

REGULAR MEETING
JULY 15, 2008

A Regular Meeting of the Arcadia City Council was held on July 15 2008 at 6:00 p.m., in the Margaret Way Building at 23 North Polk Avenue. Council members attending were Goodman, Fazzone, Johnson, Heine and Dixon. Also in attendance were Administrator Strube, Attorney Galvano, Marshall Lee, Special Projects Coordinator Hewett, Parks and Recreation Supervisor Waters, and Recorder Baumann.

Mayor Goodman called the meeting to order.

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

Pledge of Allegiance to the Flag.

The Minutes of the Regular Meeting on July 1, 2008 were adopted on a motion by Johnson; seconded by Fazzone and carried.

Administrator Strube addressed the Council regarding wording of proposed ordinance No. 940. He stated that Attorney Galvano has added some clarifying language as noted on the enclosed attachment. Heine moved to read Proposed Ordinance No. 940 by title only; seconded by Dixon and carried.

ORDINANCE NO.940

AN ORDINANCE OF THE CITY OF ARCADIA, FLORIDA, A
MUNICIPAL CORPORATION, PROVIDING FOR THE
AWARDING OF DENSITY BONUS INCENTIVE FOR
AFFORDABLE HOUSING; PROVIDING FOR SEVERABILITY;
AND PROVIDING FOR AN EFFECTIVE DATE.

Fazzone moved to adopt Ordinance No. 940 on second reading; seconded by Heine. Mayor Goodman asked for comments from the public. There were none. The motion carried on a roll call vote. Ayes: Dixon, Fazzone, Johnson, Goodman and Heine. Nays: None

Councilman Dixon asked Administrator Strube if this was a "good thing" based on the number of units for this property to which Administrator Strube stated that it was as it will help elderly and low income citizens. Administrator Strube then noted that there is another issue on the agenda relevant to this development which is the rezoning of the property. Councilman Johnson asked Administrator Strube to find out the age used to define a senior citizen for this project.

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Ms. Teresa Perez, Regional Director of Dealer 1 Stop, LLC addressed the Council regarding her request to hold a temporary auto tent sale at the DeSoto Plaza on July 17 through 21, 2008 by Charlotte Honda d/b/a Florida Auto Liquidators. It was noted that the Council denied this request at their July 1, 2008 meeting. Councilman Heine asked who authorized the vehicles to be set up today to which no one responded. Marshal Lee reported that he had stopped the setting up of the event. Heine then moved to again deny the request until such time as the Council has rules and regulations in place regarding tent sales; seconded by Johnson and carried. The Council then expressed their dissatisfaction with Ms. Perez and Charlotte Honda for setting up for the event after having previously been denied and prior to the Council discussing it at this meeting noting that this was very disrespectful. Mayor Goodman stated that she did not appreciate that people thought that she had approved the event when she did not.

Ms. Perez asked when the rules would be in place to which the Council stated that they do not have a definite date at this time. Johnson moved to have Attorney Galvano and Administrator Strube work on language to regulate the location and type of tent sales; seconded by Heine and carried.

Mr. Richard Bowers, President, DeSoto County Community Development Corporation, addressed the Council and thanked them for their past support. He stated that he is very happy that the Council asked Administrator Strube to withdraw his resignation and he welcomed the new Attorney. Mr. Bowers then asked the Council to consider a donation of Ten Thousand Dollars (\$10,000.00) to assist with upcoming projects. Mayor Goodman stated that they will take the request into consideration during the Budget Work Session.

Ms. Jackie Tucker addressed the Council with a request to hold a horse parade on National Cowboy Day, on July 26, 2008, beginning at 5:00 p.m. at Oak Street and Orange Avenue. Marshall Lee stated he had not been consulted regarding the parade, as per normal operating procedures. Fazzone moved to grant the request pending discussion with the Marshall; seconded by Dixon and carried. Marshall Lee stated he did not see any problems with the parade. Ms. Tucker apologized for not following procedures, stating she had been out of town and had gotten the request on short notice.

