

REGULAR MEETING
And
JOINT PUBLIC HEARINGS

DECEMBER 2, 2003

A Regular Meeting of the Arcadia City Council and Joint Public Hearing with the Planning and Zoning Board was held on December 2, 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 and Adamson. Absent Board Members: Brown, Fain, Smith and Whitlock. Also in attendance were: Administrator Strube, City Attorney Holloman, Assistant City Fire Chief Wells, City Marshal Lee, Captain Anderson, Parks & Rec. Supervisor Waters, 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 and Joint Public Hearings of November 4, 2003 were adopted on motion of Whitlock; seconded by Johnson and carried.

Mayor Fazzone postponed the Joint Public Hearing until later in the meeting with the hope that a quorum of Planning and Zoning Board Members would be in attendance.

Attorney Holloman stated that proposed ordinance No. 906 and No. 907 are of a quasi-judicial matter and asked if anyone had anything to report from the last meeting. No one had anything to report.

Proposed Ordinance No. 906 was presented on third reading. Goodman moved to waive the rules and read the proposed ordinance by title only; seconded by Johnson and carried.

ORDINANCE NO. 906

AN ORDINANCE OF THE CITY OF ARCADIA, FLORIDA,
AMENDING THE FUTURE LAND USE MAP OF THE
COMPREHENSIVE PLAN OF THE CITY OF ARCADIA,
FLORIDA, SAID AMENDMENT BEING KNOWN AS
"AMENDMENT #03-01-SS"; SPECIFICALLY, CHANGING THE
LAND USE CLASSIFICATION FROM LOW DENSITY
RESIDENTIAL TO BUSINESS FOR SIX LOTS OWNED BY
JOSEPH S. NEWTON; AND FOR SIX ADJACENT LOTS;
TRANSMITTING SAID AMENDMENT TO THE FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS (DCA) FOR FINDING
OF COMPLIANCE; PROVIDING FOR SEVERABILITY; AND
PROVIDING FOR AN EFFECTIVE DATE.

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Johnson moved to adopt Ordinance No. 906 on third and final reading and that it become an Ordinance of the City of Arcadia; seconded by Whitlock. Mayor Fazzino called for comments from the public, there were none. The motion carried on roll call vote. Ayes: Whitlock, Heine, Johnson, Goodman and Fazzino. Nays: None.

ORDINANCE NO 906

AN ORDINANCE OF THE CITY OF ARCADIA, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN OF THE CITY OF ARCADIA, FLORIDA, SAID AMENDMENT BEING KNOWN AS "AMENDMENT #03-01-SS"; SPECIFICALLY, CHANGING THE LAND USE CLASSIFICATION FROM LOW DENSITY RESIDENTIAL TO BUSINESS FOR SIX LOTS OWNED BY JOSEPH S. NEWTON; AND FOR SIX ADJACENT LOTS; TRANSMITTING SAID AMENDMENT TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS (DCA) FOR A FINDING OF COMPLIANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, pursuant to Section 163.3184, Florida Statutes, the City Council held meetings and hearings on **Amendment # 03-01-SS**, 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 03-01-SS to the Comprehensive Plan**, which map is marked as Exhibit "A" and is attached and made a part hereof, to insure that the Plan is in full compliance with the Laws of the State of Florida; 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; and

Regular Meeting and Joint Public Hearing
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(Ordinance 906 continued)

WHEREAS, the Council of the City of Arcadia, Florida, amends its Comprehensive Plan in the following specific manner: the Future Land Use Map is amended to assign change the land use classification from Low Density Residential to Business for a total of twelve lots of less than two acres total, located on the west side of US 17, as shown on Map 1 and attached as Exhibit "A".

**NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE
CITY OF ARCADIA, FLORIDA:**

Section 1. The Comprehensive Plan of the City of Arcadia is hereby amended to add thereto map amendment, as shown in Exhibit "A", which is attached and made a part hereof.

Section 2. If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and effect.

Section 3. After passage on first reading, notice of the second reading and public hearing on the ordinance before the City Council shall be published at least 5 days before the hearing.

Section 4. Small scale development amendments shall not become effective until 31 days after adoption. If challenged within 30 days after adoption, small scale development amendments shall not become effective until the state land planning agency or the Administrative Council, respectively, issues a final order determining the adopted small scale development amendment is in compliance.

