

REGULAR MEETING
JANUARY 6, 2009

The Regular Meeting of the Arcadia City Council was held on January 6, 2009 at 6:00 p.m. in the Margaret Way Building at 23 North Polk Avenue. Council members attending were Fazzone, Dixon, Johnson, Goodman and Heine. Also in attendance, Interim Administrator Fink, Attorney Henbest, Marshall Lee, Special Projects Coordinator Hewett, Parks and Recreation Supervisor Waters. Recorder Baumann was absent due to health issues.

Mayor Fazzone called the meeting to order.

The Invocation was given by Dr. Roosevelt Johnson, Councilman.

Pledge Allegiance to the Flag.

The Minutes of the Work Session of December 16, 2008 and the Minutes of the Regular Meeting of December 16, 2008 were adopted on a motion by Heine; seconded by Dixon and carried.

A request by letter, from Mr. Eddie Gibbs to remove tables at the park at 1491 S.W. Martin Luther King, Jr. Street was presented. Mr. Gibbs was not in attendance. The letter states that young adults occupying the tables are involved in various activities that are unsafe and a public nuisance. Mrs. Adrian Daly, a member of the public asked why the tables should be removed and not the offenders. Marshall Lee addressed the Council stating that this is not a new problem as it had been addressed two (2) years earlier. He stated that people living in the area congregate at the park. He then reported that the doors to the new restrooms have already been vandalized. Marshall Lee stated that his department needed help in patrolling the area. Due to the absence of Mr. Gibbs continuing discussion and action was tabled.

A request by Mr. John Saffer, proprietor of The Hot Fudge Shoppe, to close Oak Street from Highway 17 to Orange Street for a "Cruise In" on the third Sunday of the months of January, February and March 2009 was presented. Heine moved to approve the request as presented to hold a "Cruise In"; seconded by Dixon and carried. Deputy Mayor Dixon questioned the change of wording in the request from Antique Car Show to "Cruise In". Mr. Saffer stated there would be no trophies or prizes given away in a "Cruise In" Mr. Tom Brooks, Disk Jockey for the event addressed the Council stating a "Cruise In" was an event where cars come to town and park allowing the participants to walk around looking at other cars, and shop or eat in the local restaurants. Deputy Mayor Dixon asked what type of cars would be involved in the "Cruise In" to which Mr. Saffer stated there would be antiques, hot rods, new cars and street rods. Deputy Mayor Dixon stated he wanted the Council to have a clear understanding that no one would be soliciting the sale of any cars. Mr. Saffer stated that was correct. Deputy Mayor Dixon suggested that in order to alleviate congestion and the possibility of an accident that DeSoto Avenue to Orange Avenue be closed instead of Highway 17. The motion was amended to include the closing of DeSoto Avenue to Orange Avenue; and carried. Attorney Henbest noted that the motion for the closing of the streets would be from 1:00 pm until 4:00 pm.

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The Police Activity Report for the month of December, 2008 was presented. Marshall Lee reported that a Roadside Sobriety check point had been conducted by the Police Department, which resulted in several arrest.

Marshall Lee then reported on a situation which occurred on January 1, 2009 at a business on South Alabama Avenue called The Hot Spot. He stated this incident resulted in the arrest of the business owner, Mr. Darby Ellis along with several other individuals. Mr. Mitch Watson also appeared before the Council. Mr. Watson was involved in the incident along with Mr. Ellis. Mr. Ellis addressed the Council to voice concerns regarding the event that happened on New Year Eve. Mr. Ellis stated that underage children were on the streets and in the area of his business, as well as others congregating on neighboring property that caused problems. Interim Administrator Fink addressed the Council regarding a letter presented to Mr. Ellis on December 18, 2008, by the City regarding compliance of his business to the Ordinances of the City. The business had not been inspected by the County Fire Marshall since the merger of the City of Arcadia with the DeSoto County Fire and Rescue.

