

REGULAR MEETING  
And  
JOINT PUBLIC HEARING  
November 7, 2006

A Regular Meeting of the Arcadia City Council and Joint Public Hearing with the Planning and Zoning Board was held on November 7, 2006 at 6:00 p.m. in Room D of the Way Building at 23 N. Polk Avenue. Council members in attendance were: Johnson, Goodman, Fazzone, Whitlock, and Heine. Planning and Zoning Board Members in attendance were: Russ Summers, Chairman, George K. Smith, Melva Sawyer, Martin McLure, Michael Pooser, Alton Fain and Shirley Brown. Also in attendance were: Administrator Strube, City Attorney Holloman, Captain Anderson, Public Works Supervisor Reed, Ms. Way and Recorder Baumann.

Mayor Johnson called the meeting to order.

Invocation was given by Council Member Whitlock.

Pledge of Allegiance to the Flag.

The minutes of the Regular Meeting of October 17, 2006 were adopted on a motion by Fazzone; seconded by Heine and carried.

***Mayor Johnson called the Joint Public Hearing of the Council and the Planning and Zoning Board to order*** and stated the purpose of this joint public hearing, as advertised, is to provide citizens an opportunity for input regarding the request to re-zone approximately 4.29 acres located at the intersection of North DeSoto Avenue and Frankfort Street from One-Family Dwelling R-1A District to Multiple Dwelling R-3 District. Petitioner Daniel Frazier and his attorney, Sandra Saunders were present. Attorney Holloman addressed the Council and the Planning and Zoning Board Members stating that the rezoning request is a quasi-judicial matter. Attorney Holloman asked the Council and the Planning and Zoning Board if anyone had received any written or verbal correspondence or done a site visit. Mr. Summers and Mr. Pooser of the Planning and Zoning Board reported they had spoken with someone regarding the site and Mr. Pooser stated that he did visit the site. Council Member Heine stated that he had spoken with someone before this meeting regarding the site. Mr. Summers, Mr. Pooser, and Mr. Heine will fill out disclosure forms. Recorder Baumann submitted proof of publication dated October 1, 2006 and reported that notices were sent by certified mail to fifteen (15) property owners. No letters of support or objection were received. Mayor Johnson then called for the petitioner to speak. Attorney Holloman then asked that all persons wishing to speak on this matter to be sworn in. Petitioner Daniel Fraizer and Attorney Sandra Saunders addressed the Council. Attorney Saunders informed the Council that although the developer does not have a site plan at this time, they are looking at options for the use of the property and will return at a later date with a detailed site plan meeting the requirements of the R-3 zoning. Mayor Johnson then called for objections from the public. Brian Harris, a resident of Asbury Street, voiced his concerns to the Council,

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Continued

specifically stating that he does not want to see additional traffic on Asbury Street. He stated that he moved to Asbury Street because was looking for a nice, quiet place to live. Mr. Harris would like to know what kind of development would be put in before the zoning is changed. Attorney Saunders spoke in rebuttal stating that Mr. Harris's concerns are understood, however, in order to proceed with a plan the zoning must be in place in order to get financing. Petitioner Frazier addressed the Council and stated that this would be the first condominium complex in Arcadia. He is trying to create housing for professional people, teachers, firefighters, police officers. This would not be low-income housing, or rentals. It would be affordable owner occupied housing subject to deed restrictions. Mr. Frazier also noted that he does not have access to Asbury Street, only Frankfort Street therefore it would not have an impact on traffic on Asbury. Mr. Fraizer then stated that the property does not currently have sewer and he acknowledged that it would be his responsibility as the developer to pay for the connection to the City sewer system. Attorney Sanders stated that the issue of roads would need to be discussed at the development plan stage. She believes that this is an opportunity to upgrade the roads in the area. Goodman stated she was pleased to learn that this would be a deed restricted community. Mayor Johnson asked the Planning and Zoning Board for objections or concerns. There were none. The Council had no objections. Upon the recommendation of the Planning and Zoning Board, Council Member Fazzone moved to grant the request to re-zone 4.29 acres from One-Family Dwelling R-1A to Multiple Dwelling R-3 District seconded by Whitlock and carried.

*The Public Hearing was adjourned.*

*Mayor Johnson then reconvened the regular meeting.*

The following ordinances were presented for a third and final reading. Attorney Holloman stated that one motion to read by title only could suffice for all six (6) of the proposed ordinances. Fazzone then moved to waive the rules and read proposed ordinance number 925, 926, 927, 928, 929 and 930 by title only; seconded by Goodman and carried on a roll call vote. Ayes: Whitlock, Fazzone, Heine, Goodman and Johnson. Nays: None.

ORDINANCE NO. 925

AN ORDINANCE OF THE CITY OF ARCADIA, FLORIDA  
AMENDING THE FUTURE LAND USE MAP OF THE  
COMPREHENSIVE PLAN OF THE CITY OF ARCADIA,  
FLORIDA, SAID AMENDMENT BEING KNOWN AS  
"AMENDMENT #06-02-SS";SPECIFICALLY, CHANGING  
THE LAND USE CLASSIFICATION FROM LOW DENSITY  
RESIDENTIAL TO BUSINESS FOR SIX (6) LOTS;

REGULAR MEETING  
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Continued

(Ordinance 925 Continued)

TRANSMITTING SAID AMENDMENT TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS (DCA) FOR A FINDING OF COMPLIANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Whitlock then moved to adopt Ordinance No. 925 on third and final reading and that it become an ordinance of the City of Arcadia; seconded by Fazzone. Mayor Johnson called for public comments, there were none. The motion carried on a roll call vote. Ayes: Whitlock, Fazzone, Heine, Goodman and Johnson. Nays: None.

ORDINANCE NO 925

AN ORDINANCE OF THE CITY OF ARCADIA, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN OF THE CITY OF ARCADIA, FLORIDA, SAID AMENDMENT BEING KNOWN AS "AMENDMENT #06-02-SS"; SPECIFICALLY, CHANGING THE LAND USE CLASSIFICATION FROM LOW DENSITY RESIDENTIAL TO BUSINESS FOR SIX (6) LOTS; TRANSMITTING SAID AMENDMENT TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS (DCA) FOR A FINDING OF COMPLIANCE; 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

**WHEREAS**, pursuant to Section 163.3184, Florida Statutes, the City Council held meetings and hearings on **Amendment # 06-02-SS**, 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

REGULAR MEETING  
And  
JOINT PUBLIC HEARING  
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Continued

(Ordinance 925 Continued)

**WHEREAS**, in exercise of its authority the City Council has determined it necessary to adopt this **Amendment 06-02-SS to the Comprehensive Plan**, which map is marked as Exhibit "A" and is 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: the Future Land Use Map is amended to assign change the land use classification from Low Density Residential to Business for a total of six (6) lots of less than two acres total, located on the west side of US 17, as shown on Map 1 and attached as Exhibit "A".

**NOW, THEREFORE, THE CITY OF ARCADIA HEREBY ORDAINS THE FOLLOWING:**

**Section 1.** The Comprehensive Plan of the City of Arcadia is hereby amended to add thereto map amendment, as shown in Exhibit "A", which is attached and made a part hereof.

**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.** Small scale development amendments shall not become effective until 31 days after adoption. If challenged within 30 days after adoption, small scale development amendments shall not become effective until the state land planning agency or the Administrative Council, respectively, issues a final order determining the adopted small scale development amendment is in compliance.

**Section 5.** A certified copy of this enacting ordinance and certified copy of the City of Arcadia Future Land Use Map and Comprehensive Plan shall be

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(Ordinance 925 Continued)

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.

