

REGULAR MEETING

JULY 6, 2004

A Regular Meeting of the Arcadia City Council was held on July 6, 2004 at 6:00 p.m. in Room D of the Way Building at 23 N. Polk Avenue. Councilmembers attending were: Fazzone, Whitlock, Heine, Johnson and Goodman. Also in attendance were: Administrator Strube, City Attorney Holloman, City Fire Chief Rutherford, Assistant City Marshal Anderson, Special Projects Coordinator Hewett, Ms. Way and Recorder Baumann.

Mayor Fazzone called the meeting to order.

The Invocation was given by Council Member Goodman.

Pledge of Allegiance to the Flag.

The minutes of the Regular meeting of June 1, 2004, were adopted on motion of Whitlock; seconded by Heine and carried.

Proposed Ordinance No. 911 was presented on third reading. Whitlock moved to waive the rules and read the proposed ordinance by title only; seconded by Goodman and carried.

ORDINANCE NO. 911

AN ORDINANCE TO BE DESIGNATED CHAPTER 71 OF THE CODE OF ORDINANCES OF THE CITY OF ARCADIA, FLORIDA; ESTABLISHING THE OFFICE OF SPECIAL MASTER TO ENFORCE THE CODES AND ORDINANCES IN THE CITY OF ARCADIA, FLORIDA; PROVIDING INTENT; PROVIDING DEFINITIONS, PROVIDING ENFORCEMENT PROCEDURES; PROVIDING FOR HEARINGS AND THE CONDUCT THEREOF; PROVIDING FOR ADMINISTRATIVE FINES, COST AND LIENS; PROVIDING DURATION OF LIENS; PROVIDING FOR APPEALS; PROVIDING AUTHORITY TO ADOPT BY RESOLUTION PROCEDURAL RULES AND FORMS; PROVIDING ENFORCEMENT OF CODES BY OTHER MEANS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

Goodman then moved to adopt Ordinance No. 911 on third and final reading and that it become an ordinance of the City of Arcadia; seconded by Heine. Mayor Fazzone called for comments from the public, there were none. The motion carried on roll call vote. Ayes: Goodman, Heine, Johnson, Whitlock and Fazzone. Nays: None.

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ORDINANCE NO. 911

AN ORDINANCE TO BE DESIGNATED CHAPTER 71 OF THE CODE OF ORDINANCES OF THE CITY OF ARCADIA, FLORIDA; ESTABLISHING THE OFFICE OF SPECIAL MASTER TO ENFORCE THE CODES AND ORDINANCES IN THE CITY OF ARCADIA, FLORIDA; PROVIDING INTENT; PROVIDING DEFINITIONS, PROVIDING ENFORCEMENT PROCEDURES; PROVIDING FOR HEARINGS AND THE CONDUCT THEREOF; PROVIDING FOR ADMINISTRATIVE FINES, COSTS AND LIENS; PROVIDING DURATION OF LIENS; PROVIDING FOR APPEALS; PROVIDING AUTHORITY TO ADOPT BY RESOLUTION PROCEDURAL RULES AND FORMS: PROVIDING ENFORCEMENT OF CODES BY OTHER MEANS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

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

SECTION 71-1. DECLARATION OF INTENT.

The intent of this Ordinance is to promote, protect, and improve the health, safety, and welfare of the citizens of Arcadia by providing for the enforcement of the codes and ordinances in force in the City of Arcadia where a pending or repeated violation continues to exist, through the imposition of administrative fines and other non-criminal penalties in an equitable, expeditious, effective, and inexpensive method.

SECTION 71-2. DEFINITIONS.

- A. "Municipality" or "City" means the City of Arcadia, a Florida Municipal Corporation.
- B. "City Council" means the City Council of the City of Arcadia.
- C. "City Administrator" means the City Administrator of the City of Arcadia.
- D. "City Marshal" means the City Marshal of the City of Arcadia.
- E. "Code Inspector" means any authorized agent or employee of the municipality whose duty it is to assure code compliance, and who shall be a duly appointed and qualified police officer of the City of Arcadia, Florida..
- F. "Special Master" means the attorney appointed as Special Master under Section 71-3 of this ordinance.

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G. "Repeat violation means a violation of a provision of a City Code or City Ordinance by a person who has been previously found by a Special Master to have violated or who has admitted violating the same provision of the Code or Ordinances within five (5) years prior to the present violation, notwithstanding the violations occurring at different locations.

H. "Prosecutor" shall mean the member of the administrative staff of the City of Arcadia who may be the code inspector and who presents cases before the Special Master in behalf of the City.

