

A Regular Meeting of the Arcadia City Council was held on October 7, 2008 at 6:00 p.m. in the Margaret Way Building at 23 North Polk Avenue. Council members attending were: Goodman, Heine, Dixon, Johnson and Fazzone. Also in attendance: Administrator Strube, Attorney Galvano, Special Projects Coordinator Hewett, City Marshal Lee, Ms Way and Recorder Baumann.

Mayor Goodman called the meeting to order.

The Invocation was given by Pastor Fredrick Woodard.

Pledge Allegiance to the Flag.

The Minutes of the Work Session of September 16, 2008, Regular Meeting and Public Hearing of September 16, 2008, and the Final Budget Public Hearing of September 30, 2008, were adopted on a motion by Heine; seconded by Dixon and carried.

Heine moved to appoint Richard P. Fazzone to the Office of Mayor of the City of Arcadia for FY 2008-2009; seconded by Johnson and carried. This action was formalized by Resolution No. 2008-17 as follows.

Mayor Fazzone was presented with the gavel by outgoing Mayor Goodman.

Johnson moved to appoint Lorenzo L. Dixon to the Office of Deputy Mayor of the City of Arcadia Florida for FY 2008-2009; seconded by Goodman and carried. This action was formalized by Resolution No. 2008-17 as follows.

RESOLUTION NO. 2008-17

A RESOLUTION APPOINTING MAYOR, DEPUTY
MAYOR AND PRESIDING OFFICERS: SETTING
TERM OF OFFICE.

IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF
ARCADIA, FLORIDA:

SECTION 1. That City Council Member Richard P. Fazzone be appointed to the Office of Mayor of the City of Arcadia, Florida and Presiding Officer of City Council.

SECTION 2. That City Council Member Lorenzo Dixon be appointed to the Office of Deputy Mayor of the City of Arcadia, Florida and Presiding Officer of City Council.

SECTION 3. That said Appointees are hereby charged with all powers, duties, functions and responsibilities of their respective offices as set forth in the Charter and Ordinances of the City of Arcadia, Florida.

SECTION 4. That their term of Office shall be from the date of the Resolution through the end of the Fiscal Year 2008-2009 or until their successors are appointed.

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OCTOBER 7, 2008
Continued

(Resolution No. 2008-17 Continued)

PASSED BY THE CITY COUNCIL OF ARCADIA, FLORIDA, at Regular Session in Arcadia, Florida, this 7th day of October, 2008.

s/s DR. SHARON T. GOODMAN
DR. SHARON T. GOODMAN
Councilwoman

s/s RICHARD P. FAZZONE
RICHARD P. FAZZONE
Councilman

s/s ROBERT W. HEINE
D
ROBERT W. HEINE
Councilman

s/s ROOSEVELT JOHNSON, Ed
ROOSEVELT JOHNSON, Ed.D
Councilman

s/s LORENZO DIXON, M. Psy.
LORENZO DIXON, M. Psy.
Councilman

ATTEST:

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

Proposed Ordinance No. 941, amending the Zoning Map of the City of Arcadia, Florida, was presented for the third and final reading. Dixon moved to waive the rules and read by title only; seconded by Johnson and carried.

ORDINANCE NO. 941

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF ARCADIA, FLORIDA, TO REZONE THE FOLLOWING PROPERTY; LOTS 7,8,9,10,11,12,13,14, BLOCK 6, TIER 8, GILCHRIST EAST END ADDITION TO ARCADIA AS PER PLAT RECORDED IN PUBLIC RECORDS OF DESOTO COUNTY FROM TWO-FAMILY DWELLING R2-A DISTRICT TO RESIDENTIAL PROFESSIONAL AND BUSINESS RPB DISTRICT. PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Heine moved to adopt Ordinance No. 941 on the third and final reading and that it become an Ordinance of the City of Arcadia.; seconded by Goodman. Mayor Fazzone called for comments from the Public. There were none. The motion carried on a roll call vote. Ayes: Dixon, Goodman, Johnson, Heine, and Fazzone. Nays: None.