The Fines and Forfeitures Report for the month of June, 2008 was presented showing \$2,975.88 in fines. Marshall Lee stated that he backs the Council in their decision to retain Mr. Strube as City Administrator.

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Administrator Strube addressed the Council regarding the proposed FY 08/09 budget which has been balanced using last years millage rate and was included in the agenda packet. The current budget includes significant increases for fuel and electric. He reported that he received the Certification of Assessed Values on Friday, July 11, 2008 which shows a reduction of about 3.7% factoring in the reduction for the additional homestead exemption and devaluation of property. Originally it was thought the rate would be a reduction of about 12.1%. The current reduction of 3.7% equates to a shortfall in revenue of \$64,000.00. It was note that in the past the increase in revenue was about \$50,000.00, so not only will we not get any additional revenue we will actually receive less. This year the roll back rate is actually a roll forward rate of 8.06 or half a mill increase. Administrator Strube stated that the Public was very clear by the passing of Amendment 1 that they are not in favor of any tax increase. He stated that it would be a credit to the Council to balance the budget using last year's millage rate of 7.5587. He noted that there are several organizations, such as the Main Street, Chamber of Commerce, The Historical Society, Senior Center and the Homeless Collation which the Council has supported in the past; however, the request for Ten Thousand Dollars (\$10,000) from the DeSoto County Community Development Corporation is a new request. Administrator Strube also reported that the budget for fuel has been increased by 48% or Eighty One Thousand Dollars (\$81,000) noting that the Police Department and the Sanitation Department are the largest fuel users. He noted that the City could charge a fuel surcharge for garbage by increasing the rate by 25 cents which would generate about \$10,000.00 in additional revenue. The budget for electricity has also been increased by 16%. He then reported that several employee positions have remained vacant since Hurricane Charley in 2004 and he has now appropriated those funds to offset some to the projected increases in fuel and electricity. Administrator Strube stated that a decision must be made on the millage rate within thirty-five (35) days from July 11, 2008. A Budget Work Session was scheduled for July 22, 2008, at 5:00 p.m.

Administrator Strube reported that he is working on getting a meeting with the DeSoto County Commissioners and their Administrator regarding the issue of double taxation. He suggested that the money the City currently pays to the County for Fire could stop as the County is funding the bulk of the department with General Revenue Funds which along with the funding of the Sheriff's Road Patrol is a form of double taxation. The millage rate could go down if the County fully funded the Fire Department as the City could pass the savings on to the residents of the City. Administrator Strube suggested the County be contacted and that the City be placed on the County agenda for July 22, 2008 to discuss a time when both agencies could begin to look at the issue of double taxation.

Councilman Dixon stated that he would like to see the millage go down. He noted that the County has a new Administrator and new Commissioners who appear to be willing to work on this issue.

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Administrator Strube reported that he will soon be meeting with the County regarding the flushing of water from the Wal-Mart Plaza water pipeline. They are currently looking at a "scope of work" for an interconnection of City and County water lines. This could help to resolve the County's current water issue and future issues for the City.

The Planning and Zoning Board at a meeting on July 8, 2009 recommended the following:

1. That vacant property located close to the intersection of Lee Avenue and Levines Avenue and owned by Mark Stewart of Stewart Construction be granted a special exception in the zoning code as allowed by City Code Section 110-11. "Authority to grant exceptions for existing platted lots" Fazzone moved to approve the request by Resolution 2008-6 granting an exception in zoning law to Mark Stewart of Stewart Construction to construct a residence on property located close to the intersection of Lee Avenue and Levines Avenue as permitted by Code Section 110-11; seconded by Dixon and carried.

