

REGULAR MEETING
And
JOINT PUBLIC HEARING

APRIL 6, 2004

A Regular Meeting of the Arcadia City Council and Joint Public Hearing with the Planning and Zoning Board was held on April 6, 2004 at 6:00 p.m. in Room D of the Way Building at 23 N. Polk Avenue. Councilmembers attending were: Fazzone, Whitlock, Heine, Johnson and Goodman. Planning and Zoning Board Members in attendance were: Summers, Sawyer, Whitlock, Smith, and Brown. Absent Board Member: Adamson and Fain who was ill. Also in attendance were: Administrator Strube, City Attorney Holloman, City Marshal Lee, Firefighter Sweeting, Special Projects Coordinator Hewett, Public Works Superintendent Reed, Ms. Way and Recorder Baumann.

Mayor Fazzone called the meeting to order.

The Invocation was given by Reverend Thomas Richardson of the House of God Church.

Pledge of Allegiance to the Flag.

The minutes of the Regular meeting of February 17, 2003 and Regular meeting of March 2, 2004 were adopted on motion of Johnson; seconded by Whitlock and carried.

Mayor Fazzone called the Joint Public Hearing of the Council and the Planning and Zoning Board to order and stated this joint public hearing as advertised is to provide citizens an opportunity for input regarding the request to rezone Lots 9 & 10, Block 8, Tier 1, Gilchrist East End Addition to Arcadia from One Family Dwelling R-1C District to General Business B-3 District. Petitioner Keith Markey was present. Attorney Holloman addressed the Council and the Planning and Zoning Board Members stating that the rezoning request is a quasi-judicial matter. Attorney Holloman asked Council and the Planning and Zoning Board if anyone had received any written or verbal correspondence or done a site visit. Ms. Melva Sawyer of the Planning and Zoning Board reported that she visited the site two times. Ms. Sawyer will fill out a disclosure form. Recorder Baumann submitted proof of publication in the Arcadian dated March 3, 2004 and reported that notices were sent by certified mail to fifteen (15) property owners within 300 feet of the property. No letters of support or objection were received. Mayor Fazzone called for the petitioners to speak, no one spoke. Mayor Fazzone then called for objections from the floor; there were none. Mayor Fazzone called for concerns from the Planning and Zoning Board; there were none. Mayor Fazzone called for discussion or concerns from the Council; no one spoke. Planning and Zoning Board Chairman Summers stated that the Board recommends that the request be approved. Johnson moved to grant the request to re-zone Lots 9 & 10, Block 8, Tier 1, Gilchrist East End Addition to Arcadia from One Family Dwelling R-1C District to General Business B-3 District seconded by Goodman and carried.

The Joint Public Hearing was closed.

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Mayor Fazzone then reconvened the regular meeting

Proposed Ordinance No. 909 was presented on first reading. Each Councilmember had previously been given a copy for study. Whitlock moved to waive the rules and read the proposed ordinance by title only; seconded by Heine and carried.

ORDINANCE NO. 909

AN ORDINANCE OF THE CITY OF ARCADIA, FLORIDA, AMENDING THE TEXT OF THE COMPREHENSIVE PLAN OF THE CITY OF ARCADIA, FLORIDA, SAID AMENDMENT BEING KNOWN AS "AMENDMENT #04-1"; SPECIFICALLY AMENDING THE FUTURE LAND USE ELEMENT; HAVING TRANSMITTED SAID AMENDMENT TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS (DCA) FOR A COMPLIANCE FINDING; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Whitlock then moved to approve Ordinance No. 909 on first reading; seconded by Johnson. Mayor Fazzone called for comments from the public, there were none. The motion carried on roll call vote. Ayes: Goodman, Whitlock, Heine, Johnson, and Fazzone. Nays: None. Recorder Baumann stated that the second reading of this ordinance would not be done until the City receives notification of approval by DCA. Recorder Baumann then announced that if anyone from the public wished to be notified by DCA regarding this ordinance they can fill out a sign up sheet located in the Recorder's Office, Monday through Friday from 8:00 a.m. until 4:30 p.m..

