

REGULAR MEETING  
OCTOBER 3, 2006

A Regular Meeting of the Arcadia City Council was held on October 3, 2006, at 6:00 p.m. in the Margaret Way Building at 23 North Polk Avenue. Council members attending were Heine, Fazzone, Johnson, Goodman and Whitlock. Also in attendance were Administrator Strube, Attorney Holloman, Captain Anderson, Ms. Way and Recorder Baumann.

Mayor Heine called the meeting to order

The Invocation was given by Council Member Goodman.

Pledge Allegiance to the Flag.

The Minutes of the Budget Public Hearing of September 11, 2006 were adopted on a motion by Johnson; seconded by Whitlock and carried.

The Minutes of the Regular Meeting and Public Hearing to Adopt Final Budget of September 19, 2006 were adopted on a motion by Fazzone; seconded by Whitlock and carried.

Resolution No. 2006-18, appointing a Mayor and Deputy Mayor through the end of Fiscal Year 2006-2007 was presented to the Council. On a motion by Goodman; seconded by Fazzone and carried, the Council appointed Roosevelt Johnson to the Office of Mayor of the City of Arcadia. On a motion by Whitlock; seconded by Fazzone and carried, the Council appointed Sharon Goodman to the Office of Deputy Mayor of the City of Arcadia.

RESOLUTIONS 2006-18

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

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

SECTION 1. That City Council Member Roosevelt Johnson 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 Sharon T. Goodman be appointed to the Office of Deputy Mayor of the City of Arcadia, Florida and Presiding Officer of City Council.

Regular Meeting  
October 3, 2006  
Continued

(Resolution 2006-18 Continued)

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 2006-2007 or until their successors are appointed.

PASSED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA,  
at Regular Session in Arcadia, Florida, this 3<sup>rd</sup> day of October, 2006.

/s/ ROBERT W. HEINE  
ROBERT W. HEINE  
Council Member

/s/ SHARON T. GOODMAN  
SHARON T. GOODMAN, Ed. S.  
Council Member

/s/ PAUL P. WHITLOCK  
PAUL P. WHITLOCK  
Council Member

/s/ ROOSEVELT JOHNSON, Ed. D  
ROOSEVELT JOHNSON, Ed. D  
Council Member

/s/ RICHARD P. FAZZONE  
RICHARD P. FAZZONE  
Council Member

ATTEST:

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

Mayor Johnson was presented with the gavel by outgoing Mayor Heine.

Goodman moved that a formal recognition in the form of a resolution be presented to outgoing Mayor Heine at the next Council meeting; seconded by Whitlock and carried.

Ordinance No. 924, amending the Future Land Use Element of the City's Comprehensive Plan, was presented for the third and final reading. Whitlock moved to waive the rules and read the ordinance by title only; seconded by Heine and carried.

Regular Meeting  
October 3, 2006  
Continued

ORDINANCE NO. 924

AN ORDINANCE OF THE CITY OF ARCADIA, FLORIDA, AMENDING THE TEXT OF THE COMPREHENSIVE PLAN OF THE CITY OF ARCADIA, FLORIDA, SAID AMENDMENT BEING KNOWN AS "AMENDMENT #06-1"; SPECIFICALLY AMENDING THE FUTURE LAND USE ELEMENT; HAVING TRANSMITTED SAID AMENDMENT TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS (DCA) FOR A COMPLIANCE FINDING; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Goodman than moved to adopt Ordinance No. 924 on the third and final reading and that it become an ordinance of the City of Arcadia; seconded by Heine. Mayor Johnson called for comments from the public, there were none. The motion carried on a roll call vote. Ayes: Fazzino, Whitlock, Goodman, Heine, and Johnson. Nays: None.

