

REGULAR MEETING

NOVEMBER 18, 2003

A Regular Meeting of the Arcadia City Council was held on November 18, 2003 at 6:00 p.m. in Room D of the Way Building at 23 N. Polk Avenue. Councilmembers attending were: Fazzone, Whitlock, Heine, and Goodman. Absent: Council Member Johnson. Also in attendance were: Administrator Strube, City Attorney Holloman, City Fire Chief Rutherford, Assistant Fire Chief Wells, Marshal Lee, Captain Anderson, Special Projects Coordinator Hewett, Parks and Recreation Supervisor Waters, Ms. Way and Recorder Baumann.

Mayor Fazzone called the meeting to order.

The Invocation was given by Councilwoman Goodman.

Pledge of Allegiance to the Flag.

The minutes of the Regular meeting of October 21, 2003 were adopted on motion of Goodman; seconded by Whitlock and carried.

Attorney Holloman stated that the matter before the Council was a quasi-judicial matter. He then asked if Council had received any written or verbal correspondence or done a site visit since the last Council meeting. No one had anything to report.

Proposed Ordinance No. 906 was presented on second reading. Goodman moved to waive the rules and read the proposed ordinance by title only; seconded by Whitlock and carried.

ORDINANCE NO. 906

AN ORDINANCE OF THE CITY OF ARCADIA, FLORIDA,
AMENDING THE FUTURE LAND USE MAP OF THE
COMPREHENSIVE PLAN OF THE CITY OF ARCADIA,
FLORIDA, SAID AMENDMENT BEING KNOWN AS
"AMENDMENT #03-01-SS"; SPECIFICALLY, CHANGING THE
LAND USE CLASSIFICATION FROM LOW DENSITY
RESIDENTIAL TO BUSINESS FOR SIX LOTS OWNED BY
JOSEPH S. NEWTON; AND FOR SIX ADJACENT LOTS;
TRANSMITTING SAID AMENDMENT TO THE FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS (DCA) FOR FINDING
OF COMPLIANCE; PROVIDING FOR SEVERABILITY; AND
PROVIDING FOR AN EFFECTIVE DATE.

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Whitlock then moved to approve Ordinance No. 906 on second reading; seconded by Heine. Mayor Fazzino called for comments from the public, there were none. The motion carried on roll call vote. Ayes: Whitlock, Heine, Goodman, and Fazzino. Nays: None.

Recorder Baumann stated that anyone who would like to be notified by DCA regarding this amendment to the land use map may sign up after the meeting or at City Hall from 8:00 AM to 4:30 PM, Monday through Friday.

Proposed Ordinance No. 907 was presented on second reading. Whitlock moved to waive the rules and read the proposed ordinance by title only; seconded by Heine and carried.

ORDINANCE NO. 907

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF ARCADIA, FLORIDA, TO REZONE LOTS 1 THROUGH 12 INCLUSIVE, BLOCK L, RIDGEWOOD SUBDIVISION OF ARCADIA, FLORIDA AS RECORDED IN THE PUBLIC RECORDS OF DESOTO COUNTY, FLORIDA, FROM ONE FAMILY DWELLING R-1B DISTRICT TO COMMERCIAL C-1 DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Goodman then moved to approve Ordinance No. 907 on second reading; seconded by Whitlock. Mayor Fazzino called for comments from the public, there were none. The motion carried on roll call vote. Ayes: Whitlock, Heine, Goodman, and Fazzino. Nays: None.

Ms. Judy Kirkpatrick, Chairman for the DeSoto Vision addressed Council and gave an overview of the Committees final report. Ms. Kirkpatrick stated that over a year ago a group of concerned citizens got together to form a group to build consensus for the future of DeSoto County and the City of Arcadia. The eight (8) member executive committee each chaired a subcommittee to review specific areas of concern. Ms. Kirkpatrick reported that the top four (4) action items are 1) Form a committee to draft a written charter which would combine the City and County governments. 2) Develop a Riverwalk at the Peace River. 3) Stricter code enforcement. 4) Keep public pressure to keep the City and County clean. Ms. Kirkpatrick stated that the next step is the implementation phase.

