

REGULAR MEETING
SEPTEMBER 1, 2009

A Regular Meeting of the Arcadia City Council was held on September 1, 2009 at 6:00 p.m. in the Margaret Way Building at 23 North Polk Avenue. Council members attending responded on a roll call. Present: Dixon, Goodman, Johnson, Heine and Fazzone. Also in attendance were Administrator Rupp, Attorney Galvano, and City Recorder and Finance Director Baumann.

Mayor Fazzone called the meeting to order.

The Invocation was given by Councilman Dr. Johnson.

Pledge Allegiance to the Flag.

The Minutes of the Regular Meeting of August 4, 2009 and the Work Session of August 18, 2009 were adopted on a motion by Johnson; seconded by Goodman and carried.

Mayor Fazzone asked Mr. Ray Stewart of DeSoto Insurance Agency to approach the Council. Mr. Stewart addressed the Council in regards to a claims settlement for the City of Arcadia because of damage to the City water tower at Lake Katherine during Hurricane Charley. Mr. Stewart reported the claim had been paid as a partial payment; however, the policy stated the claim would be made at replacement value. Mr. Stewart stated because of an elapse of time, the company denied payment. Mr. Stewart stated to the Council because of diligence by Administrator Rupp and himself, they were able to convince the company to pay the claim in the amount of One Hundred Twenty Two Thousand Five Hundred Dollars (\$122,500). Mr. Stewart presented Mayor Fazzone and Administrator Rupp a check in that amount.

Goodman moved to approve items A through H on the agenda; seconded by Heine and carried.

- A. Gasoline and Diesel Fuels Agreement
- B. Revenue and Expenditure Report
- C. Golf Course Report
- D. Airport Report
- E. Car Show
- F. Homecoming Parade
- G. Water Line at West Elementary School
- H. Emergency Management Training Program

Proposed Ordinance No. 947 amending the future land use was presented on third and final reading. Goodman moved to waive the rules and read Proposed Ordinance No.947 by title only; seconded by Deputy Mayor Dixon and carried.

REGULAR MEETING
SEPTEMBER 1, 2009
Continued

ORDINANCE NO. 947

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 #09-01-SS"; SPECIFICALLY, CHANGING THE LAND USE CLASSIFICATION FROM MEDIUM DENSITY RESIDENTIAL WITH RESIDENTIAL, PROFESSIONAL AND BUSINESS OVERLAY TO BUSINESS; FOR SIX (6) LOTS OF APPROXIMATELY ONE (1) ACRE LOCATED AT 210 EAST MAGNOLIA STREET AND 216 EAST MAGNOLIA STREET; 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.

Johnson moved to adopt Ordinance No. 947 on third and final reading and that it become an Ordinance of the City of Arcadia; seconded by Heine. Mayor Fazzone asked for comments from the Public. There were none. The motion carried on a roll call vote: Ayes: Dixon, Heine, Goodman, Johnson and Fazzone. Nays: None.

ORDINANCE NO 947

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 #09-01-SS"; SPECIFICALLY, CHANGING THE LAND USE CLASSIFICATION FROM MEDIUM DENSITY RESIDENTIAL WITH RESIDENTIAL, PROFESSIONAL AND BUSINESS OVERLAY TO BUSINESS; FOR SIX (6) LOTS OF APPROXIMATELY ONE (1) ACRE LOCATED AT 210 EAST MAGNOLIA STREET AND 216 EAST MAGNOLIA STREET; 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
SEPTEMBER 1, 2009
Continued

(Ordinance No. 947 continued)

WHEREAS, pursuant to Section 163.3184, Florida Statutes, the City Council held meetings and hearings on **Amendment # 09-01-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 09-01-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 Medium Density Residential with Residential, Professional and Business Overlay to Business for a total of six (6) lots of approximately one (1) acre total, located at 210 East Magnolia Street and 216 East Magnolia Street, Parcel Numbers 25-37-24-0012-0490-0010 and 25-37-24-0012-0490-0040 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
 SEPTEMBER 1, 2009
 Continued

(Ordinance No. 947 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 1st DAY OF September, 2009.

CITY OF ARCADIA, FLORIDA
 By:s/s RICHARD P. FAZZONE
 RICHARD P. FAZZONE
 MAYOR

ATTEST:

