

## REGULAR MEETING

JULY 1, 2003

A regular meeting of the Arcadia City Council was held on July 1, 2003 at 6:00 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, City Marshal Lee, Fire Chief Rutherford, Ms. Way and Recorder Baumann.

Mayor Goodman called the meeting to order.

The Invocation was given by Dr. W. Paul Matthews, Pastor for Elizabeth Missionary Baptist Church.

Pledge of Allegiance to the Flag.

Mayor Goodman requested a change in the proposed minutes of the Special Works Session of May 20, 2003 to reflect "that after each Councilmember has conducted an individual evaluation with Administrator Strube they will submit their completed form to Mayor Goodman to compile into a report to Council". Johnson then moved to adopt the minutes of the Special Work Session of May 20, 2003 with the correction as mentioned above; seconded by Fazzone and carried.

The minutes of the Regular Meeting of May 20, 2003 were adopted on motion of Whitlock; seconded by Johnson and carried.

The minutes of the Regular Meeting of June 3, 2003 were adopted on motion of Fazzone; seconded by Whitlock and carried.

Proposed Ordinance No. 903 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 903

AN ORDINANCE TO BE DESIGNATED SECTION 38-3 OF THE CODE OF ORDINANCES OF THE CITY OF ARCADIA, FLORIDA; PROVIDING DEFINITIONS; PROVIDING A LEGAL DESCRIPTION OF OAK RIDGE CEMETERY; PROVIDING THAT OAK RIDGE CEMETERY IS NOT A PERPETUAL CARE CEMETERY; RESTRICTING BURLIALS WITHIN THE CITY LIMITS OF THE CITY OF ARCADIA TO OAK RIDGE CEMETERY; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTIES; PROVIDING AN EFFECTIVE DATE.

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Fazzone then moved to approve Ordinance No. 903 on first reading; 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.

Johnson moved to adopt Resolution No. 2003-06; seconded by Fazzone and carried.

RESOLUTION NO. 2003 - 06

A RESOLUTION SETTING FILING FEE FOR  
PETITIONS FOR CHANGES IN ZONING OR OTHER  
CHANGES IN CHAPTER 110 OF THE CODE OF  
ORDINANCES OF THE CITY OF ARCADIA, FLORIDA.

WHEREAS, the City Council of the City of Arcadia, Florida, duly passed Ordinance No. 893 adopting the Code entitled "Code of Ordinances, City of Arcadia", published by the Municipal Code Corporation, consisting of Chapters 1 through 110 inclusive; and,

WHEREAS, Section 110-83 of Chapter 110 was adopted as a part of the said City Code and provides that Petitions for a change in Chapter 110 shall be accompanied by a fee set by Resolution, from time to time, by the City Council.

NOW, THEREFORE, be it resolved by the City Council of the City of Arcadia, Florida, that a filing fee of \$500.00 is hereby established for the filing of any Petition to change any zoning or other change in Chapter 110 of the Code of Ordinances of the City of Arcadia, Florida.

This filing fee shall take effect immediately upon its passage.

PASSED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA, IN  
REGULAR SESSION this 1 st day of JULY, 2003.

ATTEST:  
FLORIDA

CITY OF ARCADIA,

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

By: s/s SHARON T. GOODMAN  
SHARON T. GOODMAN  
MAYOR

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Marshal Lee inquired if a determination had been made regarding the Woman's Club and if his office has jurisdiction. Attorney Holloman reported that based on his research the Woman's Club is in the city limits and therefore falls under the Marshal's jurisdiction.

Marshal Lee then reported that the Speed Limit Committee met on June 26, 2003 at which time they reviewed all of the 20 mile per hour (MPH) streets in the City. The Committee approved to leave all of the current 20 MPH streets at 20 MPH with the exception of South Orange Avenue. The Committee vote was split 50/50 regarding South Orange Avenue, Marshal Lee asked Council for direction on this matter. After discussion Heine moved to keep Orange Avenue 20 MPH from Magnolia to Martin Luther King; seconded by Fazzone and carried. Johnson voted No, expressing concerns that Orange Avenue South of Magnolia is 20 MPH and North of Magnolia was 30 MPH. Administrator Strube asked that a 30 MPH sign be posted on Orange Avenue where the speed limit increases from 20 MPH to 30 MPH.