ORDINANCE NO 941

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF ARCADIA , FLORIDA, TO REZONE THE FOLLOWING PROPERTY: LOTS 7,8,9,10,11,12, 13 & 14, BLOCK 6, TIER 8, GILCHIRST EAST END ADDITION TO ARCADIA AS PER PLAT RECORDED IN PUBLIC RECORDS OF DESOTO COUNTY FROM TWO-FAMILY DWELLING R2-A DISTRICT TO RESIDENTIAL PROFESSIONAL AND BUSINESS RPB DISTRICT. PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board of the City of Arcadia, Florida, in joint session with the City Council of the City of Arcadia, on Tuesday September 2, 2008, held a Public Hearing, with proper notice of Public Hearing being given as required by law; and

WHEREAS, the Planning and Zoning Board of the City of Arcadia, Florida, recommended to the City Council of the City of Arcadia, Florida, that the following parcels of land be rezoned as follows:

LOTS 7,8,9,10,11,12, 13 & 14, BLOCK 6, TIER 8, GILCHIRST EAST END ADDITION TO ARCADIA AS PER PLAT RECORDED IN PUBLIC RECORDS OF DESOTO COUNTY FROM TWO-FAMILY DWELLING R2-A DISTRICT TO RESIDENTIAL PROFESSIONAL AND BUSINESS RPB DISTRICT

and,

WHEREAS, the City Council of the City of Arcadia, Florida deems it to be in the best interest of the citizens of the City of Arcadia, Florida that said recommendation be adopted and made a part of the Zoning Ordinances and zoning map of the City of Arcadia, Florida, and

WHEREAS, this zone change is in agreement with the City of Arcadia Comprehensive Plan, and the City of Arcadia Future Land Use Map.

NOW, THEREFORE BE IT ORDAINED, by the City Council of the City of Arcadia, Florida as follows:

Section 1. THAT THE ZONING CLASSIFICATION OF THE FOLLOWING DESCRIBED PROPERTY TO WIT: LOTS 7,8,9,10,11,12, 13 & 14, BLOCK 6, TIER 8, GILCHIRST EAST END ADDITION TO ARCADIA AS PER PLAT RECORDED IN PUBLIC RECORDS OF DESOTO COUNTY BE CHANGED FROM TWO-FAMILY DWELLING R-2A DISTRICT TO RESIDENTIAL PROFESSIONAL AND BUSINESS RPB DISTRICT; and the Zoning Map of the City of Arcadia is so amended.

Section 2. If any subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional, the remainder of this Ordinance shall not be affected by such invalidity.

REGULAR MEETING
OCTOBER 7, 2008
Continued

(Ordinance No. 941 Continued)

Section 3. That this Ordinance shall take effect pursuant to Chapter 73-403 of the laws of the State of Florida.

UNANIMOUSLY PASSED BY THE CITY COUNCIL OF THE CITY OF
ARCADIA, FLORIDA, on this 7th day of October 2008.

ATTEST: CITY OF ARCADIA, FLORIDA

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

s/s RICHARD P. FAZZONE
RICHARD P. FAZZONE
MAYOR

PASSED ON FIRST READING SEPTEMBER 2, 2008
PASSED ON SECOND READING SEPTEMBER 16, 2008
PASSED ON THIRD READING OCTOBER 7, 2008

APPROVED AS TO FORM:
WILLIAM S. GALVANO, CITY ATTORNEY

Proposed Ordinance No. 942, amending the Zoning Map of the City of Arcadia, Florida, was presented for the third and final reading. Goodman moved to waive the rules and read by title only; seconded by Dixon and carried.

