

REGULAR MEETING

AUGUST 2, 2005

A Regular Meeting of the Arcadia City Council was held on August 2, 2005 at 6:00 p.m. in Room D of the Way Building at 23 N. Polk Avenue. Councilmember's attending were: Whitlock, Heine, Goodman, Fazzone, and Johnson. Also in attendance were: Administrator Strube, Attorney Holloman, Capitan Anderson, Special Projects Coordinator Hewett, Ms. Way, and Recorder Baumann.

Mayor Whitlock called the meeting to order.

The Invocation was given by Council Member Goodman.

Pledge of Allegiance to the Flag.

The minutes of the Work Session of July 5, 2005, the Regular Meeting of July 5, 2005 and the Budget Work Session of July 19, 2005 were adopted on motion of Heine; seconded by Johnson and carried.

Proposed Ordinance No. 917 was presented on first reading. Each Councilmember had previously been given a copy for study. Fazzone moved to waive the rules and read the proposed ordinance by title only; seconded by Johnson and carried.

ORDINANCE NO. 917

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

Fazzone then moved to approve Ordinance No. 917 on first reading; seconded by Johnson. Mayor Whitlock called for comments from the public, there were none. The motion carried on roll call vote. Ayes: Heine, Fazzone, Johnson, Goodman, and Whitlock. Nays: None.

Goodman moved to adopt Resolution No. 2005-13 in support of the local National Guard Unit who will soon be deployed to Iraqi; seconded by Johnson and carried. The actual Resolution will be presented to the National Guard at a ceremony on Saturday, August 6, 2005.

RESOLUTION NO. 2005-13

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF ARCADIA, FLORIDA SUPPORTING THE
LOCAL NATIONAL GUARD UNIT

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(Resolution 2005-13 continued)

WHEREAS, the Alpha Battery, 3rd Battalion, 116th Field Artillery has been federally activated in support of Operation Iraqi Freedom, and

WHEREAS, the battery includes soldiers from Arcadia, DeSoto County, Avon Park, Wauchula and Sarasota County, with sixty percent of the soldiers living in Arcadia and DeSoto County, and

WHEREAS, the unit is being deployed as a military police unit and not a field artillery unit, and

WHEREAS, the entire 157 man unit will leave for Fort Dix on August 16, 2005, where they will train on military police tactics for 120 days, and

WHEREAS, the battery will depart for Iraq in late 2005 or early 2006, and

WHEREAS, a community "Salute to our Soldiers" is planned for August 6, 2005 at the Arcadia National Guard Armory.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Arcadia, Florida that August 6, 2005 be "Salute Our Soldiers Day" in Arcadia.

BE IT FURTHER RESOLVED that this Resolution serve as our expression of sincere appreciation to these soldiers for representing the community, the state of Florida and the United States of America. We encourage our entire community to join together in support and in prayer as these fine men and women depart for foreign soil.

PASSED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA, IN REGULAR SESSION this 2nd day of August, 2005.

/s/ PAUL P. WHITLOCK
Paul P. Whitlock, Mayor

/s/ SHARON T. GOODMAN
Sharon T. Goodman, Ed.S., Council

Attest:

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

/s/ ROBERT W. HEINE
Robert W. Heine, Vice Mayor

/s/ RICHARD P. FAZZONE
Richard P. Fazzone, Council

/s/ ROOSEVELT JOHNSON
Roosevelt Johnson, Ed.D., Council

/s/ EDWARD J. STRUBE
Edward J. Strube, Administrator

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Mayor Whitlock proclaimed August 15th through August 19th, 2005 as Florida Water, Wastewater and Systems Operators week and urged all residents to join in saluting their contributions to the health and welfare of the citizens of Arcadia. Johnson moved to endorse this action; seconded by Goodman and carried.

Mr. John Richardson addressed Council to request the closure of streets surrounding the First Assembly of God on September 10, 2005 from 9:00 AM to 2:30 PM for the FamilyFun Festival Community event. Mr. Richardson stated that he spoke with Marshal Lee who requested that he put his request in writing to the Council. After discussion Johnson moved to approve the request to close 10th Avenue, 11th Avenue and N.E. Oak Street, leaving N.E. Hickory Street open on September 10, 2005 from 9:00 AM to 2:30 PM for the FamilyFun Festival Community event; seconded by Fazzone and carried.

A report of Police Fines and Forfeitures for the month of June indicates fines in the amount of \$1,467.96.

The Police Activity Report for the month of July 2005 was presented.