It was noted that the Committee changed South Monroe from 15 MPH to 20 MPH following State Statute. Attorney Holloman recommends that Council change any street that does not comply with the State Statute minimum of 20 MPH except for school zones. Whitlock then moved to change all City streets that currently have a 15 MPH speed limit to 20 MPH in order to be in compliance with State Statutes; seconded by Heine and carried.

Johnson moved to make Orange Avenue from Magnolia to Gibson 20 MPH which would make all of Orange Avenue 20 MPH; seconded by Heine and carried.

Marshal Lee then noted that at the last Council meeting the Police Department reported that they had applied for a grant to get computers for their vehicles. Dr. Matthews had volunteered to seek funds from the community. At this time Marshal Lee stated that the Police Department must decline any funds donated from the community as he believes it could create a conflict of interest. Marshal Lee thanked Dr. Matthews and any one in the community who were willing to contribute towards this cause.

A report of Police Fines and Forfeitures for the month of May 2003 indicates fines \$5,521.36 law enforcement \$28.00, radios \$925.00.

The Police Activity Report for the month of June 2003 was presented.

The Recorder's report of Revenues and Expenditures for the month of May 2003 was presented.

Administrator Strube addressed Council regarding a Specific Authorization for Professional Engineering Services with Boyle Engineering Corporation for a total not to exceed \$20,000.00. This is a continuation from last year; historically the City has spent about \$20,000.00 per year for

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these services. Administrator Strube noted that the City has used Boyle Engineering for all DEP consent order issues since they began in 1998. We are now at the point where the action of the Engineer will be required to interface with the State Revolving Loan Fund and remedy any requirements for additional plant capacity and or modifications in order to comply with the consent order. The water quality effluent based limitations study that was done on the Peace River was approved by DEP in August of 2002. The result of the study shows that the City can continue to discharge based on the treatment capability of our existing plant into the Peace River, however the City and DEP would prefer that we do not do that. The City would prefer to increase the use of reuse. Administrator Strube noted that until the rains last week we had gone 7-8 weeks without discharging into the Peace River. The grant agreement that the City is currently working on with the Peace River Basin Board is designed to increase reuse lines. The City has a twenty (20) year contract with Sunny South to provide them with reuse water and hopes to contract with several other large groves in the near future. Reuse is also applied to the cemetery, golf course and ball fields. DEP requires our permit be renewed every five (5) years; however the rules change every five years. We are still paying off the current plant which was built under old rules. In order to qualify for a low interest loan from the State Revolving Fund the City must have a Facility Plan Update Document in place. This document takes the history of the plant and updates it based on what it should be able to do based on technology and the Clean Water Act. The interest on the loan would be around 1 ½% for twenty (20) years. The amount needed would be based on what DEP requires the City to comply with. Whitlock moved to approve the Specific Authorization for Professional Services with Boyle Engineering Corporation in an amount not to exceed \$20,000.00; seconded by Fazzone and carried.

The Fire Department report for the month of June 2003 was presented.

The June 2003 report of Arcadia Golf Course receipts and number of play was presented.

The June 2003 Public Works report was presented.

The June 2003 Mobile Home Park report was presented.

Mayor Goodman reminded Council that if they have not set down with the Administrator to do their evaluations they need to do so in order to move forward with the review process.

Mayor Goodman then reported that she had received a letter from County Commission Chairman Needs stating the County's interest in developing a plan to integrate the City and County EMS and Fire Services into one agency. Administrator Strube noted that this is just an inquiry at this point. Administrator Strube believes that everyone is of the opinion from previous Council discussions that if the City were to consider this issue again that some of the questions that were not answered last time need to be at least answered or asked.

