

REGULAR MEETING
OCTOBER 17, 2006

A Regular Meeting of the Arcadia City Council was held on October 17, 2006, at 6:00 p.m. in the Margaret Way Building at 23 North Polk Avenue. Council members attending were Johnson, Fazzone, Whitlock, Goodman, and Heine. Also in attendance were Administrator Strube, Attorney Holloman, City Marshall Lee, Ms. Way, and Recorder Baumann.

Mayor Johnson called the meeting to order.

The Invocation was given by Council Member Goodman.

Pledge Allegiance to the Flag.

The Minutes of the Regular Meeting of October 3, 2006 were adopted on a motion by Heine; seconded by Goodman and carried.

Resolution No. 2006-19, expressing appreciation to Council Member Robert W. Heine for serving as Mayor from October 4, 2005 to October 3, 2006 was presented by Mayor Johnson. The Resolution recognizes Robert Heine Sr. for his dedication to office and willingness to serve. On a motion by Fazzone; seconded by Whitlock and carried, the Resolution was adopted.

RESOLUTIONS 2006-19

WHEREAS, ROBERT W. HEINE was elected by his fellow Council Members to serve as Mayor of the City of Arcadia from October 4, 2005 to October 3, 2006, and

WHEREAS, because of his dedication to office, his willingness to serve, and his strong commitment to make Arcadia a better community, he faithfully served in this position of leadership,

NOW THEREFORE, BE IT DULY RESOLVED by the City Council of the City of Arcadia that the Council, along with other City Officials, do hereby express their sincere appreciation to Mayor Heine at a regular scheduled Council Meeting and that this Resolution be made a part of the minutes of that meeting.

PASSED BY THE CITY COUNCIL OF THE CITY OF ARCADIA,
FLORIDA, IN REGULAR SESSION this 17th day of October, 2006.

/s/ ROOSEVELT JOHNSON
ROOSEVELT JOHNSON
MAYOR

/s/ RICHARD FAZZONE
RICHARD P. FAZZONE
COUNCILMEMBER

/s/ SHARON T. GOODMAN
SHARON T. GOODMAN, Ed.S.
DEPUTY MAYOR

/s/ PAUL P. WHITLOCK
PAUL P. WHITLOCK
COUNCILMEMBER

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(Resolution 2006-19 continued)

/s/ DAVID HOLLOMAN
DAVID HOLLOMAN
CITY ATTORNEY

/s/ EDWARD J. STRUBE
EDWARD J. SYRUBE
CITY ADMINISTRATOR

/s/ MARGARET WAY
MARGARET WAY
CITY ADVISOR

/s/ CHARLES LEE
CHARLES LEE
MARSHAL

ATTEST:

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

The following ordinances were presented for second reading. Attorney Holloman stated that one motion to read by title only could suffice for all six (6) of the proposed ordinances. Whitlock then moved to waive the rules and read proposed ordinance number 925, 926, 927, 928, 929, and 930 by title only; seconded by Goodman and carried.

ORDINANCE NO. 925

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 #06-02-SS ";SPECIFICALLY, CHANGING
THE LAND USE CLASSIFICATION FROM LOW DENSITY
RESIDENTIAL TO BUSINESS FOR SIX (6) LOTS;
TRANSMITTING SAID AMENDMENT TO THE FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS (DCA) FOR A
FINDING OF COMPLIANCE; PROVIDING FOR
SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE
DATE.

Fazzone moved to adopt Ordinance No. 925 on second reading; seconded by Whitlock. Mayor Johnson called for comments from the public, there were none. The motion carried on a roll call vote. Ayes: Whitlock, Fazzone, Goodman, Heine, and Johnson. Nays: None.

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ORDINANCE NO. 926

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF ARCADIA, FLORIDA TO REZONE LOTS 1 THROUGH 6 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.

Fazzone then moved to adopt Ordinance No. 926 on second reading; seconded by Whitlock. Mayor Johnson called for comments from the public, there were none. The motion carried on a roll call vote. Ayes: Whitlock, Fazzone, Goodman, Heine, and Johnson. Nays: None.

ORDINANCE NO. 927

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 #06-03-SS"; SPECIFICALLY CHANGING THE LAND USE CLASSIFICATION FROM LOW DENSITY RESIDENTIAL TO BUSINESS FOR TWO (2) LOTS; TRANSMITTING SAID AMENDMENT TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS (DCA) FOR A FINDING OF COMPLIANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Fazzone then moved to adopt Ordinance No. 927 on second reading; seconded by Goodman. Mayor Johnson called for comments from the public, there were none. The motion carried on a roll call vote. Ayes: Whitlock, Fazzone, Goodman, Heine, and Johnson. Nays: None.