UNANIMOUSLY PASSED BY THE CITY COUNCIL OF THE CITY OF  
ARCADIA, FLORIDA, ON THIS 7<sup>th</sup> DAY OF November, 2006.

CITY OF ARCADIA, FLORIDA

By: /s/ ROOSEVELT JOHNSON  
Roosevelt Johnson, Mayor

ATTEST:

By: /s/ RACHELLE M. BAUMANN  
Rachelle M. Baumann, City Recorder

PASSED ON FIRST READING October 3, 2006.

PASSED ON SECOND READING October 17, 2006.

PASSED ON THIRD READING November 7, 2006.

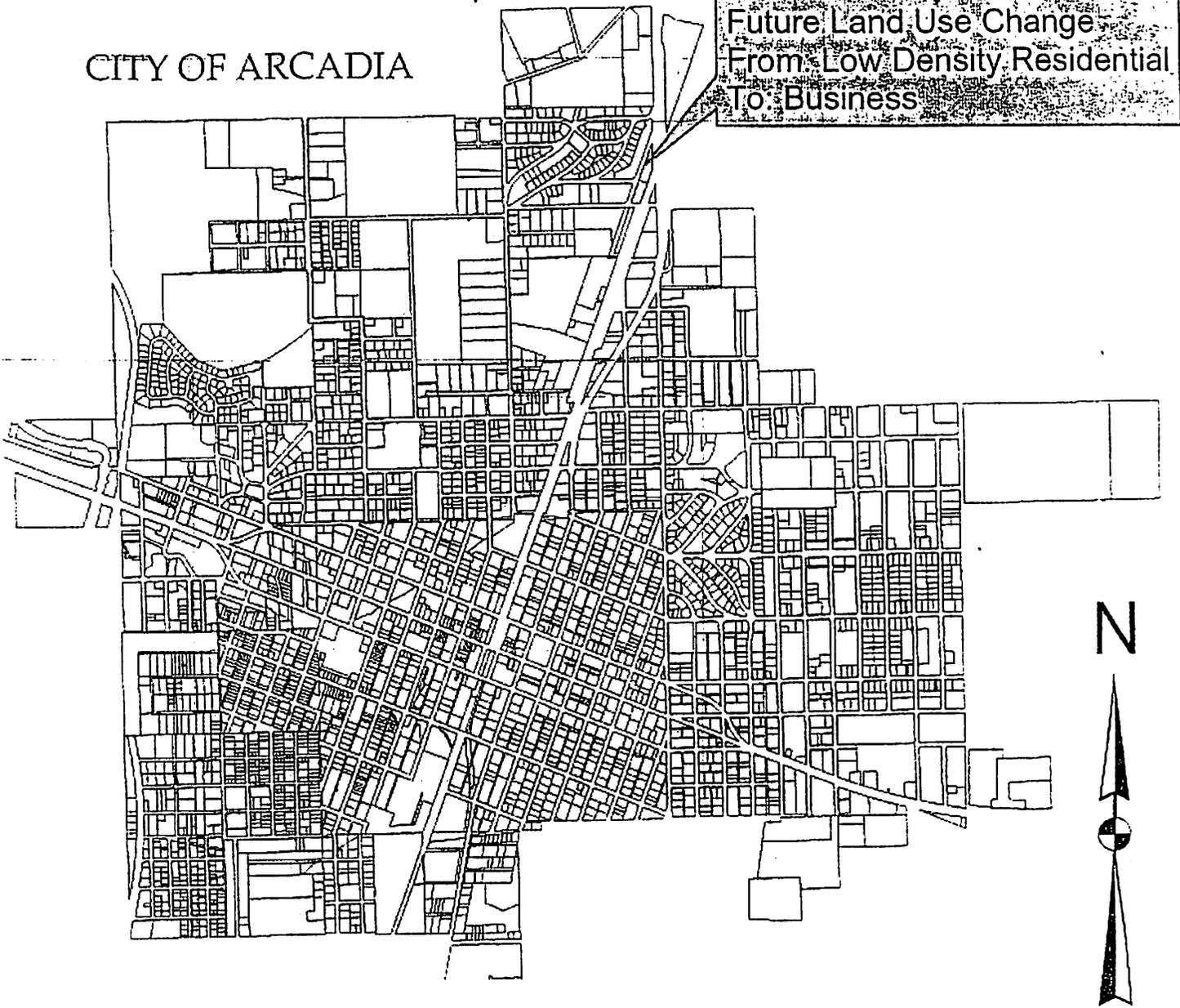
APPROVED AS TO FORM:  
DAVID C. HOLLOMON, CITY ATTORNEY

Regular Meeting and Joint Public Hearing  
November 7, 2006  
Continued

ORDINANCE NO. 925 - EXHIBIT "A"

CITY OF ARCADIA

Future Land Use Change  
From Low Density Residential  
To Business



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Continued

ORDINANCE NO. 926

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF ARCADIA, FLORIDA TO REZONE LOTS 1 THROUGH 6 INCLUSIVE, BLOCK L, RIDGEWOOD SUBDIVISION OF ARCADIA, FLORIDA AS RECORDED IN THE PUBLIC RECORDS OF DESOTO COUNTY, FLORIDA, FROM ONE FAMILY DWELLING R-1B DISTRICT TO COMMERCIAL C-1 DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Fazzone then moved to adopt Ordinance No. 926 on third and final reading and that it become an ordinance of the City of Arcadia; seconded by Heine. Mayor Johnson called for public comments, there were none. The motion carried on a roll call vote. Ayes: Whitlock, Fazzone, Heine, Goodman and Johnson. Nays: none.

ORDINANCE NO 926

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF ARCADIA, FLORIDA, TO REZONE LOTS 1 THROUGH 6 INCLUSIVE, BLOCK L, RIDGEWOOD SUBDIVISION OF ARCADIA, FLORIDA AS RECORDED IN THE PUBLIC RECORDS OF DESOTO COUNTY, FLORIDA, FROM ONE FAMILY DWELLING R-1B DISTRICT TO COMMERCIAL C-1 DISTRICT ; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board of the City of Arcadia, Florida, in joint session with the City Council of the City of Arcadia, on Tuesday, November 4, 2003, held a Public Hearing, with proper notice of Public Hearing being given as required by law; and,

WHEREAS, the Planning and Zoning Board of the City of Arcadia, Florida, recommended to the City Council of the City of Arcadia, Florida, that the following parcel of land be rezoned as follows:

LOTS 1 THROUGH 6, BOTH INCLUSIVE, BLOCK L, RIDGEWOOD SUBDIVISION OF ARCADIA, FLORIDA AS RECORDED IN THE PUBLIC RECORDS OF DESOTO COUNTY, FLORIDA, FROM ONE FAMILY DWELLING R-1B DISTRICT TO COMMERCIAL C-1 DISTRICT;

and,

WHEREAS, the City Council of the City of Arcadia, Florida, deems it to be in the best interest of the citizens of the City of Arcadia, Florida, that said recommendation be adopted and made a part of the zoning map of the City of Arcadia, Florida; and

Regular Meeting and Joint Public Hearing  
November 7, 2006  
Continued

(Ordinance 926 continued)

WHEREAS, this zone change is not in agreement with the City of Arcadia Comprehensive Plan and the City of Arcadia Future Land Use Map has been amended in accordance with minor amendment provisions of the Florida Statutes by Ordinance No 925.