Deputy Mayor Dixon stated originally, he had helped Mr. Ellis get a special exception from the City for the grease trap in order for him to get his occupational license to open the business. He stated he had asked Administrator Strube to work with Mr. Ellis and to give him a specific time in which this would be done. He stated at that time, the exception was granted. Deputy Mayor Dixon stated now two (2) years later, he did not know if this had been completed. Deputy Mayor Dixon stated he had heard rumors that Mr. Ellis stated "Dixon wanted you closed down". Deputy Mayor Dixon stated this was not true. He had never given anyone orders or said in anyway to "close down" Mr. Ellis. He stated he had complaints of garbage and trash blowing into people's yards. Deputy Mayor Dixon stated he does have a concern for that issue. Deputy Mayor Dixon stated Mr. Ellis needs to comply with the ordinances of the City like any other business owner. I have concerns of the garbage stacked up and running all over the place, and the noise. I am also concerned, did you get a tax certificate or a license. Deputy Mayor Dixon stated that he understood Mr. Hewett to say that Mr. Ellis received a paid tax certificate, not a license.

Mrs. Ellis, a member of the public, and the mother of Mr. Darby Ellis addressed the Council regarding concerns for safety. She stated that Mr. Ellis had called the Police several times, they came to the business; however nothing was done. She stated that Mr. Ellis cannot control what happens in the streets; that would be for the Police to enforce. She then noted there are problems in getting through the streets in the area of The Hot Spot even when the business was closed. She suggested an ordinance dealing with age and is concerned with the loitering on Alabama. She agreed that her son should meet the regulations and be in compliance as a business owner in the City.

Councilman Johnson stated that it is the Council's responsibility to make sure that everything is in order as far as the business is concerned; however anything dealing with the law would need to be handled by law enforcement officers and not the Council.

Interim Administrator Fink stated that all business will follow the Code and will be expected to be in compliance. If they are not in compliance we will work with them and if they refuse then we will not issue an occupational license.

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Special Projects Coordinator Hewett addressed the Council and read from the City of Deltona's Ordinance regarding occupational licenses. He stated that Deputy Mayor Dixon had directed him and the former administrator to investigate the situation at Mr. Ellis's business. He then stated that if Mr. Ellis is going to generate more than three (3) trash cans twice (2) a week then it appears that a dumpster should be required. Regarding the grease trap Mr. Ellis was originally given ninety (90) days to try and install an in ground grease inceptor collection system. Mr. Hewett then stated that at this time the City has no problem with the grease trap and noted that Mr. Ellis has paid his occupational tax and has met the conditions cited in the letter.

Interim Administrator Fink stated business in the City had received occupational license before the consolidation of the County and City Fire Department. All business in the City must also have a County license. The County Fire Department handles all fire inspections and now requires an annual inspection. Interim Administrator Fink would like for every business in the City to provide the City with a copy of their updated/current license from the County. Councilman Johnson stated he had previously asked that a procedure be established in writing for both business owners and staff listing the required steps in order to comply with receiving a license from the City. Interim Administrator Fink requested that he receive approval from the Council to work with the City Attorney in preparing a procedure to present to the Council. Heine moved to approve that Interim Administrator Fink and the City Attorney work together to establish a procedure for receiving an Occupational license; seconded by Johnson and carried. Attorney Henbest stated the state law had recently changed to call this a business tax not a license. He stated the City code would probably need updating. Attorney Henbest stated he would try to have a draft ready by the next Council meeting.

Marshal Lee addressed the Council and stated that the City needs to take some type of action in order to prevent incidents such as what recently happened before someone gets hurt. He feels that steps need to be taken by the City, Council and the Marshal to insure the safety of children in the area.

Deputy Mayor Dixon asked Marshal Lee for a recommendation of what the Council should do.

Councilwoman Goodman stated that she agrees it is not Darby's responsibility; however something needs to be done. This is a community issue. She suggested that the parents of the children or the Department of Children and Families be notified when underage children are on the streets.

Mr. Ellis addressed the Council stating he had called the Police Department many times, and had tried to work with them to alleviate the problems with underage children on the street and in his business at late hours. Administrator Fink suggested that Marshall Lee research the State Statutes on curfews, loud music, and loitering noting that Sarasota County impounded cars to solve repeat problems.