Fazzone then asked Capitan Anderson if the City will be having their own Drug Task Force in order to be able to retain all seized funds. Capitan Anderson stated that he does not know exactly how seized funds are allocated. It was noted that the Anti Drug Grant for FY 05/06 is currently being prepared for the Mayor to sign to continue in the same process as in the past with the County Sheriff's Department being the lead agency. It appears that Marshal Lee and Administrator Strube may need to meet with Sheriff Keen to see if he is receptive to the idea of each agency having their own Drug Task Force.

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

Administrator Strube addressed Council to report that the City has been awarded a grant from the Division of Historical Resources in the amount of \$30,000.00 to update a previous Historical Structure Survey. This grant is a 100% grant with no match requirement from the City. The grant could also make recommendations regarding design standards for new construction in the Historic District. Administrator Strube noted that Bill Adams from Jacksonville does this type of survey work and has expressed interest in administering this grant for the City. Heine moved to authorize the Mayor to sign all necessary documents for the City to receive \$30,000.00 in grant funds from the Division of Historical Resources in order to update the City of Arcadia Historical Structure Survey; seconded by Fazzone and carried.

The Planning and Zoning Board met on July 12, 2005 and recommended the following:

1. That the request of Mr. Jean Vavrovsky and Ms. Sophie de Lacroix to have their residence on the 2nd floor over their antique store located at 9-15 East Oak Street

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be granted by a Non-Transferable Special Approval subject to meeting all City, County, and State codes. Fazzone moved to grant the request by Resolution No. 2005-14; seconded by Heine and carried.

RESOLUTION 2005 - 14

WHEREAS, Jean Vavrovsky and Sophie de Lacroix are owners of a two story building on the East-half of lots 14 and 15, Block 1, Original Survey being numbered 9 to 15 East Oak Street, and

WHEREAS, this building is in the downtown historic district, and

WHEREAS, Jean Vavrovsky and Sophie de Lacroix plan to operate an antique store on the ground floor with living quarters on the second floor, and

WHEREAS, the City Council in keeping with the historic preservation and a recommendation from the Planning and Zoning Board to utilize the downtown second floors for living purposes, feels this is in the best interest of the citizens of Arcadia.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Arcadia, Florida, that Jean Vavrovsky and Sophie de Lacroix be granted a non-transferable approval to permit the use of the second floor of their building (9 to 15 East Oak Street) as their living quarters.

BE IT FURTHER RESOLVED that this approval is granted subject to the renovation and use meeting all City, County and State Codes and Regulations.

PASSED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA, in Regular Session this 2nd day of August, 2005.

ATTEST:

CITY OF ARCADIA, FLORIDA

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

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

APPROVED AS TO FORM BY
DAVID C. HOLLOMAN
CITY ATTORNEY

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1. That the request of Mr. John Barkenquest to re-plat Lots 1,2,3,4, 47,48, and 49, Block K of Ridgewood Subdivision be approved subject to approval by the City Attorney. Attorney Holloman then addressed the Council stating that he is not ready to grant approval at this time. Goodman moved to table the request until all necessary information has been reviewed by Attorney Holloman; seconded by Johnson and carried.
2. That the request of Ms. Kathy Gamiotea owner of Coldwell Banker Dees Realty to allow her to use a residence at 212 North Roberts Avenue as a business for a period of one (1) year until she can get the property re-zoned be granted by a Special Resolution subject to the residence being in compliance with all City, County and State Codes and Regulations. Heine moved to grant the request by Resolution No. 2005-15; seconded by Fazzone and carried.

RESOLUTION 2005-15

WHEREAS, Kathey L. Gamiotea, owner of Dees Realty located at 707 East Hickory Street is in need of expanding her offices, and

WHEREAS, Kathey Gamiotea is purchasing a residence adjacent to her business and wishes to use the residence as additional office space, and

WHEREAS, this property is presently zoned one-family dwelling R1B District which does not permit a business use, and

WHEREAS, Kathey Gamiotea expects to file a petition for rezoning, however the process can take several months and she needs to expand as quickly as possible, and is requesting permission to use the residence until the rezoning is complete, and

WHEREAS, the Planning and Zoning Board recommends the request be granted for a one year period.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Arcadia, Florida, that Kathey Gamiotea may use the residence located at 212 North Roberts Avenue as an office and described as South 10 feet of lot 12, all lot 14 and East-half of adjacent alley, resub of Block A, R.A. Mills Addition to Arcadia.

BE IT FURTHER RESOLVED that this approval is non-transferable and is for a period of one year from date of passage and is subject to the residence being in compliance with all City, County and State Codes and Regulations.

PASSED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA, in Regular Session this 2ND day of August, 2005.

