

## REGULAR MEETING

AUGUST 5, 2003

A regular meeting of the Arcadia City Council was held on August 5, 2003 at 6:00 p.m. in Room D of the Way Building at 23 N. Polk Avenue. Councilmembers attending were: Goodman, Fazzone, Heine, Johnson and Whitlock. Also in attendance were: Administrator Strube, City Attorney Holloman, City Marshal Lee, Captain Anderson, Fire Chief Rutherford, Public Works Superintendent Waters Ms. Way and Recorder Baumann.

Mayor Goodman called the meeting to order.

The Invocation was given by Councilman Johnson.

Pledge of Allegiance to the Flag.

The minutes of the Regular Meeting of July 1, 2003 were adopted on motion of Heine; seconded by Whitlock and carried.

The minutes of the Work Session of July 15, 2003 were adopted on motion of Whitlock; seconded by Johnson and carried.

The minutes of the Special Council Meeting of July 29, 2003 were adopted on motion of Johnson; seconded by Whitlock and carried.

Proposed Ordinance No. 903 was presented on second reading. Johnson moved to waive the rules and read the proposed ordinance by title only; seconded by Heine and carried.

## ORDINANCE 903

AN ORDINANCE TO BE DESIGNATED SECTION 38-3 OF THE CODE OF ORDINANCES OF THE CITY OF ARCADIA, FLORIDA; PROVIDING DEFINITIONS; PROVIDING A LEGAL DESCRIPTION OF OAK RIDGE CEMETERY; PROVIDING THAT OAK RIDGE CEMETERY IS NOT A PERPETUAL CARE CEMETERY; RESTRICTING BURIALS WITHIN THE CITY LIMITS OF THE CITY OF ARCADIA TO OAK RIDGE CEMETERY; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTIES; PROVIDING AN EFFECTIVE DATE.

Fazzone then moved to approve Ordinance No. 903 on second reading; seconded by Whitlock. Mayor Goodman called for comments from the public, there were none. The motion carried on roll call vote. Ayes: Heine, Whitlock, Johnson, Fazzone, and Goodman. Nays: None.

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Proposed Ordinance No. 904 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 904

AN ORDINANCE OF THE CITY OF ARCADIA, FLORIDA  
AMENDING SECTION 94-31(b) OF THE CODE OF ORDINANCES,  
CITY OF ARCADIA, FLORIDA RELATING TO THE LOCAL  
COMMUNICATIONS SERVICES TAX RATE; PROVIDING FOR  
INTENT; PROVIDING FOR SETTING THE LOCAL  
COMMUNICATIONS SERVICES TAX RATE EFFECTIVE JANUARY  
1, 2004; PROVIDING FOR NOTICE TO THE FLORIDA  
DEPARTMENT OF REVENUE; PROVIDING FOR SEVERABILITY;  
PROVIDING FOR AN EFFECTIVE DATE.

Whitlock then moved to approve Ordinance No. 904 on second reading; seconded by Fazzone. Mayor Goodman called for comments from the public, there were none. The motion carried on roll call vote. Ayes: Heine, Whitlock, Fazzone, and Goodman. Nays: None.

Gloria Kendrick, Redlands Christian Migrant Association (RCMA) Area Coordinator addressed Council to request that the lease between the City and RCMA be renewed. It was noted that the current lease agreement had expired. Heine moved to approve the lease and authorize the Mayor to sign a ten (10) year lease agreement with RCMA to begin July 1, 2003 and ending June 30, 2013 subject to review of the liability insurance policy by Attorney Holloman and Administrator Strube; seconded by Whitlock and carried.

Request by letter, from Melvin Jackson property owner at 330 LaSolona to repair or replace his above ground pool. Councilman Heine asked if the City's insurance would cover this claim. Administrator Strube reported that the City's insurance carrier has reviewed the claim, however there is no determination as to the extent of the damage and if it was caused by the City. In March 2003 Mr. Jackson did report a problem regarding flooding of his yard when the water tower overflows. The issue was corrected and no mention was made until now that there was any possible damage to the pool. Administrator Strube recommends that the issue be turned over to the insurance company, noting he has no idea how long the pool has been out of order. Heine moved to table the request until a report is received from the insurance company; seconded by Whitlock and carried. Mayor Goodman requests Recorder Baumann listen to the tape of March 3, 2003 to see if the pool was mentioned. After listening to the tape of March 3, 2003 it should be noted that Mr. Jackson did mention that he had a security fence in his yard because of his swimming pool, however there was never any mention that the pool had been damaged in any way.

