

MINUTES  
CITY COUNCIL  
CITY OF ARCADIA  
TUESDAY, MAY 17, 2011  
6:00 PM

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

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

Arcadia City Council

Mayor Robert Heine	Councilmember Sharon Goodman
Councilmember Roosevelt Johnson	Deputy Mayor Keith Keene
Councilmember Martha Craven (telephonically)	

Arcadia City Staff

City Administrator Lawrence Miller	City Recorder Dana Williams
City Attorney Jason Henbest	Asst. City Administrator Judi Jankosky
Capt. Matt Anderson	

Councilmember Johnson gave the invocation which was followed by the Pledge of Allegiance led by Deputy Mayor Keene.

SPECIAL PRESENTATIONS

1. EMPLOYEE OF THE MONTH - TIM AVANT

The Mayor announced that Mr. Avant was not able to attend the meeting this evening, but asked the City Recorder to read the recognition into the public record.

CONSENT AGENDA

2. MINUTES OF THE MAY 3, 2011 WORKSHOP
3. MINUTES OF THE MAY 3, 2011 REGULAR MEETING
4. CHECK WARRANTS
5. AIR-CADIA FLOWAGE AND HANGER RENT REPORT FOR APRIL
6. SPECIAL EVENT REQUEST BY ANTIQUE ASSOCIATION FOR JULY 4<sup>TH</sup> SMALL TOWN USA CELEBRATION

On motion of Deputy Mayor Keene and seconded by Councilmember Johnson, the items listed on the Consent Agenda printed above were unanimously, 5-0, approved.

DISCUSSION ITEMS

7. DONATED PARCELS TO HABITAT FOR HUMANITY

The City Administrator announced he had received a letter from Ms. Jane Breylinger, Executive Director of Habitat for Humanity, outlining their request for the City to donate two parcels of land for the construction of seven single-family homes.

Ms. Breylinger, then introduced the president and two employees of Habitat before further explaining the project plan and scope.

The Mayor questioned whether or not the City had clear title to the parcels, to which the City Administrator answered they did.

Deputy Mayor Keene inquired about the timeframe for build out, which Mrs. Breylinger responded approximately 3-4 years or less, depending on donations and grants.

The Administrator then mentioned the Community Contributions Tax Credit program and asked Mrs. Breylinger if that would be included as a part of this project. Mrs. Breylinger answered it would and that Steve Owens Air Conditioning has provided the first such contribution of a \$5-6,000 gift.

On motion of Councilmember Goodman and seconded by Councilmember Johnson, the Council voted unanimously, 5-0, to approve the donation of two parcels of land (parcels 31-37-25-0016-600-0250 and 31-37-25-0016-5060-0010 respectively) to Habitat for Humanity to construct seven individual homes for first time homeowners.

**8. AMENDMENT 1 TO STATE REVOLVING LOAN FUND FOR WTP**

The City Administrator briefly discussed this item saying of the \$4.7 million loan, \$2 million would be in the form of a grant and that the loan amount will actually be less than the City is currently paying on the bond. He added it has been a pleasure to work with Julie Karleskint on this project and that she has done an outstanding job in securing the funding. The Administrator also discussed that with the City having its own water plant, it will not be tied to the Peace River and since the Governor is proposing to reduce the number of water management districts from 12 to 3, this is a win:win for the city.

Deputy Mayor Keene questioned Section 5.03 of the amendment which included language about a sewer system and how that would relate to the (drinking) water plant. Ms. Karleskint explained this was template language from the construction grants program designed to show that all connections were in place. Mr. Keene next mentioned his desire to move away from permissive connections which allow arbitrary disconnections citing an incident that occurred in the city several months ago. Councilmember Craven agreed and wanted to be certain this type of occurrence was covered.

On motion of Deputy Mayor Keene and seconded by Councilmember Goodman, the Council voted unanimously, 5-0, to approve Amendment 1 to the State Revolving Loan Fund for the Water Treatment Plant and authorize the Mayor to sign the same.