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Deputy Mayor Dixon stated for the record, "This elected official will not be held accountable for anyone's children other than my own two and they do not go down there". "I am not responsible for anyone's actions". "I do not support these actions nor this type of conduct from any community." "I will not be held responsible for other people's actions".

Councilman Heine suggested that the name of the parents of the children that are on the streets be turned into the Police Department.

Heine moved to approve a contract between Interim City Administrator Fink and the City of Arcadia; seconded by Goodman and carried.

Interim Administrator Fink reported he has been reviewing job descriptions, talking with employees and familiarizing himself the workings of the City.

Interim Administrator Fink recommended the Council meet in a work session be held at 5: o'clock p.m. prior to the next Regular Meeting to discuss and prioritize any Capital Projects and any interactions with the City and County on joint projects. Council agreed to hold a work session at 5:00 pm on January 20, 2009.

Mr. Minnear from the airport requested a workshop be held in February to discuss making the airport more profitable for the City of Arcadia. No actual date was set.

Councilman Heine suggested a plaque be given in honor of years of service to the City of Arcadia for retiring Administrator Strube and Ms. Way.

Councilman Johnson stated he was not informed of any affair for Ms. Way until after it had occurred. Councilwoman Goodman stated she just happened to pick up her packet with the invitation inside shortly before the affair was over.

Interim Administrator Fink apologized for staff not contacting the Council members regarding the affair.

Goodman moved to present Mr. Strube and Ms. Way with a plaque and resolution, and to invite them to the next Council Meeting for presentation; seconded by Johnson and carried.

The Arcadia Mobile Home Park status report for the month of January, 2009 was presented.

The Parks and Recreation Department Activity Report for the month of January 2009 was presented.

Mayor Fazzone stated he has asked in past that Department Heads attend Council meetings.

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Mrs. Jennifer Codo-Salisbury addressed the Council and gave a status report on the 2009 Evaluation and Appraisal Report (EAR). Mrs. Codo-Salisbury stated the report has been worked on since last spring. A full update will be presented at the end of March, 2009 and be ready for adoption by July 1, 2009. An update of the Capital Improvements Element (CIE) was sent to the State in November. A "Notice of Intent" has been received and should be adopted on January 19, 2009.

Mrs. Codo-Salisbury stated other services to the City include assistance in preparation of future land use amendments, technical assistance in evaluation and processing of land development proposals, technical assistance on minor revisions to the Unified Land Development Code, coordination of training sessions on State statute and rule changes that effect the City's compliance with Chapter 163, F.S., update of the Map Series for Comprehensive Plan, and update of the Official Zoning Map. In addition they can assist the City on matters concerning content of proposed plans, process for development review and the integration of development and its infrastructure plans into the City's Comprehensive Plan and review the Unified Land Development Code and Comprehensive Plan.

Mr. Gary Frierson, a member of the public addressed the Council and asked if Department Heads are paid their hourly wage when attending Council meetings. Councilman Johnson stated attending meetings was part of Administration's job.

Councilman Johnson stated he had received a letter regarding the downtown public restrooms. The letter was given to Interim Administrator Fink for handling.

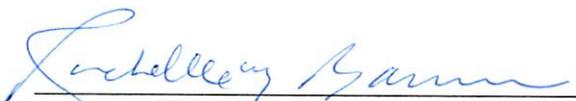
Attorney Henbest reported that a release has been executed by Mr. and Mrs. Baudreau and he will provide an original copy to Administrator Fink.

Deputy Mayor Dixon stated he was pleased to have Interim Administrator Fink and appreciated all his efforts in keeping the Council informed on any issues or events. He stated he wanted to be involved in everything pertaining to the City of Arcadia.

Mayor Fazzone and Council members Johnson, Goodman and Heine, also expressed their pleasure in welcoming Interim Administrator Fink.

Interim Administrator Fink reported that he would be attending the Regional Planning Council meeting on January 14, 2009 with Deputy Mayor Dixon.

There being no further business, the meeting was adjourned.


CITY RECORDER


PRESIDENT