

PUBLIC HEARING
AND
REGULAR MEETING

FEBRUARY 17, 2004

A Regular Meeting of the Arcadia City Council was held on February 17, 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. Also in attendance were: Administrator Strube, City Attorney Holloman, Assistant City Fire Chief Wells, City Marshal Lee, Special Projects Coordinator Hewett, Ms. Way and Recorder Baumann.

Mayor Fazzone called the meeting to order.

The Invocation was given by Councilman Johnson.

Pledge of Allegiance to the Flag.

The minutes of the Regular meeting of January 20, 2004 were adopted on motion of Heine; seconded by Johnson and carried.

Mayor Fazzone called the Public Hearing to order and stated the purpose of the Public Hearing as advertised is to consider the petition to Close and abandon that portion of the 10 foot alleyway running east and west and that portion of the 16 foot alleyway running north and south all lying south of State Road 70 being in Block F, of R.A. Mills Addition to Arcadia, Florida as recorded in the Public Records of DeSoto County, Florida. Attorney Holloman stated that proposed alley closing is of a quasi-judicial matter and asked if anyone had anything to report. No one had anything to report. Mayor Fazzone called for proof of publication and was informed that the notice was published in the Arcadian on January 26, 2004. Mayor Fazzone then called for notice to Property Owners, no other property owners other than the petitioner Mr. Hal Burke were effected. Mayor Fazzone called for written objections; there were none. He then called for objections from the Public, there were none. Mayor Fazzone called for comments from the Council; there were none. Letters of recommendation from the Planning and Zoning Board, Fire Department, City Attorney and City Administrator were presented. Goodman moved to grant the request to close and abandon the alleyway as described; seconded by Heine and carried. Whitlock then moved to adopt Resolution No. 2004-1 closing and abandoning the alleyway; seconded by Johnson and carried.

RESOLUTIONS 2004-01

WHEREAS, pursuant to the Provisions of Chapter 73-403 of the Laws of the State of Florida and City of Arcadia Ordinance No. 770, Petitioner Hal J. Burke has requested the City Council of the City of Arcadia to close and abandon that portion of the 10 foot alleyway running east and west and that portion of the 16 foot alleyway running north and south all lying south of state road 70 being in Block F of R.A. Mills addition to Arcadia, Florida as recorded in the Public Records of DeSoto County, Florida, and

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(Resolution 2004-01 continued)

WHEREAS, the Planning and Zoning Board has recommended that the request to close and abandon that portion of the 10 foot alleyway running east and west and that portion of the 16 foot alleyway running north and south all lying south of state road 70 being in Block F of R.A. Mills addition to Arcadia, Florida as recorded in the Public Records of DeSoto County, Florida, be granted, and

WHEREAS, the City Council of the City of Arcadia, Florida has determined that the closing and abandoning of that portion of the 10 foot alleyway running east and west and that portion of the 16 foot alleyway running north and south all lying south of state road 70 being in Block F of R.A. Mills addition to Arcadia, Florida as recorded in the Public Records of DeSoto County, Florida, will not affect the ownership or right of convenient access of any person.

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

THAT PORTION OF THE 10 FOOT ALLEYWAY RUNNING EAST AND WEST AND THAT PORTION OF THE 16 FOOT ALLEYWAY RUNNING NORTH AND SOUTH ALL LYING SOUTH OF STATE ROAD 70 BEING IN BLOCK F OF R.A. MILLS ADDITION TO ARCADIA, FLORIDA AS RECORDED IN THE PUBLIC RECORDS OF DESOTO COUNTY, FLORIDA BE CLOSED AND ABANDONED.

BE IT FURTHER RESOLVED that notice of adoption of this Resolution be published one time within thirty (30) days following its adoption in a newspaper of general circulation in Arcadia, DeSoto County, Florida, and that following said publication that a certified copy of this Resolution be recorded in the Public Records of DeSoto County, Florida

PASSED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA IN REGULAR SESSION THIS 17th DAY OF FEBRUARY, 2004.

