

REGULAR MEETING
MAY 3, 2005

A Regular Meeting of the Arcadia City Council was held on May 3, 2005 at 6:00 p.m. in Room D of the Way Building at 23 N. Polk Avenue. Councilmember's attending were: Whitlock, Heine, Fazzino, Goodman and Johnson. Also in attendance were: Administrator Strube, Attorney Holloman, Fire Chief Rutherford, Police Officer Evans, Special Projects Coordinator Hewett, Parks and Recreation Supervisor Waters, Ms. Way, and Recorder Baumann.

Mayor Whitlock called the meeting to order.

The Invocation was given by Pastor Ted Land of The First Presbyterian Church of Arcadia.

Pledge of Allegiance to the Flag.

The minutes of the Regular meeting of March 15, 2005 were adopted on motion of Goodman; seconded by Heine and carried.

The minutes of the Special Meeting and Work Session of March 22, 2005 were adopted on motion of Fazzino; seconded by Heine and carried.

The minutes of the Work Session of April 5, 2005 were adopted on motion of Heine; seconded by Fazzino and carried.

The minutes of the Regular meeting and Joint Public Hearing of April 5, 2005 were adopted on motion of Heine; seconded by Fazzino and carried.

Proposed Ordinance No. 915 was presented on third reading in order to meet the advertising requirement. Heine moved to waive the rules and read the proposed ordinance by title only; seconded by Johnson and carried.

ORDINANCE NO. 915

AN ORDINANCE OF THE CITY OF ARCADIA, DESOTO COUNTY, FLORIDA, AMENDING SECTIONS 46-3 AND 46-91, OF THE CODE OF ORDINANCES OF THE CITY OF ARCADIA, FLORIDA, TO CONFORM TO EARLY VOTING AT ELECTIONS; AMENDING SECTION 46-173 OF THE CODE OF ORDINANCES OF THE CITY OF ARCADIA, FLORIDA, TO PROVIDE FOR EARLY VOTING AT ELECTIONS; AMENDING SECTION 46-263 OF THE CODE OF ORDINANCES OF THE CITY OF ARCADIA, FLORIDA, TO PROVIDE FOR THE DATE OF A RUN-OFF ELECTION IN THE EVENT OF A TIE; PROVIDING FOR CHALLENGES OF ELECTORS; PROVIDING FOR CANVASS OF RETURNS OF SUCH BALLOTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

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Fazzone then moved to adopt Ordinance No. 915 on third and final reading and that it become an ordinance of the City of Arcadia; seconded by Goodman. Mayor Whitlock called for comments from the public, there were none. The motion carried on roll call vote. Ayes: Heine, Fazzone, Goodman, Johnson, and Whitlock. Nays: None.

ORDINANCE NO 915

AN ORDINANCE OF THE CITY OF ARCADIA, DESOTO COUNTY, FLORIDA, AMENDING SECTIONS 46-3 AND 46-91 OF THE CODE OF ORDINANCES OF THE CITY OF ARCADIA, FLORIDA, TO CONFORM TO EARLY VOTING AT ELECTIONS; AMENDING SECTION 46-173 OF THE CODE OF ORDINANCES OF THE CITY OF ARCADIA, FLORIDA, TO PROVIDE FOR EARLY VOTING AT ELECTIONS; AMENDING SECTION 46-263 OF THE CODE OF ORDINANCES OF THE CITY OF ARCADIA, FLORIDA, TO PROVIDE FOR THE DATE OF A RUN-OFF ELECTION IN THE EVENT OF A TIE; PROVIDING FOR CHALLENGES OF ELECTORS; PROVIDING FOR CANVASS OF RETURNS OF SUCH BALLOTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, AS FOLLOWS:

1. Section 46-3 of the Code of Ordinances of the City of Arcadia,

Florida, is hereby amended as follows:

Sec. 46.2. VOTING HOURS.

The polls shall open and close at the same hour or time required under general law for the opening and closing of polls for state elections. Before the opening of the polls on the day any city election is to be held, or on any day of early voting pursuant to Section 46-173 of the Code of Ordinances of the City of Arcadia, Florida, the city recorder or his designee shall cause to be delivered to the inspectors and clerk of the election the registration documents for city together with the ballot boxes, ballots, and blank oaths and returns provided for such election.

