

Regular Meeting

November 20, 2007

A Regular Meeting of the Arcadia City Council was held on November 20, 2007, at 6:00 p.m. in the Margaret Way Building at 23 North Polk Avenue. Council Members attending were Goodman, Fazzone, Johnson, Heine, and Dixon. Also in attendance were Administrator Strube, Marshall Lee, Special Projects Coordinator Hewett, Ms. Way, and Recorder Baumann. Absent: Attorney Holloman was out of town.

Mayor Goodman called the meeting to order.

The Invocation was given by Pastor Phil Stutzman, Pastor of The Church of Arcadia.

Pledge Allegiance to the Flag.

The Minutes of the Regular Meeting of November 6, 2007 were adopted on a motion by Johnson; seconded by Heine 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 second reading. Fazzone 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.

Fazzone then moved to adopt Ordinance No. 938 on second reading; seconded by Heine. Mayor Goodman called for comments from the public. There were none. Mayor Goodman called for comments from the Council. There were none. The motion carried on a role call vote. Aye: Fazzone, Heine, Johnson, Dixon, and Goodman. Nays: None.

Johnson moved to adopt Resolution No. 2007-20 urging the State Division of Historical Resources to support the application of the DeSoto County Historical Society for the

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completion of the John Morgan Ingram House restoration; seconded by Fazzone and carried.

RESOLUTION NO. 2007-20

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
ARCADIA, FLORIDA, URGING THE STATE DIVISION OF
HISTORICAL RESOURCES TO SUPPORT THE
APPLICATION OF THE DESOTO COUNTY HISTORICAL
SOCIETY FOR THE COMPLETION OF THE JOHN MORGAN
INGRAHAM HOUSE RESTORATION.

WHEREAS, the DeSoto County Historical Society is in the final stages of a Restoration of the John Morgan Ingraham "Cracker House", and

WHEREAS, the John Morgan Ingraham house is a prime example of an unaltered turn of the Century "Cracker Houses" within the city limits of the City of Arcadia, and

WHEREAS, the DeSoto County Historical Society envisions this Cracker House to be a memorial to the early pioneer families of Arcadia and DeSoto County, and

WHEREAS, Mr. John Morgan Ingraham represented DeSoto County in the State Legislature from 1945 through 1949 and during this time several important laws benefiting DeSoto County, The State of Florida and the nation were passed.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Arcadia, Florida that they fully support the DeSoto County Historical Society, Inc. application for a Historical Preservation Grant In Aid to finish the restoration of the John Morgan Ingraham House.

BE IT FURTHER RESOLVED, that a copy of this Resolution of support be sent to Mr. Frederick P. Gaske, Director, Division of Historical Resources, Bureau of Historic Preservation, Grants and Education Section, 500 South Bronough Street, Tallahassee, FL 32399-0250

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

s/s ROBERT W. HEINE
ROBERT W. HEINE
COUNCIL MEMBER

s/s RICHARD P. FAZZONE
RICHARD P. FAZZONE
DEPUTY MAYOR

s/s LORENZO DIXON
LORENZO DIXON
COUNCILMAN

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(Resolution 2007-20 continued)

s/s ROOSEVELT JOHNSON, ED.D
ROOSEVELT JOHNSON, ED.D
COUNCIL MEMBER

s/s CHARLES J. LEE
CHARLES J. LEE
CITY MARSHALL

s/s EDWARD J. STRUBE
EDWARD J. STRUBE
CITY ADMINISTRATOR

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

ATTEST:

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

s/s MARGARET WAY
MARGARET WAY
CITY ADVISOR

Mayor Goodman presented a plaque to Council Member Richard P. Fazzone from the Florida League of Cities, Inc., commending him for more than twenty (20) years of elected service and requested that Recorder Baumann read the resolution in full. Johnson moved to endorse the resolution as presented from the Florida League of Cities; seconded by Heine and carried.