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Ms. Traci Hill Femister, V.P. Sales & Marketing of Femister Watts addressed Council regarding community development programs and affordable housing initiatives. Administrator Strube took Ms. Hill Femister and a group from the USDA Rural Development Department on a tour of Arcadia earlier today. Mr. Robert Nadeau of the USDA Rural Development Department then addressed Council stating that his department has three (3) primary areas. 1) Rural Utilities Service for which they have grant and loan programs available. The loan programs can go for as long as 40 years at between 4½ to 5%. He noted that in the past the City has had this type of loan program with the department. 2) Community facilities for education, fire & rescue have some grant programs, however the bulk of funds available would be by way of a loan. And 3) The Economic Development program which the City used to purchase and install the decorative street lights downtown. The City also used these types of funds for multi family housing. Ms. Peggy S. John and Mr. William Kortier then addressed Council to review the USDA Guaranteed Rural Housing Loans program. Mr. Kortier is in Arcadia every other Thursday at the County Administration Building. Mr. Hill of Femister Watts then addressed the Council noting that he puts together investors to help get the funding. The key is qualifying the customer; they need the Council's support with zoning and land acquisition. Mr. Hill stated that he feels that the economics in Arcadia will allow their program to work. Councilmember Goodman thanked all of the members for their visit to Arcadia.

Mayor Fazzone then adjourned the meeting for a five (5) minute break.

Mayor Fazzone then reconvened the regular meeting.

Jerry and Ester Luster of 219 E. Magnolia addressed Council regarding their request which was tabled from the last meeting to grant them a 5' setback from the north property line in order to build a garage and workshop. Councilman Heine visited the site and recommends the request be granted. The alley at the rear of the property is overgrown with several large trees and Mr. Luster does not want to see this natural buffer removed. Attorney Holloman stated he did not see a problem with Council granting the request. Administrator Strube stated that with the detailed site plan now in place he does not have a problem with the request. Heine then moved to approve the following Resolution granting Jerry and Ester Luster a setback of 5' from the north property line for their proposed garage and workshop located at 219 E. Magnolia; seconded by Goodman and carried.

RESOLUTION NO. 2003-18

A RESOLUTION GRANTING APPROVAL TO
JERRY AND ESTER LUSTER, TO HAVE A 5 FOOT
ONLY SET-BACK ALONG THE NORTH PROPERTY
LINE OF THEIR HOME AT 219 EAST MAGNOLIA
FOR THE CONSTRUCTION OF A GARAGE AND
WORKSHOP;

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(Resolution 2003-18 continued)

WHEREAS, Jerry and Ester Luster reside at 219 East Magnolia and have made application to build a garage and workshop at the rear of their property, and

WHEREAS, due to State Road Department curbing Magnolia along the front of their property, they will not be able to access their proposed garage from the front, and

WHEREAS, entrance to the proposed garage thru the unused alleyway at the rear of their property would require the removal of several large oak trees.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Arcadia, Florida, that a rear yard setback waiver be approved to permit Jerry and Ester Luster to construct a garage and workshop within five (5) feet of the rear property line of 219 East Magnolia Street.

PASSED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA, IN REGULAR SESSION this 18th day of November, 2003.

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

ATTEST:

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

Mr. Robert Ayala of the Helping Hands of Hardee County, Inc and Rose Arrington of the Arcadia Rodeo Association addressed Council to request approval for Mr. Ayala's organization to sell alcoholic beverages at the Rodeo grounds in accordance with F.S. 561.422. The new Florida Statute requires that the local municipality sign off on the license allowing for the sale of alcohol. The Rodeo Association currently can only hold three (3) three (3) day events per year at which they can sell alcoholic beverages, they are applying for an annual license. This is why the Rodeo Association can not sponsor the Helping Hands of Hardee County, Inc. Rodeo at the Rodeo grounds. The Rodeo Association does monitor the event and supports Mr. Ayala's request. Administrator Strube stated that if everything is going to be conducted as in the past with the Police and Sheriff Departments as security then he would not have a problem issuing the

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Occupational License for the event based on Council's approval. Heine move to approve the request subject to the activity being supervised by the Arcadia Rodeo Association; to allow Mr. Ayala's organization to sell alcoholic beverages at the Rodeo grounds and that a City of Arcadia Occupational License be issued to the Helping Hands of Hardee County for the Rodeo; seconded by Whitlock and carried.

Ms. Anna Ford addressed Council to request an exemption of the requirement for a hood and exhaust system and handicapped restrooms at her restaurant located at 305 West Oak Street. Ms. Ford stated that all items will be previously cooked and she just intends to re-heat them. Assistant Fire Chief and City Fire Marshal Dan Wells addressed Council stating that he has a problem with the use of the building having a restaurant downstairs and two floors of apartments above. Mr. Wells stated that Council could grant a waiver if there had been a previously existing restaurant, this is not the case. Mr. Wells also noted that no licenses have been applied for, either the apartments which are currently rented or the restaurant which is under construction. Mr. Wells does not recommend granting a waiver. Mayor Fazzone asked if the business would be inspected by the State and was informed that it would be. There was some discussion regarding other restaurants which had previously been required to have a hood and exhaust system and what problems might arise in the future if this request was granted. Fire Chief Rutherford stated that the main concern is the occupancy of the floors above the restaurant. Attorney Holloman recommends that Council follow the Fire Departments recommendation and deny the request. Heine moved to uphold the Fire Departments recommendation to deny the request for a waiver for a hood and exhaust system for a restaurant to be located at 305 West Oak Street; seconded by Whitlock and carried. It should be noted that the request for a waiver for handicapped restrooms was not discussed as this is a federal requirement.

