

REGULAR MEETING
JUNE 3, 2008

A Regular Meeting of the Arcadia City Council was held on June 3, 2008 at 6:00 p.m., in the Margaret Way Building at 23 North Polk Avenue. Council members attending were Goodman, Heine, Johnson, and Dixon. Absent: Councilman Fazzino was out of town. Also in attendance were Administrator Strube, Attorney Holloman, Marshall Lee, Special Projects Coordinator Hewett, Grants Coordinator Steve Weeks, and Recorder Baumann.

Mayor Goodman called the meeting to order.

The Invocation was given by Dr. Roosevelt Johnson, Councilman.

Pledge of Allegiance to the Flag.

The Minutes of the Work Session of May 20, 2008 and the Regular Meeting of May 20, 2008 were adopted on a motion by Heine; seconded by Johnson and carried.

Mayor Goodman called the Public Hearing to order and stated that the purpose of the Public Hearing as advertised is to review and adopt the Modified Evaluation and Appraisal Report of the City of Arcadia Comprehensive Plan (EAR).

Administrator Strube addressed the Council and reported that the 2006 EAR was sent to the State in May 2006. The Department of Community Affairs reviewed the 2006 EAR and sent a letter to the City on September 8, 2006 which identified several deficiencies in the EAR. In April 2008 DCA stated that the City could combine the 2006 and 2009 EAR's together which would satisfy the adoption of a new EAR due July 1, 2009. It was noted that if the City does combine the 2006 and 2009 EAR reports it would prohibit the City from adopting any comprehensive plan amendments until at least July 2009. Due to restrictions and in order to lift the moratorium on any comprehensive plan amendments Administrator Strube recommends that the City move forward with approval of the 2006 revised EAR. He noted that the City never received an approval from DCA after having addressed and submitted the changes as required. Mayor Goodman stated that she is in favor of moving forward with the submittal of the corrected 2006 EAR to the State. Grants Coordinator Steve Weeks addressed the Council and stated that the City is required to evaluate the merits of the old comprehensive plan every three (3) years and modify the EAR based on any changes to Florida Statutes. The City is behind in this schedule due in part to Hurricane Charley. He then reported that he has been working with Ms. Jennifer Codo-Salisbury from the Central Florida Regional Planning Council (CFRPC) to prepare an EAR that would be acceptable to the State. They will also be working on the 2009 EAR for submission. Mr. Weeks explained the City is required to do a comprehensive plan every ten (10) years. The old plan is re-evaluated and updated to meet any new concerns or rulings that affect the City, or areas that may need to be improved such as water and sewer usage. Mr. Weeks stated that he believes the report

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that is pending approval and the April 2009 report will satisfy requirements for the next ten (10) years. In addition, the State looks at how the City works with other governmental agencies such as Southwest Florida Water Management District (SWFTWMD) to make sure the City is educated and aware of the necessary needs and requirements of these agencies. Administrator Strube noted that if the State approves the EAR, the City will have eighteen (18) months to incorporate it into the comprehensive plan. Mr. Weeks stated that in the end there will be only one (1) plan in place. Mayor Goodman called for comments from the public. There were none. Mayor Goodman called for comments from the Council. There were none. Heine moved to read Resolution No. 2008-5 in full; seconded by Johnson and carried. Recorder Baumann read Resolution 2008-5 in its entirety. Johnson then moved to adopt Resolution 2008-5 and that it is submitted to the State; seconded by Heine and carried.

RESOLUTION NO. 2008-5

A RESOLUTION CONFIRMING THE ADOPTION OF MODIFICATIONS TO THE EVALUATION APPRAISAL REVIEW REPORT (EAR) OF THE CITY'S COMPREHENSIVE PLAN BY THE ARCADIA CITY COUNCIL AT A REGULAR MEETING HELD ON JUNE 3, 2008, AND AUTHORIZING ITS TRANSMITTAL TO THE STATE DEPARTMENT OF COMMUNITY AFFAIRS FOR A SUFFICIENCY DETERMINATION.

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

Whereas, the Arcadia City Council, at a regular meeting held on January 3, 2006, adopted the EAR report with changes as recommended by staff and transmitted the report to the State Department of Community Affairs in accordance with City Resolution No 2006-9, and

Whereas, the State found the EAR insufficient and issued an insufficiency determination letter dated September 8, 2006 and recommended the City address certain issues prior to resubmission to the State, and

Whereas, the City Planning and Zoning Board, sitting as the Local Planning Agency addressed held a public meeting on March 11, 2008 to review the modifications incorporated into the EAR and recommended that the Arcadia City Council adopt the modified EAR, and

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(Resolution 2008-5 Continued)

Whereas, the Arcadia City Council scheduled a public hearing on June 3, 2008 to consider the recommendation of the Local Planning Agency.

NOW, THEREFORE, BE IT KNOWN by this resolution that the Arcadia City Council at a public hearing held this date, hereby adopts the modified EAR, as recommended by the Local Planning Agency, and authorizes its transmission to the State Department of Community Affairs for a sufficiency determination.

PASSED AND ADOPTED BY THE CITY COUNCIL, of the City of Arcadia, Florida, in Regular Session in the City Council Chambers this 3rd day of June, 2008.

ATTEST:

CITY OF ARCADIA, FLORIDA

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

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

The Public Hearing was closed.

Mayor Goodman reconvened the regular meeting.

The Police Activity Report for the month of May, 2008 was presented.

Ms. Jennifer Codo-Salisbury with the Central Florida Regional Planning Council (CFRPC) addressed the Council and gave a report regarding the update of the 2009 EAR. She reported that a Public Hearing was held on March 11, 2008. As a result of that Public Hearing a list of citizen concerns, needs and comments were prepared as a draft of major issues on which the City's Comprehensive Plan will be partially evaluated. The list was presented to the Council for their review.