ORDINANCE NO. 942

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF
ARCADIA, FLORIDA, TO REZONE THE FOLLOWING PROPERTY;
LOTS 1 TO 24, BOTH INCLUSIVE AND 27 TO 30, BOTH INCLUSIVE,
BLOCK 6, TIER 4, GILCHRIST EAST END ADDITION TO ARCADIA AS
PER PLAT RECORD IN PUBLIC RECORDS OF DESOTO COUNTY
FROM ONE- FAMILY DWELLING R1-B DISTRICT TO MULTIPLE
DWELLING R-3 DISTRICT. PROVIDING FOR SEVERABILITY.
PROVIDING AN EFFECTIVE DATE.

Heine moved to adopt Ordinance No. 942 on the third and final reading and that it become an Ordinance of the City of Arcadia, seconded by Johnson. Mayor Fazzone called for comments from the Public. There were none. The motion carried on a roll call vote. Ayes: Dixon, Goodman, Heine, Johnson, and Fazzone. Nays: None.

ORDINANCE NO 942

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF ARCADIA , FLORIDA, TO REZONE THE FOLLOWING PROPERTY: LOTS 1 TO 24, BOTH INCLUSIVE AND 27 TO 30, BOTH INCLUSIVE, BLOCK 6, TIER 4, GILCHIRST EAST END ADDITION TO ARCADIA AS PER PLAT RECORDED IN PUBLIC RECORDS OF DESOTO COUNTY FROM ONE-FAMILY DWELLING R1-B DISTRICT TO MULTIPLE DWELLING R-3 DISTRICT. PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board of the City of Arcadia, Florida, in joint session with the City Council of the City of Arcadia, on Tuesday September 2, 2008, held a Public Hearing, with proper notice of Public Hearing being given as required by law; and

WHEREAS, the Planning and Zoning Board of the City of Arcadia, Florida, recommended to the City Council of the City of Arcadia, Florida, that the following parcels of land be rezoned as follows:

LOTS 1 TO 24, BOTH INCLUSIVE AND 27 TO 30, BOTH INCLUSIVE, BLOCK 6, TIER 4, GILCHIRST EAST END ADDITION TO ARCADIA AS PER PLAT RECORDED IN PUBLIC RECORDS OF DESOTO COUNTY FROM ONE-FAMILY DWELLING R1-B DISTRICT TO MULTIPLE DWELLING R-3 DISTRICT

and,

WHEREAS, the City Council of the City of Arcadia, Florida deems it to be in the best interest of the citizens of the City of Arcadia, Florida that said recommendation be adopted and made a part of the Zoning Ordinances and zoning map of the City of Arcadia, Florida, and

WHEREAS, this zone change is in agreement with the City of Arcadia Comprehensive Plan, and the City of Arcadia Future Land Use Map provided that the applicant complies with the City's Density Bonus Ordinance No. 940.

NOW, THEREFORE BE IT ORDAINED, by the City Council of the City of Arcadia, Florida as follows:

Section 1. THAT THE ZONING CLASSIFICATION OF THE FOLLOWING DESCRIBED PROPERTY TO WIT: LOTS 1 TO 24, BOTH INCLUSIVE AND 27 TO 30, BOTH INCLUSIVE, BLOCK 6, TIER 4, GILCHIRST EAST END ADDITION TO ARCADIA AS PER PLAT RECORDED IN PUBLIC RECORDS OF DESOTO COUNTY BE CHANGED FROM ONE-FAMILY DWELLING R1-B DISTRICT TO MULTIPLE DWELLING R-3 DISTRICT; and the Zoning Map of the City of Arcadia is so amended.

Section 2, Applicant must comply with the City's Density Bonus Ordinance No. 940.

Section 3. If any subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional, the remainder of this Ordinance shall not be affected by such invalidity.

Section 4. That this Ordinance shall take effect pursuant to Chapter 73-403 of the laws of the State of Florida.

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(Ordinance No. 942 Continued)

UNANIMOUSLY PASSED BY THE CITY COUNCIL OF THE CITY OF ARCADIA,
FLORIDA, on this 7TH day of October 2008.

