

REGULAR MEETING
JUNE 2, 2009

The Regular Meeting of the Arcadia City Council was held on June 2, 2009 at 6:00 p.m. in the Margaret Way Building at 23 North Polk Avenue. Council members attending were Fazzone, Dixon, Johnson, Goodman and Heine. Also in attendance: Administrator Rupp, Attorney Galvano, Marshall Lee, Joe Fink, Code Enforcer, and Waste Water Plant Supervisor Underwood. Absent: Recorder Baumann was attending the State Finance Officers Conference.

Mayor Fazzone called the meeting to order.

The Invocation was given by Rev. Elmore of Pleasant Hill United Methodist Church.

Pledge Allegiance to the Flag.

The Minutes of the Regular Meeting of May 19, 2009 were adopted on a motion by Goodman; seconded by Johnson and carried.

The Planning and Zoning Board and the City Council held a Joint Public Hearing at 5:30 PM today at which time the Planning and Zoning Board moved to recommend that the Council accept the Evaluation and Appraisal Report (EAR) as presented and that it be submitted to the Department of Community Affairs (DCA) for a determination of sufficiency. Based on that action Resolution No.2009-10 was presented for adoption. Mayor Fazzone called for comments from the public. There were none. Heine moved to adopt Resolution No. 2009-10 and to submit it along with the Evaluation and Appraisal Report (EAR) to the Department of Community Affairs (DCA) for a determination of sufficiency; seconded by Deputy Mayor Dixon and carried.

RESOLUTION NO. 2009-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA ADOPTING THE EVALUATION AND APPRAISAL REPORT FOR THE CITY OF ARCADIA COMPREHENSIVE PLAN; STATING THE INTENT OF THE COUNCIL TO AMEND THE COMPREHENSIVE PLAN BASED UPON RECOMMENDATIONS CONTAINED IN THE REPORT; AND APPROVING THE TRANSMITTAL OF THE REPORT TO THE DEPARTMENT OF COMMUNITY AFFAIRS IN ACCORDANCE WITH SECTION 163.3191, FLORIDA STATUTES.

WHEREAS, the Florida Legislature intends that local planning be a continuous and ongoing process; and

WHEREAS, the City Council has adopted the City of Arcadia Comprehensive Plan, Ordinance No. 827 on February 19, 1991; and

WHEREAS, Section 163.3191, Florida Statutes, directs local governments to periodically assess the success or failure of the adopted plan to adequately address changing conditions and state policies and rules; and

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(Resolution No. 2009-10 Continued)

WHEREAS, Section 163.3191, Florida Statutes, directs local governments to adopt needed amendments to ensure that the plan provides appropriate policy guidance for growth and development; and

WHEREAS, the City of Arcadia Planning and Zoning Board, acting as the designated Local Planning Agency, has reviewed the Evaluation and Appraisal Report, held an advertised public hearing, provided for participation by the public in the process, and rendered its recommendations to the City Council; and

WHEREAS, the City Council has reviewed the Evaluation and Appraisal Report, held an advertised public hearing, and provided for comments and public participation in the process in accordance with the requirements of state law and the procedures adopted for public participation in the planning process;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ARCADIA, FLORIDA:

Section 1: The City Council does hereby adopt the Evaluation and Appraisal Report for the City of Arcadia Comprehensive Plan, attached here as Exhibit A.

Section 2: The City Council does hereby state its intention to amend the City of Arcadia Comprehensive Plan (Ordinance No. 827) in accordance with the recommendations contained in the Evaluation and Appraisal Report.

Section 3: The City Council does hereby approve transmittal of the Evaluation and Appraisal Report to the Department of Community Affairs for the purpose of a sufficiency review in accordance with Section 163.3191, Florida Statutes.

Section 4: This Resolution shall become effective immediately upon its passage.

Section 5: All Resolutions and parts of Resolutions in conflict herewith are repealed.

PASSED BY THE CITY COUNCIL OF ARCADIA, FLORIDA, IN REGULAR SESSION THIS 2nd DAY OF JUNE, 2009.

ATTEST:

CITY OF ARCADIA, FLORIDA

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

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

Approved as to form by: William S. Galvano, City Attorney

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A Proclamation declaring July 11, 2009 as Chris Clemmons Day was presented. Heine moved to endorse this action; seconded by Johnson and carried.

Proposed Ordinance No. 946 amending Article III of the Code of Ordinances was presented on first reading. Each Council member had previously been given a copy for review. Heine moved to waive the rules and read by title only; seconded by Johnson and carried.

ORDINANCE NO.946

AN ORDINANCE OF THE CITY OF ARCADIA, FLORIDA, A MUNICIPAL CORPORATION, AMENDING ARTICLE III OF THE CODE OF ORDINANCES, CITY OF ARCADIA, FLORIDA: SPECIFICALLY REPEALING SUBSECTION (d) OF ARTICLE III ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

Heine then moved to adopt Ordinance No. 946 on first reading; seconded by Deputy Mayor Dixon. Mayor Fazzino called for comments from the Public. There were none. The motion carried on a roll call vote. Ayes: Fazzino, Heine, Dixon, Johnson and Goodman. Nays: None.

