

REGULAR MEETING
JULY 5, 2005

A Regular Meeting of the Arcadia City Council was held on July 5, 2005 at 6:00 p.m. in Room D of the Way Building at 23 N. Polk Avenue. Councilmember's attending were: Whitlock, Heine, Goodman, Johnson and Fazzino. Also in attendance were: Administrator Strube, Attorney Holloman, Assistant Fire Chief Wells, 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 Work Session of June 7, 2005, and Regular Meeting of June 7, 2005 were adopted on motion of Johnson; seconded by Goodman and carried.

Resolution No. 2005-11 allowing for the closing of a portion of Estelle Avenue was presented. It was noted that a Public Hearing on the street closing was held on December 16, 1997 however due to a question by the petitioners regarding the required easement to the City the easement was never formally recorded with the Clerk of Court. The easement has now been recorded. Fazzino moved to adopt Resolution No. 2005-11; seconded by Johnson and carried.

RESOLUTION 2005-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
ARCADIA, FLORIDA, CLOSING A PORTION OF ESTELLE
AVENUE LYING BETWEEN BLOCKS A AND B OF
GILCHRIST AND BALDWINS ADDITION TO ARCADIA.

WHEREAS, pursuant to the provisions of Chapter 73-403 of the Laws of the State of Florida and City of Arcadia Ordinance No. 770, Petitioners Kashyap Desai and John Konstandinidis have requested the City Council of the City of Arcadia to close and abandon that portion of Estelle Avenue lying between Blocks A and B of Gilchrist and Baldwins Addition to Arcadia as per Public records of DeSoto County, Florida, and

WHEREAS, the City of Arcadia Planning and Zoning board has recommended that the request to close and abandon that portion of Estelle Avenue lying between Blocks A and B of Gilchrist and Baldwins Addition to Arcadia as per Public records of DeSoto County, Florida, be granted, subject to petitioners granting an alternative utility and drainage easement to the City of Arcadia, and

WHEREAS, petitioners have granted perpetual easements to the City of Arcadia providing for an alternative utility and drainage easement, which easements have been recorded in book 565, pages 1338, 1339, 1340, 1341, 1342, 1343, and 1344 of the public records of DeSoto County, and

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(Resolution 2005-11 continued)

WHEREAS, the City Council of the City of Arcadia, Florida, has determined that the closing and abandonment of that portion of Estelle Avenue lying between Blocks A and B of Gilchrist and Baldwins Addition to Arcadia as per Public records of DeSoto County, Florida, will not affect the ownership or right of convenient access of any person.

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

1. A portion of Estelle Avenue lying between Blocks A and B of Gilchrist and Baldwins Addition to Arcadia as per Public records of DeSoto County, Florida and bounded on the East by the West Right-of-Way of U.S. Highway 17 (State Road 35) North and on the West by the East Right-of-Way of U.S 17 Highway (State Road 35) South, be closed and abandoned, and

2. The City acknowledges the granting to the City of Arcadia by the petitioners an alternative 60 foot wide utility and drainage easement with the centerline described as follows:

Commence at the intersection of the east right of way line of U.S. Highway 17 (State Road 35 – South Bound) and the North line of Lot 1, Block “B”, of Gilchrist and Baldwin’s Subdivision, as per plat thereof recorded in Plat Book 1, Page 66 of the public records of DeSoto County, Florida; thence N21°18’08”E, along said east right of way line, 68.19 feet for a point of beginning of said centerline; thence S74°12’29”E, 135.00 feet; thence S82°03’07”E, 125.78 feet to a point on the west right of way line of U.S. Highway 17 (State Road 35 – North Bound) and the terminus of said centerline of easement. The northerly and southerly extents of said easement are extended to the intersection of said extents with the right of way lines of U.S. Highway 17 (State Road 35 – North Bound and South Bound).

PASSED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA, IN REGULAR SESSION IN Council Chambers of said City, this 5th day of July, 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

Captain Patrick K. Thompson, Commander of the Arcadia National Guard Alpha Battery 3rd Battalion 116th Field Artillery addressed Council to make them aware that the National Guard Unit in Arcadia has been called to active duty and will be deployed in support of Operation Iraqi Freedom on August 16, 2005. Captain Thompson requests the Council’s support noting that over 60% of these soldiers that have been called to active duty live in

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Arcadia or DeSoto County. The Council will attend a meeting at the Arcadia National Guard Armory on Saturday, August 6, 2005 at 11:00 A.M. at which time a Resolution of Support will be presented to the troops.

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

Recorder Baumann then gave a brief summary of the sessions she attended while at the annual Florida Association of City Clerk's Conference. Recorder Baumann reported that her attendance at this conference was at no cost to the City as she was awarded a scholarship to pay for her registration and hotel costs.