Section 5. A certified copy of this enacting ordinance and certified copy of the City of Arcadia Future Land Use Map and Comprehensive Plan shall be located in the Office of the City Recorder of Arcadia. The City Recorder shall also make copies available to the public for a reasonable publication charge.

UNANIMOUSLY PASSED BY THE CITY COUNCIL OF THE CITY OF
ARCADIA, FLORIDA, ON THIS 2nd DAY OF DECEMBER, 2003.

CITY OF ARCADIA, FLORIDA

By: /s/ RICHARD P. FAZZONE
Richard P. Fazzone, Mayor

ATTEST:

By: /s/ RACHELLE M. BAUMANN
Rachelle M. Baumann, City Recorder

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(Ordinance 906 continued)

PASSED ON FIRST READING NOVEMBER 4, 2003.

PASSED ON SECOND READING NOVEMBER 18, 2003.

PASSED ON THIRD READING DECEMBER 2, 2003.

APPROVED AS TO FORM:
DAVID C. HOLLOMON, CITY ATTORNEY

Recorder Baumann stated that anyone who would like to be notified by DCA regarding this amendment to the land use map may sign up after the meeting or at City Hall from 8:00 AM to 4:30 PM, Monday through Friday.

Proposed Ordinance No. 907 was presented on third reading. Whitlock moved to waive the rules and read the proposed ordinance by title only; seconded by Goodman and carried.

ORDINANCE NO. 907

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF ARCADIA, FLORIDA, TO REZONE LOTS 1 THROUGH 12 INCLUSIVE, BLOCK L, RIDGEWOOD SUBDIVISION OF ARCADIA, FLORIDA AS RECORDED IN THE PUBLIC RECORDS OF DESOTO COUNTY, FLORIDA, FROM ONE FAMILY DWELLING R-1B DISTRICT TO COMMERCIAL C-1 DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Goodman then moved to adopt Ordinance No. 907 on third and final reading and that it become an Ordinance of the City of Arcadia; seconded by Johnson. Mayor Fazzone called for comments from the public, there were none. The motion carried on roll call vote. Ayes: Whitlock, Heine, Johnson, Goodman and Fazzone. Nays: None.

ORDINANCE NO 907

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF ARCADIA, FLORIDA, TO REZONE LOTS 1 THROUGH 12 INCLUSIVE, BLOCK L, RIDGEWOOD SUBDIVISION OF ARCADIA, FLORIDA AS RECORDED IN THE PUBLIC RECORDS OF DESOTO COUNTY, FLORIDA, FROM ONE FAMILY DWELLING R-1B DISTRICT TO COMMERCIAL C-1 DISTRICT ; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

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(Ordinance 907 continued)

WHEREAS, the Planning and Zoning Board of the City of Arcadia, Florida, in joint session with the City Council of the City of Arcadia, on Tuesday, November 4, 2003, held a Public Hearing, with proper notice of Public Hearing being given as required by law; and,

WHEREAS, the Planning and Zoning Board of the City of Arcadia, Florida, recommended to the City Council of the City of Arcadia, Florida, that the following parcel of land be rezoned as follows:

LOTS 1 THROUGH 12, BOTH INCLUSIVE, BLOCK L,
RIDGWOOD SUBDIVISION OF ARCADIA, FLORIDA AS
RECORDED IN THE PUBLIC RECORDS OF DESOTO
COUNTY, FLORIDA, FROM ONE FAMILY DWELLING R-1B
DISTRICT TO COMMERCIAL C-1 DISTRICT;

and,

WHEREAS, the City Council of the City of Arcadia, Florida, deems it to be in the best interest of the citizens of the City of Arcadia, Florida, that said recommendation be adopted and made a part of the zoning map of the City of Arcadia, Florida; and

WHEREAS, this zone change is not in agreement with the City of Arcadia Comprehensive Plan and the City of Arcadia Future Land Use Map is required to be amended in accordance with minor amendment provisions of the Florida Statutes.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA, as follows:

Section 1. That LOTS 1 THROUGH 12, BOTH INCLUSIVE, BLOCK L, RIDGWOOD SUBDIVISION OF ARCADIA, FLORIDA AS RECORDED IN THE PUBLIC RECORDS OF DESOTO COUNTY, FLORIDA, IS REZONED, FROM ONE FAMILY DWELLING R-1B DISTRICT TO COMMERCIAL C-1 DISTRICT; and the zoning map of the City of Arcadia is so amended.

