

REGULAR MEETING

DECEMBER 4, 2007

A Regular Meeting of the Arcadia City Council was held on December 4, 2007, at 6:00 p.m. in the Margaret Way Building at 23 North Polk Avenue. Council members attending were Goodman, Fazzone, Heine, Johnson, and Dixon. Also in attendance were Administrator Strube, Attorney Holloman, Marshall Lee, Capitan Anderson, Parks and Recreation Supervisor Waters, Special Projects Coordinator Hewett, Ms. Way, and Recorder Baumann.

The Invocation was given by Ms. Valerie Gilchrist.

Pledge Allegiance to the Flag.

Mayor Goodman then moved the meeting to another room, in order to show appreciation and take photographs of the DeSoto County High School Football team. Johnson moved to recognize by Proclamation the DeSoto County Bulldogs Football team, cheerleaders, and coaches for their 2007 winning season and becoming the 2007 3-A District 12 champions; seconded by Heine and carried. The Council then returned to the regular meeting room.

The Minutes of the Regular Meeting of November 20, 2007 were adopted on a motion by Heine; seconded by Dixon 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 the third and final reading. Heine moved to waive the rules and read the proposed ordinance by title only; seconded by Johnson 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 third and final reading and that it become an ordinance of the City of Arcadia; seconded by Heine. Mayor Goodman called from comments from the public. Attorney Paul Seusy, representing Womack Sanitation, addressed the Council to report that his client Womack Sanitation would be affected by this ordinance. Mr. Seusy presented the Council with a copy of Florida Statue No. 171.062 that relates to solid waste franchises in annexed areas which states that the franchise can serve the area for five (5) years. Mr. Womack is requesting that the Council amend the current ordinance to include language that would allow him the exclusive franchise to the area for the entire term of his contract with DeSoto County which would be until 2014. City Attorney Holloman addressed the Council stating that Mr. Seusy had provided him with a copy of the statue and it is correct that under this statue, Mr. Womack has a right to serve the area for five (5) years. Attorney Holloman than advised the adoption of the ordinance as is stating that he does not see the need for any amendment to the ordinance as presented. Administrator Strube stated that this is not the only franchise in the area being looked at by the City noting that specific issues need to be addressed during a meeting with himself, the City Attorney and Mr. Womack. Administrator Strube stated the area that is being annexed by this ordinance is currently vacant land. Mayor Goodman asked for any more comments from the public. There were none. Mayor Goodman then called for comments from the Council. Councilman Dixon thanked Mr. Seusy for providing the City with the information pertaining to solid waste in annexed areas. He then stated that this was the kind of cooperation and respect he would like to see more of in the future. The motion carried on a roll call vote. Ayes: Dixon, Fazzone, Johnson, Heine, and Goodman. Nays: None.

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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(Ordinance No. 938 Continued)

WHEREAS, Florida Statutes 171.044 provides a procedure whereby all owners of real property being contiguous to the corporate limits of the City of Arcadia, Florida, may be voluntarily annexed to said City, upon petition of said owners, and the adoption of an Ordinance annexing same; and

WHEREAS, the owner of real property of lands contiguous to the corporate limits of the City of Arcadia, and described below, have, by petition, requested the annexation of said lands to the City of Arcadia; and

WHEREAS, the City Council has hereby determined that the petition bears a signature representing the City of Arcadia Housing Authority, owner of the property proposed to be annexed; and

WHEREAS, the present Future Land Use Classification of the property in the DeSoto County Land Use Plan is Rural Residential and is classified under DeSoto County zoning as RMFM; and

WHEREAS, the City Council of the City of Arcadia has deemed it to be in the best interest of said City that the lands described on said petition be annexed within the corporate limits of the City of Arcadia.

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

1. That the following parcels of real property and all adjacent right of way associated with M.L. King street be annexed to the City of Arcadia, pursuant to petition filed by the owner of said lands and approved by the City Council of the City of Arcadia, said real property and owner of same being as follows:

Begin at point on the North line of the E1/2 of the SE1/4 of the NW1/4 of Section 1, Township 38 South, Range 24 East that lies 62 feet East of the Northwest corner of said 20 acre tract, thence run West on said North line 62 feet to said Northwest corner, thence run South on the West line of said 20 acre tract 571.58 feet, thence run East parallel to said North line 67.60 feet, thence run Northerly to point of beginning, being in and part of the E1/2 of the SE1/4 of the NW1/4 of Section 1, Township 38 South, Range 24 East in DeSoto County, Florida. (Parcel ID 01-38-24-0000-0110-0000)

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AND

E1/2 of NW1/4 of SE1/4 of NW1/4 of Section 1, Township 38
South, Range 24 East in DeSoto County, Florida. (Parcel ID 01-
38-24-0000-0370-0000)

said lands being owned by City of Arcadia Housing Authority.

