

REGULAR MEETING

AUGUST 19, 2003

A regular meeting of the Arcadia City Council was held on August 19, 2003 at 5:00 p.m. in Room D of the Way Building at 23 N. Polk Avenue. Councilmembers attending were: Goodman, Fazzone, Heine, Johnson and Whitlock. Also in attendance were: Administrator Strube, City Attorney Holloman, Ms. Way and Recorder Baumann.

Mayor Goodman called the meeting to order.

The Invocation was given by Dr. Paul W. Matthews from Elizabeth Missionary Baptist Church.

Pledge of Allegiance to the Flag.

Proposed Ordinance No. 904 was presented on third and final reading. Johnson moved to waive the rules and read the proposed ordinance by title only; seconded by Fazzone and carried.

ORDINANCE 904

AN ORDINANCE OF THE CITY OF ARCADIA, FLORIDA
AMENDING SECTION 94-31(b) OF THE CODE OF ORDINANCES,
CITY OF ARCADIA, FLORIDA RELATING TO THE LOCAL
COMMUNICATIONS SERVICES TAX RATE; PROVIDING FOR
INTENT; PROVIDING FOR SETTING THE LOCAL
COMMUNICATIONS SERVICES TAX RATE EFFECTIVE JANUARY
1, 2004; PROVIDING FOR NOTICE TO THE FLORIDA
DEPARTMENT OF REVENUE; PROVIDING FOR SEVERABILITY;
PROVIDING FOR AN EFFECTIVE DATE.

Fazzone then moved to adopt Ordinance No. 904 on third and final reading and that it become an ordinance of the City of Arcadia; seconded by Whitlock. Mayor Goodman called for comments from the public, there were none. The motion carried on roll call vote. Ayes: Heine, Whitlock, Johnson, Fazzone and Goodman. Nays: None.

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FLORIDA DEPARTMENT OF REVENUE; PROVIDING FOR
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(Ordinance 904 continued)

WHEREAS, during the 200 Regular Session, the Florida Legislature passed the "Communications Services Tax Simplification Law", creating Chapter 202, Florida Statutes (2002): and

WHEREAS, section 202.20(1)(a), Florida Statutes, set the local communications services tax conversion rates for the period of October 1, 2001, through September 30, 2002 at 4% and the City adjusted the rate to 5.52%, the maximum allowed, by adopting City Resolution No. 2001-7; and

WHEREAS, section 202.20(1)(b), Florida Statutes, reset the local communications Services tax conversion rates beginning October 1, 2002 at 3.7%, which is less than the Maximum rate of 5.1% as established in section 202.19(2)(a), Florida Statutes. This maximum rate does not include the add-on of up to 0.12% authorized pursuant to section 337.401, Florida Statutes, for which the City has previously advised the Department of Revenue through the Passage of City Resolution No. 2001-7.

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

Section 1. Intent.

It is the intent of the City of Arcadia, Florida to increase its local communications service tax rate to the maximum as provided in section 202-19, Florida Statutes.

Section 2. That section 94-31(b) of the Code of Ordinances of the City of Arcadia, Florida, is hereby amended to read as follows:

94-31. Levy.

(b). Tax on telecommunications service. There is hereby imposed and levied by the City of Arcadia a local communications services tax rate of 5.1% plus an additional .12% Pursuant to section 337.401 and City Resolution No. 2001-7 for a total tax rate of 5.22%. This Increased rate is to be effective January 1, 2004.

Section 3. Notice to the Department of Revenue.

The City of Arcadia, Florida directs that notice of the increased local communications services tax rate to be provided to the Florida Department of Revenue on the appropriate DOR Form on or before September 1, 2003 and that a copy of this Ordinance accompany the form.

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(Ordinance 904 continued)

Section 4. Severability.

The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this Ordinance but shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Effective Date.

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 this 19th day of August, 2003.

ATTEST:

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

By: SHARON T. GOODMAN
Sharon T. Goodman, Mayor

PASSED ON FIRST READING JULY 29, 2003.

PASSED ON SECOND READING AUGUST 5, 2003.

PASSED ON THIRD READING AUGUST 19, 2003.

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

Administrator Strube addressed Council regarding proposed ordinance 905 governing flood prone areas noting that the Department of Community Affairs (DCA) has requested that the City update our previous ordinance definitions. Proposed ordinance 905 is a complete re-write to City Code 58. Most of the City is out of the flood plane, and no structures are in drainage ways by the Peace River. This ordinance would allow homeowners to qualify for Flood Insurance.

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Proposed Ordinance No. 905 was then 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 Whitlock and carried.