NOW, THEREFORE, THE CITY OF ARCADIA HEREBY ORDAINS  
THE FOLLOWING:

Section 1. That LOTS 1 THROUGH 6, BOTH INCLUSIVE, BLOCK L, RIDGEWOOD SUBDIVISION OF ARCADIA, FLORIDA AS RECORDED IN THE PUBLIC RECORDS OF DESOTO COUNTY, FLORIDA, IS REZONED, FROM ONE FAMILY DWELLING R-1B DISTRICT TO COMMERCIAL C-1 DISTRICT; and the zoning map of the City of Arcadia is so amended.

Section 2. If any subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional, the remainder of this Ordinance shall not be affected by such invalidity.

Section 3. Small scale development amendments shall not become effective until 31 days after adoption. If challenged within 30 days after adoption, small scale development amendments shall not become effective until the state land planning agency or the Administrative Council, respectively, issues a final order determining the adopted small scale development amendment is in compliance.

UNANIMOUSLY PASSED BY THE CITY COUNCIL OF THE CITY  
OF ARCADIA, FLORIDA, ON THIS 7<sup>th</sup> DAY OF November, 2006.

CITY OF ARCADIA, FLORIDA

By: /s/ ROOSEVELT JOHNSON  
Roosevelt Johnson, Mayor

ATTEST:

By: RACHELLE M. BAUMANN  
Rachelle M. Baumann, City Recorder

PASSED ON FIRST READING October 3, 2006.

PASSED ON SECOND READING October 17, 2006.

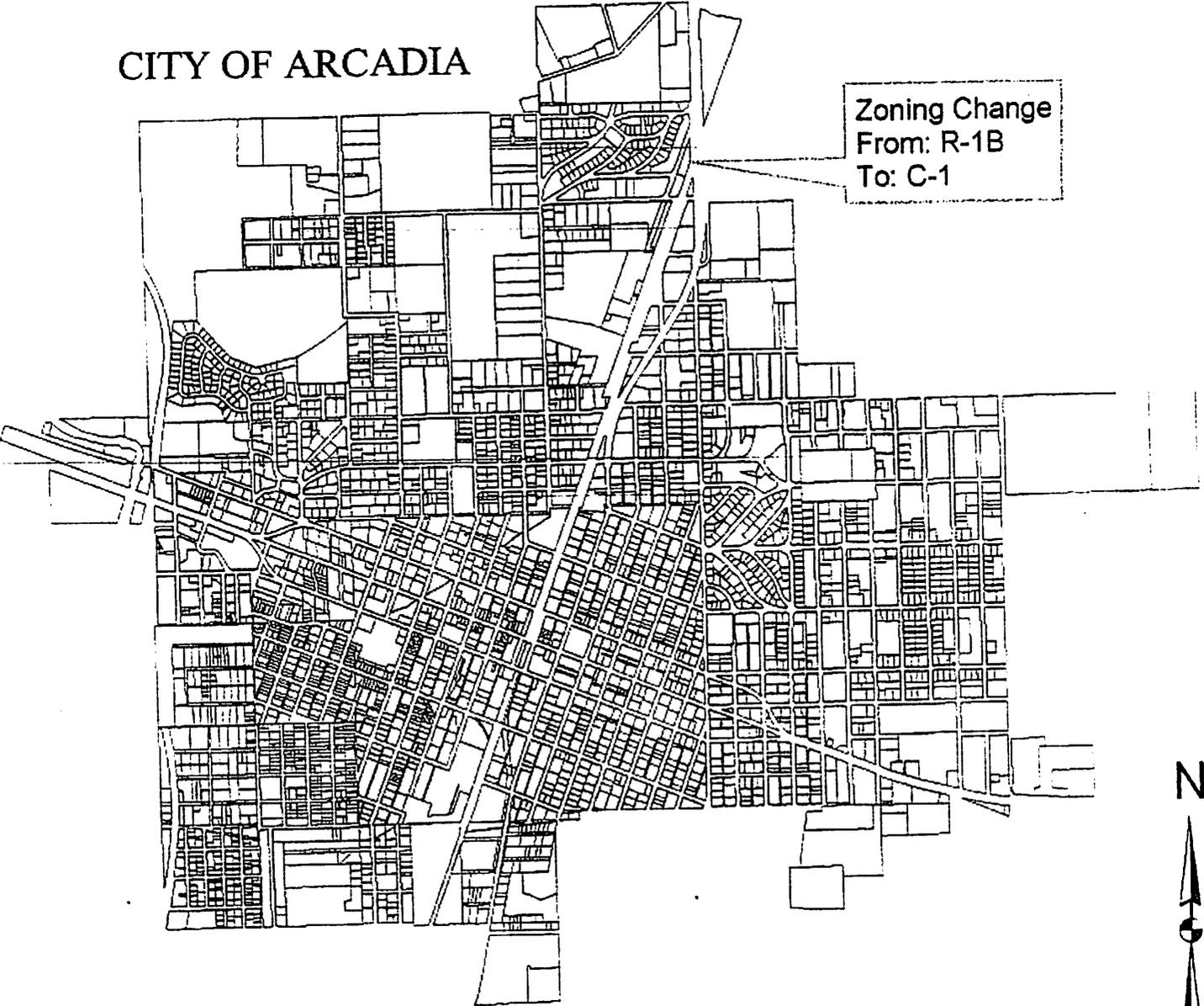
PASSED ON THIRD READING November 7, 2006.

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

Regular Meeting and Joint Public Hearing  
November 7, 2006  
Continued

ORDINANCE NO. 926 EXHIBIT "A"

CITY OF ARCADIA



Zoning Change  
From: R-1B  
To: C-1



Regular Meeting and Joint Public Hearing  
November 7, 2006  
Continued

ORDINANCE NO. 927

AN ORDINANCE OF THE CITY OF ARCADIA, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN OF THE CITY OF ARCADIA, FLORIDA, SAID AMENDMENT BEING KNOWN AS "AMENDMENT #06-03-SS"; SPECIFICALLY CHANGING THE LAND USE CLASSIFICATION FROM LOW DENSITY RESIDENTIAL TO BUSINESS FOR TWO (2) LOTS; TRANSMITTING SAID AMENDMENT TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS (DCA) FOR A FINDING OF COMPLIANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Goodman then moved to adopt Ordinance No. 927 on the third and final reading and that it become an ordinance of the City of Arcadia; seconded by Heine. Mayor Johnson called for public comments; there were none. The motion carried on a roll call vote. Ayes: Whitlock, Fazzone, Heine, Goodman and Johnson. Nays: None

ORDINANCE NO 927

AN ORDINANCE OF THE CITY OF ARCADIA, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN OF THE CITY OF ARCADIA, FLORIDA, SAID AMENDMENT BEING KNOWN AS "AMENDMENT #06-03-SS"; SPECIFICALLY, CHANGING THE LAND USE CLASSIFICATION FROM LOW DENSITY RESIDENTIAL TO BUSINESS FOR TWO (2) LOTS; TRANSMITTING SAID AMENDMENT TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS (DCA) FOR A FINDING OF COMPLIANCE; 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

**WHEREAS**, pursuant to Section 163.3184, Florida Statutes, the City Council held meetings and hearings on **Amendment # 06-03-SS**, 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

Regular Meeting and Joint Public Hearing  
November 7, 2006  
Continued

(Ordinance 927 Continued)

**WHEREAS**, in exercise of its authority the City Council has determined it necessary to adopt this **Amendment 06-03-SS to the Comprehensive Plan**, which map is marked as Exhibit "A" and is 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: the Future Land Use Map is amended to assign change the land use classification from Low Density Residential to Business for a total of two (2) lots of less than one acre total, located on the south side of S.R. 70 East, as shown on Map 1 and attached as Exhibit "A".