Administrator Strube addressed the Council regarding a request from DeSoto County for a contribution from the City to help fund the July 4th Fireworks Celebration. Heine moved to donate One Thousand Dollars (\$1,000.00) to DeSoto County for the July 4th Fireworks Celebration; seconded by Dixon and carried. Mayor Goodman asked that Administrator Strube draft a letter to be signed by the Mayor to the County informing them of the Council's decision.

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Mr. Robert Womack from Womack Sanitation addressed the Council and presented information for them to review regarding the handling of sludge and by products. Mr. Womack believes that he could save the City about \$1,150.00 per year. He would not require a contract. Administrator Strube stated that the proposal is worth looking into. Councilman Dixon stated that he spoke with Steve Underwood, Waste Water Treatment Plant Supervisor who feels that this would also save the city with man power and fuel costs.

Mr. Shaun Knepp of Knepp Contractors addressed the Council to request a special exemption for a circular driveway at 216 W. Gibson. Mr. Knepp noted that the Code does not allow for two driveways within thirty (30) feet of each other. Johnson moved to grant the approval for an exemption and allow the circular driveway; seconded by Henie. Prior to a vote Councilman Dixon asked Mr. Knepp if a "Stop Work" order had been issued to him on this project to which Mr. Knepp stated that it had. Special Projects Hewett addressed the Council and reported that John Reed, Public Works Supervisor become aware of a curb cut which was done without a permit. Mr. Hewett stated that if an exemption is granted it would be an exemption to an existing code and ordinance. Mr. Hewett stated that this matter should go to the Planning and Zoning Board and he does not recommend it be approved. Mayor Goodman asked why an exemption for the driveway would be different than an exemption from installing sidewalks to which Mr. Hewett stated that the City does not try to require sidewalks if the sidewalk would not be conducive to the area or development. Councilman Dixon does not feel that an exception can be made for one individual and not for another and made reference to Mr. Lewis Ritch who had requested an exception for his driveway. Councilman Dixon stated that the prior request was made by a homeowner, noting that Mr. Knepp is a contractor who will be making a profit from this residence. It was noted that Mr. Ritch's request was not granted. Councilman Dixon stated that he is very upset that Mr. Knepp cut the curb without a permit stating that the City has laws that need to be followed. Attorney Holloman stated that this matter needs to be referred to the Planning and Zoning Board which requires that they review any request for an exemption from the code. Mr. Knepp apologized to the Council for having done the curb cut without a permit. Councilman Johnson asked if there was a specific reason for the thirty (30) foot rule to which Mr. Hewett stated that he does not know how it originated in the Code. The previous motion died for lack of approval. Heine then moved to refer the issue to the Planning and Zoning Board; seconded by Johnson and carried.

Mr. Knepp then addressed the Council regarding property owned by Ms. Jacqueline Greer at 136 Baldwin Avenue. He reported that there is a depilated house on the property and he estimates that it would cost more to have the house removed than the property is worth due to the fact that the home had been mortgaged for the purchase of a semi truck. Mr. Knepp stated that there are many properties within the City with a zero value due to

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having un-inhabitable structures on them. Special Projects Coordinator Hewett stated that the City is looking at the issue of these empty houses for a solution. He noted that this property may pose an arson danger as most of these depilated houses are deemed a fire hazard.

Mayor Goodman reported that at a work session held today at 5:30 PM the Council was in agreement that Mr. William S. Galvano be ranked as the Council's 1st choice for City Attorney. She then asked for a formal motion to appoint a new City Attorney. Dixon moved to employ the Law firm of Grimes, Gobel, Grimes, Hawkins, Gladfelter & Galvano, P. I. as the City Attorney with Mr. William S. Galvano being the principal attorney for the City; seconded by Johnson and carried.

Mayor Goodman noted that the Council has received information from the Florida League of Cities, Florida Cities of Excellence Award program and recommends that they consider possible candidates for recognition. Councilman Johnson stated that the City has many exceptional city leaders, employees, and citizens that could be recognized in this award program. He believes that these people should be "spotlighted".

Mayor Goodman complimented Special Projects Coordinator Hewett for the pictures in the ad for the DeSoto County High School Senior Class of 2008. The ad for the Florida League of Cities was also complimented.

Councilman Dixon asked Public Works Supervisor Reed if the street sweeper was working to which Mr. Reed stated that it is. The days of use are Monday and Friday.

Councilman Dixon asked why Hillsborough Avenue was cut up noting that it had just been re-paved. Administrator Strube stated that while a complete examination of infrastructure had been done before re-paving a recent break in the water line required the repair.

Mayor Goodman addressed the Council stating that a proposed ad for the City Administrator along with a list of duties and a copy of his current contract are part of their agenda packet. She asked the Council to review the information and decide what changes they might want to make. She then suggested that the ad state that that if hired the candidate must be willing to re-locate to the City. Administrator Strube stated an ad could go into the Florida League of Cities data gram on June 15, 2008. He reminded Council members that the job description and contract were just a model and might need

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some updating and changing. Mayor Goodman asked that a copy of this information be provided to Attorney Galvano. Councilman Dixon also requests that Mr. Galvano look at the City Charter regarding the residency requirement for the City Administrator. Administrator Strube noted that the position of City Administrator was created by Ordinance and it does not require that the Administrator live in the city.

Recorder Baumann informed the Council that the new MUNIS system would be up and running with live data next Monday.

There being no further business the meeting was adjourned.


CITY RECORDER


PRESIDENT