A request by letter, from Linda Williams, president of the DeSoto Chamber of Commerce to close Oak Street from Orange Avenue to Volusia Avenue on December 1st, 2007, at 6p.m., for the annual Christmas Parade was presented. Ms. Effie Keene was present to represent Mrs. Williams. Mr. Paul Hoover a member of the audience and the owner of the Arbor addressed the Council regarding the request. Mr. Hoover stated the closing of streets for parades has caused an inconvenience and hardship for events planned at the Arbor. Mr. Hoover stated that he had to cancel an event due to street closures during the recent Car Show as directions are too complicated to give attendees in order to navigate around street closures. Mr. Hoover asked that the City notify business owners of upcoming events that had street closings. Mayor Goodman stated that the Car Show had been approved by the Council months in advance and that Arcadia is well known for hosting festivals. Mayor Goodman noted that the Chamber of Commerce and Main Street coordinate events such as parades and festivals not the City Council.

Administrator Strube noted that in the past the City would plan on the Chambers calendar of events to provide notification and that the City expected Main Street to notify businesses; however he did note that not all business belong to Main Street. It was also

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noted that advertisements of events are also in the local paper. Mayor Goodman asked Marshall Lee if his department aided in this event to which he stated that they did, as this is an ongoing event each year, scheduled well in advance of the occurring date. Heine moved to approve the request for the closure of Oak Street from Orange Avenue to Volusia Avenue on December 1, 2007 for the Annual Christmas Parade, seconded by Dixon and carried.

Mr. Robert V. Davies, General Manager for Gate Systems, Inc. addressed the Council to request a two (2) year extension of the requirement for paved off-street parking at 1036 West Hickory Street. Council Member Heine stated that a two (2) year request had never been granted, however, a one (1) year request was usually approved noting that at the end of that time, the petitioner could then request another one (1) year extension. After discussion Heine moved to grant the request for a one (1) year extension of the requirement for paved off street parking at 1036 West Hickory Street with the understanding that if after one (1) year if the project is not complete Mr. Davies could request an additional one (1) year extension; seconded by Dixon and carried.

The Fines and Forfeitures report for the month of October 2007, showing fines of \$3,396.72, was presented.

The Planning and Zoning Board recommends that Richard Dunn be granted a Special Approval by resolution to allow for the construction of 2-family homes, (duplexes) on Lots 1,2,3,7,8,9 and 10, Block 5, Tier 7, Gilchrist East End Addition. The property is at the corner of 12th Street and Charles Street and 13th Street and Charles Street. The current zoning is R-1B. City Code section No. 110-241 (7)f. allows for 2-family homes after a recommendation by the Planning and Zoning Board and approval by City Council. Mr. Dunn is aware he must pave 13th Street before he can begin construction of any buildings which would front 13th Street. Heine moved to adopt Resolution No. 2007-21 granting approval in zoning laws to Richard Dunn to construct four (4) duplex in a one-family district and setting fourth conditions; seconded by Fazzone and carried.

RESOLUTION NO. 2007-21

A RESOLUTION GRANTING APPROVAL IN ZONING LAWS TO RICHARD DUNN TO CONSTRUCT FOUR (4) DUPLEX IN A ONE-FAMILY DISTRICT AND SETTING FORTH CONDITIONS.

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(Resolution 2007-21 continued)

WHEREAS, Richard Dunn has requested approval in zoning laws to permit him to construct four (4) duplex in a R-1B district, and

WHEREAS, Section 110-241 uses permitted under (7) f states: "subject to the approval of the City Council, after a finding of their necessity or desirability for public convenience and/or welfare and of their conformity with the spirit and purpose of this chapter: Two-family dwellings conforming to the requirements specified for R-2A districts, in R-1B one-family districts", and

WHEREAS, the City Council finds there is a need for affordable housing in Arcadia which can be helped by granting this approval.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Arcadia, Florida that Richard Dunn be granted approval to construct four (4) duplex on Lots 1,2,3,7,8,9, and 10, Block 5, Tier 7, Gilchrist East End in Arcadia.