Goodman move to adopt Resolution No. 2004-05; seconded by Whitlock and carried.

RESOLUTIONS 2004-05

A RESOLUTION TRANSMITTING TEXT AMENDMENT #04-1 OF THE CITY OF ARCADIA COMPREHENSIVE PLAN TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS (DCA) FOR A COMPLIANCE FINDING; SPECIFICALLY AMENDING THE FUTURE LAND USE ELEMENT TO INCLUDE A SCHOOL CO-LOCATION POLICY.

WHEREAS, Sections 163.3161 through 163.3215, Florida Statutes, the Local Government Comprehensive Planning and Land Development Regulation Act, empowers and mandates the City of Arcadia, Florida, to plan for future development and growth and to adopt and amend comprehensive plans, or elements or portions thereof, to guide the future growth and development of the City; and

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(Resolution 2004-5 continued)

WHEREAS, pursuant to Section 163.3184, Florida Statutes, the City Council held meetings and hearings on Amendment #04-1, with due public notice having been provided, to obtain public comment, and considered all written and oral comments received during public hearings, including support documents; and

WHEREAS, in exercise of its authority the City Council has determined it necessary to adopt this Amendment #04-1 to the Comprehensive Plan to preserve and enhance present advantages; encourage the most appropriate use of land, water and resources consistent with the public interest; and deal effectively with future problems that may result from the use and development of land within the City of Arcadia.

NOW, THEREFORE, BE IT RESOLVED by the Council of City of Arcadia, Florida, that Amendment #04-1 to the Comprehensive Plan is hereby transmitted to the Florida Department of Community Affairs for a compliance finding.

PASSED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA
THIS 6th DAY OF APRIL, 2004.

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

ATTEST:

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

Mr. Rufino H. Rodriguez, President of the Cinco de Mayo Committee addressed Council to request permission to have a parade on Sunday May 9, 2004 from 12 noon until 2:00 p.m.. This would require the closing of Oak Street as the parade route would start at Orange Avenue, proceed down Oak Street and end at Volusia Avenue. Mayor Fazzone asked for Marshal Lee's input. Marshal Lee then stated that all requests for parades should go to the Police Department in order for them to be sure that they will have officers available for security. Marshal Lee stated he has a problem with the time requested as many churches would just be getting out, he suggests changing the time from 1:00 p.m. to 3:00 p.m.. Heine moved to grant the request to hold a Cinco de Mayo Parade on Sunday May 9, 2004 from 1:00 p.m. until 3:00 p.m. and that Oak Street between Orange Avenue and Volusia Avenue be closed for the parade; seconded by Whitlock and carried.

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Mr. Samuel J. Morgan, Jr., President of the DeSoto County Branch, NAACP addressed Council regarding the railroad crossings along Pine Street and Martin Luther King, and traffic control at US 17 and Martin Luther King. Administrator Strube reported that the City sent a letter to the Department of Transportation (DOT) back in 1988 requesting they review the traffic control problem at US 17 and Martin Luther King. DOT sent a reply back and it was their opinion at that time that when US 17 was increased from two (2) to four (4) lanes it would solve the problem at the intersection of US 17 and Martin Luther King. DOT has not completed this project due to a lack of funds and they now anticipate that it will not be completed before 2010. Administrator Strube stated that the City can request that DOT do a traffic signal study, the City has no authority as this is a state road. Administrator Strube will submit a letter from the NAACP along with the City's request for the study. It was noted that DOT holds a traffic meeting on the third Wednesday of each month at 1:00 p.m. in the Margaret Way Building.

County resident Virginia Algar asked about a light on the state highway and was referred to attend the DOT traffic meeting as mentioned above.

The Police Activity Report for the month of March 2004 was presented.

The Recorder's report of Revenues and Expenditures for the month of February 2004 was presented. Council Member Whitlock requests that an additional column be added to show monthly collections.

The March 2004 Mobile Home Park report was presented.

