

REGULAR MEETING

SEPTEMBER 7, 2004

A Regular Meeting of the Arcadia City Council was held on September 7, 2004 at 6:00 p.m. in Room D of the Way Building at 23 N. Polk Avenue. Councilmembers attending were: Fazzone, Whitlock, Heine, and Johnson. Absent: Council Member Goodman due to a death in the family. Also in attendance were: Administrator Strube, City Attorney Holloman, City Fire Chief Rutherford, City Marshal Lee, Special Projects Coordinator Hewett, Ms. Way and Recorder Baumann.

Mayor Fazzone called the meeting to order.

The Invocation was given by Council Member Heine.

Pledge of Allegiance to the Flag.

Emergency Ordinance No. 912 Repealing Emergency Ordinance No. 912 was presented. Whitlock moved to waive the rules and read the Ordinance by title only; seconded by Heine and carried.

EMERGENCY ORDINANCE NO. 912 – REPEALED

AN EMERGENCY ORDINANCE OF THE CITY OF ARCADIA, FLORIDA, REPEALING EMERGENCY ORDINANCE NO. 912 AS AMENDED, OF THE CITY OF ARCADIA, FLORIDA; PROVIDING AN EFFECTIVE DATE.

Heine then moved to adopt Emergency Ordinance No. 912 - Repealed on first and final reading and that it become an ordinance of the City of Arcadia; seconded by Whitlock. Mayor Fazzone called for comments from the public, there were none. The motion carried on roll call vote. Ayes: Heine, Johnson, Whitlock and Fazzone. Nays: None.

EMERGENCY ORDINANCE NO. 912 - REPEALED

AN EMERGENCY ORDINANCE OF THE CITY OF ARCADIA, FLORIDA, REPEALING EMERGENCY ORDINANCE NO. 912 AS AMENDED, OF THE CITY OF ARCADIA, FLORIDA; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Arcadia, Florida, did on the 26th day of August, 2004, adopt an emergency ordinance imposing a curfew in the City of Arcadia, Florida, and did further amend this Ordinance; and,

WHEREAS, electric power has been restored to the residences and businesses of the City of Arcadia, Florida.

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(Ordinance 912-repealed continued)

WHEREAS, the City Council of the City of Arcadia, Florida, finds that this curfew ordinance now imposes an undue restriction upon the citizens and visitors to the City of Arcadia, Florida.

NOW, THEREFORE, be it ordained by the City Council of the City of Arcadia, Florida, that Emergency Ordinance No. 912 and all amendments thereto be and the same are hereby repealed.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.

ENACTED AND DULY ADOPTED BY UNANIMOUS VOTE OF ALL FIVE MEMBERS in emergency session, by the City Council of the City of Arcadia, Florida, this 7th day of September, 2004.

ATTEST:

CITY OF ARCADIA, FLORIDA

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

By: /s/ RICHARD P. FAZZONE
RICHARD P. FAZZONE
MAYOR-

APPROVED AS TO FORM:
DAVID C. HOLLOMON
CITY ATTORNEY

Attorney Holloman addressed Council regarding Resolution No. 2004-20 stating that it is similar to Resolution No. 2004-19 the only difference is the effective date. The Resolution is only effective for seven (7) days which is why a new resolution is necessary. Heine moved to adopt Resolution No. 2004-20; seconded by Whitlock and carried.

RESOLUTION NO. 2004-20

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.

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(Resolution 2004-20 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 has 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,

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.

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(Resolution 2004-20 continued)

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ARCAIDA, 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 and 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.

ENACTED AND DULY ADOPTED BY UNANIMOUS VOTE OF ALL FIVE MEMBERS in Emergency Session, by the City Council of the City of Arcadia, Florida this 7TH day of September, 2004.

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(Resolution 2004-20 continued)

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

ATTEST:

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

APPROVED AS TO FORM BY
DAVID C. HOLLOMAN
CITY ATTORNEY

Mayor Fazzone then presented a Proclamation to several members of Teen Court proclaiming September, 2004 as Youth Court Month. Whitlock moved to endorse this action; seconded by Johnson and carried.

A report of Police Fines and Forfeitures for the month of July 2004 indicates fines \$2,519.78, law enforcement \$636.00, radios \$362.50 and investigative costs \$50.00.

Whitlock moved to Re-appoint Tim Adamson, Shirley Brown and George K. Smith to serve on the Planning and Zoning Board for a three (3) year term, said term to expire July 1, 2007; seconded by Johnson and carried.

