

REGULAR MEETING  
AND  
PUBLIC HEARING TO ADOPT FINAL BUDGET

SEPTEMBER 20, 2005

A Regular Meeting of the Arcadia City Council was held on September 20, 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, Fazzone, and Johnson. Also in attendance were: Administrator Strube, Attorney Holloman, Gary Evans from the Police Department, Public Works Supervisor Reed, Parks and Recreation Supervisor Waters, Ms. Way, and Recorder Baumann.

Mayor Whitlock called the meeting to order.

The Invocation was given by Council Member Goodman.

Pledge of Allegiance to the Flag.

Mayor Whitlock presented a proclamation to Cathy Miller representing Teen Court for Youth of DeSoto. The proclamation had been read and approved at the Council Meeting of September 6, 2005 in order for the entire month of September to be recognized as "Florida Youth Court Month". A power point presentation showing what Teen Court has to offer was presented.

***Mayor Whitlock called the Public Hearing to order*** and stated that the purpose of the public hearing as advertised is to adopt a Millage Rate and Finalize the Budget for Fiscal Year 2005-2006. Administrator Strube addressed Council noting that the Public Hearing was advertised in the DeSoto Sun. 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 8.9383 which is less than a 1% increase in the 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, reserve needs in all departments, and additional operational cash flow. Mayor Whitlock called for comments from the Council, there were none. Mayor Whitlock then called for comments from the public, there were none.

Since there were no amendments to the proposed budget and no recomputation of the proposed Millage Rate the following resolution adopting a Final Millage Rate was passed on motion of Fazzone; seconded by Johnson and carried.

RESOLUTION 2005-16

A RESOLUTION ADOPTING THE FINAL MILLAGE RATE TO  
BE LEVIED BY THE CITY OF ARCADIA, FLORIDA FOR  
FISCAL YEAR 2005-2006

WHEREAS, Florida Statutes 200.065(2)(d) requires that the City of Arcadia, Florida adopt a Resolution stating the millage rate to be levied for Fiscal Year 2005-2006, and

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(Resolution 2005-16 continued)

WHEREAS, the Resolution shall state the percent, if any, by which the millage rate to be levied exceeds the rolled-back rate.

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

1). The City of Arcadia does hereby adopt its Final Millage Rate of 8.9963 mills to be levied for the General Fund upon all real and tangible personal property located within the boundaries of the City of Arcadia to fund the Fiscal Year 2005-2006 Budget, and

2). The percentage by which this millage rate to be levied exceeds the rolled back rate of 8.9383 mills (computed pursuant to Florida Law) is point six five (.65) percent.

DULY PASSED AND RESOLVED by the City Council present and voting this 20<sup>th</sup> day of September, 2005.

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

ATTEST:

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

Administrator Strube announced that the percentage by which the Millage Rate exceeds the Rolled Back Rate is .65% (less than 1%). The Millage Rate is 8.9963.

Goodman moved to pass the following resolution adopting the final budget for Fiscal Year 2005-2006; seconded by Heine and carried.

RESOLUTION 2005-17

A RESOLUTION ADOPTING THE FINAL  
BUDGET FOR THE CITY OF ARCADIA,  
FLORIDA FOR FISCAL YEAR 2005-2006.

Regular Meeting and  
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(Resolution 2005-17 continued)

WHEREAS, the City Council of the City of Arcadia, Florida has followed the procedures for budget preparation, public notices, and public hearings as prescribed by Florida Statutes.

NOW, THEREFORE, BE IT DULY RESOLVED by the City Council of the City of Arcadia that the following funds be adopted as the City of Arcadia's Final Budget for Fiscal Year 2005-2006.

GENERAL FUND	\$5,671,183
WATER AND SEWER FUND	2,750,320
WATER AND SEWER BOND SINKING FUND	1,093,007
WATER AND SEWER BOND RESERVE FUND	697,045
WATER AND SEWER RENEWAL & REPLACEMENT FUND	138,481
CIGARETTE TAX FUND	64,248
LOCAL OPTION GAS TAX FUND	647,000
LOCAL OPTION INFRASTRUCTURE SALES TAX FUND	807,869
CAPITAL IMPROVEMENT FUND	1,224,021

DULY PASSED AND RESOLVED by the City Council present and voting this 20<sup>th</sup> day of September, 2005.

