

REGULAR MEETING

DECEMBER 21, 2004

A Regular Meeting of the Arcadia City Council was held on December 21, 2004 at 6:00 p.m. in Room D of the Way Building at 23 N. Polk Avenue. Councilmembers attending were: Whitlock, Heine, Fazzino, and Johnson. Absent: Council Member Goodman and Attorney Holloman. Also in attendance were: Administrator Strube, City Marshal Lee, Special Projects Coordinator Hewett, Ms. Way and Recorder Baumann.

Mayor Whitlock called the meeting to order.

The Invocation was given by Mayor Whitlock.

Pledge of Allegiance to the Flag.

The minutes of the Regular meeting of November 16, 2004 and the Special meeting of December 8, 2004 were adopted on motion of Fazzino; seconded by Johnson and carried.

Proposed Ordinance No. 914 was presented on third reading. Johnson moved to waive the rules and read the proposed ordinance by title only; seconded by Fazzino and carried.

ORDINANCE NO. 914

A PROPOSED ORDINANCE OF THE CITY OF ARCADIA, FLORIDA, A MUNICIPALITY COROPORATION, ANNEXING CERTAIN LANDS, APPROXIMATELY 2.2 ACRES, IN SECTION 30 TOWNSHIP 37 SOUTH, RANGE 25 EAST, LOCATED ON EAST GIBSON STREET INTO THE CORPORATE CITY LIMITS OF SAID CITY, UPON THE PETITION OF THE OWNER OF SAID LANDS; PROVIDING FOR REDEFINING OF BOUNDARY LINES OF SAID CITY TO INCLUDE SAID LANDS; PROVIDING FOR PUBLICATION OF SAID ORDINANCES; PROVIDING FOR FILING OF SAID ORDINANCE WITH THE CLERK OF THE CIRCUIT COURT, THE COUNTY ADMINISTRATOR, AND THE DEPARTMENT OF STATE; PROVIDING FOR A MAP SHOWING THE ANNEXED AREA; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Fazzino then moved to adopt Ordinance No. 914 on third and final reading and that it become an ordinance of the City of Arcadia; seconded by Heine. Mayor Whitlock called for comments from the public, there were none. The motion carried on roll call vote. Ayes: Heine, Johnson, Fazzino and Whitlock. Nays: None.

ORDINANCE NO 914

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(Ordinance 914 continued)

EAST GIBSON STREET INTO THE CORPORATE CITY LIMITS OF SAID CITY, UPON THE PETITION OF THE OWNER OF SAID LANDS; PROVIDING FOR REDEFINING OF BOUNDARY LINES OF SAID CITY TO INCLUDE SAID LANDS; PROVIDING FOR PUBLICATION OF SAID ORDINANCES; PROVIDING FOR FILING OF SAID ORDINANCE WITH THE CLERK OF THE CIRCUIT COURT, THE COUNTY ADMINISTRATOR, AND THE DEPARTMENT OF STATE; PROVIDING FOR A MAP SHOWING THE ANNEXED AREA; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Florida Statutes 171.044 does provide a procedure whereby all owners of real property being contiguous to the corporate limits of the City of Arcadia, Florida, may be annexed to said City, upon petition of said owners, and the adoption of an Ordinance annexing same; and,

WHEREAS, the owners of real property of land contiguous to the corporate limits of the City of Arcadia, Florida, and described below, have, by petition, requested the annexation of said land to the City of Arcadia; and,

WHEREAS, the City Council has hereby determined that the petition bears a signature representing The Church of Jesus Christ of Latter Day Saints, owner of the property proposed to be annexed: and,

WHEREAS, it is not necessary for zoning on said property to be changed, therefore it shall remain classified under county zoning as ROI.

WHEREAS, the City Council of the City of Arcadia, Florida, has deemed it to the best interest of said City that the land described on said petition be annexed within the corporate limits of the City of Arcadia, Florida.

