

REGULAR MEETING

FEBRUARY 20, 2006

A Regular Meeting of the Arcadia City Council was held on February 20, 2007, at 6:00 p.m. in the Margaret Way Building at 23 North Polk Avenue. Council Members attending were Johnson, Goodman, Whitlock, Fazzone, and Heine. Also in attendance were Administrator Strube, Attorney Holloman, City Marshall Lee, Stan Abram, Parks and Recreation Supervisor Waters, Special Projects Coordinator Hewitt, Public Works Superintendent Reed, Ms. Way and Recorder Baumann.

Mayor Johnson called the meeting to order.

The Invocation was given by Council Member Dr. Goodman.

Pledge of Allegiance to the Flag.

The Minutes of the Regular Meeting of February 6, 2007 were adopted on a motion by Fazzone; seconded by Whitlock and carried.

A request for clarification of City Code restrictions on alcoholic beverage sales location by Michael Bush for Arcadia Shoppes, L. L. C. was presented to the Council. This item was tabled from the Council Meeting of February 6, 2007. Attorney Holloman addressed the Council and presented an ordinance he prepared for their consideration. The proposed ordinance would grant an exception for places already holding a license to sell alcohol if a school, house of worship or playground moves within 300 feet of the business. Section 18-3 of the Code of Ordinances of the City of Arcadia, Florida would be amended by adding Subsection B. Goodman moved to read the proposed ordinance in full; seconded by Heine and carried. Recorder Baumann read the ordinance in its entirety.

ORDINANCE NO. 935

AN ORDINANCE AMENDING SECTION 18-3 OF THE CODE OF ORDINANCES OF THE CITY OF ARCADIA, FLORIDA; MAKING FINDINGS; PROVIDING AN EXCEPTION FOR PLACES ALREADY HOLDING A LICENSE TO SELL ALCOHOLIC BEVERAGES WHEN A HOUSE OF WORSHIP, SCHOOL, PARK OR PLAYGROUND MOVES WITHIN 300 FEET OF SUCH PLACE. PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Regular Meeting
February 20, 2007
Continued

Attorney Holloman stated that the reason for the proposed ordinance is due to the fact that a grocery store has sold beer and wine for many years in the shopping center prior to the church having moved to its current location. The church cannot make the business quit selling under their existing license because the church moved to the area. Attorney Holloman made it very clear that this would allow for the sale of beer and wine under the present license and to be sold as package goods for off site consumption. There would be no sale of liquor, it would not allow for a bar or restaurant where the grocery store is currently located. Mayor Johnson then asked if there was anyone in the audience that would like to speak either for or against this ordinance. A spokesperson from the Assembly of God Church addressed the Council. He stated the Church has no objection to the ordinance; however the Church is against alcohol beverages and does not approve of the sale or consumption of them. The Church was aware of the Ordinance. The Church can not give their approval as they do not want the repercussions of selling alcohol beverages if someone driving under the influence caused injury or harm to anyone. The Church is reasonable and does not oppose a grocery store selling beer and wine or a restaurant; however they do not want another bar in town. Attorney Holloman stated the intent of this amendment was to allow anyone to sell beer and wine, not for consumption on the premises, no bar will be allowed. Attorney Holloman also emphasized the 300 feet boundary. Administrator Strube stated the 300 feet is measured radial between the nearest doors. The nearest doors historically speaking have been the main door, not an exit or emergency. The playground was measured from the corner of the fence. Fazzone moved to approve Ordinance No. 935 on first reading; seconded by Whitlock. Mayor Johnson then called for comments from the public, there were none. The motion carried on a roll call vote. Ayes: Fazzone, Whitlock, and Heine. Nays: Goodman and Johnson.

A request by letter from Carol Francis, Program Manager for Arcadia Main Street for approval of the closure of Oak Street from Orange Avenue to Hillsborough Avenue on May 18, 2007 at 5:00 p.m. for the Watermelon Parade was presented. Recorder Baumann reported that this request had been before the Council at an earlier date and had been approved for May 19, 2007. Mayor Johnson called for clarification; however, no one from Main Street was present. Fazzone then moved to table this request for further clarification on the exact date of the Watermelon Parade; seconded by Goodman and carried.

Fines and Forfeitures report for the month of January, 2007 was presented and showed \$4,616.63 in fines.

Regular Meeting
February 20, 2007
Continued

Marshall Lee then presented pictures to the Council showing crack cocaine that was found during an inspection of a house for code violations. The drugs have a dealer value of an estimated \$5,000 and a street value of an estimated \$10,000. While no arrests were made, fingerprints were taken and submitted for identification.

The Recorders report of Revenues and Expenditures through January 31, 2007 was presented.