A recommendation to re-appoint Mr. Russ Summers and Mrs. Melva Sawyer for a three (3) year term on the Planning and Zoning Board was presented. Goodman moved to re-appoint Russ Summers and Melva Sawyer for a three (3) year term on the Planning and Zoning Board said term to expire July 1, 2012; seconded by Johnson and carried.

Administrator Rupp presented the Council with a list of people who submitted completed applications requesting to be appointed to the Airport Advisory Committee. Administrator Rupp noted Section (4) of Resolution No. 2009-8, adopted on May 5, 2009 stated two members need to be city residents or business owners, and two member need to be residents or business owners in the unincorporated area of DeSoto County. She also stated pursuant to Section (2) the terms of office need to be established.

The following names submitted applications for the Airport Advisory Committee and were presented to the Council for selection:

Donald Knoche
Ann Hillard
Gary Frierson
Paul Hoover
Glenwood R. Bartholomew
George Chase
George Lempenau
Patricia Hange
Willard Irwin
Greg Smith

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Mayor Fazzino stated Mr. Ernie Hewett had voiced an interest in being appointed to the Committee, but had not received a phone call advising him to fill out an application. Mayor Fazzino stated he would like to see this procedure advertised in the paper so everyone interested would have the opportunity to participate. Administrator Rupp stated the list of names of those interested had been given to staff to call and advise them to pick up and complete an application. The listed names were taken from those applications. Administrator Rupp apologized that Mr. Hewett was not called and stated he could be placed on the list now and to pick up an application to complete and return to her office.

The following names were nominated to be on the Airport Advisory Committee:

Mr. Paul Hoover nominated by Deputy Mayor Dixon
Mr. Greg Smith nominated by Councilman Johnson
Mr. Ernie Hewett nominated by Mayor Fazzino
Mrs. Ann Hilliard nominated by Councilwoman Goodman
Mr. Gary Frierson nominated by Councilman Heine
Mr. George Chase nominated by Mayor Fazzino
Mr. Donald Knoche nominated by Councilman Johnson

The term of service for each applicant was assigned by placing their names in a container and then selecting a name and length of term.

Heine moved to appoint Mr. Hoover, Mr. Hewett, Mrs. Hilliard, Mr. Frierson, Mr. Chase, Mr. Smith and Mr. Knoche to the Airport Advisory Committee; seconded by Goodman and carried. Mr. Knoche, Mr. Frierson, Mr. Smith, and Mrs. Hilliard would serve for two (2) years, said term to expire June 2011 and Mr. Hewett, Mr. Chase, and Mr. Hoover would serve for three (3) years, said term to expire June 2012.

Administrator Rupp stated the appointees would be notified of the selections and a meeting would be set up. The Committee will meet and then give a report to the Council. Attorney Galvano stated the Resolution entitled the Council to re-organize or disband the Committee at any time.

A request by letter, from Judge Don Hall, President of the Arcadia Rodeo Association, for permission for street closing for the 4th of July Rodeo Parade was presented by Ms. Jackie Tucker. Ms. Tucker stated she had spoken with Marshall Lee regarding the parade and he did not have a problem with it. Deputy Mayor Dixon moved to approve the request for street closures for the 4th of July Rodeo Parade in downtown Arcadia; seconded by Goodman and carried.

Mr. Paul Hoover presented the Council with a handout titled WHAT YOU SHOULD KNOW ABOUT YOUR PROPERTY TAXES. Mr. Hoover noted he had addressed the Council previous times regarding Double Taxation of the citizens of Arcadia. He stated the citizens of Arcadia pay both County and City taxes, while those citizens in the County paid only County taxes. He cited several areas he felt were double tax issues. Mr.

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Hoover suggested a committee be formed, of City residents, business owners, Main Street Committee or whomever was interested, to research the options for the City taxpayers in reaching a proper taxation process for City residents. Councilman Heine asked Attorney Galvano for his thoughts on this issue. Attorney Galvano stated there could be some Interlocal agreements between the County and City. He stated we need to get to the base of the problem. He asked permission from the Council to meet with the County Attorney and try to reach an agreement with the County. Mayor Fazzone stated that the City previously received a letter from the County stating that there was no problem. Attorney Galvano stated the issue could be forced under Chapter 86. Heine then moved to authorize Attorney Galvano to meet with the County Attorney to discuss the issue of Double Taxation; seconded by Johnson and carried.

The Police Activity Report for the month of May 2009 was presented.

Marshall Lee addressed the Council to request that they approve a traffic study by GATSO, USA to discover if there is a need for the instillation of cameras at intersections to aid in identifying traffic violations such as running red lights. Deputy Mayor Dixon moved to approve GATSO, USA to do traffic study at local intersections; seconded by Goodman and carried.

Marshall Lee then reported to the Council that the Police Department has been awarded a grant for equipment purchases. Captain Anderson stated an award of Twenty Six Thousand Six Hundred and Thirty Three Dollars (\$26,633) had been approved and would be used to purchase a squad car. Marshall Lee stated the computers were up and running in all squad cars. He stated a grant shared with the County has resulted in One Hundred Twenty Four Thousand Dollars (\$124,000) being awarded to the Arcadia Police Department. He stated this money would be used to replace items lost during Hurricane Charley along with canine vehicles, two (2) Chargers, upgraded weapons and other crime scene items.