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

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

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The Public Hearing was closed.

Mayor Fazzone then reconvened the regular meeting.

A report of Police Fines and Forfeitures for the Month of January 2004 indicates fines \$5,484.86 law enforcement \$40.00 and radios \$300.00.

Marshal Lee then reported that Police Officer Bill Metcalf has been promoted to Sergeant.

The Planning and Zoning Board at their meeting on February 10, 2004 recommended the following to the City Council.

1. That the request of Ronald Sweeting for a waiver regarding the fence height requirement for a *street side yard* from four (4) feet to six (6) feet due to unique and unusual circumstances be granted. Heine moved to grant the request for a waiver in fence height by Resolution No. 2004-2; seconded by Whitlock and carried.

RESOLUTIONS 2004-2

**RESOLUTION GRANTING A WAIVER TO PLACE
A 6 FOOT PRIVACY FENCE WITHIN 13 FEET OF
THE STREET SIDE YARD OF HIS HOME LOCATED
AT 704 NORTH MANATEE AVENUE**

WHEREAS, Ronald Sweeting has experienced some damage to his Gibson Street side yard from cars cutting across the corner of his property and also litter from children going to the Elementary School across the street on the South or Gibson Street side of his property, and

WHEREAS, Ronald Sweeting has requested a waiver to allow him to place a 6 foot privacy fence with a 13 foot setback along the street side yard of his home located at 704 North Manatee Avenue, and

WHEREAS, the Planning and Zoning Board has reviewed his request and recommendation to the City Council that due to unique and unusual circumstances the request be granted.

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(Resolution 2004-2 continued)

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Arcadia, that due to unique and unusual circumstances Ronald Sweeting be granted a waiver to place a 6 foot privacy fence with a 13 foot setback along the street side yard of his home located at 704 North Manatee Avenue

PASSED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA IN REGULAR SESSION THIS 17th DAY OF FEBRUARY, 2004.

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

ATTEST:

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

1. That the request of Keith Markey regarding his petition to rezone Lots 9 & 10, Block 8, Tier 1, A.W. Gilchrist East End Addition from One Family Dwelling R-1C District to General Business B-3 District be scheduled for a joint Public Hearing with a possible date of April 6, 2004, time to be set at 6:00 p.m. or as soon thereafter as possible. Johnson moved to schedule a joint Public Hearing for April 6, 2004, time to be set at 6:00 p.m. or as soon thereafter as possible; seconded by Goodman and carried.

The Fire Department report of ambulance runs and collections for the month of January 2004 was presented showing mutual aid given was 6, and mutual aid received was 0.

Attorney Holloman addressed Council to review Attorney General Opinion (AGO) 04-06 (2004) regarding retirement benefits for elected officials in accordance with Florida Statutes 112.048. According to the AGO "*the City of Arcadia is authorized by section 112.048(2)(a), Florida Statutes, to pay a former city council member the retirement benefit described therein prospectively from the date of his requisition for such payments, but may not pay such benefits retroactively to the date of the council member's last service on the city council unless those dates coincide*". Attorney Holloman recommends that Council make a motion to pay Mr. Hickson as directed by the AGO's opinion. Based on the AGO Mr. Hickson's retirement benefit will be retroactive to November 2003 and will be at ½ of the full amount of salary he was last paid as a council member. Johnson then moved to authorize the payment of retirement benefits as stated in the Attorney Generals Opinion to Mr. Eugene Hickson retroactive to November 2003 and based on ½ of his last salary; seconded by Whitlock and carried.