Section 2. If any subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional, the remainder of this Ordinance shall not be affected by such invalidity.

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(Ordinance 907 continued)

Section 3. That this Ordinance shall take effect 32 days after final reading.

UNANIMOUSLY PASSED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA, ON THIS 2nd DAY OF DECEMBER, 2003.

ATTEST:

CITY OF ARCADIA, FLORIDA

By: /s/ RACHELLE M. BAUMANN
Rachelle M. Baumann, City Recorder

By: /s/ RICHARD P. FAZZONE
Richard P. Fazzone, Mayor

PASSED ON FIRST READING NOVEMBER 4, 2003.

PASSED ON SECOND READING NOVEMBER 18, 2003.

PASSED ON THIRD READING DECEMBER 2, 2003.

APPROVED AS TO FORM:
DAVID C. HOLLOMON, CITY ATTORNEY

Mayor Fazzone presented Tara Anderson with a Certificate of Appreciation for fifteen years of service in the Parks and Recreation Department along with a check.

A request by letter, from the Arcadia Rodeo Association asking that Council place a full page ad in the 2004 Rodeo program. Johnson moved to place a full page ad in the 2004 Rodeo program; seconded by Heine and carried.

Mr. Mike Rigney addressed Council to request approval to place a modular office unit with canopy porch and handicap access at the Northwest corner of US 17 (Brevard) and SR 70 (Hickory St) for use in connection with a proposed car lot at the location. Administrator Strube stated that the property was recently used as a car lot, however the office was located across the street. All previous requests for placement of a modular unit have been by existing business, this is a new business and it would be their only office. After discussion Heine moved to refer this request to the Planning and Zoning Board for review and a recommendation; seconded by Whitlock and carried.

The Police Activity Report for the month of November 2003 was presented.

The October 2003 Public Works report was presented.

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The Flowage report of Air-cadia, Inc. for the month of October 2003 for the Municipal Airport was presented.

Mr. Bill Minnear, President of Air-Cadia, Inc. addressed Council regarding a proposed increase in the hanger rent at the airport. At this time rent is \$175.00 per month and all hangers are rented. After discussion Heine moved to increase the monthly hanger rent to \$200.00 effective January 1, 2004; seconded by Whitlock and carried.

Administrator Strube reported that he is looking into grant funds to build additional hangers. Originally the site was prepared for an additional ten (10) hangers at an estimated cost of \$175,000 to \$200,000 for construction. If a grant were received it would be a 80/20 with the City paying 20% of the cost.

Administrator Strube then reported that the City has received a partial release of the insurance proceeds from the fire at the Butler Building.

Councilman Heine asked if any additional shade hangers would be constructed and was informed that most of the old shade hangers have been taken down and the City is not looking at building any of this type of hanger in the future. Mr. Minnear reported that he has received requests for larger T-hangers that would accommodate twin engine planes.

Mr. Minnear then stated that he has a possible tenant for the Butler Building, however it needs to be pressure washed before anyone can move in. Administrator Strube reported that the previous bidder for the pressure washing job canceled twice, he will see that it gets done. Mr. Minnear then questioned the bid process stating that he has only been able to get two (2) bids for the proposed electronic gate. He was informed that two (2) bids are all he needs.

Mayor Fazzone called the Joint Public Hearing of the Council and the Planning and Zoning Board to order and stated the purpose of the joint public hearing as advertised is to provide citizens an opportunity for input regarding the request to re-zone Lots 1 through 5, and Fractional Lots 6,7,8,9,10 and 11, Block F, R.A. Mills Addition to Arcadia from Multiple Dwelling R-3 District to Residential-Professional-Business District RPB. Attorney Holloman then stated that all parties in attendance at this meeting have been noticed that the joint public hearing with the City Council and Planning and Zoning Board will be adjourned due to the lack of a quorum of Planning and Zoning Board Members. Johnson then moved that the joint public hearing be adjourned until December 16, 2003 at 6:00 PM or as soon thereafter as possible; seconded by Whitlock and carried.

The Joint Public Hearing was closed.

Mayor Fazzone then reconvened the regular meeting.

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Pam Ames, President of the Arcadia Main Street Program addressed Council regarding the proposed palms for downtown stating that the palms will not get above the existing canopy overhangs and that the Main Street organization will be responsible for all maintenance and upkeep. Goodman then moved to approve the planting of palms in the twenty-four (24) areas which had previously been planters on Oak Street; seconded by Johnson and carried.