ORDINANCE NO. 928

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF ARCADIA, FLORIDA, TO REZONE LOTS 9 & 10, BLOCK 8, TIER 1, A.W. GILCHRIST EAST END ADDITION TO ARCADIA, FLORIDA AS RECORDED IN PUBLIC RECORDS OF DESOTO COUNTY, FLORIDA, FROM ONE-FAMILY DWELLING R-1C DISTRICT TO GENERAL BUSINESS B-3 DISTRICT PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

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Whitlock then moved to adopt Ordinance No. 928 on second reading; seconded by Fazzone. Mayor Johnson called for comments from the public, there were none. The motion carried on a roll call vote. Ayes: Whitlock, Fazzone, Goodman, Heine, and Johnson. Nays: None.

ORDINANCE NO. 929

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 #06-04-SS"; SPECIFICALLY, CHANGING THE LAND USE CLASSIFICATION FROM LOW DENSITY RESIDENTIAL TO BUSINESS FOR THREE (3) LOTS; TRANSMITTING SAID AMENDMENT TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS (DCA) FOR A FINDING OF COMPLIANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Fazzone then moved to adopt Ordinance No. 929 on second reading; seconded by Goodman. Mayor Johnson called for comments from the public, there were none. The motion carried on a roll call vote. Ayes: Whitlock, Fazzone, Goodman, Heine, and Johnson. Nays: None.

ORDINANCE NO. 930

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF ARCADIA, FLORIDA, AND THE CITY OF ARCADIA FUTURE LAND USE MAP TO REZONE LOTS 5, 6, & 7, BOTH INCLUSIVE, BLOCK 22 ORIGINAL SURVEY OF THE CITY OF ARCADIA, FLORIDA, FROM ONE-FAMILY DWELLING R-1B TO GENERAL BUSINESS B-3; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Fazzone then moved to adopt Ordinance No. 930 on second reading; seconded by Heine. Mayor Johnson called for comments from the public, there were none. The motion carried on a roll call vote. Ayes: Whitlock, Fazzone, Goodman, Heine, and Johnson. Nays: None.

Proposed Ordinance No. 932 suspending processing of applications for adult entertainment permits for One Hundred Eighty (180) days, was presented to the Council. Each Council Member had previously been given a copy for study. Whitlock moved to waive the rules and read the ordinance by title only; seconded by Heine and carried.

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ORDINANCE NO. 932

AN ORDINANCE OF THE CITY OF ARCADIA SUSPENDING
PROCESSING OF APPLICATIONS FOR ADULT ENTERTAINMENT
ESTABLISHMENT PERMITS FOR ONE HUNDRED EIGHTY (180) DAYS;
PROVIDING FOR APPLICATION AND EXEMPTIONS; PROVIDING
FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Fazzone then moved to adopt Ordinance No. 932 on first reading; seconded by Heine. Mayor Johnson called for comments from the public, there were none. Attorney Holloman stated this ordinance would be in effect before the sixty (60) days elapsed on the previous emergency Ordinance No. 931-E. The motion carried on a roll call vote. Ayes: Whitlock, Fazzone, Goodman, Heine, and Johnson. Nays: None.

Mary Kay Burns, Administrator, DeSoto County Health Department, addressed the Council with an update of the demolition of the old City Water Plant on Baldwin Avenue. DeSoto County has agreed to remove this structure if the City will deed this land to the County for additional buildings for the DeSoto County Health Department. Ms. Burns stated that the County has received bids on the cost of demolition and would like to proceed as soon as possible due to the fact the bid would be locked in for thirty (30) days. Attorney Holloman suggested a deed be prepared for the County for this parcel of land. He did not foresee any problems with this deed with the understanding this land is to be used by the Health Department. Goodman requested the transfer of deed be done by the next council meeting on November 7, 2006. Holloman stated he would need to find the actual deed and information regarding the property. Heine then moved to authorize the City Attorney and Administrator to start the procedure of transferring the deed to the County, seconded by Goodman and carried.

Marshal Lee presented the Police Fines and Forfeitures for the month of September 2006, showing fines of \$4,483.05.

Fazzone asked Marshal Lee about the placement of banners across roadways to welcome home the local National Guard Unit.

The Flowage and Hanger report for August, 2006 for the airport was presented. It was noted that the main hanger building has been completed and the FAA financed building still needs doors.

A proposal to increase the rates at the Golf Course was presented. Fazzone noted that winter visitors are returning. Administrator Strube reported that Special Projects Coordinator Hewitt had prepared a spreadsheet with the price increases in red. He complimented Mr. Hewitt on his work with the new fees. Heine moved to approve the new rates for the Golf Course as presented to be effective November 1, 2006; seconded by Whitlock and carried.

