

REGULAR MEETING  
And  
JOINT PUBLIC HEARING

DECEMBER 16, 2003

A Regular Meeting of the Arcadia City Council and Joint Public Hearing with the Planning and Zoning Board was held on December 16, 2003 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, Adamson, Smith and Fain who arrived late. Absent Board Members: J. Whitlock. Also in attendance were: Administrator Strube, City Attorney Holloman, City Fire Chief Rutherford, City Marshal Lee, Captain Anderson, Special Projects Coordinator Hewett, Ms. Way and Recorder Baumann.

Mayor Fazzone called the meeting to order.

The Invocation was given by Councilwoman Goodman.

Pledge of Allegiance to the Flag.

The minutes of the Regular meeting of November 18, 2003 were adopted on motion of Whitlock; seconded by Goodman and carried.

Mayor Fazzone announced that Councilwoman Goodman will leave the meeting at 6:15 P.M.

***Mayor Fazzone called the Joint Public Hearing of the Council and the Planning and Zoning Board to order*** and stated this joint public hearing is reconvened from December 2, 2003 and that the purpose of the joint public hearing as advertised is to provide citizens an opportunity for input regarding the request to rezone Lots 1-5, and Fractional Lots 6, 7, 8, 9, 10 and 11, Block F, South of State Road 70, R. A. Mills Addition to Arcadia from Multiple Dwelling R-3 District to Residential-Professional and Business RPB District. Kathy Gamiotea, Agent for Petitioner Hal Burke was present. Attorney Holloman addressed the Council and the Planning and Zoning Board Members stating that the rezoning request; as well as proposed Ordinance No 908 are 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 that were not previously filed with the Recorder. Ms. Melva Sawyer of the Planning and Zoning Board reported that she received a phone call from a neighbor concerning the re-zoning request. Ms. Sawyer will fill out a disclosure form. Recorder Baumann submitted proof of publication in the Arcadian dated October 30, 2003 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.

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Planning and Zoning Board Chairman Summers stated that the Board recommends that the request be approved. Whitlock moved to grant the request to re-zone Lots 1-5, and Fractional Lots 6, 7, 8, 9, 10 and 11, Block F, South of State Road 70, R. A. Mills Addition to Arcadia from Multiple Dwelling R-3 District to Residential-Professional and Business RPB District seconded by Johnson and carried. Mayor Fazzone thanked the Planning and Zoning Board for their service to the City.

*The Joint Public Hearing was closed.*

*Mayor Fazzone then reconvened the regular meeting*

Proposed Ordinance No. 908 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 Johnson and carried.

ORDINANCE NO. 908

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF ARCADIA, FLORIDA, TO REZONE LOTS 1 THROUGH 5 AND FRACTIONAL LOTS 6, 7, 8, 9, 10 AND 11, BLOCK F SOUTH OF STATE ROAD 70, R.A. MILLS ADDITION TO ARCADIA, FLORIDA AS RECORDED IN PUBLIC RECORDS OF DESOTO COUNTY, FLORIDA, FROM MULTIPLE DWELLING R-3 DISTRICT TO RESIDENTIAL-PROFESSIONAL AND BUSINESS RPB DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Goodman then moved to approve Ordinance No. 908 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.

Dr. Paul W. Matthews, Pastor of Elizabeth Baptist Church addressed Council and gave a presentation regarding Arcadia's vision for the 21<sup>st</sup> Century. Dr. Matthews had originally asked Council in November 2003 to review the City's services and what their vision for the future should be. Dr. Matthews expressed concern that the DeSoto Vision Committee in their report suggests the combining of all City and County Government Services into one central form of government. This would eliminate three (3) African American members of the current City government that being two (2) council positions and the

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current City Marshal. Administrator Strube stated that there will be time to discuss these issues when the DeSoto Vision presents a proposed charter revision and also during the proposed City/County Fire Merger talks. It was noted that the thrust of the proposed changes are from outside forces. Councilwoman Goodman agreed with Administrator Strube; however she is not opposed to holding a workshop to look at what the Council wants. Mayor Fazzone requests that an item be placed on the agenda for the first meeting in January 2004 to discuss the possibility of scheduling a workshop to discuss the City's vision of the future.

By letter, Florence Rife and Angela Ehling expressed dissatisfaction regarding the recent planting of palm trees on Oak Street along with several other concerns. Mayor Fazzone tabled any discussion on these letters as neither of the submitters were present.

A request by letter, from Carol Robinson, NAACP Parade Coordinator requesting permission to hold a parade on Monday, January 19, 2004 in honor of Martin Luther King and to utilize Louis Anderson Park from 8:00 A.M. to 5:00 P.M. on the same day. Goodman moved to grant the request for the NAACP to hold a parade on Monday, January 19, 2003 beginning at 10:00 A.M. and to utilize the Louis Anderson Park from 8:00 A.M. to 5:00 P. M. subject to approval of the parade route by the City Marshal; seconded by Johnson and carried.