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

ATTEST:

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

A motion was carried to set aside Resolution No. 2005-18 for a Budget Amendment, however due to changes in State Law the Budget Amendment was not done.

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*The Public Hearing was closed.*

*Mayor Whitlock then reconvened the meeting.*

Proposed Ordinance No. 917 was presented on third reading. Johnson moved to waive the rules and read the proposed ordinance by title only; seconded by Fazzone and carried.

ORDINANCE NO. 917

AN ORDINANCE OF THE CITY OF ARCADIA, FLORIDA,  
AMENDING THE CAPITAL IMPROVEMENTS ELEMENT OF THE  
COMPREHENSIVE PLAN OF THE CITY OF ARCADIA, FLORIDA;  
SPECIFICALLY, ADOPTING THE ANNUAL UPDATE OF THE  
CAPITAL IMPROVEMENTS PROGRAM (CIP); TRANSMITTING  
SAID AMENDMENT TO THE FLORIDA DEPARTMENT OF  
COMMUNITY AFFAIRS (DCA) FOR A FINDING OF COMPLINACE;  
PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN  
EFFECTIVE DATE.

Fazzone then moved to approve Ordinance No. 917 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, Fazzone, Johnson, Goodman, and Whitlock. Nays: None.

ORDINANCE NO. 917

AN ORDINANCE OF THE CITY OF ARCADIA, FLORIDA,  
AMENDING THE CAPITAL IMPROVEMENTS ELEMENT OF THE  
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SPECIFICALLY, ADOPTING THE ANNUAL UPDATE OF THE  
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COMMUNITY AFFAIRS (DCA) FOR A FINDING OF COMPLINACE;  
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

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(Ordinance 917 continued)

**WHEREAS**, pursuant to Section 163.3184, Florida Statutes, the City Council held meetings and hearings on the amendment, 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

**WHEREAS**, in exercise of its authority the City Council has determined it necessary to adopt this **Amendment to the Comprehensive Plan**, marked Exhibit "A" 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

**WHEREAS**, the Council of the City of Arcadia, Florida, amends its Comprehensive Plan in the following specific manner: adopts the annual update of the Capital Improvements Program (CIP) in the Capital Improvements Element of the City's Comprehensive Plan; as shown in and attached as Exhibit "A".

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA:**

**Section 1.** The Comprehensive Plan of the City of Arcadia is hereby amended to update the Capital Improvements Program (CIP) in the Capital Improvements Element of the City's Comprehensive Plan; as shown in and attached as Exhibit "A".

**Section 2.** 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.

**Section 3.** After passage on first reading, notice of the second reading and public hearing on the ordinance before the City Council shall be published at least 5 days before the hearing.

**Section 4.** This annual update amendment shall not become effective until 31 days after adoption. If challenged within 30 days after adoption, the amendment shall not become effective until the state land planning agency or the Administration Council, respectively, issues a final order determining the adopted amendment is in compliance.

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(Ordinance 917 continued)

**Section 5.** A certified copy of this enacting ordinance 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.

PASSED BY THE CITY COUNCIL OF THE CITY OF ARCADIA,  
FLORIDA, IN REGULAR SESSION IN THE COUNCIL CHAMBERS, ON THIS  
20<sup>th</sup> DAY OF September, 2005.

ATTEST:  
FLORIDA

CITY OF ARCADIA,

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

By:/s/ PAUL P. WHITLOCK  
PAUL P. WHITLOCK  
MAYOR

PASSED ON FIRST READING August 2, 2005.

PASSED ON SECOND READING September 6, 2005.

PASSED ON THIRD READING September 20, 2005.

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

**Five-Year Schedule of Capital Improvements  
City of Arcadia Comprehensive Plan  
For Fiscal Years 2005/06 to 2009/10**

