

REGULAR MEETING
And
JOINT PUBLIC HEARING
SEPTEMBER 2, 2008

A Regular Meeting of the Arcadia City Council and Joint Public Hearing with the Planning and Zoning Board was held on September 2, 2008 at 6:00 p.m. in the Margaret Way Building at 23 N. Polk Avenue. Council members attending were: Goodman, Johnson, Heine, and Dixon. Absent Councilman Fazzone was out due to recent surgery. Planning and Zoning Board Members attending were: Summers, Pooser, Smith, Sawyer, Brown, Zolkos and McLure. Also in attendance were: Administrator Strube, Attorney Galvano, Special Projects Coordinator Hewett, Parks and Recreation Supervisor Waters, Captain Anderson, Grants Coordinator Weeks, and Recorder Baumann.

Mayor Goodman called the meeting to order.

The Invocation was given by Dr. Sharon T. Goodman, Mayor

Pledge of Allegiance to the Flag.

Councilman Dixon requested two changes to the Minutes of August ,5 2008 to replace the word *explain* with *communicate* and to remove the statement *negative phone calls* which was an incorrect statement and replace it with *some concerns as well*. After discussion Heine moved to adopt the minutes of the Regular Meeting of August 5, 2008 as amended and the Special Meeting of August 17, 2008; seconded by Johnson and carried.

Mayor Goodman called the Joint Public Hearing of the Council and the Planning and Zoning Board to order and state the purpose of the joint public hearing as advertised is to provide citizens an opportunity for input regarding the request to re-zone lots 7, 8, 9,10,11,12, 13 & 14, Block 6, Tier 8, Gilchrist East End Addition to Arcadia from Two- Family Dwelling R2-A District to Residential Professional-Business RPB District. Recorder Baumann noted that the petitioner Kenan Enterprises Inc. and Met and Son's LLC (aka) Ken Cetin was not able to be in attendance as he was out of town on business. Mr. Cetin owns the Community Care Clinic on Gibson and the property in the re-zoning request is next to the clinic. Mr. Cetin plans to expand the clinics services. Recorder Baumann then submitted proof of publication in the Arcadian dated July 27, 2008 and reported that notices were sent by certified mail to fourteen (14) property owners within 300 feet of the property. No letters of support or objection were received. Mayor Goodman called for the petitioner to speak, no one spoke. Mayor Goodman then called for objections from the floor, there were none. Mayor Goodman asked if there were any concerns from the Planning and Zoning Board or the Council, there were none. Planning and Zoning Chairman Summers then stated that the Planning and Zoning Board recommends approval. Heine then moved to re-zone all of Lots 7,8,9,10,11,12,13,& 14, Block 6, Tier 8, Gilchrist East End Addition to Arcadia from Two Family Dwelling R-2A District to Residential-Professional-Business RPB District; seconded by Johnson and carried.

Proposed Ordinance No. 941 was presented on first reading. Each member had previously been given a copy for study. Heine moved to waive the rules and read the proposed ordinance by title only; seconded by Johnson and carried.

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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 R2-1 DISTRICT TO RESIDENTIAL PROFESSIONAL AND BUSINESS RPB DISTRICT. PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Heine then moved to adopt Ordinance No. 941 on first reading; seconded by Dixon. Mayor Goodman called for comments from the public, there were none. The motion carried on roll call vote. Ayes: Dixon, Johnson, Goodman and Heine. Nays: None.

The Joint Public Hearing was closed.

Mayor Goodman called the Joint Public Hearing of the Council and the Planning and Zoning Board to order and stated the purpose of the joint public hearing as advertised is to provide citizens an opportunity for input regarding the request to re-zone Lots 1 to 24, both inclusive and 27 to 30, both inclusive Block 6, Tier 4, Gilchrist East End Addition to Arcadia from One-Family Dwelling R1-B District to Multiple Dwelling R-3 District. The Arcadia Housing Authority owns the property and is requesting this re-zoning in order to construct the Cypress Senior Village Project. Recorder Baumann submitted proof of publication in the Arcadian dated August 3, 2008 and reported that notices were sent by certified mail to forty-two (42) property owners within 300 feet of the property. No letters of support or objection were received. Mayor Goodman called for the petitioner to speak, no one spoke. Mayor Goodman called for objections for the floor, there were none. Mayor Goodman asked if there were any concerns from the Planning and Zoning Board or the Council, there were none. Planning and Zoning Board Chairman Summers then stated that the Planning and Zoning Board recommends approval. Heine then moved to re-zone Lots 1 thru 24, both inclusive and Lots 27 thru 30, both inclusive Block 6, Tier 4, Gilchrist East End Addition to Arcadia from One-Family Dwelling R-1B District to Multiple Dwelling R-3 District; seconded by Dixon and carried.