NOW, THEREFORE, THE CITY OF ARCADIA, FLORIDA, hereby ordains as follows:

1. That the parcel of real property legally described as follows:

Commence at the SW corner of the SE ¼ of Section 30, Township 37 South, Range 25 East, DeSoto County, Florida; thence East, along South line of said tract, 540 ft. to P.O.B.; thence continue same line, 200 ft.; thence N 0° 11' 44" E and parallel to the West line of said tract, 480 ft.; thence West and parallel to the South line of said tract, 200 ft.; thence S 0° 11' 44" W and parallel to West line of said tract, 480 ft. to P.O.B. Subject to County Road R/W on South Side. Containing 2.20 acres including County Road R/W.

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(Ordinance 914 continued)

be annexed into the City of Arcadia, Florida, pursuant to Petition filed by the owner of said land and approved by the City Council of the City of Arcadia, Florida, said land being owned by the Church of Jesus Christ of Latter Day Saints.

2. That it is hereby deemed to be in the best interest of the City of Arcadia, Florida, that the land described above be annexed to and be a part of the City of Arcadia, Florida. That upon adoption of this Ordinance, the boundary lines of the corporation limits of the City of Arcadia, Florida, shall be and are hereby defined so as to include the above-described real property.

3. That notice of this Ordinance shall be published in the DeSoto Sun Herald once a week for two (2) consecutive weeks and that Proof of Publication of this Ordinance be filed herein prior to final reading of this Ordinance.

4. The Notice shall give the Ordinance Number and a brief general description of the area proposed to be annexed. The description shall include a map clearly showing the area and a statement that the complete legal descriptions by metes and bounds and the Ordinance can be obtained from the office of the City Recorder, City of Arcadia, Florida.

5. That attached hereto and made a part of hereof is a map which clearly shows the annexed area. (See Exhibit A.)

6. That upon the filing of the Proof of Publication and final adoption of this Ordinance, a copy of same shall be filed with the Clerk of the Court of the Twelfth Judicial Circuit in and for DeSoto County, Florida, with the DeSoto County Administrator, and with the Department of State, Tallahassee, Florida, within seven (7) days after the Adoption of such Ordinance.

7. Upon publishing the Ordinance Notice required hereunder, a copy of the Notice via certified mail will be furnished to the Board of County Commissioners of DeSoto County.

8. If any subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed separate, distinct, and independent provision and such holding shall not effect the validity of the remainder of this Ordinance.

9. This Ordinance shall take effect pursuant to Chapter 73-403 of the laws of the State of Florida, and Section 171.044, Florida Statutes.

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(Ordinance 914 continued)

UNANIMOUSLY PASSED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA, IN REGULAR SESSION AT CITY COUNCIL CHAMBERS ARCADIA, FLORIDA, ON THE 21ST DAY OF DECEMBER, 2004.

ATTEST:

