

REGULAR MEETING

MARCH 16, 2004

A Regular Meeting of the Arcadia City Council was held on March 16, 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 Marshal Lee, Special Projects Coordinator Hewett, Ms. Way and Recorder Baumann.

Mayor Fazzone called the meeting to order.

The Invocation was given by Council Member Whitlock.

Pledge of Allegiance to the Flag.

The minutes of the Regular meeting of February 3, 2004 were adopted on motion of Goodman; seconded by Whitlock and carried.

Sandra K. McLelland addressed Council regarding her request to reinstate a day care facility at 726 E. Magnolia Street. Administrator Strube noted that the previous approval was based on review of the Planning and Zoning Board and was by a non-transferable Resolution, he recommends that this be turned over to the Planning and Zoning Board. Council Member Goodman asked Ms. McLelland if she currently had all of her required state certifications to operate a day care and was informed that she does. Whitlock moved to refer the request of Mrs. Sandra K. McLelland to operate a daycare at 726 E. Magnolia Street to the Planning and Zoning Board for review and a recommendation; seconded by Heine and carried.

A report of Police Fines and Forfeitures for the Month of February 2004 indicates fines \$6,082.93 law enforcement \$74.00, radios \$262.50 and investigative costs \$50.00.

Marshal Lee then addressed Council to present the Code Enforcement Report from September 29, 2003 through March 12, 2004 showing a total of 418 code violations citations issued of which 115 had voluntarily complied and 232 complied involuntary. Council thanked Marshal Lee stating they thought this was an excellent report. There was some discussion regarding Migrant Housing noting that the City can not set a limit on the number of people living in a home. Stan Abram asked if the names, addresses and type of code violation could be published. Attorney Holloman stated that without researching the matter he could not say that it would be ok to publish such a list. Adrienne Daly addressed concerns regarding excessive junk cars and was informed that as long as the vehicles have a current tag it is ok for the owners to work on them in their yards. Genie Martin asked why the Council allows people to break the law regarding nuisances – junk cars, trash etc. Council stated that they are working on having a Special Master hear all code enforcement violations. It was noted that a new state law has been proposed for adoption which would require the City to pay a filing fee of \$200.00 for every code enforcement violation they took to court.

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Ms. Daly then reported that she turned in fifteen (15) complaints of code violations to the Police Department and not one has been corrected. Attorney Holloman stated that a Special Master can impose a fine; however there is no enforcement for paying the fine other than placing a lien on the property. Mayor Fazzone stated that he believes that 418 cases in five (5) months with 347 resolved at an average of 69 cases per month is very good and he is very happy with the City's Code Enforcement Officers progress.

Attorney Holloman stated that the rezoning request from Martin Reback, Susie Hovey and William and Laurita Dus is a quasi-judicial matter and asked if the Council had anything to report. All Council Members stated that they had been contacted by Ms. Hovey and all filed the required disclosure forms.

The Planning and Zoning Board at their meeting on March 9, 2004 recommended the following to the City Council.

1. That the request of Martin Reback, Susie Hovey and William and Laurita Duhs regarding their petition to rezone Lots 13-20, Block N, Mills Addition to Arcadia from One Family Dwelling R-1C District to Residential-Professional Business RPB District be scheduled for a joint Public Hearing with a possible date of May 4, 2004 time to be set at 6:00 PM or as soon thereafter as possible. Whitlock moved to schedule a joint Public Hearing for May 4, 2004, time to be set at 6:00 p.m. or as soon thereafter as possible; seconded by Johnson and carried.
2. That the request of Martha and Chuck Craven, owners of 15 West Oak Street to use the second floor as their residence with the first floor used as a low impact business be granted by Special Resolution subject to being owner occupied and meeting all City, County and State codes. Heine moved to grant the request; seconded by Johnson and carried. Whitlock then moved to adopt non-transferable Resolution No. 2004-4; seconded by Johnson and carried.

RESOLUTIONS 2004-4

WHEREAS, Martha and Charles Craven are the owners of a 2 story business building located at 15 West Oak Street zoned Central Business B-2, and

WHEREAS, under present City of Arcadia Zoning Regulations residential occupancy is not permitted in a central Business District, and

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(Resolution 2004-4)

WHEREAS, owners Martha and Charles Craven desire to use the entire second floor as their residence and use the first floor for low impact business, and

WHEREAS, the Planning and Zoning Board has reviewed the request and has recommended to the City Council that Martha and Charles Craven be granted a non-transferable owner occupied Special Approval use as requested, subject to the building meeting all City, County and State regulations.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Arcadia, that Martha and Charles Craven be granted a non-transferable Special Approval to use the entire second floor of their business building at 15 West Oak Street as an owner occupied residential use with the first floor being used for low impact business, subject to the building meeting all City, County and State Regulations.