Proposed Ordinance No. 942 was presented on first reading. Each Council member had previously been given a copy for study. Heine moved to waive the rules and read the proposed ordinance by title only; seconded by Johnson 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 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.

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Dixon then moved to adopt Ordinance No. 942 on first reading; seconded by Heine. Mayor Goodman called for comments from the public, there were none. The motion carried on roll call vote. Ayes: Dixon, Johnson, Goodman and Heine. Nays: None.

The Joint Public Hearing was adjourned.

Mayor Goodman called the Public Hearing to order and stated that the purpose of the Public Hearing as advertised is to hold a First Public Hearing to consider applying to the Florida Department of Community Affairs (DCA) for a Small Cities Community Development Block Grant (CDBG) of up to Seven Hundred Thousand Dollars (\$700,000.00). Mr. Steve Weeks, Grants Coordinator for the City of Arcadia, addressed the Council and stated that the possible grant categories are Housing Rehabilitation, Neighborhood Revitalization, Commercial Revitalization and Economic Development. He noted that in order to apply for Neighborhood or Commercial Revitalization you must have detailed design plans ready to build or you automatically lose 100 points. He feels that the City's best option for receiving funding would be to seek a Housing Rehabilitation Grant. Council members Heine and Johnson expressed their support for seeking a housing grant. Johnson then moved to submit an application for Housing Rehabilitation to DCA for a Small Cities Community Development Block Grant for up to Seven Hundred Thousand Dollars (\$700,000.00); seconded by Heine and carried. Several members of the public addressed the Council asking for a grant for downtown sidewalks in addition to the Housing grant. Mr. Weeks explained the rules and regulations and time limits for applying for a grant. He stated that grants are awarded on a "points" system, and due to time constraints, it would not be possible for an application to be completed for the sidewalk grants. In addition, he explained, this was a different category, dealing with commercial areas, and in order to apply, a development plan must be submitted with the application. Members of the downtown area, and Ms. Kim Spencer of the Main Street Association, reported that they are in the process of receiving assistance for such a plan from an outside party and felt that they would have the information needed in order to apply for the grant in a timely manner. Administrator Strube noted he and Mr. Higley of the Historical Society had discussed a grant for sidewalks, however, no solid information had been received. Mr. Weeks stated these grants are done on an annual basis and suggested that it might provide a better opportunity for the grant to be approved if more time was taken to research the needed information. He reported that the deadline for applying for a grant is September 29, 2008. Mr. Weeks was asked if two grants could be applied for to which he stated yes, however, only one would be funded and you must indicate on the grant application your preference for funding. Mayor Goodman stated that if she must choose between a place for someone to live and sidewalks she would choose housing. Mr. Joe Fink, a member of the public, suggested a citizen's advisory committee be used to recommend to Council what grant to apply for. Mayor Goodman informed Mr. Fink that the City does have a Citizens Advisory Task Force and that they did meet and recommended seeking a housing grant. Councilman Dixon stated he was not aware of the committee. He stated that he supports a housing grant; however he would like to see the City have a planner to work on streets and sidewalks which he feels are very dangerous. He feels that other concerns should also be looked at and that the City should apply for other grants as well. Councilman Dixon stated that he would choose housing over sidewalks; however there are a lot of houses currently being built. Mr. Weeks will see what type of grant Wauchula received to do their sidewalks. Councilman Johnson would like the City to apply for two (2) grants and see what gets funded. Mr. Weeks stated that he could write both grant applications; however he would need the specifics for the sidewalk grant. It was noted that if both grants were to get funded that Council would state

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housing as their preference. Dixon then moved to submit a second application to DCA for funding of a Commercial Revitalization Grant for sidewalks; however this application would be subordinate to the first motion/application for housing and that housing would take preference; seconded by Johnson and carried.

The Public Hearing was closed.

Mayor Goodman reconvened the Regular Meeting.

Mr. Richard Bowers, Jr. President of the DeSoto County Community Development Corporation addressed the Council with an update regarding efforts toward neighborhood revitalization.

A request from Trenton Terry, DeSoto County High School Principal, to close Hickory Street and Oak Street between Trinity Methodist Church and the Tree of Knowledge on October 17, 2008, beginning at 4:30 p.m. for a homecoming parade was submitted. Dixon moved to grant the request as presented; seconded by Heine and carried.

