

REGULAR MEETING

FEBRUARY 6 2007

A Regular Meeting of the Arcadia City Council was held on February 6, 2007, at 6:00 p.m. in the Margaret Way Building at 23 North Polk Avenue. Council members attending were Johnson, Goodman, Fazzino, Whitlock, and Heine. Also in attendance were Administrator Strube, Attorney Holloman, City Marshall Lee, Special Projects Coordinator Hewitt, Ms. Way and Recorder Baumann.

Mayor Johnson called the meeting to order.

The Invocation was given by Council Member Whitlock

Pledge Allegiance to the Flag.

The Minutes of the Regular Meeting of January 16, 2007 were adopted on a motion by Whitlock ; seconded by Heine and carried.

Richard Dunn, owner of a single residence located at 1204 Charles Street; Lots 4, 5, and 6, Block 5, Tier 7 of Gilchrist's East End Addition, presented the Council with a request. Mr. Dunn would like to remodel the current residence to a duplex. Attorney Holloman stated that this request is a quasi-judicial matter. Attorney Holloman asked if anyone in the audience intended to speak in opposition of this request. No one spoke. He then asked if any Council Member had spoken with anyone regarding this request, either verbally or by letter. No one had anything to report. Attorney Holloman than asked if any Member had visited the site. No one had visited the site. Attorney Holloman advised that the current zoning on this residence is R1B a One Family Dwelling District. Recorder Baumann then read from the Code Book section 110-241 (7) (f) which does allow for an R1B to convert to R2A Two-Family Dwelling District subject to approval by the Council. Fazzino then moved to grant the request by Resolution No. 2007-3 per City Code Section 110-241 (7) (f) that the Council finds for the necessity and desirability for public convenience and/or welfare and of their conformity with the spirit and purpose of the chapter and that it is in the best interest of the City of Arcadia, for the converting of a one family dwelling to a duplex at 1204 Charles Street; seconded by Whitlock and carried.

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RESOLUTION NO. 2007 - 3

A RESOLUTION GRANTING APPROVAL IN ZONING LAWS
TO RICHARD DUNN TO CONVERT A SINGLE FAMILY
DWELLING INTO A DUPLEX IN A ONE-FAMILY
DWELLING R-1B DISTRICT AND SETTING FORTH CONDITIONS.

WHEREAS, Richard Dunn has requested approval in zoning laws to permit him to convert a single family dwelling into a duplex in a one-family dwelling R-1B district, and

WHEREAS, Section 110-241 uses permitted under (7) states: subject to the approval of the City Council, after a finding of their necessity or desirability for public convenience and/or welfare and of their conformity with the spirit and purpose of this chapter: Two-family dwellings conforming to the requirements specified for R-2A districts, in R-1B one-family dwelling district may be allowed, and

WHEREAS, the City Council finds there is a need for affordable housing in Arcadia which can be helped by granting this approval.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Arcadia, Florida, that Richard Dunn be granted approval to convert a single family dwelling into a duplex on lots 4, 5 & 6, Block 5, Tier 7, Gilchrist East End Addition to Arcadia.

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

1. This approval is non-transferable.
2. All regulations required by the State, County and City be met for each duplex.
3. The current plot use shall be in accordance with Section 110-241 (7-f) of the City of Arcadia Zoning Code.
4. A separate water meter and sewer tap will be installed for each living unit.

PASSED BY THE CITY COUNCIL of the City of Arcadia, Florida in Regular Session this 6th day of February, 2007.

CITY OF ARCADIA, FLORIDA

By: /s/ ROOSEVELT JOHNSON
ROOSEVELT JOHNSON, MAYOR

ATTEST:

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

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Lydia Richardson-Stewart addressed the Council to request permission to operate a daycare center at 256 South Monroe Avenue, Arcadia. Attorney Holloman stated that this request is a quasi-judicial matter, and called for any opposition from the audience. There was none. He then asked the Council Members if anyone had received verbal or written correspondence or had done a site visit. No one had anything to report. The current property is zoned M-2 General Industrial District. It was noted that the approval for a daycare is usually done by resolution; however at this time Ms. Stewart has not been certified by the state. Ms. Stewart's request is for approval of the location of the facility. Fazzone then moved to grant the request to operate a daycare center at 256 South Monroe Avenue subject to meeting all City, County, and State regulations; seconded by Whitlock and carried. After Ms. Stewart is certified by the state a resolution will be prepared listing the number of children, hours of operation and number of parking spaces.