A report of Police Fines and Forfeitures for the Month of November 2003 indicates fines \$4,214.86 law enforcement \$32.00, radios \$337.50 and investigative costs \$50.00.

Administrator Strube addressed Council regarding a proposed Interlocal Agreement for Public School Facility Planning between the DeSoto County School Board, DeSoto County and the City of Arcadia. The model agreement was received from the Central Regional Planning Council over a year ago. The Florida Legislature now requires that all school boards review any proposed site plans with both the local City and County. The original time frame for adopting this agreement was June 2004, however the deadline has been moved and it is to be sent to the State by December 1, 2003. The County approved this agreement at their last meeting and has now sent it to the City for approval. Heine moved to authorize the Mayor to sign an Interlocal Agreement for Public School Facility Planning with the DeSoto County School Board and DeSoto County; seconded by Johnson and carried.

The Planning and Zoning Board at their meeting on December 9, 2003 recommended the following to the City Council.

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1. That the request from the Loyal Order of the Moose to lease City Property - part of Lots 8 & 9, Block D Fountain Park be granted by a one year lease which will automatically renew annually and may be cancelled by either party with thirty (30) days notice. Heine moved to grant the request and authorize the Mayor to sign a lease with Loyal Order of Moose as prepared by the City's Attorney; seconded by Whitlock and carried.
2. That the request of Audra McMurray and Douglas Egly for continued use of Arcadia Magnolia House as a Bed and Breakfast with three (3) rooms be granted by a non-transferable resolution. Johnson moved to confirm Council's previous action by adopting Resolution No. 2003-19; seconded by Whitlock and carried.

RESOLUTION NO. 2003-19

WHEREAS, Douglas Egly and Audra McMurray own and reside at 500 West Oak Street, and

WHEREAS, this property is located within the SR 70 Historic Preservation overlay district and is zoned R1B, and

WHEREAS, Douglas Egly and Audra McMurray have requested Council's approval to operate a Bed and Breakfast utilizing a total of three (3) bedrooms in their home and also approval for a 36" by 20" sign to be attached to a picket fence in front of the home, sign and fence not to exceed 48" from ground up, and

WHEREAS, the Planning and Zoning Board has recommended that approval be granted subject to all requirements of SR 70 Historic Preservation overlay district and all City, County and State regulations being met and also approval of 36" x 20" sign attached to a picket fence in front of the home.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Arcadia that a non-transferable approval be granted to Douglas Egly and Audra McMurray to operate a Bed and Breakfast with up to three (3) bedrooms, in their home at 500 West Oak Street, subject to all requirements of SR 70 Historic Preservation overlay district and all City, County and State regulations being met. Also grant approval for a 36" x 20" sign to be attached to a picket fence in front of the home, sign and fence not to exceed 48" from ground up.

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(Resolution 2003-19 continued)

PASSED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA,  
IN REGULAR SESSION this 16<sup>th</sup> day of DECEMBER, 2003.

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

ATTEST:

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

3. That the request of Hal Burke to close the East/West and North/ South alleys located between Lots 1,2,3,4,5, & part of 6 and 9, 10, &11, Block F, R.A. Mills Addition be scheduled for a Public Hearing with a possible date of January 6, 2004, time to be set at 6:00 PM or as soon thereafter as possible. Whitlock moved to schedule a Public Hearing to be held on January 6, 2004 at 6:00 P.M. or as soon thereafter to hear the request to close the East/West and North/South alleys as stated above; seconded by Johnson and carried.

4. That the request of Mike Rigney to place a modular office unit at the Northwest corner of US 17 and SR 70 for use as a car lot office be granted for a period of one year subject to renewal. Johnson moved to grant the request allowing Mike Rigney to place a modular office unit at the Northwest corner of US 17 and SR 70 for a period of one (1) year subject to all City, County and State regulations being met; seconded by Whitlock and carried.

5. That in addition to the current Code which allows for the removal of any Board member due to repeated absences, an attendance policy be adopted stating that:

*Board members may be removed if they attend less than 50% of the meetings of the Board during a calendar year, unless their absence(s) are excused by the Chairman.*

Johnson moved to adopt the proposed attendance policy as stated above for all Planning and Zoning Board Members; seconded by Whitlock and carried.

The November 2003 report of Arcadia Golf Course receipts and number of play was presented.

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Councilman Whitlock inquired about the configuration of the lakes at the golf course and was told by Special Projects Coordinator Hewett that the ponds and lakes will be reconfigured in order to meet South West Florida Water Management District (SWFWMD) plans. Mr. Hewett expects construction to begin on January 14, 2004.

