

REGULAR MEETING

NOVEMBER 16, 2004

A Regular Meeting of the Arcadia City Council was held on November 16, 2004 at 6:00 p.m. in Room D of the Way Building at 23 N. Polk Avenue. Councilmembers attending were: Whitlock, Fazzone, Johnson, and Goodman. Absent: Council Member Heine. Also in attendance were: Administrator Strube, City Attorney Holloman, Fire Chief Rutherford, City Marshal Lee, Parks & Recreation Supervisor Waters, Public Works Supervisor Reed, Special Projects Coordinator Hewett, Ms. Way and Recorder Baumann.

Mayor Whitlock called the meeting to order.

The Invocation was given by Council Member Johnson.

Pledge of Allegiance to the Flag.

Mayor Whitlock announced that Council action is required to fill a Council seat due to the resignation of Councilman Richard P. Fazzone in accordance with F.S. 99.012. Goodman moved to re-appoint Richard P. Fazzone to fill his unexpired term of office; seconded by Johnson and carried. Attorney Holloman then administered the Oath of Office to Council Member Fazzone. Council Member Fazzone thanked the Council for re-appointing him.

The minutes of the Regular meeting of October 19, 2004 and Special Budget Work Session of October 26, 2004 were adopted on motion of Johnson; seconded by Goodman and carried.

Ms. Way addressed Council along with Gill Livingstone, Architect for The Church of Jesus Christ Latter-Day Saints to request approval of their proposed site plan. The Church has petitioned for voluntary annexation and the Council did approve the annexation on August 3, 2004. At this time ½ of the property is currently in the City and ½ in the County. It was noted that until the City's Evaluation and Appraisal Report (EAR) is complete the property will be under the County zoning code ROI. Johnson moved to approve the site plan as presented; seconded by Goodman and carried.

Proposed Ordinance No. 914 was presented on first reading. Each Councilmember had previously been given a copy for study. Johnson moved to waive the rules and read the proposed ordinance by title only; seconded by Goodman 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

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(Ordinance No. 914 continued)

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.

Fazzone then moved to approve Ordinance No. 914 on first reading; seconded by Johnson. Mayor Whitlock called for comments from the public, there were none. The motion carried on roll call vote. Ayes: Goodman, Johnson, Fazzone and Whitlock. Nays: None.

Kim Spencer, President of the DeSoto County Chamber of Commerce addressed Council to present the Humanitarian of the Year Award to the Citizens of Arcadia for acts of kindness during and after the hurricanes. Mayor Whitlock accepted the award on behalf of the citizens of Arcadia and thanked the Chamber for the award.

Ms. Spencer then requested that Oak Street be closed on Saturday, December 4, 2004 for the annual Christmas Parade beginning at 5:00 P.M. Goodman moved to grant the request to close Oak Street on Saturday, December 4, 2004 at 5:00 P.M. for the Christmas Parade based on review and approval of the City Marshal; seconded by Fazzone and carried.

Bill Minnear of Air-Cadia, Inc. addressed Council to request that the City consider interim financing in order to begin repairs caused by Hurricane Charley. The estimated cost for repair work is \$180,000.00 to \$200,000.00; and about \$115,000.00 is not covered by insurance. Administrator Strube noted that insurance proceeds received or interim financing from a local bank at about 4% interest or with the Florida League of Cities based on 70% to 100% of our project worksheets could be used. He stated that we want to get as high a line of credit as possible. In order to get 100% of the value of the project worksheets they have to have been signed and approved by FEMA. At this time not all of our worksheets have been written up or approved by FEMA. Administrator Strube estimates the total for all of our project worksheets to be between 6-7 million. He recommends pursuing a line of credit with the Florida League of Cities. The Department of Environmental Protection is requesting a commitment from the City that repairs to the water/sewer system will be done. The project worksheet for this is still not approved as it appears that FEMA did not understand our scope of work. This issue is causing a problem with getting the FEMA trailers in place because of water/sewer hook up issues. At this time Administrator Strube recommends Council approve a resolution authorizing participation in the Florida League of Cities Disaster Relief Loan Program. The City currently has \$80,000.00 of insurance proceeds to repair the main hangar, an additional \$90,000.00 is still needed. Fazzone moved to use insurance proceeds to begin repair work on the airport hanger; seconded by Johnson and carried.