**NOW, THEREFORE, THE CITY OF ARCADIA HEREBY ORDAINS THE FOLLOWING:**

**Section 1.** The Comprehensive Plan of the City of Arcadia is hereby amended to add thereto map amendment, as shown in Exhibit "A", which is attached and made a part hereof.

**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.** Small scale development amendments shall not become effective until 31 days after adoption. If challenged within 30 days after adoption, small scale development amendments shall not become effective until the state land planning agency or the Administrative Council, respectively, issues a final order determining the adopted small scale development amendment is in compliance.

Regular Meeting and Joint Public Hearing  
November 7, 2006  
Continued

(Ordinance 927 Continued)

**Section 5.** A certified copy of this enacting ordinance and certified copy of the City of Arcadia Future Land Use Map and 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.

UNANIMOUSLY PASSED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA, ON THIS 7<sup>th</sup> DAY OF November, 2006.

CITY OF ARCADIA, FLORIDA

By: /s/ ROOSEVELT JOHNSON  
Roosevelt Johnson, Mayor

ATTEST:

By: /s/ RACHELLE M. BAUMANN  
Rachelle M. Baumann, City Recorder

PASSED ON FIRST READING October 3, 2006.

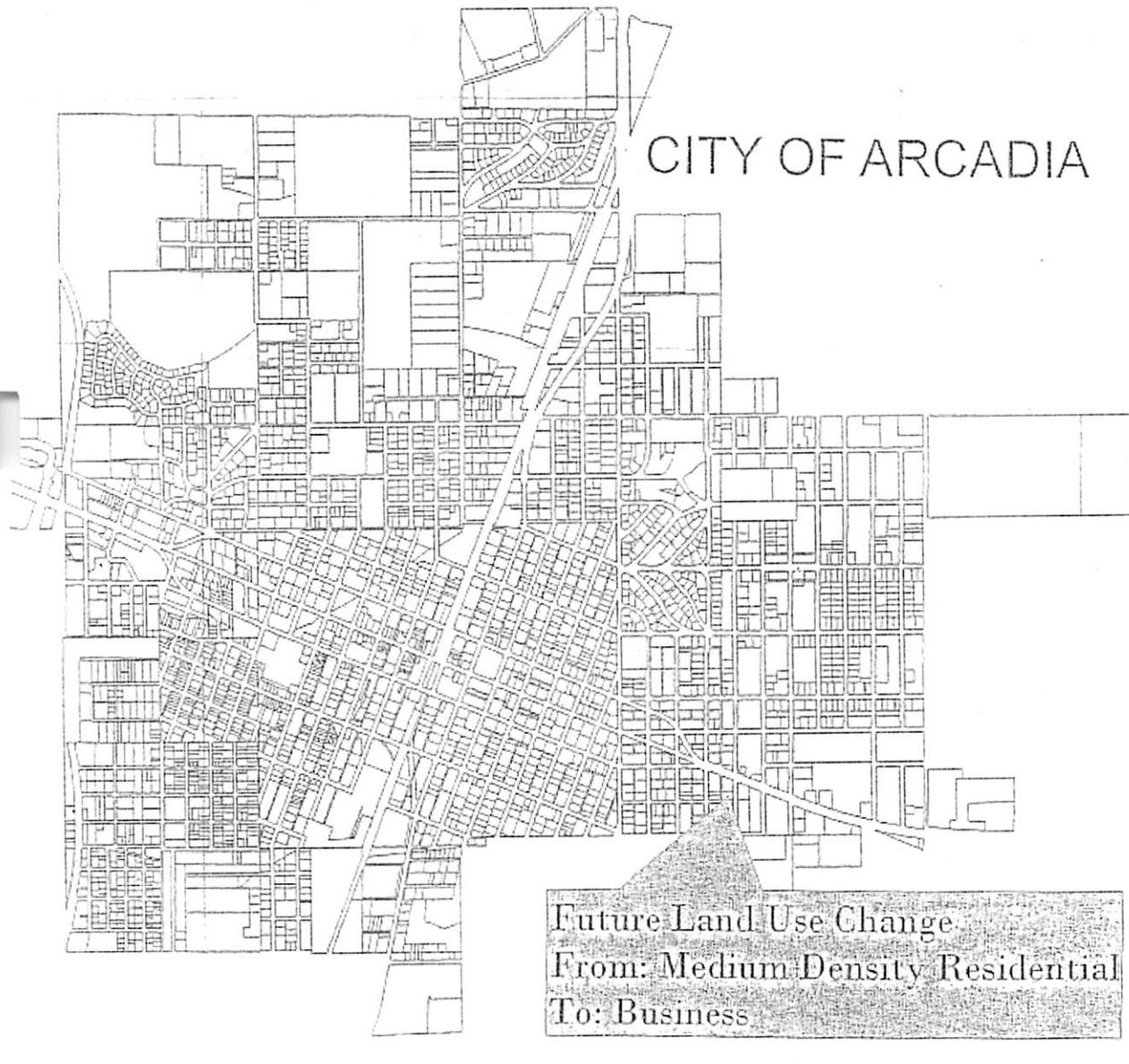
PASSED ON SECOND READING October 17, 2006.

PASSED ON THIRD READING November 7, 2006.

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

Regular Meeting and Joint Public Hearing  
November 7, 2006  
Continued

ORDINANCE NO. 927 - EXHIBIT "A"



Regular Meeting and Joint Public Hearing  
November 7, 2006  
Continued

ORDINANCE NO. 928

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF ARCADIA, FLORIDA, TO REZONE LOTS 9 & 10, BLOCK 8, TIER 1, AW. GILCHRIST EAST END ADDITION TO ARCADIA, FLORIDA AS RECORDED IN PUBLIC RECORDS OF DESOTO COUNTY, FLORIDA, FROM ONE-FAMILY DWELLING R-1C DISTRICT TO GENERAL BUSINESS B-3 DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Heine then moved to adopt Ordinance No. 928 on the third and final reading and that it become an ordinance of the City of Arcadia; seconded by Goodman. Mayor Johnson called for comments from the public; there were none. The motion carried on a roll call vote. Ayes: Whitlock, Fazzone, Heine, Goodman and Johnson. Nays: None.

ORDINANCE NO 928

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF ARCADIA, FLORIDA, TO REZONE LOTS 9 & 10, BLOCK 8, TIER 1, A. W. GILCHRIST EAST END ADDITION TO ARCADIA, FLORIDA AS RECORDED IN PUBLIC RECORDS OF DESOTO COUNTY, FLORIDA, FROM ONE-FAMILY DWELLING R-1C DISTRICT TO GENERAL BUSINESS B-3 DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board of the City of Arcadia, Florida, in joint session with the City Council of the City of Arcadia, on Tuesday, April 6, 2004 held a Public Hearing, with proper notice of Public Hearing being given as required by law; and,

WHEREAS, the Planning and Zoning Board of the City of Arcadia, Florida, recommended to the City Council of the City of Arcadia, Florida, that the following parcel of land be rezoned as follows:

LOTS 9 & 10, BLOCK 8, TIER 1, A.W. GILCHRIST EAST END ADDITION TO ARCADIA, FLORIDA AS RECORDED IN PUBLIC RECORDS OF DESOTO COUNTY, FLORIDA FROM ONE-FAMILY DWELLING R-1C DISTRICT TO GENERAL BUSINESS B-3 DISTRICT;

and,

WHEREAS, the City Council of the City of Arcadia, Florida, deems it to be in the best interest of the citizens of the City of Arcadia, Florida, that said recommendation be adopted and made a part of the zoning map of the City of Arcadia, Florida; and

Regular Meeting and Joint Public Hearing  
November 7, 2006  
Continued

(Ordinance 928 Continued)

WHEREAS, this zone change is not in agreement with the City of Arcadia Comprehensive Plan and the City of Arcadia Future Land Use Map has been amended in accordance with minor amendment provisions of the Florida Statutes by Ordinance No. 927.