Project	Location	Schedule (Fiscal Years)	Projected Cost	Revenue Source	Consistency with Plan	
1	Waste Water Treatment Plant repairs/improvements	Arcadia	2006-2008	\$4,500,000	DCA - FEMA	Yes
2	Waste Water Collection System repairs/improvements		2006-2008	\$2,000,000	FEMA - Legislature	Yes
3	Water Plant repairs/improvements		2005-2007	\$550,000	FEMA - Local	Yes
4	Fire Station		2006-2007	\$4,000,000	USDA	Yes
5	Water Distribution System		2006-2008	\$2,000,000	HMGP	Yes
6	Water Storage Tank		2006-2007	\$750,000	FEMA - Insurance	Yes
7	Airport		2006-2007	\$600,000	FEMA - FAA	Yes
8	Review & revise local zoning		2005-2006	\$15,000	Local	Yes
9	Historic Resource inventory/building guidelines		2005-2006	\$30,000	State Historic Preservation	Yes
10	City Hall Restoration		On - going	\$450,000	State Historic Preservation - Local	Yes
11	GIS		2006	\$50,000	EPA	Yes
12	Improve Gateways		2005-2007	\$20,000	Local	Yes
13	Improve Parks		2005-2006	\$175,000	Local	Yes
14	Hardware and Software updates		2005-2006	\$10,000	Local	Yes
15	Support affordable housing		2005-2007	\$1,200,000	FHFC, DCA,	Yes
16	Improve Roads		On-going	\$500,000	FDOT- FEMA - FHWA	Yes
17	Drainage Improvements		On-going	\$500,000	FDOT - FEMA	Yes

**Five-Year Schedule of Capital Improvements  
City of Arcadia Comprehensive Plan  
Cost Schedule**

<b>Project</b>	<b>2005-06</b>	<b>2005-07</b>	<b>2006-07</b>	<b>2006-08</b>	<b>2008-09</b>	<b>Remaining Years</b>
1				\$4,500,000		3
2				\$2,000,000		3
3		\$550,000				2
4			\$4,000,000			2
5				\$2,000,000		3
6			\$750,000			2
7			\$600,000			2
8	\$15,000					1
9	\$30,000					1
10	\$450,000					1
11	\$50,000					1
12		\$20,000				2
13	\$175,000					1
14	\$10,000					1
15		\$1,200,000				2
16	\$500,000					1
17	\$500,000					1
<b>Total</b>	<b>\$1,730,000</b>	<b>\$1,770,000</b>	<b>\$5,350,000</b>	<b>\$8,500,000</b>		

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Fazzone inquired when the City would have an answer from DCA regarding the City's compliance as addressed in Ordinance No. 917 and was informed it would be a couple of months as Central Florida Regional Planning Council is still working on the City's Evaluation Appraisal Report (EAR).

Kathy Hill and Adrian Cline representing the 211 Committee addressed the Council to explain what the 211 system is and how it works. The system provides a centralize phone number 211 in order to access health and human services information. A part time position will need to be created in order for the system to be implemented in DeSoto County. The 211 Committee has \$25,000.00 and estimates that they will need an additional \$20,000.00. DeSoto County has verbally committed to between \$10,000.00 and \$12,000.00 toward the project. The part time employee would have to coordinate the service in DeSoto County into a data base, this employee would report to the 211 Committee. Mayor Whitlock stated that this is a good idea and that the City would need to look at where funds might be available. Goodman believes that the 211 System is vital and necessary and it is worth the Council looking at. She suggested that Administrator Strube get back with the Committee as to how the Council could support this program. It was noted that the Committee is looking at

February 2006 as a start date; however they will need to begin in October 2005 to collect the data and get the phone switching equipment in place. Fazzone moved to consider the request, to support the request and to have a recommendation at the October 4, 2005 meeting; seconded by Johnson and carried.

Mandy Hines, County Coordinator addressed Council regarding a Hurricane Housing Recovery Plan. She noted that the County will get about \$9,000,000.00 to be used to assist qualified buyers with funds to purchase a home. There is no repayment of the loan until the property is sold or changes ownership. She gave an example that if a family qualified for a mortgage with a financial institution of \$80,000.00 and the home is \$120,000.00 then the Hurricane Housing Recovery Plan would fund the difference of \$40,000.00. The program also provides funds for rehabilitation or replacement of homes and works similar to the Community Development Block Grant (CDBG) program. It was noted that this program is for City and County residents. The program will allow for the purchase of post 1994 mobile homes. Any current City resident who applied for CDBG funds and were not funded will have their application sent back to them along with instructions on how to seek funding from the County's program. Administrator Strube stated that the City's concern is that consideration be given to City residents that were not funded by the CDBG program to which Ms. Hines stated that they can not give a preference to any applicants. Administrator Strube stated that he would like to see a "set aside" for City residents noting that we are fortunate to have funds coming into the County for this use.