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

PASSED ON FIRST READING July 7, 2009

PASSED ON SECOND READING August 4, 2009

PASSED ON THIRD READING September 1, 2009

APPROVED AS TO FORM:
 William S. Galvano, City Attorney

REGULAR MEETING
SEPTEMBER 1, 2009
Continued

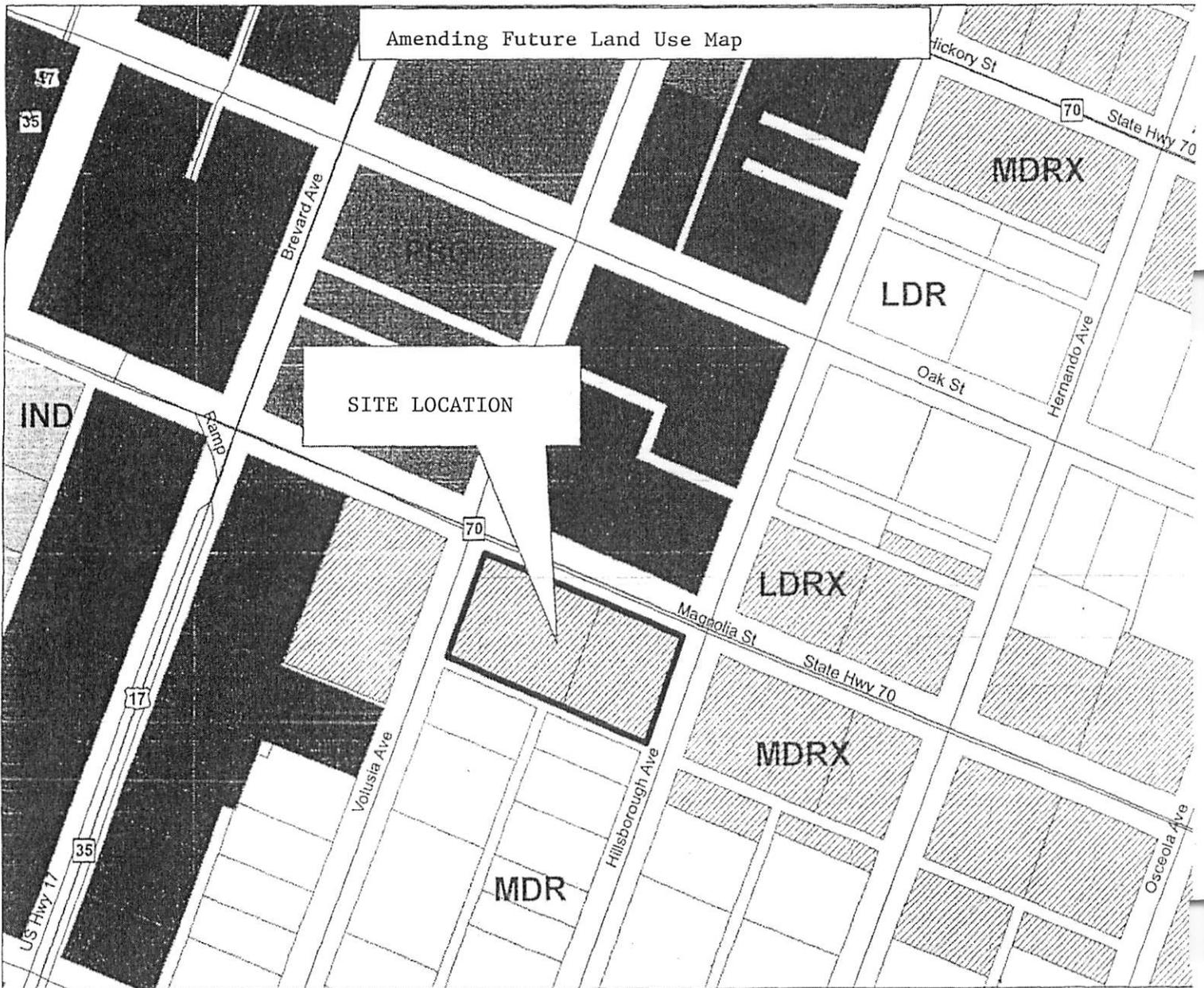
(Ordinance No. 947 continued)

ORDINANCE NO. 947

**Amending the Future Land Use Map
Martin/Bushouse Rezoning**

EXHIBIT "A"

Future Land Use Map



REGULAR MEETING
SEPTEMBER 1, 2009
Continued

Proposed Ordinance No. 948 amending the zoning map of the City of Arcadia was presented on third and final reading. Goodman moved to waive the rules and read proposed Ordinance No. 948 by title only; seconded by Heine and carried.

ORDINANCE NO. 948

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF ARCADIA, FLORIDA, TO REZONE 210 EAST MAGNOLIA STREET, LEGAL DESCRIPTION AS LOTS 1,2,3, & WEST ½ LOT 4, BLOCK 49, TOWN OF ARCADIA FROM MULTIPLE DWELLING R-3 DISTRICT TO COMMUNITY BUSINESS B-1 DISTRICT; AND 216 EAST MAGNOLIA STREET LEGAL DESCRIPTION AS THE EAST ½ LOT 4 LESS THE SOUTH 6 FEET; AND ALL OF LOTS 5 & 6 LESS THE SOUTH 3 FEET, BLOCK 49, TOWN OF ARCADIA FROM ONE-FAMILY DWELLING R-1C DISTRICT TO COMMUNITY BUSINESS B-1 DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Heine moved to adopt Ordinance No. 948 on third and final reading and that it become an Ordinance of the City of Arcadia; seconded by Johnson. Mayor Fazzone called for Public comments. There were none. The motion carried on a roll call vote. Ayes: Dixon, Heine, Goodman, Johnson and Fazzone. Nays: None.