**9. CONSIDERATION OF SPECIFIC AUTHORIZATION #13 WITH HAZEN & SAWYER, P.C.**

The City Administrator explained this was a standard contract for continued engineering services, as has been done in the past.

Councilmember Goodman made a motion to approve Specific Authorization #13 with Hazen & Sawyer, P.C. for continued engineering services. Councilmember Craven provided a second and a voice vote of the Council revealed unanimous, 5-0, approval.

10. RECOMMENDATION OF THE EUGENE HICKSON FACT FINDING COMMITTEE TO HAVE THE NEW WATER TREATMENT PLANT NAMED AFTER THE FORMER MAYOR

The City Administrator stated that in accordance with the Council's directive, the appointed group met to discuss tribute opportunities for Eugene Hickson and that the consensus of the group was to name the new water plant in his honor.

Councilmember Craven asked if there were any established criteria for naming opportunities in the City, and in particular if they were done while the honoree was living or posthumously? The Mayor answered he doesn't have an answer but then added he has a problem with this recommendation, citing a number of calls and personal contacts he has had. The Mayor rhetorically questioned how many people before Mr. Hickson had served the city well and that Mr. Hickson had drawn both a paycheck while in office "like the rest of us" and a retirement check since leaving office.

Ms. Helen Hough expressed her thought that the tribute issue had been settled as a mural and that she doesn't agree with naming the water plant in his honor. She felt putting the Hickson name on the new plant was "wrong and inappropriate"; adding she wouldn't want her name on a \$6 M debt.

Mr. Marion Goodman, Jr. spoke in favor of the naming opportunity, saying to put Mr. Hickson's name on the new plant would settle the situation and get it over with.

Ms. Janie Watson agreed that Mr. Hickson should be honored, but didn't feel naming the plant was the way to do it. She suggested establishing criteria prior to bestowing the tribute.

Mr. Gary Frierson agreed with both the Mayor and Mrs. Craven, saying he doesn't care for people asking for honor themselves; and that also the criteria for such should be established first. Mr. Frierson pointed out that both Dr. Goodman and Mayor Heine have done outstanding jobs for this community, but requested a decision be deferred until guidelines could be set.

The Deputy Mayor questioned whether there was criteria for naming the armory, Speer Center, or wastewater plant. He also pointed out that Council had in the past agreed to honor Mr. Hickson but had never followed through on that decision.

Councilmember Goodman agreed with the premise to establish guidelines but also felt as though Mr. Hickson would meet and exceed any to be set. She pointed out that to be his age and want this tribute so badly, it would mean a lot to him and just be a nice thing to do. Dr. Goodman didn't believe there would be a parade of people requesting similar honors, but stated this won't add to the cost of the plant and will bring closure to Mr. Hickson.

Councilmember Johnson explained that Mr. Hickson was the first councilmember to serve five consecutive terms (for a total of 22 years) and the first to receive retirement for his service as a councilmember. He believes Mr. Hickson should be given the recognition he's due.

Mr. Ted Hanus expressed his gratitude for the committee coming up with this recommendation, saying Mr. Hickson is worthy. Mr. Hanus also suggested that for the future, some sort of guidelines be prepared.

On motion of Councilmember Goodman and seconded by Councilmember Johnson, the Council voted 4-0 to approve the naming of the new water plant in honor of Eugene Hickson and to establish guidelines for future naming opportunities. Mayor Heine cast the dissenting vote.

**11. CONTINUATION ANNOUNCEMENT FOR A VARIANCE AT 518 BOND STREET,  
BARBARA WOODERS**

The City Administrator reiterated the contents of the agenda memo regarding the continuation of this item due to the Board of Adjustment having not achieved a quorum at their May 10<sup>th</sup> meeting. It will go back to the Board on May 24<sup>th</sup> and be rescheduled before Council on June 7<sup>th</sup>.

