

**REGULAR MEETING
MAY 16, 2006**

A Regular Meeting was held on May 16, 2006, at 6:00 p.m. in Room D of the Way Building at 23 North Polk Avenue. Council members attending were Heine, Whitlock and Fazzone. Absent were Council Members Johnson and Goodman who were attending a school awards ceremony. Also in attendance were Administrator Strube, Attorney Holloman, Marshal Lee, Parks and Recreation Supervisor Waters, Special Projects Coordinator Hewett, Ms. Way, and Recorder Baumann.

Mayor Heine called the meeting to order

The Invocation was given by Pastor Dixon.

Pledge Allegiance to the Flag.

The Minutes of the Work Session of May 2, 2006 and the Regular Meeting of May 2, 2006, were adopted on motion of Whitlock; seconded by Fazzone and carried.

Proposed Ordinance No. 922 was presented for a second reading. Whitlock moved to waive the rules and read the proposed ordinance by title only, seconded by Fazzone and carried.

ORDINANCE NO. 922

**AN ORDINANCE OF THE CITY OF ARCADIA, FLORIDA,
CREATING A MUNICIPAL SERVICE BENEFIT UNIT, PURSUANT
TO CHAPTER 170.201 OF THE FLORIDA STATUTES, FOR THE
PURPOSE OF PROVIDING FIRE PROTECTION SERVICES;
PROVIDING CREATION OF THE UNIT AND BOUNDRIES;
PROVIDING PURPOSE; PROVIDING TERM OF UNIT; PROVIDING
A GOVERNING BODY; PROVIDING GENERAL POWERS OF THE
GOVERNING BODY; PROVIDING SPECIAL ASSESSMENTS;
PROVIDING CITY OF ARCADIA FIRE PROTECTION SERVICE
FUND; PROVIDING SEVERABILITY; PROVIDING REPEAL;
PROVIDING AN EFFECTIVE DATE.**

Fazzone then moved to adopt Ordinance No. 922 on second reading; seconded by Whitlock. Mayor Heine called for comments from the public, there were none. The motion carried on a roll call vote. Ayes: Fazzone, Whitlock and Heine. Nays: None.

Regular Meeting
May 16, 2006
Continued

A request by the All-Florida Championship Rodeo, Inc. to lease or acquire by gift the Arcadia Livestock Market property was withdrawn.

A request by letter from Mrs. Mary Lopez, for consideration by the Council for a reduction of her water bill due to vandalism was presented. Mrs. Lopez indicated that the house is unoccupied and has never exceeded minimum water usage. Administrator Strube noted water did not go through the sewer system. The normal procedure for the City would be to reduce the bill by the amount charged for sewer. The total amount of this bill is \$318.70. The amount to be reduced for the sewer is \$143.10 which would leave a balance due of \$175.60. Council was in favor of using the normal procedure for adjusting a water/sewer bill as presented.

A request by Betty and Leon Holiman regarding City owned lots was presented to the Council. Pastor Lorenzo Dixon spoke on behalf of Mr. and Mrs. Holiman who were also in attendance. The Holiman's own property located at 222 Court Street. They would like to build a larger home on their property; however there is not enough property as per City restrictions to build. They are requesting that the City either give or sell them a portion of property that is owned by the City so they would be in compliance with building codes. Attorney Hollomon stated that he does not believe that the City can give property away to private citizens, as there is no public purpose. He will research the title and current value of the property and the laws regarding the selling of city owned property. He indicated that any sale would be at fair market value. He also indicated that procedures must be followed if the city decides to sell. One of the procedures is the advertising by way of a Public Notice regarding the selling of the property, which could then involve others wanting to purchase this land. Attorney Hollomon asked the Council if they wanted him to proceed with researching this request. Mayor Heine instructed Attorney Hollomon to proceed. The request is tabled until the next Council meeting.

Lorenzo Dixon then appeared before the Council to present a list of proposed recommendations concerning a Code Enforcement Officer and City workers' salaries. Mayor Heine reported to Mr. Dixon that the budget for the upcoming year was in the process of being prepared and it would reveal if the City finances could afford to address the recommendations. Mayor Heine, as well as Administrator Strube acknowledged that these areas need to be addressed. Fazzone questioned Mr. Dixon as to the reason he was not satisfied with the current Code Enforcement Officer. Mr. Dixon indicated that the Police Chief expressed a concern for the Department not being involved with Code Enforcement. Marshal Lee then stated that he was not against the Department handling Code enforcement; however, he felt that the public had questioned the integrity of the Department.