Terry West and Stacey Ricketts representing the Hand of Angels, Inc. addressed the Council to request permission to use Oak Street beginning at Orange Avenue and ending at McSwain Park on November 1, 2008, beginning at 10:00 a.m. for the First Annual Raising Awareness for Mobility Purposes (R.A.M.P.), Celebrate Inclusion Wheel-a-Thon parade. Heine moved to grant the request to include the closing of Volusia in front of the Chamber of Commerce building; seconded by Johnson and carried.

Mr. Saffer addressed the Council on behalf of Mr. Paul Hoover to request permission to close Oak Street between Polk Avenue and Monroe Avenue on September 26, 2008 from 4:30 p.m. until 9:00 p.m. for an antique car show by the Cruz Car Club. Mr. Saffer presented a signed petition from downtown merchants in favor of the event. Heine moved to grant the request as presented; seconded by Dixon and carried.

The Fines and Forfeitures Report for the month of July, 2008 indicating fines in the amount of \$3,717.42 was presented.

The Police Activity Report for August, 2008 was presented.

The Recorders' report of Revenues and Expenditures through July 31, 2008 was presented.

Administrator Strube addressed the Council and opened the Fair Housing Workshop stating that the purpose of the workshop is to provide information about fair housing regulations and practices to the general public and the Council. He presented materials to the Council and audience regarding Fair Housing Training. He then opened the Fair Housing workshop. A sign in sheet was passed out to members of the public in attendance. He read the entire handout which deals with what housing is covered, discrimination, and information sources on fair housing. There were no comments or questions from the Council or the public. *The workshop was closed at 6:30 p.m.*

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Mayor Goodman reconvened the Regular Meeting.

Administrator Strube then addressed the Council to inform them that the City received a notification of approval from the Department of Community Affairs (DCA) of the City's Evaluation and Appraisal Report (EAR) which was previously adopted by City Resolution 2008-5. With this approval the City can now update its Comprehensive Plan and Land Development Regulations. Administrator Strube stated that normally there would be a period of eighteen (18) months to modify comments; however, another EAR is required to be submitted by July 2009. He suggests that the City enter into a Planning Service Agreement with Government Funding Specialist, Inc, to update the City's Land Development Regulations. Heine moved to award a contract to Government Funding Specialist Inc. in an amount of \$16,000.00 to update the City Land Development Regulations. The motion died for a lack of second. Administrator Strube asked the Council how they wished to proceed with updating the Land Development Regulations, no reply was given, and no action was taken.

Attorney Galvano addressed the Council and presented a proposed ordinance for tent sales stating that he feels the heart of the issue concerns motor vehicle sales. He also presented Council with copies of Tent Sale Ordinances from Lake City, Jackson County and Charlotte County for them to review. He believes there are several questions that need to be answered in order to finalize an ordinance for the City such as the number of days per year and if the City would require a "letter of credit" from each vendor. A proposed list of questions was included in his memo to the Council. He noted that Council might have additional questions they feel needed to be considered as well. Attorney Galvano stated that once an ordinance is in place it would then become part of an administrative approval process. Councilman Dixon stated he would like to have more time to study the information. Mayor Goodman asked if the Council would like to have a workshop on the information. Council agreed to hold a workshop at 5:00 p.m. prior to the next Council meeting on September 16, 2008 in order to answer some of the specific questions as outlined by Attorney Galvano. Mr. Mark Schlundt, General Manager of DeSoto Auto Mall addressed the Council and thanked them for all the work that was being done to address this issue. He stated taxes from these sales would go back to the county where the dealer is located. Mr. Schlundt also suggests that the ordinance require the vendor to meet the same zoning that they could not sell if the area was not zoned commercial. Councilman Dixon stated he thought taxes stayed in the County to which Attorney Galvano responded yes, if the vehicle is registered in DeSoto County the taxes would stay in DeSoto County. Special Projects Hewett stated that the current ordinance works for everything except tent sales, noting that the City is getting questions from other vendors such as food vendors. The current ordinance does not allow for the taking up of required parking spaces, the only exemption is if a charitable organization sponsors the event. Councilman Johnson asked if that means that a dealership from Charlotte County would not be allowed to hold a sale in Arcadia to which Mr. Hewett replied that would be correct. Councilman Johnson then stated he did not believe that it was the intent of the Council, they did not plan to block out auto tent sales. Administrator Strube stated that at this time if the City has a request for someone to do a tent sale for something other than auto sales they could not be approve unless they were sponsored by a local charitable organization. Councilman Dixon asked the Council to review the current ordinance to see if the wording is "must be sponsored by a charitable organization". He believes the proposed ordinance should address only automobile tent sales.