RESOLUTION NO. 2008-6

A RESOLUTION GRANTING AN EXCEPTION IN ZONING LAWS TO MARK STEWART OF STEWART CONSTRUCTION TO CONSTRUCT A RESIDENCE ON PROPERTY LOCATED CLOSE TO THE INTERSECTION OF LEE AVENUE AND LEVINES AVENUE AND SETTING FORTH CONDITIONS

WHEREAS, Mark Stewart d/b/a MCS Contracting, Inc. is the owner of property with the following Lands Not Divided description:

BEGINNING AT THE NORTHWEST CORNER OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER (W¹/₂ OF NW ¹/₄ OF SE¹/₄) OF SECTION 25, TOWNSHIP 37 SOUTH, RANGE 24 EAST; THENCE RUN DUE SOUTH 15 FEET; THENCE NORTH 89°42' EAST ALONG THE SOUTH RIGHT-OF-WAY LINE OF STREET, 435.45 FEET AND POINT OF BEGINNING; THENCE CONTINUE ALONG SOUTH RIGHT-OF-WAY LINE NORTH 89°42' EAST, 80 FEET; THENCE SOUTH, PARALLEL WITH WEST RIGHT-OF-WAY LINE OF LEE AVENUE, 109.63 FEET TO A POINT; THENCE SOUTH 89°55' WEST, 80 FEET TO A POINT; THENCE DUE NORTH, PARALLEL TO THE WEST RIGHT-OF-WAY LINE OF LEE AVENUE, 109.48 FEET TO POINT OF BEGINNING. SUBJECT TO RESERVATIONS, RESTRICTIONS AND EASEMENTS OF RECORD.

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(Resolution 2008-6 Continued)

WHEREAS, Mark Stewart d/b/a MCS Contracting, Inc. would like to build a house on the lot, however, it will not meet today's regulations, and

WHEREAS, this Subdivision was platted prior to the present zoning regulations, and

WHEREAS, Section 110.11 of the City Code "*Authority to grant exceptions for existing platted lots*" permits the Board of adjustment to recommend an exception be granted, and

WHEREAS, the Planning and Zoning Board acting as the Board of Adjustment recommended to the City Council that an exception be granted to permit the building of a home.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Arcadia, Florida that Mark Stewart d/b/a MCS Contracting, Inc. be granted an exception to build a house on property as described above close to the intersection of Lee Avenue and Levines Avenue as permitted by Code Section 110-11.

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

1. All yard set-backs for One-Family Dwelling R-1B District, Section 110-9, and other City Zoning Code requirements being met.
2. All other City, County, and State regulations being met.

PASSED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA,
 in Regular Session the 15th day of July 2008

ATTEST:

s/s RACHELLE M. BAUMANN, CMC
 RACHELLE M. BAUMANN, CMC

s/s DR. SHARON T. GOODMAN
 DR. SHARON T. GOODMAN
 MAYOR

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(Planning & Zoning Recommendation continued)

1. That the Council move forward with the adoption of a Density Bonus Ordinance.
2. That 4.87 acres located southeast of the intersection of North 11th Avenue and East Cypress Street, Block 6, Tier 4, Gilchrist's East End Addition owned by the Arcadia Housing Authority to be used for the Cypress Senior Village to re-zoned from One-Family Dwelling R-1B to Multiple Dwelling R-3 and be scheduled for a joint Public Hearing with a possible date of September 2, 2008 time to be set at 6:00 PM or as soon thereafter as possible. Fazzone moved to schedule a joint Public Hearing for September 2, 2008 to rezone 4.87 acres in Block 6, Tier 4, Gilchrist's East End Addition from One-Family Dwelling R-1B to Multiple Dwelling R-3; seconded by Johnson and carried.
4. That Lot 3, Block R of A.W. Gilchrist's Subdivision of Bonita, with a street address of 89 W. Imogene Street be considered a buildable lot based on City Code Section 110-174 "*Reconstruction of damaged nonconforming building or building housing nonconforming use*" and City Code Section 110-605 "*Use of nonconforming lot for a single-family dwelling*". Johnson moved to acknowledge Lot 3, Block E of A.W. Gilchrist's Subdivision as a buildable lot by Resolution No. 2008-7 granting approval to Angela D. Harrell to build a house on Lot 3, Block R, A.W. Gilchrist's Subdivision of Bonita, 89 West Imogene Street as permitted by City Code Sections 110-174 and 110-605; seconded by Johnson and carried.