**RESOLUTIONS**

**12. RESOLUTION 11-05, JOINT PARTICIPATION AGREEMENT WITH FDOT FOR ACCESS CONTROL AND SECURITY FENCING AT THE AIRPORT**

The Assistant City Administrator reported on the FDOT's approval for a security program grant to fund access control gates and security fencing at the Arcadia Airport this fiscal year in the amount of \$137,000. She added that security programs are funded at 100%, requiring no matching funds from the City. The Assistant City Administrator continued that approximately \$200,000 additional funds are programmed for FY-12, and phased in so that the city could begin design and bidding as soon as possible.

On motion of Deputy Mayor Keene and seconded by Councilmember Johnson, the Council voted unanimously, 5-0, to approve Resolution 11-05 authorizing a Joint Participation Agreement with the Florida Department of Transportation for Aviation Projects.

**13. RESOLUTION 11-06, OPPOSING THE CLOSING OF THE DESOTO COUNTY JUVENILE JUSTICE CENTER**

The Assistant City Administrator read resolution 11-06 by title as follows:

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA, OPPOSING LANGUAGE CONTAINED IN THE 2011 STATE GENERAL APPROPRIATIONS ACT CALLING FOR THE CLOSURE OF THE STATE OPERATED DESOTO JUVENILE CORRECTIONAL FACILITY IN DESOTO**

**COUNTY, FLORIDA; AND REQUESTING SUPPORT FROM THE HONORABLE GOVERNOR RICK SCOTT TO UTILIZE HIS LINE-ITEM VETO POWER TO PREVENT THE CLOSURE OF DEPARTMENT OF JUVENILE JUSTICE FACILITIES IN DESOTO COUNTY AND PROVIDING FOR AN EFFECTIVE DATE.**

then reported on a meeting held at the County last week with Representative Paige Kreegel discussing the proposed closing of the DeSoto County Juvenile Justice Center. She stated its closure would have an enormous effect on the economics of this area, and would account for a loss of 432 jobs. The Assistant City Administrator stated the above resolution, modeled after one adopted by the County, would urge the Governor to utilize his line-item veto related to the State General Appropriations Act calling for closure of the center.

The City Attorney advised removing "and providing for an effective date" from the resolution title.

The Mayor added he also attended the meeting with Congressman Kreegel, who spoke up for DeSoto County in Tallahassee and encouraged everyone to write a letter, email or fax urging the Governor's support of the line-item veto.

Dr. Goodman stated she had already sent communications a number of different ways; and that the impact the closure would have on the school district had also been discussed. She added DJJ is the 3<sup>rd</sup> leading employer in DeSoto County; and that #1, DCI is also being talked about for privatization.

On motion of Councilmember Goodman and seconded by Deputy Mayor Keene, the Council voted unanimously, 5-0, to approve Resolution 2011-06 as presented and amended above.

**ORDINANCES**

**14. PUBLIC HEARING AND SECOND READING OF ORDINANCE 965 - AMENDMENT TO THE SIGN CODE**

The City Recorder read Ordinance 965 by title. The Mayor opened a public hearing to receive comments but with no one coming forward, he then closed the public hearing and turned the matter over to Council for discussion.

Deputy Mayor Keene stated he was initially in favor of this ordinance, but that he is not comfortable with the language of the ordinance and was therefore withdrawing his support for it at this time.

Councilmember Craven provided support for the Planning & Zoning Board's recommendation to reject the ordinance saying not only had they spent a lot of time and effort on the original Sign Code but that electronic display signs were inappropriate for the historic area of Arcadia.

The Deputy Mayor pointed out that electronic signs were already permitted within the City; and that he had received numerous letters concerning maintaining the historical integrity but didn't believe a Chamber sign at the corner of 17 & 70 would degrade the City in any way.

Councilmember Goodman agreed the sign would not be a negative or "Vegas" style, and pointed out the members of the Leadership DeSoto class would not suggest anything distasteful.

Further discussion followed on the timing, the role of the advisory board, and the benefit/distraction to the downtown area.