Mr. Deunicio Gutierrez with the help of an interpreter Ms. Guadalupe Gutierrez addressed Council regarding scheduling confusion of off duty police officers at the Women's Club on October 18, 2003 for a Christening Party. The Police Department had scheduled the officers for the wrong date and consequently no security was in place for the event during which a fight did occur. Mayor Fazzone stated that since the Marshal is an elected official this is strictly a Police Department matter. Marshal Lee then addressed Council and the Mr. & Mrs. Gutierrez to apologize for the scheduling oversight and reported that they have already been issued a refund. Mr. Gutierrez accepted the Marshal's apology. No other action was taken.

A report of Police Fines and Forfeitures for the Month of October 2003 indicates fines \$8,727.79 law enforcement \$64.00, and radios \$712.50.

Councilman Heine asked Marshal Lee to check on semi's parked in residential areas.

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A request from Douglas Egly and Audra McMurray to continue to operate a Bed and Breakfast at 500 West Oak Street owned by Tony and Melinda Messina and currently know as the Magnolia House was presented. Jane Fricke Martin realtor for prospective buyer Mr. Egly addressed Council regarding the request stating that she anticipates the sale of the property will close the first week in December; however the contract is contingent on Council approval and the recommendation of the Planning and Zoning Board for the continued use as a B&B. The original request by Messina was granted by a non-transferable Resolution. Goodman moved to grant the approval by a non-transferable Resolution subject to review and approval by the Planning and Zoning Board; seconded by Heine and carried.

Mr. Bob Baumann addressed Council to request that the issue of off street parking be reviewed by the Planning and Zoning Board noting that guests are currently parking in the street and on the City right-of-way both of which are illegal.

A request by letter, from the Jim Crews Community Playground, Inc. to dissolve the corporation and turn the assets over to the City was presented. Whitlock moved to approve the accepting of funds from the Jim Crews Community Playground, Inc. in order for the corporation to dissolve; seconded by Goodman and carried.

The Fire Department report of ambulance runs and collections for the month of October 2003 was presented.

An item tabled from the last Council meeting regarding Council's appointment of a citizen to serve on the Joint Fire and Ambulance Services Committee was discussed. All Councilmembers present then submitted the name of two (2) citizens. Mayor Fazzone read the names as submitted, 2 for Jim Sorenson, 1 for Judy Kirkpatrick, 2 for Stan Abram, 2 for Gary Frierson and 1 for Pastor Lorenzo Dixon. Goodman then moved to appoint Stan Abram to serve as the Council's citizen representative on the Joint Fire and Ambulance Services Committee; seconded by Heine and carried.

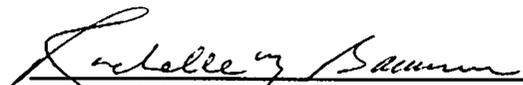
Ms. Nancy Turner representing the Chamber of Commerce along with Don Waters City Parks and Recreation Director and a representative from South West Community College (SFCC) electric program addressed Council to review the proposed electrical underground wiring plan for McSwain Park. The actual power boxes were presented and Ms. Turner stated that they are considering painting them green so that they will blend in better. All power boxes will be located next to either a tree or shrub. SFCC students will help with installation and the Chamber will pay for the entire project which is estimated to cost \$9,000.00. The Chamber has already received \$3,500.00 in donations toward the project.

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Don Water will oversee the project for the City as the Council does not want to loose the integrity of the park. Heine moved to approve the underground wiring project for McSwain Park as presented; seconded by Whitlock and carried.

Pam Ames, President of the Arcadia Main Street Program addressed Council to present a proposed landscape design for downtown. They suggest removing the concrete where previous planters had been installed and plant palm trees in them. They estimate that about twenty-four (24) palms would be planted. The Arcadia Main Street Program will pay all costs and be responsible for installation and upkeep of the plants. Administrator Strube suggested having concrete planters rather than removing the concrete. He also questioned if the palms might create a problem with the buildings overhangs. Ms. Ames stated that they prefer to install the palms in the ground in order to reduce costs and avoid any potential theft issues. Mayor Fazzone requests that Ms. Ames submit her request to Don Waters who will review it and report back to Council with a recommendation.

There being no further business the meeting was adjourned.


CITY RECORDER


PRESIDENT