

REGULAR MEETING
JUNE 1, 2004

A Regular Meeting of the Arcadia City Council was held on June 1, 2004 at 6:00 p.m. in Room D of the Way Building at 23 N. Polk Avenue. Councilmembers attending were: Whitlock, Heine, Johnson and Goodman. Absent: Mayor Fazzone was out of town. Also in attendance were: Administrator Strube, City Attorney Holloman, Assistant City Fire Chief Wells, City Marshal Lee, Special Projects Coordinator Hewett, and Recorder Baumann.

Vice-Mayor Whitlock announced that Mayor Fazzone is out of town, he will chair the meeting. Vice-Mayor Whitlock then called the meeting to order.

The Invocation was given by Council Member Johnson.

Pledge of Allegiance to the Flag.

The minutes of the Regular meeting of April 20, 2004, Regular and Joint Public Hearing of May 4, 2004, Special meeting of May 6, 2004 and Regular meeting of May 18, 2004 were adopted on motion of Goodman; seconded by Johnson and carried.

Proposed Ordinance No. 910 was presented on third reading. Heine moved to waive the rules and read the proposed ordinance by title only; seconded by Johnson and carried.

ORDINANCE NO. 910

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF ARCADIA, FLORIDA, TO REZONE LOTS 13 THROUGH 20, BLOCK N, MILLS ADDITION TO ARCADIA, FLORIDA AS RECORDED IN PUBLIC RECORDS OF DESOTO COUNTY, FLORIDA, FROM ONE-FAMILY DWELLING R-1C DISTRICT TO RESIDENTIAL-PROFESSIONAL AND BUSINESS RPB DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Goodman then moved to adopt Ordinance No. 910 on third and final reading and that it become an ordinance of the City of Arcadia; seconded by Heine. Vice-Mayor Whitlock called for comments from the public, there were none. The motion carried on roll call vote. Ayes: Goodman, Heine, Johnson, and Whitlock. Nays: None.

ORDINANCE NO 910

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF ARCADIA, FLORIDA, TO REZONE LOTS 13 THROUGH 20, BLOCK N, MILLS ADDITION TO ARCADIA, FLORIDA AS RECORDED IN PUBLIC RECORDS OF DESOTO COUNTY, FLORIDA, FROM ONE-FAMILY DWELLING R-1C DISTRICT TO RESIDENTIAL-PROFESSIONAL AND BUSINESS RPB DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

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(Ordinance 910 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, May 4, 2004 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 13 THROUGH 20, BLOCK N, MILLS ADDITION TO
ARCADIA, FLORIDA AS RECORDED IN PUBLIC RECORDS
OF DESOTO COUNTY, FLORIDA FROM ONE-FAMILY
DWELLING R-1C DISTRICT TO RESIDENTIAL-PROFESSIONAL
AND BUSINESS RPB 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 in agreement with the City of Arcadia Comprehensive Plan and the City of Arcadia Future Land Use Map is not 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 13 THROUGH 20, BLOCK N, MILLS ADDITION TO ARCADIA, FLORIDA AS RECORDED IN PUBLIC RECORDS OF DESOTO COUNTY, FLORIDA, BE REZONED FROM ONE-FAMILY DWELLING R-1C TO RESIDENTIAL-PROFESSIONAL AND BUSINESS RPB 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.

Section 3. That this Ordinance shall take effect pursuant to Chapter 73-403 of the laws of the State of Florida.

UNANIMOUSLY PASSED BY THE CITY COUNCIL OF THE CITY OF
ARCADIA, FLORIDA, ON THIS 1ST DAY OF JUNE, 2004.

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(Ordinance 910 continued)

ATTEST:

CITY OF ARCADIA, FLORIDA

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

By: RICHARD P. FAZZONE
RICHARD P. FAZZONE
MAYOR

PASSED ON FIRST READING MAY 4, 2004.

PASSED ON SECOND READING MAY 18, 2004.

PASSED ON THIRD READING JUNE 1, 2004.

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

Proposed Ordinance No. 911 was presented on second reading. Johnson moved to waive the rules and read the proposed ordinance by title only; seconded by Goodman and carried.

