

REGULAR MEETING

JANUARY 15, 2008

A Regular Meeting of the Arcadia City Council was held on January 15, 2008, at 6:00 p.m. in the Margaret Way Building at 23 North Polk Avenue. Council members attending were Goodman, Heine, Johnson, and Dixon. Absent: Council member Fazzone was ill. Also in attendance were Administrator Strube, Attorney Holloman, Marshall Lee, Captain Anderson, Special Projects Coordinator Hewett, Parks and Recreation Supervisor Waters, Ms. Way, and Recorder Baumann.

The Invocation was given by Pastor Larry Armdrust of Trinity United Methodist Church.

Pledge of Allegiance to the Flag.

The Minutes of the Regular Meeting of December 18, 2007 were adopted on a motion by Heine; seconded by Johnson and carried.

A Resolution adopting a written policy on the collection and dissemination of Social Security numbers was presented. Heine moved to adopt Resolution No. 2008-1, the motion died for a lack of a second. Councilman Dixon asked for discussion and clarification on the wording used in the Resolution. Administrator Strube stated that staff had based the proposed resolution on a memo from the Florida League of Cities addressing a new state law regarding the requirement for a written policy and annual report on the collection and dissemination of Social Security numbers. Recorder Baumann stated that Social Security numbers are needed in identifying and reporting taxes for employees and vendors, as well as for use in the collection of delinquent utility accounts. Administrator Strube noted that the City policy must meet the statutory language and that the City must certify to several state agencies our compliance by January 31, 2008. He noted that the Council is free to develop their own policy and does not have to take recommendation by staff. After discussion the Council revised the wording of the Resolution. Johnson then moved to adopt Resolution No. 2008-1 as revised; seconded by Dixon and carried.

RESOLUTION NO. 2008-1

A RESOLUTION ADOPTING A WRITTEN POLICY ON THE
COLLECTION OF SOCIAL SECURITY NUMBERS.

WHEREAS, Effective October 1, 2007 the Florida Legislature adopted new requirements relating to the collection and dissemination of Social Security Numbers by all "agencies" in Florida, and

WHEREAS, In Section 119.071(5), Florida Statutes, the Legislature acknowledges that the Social Security number was never intended to be used for business purposes, but was intended to be used solely by the federal Social Security system, and

WHEREAS, Social Security numbers are now used extensively for identity verification and other purposes, and

(Resolution No. 2008-1 Continued)

WHEREAS, Recognizing that Social Security numbers can be used as a tool to perpetuate fraud, the Legislature adopted the following new requirements:

1. An agency may not collect an individual's Social Security number unless the agency has stated in writing the purpose for its collection.
2. Social Security numbers collected by an agency may not be used by the agency for any purpose other than the purpose provided in a written statement.
3. Each agency shall review whether its collection of Social Security numbers is in compliance with Section 119.071(5), Florida Statutes.
4. Each agency shall certify to the President of the Senate and the Speaker of the house of Representatives its compliance with these requirements no later than January 31, 2008

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Arcadia does hereby adopt the following written policy regarding the collection and dissemination of Social Security numbers.

THE CITY OF ARCADIA COLLECTS YOUR SOCIAL SECURITY NUMBER FOR THE FOLLOWING PURPOSE: EMPLOYMENT AND EMPLOYMENT RELATED BENEFITS; TAX REPORTING; ESTABLISHING UTILITY ACCOUNTS; IDENTIFICATION AND VERIFICATION OF PERSONAL INFORMATION AND SUBMITTAL TO COLLECTION AGENCIES FOR DELINQUENT UTILITY ACCOUNTS. SOCIAL SECURITY NUMBERS ARE ALSO USED AS A UNIQUE NUMERIC IDENTIFIER AND MAY BE USED FOR INTERNAL EMPLOYEE RECORD SEARCH PURPOSES.

DULY PASSED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA in Regular Session at the City Council Chambers of said City of Arcadia, Florida this 15TH day of January, 2008.

CITY OF ARCADIA, FLORIDA

ATTEST:

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

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

APPROVED AS TO FORM BY
DAVID C. HOLLOMAN
CITY ATTORNEY

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Carol Francis, Kim Spencer and Pam Ames representing the Arcadia Main Street Program addressed the Council with a request to close Oak Street between DeSoto Avenue and Orange Avenue and Polk Avenue from Arcadia Eye Wear North to Highway 70 W; and from DeSoto Avenue in front of Sun Trust Bank for the Watermelon Festival on May 17, 2008 and for the Annual Fall Festival on October 25, 2008. Council member Heine asked if these closings had been discussed with Marshall Lee to which Marshall Lee stated he has no problem with the request. Marshall Lee noted that Mr. Hoover, a downtown business owner may have an objection as he had spoken against street closings in the past. Councilman Dixon noted that Mr. Hoover was not in attendance to give an objection and no favoritism would be shown to anyone. Dixon moved to grant the request as presented for street closings on May 17, 2008 and October 25, 2008; seconded by Heine and carried.

