

**MINUTES
 CITY COUNCIL
 CITY OF ARCADIA
 TUESDAY, AUGUST 3, 2010
 6:00 PM**

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

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

Arcadia City Council

Mayor Roosevelt Johnson
 Councilmember Keith Keene

Deputy Mayor Robert Heine
 Councilmember Lorenzo Dixon

Arcadia City Staff

City Administrator Lawrence Miller
 City Marshal Charles Lee

City Recorder Dana Williams
 City Attorney William Galvano

Deputy Mayor Heine gave the invocation, which was followed by the Pledge of Allegiance and roll call. The Mayor announced Councilmember Goodman would not be in attendance this evening due to illness.

CONSENT AGENDA

1. MINUTES OF THE JULY 19, 2010 BUDGET WORKSHOP
2. MINUTES OF THE JULY 20, 2010 PUBLIC HEARING
3. MINUTES OF THE JULY 20, 2010 REGULAR MEETING
4. MINUTES OF THE JULY 26, 2010 SPECIAL MEETING
5. REQUEST FROM ARCADIA MAIN STREET FOR CLOSING OAK STREET FOR CAR SHOWS ON AUGUST 13TH, SEPTEMBER 10TH, OCTOBER 8, NOVEMBER 12TH AND DECEMBER 10TH, 2010.
6. CHECK WARRANTS FOR JULY 2010

On motion of Councilmember Keene and seconded by Councilmember Dixon, the six items printed on the Consent Agenda above were unanimously, 4-0, approved.

DISCUSSION ITEMS

7. AMENDED INTERLOCAL AGREEMENT FOR PUBLIC SCHOOL FACILITY PLANNING

Ms. Jennifer Codo-Salisbury, Director of Planning for the Central Florida Regional Planning Council, presented a proposed amended Interlocal Agreement for Public School Facilities Planning. She explained currently there was a similar, existing agreement between the City, County, and School Board, which was adopted in 2006; however there is a requirement for updating the agreement from time to time to account for Level of Service standards, growth projections, concurrency, and the like. She continued the agreement had been sent in April to the State who had no objections, the County had reviewed and signed in July, and the School Board will take it up on August 10th.

The City Attorney added he had reviewed the document for legal sufficiency and found it to be so.

On motion of Councilmember Dixon and seconded by Councilmember Keene, the Council voted unanimously, 4-0, to approve the Interlocal Agreement for Public School Facility Planning.

ORDINANCES

8. FIRST READING OF ORDINANCE 961 - RENTAL HALLS

The City Recorder read Ordinance 961 by title as follows:

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.

The Deputy Mayor made a motion to approve the ordinance on first reading. Councilmember Keene provided a second to the motion for discussion purposes.

Mr. Keene felt the Council may want to take a closer look at this ordinance, adding his concern that the Council may be headed in a direction they don't particularly want to go. He continued by saying he felt implementation of this ordinance may affect some entities not intended to regulate such as churches (e.g. wedding receptions) and benevolent organizations because as he reads the ordinance, it pertains to any facility or room available for rent. Councilmember Keene felt the groups and organizations he is associated with do not need this level of additional oversight.

Dr. Dixon concurred adding that he was certain law enforcement needs something in place to assist them with carrying out their duties effectively, but that he would feel better if all property owners were invited to a meeting or workshop to garner their input before enacting this ordinance.

The Mayor addressed his concerns also, particularly with regard to fundraisers, saying by imposing strict regulations; the fundraising effort may be hampered.

The City Attorney stated the Council could carve out exceptions such as rental halls for less than 50 persons or school functions, and that if the Council would define that direction, he could craft those exceptions. He also cautioned the Council it would be a slippery slope to balance the needs of the Marshal without impinging on the concerns Mr. Keene brought forth.

Councilmember Keene suggested taking another opportunity to review the ordinance, then to schedule a workshop on the matter which would also include input from the public. With that, he withdrew his second to the motion. Mr. Heine also withdrew his original motion.

A workshop was scheduled for 5 PM on Tuesday, September 21, 2010, immediately prior to the regular meeting. It was also directed that the proposed ordinance be uploaded to the City's website for the public's information/availability.

COMMENTS FROM DEPARTMENTS

9. CITY MARSHAL

The Marshal's report was provided at the dais. There was no elaboration other than his availability to answer any questions the Council may have.

10. ATTORNEY

The City Attorney addressed several items. The first of which was the proposed utility rate increase discussed at the meeting on July 20th. It was the opinion of his office that discussion on rates should have been more clearly noticed; yet with notifications currently being provided through the utility billing system, things are on track for the discussion and potential action to be taken at the August 17th meeting.

Second was to address Councilman Keene's concern regarding the County's utility franchise ordinance that purports to regulate the expansion of utilities beyond the incorporated and existing unincorporated area. Mr. Galvano stated he has requested of the County attorney's office, on an amicable basis, their legal authority for such an ordinance, but further it is the opinion of his office the County does not have the authority to regulate the City's activities. Further, by Statute the City can go into those areas as long as there is no overlap with other municipalities. The City Attorney will provide an updated report once the County's attorney responds.

The Attorney's next item related to the continuing work on the Wheeler's Café R-O-W issue. Mr. Galvano distributed a portion of a survey prepared by Mr. Kermit Roan. The City Attorney pointed out the shaded area depicts the encroachment but that it is actually a platted area in which the City owns the underlying fee, thence requiring two items for action; first, the transfer of the fee in order to allow for title insurance at some point in the future and the second, to vacate the right-of-way. He went on to suggest the shaded area be deeded to become part of the Wheeler parcel and then to vacate the area from there up. The City Attorney stated if that were the desire of Council, he would have Mr. Roan complete the legal description to get the process underway.

