

REGULAR MEETING
AND
PUBLIC HEARING

September 20, 2004

A Regular Meeting of the Arcadia City Council was held on September 20, 2004 at 6:00 p.m. in Room D of the Way Building at 23 N. Polk Avenue. Councilmembers attending were: Fazzone, Whitlock, Heine, Johnson and Goodman. Also in attendance were: Administrator Strube, City Attorney Holloman, City Marshal Lee, Assistant Fire Chief Wells, Special Projects Coordinator Hewett, and Ms. Way. Recorder Baumann was absent due to illness.

Mayor Fazzone called the meeting to order.

The Invocation was given by Councilmember Goodman.

Pledge of Allegiance to the Flag.

Minutes of the Regular Meeting of August 3, 2004 were adopted on Motion of Heine, seconded by Whitlock and carried.

Minutes of the special Hurricane Charley update on August 23, 2004 were adopted on Motion of Heine, seconded by Whitlock and carried.

Mayor Fazzone adjourned the regular Meeting.

Mayor Fazzone then called the Public Hearing to order and stated the purpose of the hearing is to consider the Proposed Millage Rate and the tentative Budget for the Fiscal Year 2004-2005. This Hearing is continued from September 13, 2004 due to Hurricanes Charley, Frances and Ivan. The Mayor, City Attorney and Administrator opened and continued the Hearing on the advertised date by a dispensation from the governor. The trim notices sent to each property owner by the property appraiser noticed the Public Hearing showed the property value, proposed millage rate and the proposed tax.

Administrator Strube stated last year's millage rate was 8.9963 and was proposed to be the same rate for the new year. This is 0% increase over last year. The rollback rate is 8.6454 which is 4.06% increase in millage rate necessary to fund the Budget. The specific purposes for which Ad Valorem Tax Revenues are being increased are to provide funding for allocations towards increased operational expenditures equipment purchases and reserve needs in all departments and additional operational cash flow.

Under comments regarding the Tentative Budget administrator Strube stated that the economic projections for the city, county and state are all speculative due to the devastation caused by Hurricane Charley and Frances, and emphasized the importance of using restraint and control of expenditures. He also felt the 3% employee pay increase should be put on hold due to the gravity of the situation hoping to retain jobs instead of wage increases, also the City contributions to the Pension Plans are greatly increased due

REGULAR MEETING
AND
PUBLIC HEARING

September 20, 2004
Continued

to short falls in interest rates. Further the updated rates in Health, Workers Comp and Liability Insurance have not been received.

The Council, after discussion, was of the opinion they would like to leave the salary increases in the budget and implement if and when funds are available.

No one from the Public spoke concerning the Budget.

Since the proposed tentative budget remained the same there was no need to amend the tentative budget or to recompute the proposed millage rate.

Whitlock moved to set the tentative millage rate at 8.9963 for the 2004-05 Fiscal Year, seconded by Goodman and carried.

Goodman moved to adopt the tentative budget as presented for the 2004-05 Fiscal Year, seconded by Whitlock and carried.

Johnson moved to authorize the advertisement to finally adopt a Millage Rate and Budget on Tuesday, September 28, 2004 at 6:00 p.m. in the City Council Chambers at 23 North Polk Avenue in Arcadia, Florida, seconded by Heine and carried.

Their being no further business the Public Hearing was adjourned.

Mayor Fazzone then reconvened the Regular Meeting.

A Resolution extending Declaration of Local Emergency was presented. Whitlock moved to read by title only, seconded by Goodman and carried.

RESOLUTIONS 2004-21

CITY OF ARCADIA RESOLUTION DECLARING
STATE OF LOCAL EMERGENCY DUE TO DAMAGE
CAUSED BY HURRICANE CHARLEY AND HURRICANE
FRANCES; WAIVING PROCEDURES AND FORMALITIES
OTHERWISE REQUIRED OF MUNICIPALITIES BY LAW
PURSUANT TO CHAPTER 252.38(3)(a)5, FLORIDA
STATUTES; PROVIDING AN EFFECTIVE DATE.

REGULAR MEETING
AND
PUBLIC HEARING

September 20, 2004
Continued

(Resolution 2004-21 continued)

WHEREAS, the CITY OF ARCADIA, FLORIDA, is impacted as a result of Hurricane Charley and Hurricane Frances, which impact poses a serious threat to public health and safety and had caused serious property damage and flooding especially to low lying areas; and,

WHEREAS, high wind damage and flooding has occurred in the City of Arcadia, Florida; and,

WHEREAS, the City of Arcadia, Florida has requested the Director of the Division of Emergency Management to suspend the requirements of Florida Statute 287.055, Consultant Competitive Negotiations Act under the authority granted him Section 2, Subparagraph F, of Executive Order Number 04-182 but the Director refused to do so; and,

WHEREAS, Chapter 252.38(3)(a)5, Florida Statutes, provides authority for a municipality to declare a state of local emergency for seven days and to extend that declaration as necessary in seven day increments and to waive the procedures and formalities otherwise required of municipalities and by law pertaining to:

- a. Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community.
- b. Entering into contracts;
- c. Incurring obligations;
- d. Employment of permanent and temporary workers;
- e. Utilization of volunteer workers;
- f. Rental of equipment;
- g. Acquisition and distribution, with or without compensation, of supplies, materials and facilities;
- h. Appropriate and expenditure of public funds.

And,

WHEREAS, the City of Arcadia, Florida, did on September 2, 2004, enact Resolution No. 2004-19; and on September 7, 2004 enact Resolution No. 2004-20, and

WHEREAS, it is absolutely necessary to protect the lives and property of the citizens of Arcadia, Florida, that this Resolution be enacted in this emergency situation, which continues, for an additional period of seven (7) days.

