

REGULAR MEETING
And
JOINT PUBLIC HEARINGS

NOVEMBER 4, 2003

A Regular Meeting of the Arcadia City Council and Joint Public Hearing were held on November 4, 2003 at 5:00 p.m. in Room D of the Way Building at 23 N. Polk Avenue. Councilmembers attending were: Fazzino, Whitlock, Heine, and Johnson. Absent: Council Member Goodman. Planning and Zoning Board Members in attendance were: Summers, Sawyer, Adamson, Whitlock and Smith. Absent Board Members: Brown and Fain. Also in attendance were: Administrator Strube, City Attorney Holloman, City Fire Chief Rutherford, Special Projects Coordinator Hewett, Ms. Way and Recorder Baumann.

Mayor Fazzino called the meeting to order.

The Invocation was given by W. Paul Matthews, Pastor for Elizabeth Missionary Baptist Church.

Pledge of Allegiance to the Flag.

The minutes of the Work Session of October 7, 2003 were adopted on motion of Johnson; seconded by Whitlock and carried.

The minutes of the Regular meeting of October 7, 2003 were adopted on motion of Whitlock; seconded by Johnson and carried.

Mayor Fazzino called the Joint Public Hearing of the Council and the Planning and Zoning Board to order and stated the purpose of the joint public hearing as advertised is to provide citizens an opportunity for input regarding the request to re-zone Lots 11-30, Both, Inclusive, Block 3, Tier 6, A.W. Gilchrist East End Addition to Arcadia, Florida, from One Family Dwelling R-1B District to Residential-Professional and Business District RPB. Mayor Fazzino then reported that Petitioners Satish Patel and the YMCA have formally withdrawn their request for re-zoning and no further action is required of the Council and Planning and Zoning Board.

The Joint Public Hearing was closed.

Mayor Fazzino called the Joint Public Hearing of the Council and the Planning and Zoning Board to order and stated the purpose of the joint public hearing as advertised is to provide citizens an opportunity for input regarding the request to re-zone Lots 1-12, Inclusive, Block L, Ridgewood Subdivision from One Family Dwelling R-1B District to Commercial C-1 District. Petitioner Joe Newton was present. Attorney Holloman addressed the Council and the Planning and Zoning Board Members stating that the

Regular Meeting and Joint Public Hearings
November 4, 2003
Continued

matter before them was a quasi-judicial matter. Attorney Holloman asked Council and the Planning and Zoning Board if anyone had received any written or verbal correspondence or done a site visit since the Planning and Zoning Board's last meeting. Mayor Fazzone stated that he did have verbal communication regarding the request. No one else had done a site visit, had any verbal communication or received any written communication. Recorder Baumann submitted proof of publication in the Arcadian dated October 2, 2003 and reported that notices were sent by certified mail to thirteen (13) property owners within 300 feet of the property. No letters of support or objection were received. Mayor Fazzone called for the petitioners to speak, no one spoke. Mayor Fazzone then called for objections from the floor; there were none. Mayor Fazzone called for concerns from the Planning and Zoning Board; there were none. Mayor Fazzone called for discussion or concerns from the Council; no one spoke. The Planning and Zoning Board then recommended that the request be approved. Johnson moved to grant the request to re-zone Lots 1-12, Inclusive, Block L, Ridgewood Subdivision from One Family Dwelling R-1B District to Commercial C-1 District; seconded by Whitlock and carried.

The Joint Public Hearing was closed.

Mayor Fazzone then reconvened the regular meeting

Administrator Strube addressed Council and stated that based on a meeting this week with the Central Florida Regional Planning Council the Future Land Use Map must be amended before the re-zoning can take effect. He then recommended that Proposed Ordinance No. 906 Amending the Future Land Use Map be considered.

Proposed Ordinance No. 906 was presented on first reading. Each Councilmember had previously been given a copy for study. Whitlock moved to waive the rules and read the proposed ordinance by title only; seconded by Heine 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.

Regular Meeting and Joint Public Hearings
November 4, 2003
Continued

Whitlock then moved to approve Ordinance No. 906 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: Whitlock, Heine, Johnson, and Fazzone. 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 first reading. Each Councilmember had previously been given a copy for study. Heine moved to waive the rules and read the proposed ordinance by title only; seconded by Johnson 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.

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

Mr. Manuela Zurita, Tampa Area Director of the U.S. Equal Employment Opportunity Commission (EEOC) addressed Council stating that an important part of the mission of the EEOC is reaching areas such as Arcadia. Mr. Zurita reported that the Department is looking at setting up an office in Arcadia or having a person in the area on a regular basis. Administrator Strube stated that this is the first time that the EEOC office has come before the City to work together in a proactive manner. Dr. Matthews as Chairman for the City of Arcadia's Human Rights Ordinance Committee addressed Council stating that working with the EEOC is a part of the process. Heine moved to authorize the Arcadia Human Rights Ordinance Committee to work with the U.S. Equal Employment Opportunity Commission; seconded by Johnson and carried.

