

REGULAR MEETING  
AND PUBLIC HEARING

NOVEMBER 1, 2005

A Regular Meeting of the Arcadia City Council was held on November 1, 2005 at 6:00 p.m. in Room D of the Way Building at 23 N. Polk Avenue. Councilmembers attending were: Heine, Johnson, Goodman, and Whitlock. Council Member Fazzone was absent. Also in attendance were: Administrator Strube, Attorney Holloman, Captain Anderson, Acting Fire Chief Wells, Special Projects Coordinator Hewett, and Recorder Baumann.

Mayor Heine called the meeting to order.

The Invocation was given by Council Member Johnson.

Pledge of Allegiance to the Flag.

The minutes of the Work Session of September 20, 2005 were adopted on motion of Goodman; seconded by Johnson and carried.

***Mayor Heine called the Public Hearing to order*** and stated that the purpose of the public hearing as advertised is to consider the request to close that portion of the 10 foot alley running East and West between Lots 1 thru 7, and 9 & 10 and that portion of the 16 foot alley running North and South between Lots 9 & 10 all lying North of State Road 70 East being in Block J of R.A. Mills Addition to Arcadia. Petitioner Dr. L.A. Fusco was in attendance. Attorney Holloman stated that the proposed alley closing is a quasi-judicial matter and asked if anyone had anything to report. No one had anything to report. Mayor Heine called for proof of publication and was informed that the notice was published in the Arcadia on October 12, 2005. Mayor Heine then called for notice to Property Owners, one property owner was sent a certified letter. Mayor Heine called for written objections; there were none. He then called for objections from the Public; there were none. Mayor Heine called for comments from the Council; there were none. Letters of recommendation from the Planning and Zoning Board, Fire Department, Systems Department, City Attorney and City Administrator were presented with the City reserving an easement over the entire right-of-way for underground utilities. Whitlock moved to grant the request to close and abandon the alleyway as described; seconded by Johnson and carried. Whitlock then moved to adopt Resolution No. 2005-24 closing and abandoning the alleyway and reserving an easement over the entire right-of-way for underground utilities; seconded by Johnson and carried.

**RESOLUTIONS 2005-24**

WHEREAS, pursuant to the Provisions of Chapter 73-403 of the Laws of the State of Florida and City of Arcadia Ordinance No. 770, Petitioner Dr. L.A. Fusco has requested the City Council of the City of Arcadia to close and abandon that portion of the 10 foot alleyway running east and west between Lots 1 thru 7 and 9 & 10 and that portion of the 16 foot alleyway running north and south between Lots 9 & 10 all lying North of state road 70 East being in Block J of R.A. Mills addition to Arcadia, Florida as recorded in the Public Records of DeSoto County, Florida, and

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(Resolution 2005-24 continued)

WHEREAS, the City Council of the City of Arcadia, Florida has determined that said petitioner has complied with the requirements set out in Chapter 73-403 of the laws of the State of Florida and Ordinance Number 770 of the City of Arcadia, and

WHEREAS, the Planning and Zoning Board has recommended that the request to close and abandon that portion of the 10 foot alleyway running east and west between Lots 1 thru 7 and 9 & 10 and that portion of the 16 foot alleyway running north and south between Lots 9 & 10 all lying North of state road 70 East being in Block J of R.A. Mills addition to Arcadia, Florida as recorded in the Public Records of DeSoto County, Florida, be granted, and

WHEREAS, the City Council of the City of Arcadia, Florida has determined that the closing and abandoning of that portion of the 10 foot alleyway running east and west between Lots 1 thru 7 and 9 & 10 and that portion of the 16 foot alleyway running north and south between Lots 9 & 10 all lying North of state road 70 East being in Block J of R.A. Mills addition to Arcadia, Florida as recorded in the Public Records of DeSoto County, Florida, will not affect the ownership or right of convenient access of any person.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Arcadia, Florida that:

**THAT PORTION OF THE 10 FOOT ALLEYWAY RUNNING EAST AND WEST BETWEEN LOTS 1 THRU 7 AND 9 & 10 AND THAT PORTION OF THE 16 FOOT ALLEYWAY RUNNING NORTH AND SOUTH BETWEEN LOTS 9 & 10 ALL LYING NORTH OF STATE ROAD 70 EAST BEING IN BLOCK J OF R. A. MILLS ADDITION TO ARCADIA, FLORIDA AS RECORDED IN THE PUBLIC RECORDS OF DESOTO COUNTY, FLORIDA. BE CLOSED AND ABANDONED.**

SUBJECT TO a reservation by the City of Arcadia of an easement over the entire right-of-way for underground drainage and utilities.