REGULAR MEETING
AND
PUBLIC HEARING

September 20, 2004
Continued

(Resolution 2004-21 continued)

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

1. That damages from Hurricane Charley and Hurricane Frances continue to pose a serious threat to lives and property of residents of the City of Arcadia, Florida such that a state of local emergency exists that is legally declared within the City limits of the City of Arcadia, Florida, by authority of Section 252.38(3)(a)5, Florida Statutes.
2. That this Resolution declaring an emergency and waiving procedures and formalities otherwise required by municipalities by law is absolutely necessary in order to protect the lives and property of the citizens of the City of Arcadia, Florida, during this emergency situation.
3. The procedures and formalities otherwise required of municipalities by law pertaining to:
 - a. Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community;
 - b. Entering into contracts;
 - c. Incurring obligations;
 - d. Employment of permanent and temporary workers;
 - e. Utilization of volunteer workers;
 - f. Rental of equipment;
 - g. Acquisition and distribution, with or without compensation, of supplies, materials and facilities;
 - h. Appropriate and expenditure of public funds;are waived.
4. The City suspends existing statutes, rules, ordinances, and orders for the duration of this emergency to the extent that literal compliance with such statutes, rules, ordinances, and orders may be consistent with the timely performance of disaster response functions for an additional period of seven (7) days.

REGULAR MEETING
AND
PUBLIC HEARING

September 20, 2004
Continued

(Resolution 2004-21 continued)

ENACTED AND DULY ADOPTED BY VOTE OF ALL FIVE MEMBERS in
Emergency Session, by the City Council of the City of Arcadia, Florida this 20th day of
September, 2004.

/s/RICHARD P. FAZZONE
RICHARD P. FAZZONE, MAYOR

ATTEST:

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

Heine then moved to adopt Resolution 2004-21, seconded by Johnson and unanimously carried.

A report of Police Fines and Forfeitures for the month of August, 2004 shows \$1,482.01 for fines, \$142.50 for law enforcement and \$162.50 for radios. Marshal Lee stated there had been fewer arrests this past month as they were busy with many other problems.

A report of receipts and expenditures through August was presented from the City Recorders Office.

The need for professional services to assist the City in the restoration of facilities and infrastructure prompted the City to advertise in the Florida Administrative Weekly for comprehensive Engineering Services and Governmental Assistance Services proposals. Three proposals were received and ranked by the Administrator, Special Projects Coordinator and our Disaster Project Coordinator: 1. Craig Smith & Associates, Pompano Beach, Florida 2. Greenhorne & O'Mara, Inc., West Palm Beach, Florida 3. U.S. Laboratories, Inc., Ft. Myers, Florida. After discussion Heine moved to authorize the City Administrator to negotiate an administrative services agreement with Craig A. Smith & Associates, seconded by Whitlock and carried. Due to the urgency of locating the breaches in both water and wastewater systems, Boyle Engineering has started working on the necessary paper work.

REGULAR MEETING
AND
PUBLIC HEARING

September 20, 2004
Continued

The August Public Works report was presented. Due to all the debris on the roads the street sweeper has been out of order a good part of the month.

Tara Anderson, Parks and Recreation Coordinator speaking of the City Mobile Home Park inquired if a "Park Model" was considered a Recreational Vehicle and was told by the City Attorney that it was. Tara informed the council that the two City owned Mobile Homes are to be removed and a possibility the City may own additional trailers that could be moved. It is our understanding that Fema will provide funds for the removal of these demolished trailers.

Police Captain Matt Anderson appeared before the Council stating in the two (2) weeks during and after Hurricane Charley he had put in 156 hours of overtime and was paid for it. He advised that there was some confusion on whether overtime paid to salaried employees who normally do not receive overtime would be reimbursed by FEMA. As a result, Administrator Strube had questioned the legality of paying overtime to the City Marshal, Police Captain and Fire Chief and through his discussions with FEMA representatives was advised that we may not expect reimbursement for overtime paid to salaried personnel unless such payment is consistent with our established policy. Consequently the Administrator had requested that those salaried individuals who had been paid overtime reimburse the City, since at the time of the emergency the City was without power and payroll was being processed while payroll employees were operating under stress and printed as power was available. The Marshal and the Fire Chief agreed to repay the City.

Captain Anderson said that a FEMA representative advised that if the City were to now establish such a policy, payment of overtime would be reimbursed. Administrator Strube advised that such a policy could be adopted but that it was unclear whether the policy could be established after the fact.

The Administrator advised that it should be noted that not all salaried employees are making this request. Some believe that it is the duty of their position in time of emergency to provide the City with their services without additional compensation.

The Council discussed the pros and cons of the issue during which it was brought out that the Administrator and the Special Projects Coordinator were also salaried personnel and had also worked many hours of overtime during the emergencies. After discussion Goodman moved that overtime be paid for the period in question at the discretion of each eligible employee; seconded by Johnson and carried.

REGULAR MEETING
AND
PUBLIC HEARING

September 20, 2004
Continued

The no burn ban in the City was discussed. Some have been burning in spite of the ban.

It was noted that some of the street light poles are down but there is no time frame for repair or replacement of them.

Mayor Fazzone and others expressed concern that the Council was not advised of meetings with the Governor and other State Officials. Heine moved to request a meeting with the County Commissioners letting them know the Council was interested in being involved especially when government officials were visiting; seconded by Johnson and carried.

There being no further business the meeting was adjourned.


CITY RECORDER


PRESIDENT