BE IT FURTHER RESOLVED, that this approval is subject to the following:

1. All regulations required by the State, County, and City be met for each duplex.
2. The current plot used shall be in accordance with Section 110-241 (7) f of the City of Arcadia Zoning Code.
3. A separate water meter and sewer tap will be installed for each living unit.
4. The developer is responsible for the construction and paving as per City road specifications, of a roadway before construction can begin on any properties fronting an unpaved street.

PASSED BY THE CITY COUNCIL of the City of Arcadia, Florida in Regular Session this 20th day of November, 2007.

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

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Council Member Fazzone excused himself from the meeting at 6:30 p.m.

Former City Engineer Bob DeCheske presented the Council with a Street Restoration Plan for Fiscal Year 2007/2008. Administrator Strube stated that Bob has been hired as a consultant in order for the City to move forward with a paving program. The proposed plan lists streets based on an assigned rating number and shows the proposed area to be re-paved, the length, and the method of repair/paving required. Administrator Strube estimates that the cost to repair the streets as presented is between \$250,000.00 and \$300,000.00 noting that some manhole and sewer issues still need to be addressed before paving could begin on some of the streets. Administrator Strube estimates that once the project is put out for bid it would be sometime in the 1st quarter of 2008 before work would begin. Mr. DeCheske recommends that the City get a large project together in order to get better pricing from the contractor. Administrator Strube noted that there is about \$300,000.00 set aside in an account for street restoration and that an additional \$150,000.00 might be needed to correct water/sewer issues before paving could begin. Johnson stated that he lives on Monroe Avenue and he would like to see it on the list, noting that it is a main street in the South West section. Administrator Strube noted that Monroe has some drainage issues and that it would take most of the storm sewer funds to repair the problem. Out of 681 City road segments the report shows what is left to repair. The roads that still need repair are very difficult to repair due to the age of the underground utilities most of which are over one hundred (100) years old as compared to the national average of fifty (50) years. Administrator Strube recommended that the list as presented be the list the Council concentrates on. Council Member Heine suggested a workshop be held before the next Council Meeting to discuss the street repair program. Heine then moved to hold a Street Restoration Workshop on December 4, 2007, at 5:00 p.m. to discuss the repair of streets; seconded by Johnson and carried. Councilman Dixon stated that he does not want to allow one street such as Monroe Avenue to keep the City from moving forward with the proposed street program. Administrator Strube asked the Council to look over the list of streets and prioritize the list in order to discuss them at the workshop.

The Public Works Report for the month of October, 2007 was presented.

Mr. Lonnie Ward owner of Fedco Investment Corporation addressed the Council to request permission to connect to the City Sewer System for property he owns and intends to develop at 107 M.L. King Street. Mr. Ward also requests that the City charge him at the in-city rate rather than the interim County connection rate. Mr. Ward is willing to provide the City with a voluntary pre-annexation agreement in exchange for such consideration. Administrator Strube reported that the property has been served by City water since about 1980. It was noted that Mr. Ward's property abuts the Golden Melody Subdivision which has utility easements and that he could tie into the Golden Melody Subdivision connection. Mr. Ward had previously requested a connection to the City sewer system prior to the Council increasing the rates for residences in the County. Administrator Strube recommends allowing the connection at the reduced in-city rate. Dixon stated that based

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on the information provided and the fact that Mr. Ward had requested connection over a year ago he is in favor of the reduced rate. Dixon then stated that based on certain double taxation issues he does not feel that Mr. Ward should have to sign a pre-annexation agreement in order to get the reduced rate. Dixon then moved to allow Mr. Ward to connect to the City sewer system at the current in-city rate; seconded by Johnson and carried.

Mr. Ward then addressed the Council requesting that he be given a partial reimbursement or a waiver of fees for his sewer connection. Mr. Ward stated that his previous request to connect to the City sewer system was denied which caused him to install a new septic system at a cost of \$4,600.00 which is now of no use to him. Johnson moved that Administrator Strube submit a recommendation for the Council to consider at their next meeting for a reduction in Mr. Ward's connection fee; seconded by Dixon and carried.