CITY OF ARCADIA, FLORIDA

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

By:/s/ PAUL WHITLOCK
PAUL WHITLOCK
MAYOR

PASSED ON FIRST READING NOVEMBER 16, 2004

PASSED ON SECOND READING DECEMBER 7, 2004

PASSED ON THIRD READING DECEMBER 21, 2004

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

EXHIBIT A

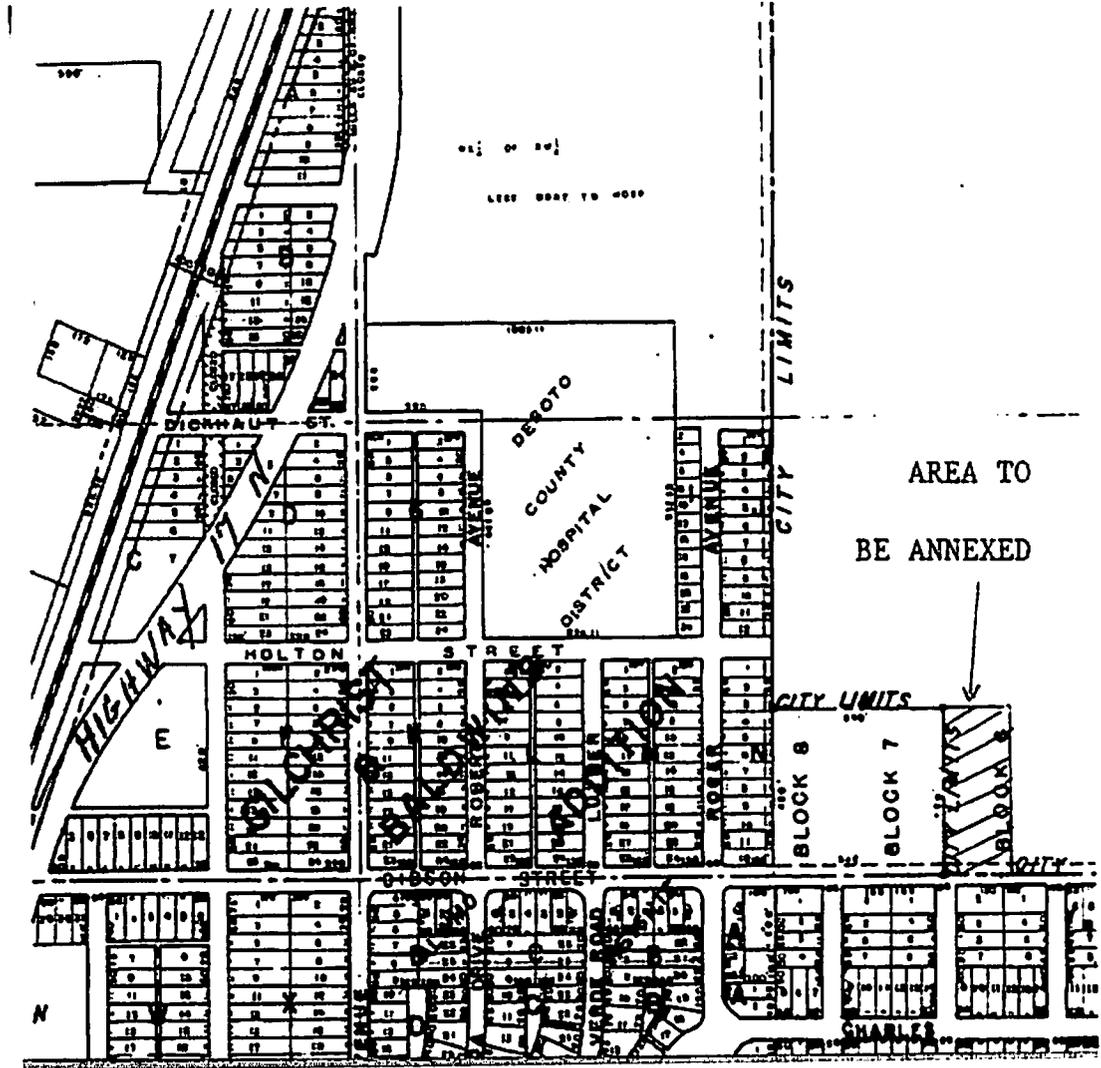
That the parcel of real property legally described as follows:

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(Ordinance 914 continued)

EXHIBIT A



Mayor Whitlock presented a Proclamation to Tyler Edward Maassen on his achievement of receiving the rank of Eagle Scout. Johnson moved to endorse this action; seconded by Heine and carried. Tyler thanked his family, the City Council and the community for helping him to achieve this award.

A report of Police Fines and Forfeitures for the Month of November 2004 indicates fines \$2,887.94, law enforcement \$121.00 and radios \$75.00.

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Marshal Lee addressed Council noting that food vendors on South US 17 will be cited for code violations.