A brief discussion followed on the particulars of these actions, whether a vacation would prohibit someone from using the alley and could there be a potential to block access to other businesses from the back. Councilmember Keene also asked Mrs. Craven about having previously mentioned of exchanging property with the City in consideration of this vacation, adding he would like to explore further opportunities for barter or purchase.

It was the consensus of the Council to direct the City Attorney to proceed in securing a legal description for the portion of the alleyway to be deeded as a part of the Wheeler's Café parcel.

The City Attorney briefly mentioned the pending action with the former Administrator, saying there will be a motion to dismiss hearing on August 30th.

And finally, the City Attorney introduced his 11-year old son, William, with him in attendance this evening.

11. ADMINISTRATOR

The City Administrator reported he had met with a representative from Florida Power & Light regarding an energy audit for the City. He mentioned they had first visited the Water Plant and that other city facilities will follow. FP&L will provide the City with a plan to reduce the cost of electrical energy either through readjusting our rate plan to be more in line with our usage or to suggest steps we can take to reduce consumption. The City Administrator also met with the gentleman who installed the air conditioners in the Way Building who suggested a few energy savings measures such as programmable digital thermostats and installing ceiling fans.

The City Administrator then discussed the tentative millage and budget, saying the appropriate forms had been submitted to the Property Appraiser's office on July 28th, the same day they were submitted last year and with the same projections. He added he had met with representatives from the Gehring Group who are the City's health insurance brokers, who were informed by the Administrator that the City had projected a 12% increase in health insurance cost in its budget for the coming fiscal year. He was informed by the aforementioned representatives that a 20-25% increase in health care premiums was more realistic based upon what other municipalities had experienced to date in the increase of their health care cost.

His next item related to a meeting with Melissa Sanders regarding the TIGER II discretionary grant with the Department of Transportation. The Administrator continued the grant would assist the city in developing a master plan for the development of the city and provide resources if successful to address much needed infrastructure issues. The City Administrator added this would go hand-in-hand with the concept of a more walkable, livable and sustainable community. Councilmember Dixon asked if there was a required match by the City, to which the Administrator stated there were no matching funds involved whatsoever. The Administrator had also met with Lindsay Barnwell, Transportation Specialist with the FDOT to discuss implementation of a \$60,000 grant to bring the City into compliance with ADA requirements regarding crosswalks in the downtown area. The grant will mainly focus on upgrading curb cuts for handicapped individuals so they can more safely navigate street crossings; also, because the intersection of Polk and Oak does not need pedestrian poles, he requested the money designated for those be used to improve the sidewalks in that area.

The City Administrator reported on pricing for steel corrugated roofing material for City Hall, saying the price was quoted at \$43,731 as compared to the estimated \$50,000 for clay tile. He then displayed a sample of the material and color chosen and suggested that the

difference between the two prices be used to install insulation in the attic area as yet another energy savings measure. Councilmember Dixon questioned the warranty on the two materials. The City Administrator responded the warranty on the steel product was 50 years and a lifetime warranty on the clay. He also added he believed there to be a 150 mph wind load on either.

On motion of Councilmember Keene and seconded by Councilmember Dixon, the Council voted unanimously, 4-0, to direct the City Administrator to proceed with the roofing of City Hall and to use the difference in savings (steel over clay) for added insulation in the attic area.

The City Administrator then moved to a request from the Dept. of Community Affairs who has oversight of the CDBG grant, on a request for new mechanical doors and a curb cut in front of the Way Building to bring the building into ADA compliance. He added the funds for this project will come from the CDBG grant and will have no effect on the general revenue funds of the City.

Dr. Miller reported that staff looked into the allegation that a visitor to the cemetery had accidentally fallen into a grave site, noting the insurance carrier had been put on notice; however, there were two eyewitnesses to this incident who claim it was the vehicle and not a person who was stuck in the cemetery with tow trucks having to have been called. Further a visual inspection of the cemetery was made and there were no collapsed graves in that section or any other.

Finally, the Administrator distributed a policy on implementing a Catastrophic Leave Bank which will provide a systematic method of addressing the needs of employees who have long-term illness or injury with insufficient leave balances to cover the required time off. He asked the Council to review the proposed policy and to let him know if there were questions or concerns regarding it.

PUBLIC

Ms. Janie Watson, 803 W Imogene, asked what has happened that Code Enforcement reports are no longer a part of the meetings. The City Marshal responded Code Enforcement personnel were rarely in attendance at the Council meetings, but that their report was included as a part of his submitted under Item #9. Councilmember Keene asked that the Marshal's report, including Code Enforcement, be uploaded to our website.

MAYOR AND COUNCIL MATTERS

The City Recorder asked the Council to consider two dates for workshops to be held at the request of the Regional Planning Council and in relation to the EAR Amendments. The proposed dates would be September 7th and October 5th, each at 5 PM prior to the regular meeting. The Council agreed to those dates for EAR workshops.

The City Administrator stated the first round of interviews with candidates for the Finance Director had been completed and he would be meeting with the short list during the

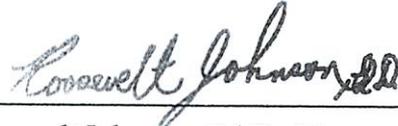
upcoming week. He also mentioned the Accounting Clerk position has been filled and that person will begin work on August 8th. And that during the last meeting, he discussed hiring a consultant to assist him with community and economic development work, but that he would instead like to make that a full time position and open the position to anyone interested.

ADJOURN

Having no further business at this time, the meeting was adjourned at 6:53 PM.

ADOPTED THIS 17th DAY OF AUGUST 2010.

By:



Roosevelt Johnson, Ed.D., Mayor

ATTEST:



Dana L.S. Williams, CMC
City Recorder