NOW, THEREFORE, THE CITY OF ARCADIA HEREBY ORDAINS THE FOLLOWING:

Section 1. That LOTS 9 & 10, BLOCK 8, TIER 1, A.W. GILCHRIST EAST END ADDITION TO ARCADIA, FLORIDA AS RECORDED IN PUBLIC RECORDS OF DESOTO COUNTY, FLORIDA, BE REZONED FROM ONE-FAMILY DWELLING R-1C TO GENERAL BUSINESS DISTRICT B-3; and the zoning map of the City of Arcadia is so amended.

Section 2. If any subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional, the remainder of this Ordinance shall not be affected by such invalidity.

Section 3. Small scale development amendments shall not become effective until 31 days after adoption. If challenged within 30 days after adoption, small scale development amendments shall not become effective until the state land planning agency or the Administrative Council, respectively, issues a final order determining the adopted small scale development amendment is in compliance.

UNANIMOUSLY PASSED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA, ON THIS 7<sup>th</sup> DAY OF November, 2006.

CITY OF ARCADIA, FLORIDA

By: /s/ ROOSEVELT JOHNSON  
Roosevelt Johnson, Mayor

ATTEST:

By: /s/ RACHELLE M. BAUMANN  
Rachelle M. Baumann, City Recorder

PASSED ON FIRST READING October 3, 2006.

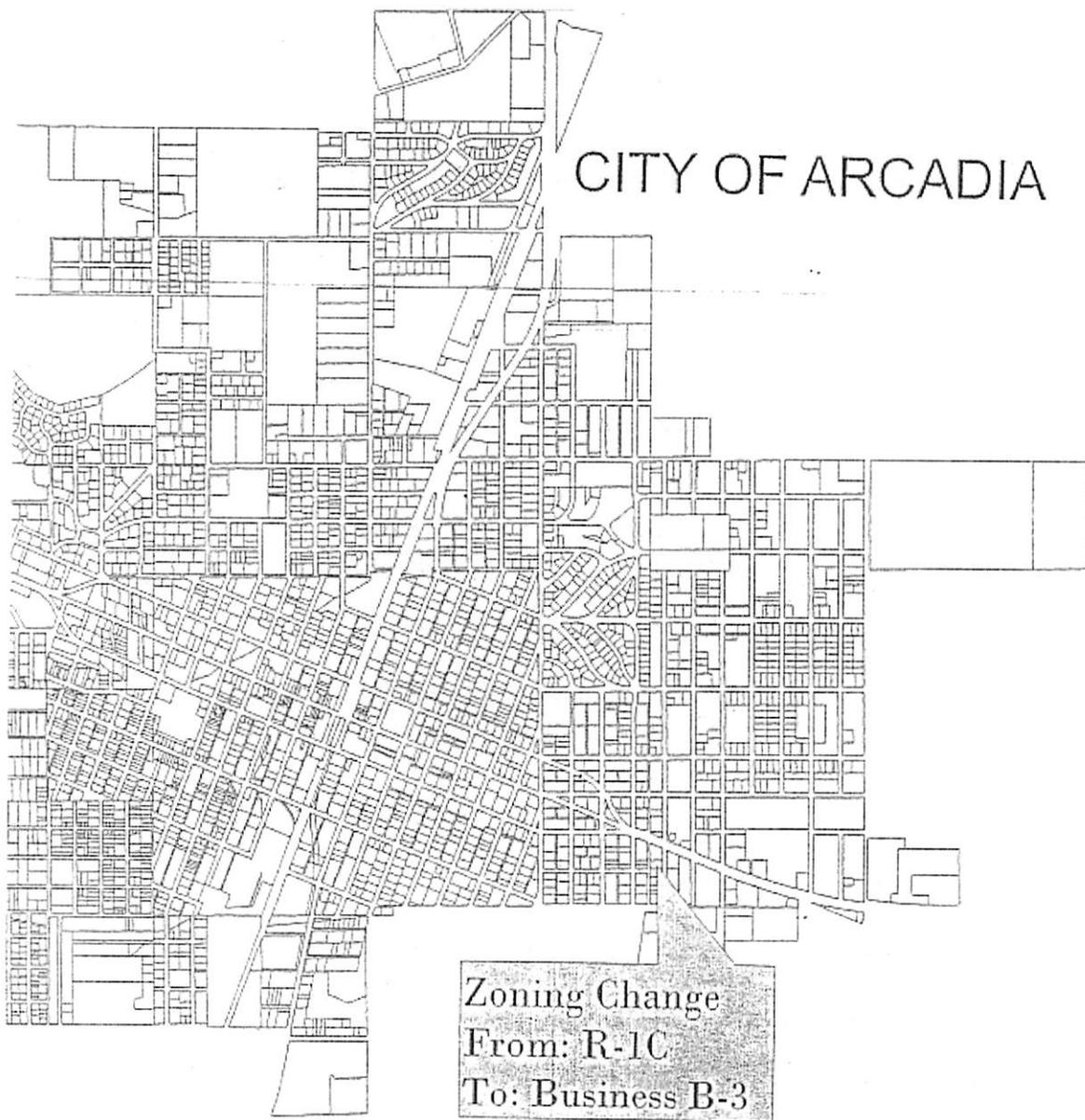
PASSED ON SECOND READING October 17, 2006.

PASSED ON THIRD READING November 7, 2006.

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

Regular Meeting and Joint Public Hearing  
November 7, 2006  
Continued

ORDINANCE NO. 928 - EXHIBIT "A"



Regular Meeting and Joint Public Hearing  
November 7, 2006  
Continued

ORDINANCE NO. 929

AN ORDINANCE OF THE CITY OF ARCADIA, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN OF THE CITY OF ARCADIA, FLORIDA, SAID AMENDMENT BEING KNOWN AS "AMENDMENT #06-04-SS"; SPECIFICALLY, CHANGING THE LAND USE CLASSIFICATION FROM LOW DENSITY RESIDENTIAL TO BUSINESS FOR THREE (3) LOTS; TRANSMITTING SAID AMENDMENT TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS (DCA) FOR A FINDING OF COMPLIANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Whitlock then moved to adopt Ordinance No. 929 on the third and final reading and that it become an ordinance of the City of Arcadia; seconded by Fazzone. Mayor Johnson called for public comments, there were none. The motion carried on a roll call vote. Ayes: Whitlock, Fazzone, Heine, Goodman and Johnson. Nays: None.

ORDINANCE NO 929

AN ORDINANCE OF THE CITY OF ARCADIA, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN OF THE CITY OF ARCADIA, FLORIDA, SAID AMENDMENT BEING KNOWN AS "AMENDMENT #06-04-SS"; SPECIFICALLY, CHANGING THE LAND USE CLASSIFICATION FROM LOW DENSITY RESIDENTIAL TO BUSINESS FOR THREE (3) LOTS; TRANSMITTING SAID AMENDMENT TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS (DCA) FOR A FINDING OF COMPLIANCE; 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

Regular Meeting and Joint Public Hearing  
November 7, 2006  
Continued

(Ordinance 929 Continued)

**WHEREAS**, pursuant to Section 163.3184, Florida Statutes, the City Council held meetings and hearings on **Amendment # 06-04-SS**, 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 06-04-SS to the Comprehensive Plan**, which map is marked as Exhibit "A" and is 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: the Future Land Use Map is amended to assign change the land use classification from Low Density Residential to Business for a total of three (3) lots of less than one acre total, located on the east side of US 17 North, as shown on Map 1 and attached as Exhibit "A".