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Johnson then moved to adopt Resolution No. 2004-29 authorizing participation in the Florida League of Cities Disaster Relief Loan Program; seconded by Fazzone and carried.

RESOLUTION NO. 2004-29

A RESOLUTION AUTHORIZING PARTICIPATION IN THE FLORIDA LEAGUE OF CITIES/BANK OF AMERICA, N.A. DISASTER RELIEF LOAN PROGRAM; AUTHORIZING A LINE OF CREDIT; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION OF A PROMISSORY NOTE AND A LOAN AGREEMENT WITH BANK OF AMERICA, N.A.; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE

Arcadia City Council

(Insert Name of Governing Council, Commission or other Governing Board)

of

The City of Arcadia

(the "Borrower")

(Insert Name of Local Government)

that:

Section 1. Authority for this Resolution. This Resolution is adopted pursuant to the Constitution and laws of the State of Florida.

Section 2. Definitions. Words and phrases used herein capitalized form and not otherwise defined herein shall have the meanings ascribed hereto in the Loan Agreement (hereinafter defined) and, in addition, the following words and phrases shall have the following meanings when used herein:

"Authorized Signatory" means Paul P. Whitlock, Mayor Edward J. Strube, Administrator
Rachelle M. Baumann, City Recorder,
jointly and severally. (Print name(s) and title(s))

"Loan Amount" means \$2,020,569
(Insert principal amount of line of credit)

Section 3. Authorization of Transaction. In order to obtain funds to pay the costs of unanticipated expenditures of the Borrower necessitated by one or more of 2004 Hurricanes Charley, Frances, Jeanne or Ivan prior to the receipt of funds anticipated to be received by the Borrower from FEMA, the Borrower is authorized to participate in the Florida League of Cities/Bank of America, N.A. Disaster Relief Loan Program and to obtain a two-year line of credit (the "Loan") from and borrow from Bank of America, N.A. (the "Bank") the amount of not to exceed the Loan Amount. Because of the

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(Resolution No. 2004-29 continued)

characteristics of the transaction and the need for immediate funding, it is in the best interest of the Borrower to obtain the loan through negotiation with the Bank.

Section 4. Loan Agreement and Promissory Note. The Borrower is authorized to execute a Loan Agreement with the Bank in substantially the form attached hereto as Exhibit A (the "Loan Agreement") and to make the Promissory Note in the form attached to the Loan Agreement, provided that the principal amount of the Promissory Note may not exceed the Loan Amount. The forms and terms of the Loan Agreement and Promissory Note are hereby approved by the Borrower and the Authorized Signatory is authorized to execute the same, with such changes as may be approved by the Authorized Signatory, such approval to be conclusively evidenced by the execution thereof by the Authorized Signatory.

Section 5. Severability. If any provision of this Resolution shall be held or deemed to be or shall, in fact, be illegal, inoperative or unenforceable in any context, the same shall not affect any other provision herein or render any other provision (or such provision in any other context) invalid, inoperative or unenforceable to any extent whatever.

Section 6. Applicable Provisions of Law. This Resolution shall be governed by and construed in accordance with the laws of the State of Florida.

Section 7. Authorizations. All officials and employees of the Borrower are authorized and empowered, collectively or individually, to take all action and steps and to execute all instruments, documents, and contracts on behalf of the Borrower that are necessary or desirable in connection with the completion of the Loan.

Section 8. Repealer. All resolutions or parts thereof in conflict herewith are hereby repealed.