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Mr. Eugene Hickson was in attendance and addressed Council stating that this is only the Attorney Generals Opinion. Mr. Hickson said that he had previously inquired about insurance and retirement benefits and was informed that he was not eligible. Attorney Holloman stated that he was the City Attorney in 1993 and no one ever asked him to look into if Mr. Hickson was eligible for retirement benefits. Attorney Holloman then asked Mr. Hickson if he had ever asked him about retirement benefits and Mr. Hickson said that he did not. Council Member Johnson reported that he heard about the law regarding payment of retirement benefits after twenty (20) years of service while at a State Conference even though the law has been in effect since 1939. Council Member Johnson stated that he is the one who asked Mr. Hickson if he had twenty-two (22) years or more of consecutive service on the City Council and made him aware of the law concerning retirement benefits. Mr. Hickson said that the Council, City Attorney and City Administrator should be aware of all of the laws; to which Mayor Fazzone stated that neither the Council, Attorney Holloman or Administrator Strube are aware of all of the laws of the State of Florida nor should they be. Mayor Fazzone also stated that if that were the case then Mr. Hickson himself should have been aware of the law during his tenure on the Council. No additional action was taken.

Lois Wight of the DeSoto County Historical Society addressed Council stating that she was contacted by Terry Brennan of WGPU who is looking for contributions from other agencies to fund a radio program. Mayor Fazzone reported that he will be meeting with Mr. Brennan tomorrow.

Council Member Heine reported that the trees are being planted by the Main Street Association on Polk.

Council Member Whitlock acknowledged a letter from the South Florida Chapter of Wally Byan Caravan Club International who toured the Arcadia Water Treatment and Waste Water Plant and were impressed by the professionalism and courtesy of the City's employees working at these locations.

Special Projects Coordinator Hewett thanked Mayor Fazzone and the Police and Fire Departments for their participation at the Lake Katherine Sidewalk Dedication Ceremony held on February 14, 2004.

Council Member Johnson reported that he attended the Ridge League of Cities Board of Directors Meeting, at which time the League discussed the need for municipalities to be more active in the legislative process. He also attended the Executive Board Meeting for the Florida League of Cities where there was discussion regarding a new awards program to recognize municipal staff for their accomplishments. Council Member Johnson would like for the City to nominate Ms. Way for the "employee of the year award" with the Florida League of Cities. Heine then moved adopt Resolution 2004-3 to recommend the nomination of Margaret A. Way for the Florida League of Cities Employee of the Year Award; seconded by Whitlock and carried.

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RESOLUTION NO. 2004-03

WHEREAS, the City Council by way of this nomination wishes to recognize Margaret A. Way for her years of dedicated service to the City and Citizens of Arcadia, and

WHEREAS, the City Council feels that it would be appropriate for Margaret A. Way to be the "First" Florida Cities of Excellence "Employee of the Year" in recognition of her sixty-two (62) years of continuous service to the City, and

WHEREAS, the City Council on February 17, 2004 unanimously voted to nominate Margaret A. Way for the Florida Cities of Excellence "Employee of the Year" award.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and the City Council of the City of Arcadia that they nominate Margaret A. Way for the Florida Cities of Excellence "Employee of the Year" award.

BE IT FURTHER RESOLVED that a copy of this Resolution be submitted with the nominating application.

PASSED by the City Council of the City of Arcadia, Florida, this 17th day of February, 2004.

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

/s/ROOSEVELT JOHNSON
ROOSEVELT JOHNSON, Ed.D.,
COUNCIL MEMBER

/s/ PAUL P. WHITLOCK
PAUL P. WHITLOCK
VICE MAYOR

/s/ SHARON T. GOODMAN
SHARON T. GOODMAN, Ed. S.
COUNCIL MEMBER

/s/ROBERT W. HEINE
ROBERT W. HEINE
COUNCIL MEMBER

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

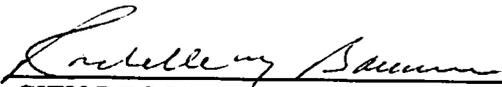
ATTEST:

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

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Council Member Johnson then reported that on February 25, 2004 the Florida League will have a seminar on "How to take your message to Tallahassee". He will not be able to attend this seminar; however it may be held again later in the year. Council Member Johnson reported that he will be attending the National League of Cities Meeting in Washington, DC from March 4th through the 7th.

There being no further business the meeting was adjourned.


CITY RECORDER


PRESIDENT