

REGULAR MEETING

MAY 15, 2007

A Regular Meeting of the Arcadia City Council was held on May 15, 2007, at 6:00 p.m. in the Margaret Way Building at 23 North Avenue. Council Members attending were Johnson, Goodman, Whitlock, Fazzone, and Heine. Also in attendance were Administrator Strube, Attorney Holloman, City Marshal Lee, Special Projects Coordinator Hewitt, Ms. Way and Recorder Baumann.

Mayor Johnson called the meeting to order.

The Invocation was given by Council Member Dr. Goodman.

Pledge Allegiance to the Flag.

The Minutes of the Regular Meeting of May 1, 2007 were adopted on a motion by Heine; seconded by Goodman and carried.

Proposed Ordinance No. 936 suspending application for adult entertainment establishment permits until November 1, 2007, was presented on third and final reading. Whitlock moved to waive the rules and read the proposed ordinance by title only; seconded by Goodman and carried.

ORDINANCE NO. 936

AN ORDINANCE OF THE CITY OF ARCADIA, FLORIDA
SUSPENDING PROCESSING OF APPLICATIONS FOR ADULT
ENTERTAINMENT ESTABLISHMENT PERMITS UNTIL
NOVEMBER 1, 2007; PROVIDING FOR APPLICATION AND
EXEMPTIONS; PROVIDING FOR SEVERABILITY; PROVIDING
AN EFFECTIVE DATE.

Fazzone then moved to adopt Ordinance No. 936 on third and final reading and that it become an ordinance of the City of Arcadia; seconded by Whitlock. Mayor Johnson called for comments from the public, there were none. The motion carried on a roll call vote. Ayes: Whitlock, Heine, Johnson, Goodman and Fazzone. Nays: None.

REGULAR MEETING
MAY 15, 2007
Continued

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AN ORDINANCE OF THE CITY OF ARCADIA,
FLORIDA, SUSPENDING PROCESSING OF
APPLICATIONS FOR ADULT
ENTERTAINMENT ESTABLISHMENT
PERMITS UNTIL NOVEMBER 1, 2007;
PROVIDING FOR APPLICATION AND
EXEMPTIONS; PROVIDING FOR
SEVERABILITY; PROVIDING AN EFFECTIVE
DATE.

WHEREAS, DeSoto County, Florida, is experiencing increasing applications for permits to conduct adult entertainment land use and did enact an ordinance providing that no applications for adult entertainment establishments will be accepted, processed, considered, or granted, for a period of 180 days and did further on the 13th day of March, 2007, extend this moratorium until June 30, 2007; and,

WHEREAS, the City of Arcadia, Florida, did enact a similar moratorium which provided that no such applications for adult entertainment establishments would be accepted for a period of 180 days from the 1st day of December, 2006, which will be May 31, 2007; and,

WHEREAS, the City Council believes that it may be in the best interests of the citizens of Arcadia, Florida, as well as all the citizens of DeSoto County, Florida, and the affected businesses, that one county-wide ordinance regulate such businesses; and,

WHEREAS, the City Council of the City of Arcadia, Florida, wishes to review the proposed ordinance of DeSoto County, Florida, prior to the enactment of any City Ordinance, but the Ordinance is not yet available, and in order to enact an ordinance within the 180 day moratorium, the first reading of such ordinance would have to be the meeting of April 17, 2007; and,

WHEREAS, the County can enact an ordinance in less time than the City of Arcadia; and,

REGULAR MEETING
MAY 15, 2007
Continued

(Ordinance No. 936 continued)

WHEREAS, a moratorium until November 1, 2007, will not cause inordinate hardship upon adult entertainment establishments; and,

WHEREAS, the City Council of the City of Arcadia, Florida, has determined that the extension of the moratorium until November 1, 2007, is in the public interest.

NOW, THEREFORE, THE CITY OF ARCADIA, FLORIDA, HEREBY ORDAINS:

Section 1. No applications for adult entertainment establishments pursuant to the definition contained in Section 22-31 of the City Code of the City of Arcadia, Florida, will be accepted, processed, considered, or granted until after November 1, 2007.

Section 2. This moratorium will not apply to any applications for which the fee has been paid and the application deemed complete by the City prior to the effective of this Ordinance.

Section 3. If any section, subsection, clause or provision of this Ordinance is deemed invalid or unconstitutional by a court of competent jurisdiction, such portion will be considered a separate provision and will not affect the remaining provisions of this Ordinance.

Section 4. This Ordinance shall take effect pursuant to Chapter 73-403 of the laws of the State of Florida.

REGULAR MEETING
MAY 15, 2007
Continued

(Ordinance No. 936 continued)

PASSED UNANIMOUSLY BY THE CITY COUNCIL OF THE CITY OF
ARCADIA, FLORIDA, IN REGULAR SESSION AT CITY COUNCIL
CHAMBERS, ARCADIA, FLORIDA, ON THIS 15TH DAY OF MAY, 2007.