2. Section 46-91 of the Code of Ordinances of the city of

Arcadia, Florida, is hereby amended as follows:

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(Ordinance 915 continued)

Section 46-91. PUBLICATION OF SAMPLE BALLOT.

The city recorder or his designee shall cause a sample ballot to be published in a newspaper circulated in the city one time no later than ~~seven~~ twenty-one (21) days prior to the election.

3. Section 46-173 of the Code of Ordinances of the City of Arcadia, Florida, is hereby amended as follows:

~~Section 46-173. VOTING IN PERSON.~~

~~Notwithstanding F.S. Section 97.021(1), any qualified and registered elector who is unable to attend the polls on election day may pick up and vote an absentee ballot in person at the office of, and under the supervision of the city recorder or his designee. Before receiving the ballot, the elector must present a Florida driver's license, a Florida identification card issued under F.S. Section 322.051, or another form of picture identification approved by the department of state. If the elector fails to furnish the required identification or if the city recorder or his designee is in doubt as to the identity of the elector, the city recorder or his designee must follow the procedure prescribed in F.S. Section 101.49.~~

Section 46-173. VOTING IN PERSON.

A. A qualified voter shall be allowed to vote early in the office of the supervisor of Elections by depositing the voted ballot in a voting device used by the Supervisor to collect or tabulate ballots. The results or tabulation may not be made before the closing of the polls on election day.

B. Early voting shall begin on the fifteenth (15th) day before the election and end on the Friday before an election. Early voting shall be provided for at least eight hours per weekday during the applicable period. Early voting shall also be provided for eight hours in the aggregate for the weekend during the applicable period.

C. The voter must provide identification and must complete an Early Voter Certificate in substantially the following form:

EARLY VOTING VOTER CERTIFICATE

I, _____, am a qualified elector in this election and registered Voter of DeSoto County, Florida, and a resident of the City of Arcadia, Florida. I do solemnly swear or affirm that I am the

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(Ordinance 915 continued)

person so listed on the voter registration rolls of DeSoto County, Florida, and that I reside at the listed address. I understand that if I commit or attempt to commit fraud in connection with voting, vote a fraudulent ballot, or vote more than once in an election, I could be convicted of a felony of the third degree and both fined up to \$5,000 and imprisoned for up to 5 years. I understand that my failure to sign this certificate invalidates my ballot.

Voter's signature
Address
City/State

Any elector may challenge an elector seeking to vote early under the provisions of Section 101.111, Florida Statutes. Any challenged voter must vote a provisional ballot. The canvassing board shall review the ballot and decide the validity of the ballot by majority vote.

The canvass of returns for ballots cast under this subsection shall be substantially the same as votes cast by electors in precincts.

Section 4. Section 46-263 of the Code of Ordinances of the City of Arcadia, Florida, as amended by Ordinance No. 896, is hereby amended as follows:

Section 46-263. TIE VOTES.

If there is a tie for the highest number of votes for City Marshall or if there is a tie for the highest number of votes in descending order for the last Council Office to be filled, then there will be a run-off election between the two tying candidates which shall be held ~~on the first Tuesday after the third Monday of September of each odd year.~~ on the first Tuesday after the fourth Monday of September of each odd year.

Section 5. SEVERABILITY. Should any section or provision of this ordinance or any parts hereof, any paragraphs, sentences, words, etc., be declared invalid by a Court of competent jurisdiction, such decision shall not affect the validity of the remainder hereof as a whole or any part hereof, other than the part so declared to be invalid.

Section 6. EFFECTIVE DATE. This Ordinance shall become effective at the expiration of ten (10) days after adoption in accordance with Chapter 73-403 of the Laws of the State of Florida.

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(Ordinance 915 continued)

PASSED BY THE CITY COUNCIL OF THE CITY OF ARCADIA,
 FLORIDA, IN REGULAR SESSION IN THE COUNCIL CHAMBERS THIS 3rd
 DAY OF MAY , 2005.