ORDINANCE NO. 948

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF ARCADIA, FLORIDA, TO REZONE 210 EAST MAGNOLIA STREET, LEGAL DESCRIPTION AS LOTS 1,2,3, & WEST ½ LOT 4, BLOCK 49, TOWN OF ARCADIA FROM MULTIPLE DWELLING R-3 DISTRICT TO COMMUNITY BUSINESS B-1 DISTRICT; AND 216 EAST MAGNOLIA STREET LEGAL DESCRIPTION AS THE EAST ½ LOT 4 LESS THE SOUTH 6 FEET; AND ALL OF LOTS 5 & 6 LESS THE SOUTH 3 FEET, BLOCK 49, TOWN OF ARCADIA FROM ONE-FAMILY DWELLING R-1C DISTRICT TO COMMUNITY BUSINESS B-1 DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

REGULAR MEETING
SEPTEMBER 1, 2009
Continued

(Ordinance No. 948 continued)

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, July 7, 2009, held a Public Hearing Regarding parcels shown on Exhibit "A", 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 1,2,3 & WEST ½ LOT 4, BLOCK 49, TOWN OF ARCADIA FROM MULTIPLE DWELLING R-3 DISTRICT TO COMMUNITY BUSINESS B-1 DISTRICT; AND THE EAST ½ LOT 4 LESS THE SOUTH 6 FEET; AND ALL OF LOTS 5 & 6 LESS THE SOUTH 3 FEET, BLOCK 49, TOWN OF ARCADIA FROM ONE-FAMILY DWELLING R-1C DISTRICT TO COMMUNITY BUSINESS B-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

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 A.

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

Section 1. That 210 EAST MAGNOLIA STREET, LEGAL DESCRIPTION AS LOTS 1,2,3 & WEST ½ LOT 4, BLOCK 49, TOWN OF ARCADIA, IS REZONED, FROM MULTIPLE DWELLING R-3 DISTRICT TO COMMUNITY BUSINESS B-1 DISTRICT. AND 216 EAST MAGNOLIA STREET, LEGAL DESCRIPTION AS THE EAST ½ LOT 4 LESS THE SOUTH 6 FEET AND ALL OF LOTS 5 & 6 LESS THE SOUTH 3 FEET, BLOCK 49, TOWN OF ARCADIA, IS REZONED, FROM ONE FAMILY DWELLING R-1C DISTRICT TO COMMUNITY BUSINESS B-1 DISTRICT; and the zoning map of the City of Arcadia as shown on Exhibit "A" attached hereto, 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.

REGULAR MEETING
SEPTEMBER 1, 2009
Continued

(Ordinance No. 948 continued)

UNANIMOUSLY PASSED BY THE CITY COUNCIL OF THE CITY OF
ARCADIA, FLORIDA, ON THIS 1st DAY OF September, 2009.

ATTEST:

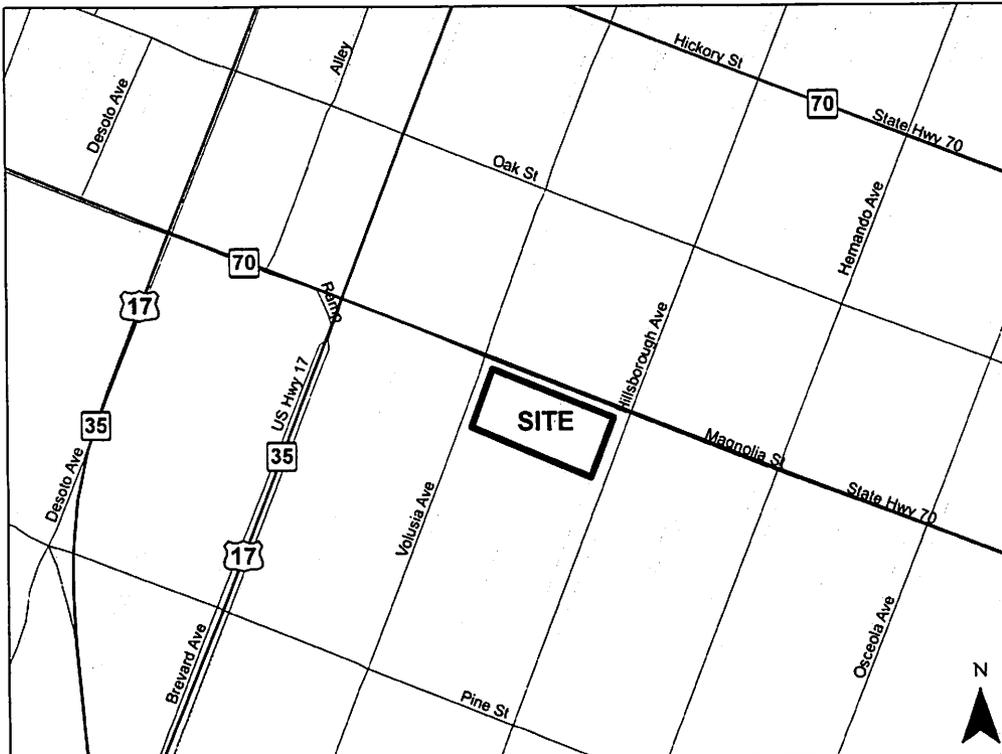
CITY OF ARCADIA, FLORIDA
By: s/s RICHARD P. FAZZONE
RICHARD P. FAZZONE
MAYOR

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

PASSED ON FIRST READING July 7, 2009.
PASSED ON SECOND READING August 4, 2009.
PASSED ON THIRD READING September 1, 2009.

APPROVED AS TO FORM:
WILLIAM S. GALVANO, CITY ATTORNEY

ORDINANCE NO. 948
EXHIBIT "A"
Zoning Map
Site Location Map



REGULAR MEETING
 SEPTEMBER 1, 2009
 Continued

Proposed Ordinance No. 949 was presented on third and final reading. Johnson moved to waive the rules and read proposed Ordinance No. 949 by title only; seconded by Deputy Mayor Dixon and carried.

