

## REGULAR MEETING

APRIL 18, 2006

A Regular Meeting of the Arcadia City Council was held on April 18, 2006, at 6:00 p.m. in Room D of the Way Building at 23 North Polk Avenue. Council members attending were Heine, Johnson, Goodman, Whitlock, and Fazzino. Also in attendance were Administrator Strube, Attorney Holloman, Marshal Lee, Fire Chief Blosser, Special Projects Coordinator Hewett, Ms. Way and Recorder Baumann. Others: County Administrator Coffee, County Commissioners Garner, Neads, Hill, and members of the Arcadia and DeSoto County Fire/EMS

Mayor Heine called the meeting to order.

The Invocation was given by Council Member Whitlock.

Pledge of Allegiance to the Flag.

The Minutes of the Work Session of April 4, 2006 and Regular Meeting of April 4, 2006 were adopted on motion of Johnson; seconded by Goodman and carried.

Proposed Ordinance No. 919 was presented for third reading. Johnson moved to waive the rules and read the proposed ordinance by title only, seconded by Whitlock and carried.

## ORDINANCE NO. 919

AN ORDINANCE OF THE CITY OF ARCADIA, AMENDING THE CITY OF ARCADIA POLICE OFFICERS' AND FIREFIGHTERS' RETIREMENT SYSTEM, ADOPTED PURSUANT TO ORDINANCE NO. 897, AS SUBSEQUENTLY AMENDED; AMENDING SECTION 6, BENEFIT AMOUNTS AND ELIGIBILITY; AMENDING SECTION 7, PRE-RETIREMENT DEATH; AMENDING SECTION 8, DISABILITY; AMENDING SECTION 9 VESTING; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISION; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

Fazzino then moved to adopt Ordinance No. 919 on third and final reading and that it become an ordinance of the City of Arcadia; seconded by Johnson. Mayor Heine called for public comments, there were none. The motion carried on a roll call vote. Ayes: Johnson, Fazzino, Whitlock, Goodman and Heine. Nays: None.

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ORDINANCE NO 919

AN ORDINANCE OF THE CITY OF ARCADIA , FLORIDA, AMENDING THE CITY OF ARCADIA POLICE OFFICERS' AND FIREFIGHTERS' RETIREMENT SYSTEM, ADOPTED PURSUANT TO ORDINANCE NO. 897, AS SUBSEQUENTLY AMENDED; AMENDING SECTION 6, BENEFITS AMOUNTS AND ELIGIBILITY AMENDING SECTION 7, PRERETIREMENT DEATH; AMENDING SECTION 8, DISABILITY; AMENDING SECTION 9, VESTING; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA;

SECTION 1: That the City of Arcadia Police Officers' and Firefighters' Retirement System, adopted pursuant to Ordinance No. 897, as subsequently amended, is hereby further amended by amending Section 6, Benefit Amounts and Eligibility, subsection 2, Normal Retirement Benefit, to read as follows:

2. Normal Retirement Benefit.

A Member retiring hereunder on or after his normal retirement date shall receive a monthly benefit which shall commence on the first day of the month coincident with or next following his Retirement and be continued thereafter during Member's lifetime, ceasing upon death, but with one hundred twenty (120) monthly payments guaranteed in any event. The monthly retirement benefit shall equal three and one-half ~~thirty-two hundredths~~ percent (~~3.32~~ 3.5%) of Average Final Compensation, for each year of Credited Service.

SECTION 2: That the City of Arcadia Police Officers' and Firefighters' Retirement System, adopted pursuant to Ordinance No. 897, as subsequently amended, is hereby further amended by amending Section 7, Pre-Retirement Death, subsection 2, Deceased Members Vested or Eligible for Retirement, to read as follows:

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(Ordinance 919 continued)

2. Deceased Members Vested or Eligible for Retirement.

The Beneficiary of any Member who dies and who, at the date of his death was vested or eligible for early or normal retirement, shall be entitled to a benefit as follows:

- A. If the Member was vested, but eligible for normal or early retirement, the Beneficiary shall receive a benefit payable for ten (10) years, beginning on the date that the deceased Member would have been eligible for early or normal retirement, at the option of the Beneficiary. The benefit shall be calculated as for normal retirement ~~utilizing a benefit accrual rate of three and two tenths percent (3.2%) for each year of Credited Service and based on the~~ benefit accrual rate and the deceased Member's Credited Service and Average Final Compensation as of the date of his death and reduced as for early retirement, if applicable. The Beneficiary may also elect to receive an immediate benefit, payable for ten(10) years, which is actuarially reduced to reflect the commencement of benefits prior to the early retirement date.
- B. If the deceased Member was eligible for normal or early retirement, the Beneficiary shall receive a benefit payable for ten (10) years, beginning on the first day of the month following the Member's death or at the deceased Member's otherwise early or normal retirement date, at the option of the Beneficiary. The benefit shall be calculated as for normal retirement ~~utilizing a benefit accrual rate of three and thirty two hundredths percent (3.32%) for each year of Credited Service and based on the~~ benefit accrual rate and the deceased Member's Credited Service and Average Final Compensation as of the date of his death and reduced as for early retirement, if applicable.
- C. A Beneficiary may not elect an optional form of benefit, however, the Board may elect to make a lump sum payment pursuant to Section 10, subsection 7.

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(Ordinance 919 continued)

- D. A Beneficiary may, in lieu of any benefit provided for in A or B above, elect to receive a refund of the deceased Member's Accumulated Contributions.

**SECTION 3:** That the City of Arcadia Police Officers' and Firefighters' Retirement System adopted to Ordinance No. 897, as subsequently amended, is hereby further amended by amending Section 8, Disability, subsections 1, Disability Benefits In-Line of Duty, and 3 Disability Benefits Not-in-Line of Duty, to read as follows:

1. Disability Benefits In-Line of Duty.

Any Member who shall become totally and permanently disabled to the extent that he is unable, by reason of a medically determinable physical or mental impairment, to render useful and efficient service as a Police Officer or Firefighter, which disability was directly caused by the performance of his duty as a Police Officer or Firefighter, shall, upon establishing the same to the satisfaction of the Board, be entitled to a monthly pension equal to three and ~~two-tenths~~ one-half percent (~~3.2~~ 3.5%) of his Average Final Compensation multiplied by the total years of Credited Service, but in any event the minimum amount paid to the Member shall be forty-two percent (42%) of the Average Final Compensation of the Member. Terminated persons, either vested or non-vested, are not eligible for disability benefits, except that those terminated by the City for medical reasons may apply for a disability within thirty (30) days after termination.

\* \* \*

3. Disability Benefits Not-in-Line of Duty.

Any Member with ten (10) years or more Credited Service who shall become totally and permanently disabled to the extent that he is unable, by reason of a medically determinable physical or mental impairment, to render useful and efficient service as a Police Officer or Firefighter, which disability is not directly caused by the performance of his duties as a Police Officer or Firefighter shall, upon establishing the same to the satisfaction of the Board, be entitled to a monthly pension equal to three and ~~two-tenths~~ one-half percent (~~3.2~~ 3.5%) of his Average Final Compensation multiplied by the total years of Credited Service. Terminated persons, either vested or non-vested, are not eligible for disability benefits, except that those terminated by the City for medical reasons may apply for a disability within thirty (30) days after termination.

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(Ordinance 919 continued)

**SECTION 4:** That the City of Arcadia Police Officers' and Firefighters' Retirement System, adopted pursuant to Ordinance No. 897, as subsequently amended, is hereby further amended by amending Section 9, Vesting, subsection 2, to read as follows:

2. If the Member has six (6) or more years of Credited Service upon termination, the Member shall be entitled to a monthly retirement benefit, determined in the same manner as for normal or early retirement and based upon the Member's Credited Service, Average Final Compensation and the a benefit accrual rate of three and two tenths percent (3.2%) for each year of Credited Service as of the date of termination, payable to him commencing at the Member's otherwise normal or early retirement date, determined based upon his actual years of Credited Service, provided he does not elect to withdraw his Accumulated Contributions and provided the Member survives to his otherwise normal or early retirement date. If the Member does not withdraw his Accumulated Contributions and does not survive to his otherwise normal or early retirement date, his designated Beneficiary shall be entitled to a benefit as provided herein for a deceased Member, vested or eligible for Retirement under Pre-Retirement Death.

**SECTION 5:** Specific authority is hereby granted to codify and incorporate this Ordinance in the existing Code of Ordinances of the City of Arcadia.

**SECTION 6:** All Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

**SECTION 7:** If any section, subsection, sentence, clause, phrase of this ordinance, or the particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases under application shall not be affected thereby.

**SECTION 8:** That this Ordinance shall become effective upon its Adopted.

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(Ordinance 919 continued)

PASSED ON FIRST READING, this 21<sup>st</sup> day of March, 2006

PASSED ON SECOND READING, this 4<sup>th</sup> day of April, 2006.

PASSED ON THIRD READING, this 18<sup>th</sup> day of April, 2006.