Mrs. Billy Waldron addressed the Council requesting two (2) bushes be trimmed that were blocking the view of oncoming traffic at Cypress Street and Serena Drive, and Walnut Street and Orange Avenue. Mayor Goodman asked that Administrator Strube handle this request by contacting Public Works Superintendent John Reed.

Councilman Dixon addressed the Council regarding the procedures for hiring replacement employees at the Golf Course after the ending of the current contract with Lee Drugs, Inc. noting that a recent newspaper article stated that all of the current Lee Drug employees at the Golf Course would become City employees. Dixon stated he did not understand how the employees could automatically become employees of the City of Arcadia without applying for the positions. He also thought the positions would have to be advertised. Council Member Heine stated they would have to fill out an application and be interviewed by Special Projects Coordinator Hewett and Administrator Strube. Council Member Johnson also believes that the positions should be advertised noting that this would give the City the opportunity to make sure the best employee for the job was in the position. Mr. Hewett noted that the current employees are covered under the City's workmans' compensation policy and he thought the change would work similar to the transfer of the fire department to the County noting that they did not need to complete an application and re-apply for their jobs. Mayor Goodman stated that the intent at the last meeting was not to roll over employees. She requested that Administrator Strube explain to the current employees this is a procedure that must be followed according to the City of Arcadia Policy and Procedures Manual and is in no way a threat to the current employees. All employees are welcome to apply for the positions.

Councilman Dixon then asked that office space be located in order for the Mayor and other Council Members to have an office. He feels that the City should provide an office that all Council members could share in order to meet and talk with the public on issues. In addition Dixon noted that the area where meeting packets are distributed is very dark and is not a safe place to pick-up information. Administrator Strube stated he would research an area that might be available for use as an office and he would see to increasing the lighting in the area where packets are distributed.

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Administrator Strube then addressed the Council Members to report that he has offered the position of Golf Course Pro and Manager to Keith Swindell, a PGA professional at a salary of \$50,000. Mayor Goodman stated that this individual was talked to before the recent ad and she wants to be sure that the proper process has been followed. She does not like the fact that he knows about the history and events at the course. Administrator Strube stated that the City had advertised the position in 2006 and that Mr. Swindell was the only applicant; however he was unable to accept the position at the time. The position was also advertised with the Florida League of Cities in 2007. Administrator Strube stated that all applications received of record were talked to noting that the recent ad did not have a closing date. All Council Members were opposed to the procedure used in hiring Mr. Swindell. Heine asked if Mr. Swindell was promised the job without the Council's approval to which Administrator Strube stated that he did not think he needed to get Council's approval. Johnson stated that he also thought that Administrator Strube would make a recommendation to the Council. Dixon asked if Mr. Swindell was a personal friend of Mr. Fazzino or Mr. Strube to which Mr. Strube stated that Mr. Swindell is not a personal friend of his. Mayor Goodman stated that the point is not to micro manage, the point is the sensitivity of the issue noting that if this is a recommendation and all other applicants have been through the process then she does not want to micro manage. Johnson requests that letters be sent to anyone who applied informing them of the status of the position. The Council questioned if the golf course could afford to pay an annual salary of \$50,000.00. Administrator Strube stated that additional funds would need to be put into the operating of the Golf Course as it is about \$12,000.00 short of being able to cover all expenses. Johnson and Dixon feel that the revenues and expenditures should be able to support the position and that it should not be filled until it can be self supporting. Heine moved to table the hiring of a golf pro until the Golf Course is self supporting and can fully fund the position; seconded by Dixon and carried. Recorder Baumann stated that she will amend the current Golf Course report to reflect the revenues and expenditures of both the Golf Course and Pro Shop which should give a clearer financial picture. Administrator Strube noted that he had stated in previous meetings that if revenues are not there then something would need to be done to increase them. He had thought that a professional golf pro would be able to bring in additional revenue.

Mr. Lee, a member of the public addressed the Council in opposition to hiring anyone at a salary of \$50,000.00 stating that he would rather see the money be used for street repair.

There being no further business the meeting was adjourned.


CITY RECORDER


PRESIDENT