The results of a meeting with property owners to address the status of building repairs at 500 West Oak Street were presented to the Council. Attorney Holloman stated that this was a quasi-judicial matter. Attorney Holloman then asked that anyone who intended to speak on this matter to stand and be sworn in. Mr. Holloman addressed the Council and asked if anyone had any verbal or written correspondence or had visited the site. No one had anything to report. Mr. Phillips stated that he had written a letter and had presented photos to each member at the previous Council meeting. It was noted these items were part of the Council's February 6, 2007 agenda packets and therefore there was nothing new to report or declare. Stan Abram, Mitigation Case Manager, reported that he had attempted to meet with the concerned parties; however, no one wanted to meet with him either separate or together. Attorney Holloman stated that he had visited the site twice, and it is his opinion that the Council take no further action because this is not a nuisance according to the City Code. Mr. John Phillips, a neighbor to the property addressed the Council stating that he differs with the opinion of Mr. Holloman. Mr. Phillips stated that Stan Abram had issued on the City's behalf a citation that did site the property as a nuisance. He also stated that from the date of the citation nothing had been done until today, when Mr. Cosentino, owner of property did some work. Mr. Phillips suggested since there seems to be no objective criteria as to what defines a nuisance, the neighbors should not be subjected to the property deficiencies. Mr. Phillips does not feel that the declaration of a nuisance should be at the sole interpretation of the City Attorney. Mr. Phillips expressed concern that the house could be a drug haven, shelter for homeless vagrants and a fire hazard which would have a direct effect on his home. He also sited the dangers if a tornado or hurricane occurred noting that debris from the site could be a danger to his home and person. Mr. Phillips believes that if the house is safe, it should look like a normal house. He also stated that the current tax records show the house as being 10 % good and 90 % not good. He noted that due to the condition of the house, the taxable value had declined significantly. Michael Cosentino, owner of the house addressed the Council. He disagreed with the taxable value stated by Mr. Phillips noting that until he has a "certificate of occupancy" the property will be taxed on land value only which does not mean that the house does not have a value. Mr. Cosentino stated the house was inspected and certified structurally sound by a structural engineer. Mr. Cosentino recounted helping Mr. and Mrs. Finley in seeing that their home was safe

Regular Meeting
February 20, 2007
Continued

and repaired properly after Hurricane Charley. The Finely home is located 18 feet from Mr. Cosentino's property line. Mr. Cosentino stated that the neighbors have spoken negatively to prospective buyers who had recently visited the site. He stated that the house was not condemned and he is willing to do whatever the Council asked that he do to satisfy code. Council Member Fazzone noted the Ingram House, owned by the Historical Society is in worse shape than the Cosentino property. He suggested Mr. Cosentino fence his house. Attorney Holloman stated the City had no right to request that the house be fenced in. Council Member Goodman stated the house did not look any worse; or as bad as some of the houses that many of the Council Members and city residents live beside. Mayor Johnson stated there must be equality throughout; one house could not be sited if all houses were not looked at. The Council cannot penalize one person. Attorney Holloman stated again the house is not a nuisance under the City Code. He advised the Council to take no other action at this time noting that a motion is not necessary, and that Code Officer Rogers and Stan Abram also take no further action. Mrs. Finely stated she had concerns that someone would break into the house. Mayor Johnson stated the Council has said no further action would be taken on this item and he then moved on to the next item on the agenda.

John Reed, Public Works Supervisor presented the Public Works Report for the month of January, 2007. Mr. Reed addressed the Council regarding the recently purchased street sweeper. Council members in the previous meeting had questioned why the sweeper was not working. Mr. Reed explained that there had been some operational problems noting that there had been a manufacture recall on the brushes; however, it was now in operation again. He stated it will now be running five (5) days, eight (8) hours per day. Council Member Heine asked that leaves be removed from the storm drains. He indicated that Arcadia Avenue has been stopped up for a long time and there are other drains around the City that are also stopped up and needed to be cleaned. Fazzone asked if the sweeper had a vacuum. Mr. Reed stated the Public Works department has a more effective machine for vacuuming. Heine stated the streets were being ruined by standing water. Fazzone asked about the road repairs. Mr. Reed reported that the poor patching job is the results of a FEMA contract that only addressed certain areas. Mr. Reed stated that there is now a contract for total paving. Mayor Johnson asked for the time frame for repairs.

Administrator Strube stated the overlay was being looked at noting that there was a contractual dispute. Administrator Strube stated he hoped more monies would become available for street repair from Federal Highway Funds. Special Projects Coordinator Hewitt stated FEMA was paying for the repair of the sewer lines underneath the road. Mayor Johnson stated that the City needs to redo the road surface. Council Member Goodman requests a list of the streets to be repaired. Mr. Reed stated another problem with the cleaning of the storm drains is the fact that people blow leaves back into the street and drains with weed eaters and lawn mowers. All Council members expressed concern regarding the poor condition of the streets within the City. Special Projects Coordinator Hewitt noted that there had been \$200,000 for street repairs before Hurricane

Regular Meeting
February 20, 2007
Continued

Charley; however, those funds were used for other repairs.

By letter, Jessica Brown addressed the Council to request a community center for teens. Mayor Johnson requests that Administrator Strube draft a respond to Ms. Brown for the Mayor to sign.

Mrs. Cindy Long, President of Antique Association of Arcadia, and owner of Isabelle's Antiques, addressed the Council for permission to move the antique fair date in October. The antique fair is usually held on the fourth Saturday of each month. However, in October, there will be a conflict on that date because of the Fall Festival hosted by Main Street. The request is to move the antique fair to the third Saturday in October, 2007, for that month only. Whitlock then moved to grant the request to hold the antique fair on October 20, 2007; seconded by Fazzone and carried.

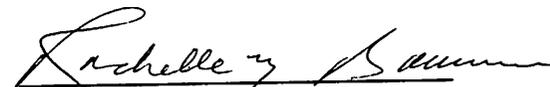
Attorney Holloman advised the Council that more information would be forthcoming in reference to the ordinance on Adult Entertainment noting that he has been meeting with the County Attorney and reviewing ordinances addressing this issue.

Council Member Whitlock reported that work at Wood Park Pointe was almost completed, and it looks great.

Mayor Johnson requests Special Projects Coordinator Hewitt take pictures of all Council Members to be displayed within the City Chambers.

Council Member Fazzone congratulated Council Member Goodman for completion of her PH.D in Ministry.

There being no further business, the meeting was adjourned.


CITY RECORDER


PRESIDENT