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Councilman Dixon addressed the Council and reported that he was informed that Councilman Fazzone spoke on a local radio program addressing the issue of auto tent sales in Arcadia and stated on that program that Councilman Dixon has a conflict of interest and could not vote on the issue. Councilman Dixon reported that he did speak with his attorney and that no conflict exists. He then stated that if Mr. Fazzone makes any remarks concerning this issue again he will take legal action. Mayor Goodman stated that she believes in following protocol and that if there are to be any interviews with the media a formal request needs to come from the Administrator for all of the Council to have input so that no one member gives the opinion of the Council.

Councilman Dixon then reported on an incident which took place after the Council meeting of August 5, 2008 between both he and Councilman Fazzone in the presence of Administrator Strube and Special Projects Coordinator Hewett at which time Councilman Fazzone made what Councilman Dixon stated was a very unprofessional and derogatory remark to him.

The Planning and Zoning Board at their regular meeting and also sitting as the Citizens Advisory Task Force (CATF) on August 12, 2008 recommended the following to the City Council:

1. That Mr. Lonnie Ward, Jr., of FEDCO Development Corporation be allowed to construct a 2-family home on "All of Lot 11 together with Lot 13 Less the South 10 feet thereof in Block "X" A.W. Gilchrist's "Bonita" Subdivision according to the Plat thereof recorded in the Plat Book 2, page 91 as allowed for by City Code Section 110-241 (7) f "*subject to the approval of the city council, after a finding of their necessity or desirability for convenience and/or welfare and of their conformity with the spirit and purpose of this chapter*" Heine moved to grant the request by Resolution No. 2008-9 in accordance with Section 110-251 (7) f of the City of Arcadia Zoning Code; seconded by Johnson and carried.

RESOLUTION NO. 2008-9

A RESOLUTION GRANTING APPROVAL IN ZONING LAWS
LONNIE WARD JR. aka FEDCO TO CONSTRUCT ONE (1)
DUPLEX IN A ONE-FAMILY DISTRICT AND SETTING FORTH
CONDITIONS.

WHEREAS, Lonnie Ward Jr. has requested approval in zoning laws to permit him to construct one (1) duplex in a R-1B district, and

WHEREAS, Section 110-241 uses permitted under (7) f 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 districts", 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 Lonnie Ward Jr. be granted approval to construct one (1) duplex on Lot 11 together with Lot 13 less the South 10 feet thereof in Block "X" A. W. Gilchrist's "Bonita" Subdivision of Arcadia as recorded in Plat Book 2, page 91

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(Resolution No. 2008-9 Continued)

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

1. All regulations required by the State, County, and City be met.
2. The current plot used shall be in accordance with Section 110-241 (7) f of the City of Arcadia Zoning Code.
3. 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 2nd day of September, 2008.

ATTEST:

CITY OF ARCADIA, FLORIDA

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

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

1. That the City apply for a \$700,000.00 CDBG grant for Housing Rehabilitation.
2. That the request of Mr. Mack Martin of Martin Realty Fla., Inc. be granted to allow for the replacement of a current sign with a changeable copy message board sign, that the location of the new sign meet a required five (5) foot setback from the sidewalk and DOT right-of-way and that the sign policy be amended to include Real Estate Agencies under "changeable copy signs". Johnson then moved to grant the request to allow for a changeable copy message board sign; seconded by Dixon and carried. Special Projects Coordinator Hewett stated that Mr. Martin's property is zoned Professional Office District P-1 and that the City has included it in a Residential-Professional-Business District Overlay which would allow for a sign no higher than ten (10) feet. The P-1 would allow for a one-to-one ratio which means for each foot in height the sign would be setback an equal number of feet. Mr. Martin objected to being required to follow an RPB Overlay if his property is P-1. It was noted that he does not have the front yard area to meet the P-1 requirement for the setback of his proposed sign and therefore would not be able to meet the requirements as per City Code. Mr. Hewett stated that the RPB Overlay would allow a sign of five (5) feet and that the Planning and Zoning Board did not address the height of the sign. After discussion, the motion stood as approved.

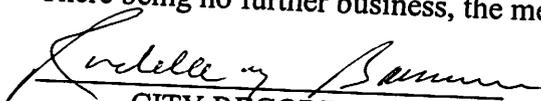
The Airport report for the months of June 2008 and July, 2008 was presented.

The Golf Course report for the month of July, 2008 was presented.

Attorney Galvano complimented Administrator Strube and Grants Coordinator Weeks for completion and acceptance of the EAR report noting that this is a very difficult process.

Councilman Johnson reported that he was elected to serve his 11th term as a Director on the Florida League of Cities Board.

There being no further business, the meeting was adjourned.


CITY RECORDER


PRESIDENT