**NOW, THEREFORE, THE CITY OF ARCADIA HEREBY ORDAINS THE FOLLOWING:**

**Section 1.** The Comprehensive Plan of the City of Arcadia is hereby amended to add thereto map amendment, as shown in Exhibit "A", which is attached and made a part hereof.

**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.

Regular Meeting and Joint Public Hearing  
November 7, 2006  
Continued

(Ordinance 929 Continued)

**Section 4.** Small scale development amendments shall not become effective until 31 days after adoption. If challenged within 30 days after adoption, small scale development amendments shall not become effective until the state land planning agency or the Administrative Council, respectively, issues a final order determining the adopted small scale development amendment is in compliance.

**Section 5.** A certified copy of this enacting ordinance and certified copy of the City of Arcadia Future Land Use Map and 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.

UNANIMOUSLY PASSED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA, ON THIS 7<sup>th</sup> DAY OF November, 2006.

CITY OF ARCADIA, FLORIDA

By: /s/ ROOSEVELT JOHNSON  
Roosevelt Johnson, Mayor

ATTEST:

By: /s/ RACHELLE M. BAUMANN  
Rachelle M. Baumann, City Recorder

PASSED ON FIRST READING October 3, 2006.

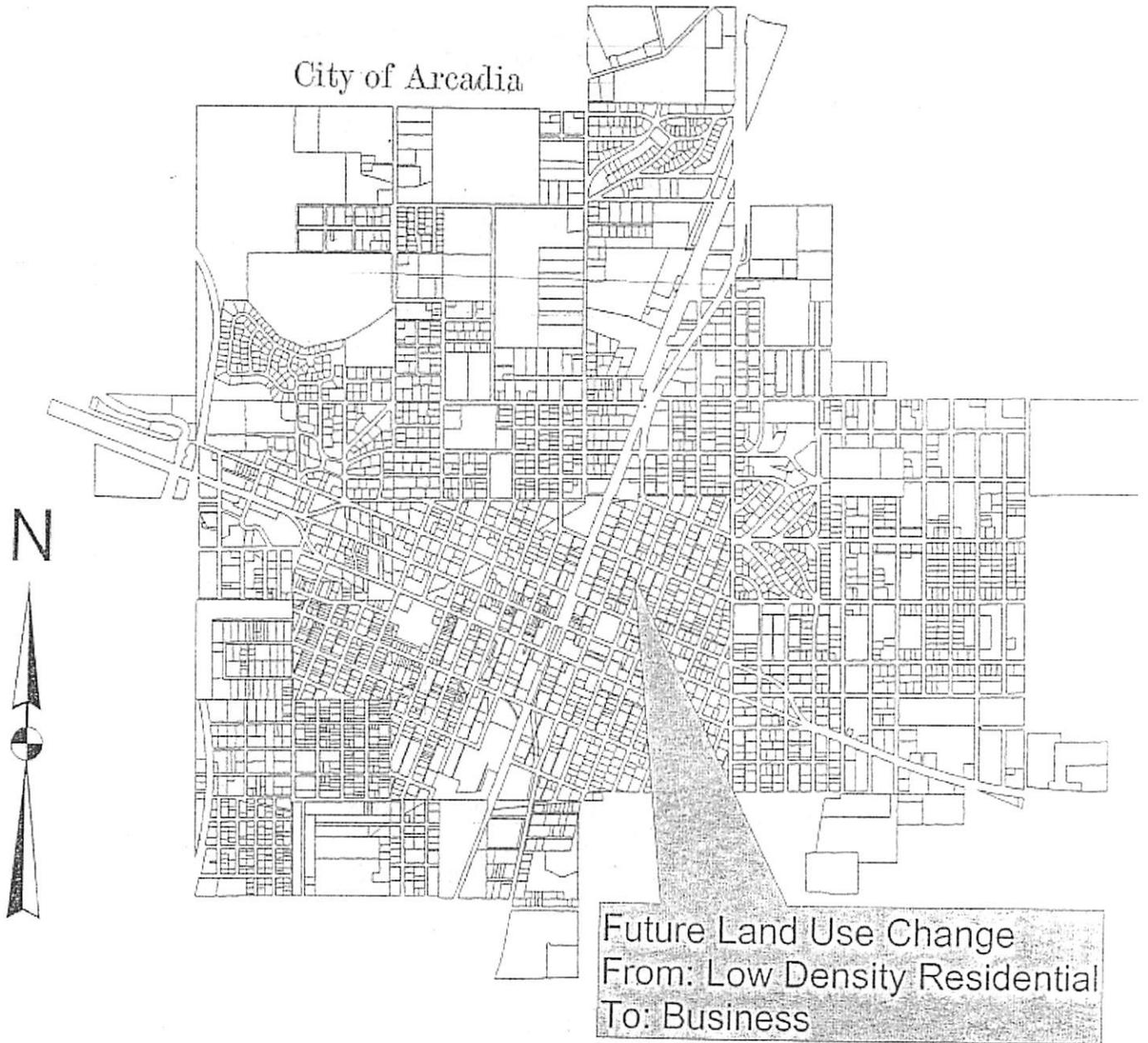
PASSED ON SECOND READING October 17, 2006.

PASSED ON THIRD READING November 7, 2006.

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

Regular Meeting and Joint Public Hearing  
November 7, 2006  
Continued

EXHIBIT "A"      ORDINANCE NO. 929



Regular Meeting and Joint Public Hearing  
November 7, 2006  
Continued

ORDINANCE NO 930

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF ARCADIA , FLORIDA, AND THE CITY OF ARCADIA FUTURE USE MAP TO REZONE LOTS 5, 6 & 7, BOTH INCLUSIVE, BLOCK 22 ORIGINAL SURVEY OF THE CITY OF ARCADIA, FLORIDA, FROM ONE-FAMILY DWELLING R-1B TO GENERAL BUSINESS B-3; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Fazzone then moved to adopt Ordinance No. 930 on the third and final reading and that it become an ordinance of the City of Arcadia; seconded by Whitlock. Mayor Johnson called for comments from the public, there were none. The motion carried on a roll call vote. Ayes: Whitlock, Fazzone, Heine, Goodman and Johnson. Nays: None.