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(Resolution 2005-15 continued)

ATTEST:

CITY OF ARCADIA, FLORIDA

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

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

APPROVED AS TO FORM BY
DAVID C. HOLLOMAN
CITY ATTORNEY

The Planning and Zoning Board sitting as the Citizens Advisory Task Force Committee at their meeting of July 12, 2005 recommend that the two (2) applications for Community Development Block Grant (CDBG) funds to be used for housing rehabilitation be approved. Fazzone moved to accept the Planning and Zoning Boards recommendation that CDBG funds for housing rehabilitation be awarded to Earl Davis and Sue Crews subject to the property owners meeting all CDBG requirements; seconded by Johnson and carried.

Mr. Mark Fusco addressed Council regarding his request to build a martial arts school at 803 East Magnolia Street. In order to meet the set back requirements it appears that Mr. Fusco will need to petition to vacate an alley on the property. All of the property in question is owned by Mr. Fusco's father Dr. Mark Fusco. It was noted that this item was discussed at the Planning and Zoning Board Meeting of July 12, 2005 at which time City Attorney Holloman stated that no action was required by the Planning and Zoning Board as the request is allowed under the current zoning of the property. Goodman then moved to grant the request to allow Mr. Mark Fusco to build a martial arts studio at 803 East Magnolia Street subject to meeting the required setbacks and all City, County and State Codes and Regulations; seconded by Johnson and carried. Mr. Fusco will proceed with his petition to vacate the alley.

Administrator Strube addressed Council regarding Specific Authorization No. 44 with Boyle Engineering Corporation for professional services related to development and construction of a new water supply well not to exceed \$20,000.00. The construction of this well will require a minor modification to the water use permit from South West Florida Water Management District (SWFWMD). Heine moved to approve Specific Authorization No. 44 for Boyle Engineering Corporation to provide professional services related to development and construction of a new water supply well in an amount not to exceed \$20,000.00; seconded by Fazzone and carried.

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

The July 2005 report of Arcadia Golf Course receipts and number of play was presented.

Administrator Strube stated that as of 5:00 PM today the "boil water" notice has been lifted. This was the result of a private contractor working for FPL breaking a water pipe behind the Save-A-Lot store which resulted in a significant decrease in water pressure. It was noted that two (2) consecutive days of water sample testing must test negative before the "boil water" notice can be rescinded.

Administrator Strube reported that the City has received notice from the Florida Department of Environmental Protection (FDEP) that the City will receive \$1,000,000.00 as part of a Legislative Award to fund Wastewater projects. This is a 100% grant and requires no matching funds from the City. The City still needs to develop a work plan. Administrator Strube stated that the City has been working with the County on an Interlocal agreement for a regional Wastewater Treatment Plant, however it has come to a standstill until repairs to the City's system can be done. The results from smoke testing the lines indicate major damage due to storm events. The City is still trying to get the Federal Emergency Management Agency (FEMA) to approve a project work sheet to make the necessary repairs and have them funded by FEMA. In order to actually know the extent of the damage you must send in TV's as smoke testing only lets you know that there is a problem, not specifically what it is. Late today the County informed Administrator Strube that they will not be contributing any funding for a regional Wastewater Treatment Plant; and they now plan to build their own plant. Administrator Strube recommends that the \$1,000,000.00 from DEP be allocated to investigate the collection system. Johnson moved to authorize the Mayor and Administrator to proceed with the agreement with DEP for funding in the amount of \$1,000,000.00; seconded by Fazzone and carried.

Administrator Strube then reported that the City has been awarded \$4,500,000.00 from the Department of Community Affairs (DCA) for 2005 Community Development Block Grant Supplemental Disaster Recovery Initiative. These funds will be used for Wastewater Treatment Plant Renovation. Administrator Strube believes that the County will still want to continue to be a bulk customer to the City provided that our system can take it. Heine moved to authorize the Mayor to sign all necessary documents to receive funding from DCA in the amount of \$4,500,000.00; seconded by Fazzone and carried.

Administrator Strube stated that both the \$1,000,000.00 and \$4,500,000.00 contracts require grant administration services and allows for a maximum of 15% of the award for administration services. He noted that the City did advertise for a grant administrator for these two (2) grants and received only one (1) response that being from Government Funding Specialist Inc. to provide services in the amount of 8% of the grant agreement. Fazzone moved to authorize the Mayor to sign a grant administration agreement with Government Funding Specialist Inc. to provide grant administration services for the DEP \$1,000,000.00 grant and the DCA \$4,500,000.00 in the amount of 8% of the grant agreement; seconded by Johnson and carried.

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Administrator Strube stated that the \$500,000.00 HOME Again Grant which the City has been awarded also requires grant administration services. The City did advertise for a grant administrator and received only one (1) response that again being from Government Funding Specialist, Inc. in the amount of 10% of the grant award. Goodman moved to authorize the Mayor to sign a grant administration agreement with Government Funding Specialist Inc. to provide grant administration services for the HOME Again Grant in the amount of 10% of the grant award; seconded by Johnson and carried.

