

REGULAR MEETING

FEBRUARY 3, 2004

A Regular Meeting of the Arcadia City Council was held on February 3, 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, City Fire Chief Rutherford, Marshal Lee, Special Projects Coordinator Hewett, Ms. Way and Recorder Baumann.

Mayor Fazzone called the meeting to order.

The Invocation was given by Councilmember Goodman.

Pledge of Allegiance to the Flag.

The minutes of the Regular meeting of January 6, 2004 were adopted on motion of Whitlock; seconded by Johnson and carried.

Steve and Charmie Lane addressed Council to request an extension to paving a driveway at 805 E. Oak Street. Administrator Strube stated that a previous extension for one year was granted by Resolution No. 2002-6 in addition to granting special approval to operate a day care at this location. The Lanes' however did not own the property at that time and have since purchased it. Johnson moved to approve an extension to the paving requirement of a driveway located at 805 E. Oak for one (1) year from February 3, 2004 through February 3, 2005; seconded by Goodman and carried.

Dr. Paul Matthews, Pastor of Elizabeth Missionary Baptist Church addressed Council to request that the interior basketball court at Smith-Brown Gym be renamed after Richard Bowers and Hazella Johnson. Dr. Matthews would like to have a formal renaming ceremony some time in March. Heine moved to grant the request to rename the interior basketball court at Smith Brown Gym after Richard Bowers and Hazella Johnson; seconded by Johnson and carried.

Dr. Matthews then addressed the Council on behalf of Elizabeth Missionary Baptist Church to vacate the right-of-way adjacent to the Worship Center. The church is requesting this closure in order to allow them to expand their current facilities. Administrator Strube stated that no action could be taken until the matter was reviewed by the Planning and Zoning Board under the normal "Alley Closing Procedures". Administrator Strube also noted that the alley closing procedures require that all of the property owners from Magnolia to Pine Street be notified. Councilmember Goodman asked if this request was similar to Mount Zion's request and was informed that it is not as Mount Zion's request was due to an encroachment of the right-of-way. Attorney Holloman stated for the record that Councilmember Goodman is a minister of Elizabeth Missionary Baptist Church and can not vote on this issue. Ms. Goodman has filed a "conflict of interest form". Attorney Holloman then noted that Councilmember Johnson is also a member of the church; however he does not have a conflict and may vote.

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Whitlock then moved to waive the required filing fee for the application to close or abandon an alley; however the church will be responsible for paying all other costs such as legal advertising and the mailing of certified letters to effected property owners; seconded by Heine and carried.

Flo Rife, president of the Arcadia Antiques Association addressed the Council to request to be excluded from the Main Street Beautification Project and asked that the trees scheduled to be installed along the side of the building that she rents not be planted. Ms. Rife stated that she does not want to be responsible for any accidents caused by the cutouts for the trees. Mayor Fazzone inquired about the Arcadia Antiques Association and how many members they had. Ms. Rife stated that they are a non-profit organization with four (4) members and all funds received go to pay insurance. Ms. Rife stated that the downtown boom is a result of her association. Councilmember Goodman asked for clarification that only four (4) members are responsible for the growth downtown to which Ms. Rife said that the Antique Fairs are what she meant. Councilmember Heine stated that the City owns the sidewalks and can do anything they choose with them, he also noted that the street sweeper does the downtown area twice a week. Councilmember Heine has not heard of any negative complaints regarding the planting of the trees except from Ms. Rife. Pam Ames, president of the Arcadia Main Street Association addressed Council noting that the planting of trees downtown was scheduled to be done in phases as outlined in her original letter of request to the Council. Goodman moved to deny the request by Flo Rife to be excluded from the Main Street Beautification Project of planning palm trees downtown and that the palms will be planted through out the downtown as originally approved; seconded by Heine and carried.

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

Marshal Lee then addressed the Council regarding the appearance of Pursell's Towing due to excessive junk cars and tires. The Code Enforcement Officer was sent to the location twice to talk with the owners. No action was taken for the storage of wrecked or inoperable vehicles as the owner has an occupational license for used car sales so there is no code violation. The storage of tires was written up as a code violation. Special Projects Coordinator Hewett noted that the Amoco Station had a problem with encroaching into the right-of-way. Code Enforcement did have the Amoco Station move vehicles from the right-of-way.

