

REGULAR MEETING
APRIL 19, 2005

A Regular Meeting of the Arcadia City Council was held on April 19, 2005 at 6:00 p.m. in Room D of the Way Building at 23 N. Polk Avenue. Councilmember's attending were: Whitlock, Heine, Fazzone, Goodman and Johnson. Also in attendance were: Administrator Strube, Attorney Holloman, City Marshal Lee, Special Projects Coordinator Hewett, Public Works Supervisor Reed, Ms. Way, and Recorder Baumann.

Mayor Whitlock called the meeting to order.

The Invocation was given by Reverend Lorenzo Dixon, pastor of the Assembly of Praise Church of Arcadia.

Pledge of Allegiance to the Flag.

The minutes of the Special Meeting of the City Council and County Commission of March 8, 2005 were adopted on motion of Heine; seconded by Fazzone and carried.

Proposed Ordinance No. 915 was presented on second reading in order to meet the advertising requirement. Heine moved to waive the rules and read the proposed ordinance by title only; seconded by Goodman and carried.

ORDINANCE NO. 915

AN ORDINANCE OF THE CITY OF ARCADIA, DESOTO COUNTY, FLORIDA, AMENDING SECTIONS 46-3 AND 46-91, OF THE CODE OF ORDINANCE OF THE CITY OF ARCADIA, FLORIDA, TO CONFORM TO EARLY VOTING AT ELECTIONS; AMENDING SECTION 46-173 OF THE CODE OF ORDINANCES OF THE CITY OF ARCADIA, FLORIDA, TO PROVIDE FOR EARLY VOTING AT ELECTIONS; AMENDING SECTION 46-263 OF THE CODE OF ORDINANCES OF THE CITY OF ARCADIA, FLORIDA, TO PROVIDE FOR THE DATE OF A RUN-OFF ELECTION IN THE EVENT OF A TIE; PROVIDING FOR CHALLENGES OF ELECTORS; PROVIDING FOR CANVASS OF RETURNS OF SUCH BALLOTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Fazzone then moved to approve Ordinance No. 915 on second reading; seconded by Heine. Mayor Whitlock called for comments from the public, there were none. The motion carried on roll call vote. Ayes: Heine, Fazzone, Goodman, Johnson, and Whitlock. Nays: None.

Proposed Ordinance No. 916 was presented on second reading. Heine moved to waive the rules and read the proposed ordinance by title only; seconded by Johnson and carried.

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ORDINANCE 916

AN ORDINANCE AMENDING THE ZONING ORDINANCES OF THE CITY OF ARCADIA, FLORIDA, TO AUTHORIZE THE REZONING OF LOTS 7,9,10,11,12,13,14 AND SOUTH HALF LOT 8, BLOCK 37, ORIGINAL SURVEY OF ARCADIA AS RECORDED IN PUBLIC RECORDS OF DESOTO COUNTY, FLORIDA FROM MULTIPLE DWELLING R-3 DISTRICT TO RESIDENTIAL-PROFESSIONAL BUSINESS RBP DISTRICT; PROVIDING AN EFFECTIVE DATE.

Johnson then moved to approve Ordinance No. 916 on second reading; seconded by Fazzone. Mayor Whitlock called for comments from the public, there were none. The motion carried on roll call vote. Ayes: Heine, Fazzone, Goodman, Johnson, and Whitlock. Nays: None.

Attorney Holloman addressed Council regarding Resolution No. 2005-08 stating that on November 9, 2004, Council authorized the purchase of property and this resolution authorizes the purchase of the property in the form of a promissory note. Fazzone moved to authorize the Mayor to sign Resolution No. 2005-08; seconded by Heine and carried.

RESOLUTION 2005- 08

A RESOLUTION OF THE CITY OF ARCADIA, FLORIDA
 AUTHORIZING AND DIRECTING THE MAYOR AND THE
 CITY RECORDER TO EXECUTE ALL DOCUMENTS
 NECESSARY IN ORDER TO PURCHASE CERTAIN
 REAL PROPERTY.