Mr. Steve Weeks, Grant Administrator addressed Council concerning the City's request to seek funding for a Public Safety Facility. Originally there was a \$4,500,000.00 Grant that the City was informed they qualified for. The grant was for 55% and the City would have to make up the difference. That grant was then reduced to \$800,000.00 which would require that the City come up with \$2,200,000.00 in the way of United States Department of Agriculture funds (USDA) at an interest rate of 4.5%. In order to proceed, the City is required to hire an architect and have building plans before an application could be submitted to USDA. Administrator Strube stated that the City can not afford to seek a loan, noting that only a grant would be something that could be considered.

It was noted that Fire Station II is currently being repaired.

Ms. Valerie Gilchrist addressed Council to inquire about housing and if the City has a plan and specific time frame. Steve Weeks stated that the City does have a plan and will be building twenty-two (22) units as soon as they can be built.

Ms. Gilchrist then reported that she had attended a DCA meeting at which time DCA stated that if the City and County do not work together the City could be penalized and loose \$2,000,000.00. Mr. Weeks stated that he believes Ms. Gilchrist misunderstood the funds that DCA was referring to. He believes they were referring to SHIP Funds.

Mr. Mike Cosentino the new owner of the former Magnolia House Bed and Breakfast located at 500 West Oak Street which was destroyed by Hurricane Charley invited Council to attend a Bar-B-Que and fund raiser at that location on August 13, 2005 from 12:00 PM until 7:00 PM. Funds raised will benefit the JR Mares Foundation, Little Angles Rescue, and Volunteer DeSoto. Special Projects Coordinator Hewett stated that due to his extensive volunteering after Hurricane Charley, Mr. Cosentino was named one of the Governor's "Points of Light". Council thanked Mr. Cosentino for volunteering to help the citizens of Arcadia.

Mr. Sam Morgan addressed Council to discuss concerns he has regarding a large hole on Court Street. Mr. Morgan asked if there were fund to repair roads to which Administrator Strube replied that funds first need to be used to repair water and sewer lines, then they would go toward repairing the roads. At this time only a point repair can be done. If the City and County had constructed a regional wastewater treatment plant as originally proposed the line would need to be increased from a 15" to a 24" which would necessitate the removal and replacement of the roadway above the line. The City is still attempting to prove to FEMA that the damage from road cave ins are a direct result from the Hurricanes of 2004. The City does not have the equipment to repair the roads and must wait for a contractor who is currently doing other repairs.

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Mr. Morgan then inquired about repairs to Orange Avenue around the railroad tracks. Administrator Strube stated that repairs to the crossings were done by the railroad company, not the City. Repairs to the railroad crossings on Orange Avenue must be done by the railroad company.

Administrator Strube then stated that repairs to streets must be addressed as the sewer lines are addressed.

Goodman asked if a temporary covering could be placed over the hole at Court Street and Myrtle Street in order to keep children from getting hurt. Administrator Strube will see if they can backfill the hole for the time being.

Fazzone reminded Council that this Saturday, August 6, 2005 is the National Guard Send off Day. Fazzone then reported that his daughter Kathy Miller and Council Member Goodman had been working on something to give the troops before they leave Arcadia to remind them of home. He then presented a prayer card noting that Council Member Goodman wrote the prayer and a City of Arcadia lapel pin on a yellow ribbon which will be presented to the members of the National Guard Unit who are being deployed. Council thanked Ms. Miller and Council Member Goodman for their effort on the City's behalf.

Goodman stated that on the one year anniversary of Hurricane Charley, Saturday, August 13, 2005 the First Assembly of God will hold a Hurricane Charley Night of Honor event beginning at 7:00 PM.

Johnson reported that the Ridge League of Cities meeting will be held on August 11, 2005. The league board has asked that any city wishing to host a league dinner let them know in order to prepare next year's meeting schedule.

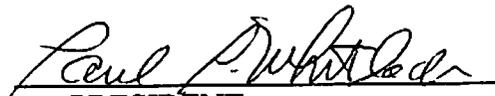
Johnson then addressed several issues. He has been asked when the City street signs would be repaired or replaced. He had thought that all the ditches were cleaned out however water is backing up on 13th Avenue and it appears that this ditch was not cleaned. He then stated that he has received a complaint concerning the weeds behind JimSpace noting that they are about 12' high. Tara has asked Don Waters to review and locate the City's property line behind JimSpace.

Mayor Whitlock asked about replacing the flag pole at Oak Ridge Cemetery. This item was turned over to Special Projects Coordinator Hewett.

Ms. Gilchrist asked that Council return a survey she had sent them.

There being no further business the meeting was adjourned.


CITY RECORDER


PRESIDENT