ATTEST:
 FLORIDA

CITY OF ARCADIA,

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

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

PASSED ON FIRST READING MARCH 1 , 2005

PASSED ON SECOND READING APRIL 19 , 2005

PASSED ON THIRD READING MAY 3 , 2005

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

Attorney Holloman addressed Council regarding Proposed Ordinance No. 916 stating that this is a quasi-judicial matter. He asked each Council Member if they had received any correspondence not previously disclosed or done a site visit, no one had anything to report. Attorney Holloman then asked if anyone from the public wished to speak on the matter, no one spoke. Proposed Ordinance No. 916 was presented on third reading. Heine moved to waive the rules and read the proposed ordinance by title only; seconded by Goodman and carried.

ORDINANCE 916

AN ORDINANCE AMENDING THE ZONING ORDINANCES OF THE CITY OF ARCADIA, FLORIDA, TO AUTHORIZE THE REZONING OF LOTS 7,9,10,11,12,13,14 AND SOUTH HALF LOT 8, BLOCK 37, ORIGINAL SURVEY OF ARCADIA AS RECORDED IN PUBLIC RECORDS OF DESOTO COUNTY, FLORIDA FROM MULTIPLE DWELLING R-3 DISTRICT TO RESIDENTIAL-PROFESSIONAL BUSINESS RBP DISTRICT; PROVIDING AN EFFECTIVE DATE.

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Fazzone then moved to adopt Ordinance No. 916 on third and final reading and that it become an ordinance of the City of Arcadia; seconded by Heine. Mayor Whitlock called for comments from the public, there were none. The motion carried on roll call vote. Ayes: Heine, Fazzone, Goodman, Johnson, and Whitlock. Nays: None.

ORDINANCE NO 916

AN ORDINANCE AMENDING THE ZONING ORDINANCES OF THE CITY OF ARCADIA, FLORIDA TO AUTHORIZE THE REZONING OF LOTS 7,9,10,11,12,13,14 AND SOUTH HALF LOT 8, BLOCK 37, ORIGINAL SURVEY OF ARCADIA AS RECORDED IN PUBLIC RECORDS OF DESOTO COUNTY, FLORIDA FROM MULTIPLE DWELLING R-3 DISTRICT TO RESIDENTIAL-PROFESSIONAL BUSINESS (RPB) DISTRICT; PROVIDING AN EFFECTIVE DATE.

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

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

Lots 7,9,10,11,12,13,14 and South-Half Lot 8, Block 37
Original Survey as Recorded in Public Records of DeSoto
County, Florida, from Multiple Dwelling R-3 District
to Residential-Professional-Business (RPB) 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 Ordinances of the City of Arcadia, Florida, and

WHEREAS, this zone change is in agreement with the City of Arcadia Comprehensive Plan and the City of Arcadia Future Land Use Map is not required to be amended.

NOW, THEREFORE BE IT ORDAINED, by the City Council of the City of Arcadia, Florida as follows:

Section 1. That Lots 7,9,10,11,12,13,14 and South-Half lot 8, Block 37, Original Survey as recorded in Public Records of DeSoto County, Florida, Be Rezoned from Multiple Dwelling R-3 District to Residential-Professional-Business (RPB) District.

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(Ordinance 916 continued)

Section 2. That this Ordinance shall take effect pursuant to Chapter 73-403 of the laws of the State of Florida.

PASSED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA, IN REGULAR SESSION IN THE COUNCIL CHAMBERS, at 23 North Polk Avenue, in said City of Arcadia, Florida this 3rd DAY OF MAY, 2005.

ATTEST:

CITY OF ARCADIA, FLORIDA

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

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

PASSED ON FIRST READING APRIL 5, 2005.

PASSED ON SECOND READING APRIL 19, 2005.

PASSED ON THIRD READING MAY 3, 2005.

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

Mayor Whitlock proclaimed the month of May as "Civility in the Month of May" month and urged all citizens to exercise civility toward each other. Heine moved to endorse this action; seconded by Goodman and carried.

Mayor Whitlock then presented a proclamation to Mike and Joyce Crane expressing appreciation for the many hours they volunteered to help rebuild Arcadia after the Hurricanes of 2004. They came from Michigan early in November and both worked tirelessly on behalf of the citizens of Arcadia. Heine moved to endorse this action; seconded by Johnson and carried. The Council and everyone present gave them a rising vote of thanks.