ORDINANCE NO. 949

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 #09-02-SS", SPECIFICALLY, CHANGING THE LAND USE CLASSIFICATION FROM MEDIUM DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL WITH RESIDENTIAL, PROFESSIONAL, BUSINESS OVERLAY FOR APPROXIMATELY ONE (1) AND ONE-HALF (1/2) LOTS APPROXIMATELY 0.23ACRES LOCATED AT 603 EAST OAK STREET; 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.

Heine moved to adopt Ordinance No. 949 on third and final reading and that it become an Ordinance of the City of Arcadia; seconded by Deputy Mayor Dixon. Mayor Fazzone called for comments from the Public. There were none. The motion carried on a roll call vote. Ayes: Heine, Goodman, Johnson, Dixon and Fazzone
 Nays: None

ORDINANCE NO. 949

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 #09-02-SS", SPECIFICALLY, CHANGING THE LAND USE CLASSIFICATION FROM MEDIUM DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL WITH RESIDENTIAL, PROFESSIONAL, BUSINESS OVERLAY FOR APPROXIMATELY ONE (1) AND ONE-HALF (1/2) LOTS APPROXIMATELY 0.23ACRES LOCATED AT 603 EAST OAK STREET; 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 # 09-02-SS**, with due public

REGULAR MEETING
SEPTEMBER 1, 2009
Continued

(Ordinance No. 949 continued)

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 09-02-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 Medium Density Residential to Medium Density Residential with Residential, Professional and Business Overlay for a total of approximately one (1) and one-half (1/2) lots of approximately 0.23 acres total, located at 603 East Oak Street, Parcel Number 25-37-24-0012-0340-0050 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 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.

REGULAR MEETING
 SEPTEMBER 1, 2009
 Continued

(Ordinance No. 949 continued)

UNANIMOUSLY PASSED BY THE CITY COUNCIL OF THE CITY
 OF ARCADIA, FLORIDA, ON THIS 1st DAY OF September, 2009.

ATTEST:

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

CITY OF ARCADIA, FLORIDA
 By: s/s RICHARD P. FAZZONE
 RICHARD P. FAZZONE
 MAYOR

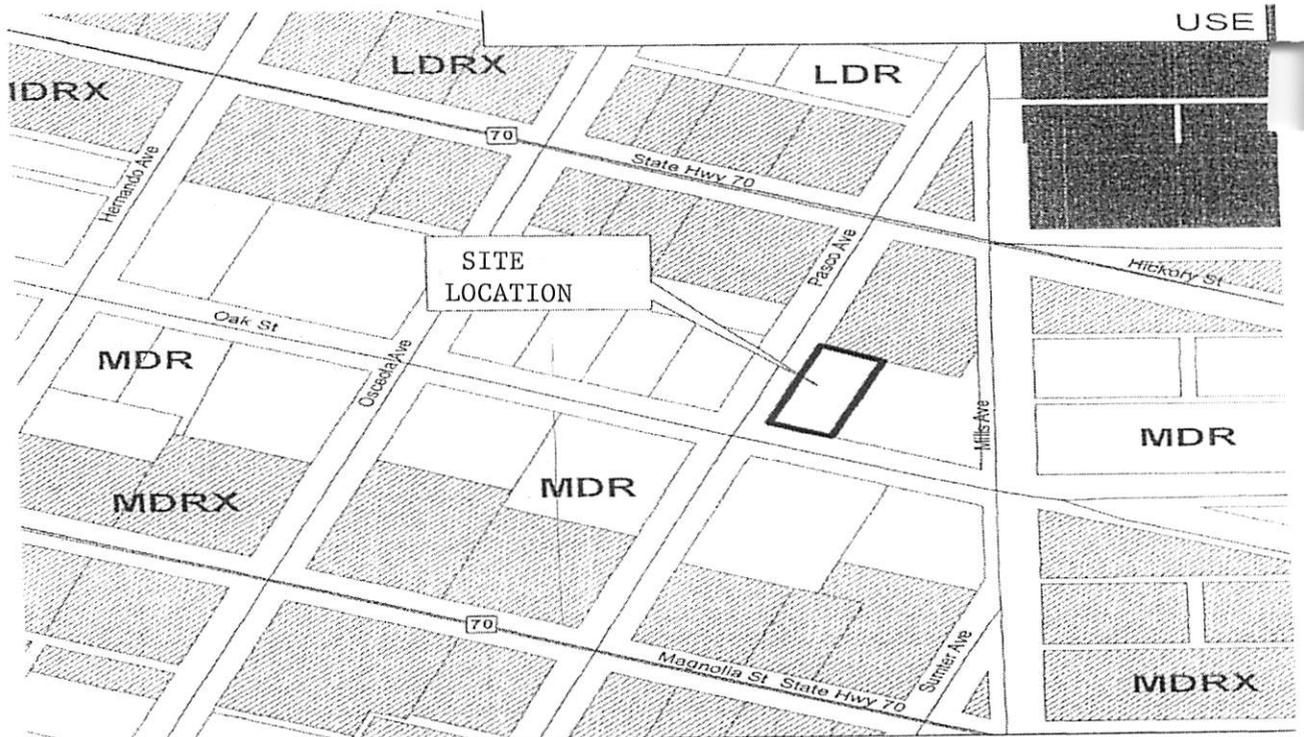
PASSED ON FIRST READING July 7, 2009.