Louella Corrales, DeSoto County United Way 211 Coordinator addressed the Council with a request from United Way of DeSoto County to place the United Way Campaign thermometer at the Rose Garden. Johnson moved to honor the request; seconded by Dixon and carried.

The Fines and Forfeitures report for the month of December 2007 was presented showing Fines in the amount of \$2,355.90. Marshall Lee stated a year end report would be submitted at the first February Council meeting.

Marshal Lee then noted that the Towing Policy is 95% completed and should be submitted soon.

Captain Anderson addressed the Council to request a step increase in order to solve inequities resulting from last years increase in starting salaries compared to those with longevity. Captain Anderson reported that he has discussed the proposed increases with Administrator Strube. Council member Johnson stated he does not have a problem with the idea; however he would like to see a report on how it would be implemented. Captain Anderson will have a report by the next Council Meeting.

The Planning and Zoning Board at their meeting of January 8, 2008 recommended the following:

1. That the request of Mr. William Martin to construct a two-family two (2) story home on Lot 1, and a two-family two (2) story home on Lot 2, Block 8, Original Survey, currently zoned R1B be granted by special resolution. The property is located at the corner of Volusia and Maple. Attorney Holloman stated that this is a Quasi-judicial matter. He then asked Mr. Martin to state his name for the record. Attorney Holloman asked if any Council member had spoken to anyone regarding this recommendation, either in person or by written communication. The response was no. Attorney Holloman then asked if any Council member had visited the site. The response was no. Attorney Holloman asked if there were any comments from the public. No one spoke. Heine moved to adopt Resolution No. 2008-2 granting approval in zoning laws to William E. Martin to construct two (2) residential duplex in a one-family district and setting forth conditions; seconded by Johnson and carried.

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RESOLUTION NO. 2008 - 2

A RESOLUTION GRANTING APPROVAL TO
WILLIAM E. MARTIN TO CONSTRUCT TWO
RESIDENTIAL DUPLEX ON THE EASTERN
PORTION OF BLOCK 8, ORIGINAL SURVEY TO
ARCADIA AND SETTING FORTH CONDITIONS

WHEREAS, William E. Martin is the owner of Fractional Block 8, Original Survey of Arcadia as recorded in Plat Book C-5 page 56 of public records of DeSoto County, and

WHEREAS, the City of Arcadia is in need of affordable housing, and

WHEREAS, the East portion of this property is presently zoned One-Family Dwelling R-1B, and

WHEREAS, Section 110-241 (f) of the City Zoning Code permits two family dwellings conforming to the requirements specified for R-2 A district, after a finding of their necessity or desirability for public convenience and/or welfare, and this property will meet the required plot size for two, two story duplex.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Arcadia, Florida that William E. Martin be granted approval to construct two, two story duplex on the East portion of Block 8, Original Survey of Arcadia.

BE IT FURTHER RESOLVED, that due to unique circumstances surrounding unopened Whidden Street on the North, that the street side yard along Whidden Street be reduced to 10 feet. It is understood that all other City, County and State rules and regulation be met.

PASSED BY THE CITY COUNCIL of the City of Arcadia, Florida in Regular Session this 15 day of January, 2008.

CITY OF ARCADIA, FLORIDA

ATTEST:

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

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

(Planning and Zoning recommendations Continued)