ORDINANCE 905

AN ORDINANCE OF THE CITY OF ARCADIA, FLORIDA,
GOVERNING CONSTRUCTION WITHIN FLOOD PRONE AREAS;
STATING STATUTORY AUTHORIZATION; FINDINGS OF FACT,
PURPOSE AND OBJECTIVES; DEFINITIONS; STATING LANDS TO
WHICH THIS ORDINANCE APPLIES; DISCLAIMER OF LIABILITY;
PENALTIES; PERMIT PROCEDURES, PROVISIONS FOR FLOOD
HAZARD REDUCTION; STANDARDS FOR CONSTRUCTION;
PROVIDING FOR VARIANCES; REPEAL OF ALL ORDINANCES IN
CONFLICT HEREWITH; SPECIFIC REPEAL OF PRESENT CHAPTER
58 IN THE CITY CODE OF THE CITY OF ARCADIA; PROVIDING
SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Fazzone then moved to approve Ordinance No. 905 on first reading; seconded by Johnson. Mayor Goodman called for comments from the public, there were none. The motion carried on roll call vote. Ayes: Heine, Whitlock, Johnson, Fazzone and Goodman. Nays: None.

Heine moved to hold the September 2, 2003 Council Meeting at 5:00 PM due to it being an election day; seconded by Fazzone and carried.

Mayor Goodman reported that Marshal Lee's mother passed away this week. Funeral services will be held at Saturday at 11:00 AM at St. Johns Baptist Church. Mayor Goodman asked that a letter be prepared to be given to Marshal Lee at the service.

Mayor Goodman noted that her report on Administrator Strube's evaluation will be on the agenda for September 2, 2003.

Dr. Matthews noted that the Planning and Zoning Board did not have a quorum at their meeting of August 12, 2003 so no action was taken on the Church's request concerning the Smith Brown property. Dr. Matthews stated that the Church is officially withdrawing their request regarding the Smith Brown Property, however if Council does not proceed with improvements to the Center, the request may come back by way of the Smith Brown Foundation. Dr. Matthews plans to check and see if the buildings meet code and if the City is in compliance. He wants to see a line item in the City's budget for repairs.

Dr. Matthews reported that the Grants Committee has received six (6) proposals for a consultant; the Committee will have several meetings in the next couple of weeks and hopes to have a recommendation by the first Tuesday in October. Dr. Matthews acknowledged the resignation of Dorothy Simmat, Reverend William Guice and George Young.

Dr. Matthews then invited Council to attend his installation ceremony as Pastor of Elizabeth Missionary Baptist Church to be held on Sunday, August 31, 2003 at 5:00 PM.

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Councilman Johnson reported that he met with a representative from Washington DC who will call and set up an appointment for a two (2) week trial period using the internet. This would allow you to pull up grant programs to see what might be available. If the City decides to use the program we would have to purchase it at that time. Johnson suggested that a workshop be held once he has received the information on the program.

Councilman Fazzone asked Dr. Matthews if the Grants Committee has looked into any grants to assist with repairs to the Smith Brown Center and was informed that it is part of the RFP. Dr. Matthews stated that some areas of concern should be addressed immediately such as the restrooms. Whitlock asked if County SHIP fund could be used at the Center and was informed that they were pledged for the Oaks Trail Apartment Complex. Mayor Goodman stated that she was at a program at the Smith Brown Gym recently and that the restrooms are in terrible condition, all toilets and fixtures need to be replaced. Administrator Strube stated that he has had the Parks and Recreation Department look at the condition of the restrooms. Heine moved to have a Request For Proposal (RFP) prepared to replace the toilets and fixtures in the restrooms at the Smith Brown Gym; seconded by Fazzone and carried.

Dr. Matthews then addressed Council regarding indigent burials noting that the issue is on hold at the County until all three (3) funeral directors go before the County Commission.

Dr. Matthew reported on the County's meeting and what was discussed regarding a possible merger between the City and County Fire Departments. He stated that the County Administrator will send a letter to Council requesting a joint meeting to discuss the merger issue. Councilman Fazzone requests a copy of the tape and minutes from the County meeting of August 12, 2003 be sent to the City. Administrator Strube will send a letter to the County requesting the tapes and minutes.

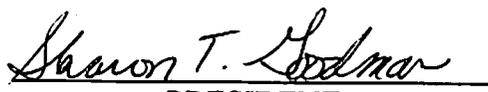
Councilman Whitlock reported that he attended the Florida League of Cities Conference.

Councilman Johnson noted that he is running for 2nd Vice President of the Florida League and has been appointed to serve on the executive committee.

Mayor Goodman wished both Johnson and Whitlock well on their up coming election.

There being no further business the meeting was adjourned.


CITY RECORDER


PRESIDENT