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Bob Baumann owner of the Historic Parker House Bed & Breakfast located at 427 W. Hickory Street introduced William and Christine Klossner who are in the process of purchasing the property. Mr. Klossner is requesting special approval to continue to operate the home as a Bed & Breakfast Inn. After discussion Heine moved to refer the request to the Planning and Zoning Board for review and recommendation; seconded by Johnson and carried.

Mayor Goodman presented John Twohig a "Certificate of Appreciation" for ten (10) years of service along with a check.

A report of Police Fines and Forfeitures for the month of June 2003 indicates fines \$6,523.94 law enforcement \$32.00, radios \$825.00.

The Recorder's report of Revenues and Expenditures for the month of June 2003 was presented.

Attorney Holloman addressed Council to review his memo concerning the request of Elizabeth Missionary Baptist Church for conveyance by deed of the Smith Brown Recreation Center to the Church. Attorney Holloman stated that before the City can convey property they must find it surplus and no longer needed for municipal purposes and that conveying the property would be in the best interests of the City. Currently RCMA has a ten (10) year lease to provide daycare services. Attorney Holloman in his memo reported that the Supreme Court of Florida held that provision for a day care education facility is a valid municipal purpose. Before the Council could declare the property as surplus Attorney Holloman stated the issue would need to be referred to the Planning and Zoning Board for a recommendation as per City Code. Both Councilman Whitlock and Fazzone wondered how the City could declare the Center as surplus when it is still providing municipal services. Councilman Johnson stated that RCMA is doing an excellent job at the facility. He asked what the advantage or the disadvantage would be to the City to declare the property surplus. Johnson then asked Public Works Superintendent Waters what programs are currently being run by the City at the Center. Waters stated that basketball and volleyball programs are run at the Center. Councilman Johnson then asked if these programs are similar to programs at the Speer Center and was informed that they are. Councilman Johnson then questioned if the Smith Brown Complex was declared surplus would the City then have to declare the Speer Center as surplus if someone else asked for the same thing. Councilman Johnson asked if there have been any complaints about the programs and was informed that no complaints have been received. Mayor Goodman noted that the RCMA program is an excellent program and that RCMA does an excellent job of providing maintenance to the facility. Mayor Goodman asked if we are having viable programs at the gym do any of the Councilmember's who have visited the gym recently feel that the facilities in their current condition are

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adequate for children and adults to use; she does not. Mayor Goodman stated that the City should do whatever is necessary to fix up the facility/gym. We know that the A/C is possibly cost prohibitive however paint and new restrooms should be done and should be part of the day-to-day operation of the City. Councilman Fazzone asked since RCMA is going to be in their section for the next ten (10) years, could the City deed just the gym. Attorney Holloman stated that they could be separated. Dr. Matthews representing Elizabeth Missionary Baptist Church addressed Council stating that someone had called RCMA to tell them that the Church would be moving them out of the property, this was never their intention. Dr. Matthews stated that the Church requested the entire property in order to fix it all up. Dr. Matthews reported that in December 2002 he reported to Council how unusable the restrooms were then and still are and that gambling was going on while basketball was being played. The Church would like to have a pool and a track and field area. The Church would like to keep the entire property intact due to the historical significance to the African American Community since it is a remaining building from the segregated period. Dr. Matthews stated that RCMA and the Church have the same agenda and would like to work together. Dr. Matthews stated that the City has been negligent as a whole and doubts that if the facility were located in another part of town it would be in the shape it is. He does not believe that the facility meets current code. Dr. Matthews stated that it is not wise or prudent for the Church to get a loan to have this done if they did not own the property. He stated that there would be no attempt to bother RCMA. He wants to see something feasible to the African American Community. Dr. Matthews noted that Marshal Lee would like to have space for the Police Department for physical fitness and fire arms training. Councilman Johnson asked what the value of the property is, value was not know at this time, the property appraisers records would need to be checked. Gloria Kendrick with RCMA answered the Council's questions regarding what property RCMA mows noting that they only mow what is in their fenced in area. Ms. Kendrick would like to see something done for the older children in the community. The RCMA play equipment is always open for the children in the area to use after hours, the community respects RCMA so they do not have a problem with graffiti. Councilman Fazzone cleared up the question of who spoke to Gloria regarding the Church's proposed plan stating that he spoke to Gloria. Councilman Fazzone noted that he had been the Executive Director of the Housing Authority for nine (9) years and worked with Gloria at that time. Councilman Fazzone stated that the Church originally thought that RCMA was paying rent to the City, however they do not. Councilman Heine stated that he can not vote to turn the area over to the Church. Heine then moved to refer this request to the Planning and Zoning Board for review and a recommendation to Council; seconded by Whitlock and carried.