WHEREAS, THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA, DID on November 9, 2004, authorize the purchase of the following-described real property:

Lots 1 to 6 and the North half of Lot 7, Block 24, Original Survey of the City of Arcadia, Florida;

And,

Lots 21, 22, and the North half of Lot 23, Block 24, Original Survey of the City of Arcadia, Florida;

And,

WHEREAS, it is in the best interest of this City that part of the purchase price be in the form of promissory notes secured by purchase money mortgages encumbering the property; and

WHEREAS, the title insurance underwriter has requested a resolution by the municipal governing body authorizing the mortgage of each property.

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(Resolution 2005-8 continued)

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

That Paul P. Whitlock, Mayor, and Rachelle M. Baumann, City Recorder, are hereby authorized and directed to execute and deliver promissory notes secured by mortgages encumbering the above-described property, and to further execute and deliver all documents necessary to complete the purchase of said properties.

PASSED AND DULY ADOPTED by the City Council of the City of Arcadia, Florida, on the 19th day of April, 2005.

ATTEST:

CITY OF ARCADIA, FLORIDA

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

By: PAUL P. WHITLOCK
 PAUL P. WHITLOCK
 MAYOR

No action was taken on a request by Lorrie and Ron Collins as they were not in attendance.

Tim Paul addressed Council to request consideration to allow continuation of mixed use occupancy (Residential/Commercial) at 25 West Magnolia Street. Mr. Paul is requesting that two (2) studio apartments with one (1) bedroom each be allowed on the second floor of his building. The remainder of the seconded floor would be used as office space. Administrator Strube stated that this request is in keeping with the downtown. Fazzone moved to grant the request by non-transferable Resolution No. 2005-9 subject to City, County and State codes and regulations being met; seconded by Heine and carried.

RESOLUTION 2005-09

WHEREAS, Timothy L. Paul President of A & M Investment Properties LLC has purchased the West 50 feet of lots 1 and 2, and the West 50 feet of the North 30 feet of lot 3, Block 46, Original Survey of the City of Arcadia, known as the Graystone building, and

WHEREAS, this building is in the downtown historic district and Mr. Paul will renovate the said building in keeping with historic preservation, and

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(Resolution 2005-9 continued)

WHEREAS, the second floor of this building for many years served as a family residence prior to the present zoning, and

WHEREAS, the plans submitted for the second floor indicate two small studio apartments in addition to the office space for the owner, and

WHEREAS, the City Council in keeping with the historic preservation and a previous recommendation from the Planning and Zoning Board to utilize the downtown second floors for living purposes, feels this is in the best interest of the citizens of Arcadia.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Arcadia, Florida, that Timothy Paul, President of A & M Investment Properties be granted a non-transferable approval to permit the use of two (2) small apartments for living purposes, on the second floor of said building.

BE IT FURTHER RESOLVED that this approval is granted subject to the renovation and use meeting all City, County and State Codes and Regulations.

PASSED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA, in Regular Session this 19th day of APRIL, 2005.

ATTEST:

CITY OF ARCADIA, FLORIDA

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

BY: /s/ PAUL P. WHITLOCK
PAUL P. WHITLOCK
MAYOR

APPROVED AS TO FORM BY
DAVID C. HOLLOMAN
CITY ATTORNEY

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Linda Williams representing the Main Street Association addressed Council to present a final design plan for installing new plants in the Tree of Knowledge Park. The project will be funded by a grant awarded to the Main Street Association from the Governors Hurricane Fund. Fazzone moved to approve the design plan for new plants in the Tree of Knowledge Park; seconded by Johnson and carried.

Martha Craven addressed Council to request permission to operate an Inn at their property located at #2, #4, and #8, West Oak Street. They would have eleven (11) rooms upstairs and one (1) handicapped room downstairs. Heine moved to grant the request by non-transferable Resolution No. 2005-10 subject to City, County and State codes and regulations being met; seconded by Johnson and carried.