2. That this is hereby deemed to be in the best interest of the City of Arcadia that the lands, above described, be annexed to and become a part of the City of Arcadia. That upon adoption of this Ordinance, the boundary lines of the corporate limits of the City of Arcadia shall be redefined so as to include the real property described above.

3. That Notice of this Ordinance shall be published in the DeSoto Sun Herald once a week for two (2) consecutive weeks. The Notice shall give the Ordinance Number and a brief general description of the area proposed to be annexed. The description shall include a map clearly showing the area and a statement that the complete legal descriptions by metes and bounds and the Ordinance can be obtained from the office of the City Recorder, City of Arcadia, Florida. A copy of the Notice shall be furnished via certified mail, not fewer than 10 days prior to publication, to the Board of County Commissioners of DeSoto County.

4. That attached hereto and made a part of hereof is a map which clearly shows the annexed area (See Exhibit "A").

5. That proof of publication of this Ordinance shall be filed herein prior to final reading of this Ordinance.

6. That upon filing of the proof of publication and final adoption of this Ordinance, a copy of same shall be filed with the Clerk of the Circuit Court of the Twelfth Judicial Circuit in and for DeSoto County, Florida, with the DeSoto County Administrator, and with the Department of State, Tallahassee, Florida, within seven (7) days after the adoption of such Ordinance.

7. If any subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed separate, distinct, and independent provision and such holding shall not affect the validity of the remainder of this Ordinance.

8. That this Ordinance shall become effective pursuant to Chapter 73-405 of the Laws of the State of Florida, and Section 171.044, Florida Statutes.

PASSED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA, on this
4th day of December, 2007.

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(Ordinance No. 938 Continued)

CITY OF ARCADIA, FLORIDA

s/s DR. SHARON T. GOODMAN
DR. SHARON T. GOODMAN
MAYOR

ATTEST:

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

PASSED FIRST READING November 6, 2007

PASSED SECOND READING November 20, 2007

PASSED THIRD READING December 4, 2007

APPROVED AS TO FORM:

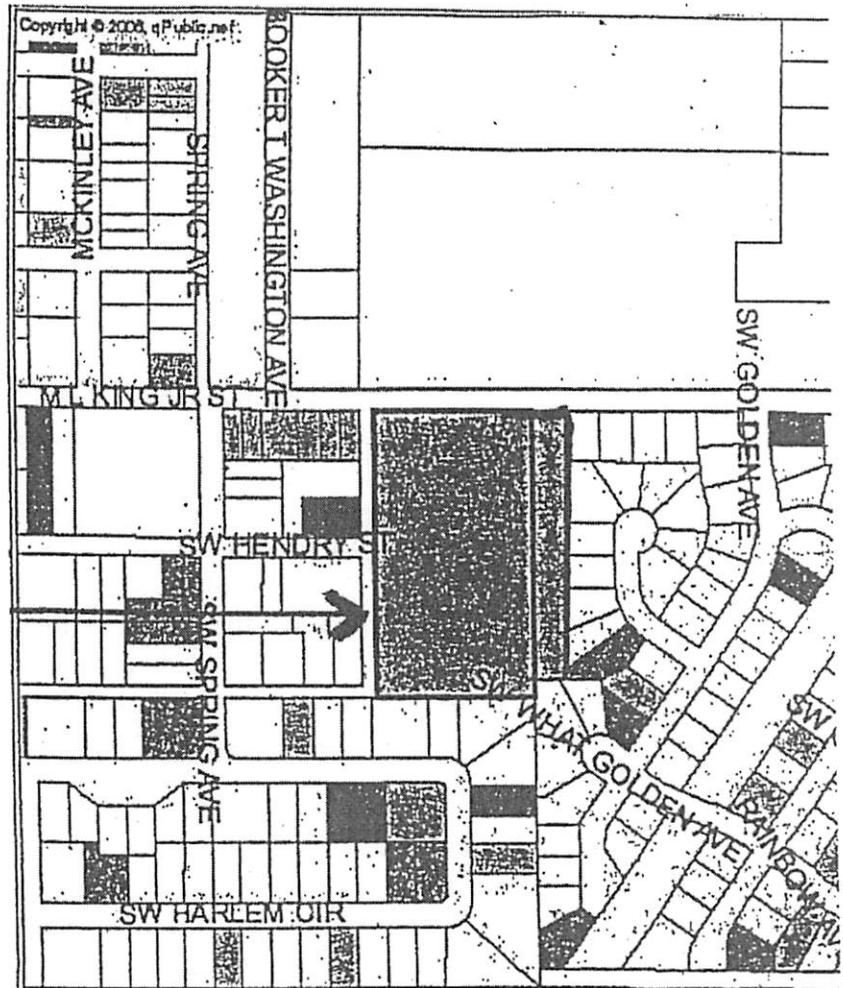
s/s DAVID C. HOLLOMAN
DAVID C. HOLLOMAN
CITY ATTORNEY

