. The fire and ambulance budgets are 55% and 45% respectively of the over \$1,000,000 that the City must pay the County. The City will need to allocate other General Fund revenues to fully fund the payment to the County. At some time in the near future, the ambulance service is anticipated to be fully funded from ad valorem taxes by the City and by the County through its MSTU. Administrator Strube discussed proposed fire assessment rates for the Fiscal Year 2006-07, as noted on the handout, for Residential, Hotel/Motel/RV Parks, Agricultural/vacant and Non-Residential. Mayor Heine called for comments from the public. Several citizens addressed the Council and spoke in opposition to the proposed fire assessment rates.

Several business owners also addressed the Council and spoke in opposition. The business owners complained about the dollar amount that they will have to pay noting that this additional tax burden along with other costs could put some of them out of business. Many residents thought that the purpose of the Fire Department merger was to save money, to which Administrator Strube stated that if the fire merger had taken place earlier or the City had expanded it's service area an MSBU would already have been put

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in place. Members of the Public sited problems with streets and sewers, they believe that money collected now should be used for those repairs. Mayor Heine acknowledged the problems of the streets and sewers. He stated that there is only so much money taken in by the City to meet the budget for these items. Other members of the public stated that they were not given enough advance notice of this hearing. Administrator Strube responded stating that notices were sent in the mail along with an ad that was placed in paper which ran on four (4) separate times. Mayor Heine stated that this discussion will be continued at the September 5, 2006 meeting, at 6:00 p.m.

The Public Hearing was continued to September 5, 2006 at 6:00 p.m..

Mayor Heine reconvened the regular meeting.

Proposed Ordinance No. 923 was presented for second reading. Whitlock moved to waive the rules and read the proposed ordinance by title only, seconded by Goodman and carried.

ORDINANCE NO. 923

AN ORDINANCE OF THE CITY OF ARCADIA, AMENDING CHAPTER 2, ARTICLE VII, DIVISION 3, SECTION 2, INCLUSIVE, OF THE CODE OF ORDINANCES OF THE CITY OF ARCADIA BY RESTATING THE CITY OF ARCADIA POLICE OFFICERS' AND FIREFIGHTERS' RETIREMENT SYSTEM; PROVIDING FOR DEFINITIONS; PROVIDING FOR MEMBERSHIP; PROVIDING FOR A BOARD OF TRUSTEES; PROVIDING FOR FINANCES AND FUND MANAGEMENT; PROVIDING FOR CONTRIBUTIONS; PROVIDING FOR BENEFIT AMOUNTS AND ELIGIBILITY; PROVIDING FOR PRERETIRMENT DEATH BENEFITS; PROVIDING FOR DISABILITY BENEFITS; PROVIDING FOR VESTING OF BENEFITS; PROVIDING OPITIONAL FORMS OF BENEFITS; PROVIDING FOR BENEFICIARIES; PROVIDING CLAIMS PROCEDURES; PROVIDING FOR REPORTS TO THE DIVISION OF RETIREMENT; PROVIDING FOR A ROSTER OF RETIREES; PROVIDING FOR A MAXIMUM PENSION LIMITATION; PROVIDING FOR MINIMUM DISTRIBUTION OF BENEFITS; PROVIDING MISCELLANEOUS PROVISIONS; PROVIDING FOR REPEAL OR TERMINATION OF THE SYSTEM; PROVIDING FOR EXEMPTION FROM EXECUTION AND NON-ASSIGNABILITY; PROVIDING FOR PENSION VALIDITY; PROVIDING FOR FORFEITURE OF PENSION UNDER CERTAIN CIRCUMSTANCES; PROVIDING FOR CONVICTION AND FORFEITURE, FALSE, MISLEADING OR FRAUDULENT STATEMENTS; PROVIDING FOR INDEMNIFICATION AND DEFENSE OF CLAIMS; PROVIDING FOR DIRECT TRANSFERS OF ELIGIBLE; ROLLOVER DISTRIBUTIONS, ELIMINATION OF MANDATORY DISTRIBUTIONS; PROVIDING FOR PURCHASE OF CREDIT FOR MILITARY SERVICE PRIOR TO

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Ordinance No. 923 Cont.