Administrator Strube addressed Council and presented the 2005 Certification of Taxable Value which shows the roll back rate at 8.9380 and the proposed Millage Rate to remain at 8.9963. The report shows an increase of taxable value of 1.8 million, however this will only generate an increase of \$25,000 to \$31,000. The General Fund 2005-2006 Budget is tentatively balanced and does include a 3% employee merit increase and a 10% increase in Health, Liability and Workers Compensation premiums. Administrator Strube noted that the budget could not have been balanced without the cutbacks that were made in October 2004. This year the big ticket items are the same as in the past; Health, Liability, and Workers Compensation insurances and pension increases for the General Employees and Police and Fire plans. Administrator Strube does not recommend increasing the millage rate at this time. Council requests that a budget work session be scheduled for Tuesday, July 19, 2005 at 6:00 P.M.

Fazzone questioned why the City does not have a lease agreement with the Chamber of Commerce and requests that one be drafted. He would also like any agency requesting funding from the City to make a formal request; this would include the Chamber of Commerce.

The Planning and Zoning Board met on June 14, 2005 and recommended the following:

1. That the request of Dr. R. G. Overcash to re-locate his Small Animal Clinic to 109 South DeSoto Avenue be granted by a Non-Transferable Special Approval subject to meeting all City, County, and State codes. Goodman moved to grant the request by Resolution No. 2005-12; seconded by Johnson and carried.

RESOLUTION 2005-12

WHEREAS, R.G. Overcash, DVM has requested approval to operate his small animal clinic at 109 South DeSoto Avenue, and

WHEREAS, this location is presently zoned Light Industrial M-1 district, and

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(Resolution 2005 -12 continued)

WHEREAS, the Planning and Zoning Board, after review, recommended to the City Council that a non-transferable approval be granted subject to all City, County and State regulations being met and also subject to certain restrictions and business operations as set forth in Dr. Overcash's letter of request.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Arcadia, Florida, that R.G. Overcash DVM, operating a small animal clinic Matthews Animal Hospital, Inc. d.b.a. Animal Ark of Arcadia be granted approval to locate his clinic at 109 South DeSoto Avenue as per sketch marked exhibit A, subject to the following: all City, County and State regulations being met and all activities and business operations as well as the clinic lease restrictions listed on the attached exhibit "B" being met

BE IT FURTHER RESOLVED that this approval is non-transferable.

PASSED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA, in Regular Session this 5TH day of July, 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

2. That the plans of Kathey Gamiotea to expand her Real Estate Office located at 707 East Hickory Street be approved subject to the issue of setbacks and South West Florida Water Management District (SWFWMD) requirements being addressed and meeting all City, County, and State codes. Ms. Gamiotea addressed Council regarding her request. Johnson moved to grant the request as recommended; seconded by Goodman and carried.

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

Mr. Bill Minnear with Air-Cadia, Inc. addressed Council to discuss a problem regarding excessive dumping of waste at the airport noting that it is mostly oil that is being illegally dumped. Heine recommends sending a letter to all lease holders specifically discussing oil changes. Administrator Strube will see that the letter is sent.

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The June 2005 report of Arcadia Golf Course receipts and number of play was presented.

Mayor Whitlock acknowledged a letter from Christine Engles, Director of the Arcadia Housing Authority regarding hurricane recovery plans. Ms. Engles is requesting additional property from the City in order to build more housing units. The Arcadia Housing Authority would trade property on Harris Road and Booker T. Washington Road for property which is close to the City Waste Water Treatment Plant and could be used for possible expansion of the plant. Not action was taken at this time as the letter was to serve as an update to the Council.

Stan Abram, representing the Arcadia/DeSoto Beautification Committee addressed Council to request that the median on SR 70 east of town be mowed. It was noted that state roads are under the direction of the Department of Transportation (DOT); however the City has always taken care of the median.

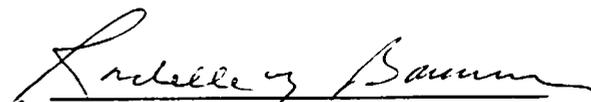
Special Projects Coordinator Hewett addressed Council to report that the cleaning of ditches began last week. Heine reported that he received a call from Ms. Bird on Kelly Drive regarding excessive flooding in her yard. It was noted that there is a large drainage ditch on the south side of Kelly Drive; however there is no drainage ditch for the residences on the north side of Kelly Drive. Mr. Heine recommends that a small ditch be dug going to the west and that the three (3) residences on that section of Kelly Drive be required to install culverts. This should help to ease the flooding in the area.

Mr. Hewett then reported that repair work at the Golf Course and Club House has begun and that renovation and repair work to Fire Station II should begin in about two (2) weeks.

Johnson reported that he has been questioned regarding the removal of damaged homes on Orange Avenue and inquired if the City will be removing these structures. City Administrator Strube reported that DeSoto County just received a formal notice of denial from FEMA stating that they will not be allowed to write up a project work sheet (PA) to remove damaged structures. The City has not received any written notification from FEMA either for or against this issue in the City. Administrator Strube estimates that between 200-600 structures are presumed abandoned and need to be demolished and removed. If the City is allowed to place these structures on a project work sheet then the City would be able to recapture some of the costs associated with the removal of vacant/abandoned buildings.

The Council is invited to attend a meeting on Monday, July 11, 2005 at 9:00 A.M at the County Administration Building to discuss the inconstancy of FEMA. Other cities and counties will also be in attendance.

There being no further business the meeting was adjourned.


CITY RECORDER


PRESIDENT