There was a discussion regarding a furniture distributor who was selling at the Winn Dixie Parking lot. Administrator Strube stated that there was a misunderstanding; the merchant thought that he had a license because he had left money at the Records Office to pay for a license however a license could not be issued. The vendor also thought that he would be able to come back to the same location again. He was informed that he could not sell in the parking lot and that he did not have a license. This issue has been resolved.

The Recorder's report of Revenues and Expenditures for the month of November 2004 was presented.

Administrator Strube addressed Council to review a proposal for group health insurance showing an increase of 14% over last year. The first quote had an increase of 30%, the increase of 14% was achieved by increasing the deductible for single from \$500.00 to \$1,000 and family from \$1,500.00 to \$3,000.00. The plan will be effective January 1, 2005. The increase in rates is a result of claims last year. Administrator Strube stated that the increase in premium will be offset by the current hiring freeze and the fact that we are three (3) months into the new fiscal year before the new plan goes into effect. Administrator Strube believes that in the best interest of all concerned the City should pick up the increase of 14% since no raises were given this year. Heine moved to go with the new proposed health insurance plan increasing the deductible and that the City should absorb the increase of 14%; seconded by Johnson and carried.

Steve Weeks, Grant Coordinator addressed Council to present the recommendation from the Planning and Zoning Board as the Citizens Advisory Task Force Committee to accept ten (10) applications for Community Development Block Grant (CDBG) funds to be used for housing rehabilitation. Fazzone moved to accept the Planning and Zoning Boards recommendation that CDBG funds for housing rehabilitation be awarded to the ten (10) applicants as submitted subject to the property owners meeting all CDBG requirements; seconded by Johnson and carried.

The Planning and Zoning Board at their meeting of December 14, 2004 also recommends that the request of Howard and Karen Hornsby to operate a Bed and Breakfast at 601 West Hickory be granted. Heine moved to adopt Resolution No. 2004-30 granting a Non-Transferable Special Approval to allow Howard and Karen Hornsby to operate a Bed and Breakfast at 601 West Hickory Street requiring owner occupancy and meeting all City, County and State Codes; seconded by Fazzone and carried.

RESOLUTION NO. 2004-30

A RESOLUTION GRANTING A NON-TRANSFERABLE
APPROVAL TO OPERATE A BED & BREAKFAST IN THEIR
HOME AT 601 WEST HICKORY STREET AND SETTING FORTH
CONDITIONS.

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(Resolution 2004-30 continued)

WHEREAS, Howard and Karen Hornsby have requested approval to operate a Bed and Breakfast at 601 West Hickory Street, and

WHEREAS, this property is located along State Road 70 and is zoned R-1B, and

WHEREAS, the Hornsby's plan to utilize up to five bedrooms in the home, and

WHEREAS, the Planning and Zoning Board has recommended that approval be granted based on the fact that it is consistent with the City of Arcadia Comprehensive Plan and Land Development Regulations, which provide for certain owner occupied non-residential uses in the Historic Preservation Overlay district, along State Road 70.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Arcadia that a Non-Transferable approval be granted to Howard and Karen Hornsby to operate a Bed and Breakfast with up to five bedrooms, in their home at 601 West Hickory Street in accordance with the City of Arcadia Comprehensive Plan. This approval is granted subject to the Hornsby's owning and residing at 601 West Hickory Street and subject to compliance with current and proposed Land Development Regulations, and with all City, County, and State codes and licensing.

PASSED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA
in Regular Session this 21st day of December, 2004.

/s/ PAUL P. WHITLOCK
PAUL P. WHITLOCK
MAYOR

ATTEST:

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

Administrator Strube presented a proposed contract with Government Funding Specialist Inc. to receive 9% for CDBG administrative services on State Contract No. 05-DB-1Q-07-24-02-NE2 which authorizes \$217,989.82 in housing funds to be used for homes damaged or destroyed by hurricanes. Fazzone moved to authorize the Mayor to sign a contract with Government Funding Specialist Inc. to provide CDBG administrative services on State Contract No. 05-DB-1Q-07-24-02-NE2 in the amount of 9% of the grant award; seconded by Johnson and carried.