ATTEST:

CITY OF ARCADIA, FLORIDA

By: /s/ RACHELLE BAUMANN
RACHELLE BAUMANN
City Recorder

By: /s/ ROOSEVELT JOHNSON
ROOSEVELT JOHNSON
Mayor

PASSED ON FIRST READING April 17, 2007.

PASSED ON SECOND READING May 1, 2007.

PASSED ON THIRD READING May 15, 2007.

APPROVED AS TO FORM:
DAVID C. HOLLOMAN
CITY ATTORNEY

City Marshall Lee presented the Fines and Forfeitures report for the month of April 2007 reporting \$3, 619.29 for fines.

Marshal Lee addressed Council to inform them that Lieutenant Rodgers has resigned due to health reasons. A new officer will be hired to take over Lt. Rodgers Code Enforcement duties; however until he is hired and trained Marshal Lee and Captain Anderson will continue working on any current Code Enforcement issues.

REGULAR MEETING
MAY 15, 2007
Continued

Marshall Lee then presented posters to the Council which he and other members of the Arcadia Police Department had removed from Louis Anderson Park and various other locations throughout the City. The posters are of a sexually explicit content and were in plain view of children. He stated that the Police Department has been called to numerous locations involving this type of activity. Marshall Lee wanted to inform the Council of these activities in the event that any of the Council received a phone call from a sponsor of these activities, stating the Department was harassing them. All members of the Council complimented Marshall Lee and the Arcadia Police Department for a job well done.

Marshall Lee reported that the County is working on a proposal to handle Code Enforcement issues in the City if the City would supply/fund a position and vehicle. Council Member Whitlock inquired if Marshall Lee wanted to relinquish the code enforcement of the City to which Marshall Lee stated he felt the worse part of getting code enforcement going was over and now things were beginning to look better in the City. Marshall Lee stated he would like for the Arcadia City Police Department to continue with code enforcement. Special Projects Coordinator Hewitt approached the Council and stated that he has some knowledge regarding the proposal from the County. He stated that in the past the Chief of the City Fire Department had been responsible for building code enforcement matters; however, since the City no longer has a Fire Department and the County does have qualified personnel it was suggested that they could be used to do inspections relating to building structure code enforcement. It was noted that the County does not have the authority to enforce any code violations in the City and that the City Code calls for the Council to appoint a Building Official. Mr. Hewett suggested that any agreement be incorporated into the Interlocal Agreement with the County. Mayor Johnson stated that when a proposal is presented to the Council with specifics they will look at it at that time.

Mr. Hewett then noted that today is National Police Officers Who Have Fallen In The Line of Duty Day and it is also National Police Week.

Council Member Fazzone inquired if water restrictions were in effect within the City. Marshall Lee indicated they were, but since some rain had been received, the restrictions had decreased somewhat.

REGULAR MEETING
MAY 15, 2007
Continued

The 2006 Annual Financial Report was distributed to the Council by City Recorder Baumann.

The City Recorder's report of Revenue and Expenditures through March 31, 2007 was presented.

The Planning and Zoning Board at a meeting on May 8, 2007 recommended the following to the City Council:

1. That the request of Nathaniel and Patricia Primus for a reduction in the required side yard set back be granted as a special approval by Resolution to reduce the required set back from 15' to 5' on Bonaparte Street. Whitlock moved to grant the request by Resolution No. 2007-4; seconded by Goodman and carried.

RESOLUTION NO. 2007-4

A RESOLUTION GRANTING APPROVAL IN ZONING LAWS TO NATHANIEL AND PATRICIA PRIMUS AUTHORIZING THE REDUCTION OF A STREET SIDE YARD SET BACK REQUIREMENT FROM FIFTEEN(15) FEET TO FIVE (5) FEET ON THE SOUTHSIDE OF LOT 1,BLOCK15, LINCOLN PARK SUBDIVISION OF ARCADIA

WHEREAS, Nathaniel and Patricia Primus own a home on Lots 1, 2, & 3, Block 15, Lincoln Park Subdivision, and

WHEREAS, Nathaniel and Patricia Primus now have a need to make their home handicapped accessible, and

WHEREAS, to accomplish this it will be necessary to have a street side yard set back reduction, and

WHEREAS, this street side is along undeveloped Bonaparte Street which has a concrete storage building presently encroaching the street side yard requirement, and

REGULAR MEETING
MAY 15, 2007
Continued

(Resolution No. 2007-4 continued)

WHEREAS, the Planning and Zoning Board has recommended that the street side yard requirement be five (5) feet on the south side of Lot 1, Block 15, Lincoln Park Subdivision.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Arcadia, Florida, that Nathaniel and Patricia Primus be granted a special approval allowing a reduction of a street side yard requirement from 15 feet to five (5) feet on the south side of Lot 1, Block 15, Lincoln Park Subdivision along undeveloped Bonaparte Street.