2. That the request from Mr. Alberto Riveron to allow for a scrap metal recycling center at 205 S. Monroe Avenue, currently zoned M-2 be granted. Attorney Holloman stated this was a quasi-judicial matter. Mrs. Jane Martin appeared before the Council to represent Mr. Riveron. Attorney Holloman asked if any Council member had spoken to anyone regarding this recommendation, either in person or by written communication. The response was no. Attorney Holloman then asked if any Council member had visited the site. The response was no. Attorney Holloman asked if there were any comments from the public. No one spoke. Council member Johnson inquired of Mrs. Martin as to the noise level from the site. She responded there would be no crushing or shredding done on site. Councilman Dixon stated that he did have a problem with the request for a non-modular building, it was noted that that request had been withdrawn. Councilman Dixon then inquired as to the type and size of vehicles that would be coming in and out of the site. He noted that the City is in the process of improving streets and this could result in additional repairs and expense to the City. Mrs. Martin noted that the site would accommodate 60' trucks. Council member Heine stated that a manufacturing plant is currently operating on this street which has trucks coming in and out, and which the Council had granted approval for the plant to operate. Council member Johnson stated that the Council had previously given special approval for a junkyard on the site noting that the owner was to put up an opaque fence; however it still has not been done. It was noted that the current fence on the property could be said to meet the qualifications as stated in the code; however the Council expressed their dissatisfaction that it is made of tin and painted different colors. The Council expressed concern that the law be enforced regarding an opaque fence. Mayor Goodman stated that there is already a junkyard in the City. Ms. Martin asked that the Council not penalize Mr. Riveron for what the property owner has not done. Councilman Dixon stated that not one person on the Planning and Zoning Board lives in the area and it will not affect any of them. Mrs. Martin noted that a survey had been done, as per the Planning and Zoning request. Administrator Strube stated that he did attempt to link the property owner to this requirement noting that the Council can be specific as to the fence design and quality. Heine moved to table this request and request that Mr. Riveron attend the next Council meeting; seconded by Dixon and carried. Councilman Dixon stated that this is why code enforcement has the problems they do with enforcement. Ms. Martin asked if the Council was tabling this request until the ordinance could be changed regarding fence requirements to which Attorney Holloman replied no, this is a request for a special approval and the Council has the authority to grant or not grant a request. Ms. Martin noted that her client first began discussing this business in October when he applied for an occupational license. Councilman Dixon stated that he does not like last minute requests when Ms. Martin has been discussing this since October. He asked that he be notified of any upcoming business so that he can review the content. Administrator Strube gave a brief review of the time line from the submittal of the occupational license application until today. No final action was taken.

(Planning and Zoning recommendations Continued)

3. A request from Mr. Alberto Riveron to allow for the temporary use of a non-modular (mobile construction trailer) as an office for his scrap metal recycling business was withdrawn as Mr. Riveron has located a Department of Community Affairs certified modular building.

The Flowage and Hanger Report for October 2007 was presented. Special Projects Coordinator Hewett addressed the Council stating that all of the T hangers except one are rented. It was noted that the City is currently in the process of having a tenant evicted and Mr. Hewett is working to collect the back rent. Mr. Hewett noted that the City has received a request for additional T hangers to rent. He hopes to have a proposal for the construction of additional hangers to present to the Council at their next meeting.

The Arcadia Golf Course report for December 2007 was presented.

Mrs. Mary Kay Burns, Administrator of DeSoto County Health Department addressed the Council and stated that due to the growth of the DeSoto County Health Department, parking is a problem. She asked if it would be possible to use the land given to them by the City as a parking area until construction of the buildings could begin. She also asked if a dead end sign could be put on Baldwin Street so that traffic would not add to the congestion of the area. Mrs. Burns then asked if the City would be fencing off the old water tower and if so if they could fence in the vacant lot. Administrator Strube stated that the fencing in of the new water tower is a homeland security requirement and the vacant lot could not be included. Mrs. Burns would like to be involved in any strategic planning the City may be working on. Mrs. Burns stated she had attempted to contact Administrator Strube however they had not made contact. Mayor Goodman asked that Administrator Strube meet with Mrs. Burns tonight, after the Council meeting. Mayor Goodman expressed her gratitude for all that Ms. Burns has done for the Health Department. There was some discussion as to if the Health Department should be a regular agenda item, it was decided that Ms. Burns will give a quarterly report to the Council. Council member Heine stated that the vacant lot is owned by the Health Department so they have the authority to decide if they want to use it for parking. Mrs. Burns stated that the County advised her they could not give her permission to use the property for parking and to contact the City. Attorney Holloman stated the County owned the land and the City could not give permission for parking. Mayor Goodman instructed Administrator Strube to draft a letter from the Council that the City has no objections for the Health Department to use the property as parking. Marshall Lee stated his department would put up the dead end sign immediately.

Mrs. Genie Martin, of the Beautification Committee, addressed the Council with a request to have Highway 70 West, between the BP station and the Church of the Brethren, cleaned up. Mrs. Martin stated that there is paper and other trash and the property needs mowing. Captain Anderson reported that the owner of the property had been contacted numerous times, and had mowed and cleaned the property, but due to the location, it never remains cleaned. Mrs. Martin also stated four (4) palm trees in the Tree of Knowledge Park down town were dead and she requests they be replaced. Parks and Recreation Supervisor Don Waters reported that he has already ordered Silver Palms to replace the trees.