PASSED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA
THIS 16th DAY OF MARCH, 2004.

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

ATTEST:

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

Administrator Strube addressed Council regarding an Agreement for Petroleum Cleanup Participation Program with the Florida Department of Environmental Protection (FDEP). Administrator Strube reported that the City Garage has been identified by the State as a location where gasoline was previously stored and now requires cleanup measures. The City previously registered the tanks located at the Garage which were installed in the 1970's and which began to deteriorate in early 1992. These were single walled tanks. New tanks are now constructed with double walls to help prevent deterioration. The state required that all tanks be upgraded by December 1992. Test showed that the City's tanks did have petroleum leaking into the site. By having registered the tanks, the City is now eligible for state assistance with the site cleanup. In 1990 the legislature stopped funding cleanup sites until they could develop rules and regulations to monitor the cleanup. It is estimated that the cleanup will cost \$233,000.00, the state will pay 75% with a ceiling of \$174,807.53 and the City would pay an estimated amount of 58,250.00. A contractor previously used by the City

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as been approved by the state to do the cleanup. Johnson moved to authorize the mayor to sign an Agreement for Petroleum Cleanup Participation Program with the Florida Department of Environmental Protection (FDEP) for a maximum participation by the state of \$174,807.53; seconded by Whitlock and carried.

A request from the City of Arcadia Parks and Recreation Department to close Volusia Avenue on Saturday, April 3, 2004 was presented. Goodman moved to grant the request to close Volusia Avenue on Saturday, April 3, 2004 from 8:30 a.m. until 11:30 a.m. for the annual Easter Egg Hunt subject to approval by the City Marshal; seconded by Johnson and carried.

The February 2004 Public Works report was presented.

The Fire Department report of ambulance runs and collections for the month of February 2004 was presented showing mutual aid given was 11, and mutual aid received was 1.

The Flowage report of Air-Cadia, Inc. for the month of February 2004 for the Municipal Airport was presented.

Mayor Fazzone asked that street sweeping be done more frequently and that Public Works Superintendent Reed attend Council meetings. It was noted that Mr. Reed was ill.

Two (2) letters from Mr. Glen Kus were submitted for Council review along with a copy of Administrator Strube's reply.

Council Member Whitlock noted that mutual aid is up to about 10% of runs.

Stan Abram reported that FPL has taken down the old lights downtown. He then asked if one or all of the Council could attend the next Arcadia DeSoto County Beautification Committee Meeting to be held on Monday, March 22, 2004. Mr. Abram was informed that if more than one Council Member were to attend the meeting it could be a possible violation of the "Government in the Sunshine Laws". Mr. Abram then asked if a member of Council would become a liaison to the Committee, no one volunteered. Mayor Fazzone stated that he would attend the next Committee meeting.

Special Projects Coordinator Hewett stated that a golf course handicap committee needs to be established. No action was taken.

Council Member Whitlock noted that it will soon be time to prepare next years budget and do Administrator Strube's annual review. He would like for each Council Member to come up with a list of goals and objectives they would like to see accomplished next year.

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Administrator Strube stated that the goals and objectives of the City are set when preparing the next years' budget. Whitlock moved to hold a workshop at 5:00 p.m. on April 6, 2004 to discuss goals and objectives for fiscal year 2004/05; seconded by Heine and carried.

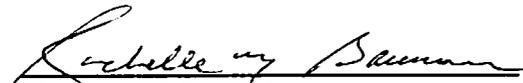
Council Member Johnson presented a sign up form for anyone wanting to ride the bus provided by the Ridge League of Cities to go to "Legislative Action Day" in Tallahassee on April 14, 2004.

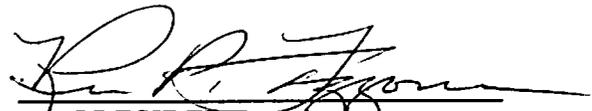
Council Member Johnson then gave Administrator Strube a copy of Polk County's Directory to use as an example of what the City could do in the future.

Special Projects Coordinator Hewett asked about the Fire Merger talks. Mayor Fazzone stated that he would like for the County to give the City their decision on the possible hiring of a consultant before the City moves forward on the issue.

Special Projects Coordinator Hewett then asked for input from Council regarding roads to put on the Road Program list for 2004/05. He will give all Council Members a copy of last years' list to review.

There being no further business the meeting was adjourned.


CITY RECORDER


PRESIDENT