BE IT FURTHER RESOLVED that notice of adoption of this Resolution be published one time within thirty (30) days following its adoption in a newspaper of general circulation in Arcadia, DeSoto County, Florida, and that following said publication that a certified copy of this Resolution be recorded in the Public Records of DeSoto County, Florida

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(Resolution 2005-24 continued)

PASSED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA  
IN REGULAR SESSION THIS 1<sup>st</sup> DAY OF NOVEMBER 2005.

/s/ ROBERT W. HEINE  
ROBERT W. HEINE  
MAYOR

ATTEST:

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

*The Public Hearing was closed.*

*Mayor Heine then reconvened the regular meeting.*

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

Steve Weeks Grant Coordinator for the City addressed Council and gave a report on the status of the current housing grants. Mr. Weeks presented a list by name, address and contract price of all clients being served by the housing grants. Mr. Weeks would like to make \$140,000.00 in grant funds available to DeSoto County. The funds would be for City residents in an amount up to \$20,000.00 per homeowner to help meet the shortfall between the mortgage amount that the individual qualifies for and the actual cost of the home. Mr. Weeks reported that delays in construction are due to a lack of contractors in the area. Mr. Weeks then requests that Council approve Deloris Rowe and Revia Hearn as clients for the housing program. Whitlock moved to approve Deloris Rowe and Revia Hearn as clients for the housing program; seconded by Goodman and carried.

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

Stan Abram representing the Arcadia/DeSoto Beautification Committee addressed the Council stating that the Committee would like to beautify Lake Katherine. They would like to upgrade the plants and get the lights working. Administrator Strube requests that

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any improvements be user friendly as the Parks and Recreation Department would have to maintain the area. Special Projects Coordinator Hewett reported that he has been working with the Department of Transportation (DOT) to install nineteen (19) reproduction antique street lights around the lake and he estimates work will begin in about 90 days.

DeSoto County Health Administrator Mary Kay Burns addressed Council to thank them for the improvements that have been made to the old water treatment plant, noting that the trash has been cleaned up and the fence fixed.

Jerald Newberry, President of the DeSoto County Historical Society, Inc. addressed Council regarding the John Morgan Ingram House to request that the City accept a deed to the property in order for the City to apply for grant funds to renovate the home. On March 19, 2002 the Council moved to accept ownership of the home in order for the City to apply for REDI funds to restore the home; this action was never formalized by the Historical Society. Administrator Strube stated that if the City accepts the property as it is now there appears to be an additional liability issue due to the extensive damage the home sustained from Hurricane Charley. The City does not want the condition of the home to have an effect on the City's insurance. Goodman moved to table the request until the next regular meeting of November 15, 2005 in order to have time for the insurance issue to be addressed; seconded by Johnson and carried.

Kathleen Ingram Coons the granddaughter of Senator John Morgan Ingram addressed Council to let them know that the family is in favor of the Historical Society's renovation of the home.

Acting Fire Chief Wells addressed the Council to report that the Arcadia Fire Department has sent mutual aid to Hendry County by sending firefighters to help with the damage they received from Hurricane Wilma. Council thanked the Fire Department for assisting Hendry County.

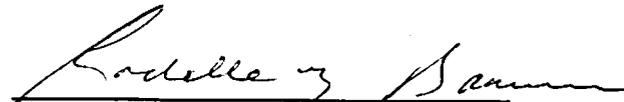
County Commissioner Felton Garner addressed Council regarding a lease agreement between the City, County, and Chamber of Commerce. Administrator Strube stated that the City has reviewed the lease as submitted and is ready to re-submit it with several minor revisions. County Administrator Coffee addressed Council to state that the committee would meet again on Monday, November 7, 2005 to review the agreement. Attorney Holloman noted that the current lease as proposed is for a fifty (50) year term.

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Johnson reported that he will be attending the Florida League of Cities Board Meeting on November 4<sup>th</sup> and 5<sup>th</sup>.

Attorney Holloman addressed Council stating that Council had requested he look into the Jessica Lunsford Act regarding the requirement to fingerprint any vendors doing business with the school district. He noted that contractual personal would require fingerprinting and that F.S. 166.0442 states that a municipality may require by ordinance screening if they find it necessary for public safety. At this time neither, Attorney Holloman or Administrator Strube had any recommendation for Council. It was noted that sanitation workers and water utility staff could be called to work at the school while children are present. Whitlock suggests that Administrator Strube meet with School Superintendent Adrian Cline to discuss the matter. Whitlock then moved to have Administrator Strube contract Adrian Cline, School Superintendent to discuss if City employees need to be fingerprinted or not; seconded by Johnson and carried.

There being no further business the meeting was adjourned.

  
CITY RECORDER

  
PRESIDENT