

A Regular Meeting of the Arcadia City Council was held on October 21, 2008 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 Strube, Attorney Galvano, Captain Anderson, Special Projects Coordinator Hewett, and Recorder Baumann.

Mayor Fazzone called the meeting to order.

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

Pledge Allegiance to the Flag.

The Minutes of the Regular Meeting of October 7, 2008 were adopted on a motion by Heine; seconded by Johnson and carried.

Proposed Ordinance No. 943 Providing for Regulation of Temporary Sales of Motor Vehicles was presented on first reading. Each Council member had previously been given a copy of the ordinance for study. Johnson moved to waive the rules and read Proposed Ordinance No. 943 by title only; seconded by Dixon and carried.

ORDINANCE NO.943

AN ORDINANCE OF THE CITY OF ARCADIA, A MUNICIPAL CORPORATION, PROVIDING FOR REGULATION OF TEMPORARY SALES OF MOTOR VEHICLES; AND PROVIDING FOR AN EFFECTIVE DATE.

Heine then moved to adopt Ordinance No. 943 on first reading; seconded by Heine. Mayor Fazzone called from comments from the public. There were none. The motion carried on a roll call vote. Ayes: Heine, Dixon, Johnson, Goodman, and Fazzone. Nays: None.

Recorder Baumann reported that the Planning and Zoning Board sitting as the Local Planning Agency reviewed changes to the Capital Improvement Element at their special meeting of October 24, 2008 and recommend that the Council approve the changes as presented.

Proposed Ordinance No. 944 amending the Capital Improvements Element of the Comprehensive Plan was then presented on first reading. Each Council Member had previously been given a copy of the ordinance for study. Goodman moved to waive the rules and read Proposed Ordinance No. 944 by title only; seconded by Johnson and carried.

ORDINANCE NO. 944

AN ORDINANCE OF THE CITY OF ARCADIA, FLORIDA, AMENDING THE CAPITAL IMPROVEMENTS ELEMENT OF THE COMPREHENSIVE PLAN, SAID AMENDMENT BEING KNOWN AS "AMENDMENT#08-01-CIE CAPITAL IMPROVEMENTS ELEMENT"; SPECIFICALLY, AMENDING THE ADOPTED CAPITAL IMPROVEMENTS ELEMENT AND UPDATING THE 5-YEAR CAPITAL IMPROVEMENTS PLAN; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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Heine then moved to adopt Ordinance No. 944 on first reading; seconded by Dixon. Mayor Fazzone called for comments from the public. There were none. The motion carried on a roll call vote, Ayes: Dixon, Johnson, Goodman, Heine, and Fazzone. Nays: None.

A Resolution expressing Appreciation to Council member Dr. Sharon T. Goodman for serving as Mayor from October 2, 2007 until October 7, 2008 was presented. Heine moved to adopt Resolution No. 2008-18 seconded by Dixon and carried.

RESOLUTION NO. 2008-18

WHEREAS, Dr. SHARON T. GOODMAN was elected by her fellow Council Members to serve as Mayor of the City of Arcadia from October 2, 2007 to October 7, 2008 , and

WHEREAS, because of her dedication to office, her willingness to serve, and her strong commitment to make Arcadia a better community, she faithfully served in this position of leadership,

NOW, THEREFORE, BE IT DULY RESOLVED by the City Council of the City of Arcadia that the Council, along with other City Officials, do hereby express their sincere appreciation to Mayor Goodman at a regular scheduled Council Meeting and that this Resolution be made a part of the minutes of that meeting

PASSED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA, IN REGULAR SESSION this 21ST day of October, 2008.

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

s/s ROOSEVELT JOHNSON, Ed.D
ROOSEVELT JOHNSON, Ed.D.
COUNCILMAN

s/s LORENZO L. DIXON, M. Psy.
LORENZO L. DIXON, M. Psy
DEPUTY MAYOR

s/s ROBERT W. HEINE
ROBERT W. HEINE
COUNCILMAN

s/s EDWARD J. STRUBE
EDWARD J. STRUBE
CITY ADMINISTRATOR

s/s CHARLES J. LEE
CHARLES J. LEE
MARSHALL

ATTEST:

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

s/s WILLIAM S. GALVANO
WILLIAM S. GALVANO
CITY ATTORNEY

A Resolution supporting the DeSoto County Historical Society's completion of the John Morgan Ingraham House restoration and seeking grant funding was presented. Dixon moved to adopt Resolution 2008-19; seconded by Heine and carried.

RESOLUTION NO. 2008-19

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ARCADIA, FLORIDA, URGING THE
STATE DIVISION OF HISTORICAL RESOURCES TO
SUPPORT THE APPLICATION OF THE DESOTO COUNTY
HISTORICAL SOCIETY FOR THE COMPLETION OF THE JOHN
MORGAN INGRAHAM HOUSE RESTORATION.