EMPLOYMENT; PROVIDING FOR THE PURCHASE OF CREDITED SERVICE FOR ABSENCES PURSUANT TO THE FAMILY AND MEDICAL LEAVE ACT; PROVIDING FOR THE PURCHASE OF CREDITED SERVICE FOR PRIOR POLICE OR FIRE SERVICE; PROVIDING FOR A DEFERRED RETIREMENT OPTION PLAN; PROVIDING FOR REEMPLOYMENT AFTER RETIREMENT ; PROVIDING FOR A MERGER WITH COUNTY FIRE SERVICE; PROVIDING FOR CODIFICATION; PROVIDING FOR SERVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

Fazzone then moved to adopt Ordinance No. 923 on the second reading; seconded by Whitlock. Mayor Heine called for comments from the public, there were none. The motion carried on roll call vote. Ayes: Fazzone, Whitlock, Goodman, and Heine. Nays: None.

The Committee Against Erecting Another Tower in the City addressed the Council and submitted copies of a petition opposing the erection of a communications tower in Arcadia. Opponents say the public was not given sufficient notice of this issue. They request that the July 18, 2006 decision approving Sun Coast Media Group to place a telecommunications tower at Magnolia Street and Polk Avenue be reconsidered. Administrator Strube reported that the City looked at City owned property on Parker Avenue; however it has two (2) large forced mains on it so the tower could not be placed there. A location by the City Public Works Department on Parker Avenue is still an option. Chuck and Martha Craven, Co -founders of the Committee, stated the Council's decision to approve the tower, would be in direct contrast with the downtown historical district. Martha Craven questioned the safety of the tower in the event of a hurricane. Marilyn Mizell addressed the Council and reported that she had researched the issue of the tower being in the historic district with state officials. At this time it appears that the proposed location is adjacent to the historic district. Mrs. Mizell stated the site would go before the Florida Preservation and Historical Department for their review before the site was actually approved for the tower. Attorney David Holloman informed the Council that Congress passed the Telecommunications Act of 1996 to provide fair access to these services. He noted that Congress has prohibited communities from banning towers. He also reported that the City Code states that a person may appeal to a court of competent jurisdiction within 30 days after the Council's decision on any decision of the City Council. He also stated there were only two (2) days remaining to do this. Council member Whitlock stated that the federal communications act says that if someone wants a tower in our city, we cannot prevent it. Whitlock said the Council was hoping to place a moratorium of no new towers in order to assemble an ordinance to restrict them to certain locations. Attorney Holloman stated he was not aware of the moratorium or the ordinance. He stated that it will require a significant amount of research in order to

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proceed with either an ordinance regulating location or a moratorium. Administrator Strube stated there were many issues involved that would have to be addressed such as who is responsible for removing the tower when it was no longer of use.

Don Baughman, Director of Business Development for DayStar Communications addressed some of the public's concerns. The tower would be designed to withstand a Category 3 hurricane. It is designed to fall down, not over. In response to other health issues, he stated there is a lengthy process for passing all the agencies requirements for health and safety. He stated that many different agencies have to approve this tower before it can actually be erected. Administrator Strube reported that DayStar has been looking for alternative sites for erecting the tower. Council member Goodman acknowledged that Mr. Dunn-Rankin is an honorable businessman and had the best interest of Arcadia in his plans to bring DayStar to this area. Joe Gallimore, General Manager for the Sun-Herald, also commended Mr. Dunn-Rankin, stating the communication tower will benefit the community and that Mr. Dunn-Rankin's word was good. Mayor Heine then stated if an alternative site was found, the request would then go before the Planning and Zoning Board for review and a recommendation. Council member Goodman stated that all of the correct procedures have been and will be followed.

Pastor Lorenzo Dixon appeared before the Council. Mr. Dixon inquired as to the status of a request brought before the Council on May 10, 2006, on behalf of Mr. and Mrs. Holiman. The Holiman's had requested that the City give them or sell them a parcel of land adjoining their property on 222 Court Street in order to construct a home. Attorney Holloman stated this land could be given to Mrs. Holiman, but would have to have a reverter clause. Attorney Holloman does not believe that this would be advisable or suitable due to the fact that Mrs. Holiman is planning to build a home on the property. Attorney Holloman does not believe that a bank would loan money on land which has a reverter clause. Attorney Holloman advises the City to sell the property by advertising to the public and accepting bids. Administrator Strube explained to Mr. Dixon that if his request to be on the agenda had stated what he wanted to discuss then some of these questions could have been resolved. Administrator Strube then stated that however, due to the recent death of Mr. Holiman, and upon no further request, the Council had not acted upon this issue. Mr. Dixon then informed Council that Mrs. Holiman would like to move forward with the purchase of the property.

Mr. Dixon then addressed the Council regarding additional compensation for City employees. Administrator Strube stated that the salaries of all City employees were reviewed for an increase in the new fiscal year.