RESOLUTION NO. 2008-7

A RESOLUTION GRANTING APPROVAL IN ZONING LAWS TO ANGELA D. HARRELL TO CONSIDER LOT 3, BLOCK R, A.W. GILCHRISTS SUBDIVISION OF BONITA, 89 WEST IMOGENE STREET A BUILDABLE LOT AND SETTING FORTH CONDITIONS

WHEREAS, Angela D. Harrell is the owner of Lot 3, Block R, A.W. Gilchrist's Subdivision of Bonita, 89 West Imogene Street and would like to build a house on the lot, however, it will not meet today's regulations, and

WHEREAS, there was a home on the lot prior to the present zoning regulations which was destroyed by fire in 1994, and

WHEREAS, Section 110.174 of the City Code permits "*Reconstruction of damaged nonconforming building or building housing nonconforming use*, and

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(Resolution 2008-7 Continued)

WHEREAS, Section 110-605 of the City Code permits "*Use of nonconforming lot for single-family dwelling*", and

WHEREAS, the Planning and Zoning Board recommended to the City Council that a special approval be granted and that the vacant property be considered a buildable lot.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Arcadia, Florida that Angela D. Harrell be granted a special approval to build a house on Lot 3, Block R, A.W. Gilchris Subdivision of Bonita, 89 West Imogene Street as permitted by City Code Sections 110-174 and 110-605.

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

1. All yard set-backs and other City Zoning Code requirements being met for One-Family Dwelling R-1B District.
2. All other City, County, and State regulations being met.

PASSED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA,
in Regular Session the 15th day of July 2008.

ATTEST:

s/s RACHELLE M. BAUMANN, CMC
RACHELLE M. BAUMANN, CMC

s/s DR. SHARON T. GOODMAN
DR. SHARON T. GOODMAN
MAYOR

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The Golf Course Report for the month of June, 2008 was presented.

Mr. Paul Hoover, a member of the public complimented the Council on moving forward in resolving the issue of double taxation.

Ms. Kim Spence, a member of the public voiced her opposition to the Council in their request that Mr. Strube rescind his resignation.

Mr. John Hamel from Charlotte Honda apologized to the Council for a any miscommunication regarding the auto tent sale.

Mr. Tom Hollingsworth, a member of the public spoke in opposition to tent sales of any type.

Mr. Robert Womack of Womack Sanitation asked the Council to look closely at the Solid Waste Department budget. He expressed a desire to work with the City in order to research all the costs of that department and compare it to how Womack Sanitation could be of service to the City.

Councilman Dixon stated he believes that the Council made the right decision in keeping Mr. Strube as Administrator.

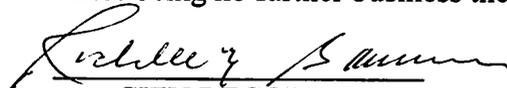
Councilman Johnson asked to be the voting delegate for the City at the Florida League of Cities Conference in August, 2008. He then reported that he has been nominated again for the District 7 seat. Fazzino moved to appoint Councilman Johnson as the voting delegate for the City at the Florida League of Cites Conference; seconded by Heine and carried.

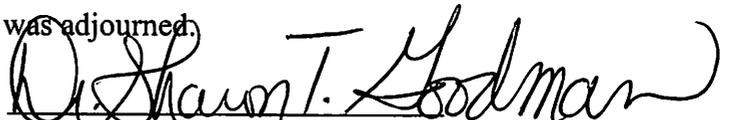
Recorder Baumann stated that she was pleased to learn that the Council had asked Administrator Strube to remain with the City.

Administrator Strube stated he was sorry Ms. Spenser felt the way she did and offered to meet with her to resolve any problems she might have with him.

Mayor Goodman thanked the public for their input and attendance at Council meetings. She expressed a special thanks to Mr. Fink and Mr. Hoover for their consistency in coming before the Council.

There being no further business the meeting was adjourned.


CITY RECORDER


PRESIDENT