Mayor Fazzone noted that the golf course is showing an increase of \$18,000.00 for the first two months of the FY 2003/2004 as opposed to the same point in time last year. The increase is due to an increase in membership since the new 18 hole course was opened.

The November 2003 Public Works report was presented.

Mr. Bill Minnear, President of Air-Cadia, Inc. addressed Council and presented two (2) bids he received for installing a new security gate at the airport. Eagle Fence Company of Arcadia bid \$2,059.98 and US Steel Fence Company of Englewood bid \$8,052.37. Heine moved to approve Eagle Fence Company of Arcadia's bid of \$2,059.98 and authorize the installation of a new security gate at the airport; seconded by Whitlock and carried.

Administrator Strube reported that a purchase order has been issued for materials for the Butler Building at the airport and he expects work to begin in January 2004.

The Fire Department report of ambulance runs and collections for the month of November 2003 was presented.

Administrator Strube reported that a representative from the U.S. Equal Employment Opportunity Commission (EEOC) will be in the Way Building on the second Monday of every month from 9:00 A.M. to 3:00 P.M. beginning Monday, January 12, 2004.

Mayor Fazzone addressed the issue previously tabled regarding letters of complaint received from Florence Rife and Angela Ehling. Councilman Heine stated that the issue of the palm trees should be considered a dead issue as Council voted to install the trees and he noted that the downtown looks better all the time. Several citizens and merchants who were in the audience expressed their support for the newly planted palm trees.

Tim Adamson stated that the downtown looks the best he can remember in 47 years and he thanked Council for authorizing the planting of the palm trees. Mr. Adamson then questioned the accessibility of the sidewalks stating that they need to be handicapped accessible. It was noted that on two (2) Saturdays during each month the sidewalks are used to display merchandise and the City is named as additional insured by the downtown

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association sponsoring the event. Administrator Strube stated that a minimum of 36" is required for accessibility and that the City must rely on the Main Street Organization as well as the merchants to keep the sidewalks accessible. If this continues to be a problem then Council may need to take action.

Presilla Whitlock a resident of the City Trailer Park addressed Council with a complaint regarding a dog which attempted to bite her. Mayor Fazzone asked if the complaint was turned over to Tara Anderson at Parks and Recreation and was informed that it was as well as contacting the Police Department. Attorney Holloman asked if the dog has been loose since the complaint and was informed that it has not. Administrator Strube stated that if the City can take action they will, however any action must be in accordance with park rules.

Martha Craven representing Wheelers Café addressed Council regarding a problem with derelicts hanging around at Cardenas Supermarket. It appears that the owner of the supermarket has allowed access to an outside electrical outlet which is being used to plug in microwaves and TV's. Ms. Craven also believes that people are sleeping behind the supermarket. Mayor Fazzone asked if she had contacted the Police Department and was informed that she had. Marshal Lee said that he will check out the situation later tonight.

Dr. Matthews reported that thanks to Councilman Johnson, Elizabeth Baptist Church has implemented a new program that will provide a computer for every child in the church that does not currently have access to one. This Sunday they will give out twenty (20) computers. Dr. Matthews is also looking at getting refurbished computers in order to give every student in DeSoto County a computer for them to use at home.

Councilman Heine asked about repairs to the downtown sidewalks and was informed by Administrator Strube that the City is looking at getting grant funds to help with the repairs. It was noted that Public Works Supervisor Reed has reviewed all of the problem areas. Administrator Strube recommends that work be done during the summer after the season is over.

Councilman Heine then asked if the new street lights will remain on and was informed by Special Projects Coordinator Hewett that they will. Mr. Hewett then reported that the permit has been received from Department of Transportation (DOT) and he anticipates that the remaining lights will be installed and working within the next two weeks. The old 30 foot lights will be turned off so that only the new decorative lights will be operational. Councilman Heine then requested that the light pole across from Brown and Waldron Attorney's office be removed since it does not have a light on it.

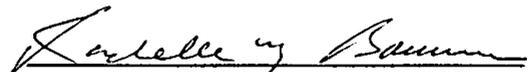
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Special Projects Coordinator Hewett reported that Dr. Towes of the Health Department has changed the date for the Lake Katherine Sidewalk dedication to Saturday, January 17, 2004. Dr. Towes would like the Council along with the Police and Fire Departments to attend the ceremony.

Councilman Johnson requests that the street lights at Orange and Monroe be replaced. He also asked that extra trash which has accumulated on Monroe be removed. Councilman Johnson then reported that he has been elected as 2<sup>nd</sup> Vice President for the Florida League of Cities.

Everyone wished all a happy holiday season.

There being no further business the meeting was adjourned.

  
CITY RECORDER

  
PRESIDENT