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Steve Weeks then presented a proposal from Trinity United Methodist Church to allow twenty-six (26) mobile homes to be placed on a city park located on Whidden Street between Polk and Monroe as a temporary location. These mobile homes are to house the volunteers who are here to help with the reconstruction of homes damaged by Hurricanes Charley, Frances and Jeanne. Fazzone moved to grant the request to allow Trinity United Methodist Church to place 26 mobile homes at the city park as a temporary location; seconded by Heine and carried.

The Flowage report of Air-Cadia, Inc. for the month of November 2004 for the Municipal Airport was presented.

It was noted that the wind load on the airport hanger is being reviewed. The hanger needs to withstand 120 MPH and it could go up as high as 140 MPH or 150 MPH. FEMA is reviewing this as a mitigation issue to see what the increase in cost would be to increase the wind load of the hanger.

Tara Anderson, Parks and Recreation Coordinator addressed Council to discuss repairs needed to City Baseball Field, and Hargrave Park and to get a time frame for the repairs. Tara does not recommend putting lights back up on City Baseball Field as they are not used as a practice field and only used in the daytime. The lights were costing about \$4,000.00 per month, Administrator Strube agrees with Tara that these lights should not be replaced. Fazzone moved to honor the recommendation from Parks and Recreation to not replace the lights at the senior field; seconded by Heine. After discussion Fazzone withdrew his motion and Heine his second. No action was taken.

Special Projects Hewett addressed Council to discuss the lights at the little league fields. He reported that he has received bids for lighting the Speer Center and North Arcadia Complex. Windemuller Technical Service submitted a bid between \$44,000.00 and \$75,000.00, Mid Continent bid \$30,373.00. Windemuller did not bid on the senior fields. Mid Continent bid \$32,300.00 for the senior fields noting that the entire service needs to be rebuilt. A bid of \$12,000.00 was received from Mid Continent to remove all poles, fixtures and wires and to install a new electrical service to the bathrooms and concession stands at the senior field. Special Projects Hewett recommends that the lights be put back on at the senior field and that the City proceed with Mid Continent. Fazzone moved to award a contract to Mid Continent to fix, repair and or/replace the lights at the Speer Center Tennis Courts and the five (5) fields at the North Arcadia Complex for an amount of \$30,373.00; seconded by Heine and carried. No action was taken on the lights for the senior fields.

Administrator Strube asked if Mr. Hewett has received any quotes for Hargrave (Martin Luther King) Park and was informed no, however a rough estimate is between \$20,000.00 and \$30,000.00. Administrator Strube requested Mr. Hewett to get a quote to remove the lights and keep the electric service at the bathrooms and the concession stands.

The Public Works report for the month of November 2004 was presented.

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Administrator Strube reported that the offices at City Hall will be closed on Friday, December 24, 2004 and Monday, December 27, 2004 for the Holidays and again on Friday, December 30, 2004 for New Years.

Fazzone reported that the "mock trial" put on by the Teen Court was very well done and he thanked the Council for their support.

There was some discussion regarding the south bound lane lights on US 17. It was noted that the lights were energized with more power than they could hold which caused them to burn out. The Department of Transportation (DOT) is to correct the problem.

Administrator Strube reported that FEMA will assist the City with reviewing homes that should be condemned and the debris removal. This will be done as a new project worksheet in order to request FEMA funds.

Johnson expressed concern regarding property currently under contract with the City noting that since the building has been demolished the concrete slab is being used as a roller-skating area.

Council wished Happy Holidays to everyone.

There being no further business the meeting was adjourned.


CITY RECORDER


PRESIDENT