Pam Ames, President of the Arcadia Main Street Program, Inc. addressed Council to present proposed new rules for the 4<sup>th</sup> Saturday Antique Fair. For a fee of \$20.00 Main Street would

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issue a "permit" to vendors to post on their table. Ms. Ames stated that Main Street uses the funds charged for a permit to pay for advertising and insurance costs. They plan to hire an off duty Police Officer to patrol the tables. Ms. Ames noted that there are about three or four antique dealers who do not want to join Main Street, however they still want to occupy a space on the sidewalk on the days of the Antique Fair. Attorney Holloman stated that everyone must be treated equally and that if they do not want to join Main Street but are willing to pay the permit fee then they should be able to set up a table. Ms. Ames stated that if a vendor requests that a booth not be set up in front of their store then Main Street does not assign that area to anyone. Administrator Strube stated that he does not see a problem with the insurance policy because three or four merchants do not belong to Main Street. Attorney Holloman again stated that the sidewalks are public property and everyone must be treated the same.

A request by letter, from Daniel L. Dubbert, Principal of DeSoto High School to hold the Homecoming Parade at 4:30 PM on October 14, 2005 was presented. Heine moved to grant he request to hold a Homecoming Parade on October 14, 2005 at 4:30 PM; seconded by Goodman and carried.

A report of Police Fines and Forfeitures for the month of August 2005 indicates fines in the amount of \$1,373.57, and \$25.00 for radios. Administrator Strube reported that Ken Small with the Florida League of Cities has written an article regarding the new law which takes away funds from cities. He also noted that a resolution to the League of Cities might be needed to show support and that this may be an item for Legislative Action Days.

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

The Planning and Zoning Board met on September 13, 2005 and recommended that the request from Lewis and Jessica Ritch for a variance on code violations at their residence located at 411 North La Solona be granted. Heine moved to grant the request by Resolution No. 2005-19; seconded by Johnson and carried.

**RESOLUTION NO. 2005-19**

**A RESOLUTION GRANTING SPECIAL APPROVAL IN ZONING LAWS TO LEWIS AND JESSICA RITCH FOR THE LOCATION OF A CARPORT AND UTILITY SHED AT 411 LA SOLONA AVENUE; AND AUTHORIZATION FOR NOT RECORDING THE ORDER.**

WHEREAS, Lewis and Jessica Ritch failed to comply with the City's permitting requirements when they sited a utility shed and carport at their property at 411 La Solona Avenue, and

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(Resolution 2005-19 continued)

WHEREAS, Lewis and Jessica Ritch now have requested a Special Approval under the zoning code to permit the utility shed and carport to remain at their present location; and

WHEREAS, the Planning and Zoning Board has recommend that a Special Approval be granted based on the following findings:

1. The lot located at 411 La Solona Avenue is of an irregular shape making it difficult to place auxiliary buildings in accordance with the zoning code.
2. The affected neighbors are not objecting to the location of said structures.
3. The opposite side yard of the property is not of sufficient size to accommodate auxiliary buildings.
4. The site built shed is anchored in the ground and not easily moved.
5. No safety hazard exists.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Arcadia, Florida that Lewis and Jessica Ritch be granted a Special Approval for the location of their utility shed and carport at their home at 411 La Solona Avenue.

BE IT FURTHER RESOLVED, that the City Attorney be authorized not to record the order of Special Master Vincent Sica dated August 22, 2005, nor take further action in the matter.

PASSED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA, IN REGULAR SESSION, THIS 20<sup>TH</sup> DAY OF September, 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

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The Flowage report of Air-Cadia, Inc. for the month of July 2005 for the Municipal Airport was presented. It was noted that the FEMA Project Worksheet for repairs at the airport is still not approved.

The Public Works report for the Month of August 2005 was presented.

Fazzone asked Public Works Supervisor Reed about trash on Hernando. Mr. Reed stated that he had his staff hand deliver notices on how and when trash will be picked up. Heine stated that there needs to be a clean sweep of the City. Administrator Strube reported that all properties which were presented on a list of code violations and were approved by Council have been cleaned up; however trash has again been placed on some of the same properties. Administrator Strube stated that the problem with the trash piles is that they are mixed loads ie: wood, metal, trimmings etc. and that the landfill will not accept mixed loads. Heine would like to take Code Enforcement out of the Police Department. Administrator Strube reported that both the City and Grubbs have done a "clean sweep" of the City, he suggested that the City could stop picking up anything other than garbage and require residents to pay a private contractor for all other trash removal. Goodman moved to hold a Workshop on Trash at 5:00 PM on October 4, 2005; seconded by Fazzone and carried.