Administrator Strube addressed Council for approval of an Interlocal agreement for Hurricane Debris Removal between the City and County due to excessive debris caused by Hurricane Charley. Heine moved to authorize the Mayor to sign an Interlocal agreement with DeSoto County for Debris Removal; seconded by Whitlock and carried.

Administrator Strube then reviewed the Mobile Home Park Prospectus regarding the replacement of damaged mobile homes. The original prospectus states that no new mobile homes will be put into the park. This was originally designed to turn the Mobile Home Park into an RV park over time as old trailers became inhabitable. Tara Anderson gave a report on the damage from Hurricane Charley stating that 12 units are demolished, 5 totaled, 58 that look to be in fair or poor condition and 33 look good to ok. Whitlock asked if any of the homeowners wanted to replace their units and was told yes. Administrator Strube stated that the North side of the park was developed first and have

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only single wide spaces, however larger spaces exist on the South side of the park. Janet Wyatt a resident of the park addressed Council to ask that homeowners be allowed to put new mobile homes in to replace ones that were destroyed. Ms. Wyatt suggested park models which are 11-12 feet wide and under 400 square feet total, noting that they fall into the RV category. Council asked Attorney Holloman if the park model would equate to an RV and he stated that he would need to review Florida Statutes. In 1982 Florida law changed to require a prospectus of all mobile home parks. The change in the law was to give the homeowners rights. It is no longer practical for the City to allow replacement of mobile homes due to the size of the new homes being 12-14 feet Vs older homes which are 8-10 feet wide. Johnson believes that additional planning is necessary before a decision can be made. Administrator Strube would like to know what additional accessories could be added such as carports, noting that these do not withstand high winds and create excessive debris. Mary Ann Galigher a resident of the park noted that her mobile home may be condemned; however she does not want to leave the park. Administrator Strube stated that any mobile homes brought in to replace damaged units must be new as we do not want the park to become the resting place for old mobile homes. Tara will continue to get additional information from each homeowner to see what will happen with their insurance claim and what they would like to do. Heine moved to accept new park models in the Mobile Home Park if the lot is cleared and if it would take the place of an older larger home, approval will be on a case by case basis; seconded by Whitlock and carried.

Gladys Blocker a resident of the Park addressed Council stating that she had heard that her home would be removed because it is old (1938). She was informed that if the home is livable Council has no plans to remove her trailer.

The August 2003 report of Arcadia Golf Course receipts and number of play was presented.

Bill Minnear of Air-Cadia reported that the runway lights are not working and the airport is operational in daylight hours only.

Administrator Strube reported that a Budget Hearing will be held on Monday, September 13, 2004 at 6:00 PM and the Final Budget Hearing will be the following week. He estimates a 25% reduction in all revenues and has not received any figures for the number of homes that may not be on the tax roll due to Hurricane Charley. Taxes levied this year are actually from last year's appraisal. It is not known if the State will give an extension to pay rather than waive the bill for homeowners who have lost their homes.

It was noted that the Economic Development Committee for DeSoto, Hardee and Charlotte Counties will meet tomorrow at 12:00 PM at the Rodeo Grounds.

Johnson inquired if the City had any responsibility for trees on private property that are leaning over and was informed that if they are on private property the City is not responsible.

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Johnson then stated that he was scheduled to attend a meeting in Key West, however due to the possibility of Hurricane Frances affecting the State the date has been moved up. He is not sure if he will attend and if so it would only be for Thursday and Friday.

Johnson reported that the Ridge League of Cities Meeting has been cancelled. He then commended City staff for their hard work and dedication during Hurricane Charley.

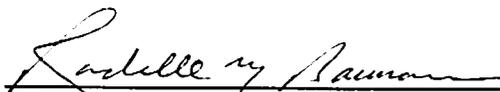
Mayor Fazzone requested that all department heads present a list of who came to assist their department in order that thank you letters can be sent.

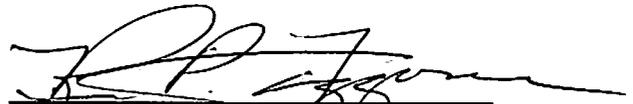
Whitlock commented that Comcast Cable is still out, he then moved to have a letter sent to Comcast requesting that they not bill Arcadia residents since no service has been provided; seconded by Heine and carried.

Mayor Fazzone noted that the Police, Fire and other departments have been working long hours and he stated that the Council appreciates everything that they have been doing.

Mayor Fazzone then reported that Council Member Goodman's father-in-law passed away and a service will be held at 11:00 AM on Saturday at Elizabeth Baptist Church.

There being no further business the meeting was adjourned.


CITY RECORDER


PRESIDENT