Regular Meeting and Joint Public Hearings
November 4, 2003
Continued

Mr. Jimmie Tucker, General Manager for Arcadia Chevrolet, Buick, Oldsmobile and Pontiac dealership addressed Council to request permission to place a temporary office (60 x 14) on the southwest side of their property located at 210 S. Brevard. They are currently renovating the property and need the space for offices and restrooms. Mr. Tucker anticipates that an additional office trailer will be requested in the spring and expects all work to be completed by November 2004. Administrator Strube noted that the temporary office trailer would need to meet current fire codes. Heine moved to approve the request by non-transferable Resolution No. 2003-17 for one (1) year to expire November 2004 and the building must meet all City, County and State codes; seconded by Johnson and carried.

RESOLUTION NO. 2003-17

A RESOLUTION GRANTING APPROVAL TO
ARCADIA CHEVROLET, BUICK, OLDSMOBILE,
PONTIAC TO TEMPORARILY PLACE A 14 FOOT
BY 60 FOOT OFFICE TRAILER ON THE SOUTHWEST
SIDE OF THE MAIN FACILITY LOCATED AT 210
SOUTH BREVARD AVENUE: SUBJECT TO
COMPLIANCE WITH ALL CITY, COUNTY AND
STATE REGULATIONS

WHEREAS, Mr. Jimmie Tucker, General Manager of Arcadia Chevrolet, Buick, Oldsmobile, Pontiac requested City Council's approval to temporarily place a 60' x 14' office trailer adjacent to their main facility at 210 South Brevard Avenue, and

WHEREAS, Mr. Tucker informed the Council they were expanding their existing facility and will need the additional office space so they will be able to continue their operations during construction, and

WHEREAS, Mr. Tucker requested approval for the temporary office for a period of one year.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Arcadia, Florida, that approval be granted to Mr. Jimmie Tucker, General Manager of Arcadia Chevrolet, Buick, Oldsmobile, Pontiac to temporarily place a 14' X 60' office trailer on the southwest side of their main facility at 210 South Brevard Avenue.

BE IT FURTHER RESOLVED that this approval is granted for a one year period and is granted subject to all City, County and State Regulations being met.

Regular Meeting and Joint Public Hearings
November 4, 2003

(Resolution 2003-17 Continued)

PASSED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA,
IN REGULAR SESSION this 4th day of November, 2003.

BY: /s/ RICHARD P. FAZZONE
RICHARD P. FAZZONE
MAYOR

ATTEST:

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

A request by letter from Jerry and Ester Luster was tabled until the property owners appear since there was some confusion regarding the time of the regularly scheduled meeting as the paper stated it was 6:00 PM, however due to the Public Hearing it had been scheduled for 5:00 PM.

The Police Activity Report for the month of October 2003 was presented.

Attorney Holloman addressed Council regarding a request from the Loyal Order of the Moose requesting that the City lease a part of the old water plant property to them to be used for parking. The property in question has a well and sewer pipes under it. Attorney Holloman stated that if a lease were approved it must state that the City is to have access to the property. Attorney Holloman recommends that the matter be referred to the Planning and Zoning Board for review and a recommendation. Whitlock moved to refer the request from the Loyal Order of the Moose for a lease of City owned property to the Planning and Zoning Board for review; seconded by Johnson and carried.

The Flowage report of Air-cadia, Inc. for the month of September 2003 for the Municipal Airport was presented.

Councilman Heine inquired about the Butler Building at the Airport which was recently damaged by fire and was informed by Administrator Strube that he is waiting on the insurance adjustors report. The City should get enough to do the needed repairs, however it would not be enough to replace the building.

The October 2003 report of Arcadia Golf Course receipts and number of play was presented.

Regular Meeting and Joint Public Hearings
November 4, 2003
Continued

Mayor Fazzone stated that play has been down at the golf course due to wet weather. He reported that the parking lot is being re-surfaced and striped. Administrator Strube inquired about the Senior T placement and was informed that if you start at the gold T's then you can play from the gold T's during tournaments.

The October 2003 Mobile Home Park report was presented.

Councilman Whitlock inquired about the Smith trailer that the City purchased and asked if it could be rented out and was informed that it could. Whitlock then moved to rent out the Smith trailer; seconded by Johnson and carried.

Assistant Fire Chief Wells addressed Council regarding a "notice to abate nuisance" at 240 S. Orange Avenue. Wells stated that the Fire Department does not have a problem with extending the deadline since the property has changed hands. Representatives from the Greater Mt. Zion A.M.E Church, Inc. addressed Council to request an extension to clean up the property. Heine moved to grant a ninety (90) day extension; seconded by Whitlock and carried.