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EXHIBIT "A"
ORDINANCE NO. 938

**Area to be
Annexed
5.8 Acres**



Mayor Goodman addressed the Council and members of the public regarding the Golf Course and to statements being made "on the street" that were in contradiction to what the Council has agreed upon. Mayor Goodman stated the Council agreed to abolish the contract with Lee Drug and inform all employees of Lee Drug the procedure of becoming an employee of the City of Arcadia. Mayor Goodman stated that at no time did any member of the Council say that employees of Lee Drug were to be fired or not offered a position with the City. The only requirement is that those individuals were to fill out applications and be interviewed for the positions available. The positions would then be filled by the most qualified applicants.

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Valerie Bonett, Pro Shop Operations Manager for the Arcadia Golf Course addressed the Council and read a statement regarding employment and other concerns at the golf course. Ms. Bonett listed all employees by name, job title, and years of service and requested that all of the current staff be allowed to keep their position. Ms. Bonett asked if employees could lose their job to which Mayor Goodman stated that if employees follow the procedure of the City's policies and meet the qualifications of the position, they would retain their positions with the exception, they would no longer be employees of Lee Drug, but would be employees of the City of Arcadia. All applicants would be treated fairly and all applicants would be interviewed. Mayor Goodman complimented Ms. Bonett for appearing before the Council with her concerns.

Council Member Johnson also complimented Ms. Bonett, stating he felt sure she was well qualified to continue in the position she now holds at the golf course. Council members, Dixon, Fazzone, and Heine also commended Ms. Bonett for addressing the Council with her concerns. Mayor Goodman assured Ms. Bonett that she was always welcome to appear before the Council with any problems or questions, however, personnel manuals would be issued to employees of the City to inform them of the proper procedure and chain of command to follow when issues arose. Councilman Dixon stated it was not the intent of the Council to get rid of any employees or positions in the City. Attorney Holloman stated the City has a City Manager form of government and an employee manual to follow. Mayor Goodman stated that no member of the Council can go to the golf course and instruct employees, only their direct supervisor has the right to tell them what to do or how to proceed in their positions. Currently Special Projects Coordinator Hewett is the supervisor of the pro-shop. Several members of the audience and members of the golf course spoke on behalf of the current employees stating all were doing their jobs very well and were very courteous.

Mr. Jerry Stewart a golf course member addressed the Council with several complaints about management and some of the events that had been changed. Mr. Stewart stated the golf course members were mostly made up of northern visitors who brought money into Arcadia, and enjoyed playing at the golf course. He believes that these members should have a say in the events that are going on at the course. Other members of the audience gave opposing statements regarding the management of Special Projects Coordinator Hewett and his supervision of the course. Mrs. Joan Miller, another member of the golf course presented the Council with a petition signed by various members in favor of keeping current employees of the golf course as employees. Mayor Goodman stated she felt the golf course members should have a say in what they received at the golf course for their money.

Parks and Recreation Supervisor Don Waters addressed the Council and presented them with a card provided to him by Special Projects Coordinator Hewett, which was for a Pro-Shop employee. Mr. Waters asked Administrator Strube and the Council if he was in fact a Pro-Shop employee or was he the Parks and Recreation Supervisor that he believed he had always been. Council assured Mr. Waters that he is in fact, the Parks and Recreation Supervisor. Mr. Hewett stated this was is a software issue with the new

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computer program and in order to track all play and allow Mr. Waters a free cart he needed to be classified as a pro shop employee. Mr. Hewett stated that for a \$600.00 programming fee the software could be changed to accommodate Mr. Waters request. Mayor Goodman suggested that what ever change needed to be made to the software that it be purchased and assured Mr. Waters he was a valuable employee of the City of Arcadia.

