

**MINUTES
 CITY COUNCIL
 CITY OF ARCADIA
 TUESDAY, OCTOBER 19, 2010
 6:00 PM**

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

Arcadia City Council

Mayor Robert Heine
 Councilman Roosevelt Johnson

Councilmember Sharon Goodman

Arcadia City Staff

City Administrator Lawrence Miller
 Asst. City Administrator Judi Jankowsky
 City Marshal Charles Lee

City Recorder Dana Williams
 City Attorney Jason Henbest

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

Councilmember Johnson gave the invocation, which was followed by the Pledge of Allegiance and roll call.

SPECIAL PRESENTATIONS

1. EMPLOYEE OF THE MONTH

The City Recorder read a certificate recognizing Mr. Jim Callen as employee of the month. The Mayor presented the framed version to Mr. Callen who thanked the Council and everyone involved with his nomination.

CONSENT AGENDA

- 2. MINUTES OF THE OCTOBER 5, 2010 WORKSHOP**
- 3. MINUTES OF THE OCTOBER 5, 2010 REGULAR MEETING**
- 4. CHECK WARRANTS - OCTOBER 1 THROUGH OCTOBER 18, 2010**
- 4B. REVENUE & EXPENDITURES REPORT**
- 5. CITY FINES & ESTREATURES REPORT**
- 6. AIR-CADIA FLOWAGE AND HANGER RENT REPORT FOR SEPTEMBER**
- 7. ARCADIA MOBILE HOME PARK REPORT FOR SEPTEMBER**

On motion of Councilmember Johnson and seconded by Councilmember Goodman, the Council voted unanimously, 3-0, to approve items 2-7 inclusive of the Consent Agenda printed above.

DISCUSSION ITEMS

- 8. PUBLIC HEARING ON THE VACATION OF CERTAIN RIGHTS-OF-WAY (WESSON)**

The City Administrator, reading from the agenda memo, stated Mr. Steven Wesson had

submitted a petition to close all that part of a 60.00 feet wide platted street lying between Block "M" and Block "N" of W. H. Johnson's subdivision, had provided letters of no objection from abutting property owners and from inclusive utilities, paid the application fee and continued through the process as outlined in Chapter 86, Article II of the City Code.

At this point, the Mayor opened a public hearing to receive comments from the public on the ROW vacation but with no one coming forward, he then closed the public hearing.

9. PUBLIC HEARING ON THE VACATION OF CERTAIN RIGHTS-OF-WAY (WHEELER'S CAFÉ)

The City Administrator read the following item: Mrs. Martha Craven appealed to Council for vacation of a portion of ROW behind Wheeler's Café. The Council, in accordance with Section 86-41 of the City Code directed staff to begin the steps necessary to vacate this alleyway. Again, the notice of public hearing was properly noticed in the newspaper and to abutting property owners via certified mail.

The Mayor opened a public hearing to receive comments, but with no one wishing to speak, he then closed the public hearing.

RESOLUTIONS

10. RESOLUTION 2010-09, VACATING CERTAIN RIGHTS-OF-WAY, (STEVEN WESSON)

The City Recorder read Resolution 2010-09 by title.

On motion of Councilmember Goodman and seconded by Councilmember Johnson, the Council voted unanimously, 3-0, to approve Resolution 2010-09 as printed below:

RESOLUTION NO. 2010 - 09

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCADIA; VACATING CERTAIN RIGHTS-OF-WAY PURSUANT TO ARTICLE II, CHAPTER 86, OF THE CITY OF ARCADIA CODE OF ORDINANCES

WHEREAS, the City Council of the City of Arcadia desires to vacate that certain right-of-way described on Exhibit "A"; and

WHEREAS, the vacation of said property would not be in derogation of the public rights or needs of the City; and

WHEREAS, a public hearing before the Council was advertised and duly held on the *19th* day of *October 2010*, to consider the advisability of vacating such right-of-way, or some portion thereof, and the Council was fully advised and informed in the premises.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Arcadia, Florida:

1. The City hereby vacates, abandons, discontinues, and closes the portion of the existing public street, alleyway, road, highway, or other place used for travel described in Exhibit "A," incorporated herein by reference, and renounces and disclaims

any right of the County and the public in and to the land in connection therewith.