ORDINANCE NO 924

AN ORDINANCE OF THE CITY OF ARCADIA, FLORIDA, AMENDING THE TEXT OF THE COMPREHENSIVE PLAN OF THE CITY OF ARCADIA, FLORIDA, SAID AMENDMENT BEING KNOWN AS "AMENDMENT #06-1"; SPECIFICALLY AMENDING THE FUTURE LAND USE ELEMENT; HAVING TRANSMITTED SAID AMENDMENT TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS (DCA) FOR A COMPLIANCE FINDING; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

**WHEREAS**, Sections 163.3161 through 163.3215, Florida Statutes, the Local Government Comprehensive Planning and Land Development Regulation Act, empowers and mandates the City of Arcadia, Florida, to plan for future development and growth and to adopt and amend comprehensive plans, or elements or portions thereof, to guide the future growth and development of the City; and

**WHEREAS**, pursuant to Section 163.3184, Florida Statutes, the City Council held meetings and hearings on Amendment 06-1, with due public notice having been provided, to obtain public comment, and considered all written and oral comments received during public hearings, including support documents; and,

Regular Meeting  
October 3, 2006  
Continued

(Ordinance 924 Continued)

**WHEREAS**, in exercise of its authority the City Council has determined it necessary to adopt this Amendment 06-1 to the Comprehensive Plan, which is marked as Exhibit "A" and is attached and made a part hereof, to insure that the Plan is in full compliance with the Laws of the State of Florida; to preserve and enhance present advantages; encourage the most appropriate use of land, water and resources consistent with the public interest; and deal effectively with future problems that may result from the use and development of land within the City of Arcadia; and

**NOW, THEREFORE, BE IT ORDAINED** that the Council of the City of Arcadia, Florida, amends its Comprehensive Plan in the following specific manner: the text of the Future Land Use Element is amended as shown in Exhibit "A", specifically, amending the Future Land Use Element to add "Public Schools" to the classifications in which they are a permitted use; and to add a policy to permit co-location of other public facilities on or adjacent to schools.

Severability: If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

A certified copy of this enacting and certified copy of the City of Arcadia Comprehensive Plan shall be located in the Office of the City Recorder of Arcadia. The City Recorder shall also make copies available to the public for a reasonable publication charge.

This Ordinance shall be codified in the Code of Ordinances of the City of Arcadia, Florida.

The effective date of this plan amendment shall be a date that is at least ten (10) days after the Third Reading of this ordinance and which is either the date a final order is issued by the Department of Community Affairs finding the amendment to be in compliance in accordance with Chapter 163.3184, F.S., or the date a final order is issued by the Administration Council finding the amendment to be in compliance in accordance with Chapter 163.3184, F.S., whichever is earlier.

**UNANIMOUSLY PASSED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA, IN REGULAR SESSION AT CITY COUNCIL CHAMBERS, ARCADIA, FLORIDA, ON THIS 3<sup>RD</sup> DAY OF OCTOBER, 2006.**

Regular Meeting  
 October 3, 2006  
 Continued

(Ordinance 924 Continued)

ATTEST:

CITY OF ARCADIA, FLORIDA

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

By:s/s ROOSEVELT JOHNSON  
 ROOSEVELT JOHNSON  
 MAYOR

PASSED ON FIRST READING SEPTEMBER 5, 2006.

PASSED ON SECOND READING, SEPTEMBER 19, 2006.

PASSED ON THIRD READING OCTOBER 3, 2006.

APPROVED AS TO FORM:  
 DAVID C. HOLLOMAN, CITY ATTORNEY

The following ordinances were presented for first reading. Each Council Member had previously been given a copy of the ordinance for study. 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 Heine.

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.

Regular Meeting  
October 3, 2006  
Continued

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

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.

Whitlock then moved to adopt Ordinance No. 926 on the first 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, Heine, Fazzone, Goodman, 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 (DAC) FOR A FINDING OF COMPLIANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Regular Meeting  
October 3, 2006  
Continued

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 AND EFFECTIVE DATE.

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

Regular Meeting  
October 3, 2006  
Continued

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

A Proclamation declaring October 23 through October 31 as "Prevent Underage Drinking Awareness Week" was presented by the Health Occupations Students (HOSA) to the Council. The Proclamation was read by Recorder Baumann. Heine moved to endorse this action; seconded by Goodman and carried.

Emergency Ordinance No. 931-E, an Emergency Ordinance of the City of Arcadia suspending processing of adult entertainment permits for sixty (60) days was presented to the Council. Each Council Member had previously been given a copy for study. Fazzone moved to waive the rules and read the emergency ordinance by title only; seconded by Goodman and carried.