WHEREAS, the DeSoto County Historical Society is in the final stages of a Restoration of the John Morgan Ingraham "Cracker House", and

WHEREAS, the John Morgan Ingraham house is a prime example of an unaltered turn of the Century "Cracker Houses" within the city limits of the City of Arcadia, and

WHEREAS, the DeSoto County Historical Society envisions this Cracker House to be a memorial to the early pioneer families of Arcadia and DeSoto County, and

WHEREAS, Mr. John Morgan Ingraham represented DeSoto County in the State Legislature from 1945 through 1949 and during this time several important laws benefiting DeSoto County, The State of Florida and the nation were passed.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Arcadia, Florida that they fully support the DeSoto County Historical Society, Inc. application for a Historical Preservation Grant In Aid to finish the restoration of the John Morgan Ingraham House.

BE IT FURTHER RESOLVED, that a copy of this Resolution of support be sent to Mr. Frederick P. Gaske, Director, Division of Historical Resources, Bureau of Historic Preservation, Grants and Education Section, 500 South Bronough Street, Tallahassee, FL 32399-0250

PASSED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA, IN REGULAR SESSION this 21st day of October, 2008.

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

s/s ROBERT W. HEINE
ROBERT W. HEINE
COUNCILMAN

s/s LORENZO L. DIXON, M. Psy.
LORENZO L. DIXON, M. Psy.
DEPUTY MAYOR

s/s Dr. SHARON T. GOODMAN
Dr. SHARON T. GOODMAN
COUNCILWOMAN

s/s ROOSEVELT JOHNSON, Ed.D
ROOSEVELT JOHNSON, Ed.D
COUNCILMAN

s/s EDWARD J. STRUBE
EDWARD J. STRUBE
CITY ADMINISTRATOR

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ATTEST:

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

A Resolution establishing \$150.00 per hour fees for compensation of Special Master was presented. Goodman moved to adopt Resolution 2008-20; seconded by Heine and carried.

RESOLUTION NO. 2008-20

A RESOLUTION ESTABLISHING
FEES FOR COMPENSATION
OF SPECIAL MASTER

WHEREAS, City of Arcadia Ordinance No. 911 established the Office of Special Master to enforce the Codes and Ordinances of the City of Arcadia, Florida, and

WHEREAS, City of Arcadia Ordinance No. 911 Section 71-3-D provides that Special Masters may be compensated at a rate established by Resolution.

NOW THEREFORE, BE IT RESOLVED that the rate of compensation for the services of a Special Master shall be \$150.00 per hour.

DULY PASSED BY THE CITY COUNCIL OF THE CITY OF ARCADIA,
FLORIDA in Regular Session at the City Council Chambers of said City of Arcadia, Florida
this 21ST day of OCTOBER, 2008.

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

Mr. Joe Fink, a member of the public, addressed the Council stating that Florida Statutes recognized the use of a Code Enforcement Board rather than a Special Master. He noted that the Board is comprised of citizens of the City and would require someone from the City Recorder's office to take the minutes of the hearings. He suggests a Board be used in order to minimize costs to the City. Councilman Dixon asked Captain Anderson how many cases went before the Special Master for non-compliance last year to which Captain Anderson replied

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about twelve (12). Administrator Strube noted that currently code enforcement staff and the Special Master record the proceedings of the hearings. He also reported that the City began using a Special Master four (4) years ago noting that the Council did review other options at the time; however they elected to go with a Special Master.

Ms. Kim Spencer, President of the Arcadia Main Street Program addressed the Council with a request for permission to arrange plantings around the flagpole at the Tree of Knowledge Park. Ms. Spencer presented a drawing of the proposed landscape project. She noted that low maintenance plants would be used and they would be maintained by the State Prisoners Work Squad. Administrator Strube stated Tara Anderson of the Parks and Recreation Department had been given a copy of the types of plants that would be used and did not have a problem with the request. Heine moved to approve the request as presented; seconded by Goodman and carried.

A request from City Recorder Baumann to re-appoint Sandra Saunders to serve a one (1) term as a Special Master, said term to expire November 1, 2009, was presented. Heine moved to approve the request. The motion died for lack of a second. Mayor Fazzino asked that the request be placed on the agenda for the next Council meeting for discussion.

Attorney Galvano stated that he has had a lot of experience with Special Masters and that they are being used more often for expediency.

The Recorders Report of Revenues and Expenditures for the month of September, 2008 was presented.