David B. Phillips addressed Council to protest the increase in hanger rent and the level of service provided by the Fixed Base Operator (Air-Cadia). Mr. Phillips believes that the level of service has declined in the last two (2) years; however rates have increased. Mr. Bill Minnear of Air-Cadia reported that the airport receives very few after hours arrivals and there is a phone located for after hours assistance. Mr. Greg Booth asked about the exterior lights at the hangers and Administrator Strube stated that there is a problem with the lights attracting bugs. It was noted that fire inspections of the hangers will be conducted on February 11, 12 & 13, 2004. There was a question as to who was

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responsible for changing the lights inside the hangers and Administrator Strube noted that the lease states that it is the tenants responsibility. Mayor Fazzone requested that Mr. Minnear document all requests that he is not able to handle and turn over to administration. Mr. Glen Kus a former tenant of the Maintenance Hanger submitted two (2) letters for the Council to review requesting permission to continue to store Carlton Aviation equipment and personal property in hanger B-12, and an issue with being billed by Air-Cadia for disposal of waste oil. Mr. Minnear asked if he could legally require the name, address and phone number of anyone that he gives the access code to the gates at the airport and was informed by Attorney Holloman that he could. Mr. Jim Hensley reported that the roof of his hanger leaks. Special Projects Coordinator Hewett stated that the problem with addressing complaints on the hangers is the lack of access.

The January 2004 report of Arcadia Golf Course receipts and number of play was Presented. Mayor Fazzone reported that the Golf Course will have a booth at the Chamber of Commerce Business Expo this month.

Stan Abram inquired about the City's water situation based on a recent article in the newspaper. Mayor Fazzone stated that no problems exist and that the City has satisfied all of the Florida Department of Environmental Protection (FDEP) concerns. The City did write a letter in response to the newspaper article regarding the City's water quality; however at this time the paper has not published the City's letter. Administrator Strube noted that the suit by FDEP is based on items found during inspection of water plant operations in 2002. He stated that the City had attempted to negotiate with FDEP on the issues and penalties assessed by FDEP and that there had been three (3) drafts of a proposed "Consent Order" requiring the City to pay penalties and perform certain functions within a set time frame. Discussions with FDEP broke down in August 2003 when FDEP threatened to file suit against the City if they did not agree to the terms and sign the consent order. The City is not avoiding this issue; all water customers were sent a five (5) page letter in August 2003 as required by FDEP discussing the water quality issues. Administrator Strube reported that he recently did a radio interview with WGPU during which the interviewer reported that a FDEP spokesperson had advised that the water in the City of Arcadia is safe to drink.

Dr. Matthews made a suggestion that the staff stand up when addressing the Council. No action was taken by the Council, however staff complied.

Councilmember Goodman discussed an article in today's paper about her decision not to run for County Commission due to what took place the last time she attempted to run and the racial slurs she and her family endured. Councilmember Goodman stated that her comments were directed towards County residents, not City residents. Dr. Matthews suggested that the Council should hold a symposium to discuss racial issues. No action was taken.

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Mayor Fazzone expressed his concern regarding the article on Councilmember Goodman's not running for County Commission stating that she is very qualified for the position. Councilmember Goodman then stated that she would not submit her family to the ordeal again noting that she did not have any such problem when running for a Council Seat in the City. Councilmember Goodman believes that the City does a good job of looking at the issues and moving forward, however it seems that the people in the County are not as receptive to change. She then read a letter she received from a citizen of Arcadia stating his support of her staying on the City Council.

Dr. Matthews then presented Council with a Black History Month Program from the City of Tampa.

Dr. Matthews would like for the Council to express their vision for the City's future. It was noted that the Council did discuss their vision of Arcadia's future in the 21st Century on January 6, 2004 as previously requested by Dr. Matthews.

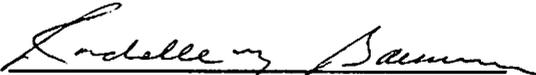
Special Projects Coordinator Hewett addressed Council to report that the Downtown Light Project is complete and FPL is now working to remove the old lights. He then invited the Council to attend the sidewalk dedication ceremony at Lake Katherine on Saturday, February 14, 2004 from 1:00 PM to 3:00 PM. Mayor Fazzone and Councilmember Goodman are scheduled to attend. Mr. Hewett advised that the Fire and Police Departments were also going to attend.

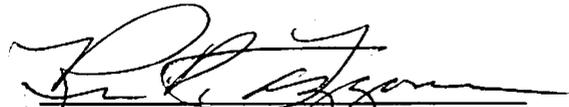
Administrator Strube reported that the estimated date for all offices to move out of City Hall into the Way Building is February 16, 2004. The contract with the contractor was being reviewed by the State architect and a notice to proceed would be issued when approved. He also noted that there will be two (2) storage pods on the back lawn of City Hall to hold excess files due to the lack of room at the Way Building. Administrator Strube reported that since there is not much work scheduled for the second floor of City Hall, the Administration's office will probably remain in the Way Building until the second floor is renovated.

Councilmember Goodman expressed appreciation that the railroad is finally repairing its crossings.

Councilmember Johnson reported that he will attend the Ridge League Legislative Committee on February 12, 2004 and will then go to the Florida League of Cities meeting in Clearwater February 13-14, 2004.

There being no further business the meeting was adjourned.


CITY RECORDER


PRESIDENT