ATTEST:

CITY OF ARCADIA, FLORIDA

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

By: /s/ ROBERT W. HEINE  
 ROBERT W. HEINE  
 MAYOR

APPROVED AS TO FORM:  
 DAVID C. HOLLOMAN  
 CITY ATTORNEY

Proposed Ordinance No. 920 was presented for third reading. Goodman moved to waive the rules and read the proposed ordinance by title only, seconded by Johnson and carried.

ORDINANCE NO. 920

AN ORDINANCE AMENDING THE ARCADIA CITY CODE  
 PERTAINING TO THE NUMBER AND LOCATION OF ACCESS POINTS  
 LOCATED ON A STREET BY PROVIDING FOR THE AMENDMENT OF  
 SECTION 110-107 (a), OF THE CODE OF ORDINANCES OF THE CITY  
 OF ARCADIA; REPEALING ALL ORDINANCES IN CONFLICT;  
 PROVIDING SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

Goodman then moved to adopt Ordinance No. 920 on third and final reading and that it become an ordinance of the City of Arcadia; seconded by Whitlock. Mayor Heine called for comments from the public, there were none. The motion carried on a roll call vote. Ayes: Johnson, Fazzone, Whitlock, Goodman and Heine. Nays: None

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ORDINANCE 920

AN ORDINANCE AMENDING THE ARCADIA CITY CODE PERTAINING TO THE NUMBER AND LOCATION OF ACCESS POINTS LOCATED ON A STREET BY PROVIDING FOR THE AMENDMENT OF SECTION 110-707 (a), OF THE CODE OF ORDINANCES OF THE CITY OF ARCADIA; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

SECTION 1.

BE IT ORDAINED By the City Council of the City of Arcadia, Florida, that Section 110-707(a) of the Code of Ordinances City of Arcadia, Florida, is hereby amended to read as follows:

(a) Access points located on a street, except those serving gasoline service stations, shall be only one vehicular access point, not to exceed 40 feet in width, or two vehicular access points, not to exceed 24 feet in width each. All vehicular access points shall be located at least 150 feet, or two-thirds the distance of the lot frontage, whichever is less, from the intersection of any right-of-way lines of streets or a street and a railroad, and at least ~~15 feet from all side or rear~~ a width equal to the required side yard set back from all property lines excluding the apron, which is not to exceed the property lines.

SECTION 2.

SEVERABILITY: Should any section, subsection, or provision of this Ordinance or any portion hereof, or any paragraph, sentence, clause, phrase words, etc. be declared invalid by a Court of competent jurisdiction, such decision shall not affect the validity of the remainder hereof as a whole or any part hereof, other than the part so declared to be invalid.

SECTION 3.

This Ordinance shall take effect pursuant to Chapter 73-403 of the laws of the State of Florida.

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(Ordinance 920 continued)

**PASSED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA, IN  
REGULAR SESSION IN THE CITY COUNCIL CHAMBERS, ARCADIA, FLORIDA,  
ON THIS 18<sup>th</sup> DAY OF April, 2006.**

ATTESTED:

CITY OF ARCADIA, FLORIDA

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

By: /s/ ROBERT W. HEINE  
ROBERT W. HEINE,  
MAYOR

|                          |                              |
|--------------------------|------------------------------|
| PASSED ON FIRST READING  | <u>March 21,</u> _____, 2006 |
| PASSED ON SECOND READING | <u>April 4</u> _____, 2006   |
| PASSED ON THIRD READING  | <u>April 18</u> _____, 2006  |

**APPROVED AS TO FORM:**

David C. Holloman, City Attorney

Proposed Ordinance No. 921 was presented on a second reading. Whitlock moved to waive the rules and read the proposed ordinance by title only, seconded by Johnson and carried.

**ORDINANCE NO. 921**

**AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF  
ARCADIA, FLORIDA, TO REZONE LOTS 1 THROUGH 18, BOTH  
INCLUSIVE AND ADJACENT ALLEWAYS, ALL BEING IN BLOCK A,  
MILLS ADDITION TO ARCADIA FROM ONE FAMILY DWELLING R1B  
TO RESIDENTIAL PROFESSIONAL BUSINESS RPB DISTRICT;  
PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

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Fazzone moved to approve Ordinance 921 on a second reading seconded by Whitlock. Mayor Heine called for comments from the public, there were none. The motion carried on a roll call vote. Ayes: Johnson, Fazzone, Whitlock, Goodman, and Heine. Nays: None

Mayor Heine presented a Proclamation declaring the week of May 7<sup>TH</sup> – 13<sup>TH</sup> as National Hospital Week and urged all residents, businesses, government agencies and service groups to express their appreciation for the people that make health care possible in our community. Goodman moved to endorse this action; seconded by Johnson and carried.