Special Projects Coordinator Hewett addressed the Council and stated that some of the negative complaints concerning him were due to people being upset with the changes he has been making in order for the golf course to run more efficiently.

The Police Activity Report for November 2007 was presented.

Captain Matt Anderson addressed the Council with a request to use Law Enforcement Trust Funds for the purchase of new computers and printers for the City of Arcadia Police Department. Captain Anderson stated a state statue has a provision for monies to be used to purchase this equipment. Recorder Baumann will research the amount of money that is available, review the statue as to disbursement requirements, and report to the Capitan Anderson on her findings. Dixon moved to approve the request to purchase computers and printers for the Police Department using Law Enforcement Trust Funds; seconded by Heine and carried.

A request by letter from the School District of DeSoto County to apply Bulldog paw prints on the roadway from North Gibson Street to the student parking lot at DeSoto County High School was presented. Heine moved to approve the request to apply paw prints on the roadway, and that Marshall Lee assist with the traffic while the painting is been done; seconded by Dixon and carried.

Administrator Strube addressed the Council with a recommendation on a request by Fedco Investment Corporation, for an adjustment of sewer connection fees due to cost incurred for the installation of a septic system. Administrator Strube stated that had the City and/or Mr. Ward been aware of a utility easement through the Golden Melody Subdivision when Mr. Ward originally requested permission to connect to the City sewer system then the request could have been granted. The City can not cross private property it is only now in 2007 that Mr. Ward upon having a title search done was informed about the utility easement. There is a 2' easement along the interior lot lines and a 5' easement along the rear. Administrator Strube stated that with the information the City was working with at the time, he does not feel the City made a mistake, however, he does think an adjustment should be given to Mr. Ward in the form of waving the sewer connect fee. It was noted that the current out of City rate is \$8,500.00 and the in City rate is \$1,700.00. Administrator Strube suggests that the City and Mr. Ward share in the cost of the over site and the City waive the in City connection fee of \$1,700.00. Johnson moved to waive the sewer connect fee of \$1,700.00 for Fedco Investment Corporation at 107 M.L. King Street; seconded by Dixon and carried.

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

A member of the public addressed the Council regarding the Golf Course and applications for the position of Golf Course Manager. Administrator Strube stated that he had received several qualified applicants and felt there should be a time limit on the posting of this position. It was suggested that the advertisement be run again with an ending date, and that anyone who had recently applied, apply again for the position before the closing date.

Special Projects Coordinator Hewett addressed the Council reporting that the course had 250 members by noon today and that the purpose of the ID cards is to track membership and play. He stated that he was sorry that Mr. Waters was upset by the ID card to which Mayor Goodman stated that Mr. Hewett as a courtesy should have asked Mr. Waters what title he wanted on his ID card. Councilman Dixon asked that this night be the last of the Golf Course issues. Heine moved to place Mr. Hewett on ninety (90) days suspension if the Golf Course does not turn around. Attorney Holloman stated that Mr. Hewett works for the City Administrator and only the City Administrator had the authority to fire or suspend Mr. Hewett. Attorney Holloman then read from the Code book regarding the regulating of employees. Heine amended his motion to direct the City Administrator to place Mr. Hewett on ninety (90) days suspension if the golf course does not turn around. The motion died for lack of a second.

Mayor Goodman stated that the Council needs to look over our form of government she is in favor of a "strong mayor" and city manager form of government. She feels that the current form of government with a weak mayor and city administrator does not give the council the "teeth" they need. Mayor Goodman stated the Council had made suggestions in the past to Administration and many of them had not been carried out or had caused problems for the Council. Mayor Goodman stated this was in no way a threat to fire or remove City Administrator Ed Strube from his position; it is only a suggestion to research another form of governing that might allow the Council more input and then they could answer the public questions and comments in a different way.

