

REGULAR MEETING

MAY 18, 2004

A Regular Meeting of the Arcadia City Council was held on May 18, 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, City Fire Chief Rutherford, Special Projects Coordinator Hewett, Ms. Way and Recorder Baumann.

Mayor Fazzone called the meeting to order.

The Invocation was given by Pastor Lorenzo Dixon.

Pledge of Allegiance to the Flag.

The minutes of the Workshop meeting of April 6, 2004 were adopted on motion of Goodman; seconded by Johnson and carried.

Proposed Ordinance No. 910 was presented on second reading. Whitlock 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; AND PROVIDING AN EFFECTIVE DATE.

Whitlock then moved to approve Ordinance No. 910 on second reading; seconded by Heine. Mayor Fazzone called for comments from the public, there were none. The motion carried on roll call vote. Ayes: Goodman, Whitlock, Heine, Johnson, and Fazzone. Nays: None.

Proposed Ordinance No. 911 was presented on first reading. Each Councilmember had previously been given a copy for study. Johnson moved to waive the rules and read the proposed ordinance by title only; seconded by Goodman and carried.

ORDINANCE 911

A PROPOSED 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

Regular Meeting
May 18, 2004
Continued

(Ordinance 911 continued)

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.

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

Mayor Fazzone proclaimed May 29, 2004 as World War II Veterans Recognition Day in Arcadia. Whitlock moved to endorse this action; seconded by Johnson and carried.

The request of Patricia Carbonneau to appear before the Council was withdrawn at her request.

Chris Stevenson, owner of the Depot addressed Council to request an easement in order to construct two (2) sets of stairs for access on the West side of the building. This request is similar to a previous request several years ago. It was noted that the City will need to be named additional insured on Ms. Stevenson's insurance policy. Heine moved to grant the request to allow Chris Stevenson to construct two (2) sets of stairs on the West side of the Depot over the City sidewalk subject to the City being named additional insured on her insurance policy; seconded by Goodman and carried.

A report of Police Fines and Forfeitures for the Month of April 2004 indicates fines \$4,903.58, law enforcement \$36.00 and radios \$250.00.

Marshal Lee reported that crime rates for DeSoto County were published in the paper on Wednesday, May 12, 2004 which showed a decrease of 11% in the City from last year. Council thanked Marshal Lee and his department for their hard work which brought about the reduction in crime.

The Recorder's report of Revenues and Expenditures for the month of April 2004 was presented.

Recorder Baumann presented Council with a copy of the Annual Financial Report for September 30, 2003 stating she would be glad to answer any questions they may have.

Regular Meeting
 May 18, 2004
 Continued

Whitlock moved to acknowledge receipt of the Annual Financial Report for year ended September 30, 2004; seconded by Goodman and carried.

The Planning and Zoning Board at a meeting on May 11, 2004 recommended the following to the City Council.

1. That the request of Krzysztof Borkowski to operate a business including the following: auto sales, auto repairs, used auto parts and an automobile wrecking/junkyard at 205 S. Monroe Avenue, be granted by a Special Resolution subject to meeting all City, County and State codes. Mr. Borkowski addressed the Council stating that he intends to make improvements to the property and will begin with replacing the current fence. Administrator Strube noted that the City code by definition places an auto wrecking yard in the classification of a junkyard. The property was last used as a recycling center. It was noted that in the past the tenants were renters; however Mr. Borkowski will have a vested interest being the owner. Attorney Holloman requested that this be considered a quasi-judicial matter and asked if anyone had received any correspondence concerning this request or visited the site. No one had anything to report. Whitlock moved to grant the request by Resolution No. 2004-10 to allow Mr. Borkowski to operate a business including auto sales, auto repairs, used auto parts and an automobile wrecking/junkyard at 205 S. Monroe Avenue subject to meeting all City, County and State codes; seconded by Goodman and carried.