ATTEST: CITY OF ARCADIA, FLORIDA

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

s/s RICHARD P. FAZZONE
RICHARD P. FAZZONE
MAYOR

PASSED ON FIRST READING SEPTEMBER 2, 2008
PASSED ON SECOND READING SEPTEMBER 16, 2008
PASSED ON THIRD READING OCTOBER 7, 2008

APPROVED AS TO FORM:
WILLIAM S.GALVANO, CITY ATTORNEY

A Proclamation declaring the week of October 20, 2008 through October 25, 2008 as MEDICAL ASSISTANT RECOGNITION WEEK was presented to the Council. Dixon moved to endorse this action; seconded by Heine and carried.

A request by letter from Paul Hoover was presented. Mr. John Saffer addressed the Council regarding this request to close Oak Street between Polk Avenue and Monroe Avenue and, if needed, between Polk Avenue and DeSoto Avenue, and between Monroe Avenue and Orange Avenue from 4:40 p.m. to 9:00 p.m. on Saturday October 18, 2008 for an antique car show by the Cruz Car Club. Dixon moved to approve the request; seconded by Goodman and carried. Councilman Dixon stated this was an antique car show and there were to be no new cars sold. Mr. Saffer noted that new cars were on display at the previous show since the local dealerships had sponsored the event. Councilman Dixon also advised that in the future Mr. Saffer should follow the established protocol to clear any street closing with City Marshall Lee before approaching the Council for approval. Councilman Heine noted that Mr. Saffer may not be able to have a monthly car show as the City does incur a cost for the closing of streets and the use of Police Officers to monitor the event.

Mrs. Linda Williams, President, DeSoto County Chamber addressed the Council regarding a request to hold the annual Christmas Parade on December 6, 2008 at 6:00 p.m. and closing of the streets crossing Oak Street beginning at Orange Avenue to Volusia Avenue at the Chamber of Commerce Building at 5:30 p.m. Dixon moved to approve the request as presented; seconded by Goodman and carried.

Reverend D.J. Akins, Assistant Pastor of the House of Refuge Church of God located at 1222 SW Harlem Circle addressed the Council with a request for water service to the church. Water is currently provided by a certified well and septic sewer system. As the church is a public use facility they must maintain a "certified" water source. The cost for this certification is becoming a burden to the church. The church is asking to be connected to City water only they would not require a sewer hookup at this time. Administrator Strube stated that this connection would be possible at this time due to the Housing Authority's construction of Palms II in the area. The Housing Authority has stated that they do not have a problem with this connection. Administrator Strube stated that there would be a few conditions that would need

to be met; 1) this can be the only additional connection to line, 2) the church must sign a pre-annexation agreement. Rev. Akins stated they will accept a pre-annexation agreement with the City of Arcadia. He is also aware of a \$1,500 connection fee and that a water meter deposit is required. An application has been completed, and he understands the requirements to comply with Section 102-31 and 102-32 of the City of Arcadia Code. Administrator Strube stated that if the Council receives any additional request from the area they will need to look at if the City would be servicing the entire area and a study would need to be done in order to design an expansion of the system. He noted that this could be very costly to the City and that any design study and expansion costs should be passed on to the requestors of the service. He also noted that he does not know if DeSoto County has any plans to service this area. Councilman Heine asked about the Housing Authority Project and was informed that each unit will have a separate water meter. Councilman Johnson asked if the City were to annex in the entire Harlem Circle Subdivision if the City would be able to provide water to the area to which Administrator Strube stated yes; however a study would need to be done. Johnson then moved to approve the request to allow a water connection for City water service to the House of Refuge Church of God; seconded by Dixon and carried. Councilman Dixon stated that this is a good thing as long as it is specific that this is a one-time deal and will not have an effect on the Housing Authority Project.