Michael Bush, for Arcadia Shoppes, L.L.C., presented the Council with a request to approve an Agreement between First Assembly of God Church and Arcadia Shoppes, L.L.C. relative to obtaining a liquor license. Attorney Holloman stated this is a quasi-judicial matter. Holloman then asked for those in opposition or in favor to speak. Only the petitioner Mr. Bush wished to speak on the matter. He then asked if any member of the Council had received any verbal or written communication, or visited the site. No one had anything to report. Mr. Bush asked the Council for a variance of the ordinance which requires a distance of three hundred (300) feet from a church, school, park or playground, or day care center in order to sell alcohol. He would like the distance allowed to be two hundred fifty (250) feet. Attorney Holloman stated the granting of a variance would apply to a change in zoning. This is not a zoning matter it would require a change in a City ordinance which is a law. The Council does not have the authority to grant a variance or change a City law. The only way the ordinance can be changed is if it is re-written and then re-adopted. At this time if Mr. Bush allows for the sale of alcohol he would be in violation of the ordinance. Mr. Bush stated he had no intentions of violating this ordinance. Mr. Bush then questioned the previous selling of alcohol at a grocery store that had been in the shopping center for years before the churches and day care center were in the area. The ordinance states that if a business was closed for more than twelve (12) months, the ordinance then would not allow for the sale of alcohol. Mr. Bush stated that Hurricane Charley had been the cause of the building being closed for this length time, asking if a variance could not be given to cover this occurrence. Council Member Goodman asked when Mr. Bush purchased the property. He stated last year. Goodman asked if he was aware of the churches. He stated he was, but did not know about the ordinance. Administrator Strube stated the property owner had lost his position due to change in ownership; however, the Council wants to relieve his plight. Council Member Heine asked that Mr. Bush meet with Administrator Strube. There was some discussion as to the exact location of the 300 foot requirement. Mayor Johnson stated that the Council was trying to meet the criteria of the pre-existing code, and would be addressing the hurricane as an Act of God, as it applied to the ordinance. Heine moved to table the request until the next Council meeting at which time a map of the 300 foot location

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will be presented and to modify the current ordinance to allow for the shopping center to sell alcohol based on the preexistence of the store; seconded by Goodman and carried.

Richard Bowers, Jr., president of the DeSoto County Community Development Corporation addressed Council to discuss plans for Louis Anderson Park. Mr. Bowers wanted to bring the Council up to date on the progress of the Corporation, and to let the Council know the Corporation would like to partner with the City of Arcadia in the improvements to Louis Anderson Park. Council Member Heine stated that the Council is 100% behind the Corporation, and would do everything they can with what is available. It was noted that the City can not apply for Community Development Block Grant (CDBG) funds to help with the cost of park improvements as the City will not have completed all currently funded CDBG projects by March 1, 2007. Mr. Bowers then introduced Robert Rivers to the Council. Mr. Rivers has been appointed to do research and information pertaining to this project, as well as spokesperson for the Corporation. Mr. Rivers informed the Council of some grants that might be available noting that one grant allows for funds if an area has been cleaned up from drugs. Administrator Strube stated that most grants have specific criteria and regulations that need to be met and he would be happy to work with the Corporation regarding applications for grants. In addition, Mr. Rivers reported that new estimates and plans had been obtained for restroom facilities at Louis Anderson Park. The Council had previously been provided with pictures of the restrooms, which would cost around \$19,000 for two (2) stalls. Council Member Heine questioned if these restrooms would be stationary and made of block and he was informed that they would be block. Heine then asked if a septic tank would be used or if they could use the sewer system to which Administrator Strube stated that there is a sewer line available for the restrooms. Administrator Strube stated if there is a design for \$20,000, it could then be put out for bid. Mayor Johnson asked for a sketch. It was noted that the design is based on the drawings submitted to the Council at the last meeting, the only change is that it will now be concrete block construction rather than a pre-fabricated building. Heine then moved to grant \$20,000 for restrooms for Louis Anderson Park and that the design be place out for bid; seconded by Goodman and carried.