Councilmember Johnson made a motion to approve Ordinance 965 on second reading. Councilmember Goodman provided a second to the motion, which passed 3-2 with the Mayor and Councilmember Craven dissenting. The ordinance in its entirety appears below.

#### ORDINANCE NO. 965

AN ORDINANCE OF THE CITY OF ARCADIA,  
FLORIDA, A MUNICIPAL CORPORATION,  
REGARDING SIGNS; AMENDING CHAPTER 6,  
ARTICLE III, OF THE ARCADIA MUNICIPAL CODE;  
AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Arcadia, on behalf of its citizens, desires to modify the regulation of signs within the City.

NOW, THEREFORE, be it ordained by the City Council of the City of Arcadia:

**Section 1. Amendment of City Code.** Article III of Chapter 6 of the Arcadia Municipal Code is hereby amended as follows (proposed additions are underlined; proposed deletions are ~~struck through~~):

#### ARTICLE III. SIGNS

##### Sec. 6-56. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

...

Automatic computerized message sign means any sign or portion of a sign that uses changing lights to form a sign message or messages in text form wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes.

...

**Sec. 6-59. Prohibited signs.**

The following signs are expressly prohibited unless otherwise exempted or expressly authorized:

...

(d) Signs with visible moving, revolving, or rotating parts or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic, or mechanical means, except for governmental traffic devices and signs and except automatic computerized message signs.

...

(f) Signs with lights or illuminations that flash, move, rotate, scintillate, blink, flicker, or vary in intensity or color, to include animated signs and automatic changeable message devices except automatic computerized message signs for signs of this type that provide time and temperature only.

...

**Sec. 6-68. Additional Standards.**

...

(b) Automatic Computerized Message Signs. Computerized signs with an animated display, running copy, or automated changing copy may be approved using the same process as any other signs with the following additional standards:

(1) Such signs are only allowable on major thoroughfares within the City of Arcadia.

(2) Such signs must conform to all State of Florida Department of Transportation rules and regulations for such signs.

(3) No such sign shall be constructed within 50 feet of any residential district or dwelling.

(4) Such signs shall perform in a steady, non-fluctuating, non-undulating manner. Strobe lights and flashing lights are prohibited.

(5) Such signs shall be limited to a maximum area of sixteen (16) square feet and a maximum height of twelve (12) feet.

(6) No more than one (1) such sign shall be permitted on any parcel of land, and any parcel where such a sign is to be located shall have a minimum road frontage of one hundred (100) feet on the roadway where the sign is to be located.

**Section 2. Effective Date.** This Ordinance shall take effect immediately when passed upon second reading.

*PASSED this 17<sup>th</sup> day of MAY 2011.*

ATTEST:

/s/Robert W. Heine, Mayor

/s/ Dana L.S. Williams, CMC, City Recorder

**COMMENTS FROM DEPARTMENTS**

**15. CITY MARSHAL**

Captain Anderson was available for questions from the Council or audience. Ms. Adrian Daly asked if the Code Enforcement report could be available to the public. The Capt. said it was available typically during the first meeting of the month and the City Recorder further clarified it is available on-line as part of the entire Council packet.

**16. ATTORNEY**

The City Attorney had no report.

**17. ADMINISTRATOR**

**A) SMALL BUSINESS CONFERENCE**

The City Administrator reported on a recent Small Business Conference coordinated through Congressman Buchanan's office. He thanked the congressman's aide, Danny Bilyeau and the Assistant City Administrator for their organizational efforts. Also involved were the Small Business Administration, the Department of Commerce and Department of Agriculture. He stated at least 40 people attended the event which provided a great opportunity for businesses in the City to avail themselves of grant and loan opportunities to enhance the economic development of Arcadia.

**B) DEPARTMENT OF COMMUNITY AFFAIRS**

As part of compliance with the CDBG program, the DCA has recently employed a new on-line system of reporting and requesting funds. This program is password protected which requires the municipality to submit all paperwork as opposed to the consultant performing the service.