Regular Meeting
May 16, 2006
Continued

Administrator Strube noted that the merger of the City Fire Department with the County will have an effect on the restructuring of Code Enforcement because the City Fire Marshal had previously inspected buildings for fire violations and ones that needed to be condemned.

Due to the absence of Council Members Goodman and Johnson, Mayor Heine recommended to Mr. Dixon that he continue his presentation at the next council meeting in order that all Council Members could be present. Mr. Dixon agreed.

Council Member Fazzone stated that he is very pleased with the current Code Enforcement Officer, Jimmy Rogers. Council also agreed that Officer Rogers is doing a very good job.

A report of Police Fines and Forfeitures for the month of April 2006 indicates fines in the amount of \$2,394.67.

Marshal Lee then reported three (3) warrants were issued and one (1) car seized, in addition to some cash. The Police Department is in the process of confiscating the car.

Special Projects Coordinator Hewett inquired of Marshal Lee as to the status of a request for a Video Arcade. Marshal Lee responded that there is no license application for a video arcade "in the works".

The Planning and Zoning Board at their meeting of May 9, 2006 recommended the following to the City Council:

That the request of John and Lydia Mae Yoder to construct a manager's apartment within the proposed 4500 s.f. single story building which will also house an unfinished furniture store be granted by a non-transferable Special Resolution. Attorney Holloman stated that this request is a quasi-judicial matter. He then asked the Council if anyone had done a site visit or had any correspondence regarding the proposed property. No one had anything to report. Fazzone moved to approve Resolution No. 2006-8; seconded by Whitlock and carried

RESOLUTION NO. 2006- 8

WHEREAS, John and Lydia Mae Yoder are owners of Lots 7, 8 and 9 of R.E. Whidden Re Subdivision of Block 43, Original Survey of Arcadia, and

WHEREAS, these lots are in the downtown historic district, and

Regular Meeting
May 16, 2006
Continued

(Resolution 2006-8 continued)

WHEREAS, John and Lydia Mae Yoder plan to construct a manger's apartment in conjunction with the building of a furniture store, and

WHEREAS, the City Council in keeping with the historic preservation and a recommendation from the Planning and Zoning Board to permit the addition of a manager's apartment, feels that this is in the best interest of the citizens of Arcadia.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Arcadia, Florida that John and Lydia Mae Yoder be granted a non-transferable approval to construct a manager's apartment in conjunction with their furniture store.

BE IT FURTHER RESOLVED, that this approval is granted subject to the construction meeting all City, County, and State Codes and Regulations.

PASSED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA, in Regular Session the 16th day of May, 2006.

/s/ ROBERT W. HEINE
ROBERT W. HEINE
MAYOR

ATTEST:

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

(Planning and Zoning Recommendations Continued)

That the request of Richard Kreider regarding his petition to rezone approximately 4.29 acres located at the intersection of North DeSoto Avenue and Frankfort Street from One Family Dwelling R-1B to Multiple Dwelling R-3 District be scheduled for a joint Public Hearing with a possible date of June 20, 2006 time to be set at 6:00 PM or as soon thereafter as possible. Attorney Holloman stated that this request is also a quasi-judicial matter. He then asked the Council if anyone had done a site visit or had any correspondence regarding the proposed property. No one had anything to report. Attorney Sandra Sanders, representing Richard Kreider, in his petition to the Planning and Zoning Board spoke to the Council. Attorney Sanders indicates her client will probably be filling additional applications at a later date and asked the Council if it would be

Regular Meeting
May 16, 2006
Continued

Original document is skewed

better to wait and take care of both at one time. City Recorder Baumann noted that there are certain legal notices that need to be filed, and then a thirty (30) day period before any action can be taken. Fazzone moved to set a date for Joint Public Hearing for August 15, 2006, at 6:00 PM; seconded by Whitlock and carried. *(Request was later withdrawn by Ms. Sanders until a future date)*

Steve Weeks, Grants Coordinator, presented a report to Council on the building of homes using Community Development Block Grant funds.