A report of Police Fines and Forfeitures for the month of July 2006 indicates fines in the amount of \$5,542.74, and radios \$12.50.

The Police Department Activity Report for the month of July 2006 was presented.

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Recorder Baumann presented the Council with a request for a new contract with CPA Associates to provide audit services for three (3) additional years, continued assistance with GASB 34, and single audit services. Fazzone moved to grant the request and authorize Administrator Strube to sign a contract with CPA Associates for three (3) additional years; seconded by Whitlock and carried.

The Recorder's report of Revenue and Expenditures for the month of June 30, 2006 was presented.

A request from the Planning and Zoning Board to approve the appointment of Mike Pooser to the Planning and Zoning Board to fill the unexpired term of Tim Adamson, said term to expire August 15, 2007. Goodman moved to grant the request to appoint Mike Pooser to the Planning and Zoning Board; seconded by Whitlock and carried.

A request from Recorder Baumann to re-appoint Sandra Sanders and Vincent A. Sica to serve a one (1) year term as a Special Master; said term will expire August 15, 2007. Goodman moved to grant the request to re-appoint Sandra Sanders and Vincent A. Sica to serve as Special Master; seconded by Fazzone and carried.

A request for approval of an Interlocal Agreement with the DeSoto School District, DeSoto County Commission, and Arcadia City Council for Public School Facility Planning was presented to the Council. Attorney Holloman stated the language of the document is acceptable. Fazzone then moved to adopt the Interlocal Agreement as presented; seconded by Whitlock and carried.

Grant Coordinator Steve Weeks updated the Council on the City's Housing Grant Program. He presented the members with a report and introduced to the Council, Bryan Bishop of BB Associates. Mr. Bishop is contracted to build three (3) CDBG houses. He reported that the Certificate of Occupancy (CO) for these homes should be in place the first of next week. He explained the delay in constructing these homes and the increase in cost to him for materials. He stated that he has not passed any of the increase cost onto the City.

Grants Coordinator Weeks stated the EARS application had been denied, but with insignificant problems. He stated that rezoning can proceed after the City re-adopts an ordinance regarding School placement. The Ordinance must go through the three (3) reading and be advertised in the paper which will take about two months.

The July 2006 report of Arcadia Golf Course receipts and number of play was presented. It was noted the total number played for the month was 1174 as compared to 559 in July of 2005.

Administrator Strube presented to the Council a review of the proshop contractual operation management for the Arcadia Municipal Golf Course.

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The June 2006 report for Air-Cadia flowage and hanger rent report was presented.

Public Works Superintendent John Reed, Jr., presented the Public Work Report for the months of June 2006 and July 2006. June reported the total usage of inmate man-hours as 754.5, and July reported total usage of inmate man-hours as 1,012.5. These hours were used for edging, cleaning, repair work, maintenance of ditches and retention pond, in addition to other activities within the City.

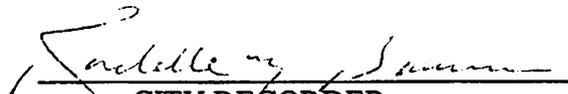
Administrator Strube presented a recommendation to Council that Consolidated Production Group Inc., be awarded the bid for the Collection System Rehabilitation, this is a FEMA funded project. Two bids were received one from Consolidated Production Group Inc. in the amount of \$688,609.00 and one from Alliance Steel Construction, Inc. in the amount of \$1,298,259.00. Fazzone moved to award the bid to Consolidated Production Group, Inc. in the amount of \$688,609.00 and authorized the Mayor to sign all necessary documents; seconded by Whitlock and carried.

Darby Ellis addressed the Council to propose an after school program to be held at Smith-Brown. Mayor Heine advised Mr. Ellis that Mr. Richard Bowers had spoken with members of the community and businesses in regards to an after school program. Council Member Goodman responded that Mr. Bowers was on "top of the program", and would be working with other community members to achieve this goal.

Jessie Alford of 204 Harris Road addressed the Council regarding property adjacent to her address that needed cleaning. Grass was overgrown and tin from the house was coming off the roof. Mayor Heine advised Ms. Alford this was a complaint for the Code Enforcement Officer. Administrator Strube stated he would advise Officer Rogers regarding this complaint.

Council member Fazzone requested that Administrator Strube develop a policy for the purpose of those appearing before the Council. He stated that a subject should be stated in the request so the Council could obtain any other information needed to address the concerns. He noted that some of the concerns could be solved if the Council had known the reason for the person appearing before them.

There being no further business, the meeting was adjourned.


CITY RECORDER


PRESIDENT