Administrator Strube addressed Council noting a request to place an ad in the Bull Dog Football Program for \$100.00. Fazzone moved to place an ad in the Bull Dog Football Program in the amount of \$100.00; seconded by Whitlock and carried.

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Administrator Strube then presented a quote from Bowen & Son Roofing (who previously worked on the roof) for repair to the roof of City Hall; bid #1 is for \$13,500.00 and bid #2 is for a non-maintenance system for \$17,500.00. It was noted that the last repair was done in March 1994 and several leaks have recently occurred in the Fire Department's sleeping quarters and office. The contractor recommends applying another layer of roofing material which would overlap the existing seams and should last 15-20 years. Administrator Strube recommends that the Alternate Proposal be accepted, he believes that the additional cost of \$4,000.00 will be recovered by not having to recoat the roof every 2-3 years. Heine asked if this could be paid for from the Historic Renovation Grant for City Hall. Administrator Strube stated that the work would qualify, however the grant funds have been allocated for an elevator, new electric and windows. Administrator Strube feels that this needs to be done with or without any grant assistance. After discussion Whitlock moved to contract with Bowen & Son Roofing, Inc. in the amount of \$17,500.00 to repair the roof at City Hall; seconded by Fazzone and carried.

Administrator Strube then addressed Council regarding a cooperative funding agreement between the Southwest Florida Water Management District (SWFWMD) and the City for Reuse System Expansion. This is a \$600,000.00 expansion project to expand the reuse line along North Johnson Avenue and would be a 50/50 grant with the City's share of funds coming from Infrastructure Tax. Administrator Strube estimates that it will be 1-2 years to get the project up and in place. Heine moved to authorize the Mayor to sign the grant agreement; seconded by Fazzone and carried.

Fazzone moved to Re-appoint Russ Summers, Alton Fain and Melva Sawyer to serve on the Planning and Zoning Board for a three (3) year term, said term to expire July 1, 2006; seconded by Johnson and carried.

The Fire Department Report on ambulance runs for July 2003 was presented showing a collection rate of 81%.

Kevin Brown representing South Florida Community College (SFCC) presented an agreement between SFCC and the City which would allow supervised learning experiences for students. The City would allow EMS students to ride in City ambulances as student-observers. SFCC certificate of insurance will be forthcoming. Attorney Holloman recommends approval of the agreement subject to a review of the insurance policy. Fazzone moved to authorize the Mayor to sign an agreement with SFCC to allow supervised learning for EMS students subject to review of SFCC insurance policy by Attorney Holloman and Administrator Strube; seconded by Johnson and carried. Mayor Goodman stated that this will be good for the community. Mr. Brown reported on several new programs including a Dental Hygiene Program. He then thanked the Council for the support with the hook up of the water and sewer to the college.

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Lewis Wells reviewed a notice to "Abate Nuisance" at 415 N. Volusia Avenue noting that all letters sent have been returned. Mr. Wells stated that they are having trouble getting a good address for the owner of the property. Councilman Heine asked if the structure could be burned down and was informed no. Chief Rutherford reported that the City has received an estimate of \$4,500.00 from Davis Brothers to demolish and haul away all debris. Heine moved to have Davis Brothers demolish and remove all debris and that a lien be placed on the property; seconded by Fazzone and carried.

The July 2003 report of Arcadia Golf Course receipts and number of play was presented.

The June 2003 Public Works report was presented.

Administrator Strube addressed Council regarding a request to purchase a new dump truck noting that the purchase is budgeted and the vendor is under state contract. Fazzone moved to authorize the purchase of a new dump truck from DeSoto Automotive Enterprises, Inc. under state contract price of \$47,240.00; seconded by Johnson and carried. Heine asked if the City would be getting rid of any of the old trucks and was informed that two (2) sales of surplus goods have already taken place.

The Flowage report of Air-Cadia, Inc. for the month of June 2003 for the Municipal Airport was presented.