RESOLUTIONS 2004-10

A RESOLUTION GRANTING A NON-TRANSFERABLE APPROVAL TO OPERATE A BUSINESS FOR AUTO SALES REPAIRS, USED AUTO PARTS, AUTO WRECKING/JUNKYARD AT 205 SOUTH MONROE AVENUE; *(DESCRIBED BELOW) SETTING FORTH CONDITIONS OF THE NON-TRANSFERABLE APPROVAL.

WHEREAS, Krzysztof Borkowski has requested approval to operate a business including auto sales, auto repairs, sale of used auto parts, frame and body work, welding, and automobile wrecking/junk yard at 205 South Monroe Avenue, described below, and

WHEREAS, This parcel is zoned General Industrial M-2 District which will permit the requested uses including a junk yard, and

Regular Meeting
May 18, 2004
Continued

(Resolution 2004-10 continued)

WHEREAS, the Planning and Zoning Board after review of the request has recommended that a non-transferable approval be granted, and

WHEREAS, Mr. Borkowski has assured the City Council that he will clean up the site, make improvements and fence the entire parcel described as : Lots 3, 4 and 5, Block 10, F.M. Waldron's Addition and Lots 1 thru 6 both inclusive and Lots 14 thru 17 both inclusive and the North 35 feet of Lot 13, Block 2, T.J. Peppers Addition.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Arcadia, Florida, that Krzysztof Borkowski be granted approval to operate a business as requested, and

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

1. That the above described property be cleared of debris and fenced as soon as possible.
2. That the existing building be demolished or brought up to state codes including restoration of water and sewer services.
3. That all City, County and state regulations and licensing be met.
4. That this approval is non-transferable.

PASSED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA,
in Regular Session this 18th day of May, 2004.

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

ATTEST:

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

The Public Works report for the month of April 2004 was presented.

Administrator Strube reported that Public Works Supervisor Reed is still having back problems and is unable to attend Council meetings.

Council Member Heine request that the street sweeper begin at 6:00 a.m. when sweeping the downtown area.

Regular Meeting
May 18, 2004
Continued

Adrienne Daly asked for information regarding the Special Master Ordinance and will be given a copy of the ordinance after the meeting.

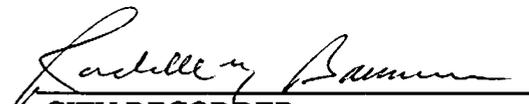
Darby Ellis addressed Council and submitted a list of six (6) suggestions for the use of the Smith Brown Gym. Mayor Fazzone suggested that Mr. Ellis meet with Tara Anderson to discuss several of his proposals, specifically the after school program as she is currently advertising to see if there is enough interest to create such a program. Mr. Ellis also believes that having an additional paid employee would be a benefit. It was noted that Victor Blandin has been out for back surgery and there had been no replacement for him. Council Member Johnson suggested that Mr. Ellis suggest names for a new board to act as an "activities board". Marshal Lee reported that he took a lot of heat when he shut down the basketball games after his officers were attacked; however he would be willing to help out if the community will become accountable for their actions.

Council Member Whitlock reported on a letter received from the Florida Department of Transportation (FDOT) regarding the Council's request for a traffic signal at US 17 and Hargrave/MLK Jr. noting that FDOT will conduct a traffic study and signalization warrant analysis of the requested area. Council Member Whitlock then thanked Special Projects Coordinator Hewett for working with FDOT on this issue.

Administrator Strube addressed Council to discuss and set the summer meeting schedule. Heine moved to have the Council meet once a month on the first (1st) Tuesday of the month for the months of June, July and August; seconded by Whitlock and carried. It was noted that other work sessions may be called as needed.

Mayor Fazzone reported that there are a lot of walkers using the sidewalk around Lake Katherine and that the Health Department will be building fitness stations around the lake in the near future.

There being no further business the meeting was adjourned.


CITY RECORDER


PRESIDENT