Councilman Dixon asked Attorney Holloman what would need to be done to change or amend the current ordinance so that the city administrator whoever he or she maybe does not have the authority and that the current mayor or serving mayor along with the administration's discretion would have the authority to hire and terminate when it comes to administrative positions. Attorney Holloman suggested that Councilman Dixon make a motion to have a workshop to talk about the proposed change. After further discussion Councilman Dixon moved to hold a workshop to change the current ordinance to make sure that the city administrator does not have more power than the mayor. Attorney Holloman stated that the mayor does not have any power, only the authority to run the meeting and sign official documents. There was some discussion regarding the proposed workshop noting that the workshop would not get the Council to a "strong mayor" system. Mayor Goodman then stated that if we need a charter change than that is what we need to do. She then stated that as she understood it Councilman Dixon was trying to make a motion that we begin discussions to look at our charter, our ordinance, and to talk

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about how we want to move forward and where we want to be to which Councilman Dixon agreed that was the motion he was making; Councilman Heine seconded the motion and it carried.

Councilman Johnson asked if there was a "suggestion box" at the golf course to which Mr. Hewett stated that there was one. Mr. Waters stated that no one wanted to put in a suggestion as the box is monitored by the video cameras at the pro shop and members prefer that their suggestion remain anonymous. Councilman Johnson then reported that it had been brought to his attention that the cameras at the golf course were still being viewed at the home of Mr. Hewett to which Mr. Hewett stated that he only looks at the video at home if there was a problem with a break in at the course. Mayor Goodman noted that the Council had previously directed that the camera was not to be viewed at home. She then stated that she was informed the audio part of the equipment was also being used. Mayor Goodman believes that the cameras should be removed. Attorney Holloman stated that the Council has the authority to have the cameras removed. Marshall Lee asked that the cameras not be removed and stated that the correct way to handle the video camera was to tape it and review it if necessary. He explained this was the procedure most businesses used and he was familiar with the process. He also stated the use of cameras were a vital tool to the Police Department should a break in occur. Administrator Strube questioned if a company should be contacted to monitor these cameras to which Marshall Lee stated that this would be the best way to handle the monitoring of the equipment and one that was widely used throughout the county and city. Heine moved to hire a company to monitor the cameras at the Golf Course; seconded by Dixon and carried.

Members of the Public addressed issues regarding the Golf Course. Todd Rachels asked who the decision maker in the City was and suggested that maybe Mr. Strube should be put on ninety (90) day probation. Mr. Rachels feels that the City should run their business more like other businesses were operated stating that this could solve problems with finances and personnel. City Administrator Strube stated that he was the person making decisions concerning the hiring of a Pro at the Golf Course, and felt he was following the Council's desires.

The Flowage and Hanger Report for September 2007 for Air-Cadia was presented.

Paul Hoover, Owner of the Arbor, addressed the Council regarding the closing of City streets during events. He stated he was not against downtown events; however in the past the closing of streets has caused problems for events scheduled at his business. Marshall Lee agreed with Mr. Hoover that it did pose a problem for businesses and he would look at this and come back to the Council with a recommendation.

Shaun Knapp addressed the Council regarding affordable housing stating that he was purchasing and building homes and wanted to continue doing this. He asked if the Council could make adjustments to some of the rules governing the building of these homes and suggested that the City waive the requirement for the installation of side walks and driveways. He would also like to see anyone who removes old abandoned buildings

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and re-builds on the property get five (5) years without a tax bill. Other members of the audience thanked Mr. Knapp for his work in the City for affordable housing. There was some discussion regarding abandoned buildings and house that needed to be torn down. Mr. Knapp stated that he has been purchasing tax deeds and Administrator Strube noted that the City has a lien on property that is to be sold at the courthouse. He suggested it would be in the best interest of the City if Mr. Knapp wanted to bid on the property and could be given a clear deed to the land. Attorney Holloman stated that state statutes provides that the City lien survives any sale of property. Dixon moved that if Mr. Knapp purchases the property for the sale of the tax deed and he is able to build a home on the property the City will waive their lien on the property; seconded by Johnson and carried.

Mr. Hewett addressed the Council regarding statements made to him by some Council members and remarks involving his attitude toward people. He stated he felt under attack and felt he did not deserve being threatened. Council Member Heine apologized to Mr. Hewett and assured him he had not meant his comment as a physical threat.

Mayor Goodman stated she understood Mr. Hewett's frustration noting that these problems had been going on for quit a long time. She feels that the Council and City employees are a team and that everyone needs to think before speaking and treat others in a courteous manner.

There being no further business the meeting was adjourned.


CITY RECORDER


PRESIDENT