Katie Grantham, representing United Way, addressed the Council and presented the goals for United Way noting that a goal of \$50,000 had been set for this year. Ms. Grantham reported that 100% of all money collected would remain in DeSoto County. It was noted that Council Member Goodman is on the local Board of Directors for the DeSoto County United Way. Ms. Grantham requests that a payroll deduction be made available for City employees who might want to donate to United Way. Council Member Fazzone asked if Ms. Grantham would like to give a presentation to City employees about United Way and speak to them about the ability for payroll deduction as well. Fazzone then suggested that she coordinate a time and date with Administrator Strube.

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Leonard Higley, Chairperson of Pioneer Day, addressed the Council with a request for closure of Volusia Street at East Oak Street to the north side of Martin Realty driveway on March 17, 2007 from 7:00 AM to 5:00 PM for the Pioneer Day festival. Coordination for this closure has already been discussed with City Marshall Lee who had no objections. Fazzone moved to grant the request for closure of Volusia on March 17, 2007 as presented; seconded by Whitlock and carried.

Margie and John Phillips addressed the Council with a request for demolition or prompt restoration of a structure located at 500 West Oak Street. Mr. Phillips complained that the house is an eyesore and a nuisance. He stated that he had spoken on numerous occasions to the owner, Mike Cosentino. Mr. Phillips stated nothing has been happening in many months and he was informed by Mr. Cosentino it would be three (3) to five (5) years before the structure would be repaired. Mr. Phillips believes that the house is a potential haven for drug users and the homeless. He also stated that it is a fire hazard for nearby houses. Council Member Heine asked if a code enforcement notice had been given to which Administrator Strube replied yes. The notice was sent on January 5, 2007 and the thirty (30) days for response time has elapsed. Mr. Cosentino was informed that he could respond to the notice at this meeting. Mr. Cosentino then addressed the Council stating he is a building contractor in Sarasota, Florida. He reported that he spent a lot of time doing volunteer work in Arcadia during the aftermath of Hurricane Charley. It was at that time he purchased the house with the intention of rebuilding; however he has run out of money. Local Realtor, George Whitlock spoke on behalf of Mr. Cosentino and asked that the Council try to help Mr. Cosentino in recognition of all the help he has given the community in rebuilding their homes, sometimes using his own money for materials. Mr. Phillips stated that he could agree to help Mr. Cosentino, but wants a set deadline for when renovations will be done. Mr. Phillips fears another storm coming through this area and the debris from the structure causing damage to his property or to himself. Mr. Cosentino asked the Council what measures he can take to satisfy the code citation. He asked for an explanation of the term nuisance as cited by code enforcement. Attorney Holloman suggested that maybe cutting the grass and securing items that might blow into another person's property would be of help. Council Member Goodman stated that the City has a process in place and it is being followed noting that Stan Abram was hired as a Mitigation Case Manager to aid in this process. Goodman requests that Stan meet with Mr. Cosentino to come up with a plan to solve this problem and give a report at the next meeting on February 20, 2007. It was suggested that the meeting should include any concerned neighbors as well. Attorney Holloman stated that this was not about satisfying people, but satisfying the law.

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A report of Police Fines and Forfeitures for the month of December 2006 indicates fines in the amount of \$4,525.12.

The Police Department Activity Report for the month of January 2007 was presented.

Marshall Lee reported that cross ties on the corner of Pine and Monroe were now being moved by the railroad. Mayor Johnson complimented Marshall Lee for working and resolving this problem.

Administrator Strube noted that both Code Enforcement Officer Jimmy Rogers and Mitigation Manager Stan Abram worked on the railroad issue as well and complemented them on their team work.

Administrator Strube addressed the Council regarding the City's payment calculations of the Interlocal Agreement for Fire and Emergency Medical Services. The County and City have now agreed on a monthly payment of \$58,627.58 from the City to the County for the 2006/07 fiscal year. All payments are up to date.