PASSED BY THE CITY COUNCIL of the City of Arcadia, Florida in Regular Session in the City Council Chambers this 15th day of May, 2007.

CITY OF ARCADIA, FLORIDA

By: /s/ROOSEVELT JOHNSON
ROOSEVELT JOHNSON, MAYOR

ATTEST:

By: /s/ RACHELLE BAUMANN
RACHELLE M. BAUMANN
CITY RECORDER

Planning and Zoning Recommendations Continued:

2. That the following Board Members be re-appointed for a three (3) year term to expire on July 1, 2010:

Shirley Brown
Martin McLure
Michael Pooser
George K. Smith

Fazzone moved to re-appoint the members as presented; seconded by Whitlock and carried.

REGULAR MEETING
MAY 15, 2007
Continued

Planning and Zoning Recommendations Continued:

3. To appoint Ted Zolkos to the Planning and Zoning Board to serve out the term of Alton Fain, said term to expire July 1, 2009. Whitlock moved to appoint Mr. Zolkos to the Planning and Zoning Board; seconded by Heine and carried.

Mr. Richard Bowers, President of the DeSoto County Community Development Corporation, addressed the Council regarding Louis Anderson Park. Mr. Bowers reported that the request for a walking path which was brought before the Council in a previous meeting has been met with much enthusiasm by citizens and park users. Mr. Bowers reported that mulch has been donated to the Corporation for use on the walking path, and some volunteers will be used to put the mulch down, if the Council is in agreement with the plan. Council gave their support for the walking path. Mr. Bowers inquired on the status of the bids for restrooms. Administrator Strube stated that eight (8) bid packets were sent out; however only two (2) bids were received. The lowest bid was from Shaun Knepp, in the amount of \$27,501.00 for a block construction building. The highest bid was from Southern Building Solutions, in the amount of \$39,330.00 for a modular building. There was some discussion on the need of a hip roof ceiling and a utility storage area. Administrator Strube and Council Member Heine both stated that there is a need for a utility storage area. Heine moved to accept the lowest bid of \$27,501.00 from Shawn Knepp for the construction of a block building for restrooms; seconded by Goodman and carried.

The Arcadia Golf Course Report was presented. Special Projects Coordinator Hewett reminded the Council to expect the normal summer drop off of fees due to more rain days and fewer customers. He reported the Watermelon Tournament was a relative success noting that neighboring golf courses also had events on that same day. This Friday, May 18, 2007, will be the DeSoto County Fire Department Tournament.

Flowage and Hanger Rent Report for March 2007 from Air-Cadia was presented. Special Projects Coordinator Hewitt reported all hangers were rented with the exception of four (4). He reported that the installation of a new beacon that should be finished by next week.

Administrator Strube addressed Council and presented Specific Authorization No. 52 with Boyle Engineering Corporation which would allow a former Boyle Engineering Corporation employee, currently with another engineering firm, to review Hurricane Charley FEMA related documents with City's legal counsel. This authorization is not to exceed Five Thousand Dollars (\$5,000.00). Heine moved to authorize the Mayor to sign Specific Authorization No. 52 with Bolye Engineering not to exceed \$5,000.00; seconded by Whitlock and carried.

REGULAR MEETING
MAY 15, 2007
Continued

Kedesch Altidor addressed the Council reporting on Southwest Community progress of PACE. Ms. Altidor reported that she has developed a summer calendar for the youth since there are no theaters, skating rinks or other public activity centers for them to use during the summer months. Some of the activities will be life skills, sewing, and learning to play an instrument. She also reported that she has completed a CDC grant application.

Administrator Strube addressed the Council to discuss the summer meeting schedule. In the past the Council has met on the third (3) Tuesday of each month during June, July, and August. This however, did not include special workshops for session dealing with budgets or other issues that might arise. Heine moved to hold Council meetings on the third (3) Tuesday of each month during June, July and August; seconded by Whitlock and carried. The meetings will be June 19, July 17, and August 21, 2007. Administrator Strube stated additional meetings may be called once we know more about what the Legislature has decided on property tax reform.

Council Member Heine thanked Marshall Lee and Stan Abram for the good job they are doing on Code Enforcement.

Council Member Goodman thanked the Police Department noting that Arcadia is looking much better.

Whitlock also thanked the Police Department and moved to prepare a resolution recognizing National Police Week; seconded by Goodman and carried.

Council Member Fazzone expressed his appreciation to the Police Department for an excellent job. Mayor Johnson agreed and also added he felt the City is being operated very well, and the community is also looking very good.

There being no further business, the meeting was adjourned.


CITY RECORDER


PRESIDENT