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

Council acknowledged receipt of the 2004 Annual Audit.

The April 2005 Mobile Home Park report was presented. It was noted that there are currently 21 vacant RV spaces; however there will soon be 39 vacant spaces. There was some discussion on how to make the public aware that the spaces are available.

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The April 2005 report of Arcadia Golf Course receipts and number of play was presented. Council Member Fazzone thanked Parks and Recreation Supervisor Waters for his hard work in getting the golf course repaired after the Hurricanes of 2004.

Administrator Strube addressed Council regarding Amendment No. 2 to Specific Authorization No. 43 for Engineering Services provided by Boyle Engineering Corporation related to wastewater treatment plant damage repairs associated with Hurricane Charley to include effluent filters, effluent flow meter, generator, and switching gear, effluent reuse valve. These repairs will be covered under a FEMA Project Worksheet. Hurricane issues related to the plant are being added to Authorization No. 43. Heine moved to authorize the Mayor to sign Amendment No. 2 to Specific Authorization No. 43 with Boyle Engineering Corporation to provide engineering services related to damage at the wastewater treatment plant caused by Hurricane Charley; seconded by Johnson and carried.

Administrator Strube requests authorization to revise the engineering scope of services with Boyle Engineering Corporation to Phase I of Specific Authorization No. 40 in order for the City's wastewater treatment plant to become a regional facility. Administrator Strube stated that DeSoto County will go with the City's choice of engineers for the facility. Heine moved to authorize the Mayor to sign a revision to the engineering scope of services to Phase I of Specific Authorization No. 40 with Boyle Engineering; seconded by Goodman and carried.

Mayor Whitlock acknowledged a letter from the Florida Department of Health sent to Fire Chief Rutherford congratulating the Fire Department for their outstanding Compliance Monitoring site survey recently conducted by the Bureau of Emergency Medical Services noting that no deficiencies were noted. The letter also stated that the Fire Department's vehicle and service records were outstanding and they are a role model of excellence as an EMS provider in the state of Florida. Council thanked Chief Rutherford and his staff for the excellent report.

Bill Minnear of AirCadia Inc. addressed Council to request that Mayor Whitlock attend the Rods and Wings event scheduled for Sunday, May 15, 2005 at 1:00 PM. Mayor Whitlock will attend the event.

Ted Fleming of Gloria Avenue addressed Council to make them aware of the condition of the sidewalks and roads in his neighborhood stating that they are the worst in the area. Johnson asked Special Projects Coordinator Hewett where the City was with their road restoration schedule and was informed that funds have been depleted and we are hoping to receive Federal funding to repair roads.

Jerald Newberry, President of the DeSoto County Historical Society addressed Council to request that Monroe Avenue at Morgan Branch be repaired. He was informed that this area is on a FEMA Project Worksheet.

Special Projects Coordinator Hewett addressed Council to present a letter from Mid-Continent Electric, Inc. stating that they will begin work on Martin Luther King Ball field lights on May 16, 2005 and apologizing for the delay.

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Special Projects Coordinator Hewett then presented a bid tabulation sheet for the cleaning out of ditches which is under a FEMA Project Worksheet and will be 75% funded by the Federal Government. After discussion regarding the bids Council stated that the bid should be awarded to the lowest and best bidder subject to review by Administrator Strube.

Heine asked when FPL would begin repairing lights on US 17 and was informed that they are to be repaired some time in May.

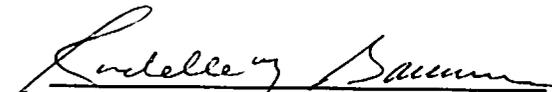
Fazzone inquired why Public Works Supervisor Reed was not at the meeting and was informed that Mr. Reed was out due to having cataract surgery.

Goodman reported that she recently attended a book signing event for Arcadia native Erma Clark.

Johnson stated that he will not be able to attend the Ridge League of Cities Board Meeting. He also noted that Rachelle Polk from Arcadia has been awarded a \$2,000.00 scholarship from the Ridge League of Cities.

Heine reported that he received a donation from Wal- Mart in the amount of \$750.00 to be used for fireworks.

There being no further business the meeting was adjourned.


CITY RECORDER


PRESIDENT