Ms. Genie Martin of the Beautification Committee addressed Council to discuss Code Enforcement. Mrs. Martin thanked the City of Arcadia Police Department for their role in enforcing the codes for clean up in the City. She, however, expressed concern regarding many areas within the City that are still in disrepair and debris ridden. Mrs. Martin passed out pictures to the Council Members. Mrs. Martin requested the Council fund a full time Code Enforcement Officer. Marshal Lee informed Ms. Martin of a longtime employee of the Police Department that was serving in the capacity of full time Code Enforcement Officer. This individual, due to health problems, was not able to serve as an active police officer, but had taken over the task of Code Enforcer. Mrs. Martin stated she did not believe the compliance time already set for the City, was being met regarding clean up. Mrs. Martin indicates she is embarrassed to see the City looking so disheveled, and inquired of the Council if they to be not embarrassed. Goodman and Johnson both replied they were. Goodman stated an occasion in her neighborhood of code violations. Johnson shared some information he received while attending a meeting in Gainesville regarding procedures that that City was putting in place to involve the people in the various areas and communities of the City. Goodman agreed that in order for beautification and code enforcement to work within a City, the citizens and public must be involved. Goodman moved to hold a Workshop on May 2, 2006 at 5:00 PM to address Code Enforcement and beautification of the City; seconded by Fazzone and carried.

A request by Mary Lopez to discuss code enforcement issues was tabled as Ms. Lopez was unable to attend this meeting.

Goodman stated that code enforcement is another issue that continues to be ongoing. The City can hire staff to write tickets; however if the citizens will not take pride in their area it will not work. She suggested that the first meeting in the months of June, July and August be used for workshops and the regular meetings be scheduled for the 2<sup>nd</sup> meeting of the months of June, July and August. Council was in agreement, to this schedule.

Marshal Lee stated that he is in favor of the workshops.

Goodman then stated that there is code enforcement activity as noted in the Marshal's report.

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A report of Police Fines and Forfeitures for the month of March 2006 indicates fines in the amount of \$ 2,895.09.

The Planning and Zoning Board at their meeting of April 11, 2006 recommended the following to the City Council:

That the site plan for Dr. Alokeh's office on Nursing Home Drive, as presented by Engineer Bushouse, be approved subject to its meeting all requirements of a P-1 Zoning, as an overlay of the PUD Zoning. Attorney Holloman addressed Council stating that the request is a quasi-judicial matter. Attorney Holloman asked Council if anyone had received any written or verbal correspondence or done a site visit. No one had anything to report. Johnson moved to approve the site plan for Dr. Alokeh's office as presented subject to its meeting all requirements of a P-1 Zoning, as an overlay of the PUD Zoning; seconded by Whitlock and carried.

That the site plan for the expansion of Lou Welch's building in Block 47, Original Survey be approved. Attorney Holloman addressed Council stating that the request is a quasi-judicial matter. He then asked if anyone had received any written or verbal correspondence or done a site visit. No one had anything to report. Fazzone moved to approve the site plan for the expansion of Lou Welch's building in Block 47, Original Survey; seconded by Johnson and carried.

That the site plan for Mr. Fusco be approved subject to the City easement being overlaid on the vacated alley. Attorney Holloman again addressed Council stating that the request is a quasi-judicial matter. He then asked if anyone had received any written or verbal correspondence or done a site visit. No one had anything to report. Johnson moved to approve the site plan for Mr. Fusco subject to the City easement being overlaid on the vacated alley; seconded by Goodman and carried.

That the alleyway between partial Lot 16 East of Highway 17 N and Lot 24, Block B, Gilchrist and Baldwins addition be vacated. Special Projects Coordinator Hewett presented to the Council a map depicting a request by DeSoto Memorial Hospital to place a sign in an area that is now an alleyway. The hospital owns land on both sides of this alleyway. The hospital requests the closure of this alleyway. Fazzone moved that DeSoto Memorial Hospital will pay advertisement cost, but the fee for the alley closing will be waived by the City; however the Hospital must fill out all necessary paperwork to begin the alley closing process; seconded by Whitlock and carried.

Administrator Strube addressed Council to recommend the execution of contract with City and Triton Water Technologies of Florida (TWT). Johnson moved to approve the contract as recommended by the City Administrator and to sign the agreement with the bank as recommended by Triton; seconded by Goodman and carried.

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Fazzone asked that the paper post water usage information.

Talks from Work Session at 5:00 p.m., regarding merger of Fire/EMS continued.

Fazzone moved to put a deadline on the merger of the City Fire Department with the County of June 1, 2006; seconded by Johnson and carried.