Administrator Strube addressed the Council to inform them that the City has been awarded a waiver of the required 5% local match for expenses as a result of Hurricane Charley. The Governor had issued an executive order to which the State later changed the deadline for submittal for a request for a waiver; however not all cities and counties were noticed of the new deadline including Arcadia. New legislation now allows for several cities to re-submit their request for a waiver. The City of Arcadia re-submitted their request for a waiver and it was granted.

Councilman Dixon brought two concerns before the Council. He asked when the workshop would be scheduled to research and discuss a Mayor / Administrator partnership form of government. Administrator Strube stated he had discussed this with the Mayor and booklets provided by the Florida League of Cities were in the Council packets. He is waiting on another document from the League on guidelines for a City Charter. Administrator Strube suggested that Tuesday, February 12, 2008 would be a good time for the workshop. Council agreed to hold a workshop at 5:30 PM on Tuesday, February 12, 2008.

Councilman Dixon asked how close we are to getting office space for the Mayor's Office to which Administrator Strube stated he was still trying to figure out where to locate the office. Councilman Dixon asked about Mr. Strube's old office. City Recorder Baumann stated that area is a working office noting that the computer which is used to download and upload meter readings for utility billings is located in there. She stated that the location of the computer in the office allows the Water Department employees to watch the customer area and work on the bill runs. Councilman Dixon stated he was told that it was used for file cabinets. Councilman Dixon stated he did not think it was as difficult and hard to locate office space as it was being made. Councilman Dixon stated he wanted to advise Administrator Strube tonight that the Mayor have office space provided by February 1, 2008. Councilman Dixon stated the request for an office for the Mayor had been brought up years ago and he is asking Administrator Strube to make an office. Administrator Strube asked if the office would be co-used, stating if that is the case; we are having a problem with this. Council member Johnson stated he did not think the office should be co-used with other employees. Mayor Goodman thanked Councilman Dixon for his comments. She stated the office of Mayor has been the least respected position she has ever held and she has no where to meet with anyone. Councilman Dixon moved to establish an office for the Mayor in City Hall within thirty (30) days; seconded by Johnson and carried.

Councilman Dixon then presented Mayor Goodman with four (4) of his paychecks to go back to the City as a donation to help pay water utility bills for those in need. Councilman Dixon stated he would be donating/returning his first year's salary to the City to use in this manner. Attorney Holloman asked if he would be taking this as a charitable deduction to which Councilman Dixon stated he would not. Attorney Holloman stated for the record that he did not know if money donated can be designated as to how it is to be used to which Councilman Dixon stated that he was advised by his attorney that he could designate how the funds are to be used. Mayor Goodman acknowledged the receipt of the checks noting that the funds will be used to pay water bills at the discretion of Mr. Dixon working with Administrator Strube and /or Joyce O'Steen. She then passed the checks to Recorder Baumann.

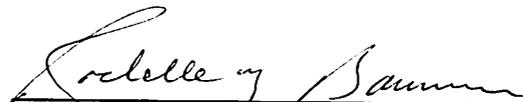
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Mayor Goodman asked that everyone be sent a reminder for the Workshop on February 12, 2008 at 5:30 p.m.

Administrator Strube informed the Council that a mistake had been made regarding Mr. Bill Altman's family insurance coverage which occurred beginning September 2006 until the present. This coverage should have been at 100% and not 50%. Administrator Strube suggested a credit be issued for January 2007 through January 2008 and this could be used to cover Mr. Altman's family insurance coverage until the credit was used. Heine moved to allow Mr. Altman to reduce his insurance payment due to having over paid for prior coverage; seconded by Dixon and carried.

Councilman Johnson stated that at the appropriate time he would ask or propose that future Council members to be allowed to be covered by the City's insurance. He stated at this time, the present members had coverage, however at some future date this might not be the case. Councilman Johnson also stated that the salaries of the Council should be adjusted when a new member comes onto the Council. Administrator Strube will research the insurance issue to see if it is allowed noting that it can not be considered as a part of their salary. He will also research the request for a pay increases for newly elected members. Administrator Strube noted that health insurance coverage is usually given only to full time employees; however the Council can make a motion to be included. Councilman Dixon stated if free golf play can be given to employees and Council members, then these other benefits should be considered. Johnson moved to have Administrator Strube research health insurance benefits for the Council; seconded by Dixon and carried.

There being no further business the meeting was adjourned.


CITY RECORDER


PRESIDENT