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Mr. Claude Corriveau, of 224 West Walnut Street, appeared before the Council with a complaint concerning the Arcadia Retarded Citizens (ARC) activities at a house being used for a school. Mr. Corriveau stated the school was a detriment to the neighborhood. There are unsupervised activities, yelling, profanity, and an increase of traffic. In addition, a school bus is being parked on the property causing an eyesore to him and other residents of the neighborhood. Mr. Corriveau stated he did not realize he had only thirty (30) days to protest the placement of this facility. He does have an attorney and will be bringing a suit to the City regarding the activities and use of this house. Mr. Corriveau objects to the zoning of the house. Attorney Holloman stated that the zoning was not changed it is still R-1A. The property is being used according to the zoning laws, under section 110.-241 (7) a, of the City Code as approved for use by the Council. Mr. Corriveau stated that he recently received a beautification award for his home and believes that the use of this house as a school is decreasing the value of his home and the neighborhood. Melissa Corriveau addressed the Council stating that she drives a school bus and she believes that the school is not abiding by the 911 safety guidelines. Mr. Corridveau requested copies of the tapes from the September Council meetings regarding the approval by the Council for this house to be used by ARC. Mr. Corriveau wants his neighborhood to return to the quiet neighborhood it was before ARC came into the area.

Council Members Heine and Fazzone both reported that the school bus has been moved from the front yard. Mr. Corriveau said that it was not.

Nancy Turner, Administrator for ARC addressed the Council. Ms. Turner apologized to the neighbors of the ARC house regarding the bus. Ms. Turner reported that another area has been provided for the bus to be parked and it would not be in the yard. She also noted that the ARC clients are always supervised. Ms. Turner reported that she has canvassed the neighbors and presented a petition with names and signatures to the Council. She agreed that other neighbors did have an issue with the bus being parked on the property. In addition, a dumpster has been brought in to take care of trash and a fence will be built around the dumpster so that it will not be in open view of the neighbors. Ms. Turner stated that they did not want to make the neighbors unhappy.

Jackie Tucker, a Director of ARC, addressed the Council. Ms Tucker reported that the school is accredited and has two (2) teachers assigned to them from the DeSoto County School District and two (2) from South Florida Community College. She reported that most of the activity takes place from 8:00 a.m. until 2:00 p.m. and are for only six (6) hours a day. Ms. Tucker reported on many of the state and national events the clients from ARC are involved in and the awards and recognition they bring to DeSoto County and the City of Arcadia because of their achievements. Ms. Tucker noted that ARC had been struggling to find land and funding for the school since Hurricane Charley destroyed their previous facility. Land has now been donated and they are in the process of applying for funds. She indicated that ARC desires to blend into the community.

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Virginia Simcic, of 504 W. Whidden addressed the Council in opposition to the ARC facility. She said the facility had increased traffic and disrupted the neighborhood. Her children were afraid to go outside to play because of the screaming and profanity coming from the facility. Another member of the public, Steve Owens spoke in favor of the facility. He stated the place looked beautiful and he had never seen it in such good condition. He also reported he was the worship leader at a local church where some of the clients attended and had never experienced any of the things that were being said. He stated he did not have any problems with any of the clients.

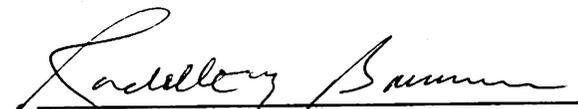
Attorney Holloman requested the closing of this discussion as it appears litigation will be pending and going over the issues would not, at this time, be beneficial.

Council Member Heine asked Administrator Strube if the final appraisal from the Tax Collectors office had been received yet. Administrator Strube stated that the final certification of value was received on October 3, 2006 and the certification did in fact show and increase in value. Due to the increase in value the City can reduce the proposed millage from 8.165 to 7.918. This is a reduction of about 1.1 mill. Administrator Strube noted that last years' millage was 8.9963.

Administrator Strube addressed the Council regarding the sewer line repair work beginning on Oak Street. The initial plan was to do a block a day. However, at Oak and Volusia, a manhole was beyond repair and a new one had to be ordered, delaying the continuation of work. This work is the result of the FEMA project worksheet which determined sewer line damage. The roads are being repaired as a result of repairing the sewer lines.

Mayor Johnson reported attending the Ridge League meeting in Lake Wales at the Art Center, where he was appointed chairperson of the Nettie Draughon Award. In addition, he reported Arcadia and DeSoto County were mentioned numerous times during the meeting.

There being no further business, the meeting was adjourned.


CITY RECORDER


PRESIDENT