EMERGENCY ORDINANCE NO. 931-E

AN EMERGENCY ORDINANCE OF THE CITY OF ARCADIA  
SUSPENDING PROCESSING OF APPLICATIONS FOR ADULT  
ENTERTAINMENT ESTABLISHMENT PERMITS FOR SIXTY  
DAYS; PROVIDING FOR APPLICATION AND EXEMPTIONS;  
PROVIDING FOR SEVERABILITY; PROVING FOR AN  
EFFECTIVE DATE.

Attorney Holloman inquired if all Council Members had read the ordinance. All responded with yes. He then explained that he would be drafting a non-emergency ordinance which would extend the moratorium beyond the sixty (60) days allowed for an emergency ordinance.

Fazzone then moved to adopt Emergency Ordinance 931-E and that it become an ordinance of the City of Arcadia; seconded by Whitlock. Mayor Johnson called for comments from the public, there were none. The motion carried on a roll call vote. Ayes: Heine, Goodman, Whitlock, Fazzone, and Johnson. Nays: None.

ORDINANCE NO 931-E

AN EMERGENCY ORDINANCE OF THE CITY OF ARCADIA  
SUSPENDING PROCESSING OF APPLICATIONS FOR ADULT  
ENTERTAINMENT ESTABLISHMENT PERMITS FOR SIXTY  
DAYS; PROVIDING FOR APPLICATION AND EXEMPTIONS  
PROVIDING FOR SEVERABILITY; PROVIDING FOR AN  
EFFECTIVE DATE.

Regular Meeting  
October 3, 2006  
Continued

(Ordinance 931 E Continued)

WHEREAS, an emergency exists in this City due to lack of legal ability to properly condition and regulate Adult Entertainment land use; and,

WHEREAS, DESOTO COUNTY is experiencing increasing applications for Permits to conduct such activity, and has recently enacted an Ordinance providing that no applications for adult entertainment establishments will be accepted, processed, considered or granted for a period of one hundred eighty days. This Ordinance is enacted to give DeSoto County time in which to make necessary revisions to its land development regulations; and

WHEREAS, such revisions may affect the lands within the incorporated limits of the City of Arcadia, Florida; and,

WHEREAS, the zoning regulations, land development regulations and Section 22 of the City Code of this City do not presently allow sufficient conditioning and oversight of such uses and activities such that it may be necessary to revise the zoning regulations, land development regulations and Section 22 of the City Code; and

WHEREAS, such revisions requires time to conduct public hearings by the Arcadia Planning and Zoning Board and by the City Council of the City of Arcadia; and

WHEREAS, a moratorium will not cause inordinate hardship upon adult entertainment establishments; and

WHEREAS, the City Council of the City of Arcadia has determined that the proposed moratorium is in the public interest.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA, AS FOLLOWS:

SECTION 1. Moratorium Imposed. No applications for Adult Entertainment Establishments pursuant to the definition contained in Section 22-31 of the City Code of the City of Arcadia, Florida, will be accepted, processed, considered or granted from the effective date of this Ordinance until December 3, 2006.

SECTION 2. APPLICATION. This moratorium will not apply to any application for which the fee has been paid and the application deemed complete by the City prior to the effective date of this Ordinance.

SECTION 3. SEVERABILITY. If any section, subsection, clause or provision of this Ordinance is deemed invalid or unconstitutional by a court of

Regular Meeting  
 October 3, 2006  
 Continued

(Ordinance 931 E Continued)

competent jurisdiction, such portion will be considered a separate provision and will not affect the remaining provisions of this Ordinance.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect at 8:00 A.M., October 4, 2006.

UNANIMOUSLY PASSED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA, on this 3<sup>rd</sup> day of OCTOBER, 2006.

ATTEST:

CITY OF ARCADIA, FLORIDA

/s/ ROOSEVELT JOHNSON  
 ROOSEVELT JOHNSON  
 MAYOR

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

APPROVED AS TO FORM:  
 DAVID C. HOLLOMAN, CITY ATTORNEY

A request by DeSoto County Homeless Coalition for funding was presented to the Council for consideration. Valerie Gilchrist, President of the Homeless Coalition outlined to the Council how funds would be used to provide an office and phone where people in need of services could come. It was noted that the Homeless Coalition originated from the DeSoto County Ministerial Association. Ms. Gilchrist presented Christine Engles, Executive Director of the Housing Authority. Ms. Engles explained the breakdown of homeless in DeSoto County and the City of Arcadia. Ms. Engles stated that not all the homeless were a result of Hurricane Charley. There was some discussion regarding the Housing Authority and the "Pilot" Payment in Lieu of Taxes program.