Goodman complimented County Administrator Coffee regarding the professional manner that he and Administrator Strube have preformed in working through the merger. Goodman again stressed that the merger has been voted on and passed by this body of Council Members, and has set a June 1 deadline for this to be complete.

Fazzone questioned items in the Interlocal Agreement. County Administrator Coffee again restated that the intent of the proposed agreement is beneficial to both the City and County. Mr. Coffee admits that he and Administrator Strube do not agree in some areas and that it is possible they will never reach a complete agreement in these areas. However, Mr. Coffee stated that the County has the best interest of the Citizens and the Employees in this merger. Fazzone questioned and was assured by Mr. Coffee that a new Fire Station would be built within the City of Arcadia. Fazzone stated that the proposal could be amended at a later date.

Administrator Strube responded to Mr. Coffee noting that the transfer of accumulated leave as stated in the agreement was not acceptable the City does not have an additional \$100,000.00 he feels that this is an unfair burden on the City. The question of longevity and issues of insurance/benefits are also not acceptable. Administrator Strube indicated that this is a merger to the County for City employees, not termination from the City and hiring to the County.

Mr. Coffee discussed the sick and vacation pay noting that the agreement lets the City pay the County back for the payment of these benefits over time.

Goodman recommended that a Workshop be held addressing the items that are in question or cannot be resolved. It was suggested that the Workshop be held with the County Commissioners. Mr. Coffee will work out the schedule and inform Administrator Strube.

Fazzone addressed Mr. Coffee regarding the verbiage or intent of the letter Mr. Coffee sent to Council Members. Mr. Coffee apologized to Fazzone, indicating he did not intend the letter be perceived as being compelling.

Fire Chief Blosser addressed Council to present recognition of Mr. Robert Bush as the State Volunteer Firefighter of the Year. Mr. Bush was presented, while recently in Tallahassee, certificates of proclamation as to his outstanding performance as Volunteer for the City of Arcadia.

The Public Works report for the month of March 2006 was presented.

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Council Member Fazzone requested the removal of old light poles where new antique lights are to be placed. Mayor Heine inquired of Public Works Supervisor Reed as to how this could be done. Mr. Reed responded that he would see that it was accomplished.

Ms. Dorothy Smith addressed the Council with a request for a special exception regarding a driveway at her home on Roberts and Gibson. Ms. Smith indicates there is a problem backing out of her home with all traffic on her street due to the many emergency vehicles using this route to reach the hospital. Ms. Smith states she owns two (2) pieces of land that cannot be broken up and would like to make a circular drive. Ms. Smith also stated that she has called and spoken with employees of the City, indicating Mr. Reed as one, and has been told her request could not be granted. It should be noted that the reason the request could not be granted is because Ms. Smith does not have the required square footage for a circular driveway. After her request is denied she can come before the Council to request a special approval. Mayor Heine addressed Public Works Supervisor Reed and Special Projects Coordinator Hewett for information regarding this request. Council Member Goodman requested that this matter be handled by Mr. Reed and Mr. Hewitt and that they guide Mrs. Smith in the procedures she needs to comply with in order to get this done. Johnson suggested that a step-by-step written procedure be completed so that in this case and future cases, a written procedure could be given so that people would know exactly what needs to be done. Ms. Smith was informed she would have to pay for the culvert and the plans, of which she agreed to do. Ms. Smith indicates she has no problem paying; she just wants the problem resolved.

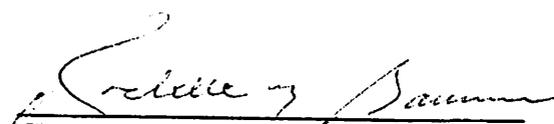
Recorder Baumann presented the 2005 Annual Financial Report to the Council.

Administrator Strube address the Revised Memoranda of Agreement between City of Arcadia and the Governor's Office of Tourism, Trade and Economic Development. This is given only to certain counties in Florida of economic concern, DeSoto being one of those counties, and Arcadia being in DeSoto County. This is an incentive for proposed grants that Arcadia could be eligible to receive. Johnson moved to authorize the Mayor to sign the agreement as presented; seconded by Goodman and carried.

Mayor Heine requests that Council Member Johnson attend "Weathering the Storm Workshop". Johnson will check his calendar and if possible, he will attend.

Goodman asked for an update on moving back to City Hall. She was informed that a Certificate of Occupancy has been received and the punch list is being completed. Administrator Strube reported there are still some handicap issues, but the building is ready to be moved into.

There being no further business the meeting was adjourned.

  
CITY RECORDER

  
PRESIDENT