Bill and Becky Minnear of Air-Cadia, Inc. addressed Council to respond to a letter of complaint sent to Council by Mr. Ronald L. Watson. Mr. Minnear stated that the major complaint was with a dip in the runway and that no one was monitoring the radios (to suit Mr. Watson). Mr. Minnear stated that it is not the responsibility of the Airport to operate the radios as they do not have the authority to tell the pilots what to do, they are not a flight control tower. Fazzone asked about a problem concerning the lack of fuel, this was caused when the road was being put in and the lines were snagged. Also another problem with fuel is if there has been a power failure then a credit card may not work for purchases. Fazzone then stated that he is a former pilot and is at the airport frequently and feels that it is in good shape, much better than it was in the past. Mayor Goodman also stated that she is pleased with what she sees going on at the airport.

Mr. Minnear then addressed Council requesting clarification of insurance requirements. Mr. Minnear requests general liability, hangers/keepers and product liability. Attorney Holloman stated that the City's lease is with Air-Cadia, the City can not require that the sub lessee to have any type of insurance. Mrs. Minnear then asked if the Council was aware that most of the people who rent hangers from the City do not have insurance, Port Charlotte does require any tenants a minimum of \$300,000.00 liability insurance. Administrator Strube informed Mrs. Minnear that the City's lease agreement has an indemnity clause in it and the City does have hangers/keepers insurance on their twenty (20) hangers.

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Fazzone then moved to draft a response to Mr. Watson for the mayor to sign stating that the City is pleased with the operations at the Airport; seconded by Whitlock and carried.

Heine asked if all hangers are rented and was informed that they did have a problem with one tenant who actually had a shop in the hanger, he has since vacated the hanger. Mayor Goodman suggested that if the Minnear's are having a problem with people renting the hangers that a letter be sent to Council in order for additional action to be taken.

Administrator Strube stated that the "rules" for renting hangers were put on the leases and that this should no longer be an issue.

Councilman Heine requested that Council review the present Code Enforcement duties stating that it appears that one individual needs to be a full time Code Enforcement Officer. Marshall Lee stated that he has seven (7) employees with one (1) year or less in the department and they do not have the experience they need. The Police Department currently has one (1) position which could be used for a full time Code Enforcement Officer to work 40 hours a week. Councilman Heine stated that yard sale and real estate signs need to be removed from the right-of-way. Councilman Heine reported that he talked with Fire Chief Rutherford and Assistant Wells who stated they will work with the Code Enforcement employee to help train them. He believes that this will help with beautification in the downtown. Marshal Lee requests that the Code Enforcement Officer be dressed in a different uniform so they are not thought to be a police officer. Councilman Fazzone asked Marshal Lee if he felt that this is the answer to code enforcement issues and was informed yes. Johnson moved to take a current position in the Police Department and turn it into a full time Code Enforcement Officer to report to the Marshal; seconded by Whitlock and carried.

Administrator Strube presented a continuation of an interlocal agreement with DeSoto County to provide Animal Control and Building Inspections. Fazzone moved to approve the agreement; seconded by Heine. Administrator Strube reported that he has been working with the County on a continuation of the agreement over the last couple of years. The Council did approve the Building Inspection agreement in March 2002. The new County Attorney has agreed to review these agreements and get them up to date. After discussion Fazzone then withdrew his motion and Heine his second as the agreements are not ready at this time. Administrator Strube stated that the County is still providing the services, the actual agreements however are not in place. Councilman Whitlock asked about signs for building permits and was informed that all enforcement issues which would require legal action would need to be handled by the City.

Robert Johnson, President of the DCYAA, addressed Council to report on various repairs that have been done by the association to the football field and building. The bleachers have been repaired as well as the lights, next year they will replace the roof of the concession stand.

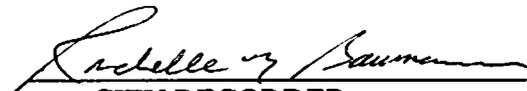
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Mr. Johnson reported that an ambulance was on hand during games in the past; however no ambulance was at the games last year. Mr. Johnson has asked Marshal Lee to help with patrolling the area and he will also ask the Sheriff. Fazzone asked how many games were played each year and was informed that games are played for ten (10) weeks.

Dr. Matthews invited Council to attend the Elizabeth Baptist Missionary Church on Sunday, August 10, 2003 at 11:00 AM to hear the African Children's' Choir.

Mayor Goodman reported that Congresswoman Katherine Harris did get the Council's letter stating that they would be unable to attend her meeting in town today due to a conflict with the Council's meeting schedule. Mayor Goodman then stated that she did see Ms. Harris earlier and had hoped that Ms. Harris would have been able to make an appearance at this Council meeting.

There being no further business the meeting was adjourned.

  
CITY RECORDER

  
PRESIDENT