PASSED ON SECOND READING August 4, 2009.

PASSED ON THIRD READING September 1, 2009.

APPROVED AS TO FORM: William S. Galvano, City Attorney

ORDINANCE NO. 949
Amending the Future Land Use Map Cross Rezoning
EXHIBIT "A" Future Land Use Map



REGULAR MEETING
 SEPTEMBER 1, 2009
 Continued

Proposed Ordinance No. 950 was presented on third and final reading. Goodman moved to waive the rules and read Ordinance No. 950 by title only; seconded by Johnson and carried.

ORDINANCE NO. 950

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF ARCADIA, FLORIDA, TO REZONE 603 EAST OAK STREET, LEGAL DESCRIPTION AS LOT 5 AND THE WEST 18 FEET OF LOT 6, BLOCK 34, ORIGINAL SURVEY OF ARCADIA AND THE NORTH 24 FEET OF THE EAST 32 FEET LOT 6 AND THE NORTH 24 FEET OF THE WEST 8 FEET OF LOT 7, BLOCK 34 A SUBDIVISION OF THE WEST ½ OF THE SOUTHWEST ¼ SECTION 31, TOWNSHIP 37 SOUTH, RANGE 25 EAST FROM MULTIPLE FAMILY DWELLING R-3 DISTRICT TO RESIDENTIAL- PROFESSIONAL AND BUSINESS RPB DISTRICT; PROVIDING FOR SEVERABILITY ; PROVIDING AN EFFECTIVE DATE.

Goodman moved to adopt Ordinance No 950 on third and final reading and that it become an Ordinance of the City of Arcadia; seconded by Johnson. Mayor Fazzone called for Public comment. There were none. The motion carried on a roll call vote. Ayes: Dixon, Goodman, Johnson, Heine and Fazzone Nays: None

ORDINANCE NO. 950

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF ARCADIA, FLORIDA, TO REZONE 603 EAST OAK STREET, LEGAL DESCRIPTION AS LOT 5 AND THE WEST 18 FEET OF LOT 6, BLOCK 34, ORIGINAL SURVEY OF ARCADIA AND THE NORTH 24 FEET OF THE EAST 32 FEET LOT 6 AND THE NORTH 24 FEET OF THE WEST 8 FEET OF LOT 7, BLOCK 34 A SUBDIVISION OF THE WEST ½ OF THE SOUTHWEST ¼ SECTION 31, TOWNSHIP 37 SOUTH, RANGE 25 EAST FROM MULTIPLE FAMILY DWELLING R-3 DISTRICT TO RESIDENTIAL- PROFESSIONAL AND BUSINESS RPB 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, July 7, 2009, held a Public Hearing Regarding parcels shown on Exhibit "A", 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:

LOT 5 AND THE WEST 18 FEET OF LOT 6, BLOCK 34, ORIGINAL SURVEY OF ARCADIA AND THE NORTH 24 FEET OF THE EAST 32 FEET LOT 6 AND THE NORTH 24 FEET OF THE WEST 8 FEET OF LOT 7, BLOCK 34, A SUBDIVISION OF THE WEST ½ OF THE SOUTHWEST ¼ OF SECTION 31, TOWNSHIP 37 SOUTH, RANGE 25 EAST FROM MULTIPLE FAMILY DWELLING R-3 DISTRICT TO RESIDENTIAL-PROFESSIONAL AND BUSINESS RPB DISTRICT.

REGULAR MEETING
 SEPTEMBER 1, 2009
 Continued

(Ordinance No. 950 continued)

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

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 949.

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

Section 1. That 603 EAST OAK STREET, LEGAL DESCRIPTION AS LOT 5 AND THE WEST 18 FEET OF LOT 6, BLOCK 34, ORIGINAL SURVEY OF ARCADIA, AND THE NORTH 24 FEET OF THE EAST 32 FEET LOT 6 AND THE NORTH 24 FEET OF THE WEST 8 FEET OF LOT 7, BLOCK 34, A SUBDIVISION OF THE WEST ½ OF THE SOUTHWEST ¼ OF SECTION 31, TOWNSHIP 37 SOUTH, RANGE 25 EAST IS REZONED, FROM MULTIPLE FAMILY DWELLING R-3 DISTRICT TO RESIDENTIAL-PROFESSIONAL AND BUSINESS RPB DISTRICT; and the zoning map of the City of Arcadia as shown on Exhibit "A" attached hereto is so amended.

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. 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 1st DAY OF September, 2009.

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

CITY OF ARCADIA, FLORIDA
 By: s/s RICHARD P. FAZZONE
 RICHARD P. FAZZONE
 MAYOR

PASSED ON FIRST READING July 7, 2009.
 PASSED ON SECOND READING August 4, 2009.
 PASSED ON THIRD READING September 1, 2009.