The Fines and Forfeitures Report for the month of September, 2008 showing fines of \$2,188.88 was presented

The Police Activity Report for the month of September, 2008 was presented.

Administrator Strube addressed the Council and presented a Planning Advisory Services Agreement with Central Florida Regional Planning Council (CFRPC). Councilman Dixon asked Attorney Galvano if voting as a Councilmember would be a conflict of interest since he serves on the Central Florida Regional Planning Council. Attorney Galvano stated that disclosure is necessary and that Councilman Dixon had done that; however he should not abstain from voting on the issue. Heine moved to accept the Proposed Planning Advisory Services Agreement with CFRPC for consultant services pertaining to F.S. 163 Growth Management Requirements in the amount of \$10,000.00; seconded by Goodman and carried

Administrator Strube then addressed the Council regarding an agreement from The Board of County Commissioners of DeSoto County for a proposed Landfill Tipping Fee Adjustment Agreement in the amount of \$14,688.00. This would reduce the amount the City pays for household solid waste from \$42.00 to \$35.00 per ton until either the amount of \$14,688.00 or the date of September 30, 2009 is reached. Dixon moved to accept the proposed agreement for reduction in tipping fees; seconded by Goodman and carried. Councilman Dixon believes this contract is a good indication that the City is being treated with fairness and justice by the County and that they are willing to work with the City.

Attorney Galvano addressed the Council and presented a draft for an Ordinance regulating Auto Tent Sales. It was noted that final approval for any tent sales would be by the Council. Councilman Johnson stated that with the application fee being non refundable, specific requirements should be explained to any applicant and they should be informed of the possibility of not being approved for not meeting guidelines. Heine moved to move forward

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with an ordinance regulating Auto Tent Sales to two (2) times a year per dealer and for a total of eight (8) applications for sales per year with a non-refundable application fee of \$500.00; seconded by Dixon and carried. Attorney Galvano will have the ordinance ready for a first reading on October 21, 2008.

Administrator Strube addressed the Council and presented a re-cap of the bidding for the Sanitary Sewer Resin Injected Cured In Place Pipe (RICIPP) Rehabilitation project noting that five (5) bids were received. He stated that Boyle Engineering reviewed the bids and that he recommends awarding the bid to the lowest bidder American Infrastructure Technologies Corp. Dixon moved to award a contract to American Infrastructure Technologies Corporation in the amount of \$252,410.00 for the Sanitary Sewer Resin Injected Cured in Place Pipe (RICIPP) Rehabilitation Project; seconded by Johnson and carried.

The Airport Report for the month of August, 2008 was presented.

Mr. Mark Schlundt, General Manager of DeSoto Auto Mall addressed the Council. He stated that DeSoto Auto Mall was a sponsor of the previous antique car show. He noted that the show was well attended and that their dealership license does not allow them to sell vehicles "off site". Councilman Dixon reported that while he was attending the antique car show, a local salesman had tried to sell a new car to a friend of his. Councilman Dixon also stated that the request is for an "antique car show" not a new car show therefore no new cars are to be shown at the event. Councilman Dixon stated in the future, if new cars were to be showcased, then the request should be for a "car show" as opposed to an antique car show.

Mayor Fazzone recognized an acknowledgement of condolences from Dr. and Mrs. Roosevelt Johnson and the family of Zema Johnson that was presented to the Council.

Councilman Johnson addressed the Council stating that he has received questions from several tenants of the Arcadia Housing Authority Project that he was not able to answer such as the median income for Arcadia and the need to recertify their status with the Housing Authority. Mayor Fazzone will get in touch with Christine Engels the Director of the Housing Authority and ask that she meet with the residents to answer their questions and concerns.

Councilman Heine thanked Councilwoman Goodman for a job well done in serving the City this past year as Mayor. Administrator Strube stated that a plaque will be presented to Ms. Goodman at the next Council meeting.

There being no further business the meeting was adjourned.


CITY RECORDER


PRESIDENT