Council consideration of appointment to serve on the Joint Fire and Ambulance Service Committee was discussed. Dr. Matthews would like the Council to appoint Council Member Goodman. After discussion Whitlock moved to appoint Mayor Fazzone to serve as the Council's representative to the Joint Fire and Ambulance Service Committee; seconded by Heine and carried.

The Council must also appoint a citizen to serve on the committee. Whitlock moved to table the appointment of a citizen to the committee until a full Council is in place; seconded by Heine and carried.

Attorney Holloman addressed Council to discuss F.S. 112.048 regarding Elected Officers Retirement. The State has a statute in place which grants retirement at ½ of the salary at the time of office after twenty (20) years of service. Mr. Eugene Hickson did serve on the Council for twenty years and he would like to receive his retirement benefit retroactive to the date he came off the Council. Attorney Holloman stated that his research shows that you must voluntarily resign or retire; however Mr. Hickson was defeated in an attempt for re-election. Attorney Holloman does not believe that the State would mean to keep someone from running for office at the risk of losing their retirement benefit. Attorney Holloman requests Council guidance noting that the statute was passed to grant a retirement benefit for having served twenty (20) years. He believes that Council should submit a request to the Attorney General for an opinion on the matter to answer several questions regarding eligibility. Councilman Johnson stated that he

Regular Meeting and Joint Public Hearings
November 4, 2003
Continued

brought this information forward after first hearing about it at a State Conference and he would be the next Councilmember to qualify for a retirement benefit. Whitlock moved to authorize Attorney Holloman send a letter to the Attorney General for clarification on this issue; seconded by Johnson and carried.

A letter from the Senior Friendship Center was acknowledged. No action was taken.

Jerry and Ester Luster addressed the Council on their request which was tabled earlier pending their arrival. Mr. Luster is requesting a set-back exemption at 219 E. Magnolia in order to build a garage and workshop. The property is zoned Professional Office -P-1 District. In the past there was discussion about closing the alley in the rear of the property; however the other property owners were not in favor of closing the alley. Mr. Luster does not want to see the alley closed. The alley currently has several large trees on it and Mr. Luster does not want to see them removed. Administrator Strube stated that when reviewing the code for non-residential the parcel does not have set backs; however Mr. Luster is using the property as a residence. Mr. Luster then presented a site plan of the 24 x 36 foot building he wants to construct on the property. There was some discussion as to various other ways to approach the property although there is no curb cut on Magnolia. Heine moved to table the request until the next Council meeting at which time Council could review a more detailed site plan; seconded by Whitlock and carried.

Mr. and Mrs. Minar representing Air-Cadia, Inc. addressed Council concerning the gates at the road, terminal and maintenance hanger at the Airport. They reported that due to a complaint one gate was removed and now there have been problems with drag racing. Mr. Minar suggests that a card key motorized gate be installed by the maintenance hanger noting that this would also provide additional security. All of the other gates could then be removed. Mr. Minar received an estimate from Eagle Fence in the amount of \$2,000.00 to install a 42' x 6' roller electric gate with a sensor. Mayor Fazzone requests that Mr. Minar put this request in writing for the Council to review as it was not a scheduled agenda item. Heine moved to table the request until Council receives the information in writing; seconded by Johnson and carried.

Mr. Ed Kessler, owner of the Golden Corral Restaurant addressed Council to request the closing of 11th Avenue on Monday November 10, 2003 after 5:00 PM in order to feed veterans in honor of Veterans Day. Heine moved to grant the request subject to review and approval by the City Marshal to close 11th Avenue from State Road 70 West approximately 200' to the alley located behind the Golden Corral Restaurant on November 10, 2003, after 5:00 PM; seconded by Johnson and carried.

Regular Meeting and Joint Public Hearings
November 4, 2003
Continued

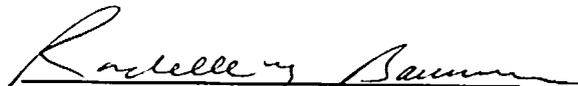
Dr. Matthews reminded Council that the outside of Smith Brown Gym will be painted on Saturday, November 8, 2003, with the assistance of a church youth group that will be in town to help with civic projects.

Special Projects Coordinator Hewett reported that the City is closer to getting the lighting permit from the Department of Transportation (DOT) for the decorative street lights. He also reported that the Florida Department of Aviation will be here in two (2) weeks to inspect the Airport.

Councilman Whitlock inquired about the date of the Legislative Meeting and was informed that it will be November 12, 2003. Administrator Strube stated that he will submit a request at the Legislative Meeting for a complete retro fitting of the Waste Water Plant.

Administrator Strube, Councilman Whitlock and Councilman Johnson will be in Orlando to attend a Florida League of Cities meeting November 13-14, 2003.

There being no further business the meeting was adjourned.


CITY RECORDER


PRESIDENT