APPROVED AS TO FORM:
 WILLIAM S. GALVANO, CITY ATTORNEY

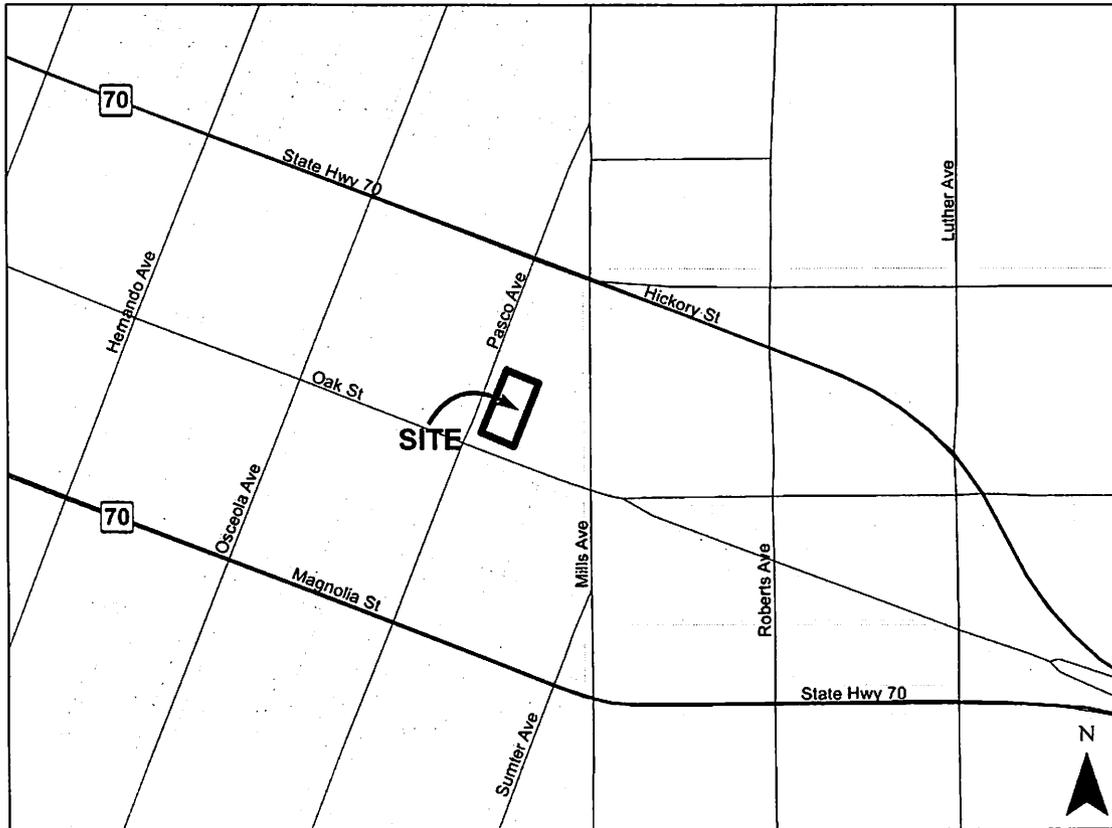
REGULAR MEETING
SEPTEMBER 1, 2009
Continued

(Ordinance No. 950 continued)

ORDINANCE NO. 950

EXHIBIT "A"
Zoning Map

Site Location Map



Proposed Ordinance No. 951 was presented on third and final reading. Johnson moved to waive the rules and read Ordinance No. 951 by title only; seconded by Heine and carried.

ORDINANCE NO. 951

AN ORDINANCE OF THE CITY OF ARCADIA, FLORIDA, A MUNICIPAL CORPORATION, AMENDING ARTICLE IV OF THE CODE OF ORDINANCES, CITY OF ARCADIA, FLORIDA; SPECIFICALLY AMENDING SECTION 2-116 OF ARTICLE IV, ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

REGULAR MEETING
 SEPTEMBER 1, 2009
 Continued

Heine moved to adopt Ordinance No. 951 on third and final reading and that it become an Ordinance of the City of Arcadia; seconded by Deputy Mayor Dixon. Mayor Fazzone called for Public comment. There were none. The motion carried on a roll call vote. Ayes: Dixon, Heine, Johnson, Goodman and Fazzone Nays: None

ORDINANCE NO. 951

AN ORDINANCE OF THE CITY OF ARCADIA, FLORIDA, A MUNICIPAL CORPORATION, AMENDING ARTICLE IV OF THE CODE OF ORDINANCES, CITY OF ARCADIA, FLORIDA; SPECIFICALLY AMENDING SECTION 2-116 OF ARTICLE IV, ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City desires to amend Section 2-116 of Article IV of the Arcadia Municipal Code regarding payment of funds.

NOW, THEREFORE, the City of Arcadia, Florida hereby ordains that the Code of Ordinances, City of Arcadia, Florida is hereby amended as follows:

Sec. 2-116. Payment of funds; signing of checks:

The city recorder shall pay no funds except on a check issued pursuant to the budget, which shall be signed by the finance director and countersigned by city administrator and one council member of the city council.

PASSED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA, on this 1st day of September, 2009.

ATTEST:

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

CITY OF ARCADIA, FLORIDA
 By: s/s RICHARD P. FAZZONE
 RICHARD P. FAZZONE
 MAYOR

PASSED ON FIRST READING July 2, 2009
 PASSED ON SECOND READING August 4, 2009
 PASSED ON THIRD READING September 1, 2009

APPROVED AS TO FORM:
 WILLIAM S. GALVANO, CITY ATTORNEY

REGULAR MEETING
SEPTEMBER 1, 2009
Continued

City Attorney Galvano stated Proposed Ordinance No. 952 and 953 would be governed by the new procedure.