Administrator Strube then reported on the status of the transfer of the old water plant to the County. He noted that County Administrator Coffey reported that the environmental study of the old water plant land has been completed and we are moving forward. Mr. Coffee will discuss several issues with the County Commission before proceeding with the transfer of the title.

The Flowage report of Air-Cadia, Inc. for the month of December 2006 for the Municipal Airport was presented.

The Public Works Report for December 2006 was presented. A total of 802.5 man hours were reported. Council Member Heine requests that the sweeper run throughout the City not just in the downtown area.

The January 2007 report of Arcadia Golf Course receipts and number of play was presented. There were a total for 7739 plays for January 2007. This is up from the same time last year from 5653 plays. Ernie Hewitt, Special Projects Coordinator reported the golf course had been broken into two times in this month. Items stolen were two (2) golf carts, twelve (12) cases of beer, golf clubs and other merchandise. The assailant is on the security camera, but as of this date is not identified. Mr. Hewitt is looking into other methods of security. Mr. Hewitt reported that the AmCan International Tournament will be held on February 14, 2007 at 2:30 p.m. This is the annual tournament between American and Canadian golfers.

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Laraine Pollock addressed Council to ask for a waiver of \$50.00 due to the change in membership amounts and dates. She also requests that Council reconsider the 2006-07 annual membership rate schedule. Mrs. Pollock stated she feels that she is being penalized due to the City's change of policy regarding membership fees. She requested a pro rated fee due to the fact her membership did not expire until December 27, 2006. She wanted to renew her membership in January in order to take advantage of the discounted annual membership. Council Member Heine asked if annual members had been notified by letter in advance of the pending rate changes. Mr. Hewitt said they had not been notified and any change could affect about thirty-five (35) members. Mayor Johnson feels that the rates need to be looked into and a pro rated schedule of the previous annual members done. Heine moved to pro rate previous memberships to a new annual membership due to the City's policy change; seconded by Goodman and carried.

An invitation from the Board of County Commissioners inviting the Council and staff to attend the Grand Re-Opening of the Turner Agri-Civic Center on Thursday, February 15th, 2007 from 11:00 a.m. until 6:00 p.m. was presented.

Mrs. Wright addressed the Council regarding abandoned and damaged houses in the Monroe, Alabama, Martin Luther King, and Pine Street areas. She questioned when these buildings would be repaired or removed. Council Member Heine stated that these areas are being worked on now. Mayor Johnson reported that these houses have been identified and are being dealt with. It was noted that if they are not on the tax roll, the City can take control and sell those that meet specific criteria.

Mrs. Billy Waldron addressed the Council requesting that limbs from city trees hanging on her property be cut and removed. Administrator Strube will take care of this problem.

Darby Ellis addressed the Council regarding a house on Alabama Avenue that needs cleaning up. He also asked the Council for clarification of the ordinance regarding the closing of restaurants at midnight if they serve alcohol. Attorney Holloman read the ordinance to Mr. Ellis. The ordinance stated that the serving, consumption, or distribution of alcohol must cease at 12 midnight, however, food could continue to be sold. The ordinance states that the owner of the business is responsible for any drinking of alcohol on the property after midnight. It was noted that other local restaurants which serve alcohol do close at midnight in order to be in compliance with the law.

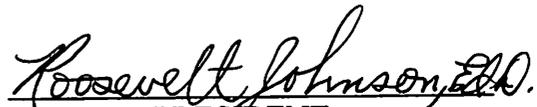
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City Recorder Baumann requests that the Council ratify the re-appointment of Karl Lewis to serve as "Member at Large" on the Police & Fire Pension Board for a two year term. The term will expire on January 1, 2009. Goodman moved to re-appoint Karl Lewis to serve on the Police and Fire Pension Board; seconded by Heine and carried.

Mayor Johnson requests that Marshall Lee research a complaint involving a blocked corner at Memorial Elementary School and the lack of 15 mile per hour speed signs. Mayor Johnson stated that several citizens had complained to him there were no speed sign and they could not see at the stop sign for debris blocking the view.

There being no further business, the meeting was adjourned.


CITY RECORDER


PRESIDENT