2. No portion of the land, or interest therein, described in Exhibit "A" constitutes or was acquired for a state or federal highway.

3. An announcement of the public hearing to vacate the property described in Exhibit "A" was given by publishing legal notice in a newspaper of general circulation in the City in not less than one (1) weekly issue of said paper.

4. This resolution serves only that purpose expressly stated in Paragraph 1, above. Nothing herein shall be construed or interpreted as a representation of the rights or interests accruing to or existing in any party to the land described in Exhibit "A" following this vacation.

EXHIBIT "A"

ALL THAT PART OF A 60.00 FEET WIDE PLATTED STREET LYING BETWEEN BLOCK "M" AND BLOCK "N", OF THE W. H. JOHNSON'S SUBDIVISION, AS PER MAP OR PLAT THEREOF RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR DESOTO COUNTY, FLORIDA IN PLAT BOOK 1, PAGE 67 AND IN PLAT BOOK C-5, PAGE 56 FILED DECEMBER 14, 1891.

***PASSED AND ADOPTED* this 19th day of OCTOBER 2010.**

By: /s/ Robert W. Heine, Mayor

ATTEST:

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

11. RESOLUTION 2010-10, VACATING CERTAIN RIGHTS-OF-WAY, (WHEELER'S CAFÉ)

The City Recorder read Resolution 2010-10 by title.

On motion of Councilmember Johnson and seconded by Councilmember Goodman, the Council voted unanimously, 3-0, to approve Resolution 2010-01 as printed below:

RESOLUTION NO. 2010-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCADIA; VACATING CERTAIN RIGHTS-OF-WAY PURSUANT TO ARTICLE II, CHAPTER 86, OF THE CITY OF ARCADIA CODE OF ORDINANCES

WHEREAS, the City Council of the City of Arcadia desires to vacate that certain right-of-way described on Exhibit "A"; and

WHEREAS, the vacation of said property would not be in derogation of the public rights or needs of the City; and

WHEREAS, a public hearing before the Council was advertised and duly held on the 19th day of *October 2010*, to consider the advisability of vacating such right-of-way, or some portion thereof, and the Council was fully advised and informed in the premises.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Arcadia, Florida:

1. The City hereby vacates, abandons, discontinues, and closes the portion of the existing public street, alleyway, road, highway, or other place used for travel described in Exhibit "A," incorporated herein by reference, and renounces and disclaims any right of the County and the public in and to the land in connection therewith.

2. No portion of the land, or interest therein, described in Exhibit "A" constitutes or was acquired for a state or federal highway.

3. An announcement of the public hearing to vacate the property described in Exhibit "A" was given by publishing legal notice in a newspaper of general circulation in the County in which the tract or parcel of land is located, in not less than one (1) weekly issue of said paper.

4. This resolution serves only that purpose expressly stated in Paragraph 1, above. Nothing herein shall be construed or interpreted as a representation of the rights or interests accruing to or existing in any third party to the land described in Exhibit "A."

PASSED AND ADOPTED THIS 19th DAY OF OCTOBER 2010.

By: /s/Robert W. Heine, Mayor

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

(See Exhibit "A" as the last page to these minutes)

12. RESOLUTION 2010-11, ADOPTING THE CITY'S CDBG COMPLIANCE POLICY

The City Recorder read Resolution 2010-11 by title.

On motion of Councilmember Johnson, with a second by Councilmember Goodman, the Council voted unanimously, 3-0, to approve Resolution 2010-11 adopting the City's CDBG Compliance Policy.

RESOLUTION NO 2010-11

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA, ADOPTING A COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) COMPLIANCE POLICY, EVALUATION PLAN, TRANSITION PLAN, AS PART OF ITS PARTICIPATION IN THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAMS AND PROJECTS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, The City of Arcadia finds it in the best interests of the community to participate in the Community Development Block Grant (CDBG) program as a way to provide improvements needed for the benefit of everyone in the community; and

WHEREAS, the adoption of certain plans and policies are required for eligibility for CDBG funding;

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

1. The following are adopted as the:

Attachment A:	Section 504 General Compliance Policy
Attachment B:	Section 504 Self-Evaluation Plan
Attachment C:	Section 504 Transition Plan
Attachment D:	Participating Parties in Section 504 Plans Preparation

2. This Resolution shall take effect immediately upon its passage.

PASSED AND ADOPTED this 19TH day of OCTOBER 2010.