Proposed Ordinance No. 952 was presented on first reading. Each Council member had previously been given a copy of the Ordinance to study. Heine moved to waive the rules and read Proposed Ordinance No. 952 by title only; seconded by Dixon and carried.

ORDINANCE NO. 952

AN ORDINANCE ANNEXING TO THE CITY OF ARCADIA, FLORIDA, A MUNICIPAL CORPORATION, CERTAIN LANDS, CONTIGUOUS THERETO CONSISTING OF APPROXIMATELY 3.6 ACRES LOCATED AT 3164 NE HWY 17, AS DESOTO COUNTY PROPERTY APPRAISAL PARCEL ID#19-37-25-0000-0280-0000 PROVIDING FOR A METES AND BOUNDS LEGAL DESCRIPTION TO THIS ORDINANCE AS EXHIBIT "A". AND PROVIDING AN EFFECTIVE DATE.

Goodman moved to adopt Proposed Ordinance No. 952 on first reading; seconded by Johnson. Mayor Fazzone called for comments from the Public. There were none. The motion carried on a roll call vote. Ayes: Fazzone, Dixon, Heine, Goodman and Johnson Nays: None

Proposed Ordinance No. 953 was presented on first reading. Each Council member had previously been given a copy of the Ordinance to study. Heine moved to waive the rules and read Ordinance No. 953 by title only; seconded by Johnson and carried.

ORDINANCE NO. 953

AN ORDINANCE ANNEXING TO THE CITY OF ARCADIA, FLORIDA, A MUNICIPAL CORPORATION, CERTAIN LANDS CONTIGUOUS THERETO CONSISTING OF APPROXIMATELY 10.5 ACRES LOCATED AT 3144 NE HWY 17, AS DESOTO COUNTY PROPERTY APPRAISAL PARCEL ID #30-37-25-01-0176-00E0-0010 PROVIDING FOR A METES AND BOUNDS LEGAL DESCRIPTION TO THIS ORDINANCE AS EXHIBIT "A" AND PROVIDING AN EFFECTIVE DATE.

Johnson moved to adopt Ordinance No. 953 on first reading; seconded by Heine. Mayor Fazzone called for comments from the Public, there were none. The motion carried on a roll call vote. Ayes: Fazzone, Heine, Goodman, Johnson and Dixon. Nays: None

Juie Karleskint, P.E. from Hazen and Sawyer, presented a Power Point to the Council with information regarding needed repairs to the City water plant. Ms. Karleskint stated some of the equipment in the building was forty (40) years old and older. Ms. Karleskint stated the rust and deterioration of the equipment and building was now at a critical stage. Ms. Karleskint stated Department of Environmental Protection (DEP) is requiring major repairs be done to the faculty and equipment, or the result would be to put in a ground monitor and other added expenses to continue operations.

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Ms. Karleskint presented examples of cost for upgrading the current equipment and facility, for approximately Six Million Dollars (\$6,000,000,000). She stated the cost of a new facility would be approximately the same amount.

Mayor Fazzone asked how long it would take to complete a new facility. Ms. Karleskint stated approximately three years (3). Mayor Fazzone asked if bonds were available to pay for these cost. Ms. Karleskint stated yes, and the United States Department of Agriculture had some grants available. Johnson moved to approve Ms. Karleskint of Hazen and Sawyer, to move forward with grant applications for rebuilding the water plant and equipment; seconded by Goodman and carried.

Mayor Fazzone called for a five-minute adjournment to remove video equipment.

Mayor Fazzone reconvened the Regular Meeting.

Mr. Ernie Hewett presented the Council with the Airport Advisory Committee Report. Mr. Hewett asked that the Council approve the reinstatement of the Florida Public Aviation Plan, and that the Mayor sign the letter for the Council. Mr. Hewett stated this letter would allow the airport to apply for funding. Goodman moved to move forward with the letter for reinstatement of the Florida Public Aviation Plan so that the opportunity for applying for funding would be met; seconded by Johnson and carried

Mr. Hewett stated in the past, funds for the airport could be diverted to transportation funds. Attorney Galvano stated he would do research into this matter.

Finance Director and City Recorder Baumann presented recommendations for salary increases for those earning less than Ten Dollars (\$10) an hour. Councilman Dr. Johnson stated the Council had recommended in the Work Session of August 18, 2009, that all employees earning less than Ten Dollars (\$10) per hour be given an increase and all employees receive a bonus of around Three Hundred Eighty Five (\$385.) dollars. Councilman Dr. Johnson requested that two employees that had been removed from the recommendation list be put back on and included in those receiving an increase. A motion by Johnson to give all employees earning less than Ten (\$10) dollars an hour be given a Five (5) percent increase and an across the board increase of Three Hundred Eighty Five Dollars (\$385) be given to all employees; seconded by Deputy Mayor Dixon and carried.