Marshall Lee addressed the Council with concerns of follow up of problems by his department that he felt City Staff had overstepped the Police Department and noted that the concerns have been resolved.

Attorney Galvano reported that the two (2) issues in the lease with the Department of Agriculture on the old Livestock Market had been worked out and he would have the lease ready to present to Council at the next meeting.

Councilwoman Goodman addressed Marshall Lee in regards to the previous concern he had expressed regarding concerns brought to the Council by some of the Public. Councilwoman Goodman stated she had advised the Administrator to contact Mr. Elmore, Mr. Hickson and Mr. Ross advising them that their concerns would be acted upon. Councilwoman Goodman stated this was done as a result of the gentlemen appearing before the Council.

Administrator Rupp stated a letter was written with the answer to the concern noting that being it was being handled by the Arcadia Police Department. Administrator Rupp stated she was not trying to do the job of the Police Department, but she needed to know

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if there continued to be a problem. She stated there was nothing negative toward the Police Department. Councilman Heine stated he supported the letters. He stated he was not knocking the Police Department, however, the Administrator needed to do the job she was hired to do. Mayor Fazzino stated he did not think the issue was with the Police Department but with the Council because the problem had been presented to the Council.

Administrator Rupp presented the Council with an invitation to attend the Ridge League of Cities dinner on June 11, 2009 in Dundee Florida. Councilman Johnson stated he was a long time member of the Ridge League of Cities and would like to see the City of Arcadia take home the award for the City with the highest attendance.

The Mobile Home Park Monthly Report was presented.

A request from Pleasant Hill Methodist Church for the closing of South Lee Avenue at Alabama for a block party was presented. They do not have a specific date or time in mind at this time, they wanted to know if it would be allowed. Deputy Mayor Dixon moved to approve the request to close South Lee Avenue at Alabama for a block party; seconded by Goodman and carried.

Mrs. Ann Hilliard, a member of the public asked the Council if Code Enforcement was active and if there was a form for the members of the public to fill out for a complaint. Administrator Rupp stated Mr. Joe Fink has been appointed as a Code Enforcement Officer. Mr. Fink is in the process of getting his identification badge and decal on the City car in order to identify him as the City Code Enforcement person. Administrator Rupp stated there was no form, but complaints could be made by phone and the person making the call would not have to identify themselves. Once all the identification is in place, Mr. Fink will be going to the properties and posting forms on the property. Mayor Fazzino asked what the system of follow up to the complaints would be. Administrator Rupp stated there will be a log and the Council will receive a code enforcement report. Deputy Mayor Dixon commented that since he had been involved with the clean up at the old Livestock Market, he would like to proceed in that role. All Council members agreed he should continue.

Rev. Elmore, Pastor of Pleasant Hill Methodist Church, and a member of the public addressed the Council regarding the status of a structure he had brought to the Council's attention in a previous meeting. Rev. Elmore stated the structure was now completely down on the ground and he was pleased that a code enforcement officer had been appointed.

Mr. Lester Hornbeck, with the County Planning Department, addressed the Council. He stated that in the past he had contacted the City Marshall with code violations and had worked with him regarding the demolition of buildings. He asked if he should now contact Mr. Fink to which he was informed that he should. Mr. Hornbeck stated that it is very costly to demolish these structures and asked if there were funds available for this purpose. Administrator Rupp stated there are some grants available for this purpose; however at the current time no funds are available. Rev. Elmore stated that he thought

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there was money available through a Block Grant. Administrator Rupp stated that she could not move forward until she had all the information regarding the cost of the demolition. Marshall Lee stated the information was available from his office. Deputy Mayor Dixon stated he wanted to see where the money is coming from. He stated "I do not want to spend money the City does not have". Councilwoman Goodman stated since this was a new thing with code enforcement, questions needed to be asked to find out who has what information. Deputy Mayor Dixon stated there was no reason do duplicate services "we need to work together and get the job done". Mr. Hornbeck stated the County was in the process of bidding out demolition and found the cost to be much cheaper than in the past due to people needing jobs. He stated there were also non profit groups that were willing to do work in the clean up process. Deputy Mayor Dixon stated the City should have the equipment to do what is needed. He stated the inmate work crew could be used as well as some of the City employees. He stated the biggest problem would be the dumping fee. Mr. Hornbeck stated there could be a problem with asbestos. Deputy Mayor Dixon stated that maybe a professional should give a bid on the cost of demolition.

Mrs. Martha Craven, a member of the public asked if the city owned the land and if it could be sold. Attorney Galvano stated that the City would encumber the property at that point.

Mayor Fazzino stated that at a previous Council meeting there was a request for a report from the Housing Authority and noted that he has not seen any report.

Councilwoman Goodman asked Administrator Rupp to contact Mrs. Christen Engles of the Housing Authority and ask for a report.

There being no further business the meeting was adjourned.


CITY RECORDER


PRESIDENT