ORDINANCE NO. 911

AN ORDINANCE TO BE DESIGNATED CHAPTER 71 OF THE CODE OF ORDINANCES OF THE CITY OF ARCADIA, FLORIDA; ESTABLISHING THE OFFICE OF SPECIAL MASTER TO ENFORCE THE CODES AND ORDINANCES IN THE CITY OF ARCADIA, FLORIDA; PROVIDING INTENT; PROVIDING DEFINITIONS, PROVIDING ENFORCEMENT PROCEDURES; PROVIDING FOR HEARINGS AND THE CONDUCT THEREOF; PROVIDING FOR ADMINISTRATIVE FINES, COST AND LIENS; PROVIDING DURATION OF LIENS; PROVIDING FOR APPEALS; PROVIDING AUTHORITY TO ADOPT BY RESOLUTION PROCEDURAL RULES AND FORMS; PROVIDING ENFORCEMENT OF CODES BY OTHER MEANS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

Heine moved to approve Ordinance No. 911 on second reading; seconded by Johnson. Vice-Mayor Whitlock called for comments from the public, there were none. The motion carried on roll call vote. Ayes: Goodman, Heine, Johnson, and Whitlock. Nays: None.

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Barbara Mainster, Executive Director of Redlands Christian Migrant Association (RCMA) addressed Council to request approval to provide child day care services at 817 Bond Street. Administrator Strube noted that the property is zoned One Family Dwelling R-1C District and the use requested is allowed upon the approval of Council. It was noted that this is the old Elks Club. The lease at the current property used by RCMA is up for renewal however RCMA needs a building with more room and believes that this location will better serve their needs. Attorney Holloman asked if there was anyone in attendance who was in opposition to RCMA's request. No one spoke. Attorney Holloman then stated that this matter is to be considered a quasi-judicial matter and asked if anyone had received any correspondence, done a site visit or discussed this matter with anyone else. No one had anything to report. Heine moved to grant the request by Resolution No. 2004 -11 to allow a child care facility in an R-1C zone to be located at 817 Bond Street subject to meeting all City, County and State requirements; seconded by Johnson and carried.

RESOLUTIONS 2004-11

A RESOLUTION GRANTING A NON-TRANSFERABLE
APPROVAL IN ZONING LAWS TO REDLANDS CHRISTIAN
MIGRANT ASSOCIATION TO OPERATE A CHILD DAY CARE
FACILITY AT 817 BOND STREET AND SETTING FORTH
CONDITIONS

WHEREAS, Redlands Christian Migrant Association (RMCA) have requested approval in zoning laws to permit them to operate a Child Day Care Facility with no more than sixty-eight (68) children at 817 Bond Street, and

WHEREAS, the Planning and Zoning Board has recommended that approval be granted.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Arcadia, Florida, that Redlands Christian Migrant Association (RCMA) be granted approval in zoning laws to permit them to operate a Child Day Care Facility, with no more than sixty-eight (68) children approved by H.R.S. at 817 Bond Street.

BE IT FURTHER RESOLVED that this approval is subject to the following:

1. All regulations and licensing required by the State, County and City, pertaining to child care be met.
2. The current plot use shall be in accordance with Section 110-281 (5) of the City Zoning Code.

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(Resolution 2004-11 continued)

3. This approval is non-transferable.

PASSED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA,
in Regular Session this 1st day of JUNE, 2004.

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

ATTEST:

/s/RACHELLE M. BAUMANN
RACHELLE BAUMANN
CITY RECORDER

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

Council Member Heine requests the Police Department take care of the building located at the corner of Polk and Imogene. Marshal Lee stated that until the City has some form of penalty for code violations there is nothing more that his department can do.

Administrator Strube addressed Council stating that he has been in contact with two (2) property owners who are adjacent to the Waste Water Treatment Plant and are willing to sell to the City. One property is vacant, the other is still occupied. Administrator Strube recommends purchasing the property for possible future expansion of the plant. The City is looking at paying the current appraised value for the property which Administrator Strube estimates to be \$28, 500.00 and \$10,000.00. Both structures will be demolished and removed as they are not usable. Heine moved to authorize the purchase of Lot 17 and Lot 19, Block E, J.W. Whidden's Subdivision; seconded by Johnson and carried.