**C) FMIT CLIENT CONFERENCE**

The City Administrator recently attended the FMIT Client Conference sponsored by the Florida League of Cities which provided a guide to their services and offered suggestions for how cities may avoid being unprepared in the event of a disaster. The Administrator stated that in addition, the conference focused on legislative items recently passed by the State that affect localities with particular emphasis on bonuses, red light cameras, non-homesteaded property taxes, mobile home park violations and vacation home rentals.

**D) COMMUNITY ACTIVITIES WORKING TOGETHER TO IMPROVE THE CITY**

The City, working in conjunction with the Health Department, will begin improvements to the west entrance of the City by landscaping the sign area on SR 70 and by tearing down the concrete wall at the side of the Health Department building. In addition, the City will construct a deck to cover the pipe culvert at Lake Katherine, and place banners on the lampposts. Also, in collaboration with the Elks Club, banners honoring our military service personnel will be hung beginning Memorial Day.

## MAYOR AND COUNCIL MATTERS

Councilmember Craven simply stated she doesn't feel as though the City will be able to control installation of electronic, display signs in the future.

Deputy Mayor Keene reported on a shift in Leadership DeSoto's project following the resistance to the sign ordinance, saying they are developing a Master Plan for McSwain Park and the Chamber building. He also felt this plan could lay the foundation for future Leadership classes.

The Deputy Mayor also briefly mentioned the continued need for buildings in the downtown area to be fixed up, citing incomplete painting of one building, then moving to the need to be cognizant of street closures which may or may not affect businesses along Oak Street.

Councilmember Goodman, referring to a brief comment from the Deputy Mayor, stated her understanding of how Mr. Keene feels noting she too gets lambasted from time to time. She reiterated her pride in being raised and continuing to live in Arcadia but was beginning to notice a sense of negativity in the community, particularly from those people who don't sign their names to slanderous letters and articles. And she encourages those who believe they can do better to run for office.

The City Recorder requested responses for the Ridge League dinner to be hosted by the City of Dundee.

The City Administrator mentioned that Team Arcadia, with assistance from Bart Arrington of DeSoto County, has been working on the Downtown Master Plan which will include McSwain Park as part of the overall concept. He continued that the Community Contributions Tax Credit, which he mentioned earlier, will allow the city to work with contractors to give back and at the same time get back; noting that everybody loves success which may help in dispensing with some of the negativity referred to above.

## PUBLIC

Ms. Jane Breylinger, on behalf of Habitat for Humanity, thanked the Council for their earlier action regarding the two parcels of land.

Mr. Charles Conklin, on behalf of the Homeless Coalition, announced he would be inviting Council to participate in the dedication of a house on Alabama in the near future.

The Mayor then discussed Lewis Anderson Park and the Smith-Brown Gym, particularly the continuing damage being done as the City tries to make improvements to those properties. He specifically noted the doors appear to have been blasted with a shotgun, bathroom doors having been torn off, urinals and sinks pulled from the walls; and having to stop replacing the nets on the tennis courts. Councilmember Goodman agreed, adding that many of people living nearby cannot enjoy their homes for the loud music, offensive and vulgar music, and drug deals occurring in the park. She added that by the time the police arrive, offenders have scattered and no one claims to have seen a thing. Dr. Goodman stated aside

from the Brothers' Keepers, staying true to their mission of keeping the park clean, it is not being used for the purposes intended and she would not be opposed to the entire park being closed down or redesigned for another purpose. The City Administrator addressed some of the security improvements done at the gym for the safety of the employees there, but then added other improvements were being done incrementally throughout the city for those people who want a better community.

ADJOURN

Having no further business at this time, the meeting was adjourned at 7:30 PM.

APPROVED THIS 7<sup>th</sup> DAY OF JUNE 2011.

By:



Robert W. Heine, Mayor

ATTEST:



Dana L.S. Williams, CMC, City Recorder