Administrator Strube stated that the Housing Authority has not paid taxes for many years. Ms. Engles asked for a waiver for this year and next year at which time the Housing Authority would again visit the "Pilot" program. Administrator Strube stated that if the Housing Authority did institute the "Pilot" program those funds could be re-directed to the Homeless Coalition. Penny Fillipie, from the Florida Heartland Council for the Homeless, joined in the presentation by presenting plans for future programs for the homeless. Ms. Gilchrist asked the Council for \$50,000 to assist in funding an office, staff, and equipment for the coalition. Ms. Engles stated that in the future the coalition would be able to carry the financial support on their own through other funds, but are in

Regular Meeting  
October 3, 2006  
Continued

need of funds right now. City Council Member Sharon Goodman stated that she and the other Council Members live here with the homeless and she does not want it perceived that the Council does not care, they do; however we do not have the funds in our budget to meet the request of \$50,000. She stated that many City employees are barely making it on their salary and the City had to scrape to give them a raise. Ms. Engles and Ms. Gilchrist thanked the Council for considering the request and stated that they would be grateful for any help the Council could give. On a motion by Fazzone; seconded by Heine, and carried, the Council voted to donate \$2,000 toward operational expenses to the Homeless Coalition.

The Police Department Activity Report for September 2006 was presented.

Administrator Strube addressed Council to present a recommendation for approval of the Hazard Mitigation Subgrant Agreement Water Distribution valving project application. This project would divide the water distribution system into four quadrants in order that they can each be individually isolated from the rest of the system in the event of damage resulting in loss of water and or pressure. Phase 1 is for engineering costs. The project will be implemented in two (2) phases. Under phase 1, the City will receive a grant for seventy five percent (75%) of the project cost of \$58, 890.00. The Federal share is \$44,168.00 and the Local share is \$14, 722.00. Heine moved to execute the hazard Mitigation Subgrant Agreement for Phase 1 with the Division of Emergency Management, including the understandings and assurances contained therein, and authorized the Mayor and/or City Administrator to act in connection with the application and to provide such additional information as may be required, seconded by Goodman and carried.

Heine then moved to enter into a Specific Authorization with Boyle Engineering to implement deliverables under Phase 1 of the grant; seconded by Goodman and carried. Administrator Strube noted that there is a six (6) month time limit to get the work done and with the holiday season coming up he anticipates that an extension of time will be necessary.

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

Heine inquired as to the progress of installing a communication tower owned by DayStar on City property. Attorney Holloman responded that he has a "draft" of a lease and everything is progressing.

The September 2006 report of Arcadia Golf Course receipts and number of play was presented. Fazzone stated there would be a tournament on Saturday, October 7, 2006.

Mary Kay Burns, Administrator of the DeSoto County Health Department addressed the Council regarding the old water plant building. Ms. Burns stated the County would

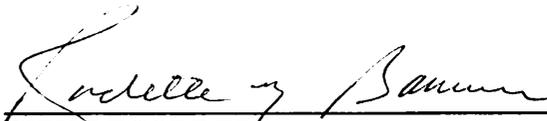
Regular Meeting  
October 3, 2006  
Continued

remove the old building at no cost to the City if in turn the City would allow the Health Department to have the land for expansion of offices for the Health Department. Attorney Holloman stated that the City would need a survey of the property and then they could transfer the property from the City to the County. He does not believe that this will pose any problem for the City. Goodman moved to grant the request to have the County demolish and remove the old water plant at no cost to the City in order for the Health Department to have the land for office space; seconded by Fazzone and carried.

Fazzone asked that Mr. Weeks notify all Council Members when a CDBG home is being turned over to the homeowner in order that they may attend the ceremony.

Mayor Johnson reported he had attended the Florida League of Cities Budget Meeting in St. Petersburg, in September 2006.

There being no further business, the meeting was adjourned.

  
CITY RECORDER

  
PRESIDENT