The Fire Department report of ambulance runs and collections for the month of April 2004 was presented showing mutual aid given was 10, and mutual aid received was 1.

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

Administrator Strube presented Resolution No. 2004-12 which is a revision of previously adopted Resolution No. 2003-04. Heine moved to adopt Resolution No. 2004-12; seconded by Johnson and carried. This revision is relating to the State Revolving Fund Loan Program.

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RESOLUTION NO. 2004-12

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA, RELATING TO THE STATE REVOLVING FUND LOAN PROGRAM; MAKING FINDINGS; AUTHORIZING THE LOAN APPLICATION; AUTHORIZING THE LOAN AGREEMENT; ESTABLISHING PLEDGED REVENUES; DESIGNATING AUTHORIZED REPRESENTATIVES; PROVIDING ASSURANCE; PROVIDING FOR CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE.

WHEREAS, Florida Statutes provide for loans to local government agencies to finance the construction of water pollution control facilities; and

WHEREAS, Florida Administrative Code rules require authorization to apply for loans, to establish pledged revenues, to designate an authorized representative; to provide assurances of compliance with loan program requirements; and to enter into a loan agreement; and

WHEREAS, the State Revolving Fund loan priority list designates Project No. 68014P as eligible for available funding; and

WHEREAS, the City of Arcadia, Florida, intends to enter into a loan agreement with the Department of Environmental Protection under the State Revolving Fund for project funding.

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

SECTION 1. The foregoing findings are incorporated herein by reference and made a part hereof.

SECTION 2. The City of Arcadia, Florida is authorized to apply for a loan to finance the Project.

SECTION 3. The revenues pledged for the repayment of the loan are net water and sewer utility system revenues after payment of debt service on the City of Arcadia, Florida Series 1993 Pooled Loan Governmental Unit Promissory Note, the City of Arcadia, Florida Series 2003 Water and Sewer Refunding and Improvement Bonds, and the 1993 Florida Department of Environmental Protection State Revolving Fund Loan.

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(Resolution 2004-12 continued)

SECTION 4. The Mayor and City Administrator are hereby designated as authorized representatives to provide the assurances and commitments required by the loan application.

SECTION 5. The Mayor is hereby designated as the authorized representative to execute the loan agreement which will become a binding obligation in accordance with its terms when signed by both parties.

SECTION 6. The legal authority for borrowing moneys to construct this Project is Florida Statutes 166.111.

SECTION 7. Conflicts. All resolutions or portions of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

SECTION 8. Severability. If any Section or portion of a Section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other Section or part of this Resolution.

SECTION 9. Effective Date. This Resolution shall become effective immediately upon its passage and adoption.

PASSED and ADOPTED BY THE CITY COUNCIL OF THE CITY OF ARCADIA in regular session this 1st day of June 2004.

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

Attest:

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

APPROVED AS TO FORM
/s/ DAVID C. HOLLOMAN
DAVID C. HOLLOMAN
CITY ATTORNEY

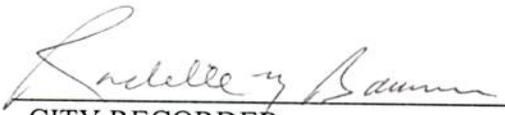
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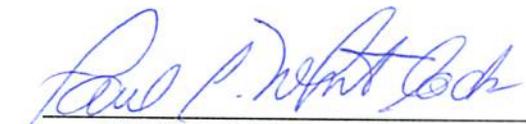
Vice-Mayor Whitlock acknowledged a thank you card from Geine Martin.

Vince Sica addressed Council to request funding for a basketball league which would be held at Smith Brown Gym for 5th and 6th grade students. Mr. Sica then presented a report from last years league which showed a carry forward balance of \$418.85 which would be applied to this year. Mr. Sica is requesting \$1,022.30 from the City. Council Member Goodman thanked Mr. Sica for his good work with the children of the community. Goodman moved to authorize funding of a youth basketball league at Smith Brown Gym for 5th and 6th grade students in the amount of \$1,022.30; seconded by Johnson and carried.

Council Member Johnson reported that the Ridge League dinner and awards ceremony will be held on Saturday, June 26, 2004.

There being no further business the meeting was adjourned.


CITY RECORDER


PRESIDENT