Mr. Glenn H. Prescott, DeSoto County Fire Chief addressed the Council with a request that the County Fire Department be allowed to move back into Station 1 at City Hall. This was part of the inter-local agreement when the City Fire Department merged with the County Fire Department in June 2006. The County believes that this move is necessary in order to reduce their response time to various areas of the City. Chief Prescott provided the Council with quotes for repairing and or replacing doors at the station. Administrator Strube stated that under the inter-local agreement the repair of this station is the City's responsibility. There was some discussion as to where West Coast Ambulance Service would be located as they are currently using the old City Fire Department headquarters. The County would turn over the station on 10th Street and West Coast could operate their transport service from there. Heine moved to approve the lowest bid for replacing doors as presented and that DeSoto County Fire Department be allowed to occupy the Fire Department in City Hall; seconded by Dixon and carried.

Administrator Strube addressed the Council to request that the City observe the Christmas holidays on Christmas day and the day after Christmas, (December 25 and 26, 2008) in order to give all employees a four day weekend. Heine moved to approve the Christmas holiday schedule to be Christmas day and the day after; seconded by Goodman and carried.

The Golf Course Report for the month of September, 2008 was presented. Council asked that a more specific number of rain days be listed on the report. Recorder Baumann will inform the staff at the Pro Shop of this request.

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The Public Works report for the month of September, 2008 was presented. Mayor Fazzone noted that Public Works Supervisor John Reed has resigned from the City and that October 17, 2008 was his last day.

Ms. Ann-Jenette Perez, President of the Florida Council on Crime and Delinquency, Chapter 28, addressed the Council with a request to hold a community yard sale in McSwain Park on November 22nd and 23rd, 2008. The event was originally scheduled for the 1st and 2nd of November; however the date had to be changed due to a conflict. Heine moved to approve the request as presented; seconded by Johnson and carried.

Mr. Martin McLure a member of the public addressed the Council and asked if there is a permit process which allows individuals or groups to collect funds on street corners. He then reported that a group of people were soliciting money at the corner of Highway 70 and Airport Road. He stated that he contacted the Department of Transportation (DOT), who in turn sent a State Trooper to remove the group. Recorder Baumann reported that City has a solicitor permit for door-to-door sales noting that it requires a background check and \$5.00 fee. Collections of funds on roadways are not allowed with the exception of the Fire and Police Departments.

Councilman Dixon addressed the Council with a concern regarding dilapidated buildings within the City. He asked how the City could take care of this issue other than sending Code Enforcement out. He then specifically addressed an old abandoned church on Owens Street and a home at 500 Oak Street. Attorney Galvano stated several years ago the Florida Legislature took away the right for a city or county to declare a building as a slum or blight in order to remove them. Fire Chief Prescott stated that the Department of Environmental Protection (DEP) does not allow the burning of abandoned structures unless everything is taken out of them such as pvc pipe, electric wiring, etc. in order to avoid possible pollutants when being burned. Chief Prescott suggested that the City look at the County's procedures regarding abandoned structures. Councilman Dixon requests that notification be sent as soon as possible to the owners of these properties. He noted that a notice had gone to the late pastors wife; however she does not own the building. He thought that all officers of the corporation were deceased. Special Projects Coordinator Hewett addressed the Council stating he and Attorney Galvano were working on the issue of the church on Owens and that the state still considers them to be an active corporation. Attorney Galvano requests that this item be placed on the next agenda. Mr. Leonard Higley, a member of the public addressed the Council concerning the property at 500 West Oak Street stating that the building is not secured as the front door is unlocked leaving it open for vagrants.

Councilman Johnson reported on other buildings that had been damaged since Hurricane Charley and stating concern that they be cleaned up as well.

Councilman Johnson then reported on a street light being out at Watson and Bond.

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Councilman Johnson thanked Mayor Fazzone for speaking with the Housing Authority, which resulted in a meeting with the Housing Authority and their tenants. He feels that there is still some miscommunication and questions concerning who is in authority at the local level. Mayor Fazzone reported that the Housing Authority has a seven (7) member board made up of local citizens and that the Director answers to the Board of Directors. It was also noted in that in the past the Council received a monthly report from the Housing Authority. Ms. Gwen Smith, a resident of 37 Booker T. Washington addressed the Council stating her concerns with the Housing Authority. She stated that the current manager could not assure her that she would be returning to her apartment after repairs were completed. Councilman Dixon stated that the Council could not answer for Ms. Engels and suggested that Ms. Engels attend the next Council meeting to discuss this. Mayor Fazzone stated that he wanted to make it clear that the City Council has no authority over the Arcadia Housing Authority. The Housing Authority follows HUD rules and regulations. Councilwoman Goodman stated that although the Council has no authority over the Housing Authority they do have a responsibility as elected officials to get answers for concerned tenants. Mayor Fazzone requested that Administrator Strube contact Christine Engels the Director of the Housing Authority and Mr. Bill Hackney and Rev. Hanus, Board members to attend the next Council meeting in order to answer some questions and give an update on events at the Housing Authority.

There being no further business the meeting was adjourned.


CITY RECORDER


PRESIDENT