Section 9. Effective Date. This Resolution shall take effect immediately upon its adoption.

PASSED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA in
Regular Session this 16th day of November, 2004.

(SIGNATURE PAGE IS ATTACHED AS THE FOLLOWING PAGE)

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

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Mr. Minnear then reported that several tenants are not paying rent because the hanger doors are off. Council had previously stated that the rent is still due and payable. Attorney Holloman recommends that Council take no legal action at this time.

A report of Police Fines and Forfeitures for the Month of October 2004 indicates fines \$1,569.80, law enforcement \$58.50 and radios \$37.50.

Mayor Whitlock asked Marshal Lee if there was anyway that the public could be notified that items are being put out which are not allowed for pickup. Council Member Johnson reported seeing dumping on a vacant lot on Palmetto. Marshal Lee stated that until Grubbs have completed picking up in the City there is not much that can be done about the un-allowed items.

Marshal Lee then asked what is going to be done with all of the damaged homes that have been left. Administrator Strube noted that if the City could legally push the homes to the curb by January 13, 2005 then Grubbs could haul the debris away. Attorney Holloman stated that the City does not have the right to go on to private property and remove buildings. The Grubbs contract did have a clause for public health, safety and welfare to allow them to remove structures. Johnson asked if there could be a way to send a notice to the property owners suggesting that they demolish the home in time for Grubbs to haul it away. Administrator Strube reported that some of the home owners have been given FEMA funds to fix up or remove the structures. Stan Abram asked if the City could do a condemnation to which Attorney Holloman stated that the City has an Ordinance which allows the City to remove the structure and then place a lien on the property. The City however does not have the staff to locate the property owners and pay for the removal of the structures. Administrator Strube noted that Craig Smith and Associates and Steve Weeks have gone through most of the town and may be able to provide information on which homes are vacant and/or destroyed.

Fazzone thanked the Council for allowing him to fulfill his unexpired term.

Goodman reported that she received a call from representatives of the City of Homestead and they will be here on November 23, 2004.

Johnson noted that he will be nominating a member of the Ridge League to fill a vacancy on the Legislative Council.

Johnson asked about the street lights and was informed that we have not received any word from FPL on when the lights will be repaired.

Johnson then asked when the drainage ditches would be cleaned out and was informed that a project worksheet is being written to clear and clean all drainage ditches. It was noted that FEMA will not pay for cleaning the ditches from point A to point B in residential areas; they will only pay for cleaning ditches located along the highways. Prisoners are being used to clean the ditches.

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Goodman thanked the City Department Heads for attending the meeting as requested by the Council.

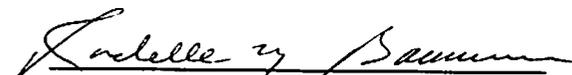
Ms. Geine Martin reported that Bob O'Connor at the Department of Corrections (DCI) informed her that DCI has the labor to do anything that the City needs to have done.

Stan Abram, President of the Arcadia/DeSoto Beautification Committee asked when the lights around Lake Katherine and the fountain would be working and when the airplane would be fixed. There was also some question regarding cleaning up around the Depot. Administrator Strube stated that he will call Chris Stevenson regarding cleaning up the Depot, he then noted that the water tower will not be removed, the lamps at Lake Katherine will be pickup and placed in storage until electric service is restored to the area.

Pam Ames with the Main Street Program would like something in writing from the City to back up their clean up efforts. No action was taken.

Mr. Sam Morgan, President of the National Association for the Advancement of Colored People (NAACP) asked when the golf carts currently being stored at the Smith Brown Gym would be removed and the gym able to be used. Administrator Strube noted that the carts were put in the gym as a safe area until they could be pickup by the vendor. Goodman moved that the golf carts be removed from the gym within one week; seconded by Johnson and carried.

There being no further business the meeting was adjourned.


CITY RECORDER


PRESIDENT