Administrator Rupp presented the Council with a letter of inspection by DeSoto County Building Official, Lester Hornbake, Jr. of the Arcadia Livestock Market property. Administrator Rupp recommended the buildings be torn down and then Council could proceed with deciding what to do with the property. Administrator Rupp stated the cost of repair for existing structures would be very costly. Building Official Hornbake stated there were also problems involving the electrical wiring, restrooms, and debris. In addition, he stated there was an open tank on the property's south side. Goodman moved to proceed with cleaning the property; seconded by Heine and carried.

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Administrator Rupp stated to the Council the Water Tower that is in need of repair, it was last repaired in 2001, for Fifth Four Thousand Two Hundred Ninety Four Dollars (\$54,294.00) by Phoenix Tank Inc. Heine moved to put the currently needed repair work out for bids; seconded by Goodman and carried.

The Police Activity Report for August 2009 was presented.

The Revenue and Expense Report for July 1, 2008 to July 31, 2009 was presented.

A thank you card from the Don Waters Family was acknowledged.

Administrator Rupp stated to the Council that she had received a follow up email from the United States Department of Agriculture (USDA). Administrator Rupp asked the Council for directions on how they would like her to proceed and the order of priorities for grant application. Administrator Rupp stated it seemed that the water plant was the number one (1) priority. She stated the renovation of City Hall upstairs including a new roof and internet connections was the number two (2) priority. Administrator Rupp asked the Council for other considerations. Councilwoman Dr. Goodman stated water and sewer was a critical need, along with streets and infra structure. Council members agreed with the priorities.

Administrator Rupp reported to the Council, she had received a dinner invitation from the Ridge League of Cities for September 10, 2009, at Winter Haven, Florida. She stated the Nettie Drayton award would be presented at that time, and that Councilman Dr. Johnson has been nominated to receive this award.

Administrator Rupp stated to the Council, a new ad for City Recorder had been completed and inquired as to where the Council would like the ad to be placed, locally or statewide.

Deputy Mayor Dixon recommended that Francine Clark, who is currently employed by the City, be given the position as City Recorder. City Attorney Galvano stated the code states the City Administrator should bring the recommendation before the Council for approval. Councilwoman Dr. Goodman stated she wanted to make sure everything was done fairly. Councilman Heine stated he agreed the position should be re-advertised. Councilman Dr. Johnson stated everyone who interviewed should be held to the same criteria and evaluation. He stated Meeting Minutes could not be submitted for one applicant as an evaluation tool unless all applicants submitted minutes.

Administrator Rupp stated she would like to run the ad on Friday, September 4, Saturday, September 5, and Sunday, September 6, 2009 in the local paper. Johnson moved to advertise in the local paper for the position of City Recorder; seconded by Dixon and carried.

Ms. Gertrude Neal, a member of the Public, who resides at 720 Harris Road, addressed the Council regarding a sewer bill she received. Ms. Neal explained she did not use the City sewer, but had a septic system of her own. Councilman Dr.

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Johnson stated this was an ongoing issue. Councilwoman Dr. Goodman asked that Administrator Rupp research this issue.

Mr. Gary Frierson, a member of the public and asked if anyone, including previous applicants could apply for the position of City Recorder to which Administrator Rupp answered yes.

Mrs. Adriane Daley, a member of the public, asked the qualifications of the position of City Recorder. Administrator Rupp read the qualifications.

Mr. Robert Womack, of Womack Sanitation addressed the Council in regards to annexed properties. Council members stated Mr. Womack met all the qualifications for servicing these properties.

Ms. Julie Price, Boy Scout Leader, introduced to the Council Ryan Mason. Ryan was observing the Council meeting in order to complete a portion of his Eagle Scout program. Ryan reported to the Council various civic activities he had completed for this program including work done at the local Woman's Club.

Councilman Dr. Johnson stated he had inquired a few meetings ago, as to who was responsible for upkeep of an easement, that joined a citizen's property; the City or the property owner. Attorney Galvano stated he would research the language of the easement and report back to the Council.

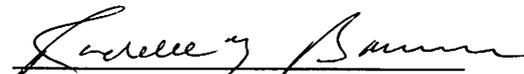
Mayor Fazzone asked that Deputy Mayor Dixon furnish a phone number to the Administrative staff in order for him to be contacted. Mayor Fazzone commented upon occasions where Deputy Mayor Dixon stated he had not been informed on matters, however, without a phone number, he could not be reached. Deputy Mayor Dixon stated he "Would not feed into his ignorant attacks and would not stoop to his level while I am serving you people". Mayor Fazzone stated, "Don't call me ignorant". City Attorney Galvano stated it was a reasonable request to provide a phone number. Deputy Mayor Dixon stated, "They have my number". "They have used my office number since I was elected". "Just for the record, Miss Shelley has my number".

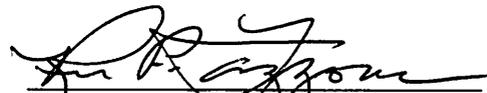
Mayor Fazzone stated Deputy Mayor Dixon refused to have his signature used in signing checks. Mayor Fazzone stated it was a simple procedure. He stated it was something that has been done for years. Deputy Mayor Dixon did not respond.

Mayor Fazzone reminded Councilman Dr. Johnson and Deputy Mayor, they were to meet at 6:30 p.m. on September 8, 2009, at the Elections Office.

There being no further business the meeting was adjourned at 8:00 p.m.

The minutes as submitted by Francine Clark.


CITY RECORDER


PRESIDENT