RESOLUTION 2005-10

WHEREAS, Charles and Martha Craven are owners of a two story building in the South East corner of Block 3, Original Survey with downstairs being numbered 2, 4, & 8 West Oak Street, and

WHEREAS, this building is in the downtown historic district, and

WHEREAS, Charles and Martha Craven plan to restore the building and have requested approval to operate an 11 room inn on the second floor with one ADA room downstairs, and

WHEREAS, the City Council in keeping with the historic preservation and a previous recommendation from the Planning and Zoning Board to utilize the downtown second floors for living purposes, feels this is in the best interest of the citizens of Arcadia.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Arcadia, Florida, that Charles and Martha Craven be granted a non-transferable approval to permit the use of a 12 room inn on the second floor of their building on the South East corner of Block 3, Original Survey over 2, 4 & 8 West Oak Street.

BE IT FURTHER RESOLVED that this approval is granted subject to the renovation and use meeting all City, County and State Codes and Regulations.

PASSED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA, in Regular Session this 19th day of APRIL, 2005.

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(Resolution 2005-10 continued)

ATTEST:

CITY OF ARCADIA, FLORIDA

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

BY: PAUL P. WHITLOCK
PAUL P. WHITLOCK
MAYOR

APPROVED AS TO FORM BY
DAVID C. HOLLOMAN
CITY ATTORNEY

A report of Police Fines and Forfeitures for the month of March indicates fines \$2,031.73, law enforcement \$58.50 and radios \$37.50.

The Recorder's report of Revenues and Expenditures for the month of March 2005 was presented.

Recorder Baumann then reported that she had given all Council Members a copy of the 2004 Annual Audit for review.

Bill Minnear addressed Council regarding his building and the need for repairs to be made as soon as possible. He then presented a flyer advertising a "Rods and Wings" event to be held at the airport on Sunday, May 15, 2005, from 8:30 AM until 4:00 PM. He stated that this is a static display of planes. Attorney Holloman questioned the need for additional insurance for the event in order to cover the City. Mr. Minnear will give Attorney Holloman a copy of his insurance policy. Mr. Minnear requests that a police car and fire truck be at the event. Mr. Minnear was informed that he will need to check with the Fire and Police departments to schedule their attendance. Administrator Strube inquired about the placement of the cars and planes and was informed that the cars will be on the grass and the planes on the tarmac.

The Flowage report of Air-Cadia, Inc. for the month of February 2005 for the Municipal Airport was presented.

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The Public Works report for the month of March 2005 was presented.

Public Works Supervisor John Reed reported that the street sweeper is still being repaired. Mr. Reed returned the sweeper, as the original repairs were not satisfactory. The sweeper appears to be fine for parking lots; however it frequently breaks down when being used on curbs and gutters due to the sand and oil it picks up.

It was noted that reuse will not be available until the sand filters at the wastewater treatment plant have been upgraded. This will be funded as a FEMA project and it will take nine (9) to twelve (12) weeks to get the parts.

Heine requests that potholes on the south side of Hickory Street and Orange Avenue be filled.

Fazzone inquired when the City would be able to begin the street paving project and was informed that all underground utilities must first be identified. At this time there is no definite schedule. The City is attempting to get FEMA funds based on the current smoke testing to locate broken water/sewer lines caused by the Hurricanes of 2004.

Dr. Calvin Martin thanked Mayor Whitlock for his interest in the appearance of the community and for supporting the Beautification Committee clean up of downtown day.

Victor Headley addressed Council to inquire about Community Development Block Grant (CDBG) applications and was advised to call Steve Weeks for information.

Special Projects Coordinator Hewett addressed Council to report that the bids for cleaning out the ditches have been sent out and he hopes to have everything done within the next two (2) months.

Ms. Way and Administrator Strube thanked Recorder Baumann for her hard work on the audit, noting that it takes a significant amount of time due to new reporting requirements. All Council Members also acknowledged Recorder Baumann's work on the audit.

Goodman thanked Marshal Lee for taking care of a gambling situation in town. She then inquired when repairs would be made to Smith Brown and was informed that the contractor needs to get the equipment in order to move the light poles.

Attorney Holloman reported that he met with the Code Enforcement officer to discuss several code violations.

Fazzone stated that the little league field is looking great.

Heine inquired if a home on Orange Avenue opposite the grocery store was going to be repaired, no one had an answer.

There being no further business the meeting was adjourned.


CITY RECORDER


PRESIDENT