By: /s/Robert W. Heine, Mayor

ATTEST:

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

(Attachments A through D are not included in these minutes for the sake of brevity, but may be reviewed in the office of the City Recorder.)

COMMENTS FROM DEPARTMENTS

14. CITY MARSHAL

The Marshal stated he had spoken with representatives of the Women's Club regarding the proposed rental hall ordinance and will be recommending changes to alleviate any burden placed on these types of establishments. He added he would be coordinating with the City Administrator and City Attorney in the coming days.

On another matter, the Marshal distributed a synopsis on liens from Code Enforcement, saying there were 13 properties totaling \$39,407.04 and that a few have money coming in, although many do not. He reported he had recently received \$2,641 from fines with an additional \$5,000 in the works.

15. ATTORNEY

The City Attorney provided a brief update on the two pending litigation cases. He stated the first, with the former Administrator, was fairly successful and will hopefully be done away with in short order; but that the second case, Craig A. Smith vs. City of Arcadia, the City received judgment and may have to schedule a litigation strategy session prior to the next meeting with regard to a possible appeal.

The City Attorney also asked for clarification on the Council's intention from the last meeting related to the Board of Adjustment and allowing the Planning & Zoning Board to serve

only until December 31st. He questioned whether it was the Council desire to change all references in the Code or to reconstitute the Board of Adjustment. Councilmember Johnson suggested waiting until the new council member is seated so as to allow his/her input on the decision. No action was taken or direction given.

16. ADMINISTRATOR

The City Administrator reported on several items. First, he stated the sidewalks on the east side of Polk Avenue between Hickory and Magnolia have a walk-thru scheduled for Thursday, October 21st at 2 PM with the Department of Transportation. He continued that once the inspection is completed the city will be able to remove the mulch and replace it with brick pavers as planned.

The City Administrator also reported on the electrical energy audit recently completed by FP&L and his goal to have each department reduce its energy consumption by ten percent.

Dr. Miller stated the makeover for the Way Building is in "full swing" having received three bids for replacement of the front doors. He is also waiting on bids for the demolition of the front overhang on the building, and once demolished will begin painting the building. After painting is complete, the Administrator will seek a contractor to build out the front portion of the building in conjunction with the artist's rendition for the makeover.

The City Administrator introduced Ms. Judi Jankosky recently hired as the Assistant City Administrator. Ms. Jankosky was most recently a Planner for the Town of Lady Lake, but also has a law degree and will be handling issues with the airport, golf course, grants, and other tasks. In that regard, the Administrator stated he and Ms. Jankosky had met with the Fire Marshal to go over his report regarding various fire violations at the airport. In addition, there will be an inspection of the airport by the Federal Aviation Administration Thursday, October 21st. Finally, he and Ms. Jankosky will be traveling to Orlando next week for an FAA Grants workshop.

He briefly touched on a variance request by the School District, which will go before the Board of Adjustment before coming to the Council for final approval.

PUBLIC

Ms. Jessica Gonzales stated she was in attendance as an observer and part of a requirement for her on-line class, American Politics.

Ms. Martha Craven reminded everyone about the Tourism Tax on the upcoming November 2nd ballot and encouraged support for the referendum. She added it is not a tax upon the citizens, but a bed tax.

MAYOR AND COUNCIL MATTERS

The City Recorder read from her report on designated representatives to the Regional Planning Council and the DeSoto County Tourism Development Council to fill the soon-to-be vacant seat held by Councilmember Dixon. The Council requested appointments be deferred until such time as a full council is seated.

Councilmember Johnson reported there were 185 people in attendance at the Ridge League of Cities dinner meeting held in Mulberry. He added that from this point forward, committee reports will be made at each meeting to keep the membership informed.

ADJOURN

With no further business at this time, the meeting was adjourned at 6:27 PM.

APPROVED THIS 2nd DAY OF NOVEMBER 2010.

By:



Robert W. Heine, Mayor

ATTEST:



Dana L.S. Williams, CMC
City Recorder

This is Exhibit "A" to Resolution 2010-10 - Vacation of ROW at Wheeler's Café from page 4.