The Flowage report of Air-Cadia, Inc. for the month of February 2004 and Hanger rent for March 2004 for the Municipal Airport was presented.

Special Projects Coordinator Hewett addressed Council to discuss the list of roads in the road restoration program which were reaching a priority level. The list was prepared by former City Engineer Bob DeCheske before he retired from the City. Mr. Hewett asked Council to rank/prioritize the list as presented. After discussion Whitlock moved to place this item on the agenda for May 6, 2003 in order for Council to have time to review the list; seconded by Heine and carried.

Administrator Strube reported that the City spent \$356,718.59 last year on the road restoration program and he noted that we can not do this every year. The roads remaining on the list will be more costly to repair due to the underground utilities that need to be addressed before paving can begin. Administrator Strube asked that Council review the color coded map and add roads that they would like to have considered for restoration.

The March 2004 report of Arcadia Golf Course receipts and number of play was presented.

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Council Member Heine addressed Public Works Superintendent Reed stating that communication given to Bill to pass on to John is not being handled. Mr. Reed reported that he is restructuring his department and has just terminated four (4) employees. Mr. Reed also noted that he recently purchased a chipper to help off set dump fees. Council Member Goodman would like everything to be consistent, if limbs must be four feet (4') in order to be picked up then they must be four feet (4') throughout the City. Council collectively stated that they are very please with Bills' work at the Garage.

Ms. Gladys Blocker a resident of the City Mobile Home Park asked if the dump truck which picked up tree limbs was to be covered at all times and was informed that they do not put the cover on the truck when going from house to house. Mr. Reed stated that this will not be a problem after the chipper truck is in use.

Mayor Fazzone reported that Council had received an invitation from the Charlotte Harbor National Estuary Program to take a tour of the Peace River on April 28, 2004 and requested that anyone interested contact Administrator Strube's office by April 15, 2004 to RSVP.

Mr. William Baldy, owner of Peace River Cab addressed Council regarding the requirement to pave his parking lot. The area is 2,000 sq. ft. and he has not been able to find a contractor to do the work. Mr. Baldy stated that his landlord does not want to pay for the paving. Mayor Fazzone suggested that Mr. Baldy contact Sunland Paving to see if they would pave the parking lot. Heine then moved to grant Mr. Baldy an additional thirty (30) days to get his parking lot paved; seconded by Whitlock and carried.

Public Works Superintendent Reed asked that Council make Bill aware that all brush issues be brought to his attention.

Council Member Johnson reported that he will be attending the Executive Directors Meeting of the Florida League of Cities in Tallahassee on April 13th and 14th. He then asked if there were any particular issues Council would like for him to address at the meeting; everyone stated that code enforcement and migrant housing would be their top issues. He then reported that he will also be attending the Municipality Meeting in Lexington Kentucky latter in the month.

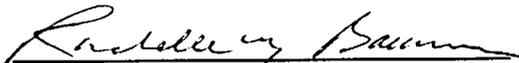
Special Projects Coordinator Hewett asked if a permit fee would be required for the parade and was informed no. Marshal Lee stated that each parade costs his department about \$1,200.00 for overtime and manpower. Marshal Lee then reported that the City of Okeechobee does charge a permit fee; however they put parades into categories such as small and large (Rodeo Parade). Marshal Lee will work up a program for possible fees for parades and report back to Council.

Special Projects Coordinator Hewett then presented pictures of banners that are on either end of Oak Street and have not been removed. Mayor Fazzone noted that the Department

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of Transportation (DOT) has a minimum of 30-45 days to get a sign permit so people/organizations are now putting banners on Oak Street to advertise events. This would not be a problem except that they are not removing the banners after the event has taken place. The City recently asked the County for assistance in removing the banners by using the County bucket truck, the County refused the request. The City does not have a bucket truck to take the signs down. Administrator Strube reported that he has contacted most of the organizations that they thought had put up the banners, however none of them claimed them. The Fire Department will help to remove the banners.

There being no further business the meeting was adjourned.


CITY RECORDER


PRESIDENT