Special Projects Coordinator Hewett addressed Council to give a status report on the downtown lights. Florida Power and Light (FPL) is to hook up power this week in order for the new decorative street lights to be working in time for the Christmas Parade on Saturday, December 6, 2003. Mr. Hewett then stated that the final permit for the lights on Magnolia should be received later in the week.

Stan Abram requested that the lights be on during the Tour of Homes on Saturday, December 13, 2003.

Councilwoman Goodman requests that red garland be place around the new decorative light poles.

Administrator Strube reported that the contractor for the project is expected to be in town on December 9, 2003.

There was some discussion regarding a lighting ceremony and Pam Ames said that she will work on a lighting event.

Special Projects Coordinator Hewett then reported that the sidewalk around Lake Katherine is 99% completed and that Dr. Towes at the Health Department requests a sidewalk dedication be held on Saturday, December 20, 2003.

Robin Johnson, President of the DeSoto County Youth Athletic Association (DCYAA) thanked Council for their support this year.

Larry Bishop and Julie Karleskint representing Boyle Engineering Corporation gave a slide presentation reviewing the City's Florida Department of Environmental Protection (FDEP) Consent Order for the Waste Water Treatment Plant. They reviewed the history of the plant, regulatory issues and strategies used for compliance. Ms. Karleskint stated that the 2003 Consent Order which was based on the WQBEL Study needs to be in the final construction phase by December 2005 and in full compliance by 2007. All penalties assessed may be paid with "in-kind" projects such as the re-use to the cemetery and ball fields. The City has applied for a \$6,000,000.00 grant from the State and is still waiting to hear if it will be awarded. A \$4,000,000.00 loan from the State Revolving Loan Program was previously received. Administrator Strube then presented a proposed Amendment to the FDEP Consent Order for the Waste Water Treatment Plant which he

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recommends Council approve. Johnson moved to authorize Administrator Strube to sign the Amendment to FDEP Consent Order for the Waste Water Treatment Plant; seconded by Whitlock and carried.

Administrator Strube then presented Specific Authorization #39 with Boyle Engineering Corporation not to exceed \$114,312.00. Heine moved to approve Specific Authorization #39 with Boyle Engineering Corporation "Sewerage System Facilities Plan Update Preliminary Design Phase 1 for General Consulting Services" not to exceed \$114,312.00; seconded by Whitlock and carried.

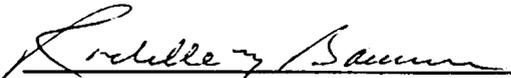
Mayor Fazzone gave a report on the joint City/County Fire merger talks. The next meeting will be held at the Way Building on Tuesday, January 13, 2004 at 3:00 PM and Mayor Fazzone will chair the meeting. Meetings will be held the 2nd Tuesday of each month at 3:00 PM and will rotate between the City or County as the host. If the meeting is held at the City then Mayor Fazzone will chair the meeting, if at the County then County Commissioner Needs will chair the meeting.

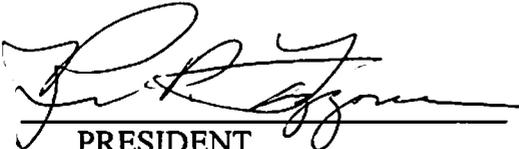
Administrator Strube reported that the Fire Committee will consist of Mayor Fazzone, County Commissioner Needs and the two citizens that were appointed to serve on the Committee. It was decided that the two Administrators and Fire Chiefs would not be on the Committee in order for them to be able to freely communicate without worry about possible violations of the "Government In the Sunshine Law".

Administrator Strube then discussed the upcoming Christmas Holiday schedule and suggested that City Hall be closed on Christmas Day and the day after instead of the usual Christmas Eve and Christmas Day in order for more employees to have a four (4) day weekend. After discussion Whitlock moved to amend the holiday schedule and to close all City Offices at 12:00 noon on Wednesday, December 24th and to remain closed all day Thursday, December 25th and Friday, December 26th; seconded by Johnson and carried.

Councilman Johnson then reported that as a director for District 7 of the Florida League of Cities he will be visiting several Cities to present resolutions which if passed will be the main course of action for the League.

There being no further business the meeting was adjourned.


CITY RECORDER


PRESIDENT