ORDINANCE NO 930

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF ARCADIA , FLORIDA, AND THE CITY OF ARCADIA FUTURE USE MAP TO REZONE LOTS 5, 6 & 7, BOTH INCLUSIVE, BLOCK 22 ORIGINAL SURVEY OF THE CITY OF ARCADIA, FLORIDA, FROM ONE-FAMILY DWELLING R-1B TO GENERAL BUSINESS B-3; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board of the City of Arcadia, Florida, in joint session with the City Council of the City of Arcadia, on Tuesday April 5 2005 held a Public Hearing, with proper notice of Public Hearing being given as required by law; and

WHEREAS, the Planning and Zoning Board of the City of Arcadia, Florida, recommended to the City Council of the City of Arcadia, Florida, that the following parcels of land be rezoned as follows:

Lots 5, 6 & 7 both inclusive, Block 22, Original Survey of the City of Arcadia, Florida, recorded in the Public Records of DeSoto County, Florida, from One-Family Dwelling R-1B to General Business B-3; and

WHEREAS, the City Council of the City of Arcadia, Florida deems it to be in the best interest of the citizens of the City of Arcadia, Florida that said recommendation be adopted and made a part of the Zoning Map of the City of Arcadia, Florida; and,

Regular Meeting and Joint Public Hearing  
November 7, 2006  
Continued

(Ordinance 930 Continued)

WHEREAS, this zone change is not in agreement with the City of Arcadia Comprehensive Plan and the City of Arcadia Future Land Use Map has been amended in accordance with the minor amendment provisions of the Florida Statutes by Ordinance No. 929,

NOW, THEREFORE, THE CITY OF ARCADIA HEREBY ORDAINS THE FOLLOWING:

Section 1. Lots 5, 6 & 7 both inclusive, Block 22, Original Survey of the City of Arcadia, Florida, as recorded in Public Records of DeSoto County, Florida, be rezoned from One-Family Dwelling R-1B to General Business B-3, and the Zoning Map of the City of Arcadia is so amended, and the Future Land Use Map of the City of Arcadia, Florida, is also so amended.

Section 2. If any subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional, the remainder of this Ordinance shall not be affected by such invalidity.

Section 3. Small scale development amendments shall not become effective until 31 days after adoption. If challenged within 30 days after adoption, small scale development amendments shall not become effective until the state land planning agency or the Administrative Council, respectively, issues a final order determining the adopted small scale development amendment is in compliance.

UNANIMOUSLY PASSED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA, ON THIS 7<sup>th</sup> DAY OF November, 2006.

CITY OF ARCADIA, FLORIDA

By: /s/ ROOSEVELT JOHNSON  
Roosevelt Johnson, Mayor

ATTEST:

By: /s/ RACHELLE M. BAUMANN  
Rachelle M. Baumann, City Recorder

PASSED ON FIRST READING October 3, 2006.

PASSED ON SECOND READING October 17, 2006.

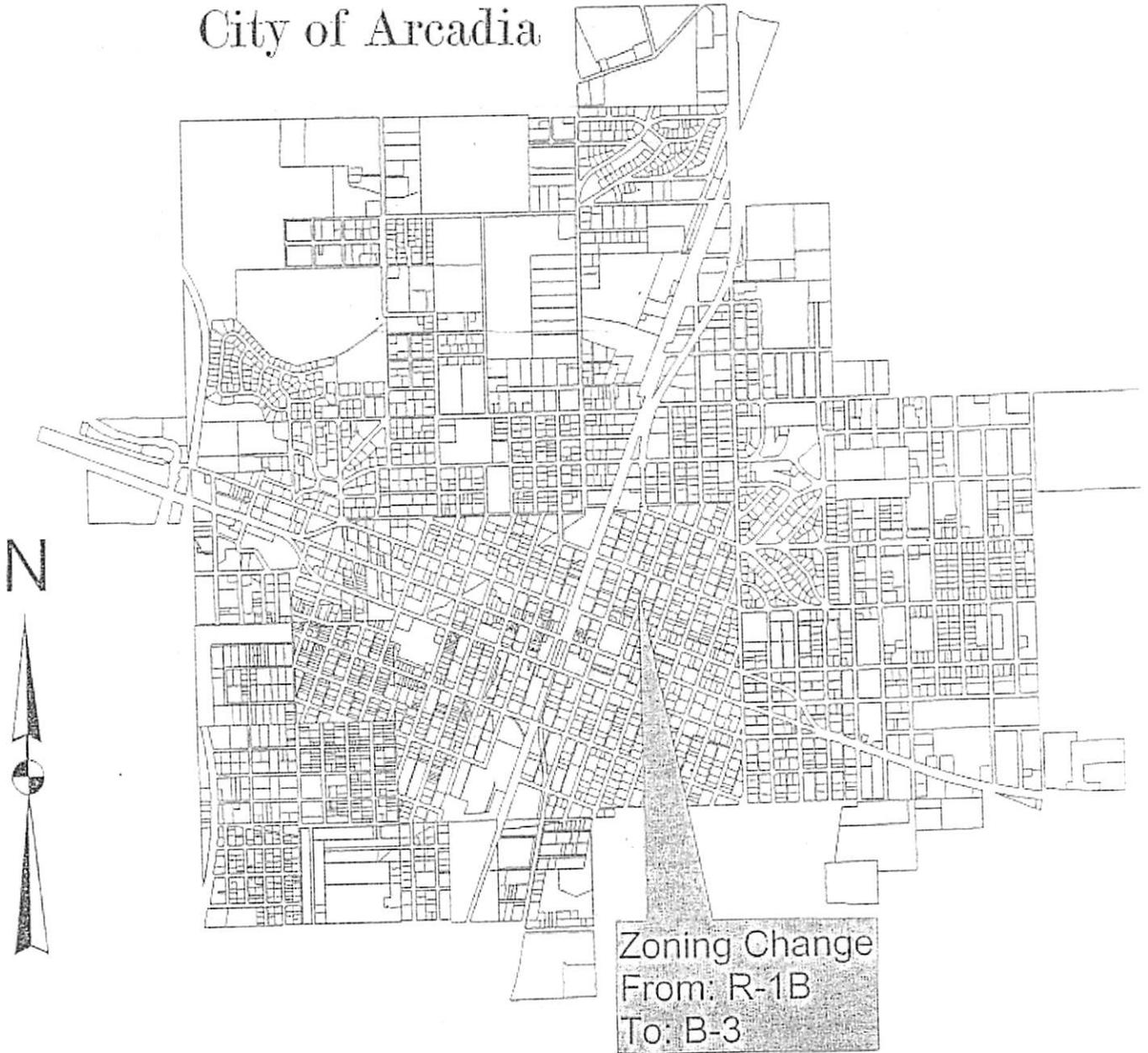
PASSED ON THIRD READING November 7, 2006.

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

Regular Meeting and Joint Public Hearing  
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Continued

ORDINANCE NO. 930 - EXHIBIT "A"

City of Arcadia



Regular Meeting and Joint Public Hearing  
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Continued

Ordinance No. 932 was presented on second reading. Whitlock moved to waive the rules and read the proposed ordinance by title only; seconded by Goodman and carried.

ORDINANCE NO. 932

AN ORDINANCE OF THE CITY OF ARCADIA  
SUSPENDING PROCESSING OF APPLICATIONS FOR  
ADULT ENTERTAINMENT ESTABLISHMENT PERMITS  
FOR ONE HINDERED EIGHTY (180) DAYS; PROVIDING  
FOR APPLICATION AND EXEMPTIONS; PROVIDING FOR  
SEVERABILITY; PROVIDING FOR A EFFECTIVE DATE.

Goodman then moved to adopt Ordinance No. 932 on second reading; seconded by Heine. Mayor Johnson asked for comments from the public, there were none. The motion carried on a roll call vote. Ayes: Whitlock, Fazzone, Heine, Goodman and Johnson. Nays: None.

Ordinance No. 933 was presented on first reading. Each Council Member had previously been given a copy for study. This ordinance will re-zone the property as approved by the Council in this Joint Public Hearing. Whitlock moved to waive the rules and read the proposed ordinance by title only; seconded by Heine and carried.