Mr. Weeks then indicated that he has submitted paperwork to FEMA regarding demolition of destroyed homes and was told it was a "dead issue". Mr. Weeks will be going to Tallahassee to see what conditions have not been met. He stated that the procedure was followed exactly as requested and special assistance was given to fill out the paperwork and all conditions have been met.

Fazzone asked about the City's Evaluation and Appraisal Report (EAR). Mr. Weeks reported that the State has accepted the recommendations and the report has been forwarded to the state. There are fifteen (15) agencies which have ninety (90) days to review the report. If the state denies the report, the City has a year to comply. Whitlock asked if the plans could be changed and Mr. Weeks responded they could.

As a housekeeping issue Mr. Weeks asked the Council to formally acknowledge Resolution No. 2006-9 which was to be sent with the EAR report. Council did discuss the EAR report at the meeting of January 3, 2006. Whitlock moved to adopt Resolution No. 2006-9 with a retroactive date of January 3, 2006; seconded by Fazzone and carried.

RESOLUTION NO. 2006-9

A RESOLUTION CONFIRMING THE ADOPTION OF
THE EVALUATION APPRAISAL REVIEW REPORT
(EAR) OF THE CITY'S COMPREHENSIVE PLAN BY
THE ARCADIA CITY COUNCIL AT A REGULAR
MEETING HELD ON JANUARY 3, 2006

WHEREAS, the Arcadia Planning and Zoning Board, sitting as the Local Planning Agency (LPA) at their regular meeting of December 13, 2005 moved to recommend to the Arcadia City Council that the Evaluation Appraisal Review Report (EAR) of the City's Comprehensive Plan be accepted with changes as recommended by staff, and

Regular Meeting
May 16, 2006
Continued

(Resolution 2006-9 continued)

WHEREAS, the Arcadia City Council, at a regular meeting held on January 3, 2006, approved the EAR report with changes as recommended by staff.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA that the Arcadia City Council's January 3, 2006 approval of the EAR report be affirmed by the adoption of this resolution.

PASSED AND ADOPTED by the City of Arcadia, Florida on this 3rd day of January, 2006.

/s/ ROBERT W. HEINE
ROBERT W. HEINE
MAYOR

ATTEST:

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

The April 2006 report of Arcadia Golf Course receipts and number of play was presented.

The Public Works report for the month of April 2006 was presented.

Council Member Whitlock inquired about the condition of the street sweeper. Special Projects Coordinator Hewett reported that the sweeper is broken. Administrator Strube stated that the machine is old and a new machine will need to be purchased if the budget permits. Mayor Heine requested that the purchase of a street sweeper be researched. Mr. Hewett reported that the company that has a street sweeper that the City is looking at purchasing will be in Arcadia on Wednesday, May 17, 2006 to give a demonstration.

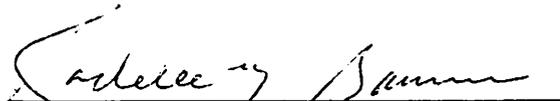
Administrator Strube reported that Public Works Superintendent John Reed is out due to a knee injury.

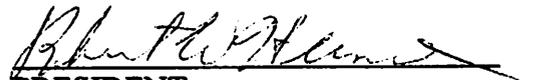
Regular Meeting
May 16, 2006
Continued

Ms. Billy Waldron addressed the Council regarding a tree that belongs to the City. She stated that limbs are falling on her porch and requests that the City remove them as well as cutting down the weeds and grass. Administrator Strube reported that the City has recently signed a contract with Department of Corrections (DOC) for the used of inmates five (5) days a week, eight (8) hours a day and that they can be used for park and street cleaning. Mayor Heine asked that Magnolia Street to Pine Street be cleaned noting that there are a lot of debris in this area.

Administrator Strube recommended Council approve the School Impact Fee Interlocal Agreement between DeSoto County, the City of Arcadia, and the School Board of DeSoto County. Attorney Holloman indicated the agreement was in order. Fazzone moved to approve the agreement as presented; seconded by Whitlock and carried.

There being no further business the meeting was adjourned.


CITY RECORDER


PRESIDENT