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The Council could then try to determine how the answers might effect any cooperation between the two entities. Whitlock asked how this would effect the citizens of Arcadia and if the City's rate would increase. Heine is in favor of working on this issue to see it happen. Fazzone is concerned for the employees and City equipment and until some of the City's concerns are addressed he is not interested in pursuing the matter. Fazzone suggested that the matter could be handled between the two administrators. Johnson and Goodman stated that there must be open communication and all of our questions must be answered with everyone working as a team this time. Mayor Goodman stated that she was surprised by the request, however the Council must give a response. Fazzone suggested that Council have a workshop with City fire staff to discuss their concerns. Administrator Strube noted that what happened last time was the premise was to agree and work out the details later. He suggests working out the details first and then seeing if both parties can agree. Fazzone moved to send a letter to the County Commission that the City is interested in pursuing talks and that the City will develop a plan and would like to see the County's plan; seconded by Whitlock and carried.

Fire Department Employee Randy Hipp stated that the same questions from last time will be the same ones this time. Mayor Goodman noted that the City will hold a workshop with City employees in order to address and answer the employees questions and concerns before moving forward with any type of merger.

James Sorrenson from the public believes that the County is in the same situation as the City and does not want what happened last time to occur again.

Mayor Goodman believes that someone other than from the City or County should act as an outside facilitator at any joint meeting between the City and County.

Fazzone moved to hold a workshop with Council and Fire Department Staff on July 15, 2003 at 5:00 PM to address employee's questions and concerns regarding a possible merger of the department with the County; seconded by Johnson and carried.

Heine moved to appoint Johnson to serve as Council's representative to the Ridge League of Cities, Inc. Board of Directors; seconded by Whitlock and carried.

Dr. W. Paul Matthews, Pastor for Elizabeth Missionary Baptist Church addressed Council to request that Council deed over the entire Smith Brown Complex to Elizabeth Missionary Baptist Church which would allow it to fall under a non profit 501 (c) (3) status. This would allow the church to seek outside sources for funding. The church would seek a separate 501 (c) (3) status for the Complex. Dr. Matthews submitted a letter outlining the types of

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programs they would have at the center. Dr. Matthews stated that it will take a significant amount of money to bring the building up to par. He believes that they have the resources and leadership to do this. He asks for a public/private partnership with the City. Whitlock asked that Attorney Holloman review this request to see if the City can actually give City property away. Attorney Holloman stated that he needs to see if the City can deed the property to the Church. Attorney Holloman will have an answer by the August 5, 2003 meeting as to what the City could legally do. Dean Bowers addressed Council stating how the resources of Smith Brown Complex could benefit the City. Heine asked what the City spends annually on maintenance and operation of the facility and was informed it is about \$20,000.00 to \$25,000.00 per year. Administrator Strube noted that Redlands Community Migrant Association (RCMA) has used a part of the facility for over twelve (12) years noting that this has been a benefit to both the Community and the City. Administrator Strube would like to see that Attorney Holloman's research would allow for a partnership. Dr. Matthews would like to see an indoor pool at the facility, an after school program for students and an area to allow for more police presence. Dr. Matthews would like to have a plan in place before the new school year begins. Attorney Holloman recommends that no action be taken until he reports back to Council.

Whitlock would like to see everyone attend the 4<sup>th</sup> of July events. Administrator Strube noted that parking for the fireworks would be at the Turner Center and not the High School as in the past. Recorder Baumann reported that the City has received \$4,500.00 in donations for the fireworks.

Administrator Strube reported that he has received a report from the Property Appraiser and it appears that the City will be able to keep the millage rate at under 9 mills, this would still generate an additional \$45,000 to \$50,000.00 in tax revenue. Administrator Strube noted that many cities are cutting staff such as Orlando. He stated that the City may need to issue a moratorium for fiscal year 2003/2004 regarding capital purchases and replacing staff. Administrator Strube is working on the budget, it might be scheduled for review at the July 15, 2003 meeting. He noted that if the City were to go above 9 mills it would only generate an additional \$25,000.00, he recommends staying under 9 mills.

Mayor Goodman congratulated Councilman Johnson on his retirement from the school system. Dr. Johnson noted that he will now work as a consultant for the school system.

There being no further business the meeting was adjourned.

  
CITY RECORDER

  
PRESIDENT