ORDINANCE NO. 933

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF ARCADIA, FLORIDA, TO REZONE THE FOLLOWING PROPERTY; BEGIN AT THE NE CORNER OF THE NW ¼ OF THE SW ¼ OF SECTION 30, TOWNSHIP 37 SOUTH, RANGE 25 EAST; THENCE S 89°45'29" W ALONG THE NORTH LINE OF SAID TRACT, 173.90 FEET TO THE CENTER LINE OF THE S.C.L.R.R. R/W FOR THE POINT OF BEGINNING; THENCE CONTINUE ON THE SAME LINE, 941.84 FEET TO THE NE CORNER OF THE ARCADIA LAND AND IMPROVEMENT COMPANY'S SUBDIVISION OF PART OF THE N ½ OF THE NW ¼ OF THE SW ¼ OF SECTION 30, TOWNSHIP 37 SOUTH, RANGE 25 EAST; THENCE SOUTH ALONG THE EAST LINE OF SAID SUBDIVISION, 625.75 FEET TO THE SE CORNER OF SAID SUBDIVISION; THENCE N 89°42'40"E, 699.18 FEET TO THE CENTER LINE OF SAID R.R.R/W; THENCE N 21°09'05"E ALONG SAID R,R, R/W CENTER LINE, 672.51 FEET TO THE POINT OF BEGINNING LESS A PARCEL AS DESCRIBED IN DEED BOOK 270, PAGE 220; AND LESS CITY OF ARCADIA PROPERTY AS DESCRIBED IN DEED BOOK 267, PAGE 50; AND LESS S.C.L.R.R. R/W. ALSO, LESS THE FOLLOWING DESCRIBED PARCEL; BEGIN AT THE NE CORNER OF THE NW ¼ OF THE SW ¼ OF SECTION 30, TOWNSHIP 37 SOUTH, RANGE 25 EAST; THENCE S 89° 45'29" W ALONG THE NORTH LINE OF SAID

Regular Meeting and Joint Public Hearing  
November 7, 2006  
Continued

(Ordinance 933 Continued)

TRACT, 421.58 FEET; THENCE S 21° 15' 05" W, 398.17 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ON THE SAME LINE 137.51 FEET; THENCE NORTH 127.91 FEET; THENCE N 89° 42'40" FEET TO THE POINT OF BEGINNING, AS RECORDED IN PUBLIC RECORDS OF DESOTO COUNTY FROM ONE-FAMILY DWELLING R-1A DISTRICT TO MULTIPLE DWELLING R-3 DISTRICT. PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Fazzone then moved to adopt Ordinance No. 933 on first reading; seconded by Whitlock. Mayor Johnson called for comments from the public, there were none. The motion carried on a roll call vote. Ayes: Whitlock, Fazzone, Heine, Goodman and Johnson. Nays: None.

DeSoto County Health Department Administrator Mary Kay Burns presented a progress report on the transfer of the property that was the site of the old City Water Plant to the County for additional buildings for the DeSoto County Health Department. Mrs. Burns stated she has spoken with the County and they are making progress. They have bids for demolition and are in the process of completing an asbestos study. The Health Department has two (2) trailers on site, and as a result they are in violation of the Department of Professional Regulations and need to move them as quickly as possible. Administrator Strube recommends that the Council authorize the moving of the trailers to the West Parking Lot. Heine then moved to authorize the moving of the trailers to the West Parking Lot; seconded by Goodman and carried. Administrator Strube stated that he has given the Council a draft of the warranty deed and Interlocal agreement for study. This agreement is based on the one that transferred the current Health Department site twenty (20) years ago; however the County decided that the demolition of the old Water Plant was not economically feasible at the time. Portions of Lots 1,2, and 4 and all of Lot 3, Block E, Fountain Park which is around  $\frac{3}{4}$  of an acre, would be transferred. The agreement calls for a reverter clause so that if within three (3) years a building has not been constructed or the plant removed the property would revert back to the City. Administrator Strube will give this information to County Administrator Coffey and if this is not acceptable, the agreement will be returned to the Council for further revisions.

A presentation by Jim North and Christine Engels of Englewood Animal Rescue Sanctuary (EARS) was re-scheduled upon the request of Mr. North.

The Police Department report of Fines and Forfeitures for the month of October 2006, indicates fines in the amount of \$3,062.74.

The Police Activity Report for the month of October 2006 was presented.

Regular Meeting and Joint Public Hearing  
November 7, 2006  
Continued

City Recorder Baumann addressed the Council on behalf of the Police and Fire Pension Board to recommend the appointment of Vince Sica to the Police and Firefighters Pension Board. This term will expire on November 30, 2008. Mr. Sica would replace Richard Borsmann who declined to serve an additional term on the Board. Whitlock then moved to appoint Vince Sica to the Police and Firefighters Pension Board said term to expire November 30, 2008; seconded by Goodman and carried.

Recorder Baumann requested that Council acknowledge the receipt of the Police and Firefighters annual investment report. Heine moved to acknowledge the receipt of the Annual Report of the Investment Activity for Police and Firefighters Retirement System; seconded by Fazzone and carried.

Recorder Baumann then reported that the auditors are here and anticipate completing their fieldwork next week.

The October 2006 report of Arcadia Golf Course receipts and number of play was presented. Fazzone reported an increase of almost \$14,000.00 from October 2005.

The Public Works report for the month of September 2006 was presented. Public Works Supervisor Reed informed the Council of the arrival of the street sweeper. He is in the process of training a new person to operate the machine.

Attorney Holloman complimented Officer Jimmy Rogers for the work he is doing regarding code enforcement. He stated there are six (6) cases scheduled to be heard by the Special Master on November 29, 2006.

Maggie Everett of Buchanan Excavating addressed the Council with concerns regarding the contract her company was awarded for demolition and removal of houses in the City. Ms Everett stated she has had problems conversing with Steve Weeks the City's Grants Coordinator regarding the removal of the houses. She stated that when the contract was awarded, she was under the impression the removal would be on a timely bases, however, this job was now into seventeen (17) months. She based her bid on four (4) or five (5) months with twelve (12) houses to remove. Mr. Weeks stated there were three (3) houses remaining to remove. Mr. Weeks reported there were many factors involved that were not seen in the start of this project. One problem being that the occupants of the houses to be removed could not find other living space. The City had to remove several homes from the list as the City did not receive the funding they anticipated. Administrator Strube complimented the work that Ms. Everett's company has done, and stated that the City could never have anticipated the length of time that it would take to complete this project. Administrator Strube stated that the availability of contractors to build the new homes was a factor as well. Fazzone questioned why the occupants of the houses had not moved. Mr. Weeks stated he had not pressured them because of the process of setting up houses in place of those already removed.

Regular Meeting and Joint Public Hearing  
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Continued

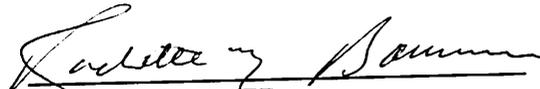
Administrator Strube informed Ms. Everett that one (1) house is now ready to demolish. Whitlock suggested that a period of two (2) weeks for moving out of a house to be demolished be enacted and if that time was not met, to move to the next house. No action was taken.

Dr. Norris, Pastor of Shiloh Baptist Church came before the Council to thank them for answering his questions and concerns regarding the Southwest Community stating that improvements and renovations in the area are being seen. He sees old homes being demolished and new ones put in their place. He thanked the Council Members for "stepping up to the plate" and making Arcadia a better City.

Administrator Strube addressed the Council stating that he anticipates that the City will be "piggy backing" on a contract with Volusia County to do the re-lining of some sewer pipes. The re-lining will keep the City from digging up the roads and will be done where the pipes would be very difficult to dig up. The Department of Environmental Protection (DEP) will allow the "piggy backing" of the contract.

Whitlock reported that tomorrow he will attend the Florida Regional Planning Council Meeting.

There being no further business, the meeting was adjourned.

  
CITY RECORDER

  
PRESIDENT