Administrator Strube addressed Council and presented a proposed legislative services agreement with Craig A. Smith and Associates Governmental Services, LLC for the 2005-2006 legislative session. They would be a lobbyist for the City. Administrator Strube noted that they did help the City to receive \$1,000,000.00 for the Waste Water Treatment Plant. The contract would have an annual retainer of \$10,000.00 to be invoiced monthly and a fee of 4.5% of the amount of any funding the agency secures for the City. Goodman moved to authorize the Mayor to sign a legislative services agreement with Craig A. Smith and Associates Governmental Services, LLC for the 2005-2006 legislative session as presented; seconded by Fazzone and carried.

Administrator Strube noted that George Lane is also a lobbyist for the City.

Administrator Strube and Acting Fire Chief Dan Wells addressed Council regarding Chief Wells request to adjust the fee schedule for fire inspections. Chief Wells requests that the initial inspection and one (1) follow up inspection be covered by the existing fee and that for any additional follow up inspections a fee of \$25.00 per inspection be charged. Heine moved to adjust the fire inspection fees by Resolution No. 2005-20; seconded by Fazzone and carried.

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RESOLUTION NO. 2005-20

WHEREAS, in order to promote the public health, safety, and welfare, all business facilities should be inspected, based on proposed use, for compliance with City Codes before receiving an occupational license from the City, and

WHEREAS, increased demands have been placed on the City's Inspection Resources by outside agency requirements for both business and non business facility inspections, and

WHEREAS, fees were established on July 5, 1994, by Resolution No. 94-6, and

WHEREAS, fees were increased on September 17, 2002, by Resolution No. 2002-17,  
and

WHEREAS, due to increased personnel costs to provide fire inspections, the City Council of the City of Arcadia, Florida deems it to be in the best interest of its citizens to pass these increased costs on to the applicant.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Arcadia, Florida that the fire inspections fees will be as follows:

Initial inspection and one (1) follow up inspection for business less than 10,000 square feet floor area will remain at \$50.00.

Initial inspection and one (1) follow up inspection for business greater than 10,000 square feet floor area will remain at \$100.00.

Initial inspection and one (1) follow up inspection for inspections required by other agencies will remain at \$100.00.

All additional follow up inspections will be \$25.00 for each.

No occupational license, where required, will be issued until the facility is in compliance with all applicable regulations.

PASSED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA in Regular Session this 20<sup>th</sup> day of September, 2005.

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(Resolution 2005-20 Continued)

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

ATTEST:

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

Administrator Strube reported that Dan Wells is Acting Fire Chief and that five (5) applications for the position of Fire Chief have been received.

Connie Davis a resident of the County addressed Council to make a complaint about the grounds at the Cemetery.

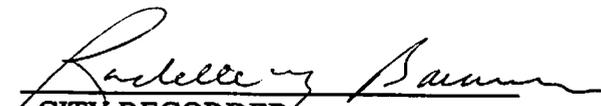
Jeanie Martin of the Beautification Committee thanked Council for scheduling a workshop on trash.

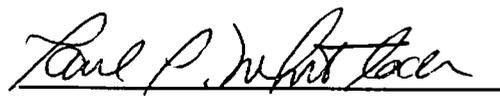
Goodman addressed the Council to discuss a letter sent to the Council from Mary Kay Burns, Director of the DeSoto County Health Department regarding property to the North West of the Health Department owned by the City noting that it is a safety hazard. The property in question is the old water plant and is currently being used as an extra site for debris such as asphalt, concrete, and building materials. Administrator Strube will have the area cleaned up.

Fazzone inquired about the airplane at Lake Katherine and if it could be replaced to which Administrator Strube stated he did not believe that it could be replaced although it would be repaired with the help of some aviation enthusiasts.

Johnson asked about the ditches on North East Hickory, Public Works Supervisor Reed stated that he currently has a crew working in that area.

There being no further business the meeting was adjourned.

  
CITY RECORDER

  
PRESIDENT