SECTION 71-3. CREATION OF SPECIAL MASTERS:

- A. Special Master candidates are selected by the City Council and have the authority to hold hearings, assess fines, and order mitigation for violations of codes, as provided herein.
- B. Special Master shall be attorneys at law, licensed to practice in Florida, and possess outstanding reputations for civic pride, interest, integrity, responsibility, and business or professional ability. Applications for Special Master shall be filed with the City Administrator pursuant to Notice, published from time to time in a newspaper of general circulation. The City Council shall select a pool of candidates from the applications timely filed with the City Administrator on the basis of experience or interest in code enforcement. Upon thirty (30) days written notice, the City Council shall have the authority to remove Special Master candidates from the pool with or without cause.
- C. From the pool of candidates selected by the City Council, the City Council shall appoint Special Masters to hear cases.
 1. Appointments shall be made for a term of one (1) year.
 2. Any Special Master may be reappointed at the discretion of the City Council. There shall be no limit on the number of reappointments that may be given to an individual Special Master; provided, however, that a determination as to removal or re-appointment must be made for each Special Master at the end of each one year term. At any time during the appointed term, the City Council shall have authority to remove Special Masters with or without cause, upon thirty (30) days written notice.
 3. If any Special Master elects to voluntarily resign his or her term appointment prior to the expiration of his or her term, he or she shall provide thirty (30) days written notice to the City Administrator.

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4. If a Special Master is terminated prior to the expiration of his or her term or if the City Council determines that a Special Master should not be reappointed, the City Council shall appoint a Special Master from the pool of candidates previously selected by the City Council to fill the vacancy. Appointments to fill any vacancy shall be for the remainder of the unexpired term.
- D. Special Masters shall not be city employees, but may be compensated at a rate to be established by resolution of the City Council. In addition, Special Masters may be reimbursed for such travel, mileage, and per diem expenses as may be authorized by the City Council.
- E. The City Marshal shall provide clerical and administrative personnel, as may be reasonably required by Special Masters for the proper performance of their duties.
- F. Special Masters shall have the following powers:
 1. Adopt rules for the conduct of its hearings.
 2. Subpoena alleged violators and witnesses to its hearing. Subpoenas may be served by the sheriff of the county or police department of the municipality.
 3. Subpoena evidence to its hearings.
 4. Take testimony under oath.
 5. Issue orders having the force of law to command whatever steps are necessary to bring a violation into compliance.

SECTION 71-4. ENFORCEMENT PROCEDURE:

- A. It shall be the duty of the Code Inspector to initiate enforcement proceedings of the various codes of the City of Arcadia.
- B. Except as provided in subsections C and D, if a violation of the code is found, the Code Inspector shall notify the violator and give him or her a reasonable time to correct the violation. Should the violation continue beyond the time specified for correction, the Code Inspector shall notify the Special Master and request a hearing date. The Special Master shall schedule a hearing and written notice of such hearing shall be hand delivered or mailed as provided in Section 162.12, Florida, Statutes to said violator. At the option of the Special Master, notice may additionally be served by publication or posting as provided in Section 162.12, Florida Statutes. If the violation is corrected and then recurs or if the violation is not corrected by the time specified for correction by the Code Inspector, the case may be presented to the Special Master even if the violation has been corrected prior to the hearing and the notice shall so state.

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C. If a repeat violation is found, the Code Inspector shall notify the violator but is not required to give the violator a reasonable time to correct the violation. The Code Inspector upon notifying the violator of a repeat violation shall notice the Special Master and request a hearing. The Special Master shall schedule a hearing and shall provide notice pursuant to Section 162.12, Florida Statutes. The case may be presented to the Special Master even if the repeat violation has been corrected prior to the hearing and the notice shall so state. If the repeat violation has been corrected, the Special Master retains the right to schedule a hearing to determine costs and impose the payment of reasonable enforcement fees upon the repeat violator. The repeat violator may choose to waive his or her rights to this hearing and pay said costs as determined by the Special Master.

D. If the Code Inspector has reason to believe a violation or the condition causing the violation presents a serious threat to the public health, safety, and welfare, or the violation is irreparable or irreversible in nature, the Code Inspector shall serve a Notice of Violation on the alleged violator as set forth in paragraph B above, and said Notice shall request immediate compliance and an emergency hearing before the Special Master which shall be held as soon as possible after service notifying the alleged violator of the violation and the emergency hearing date has been made.

E. If the owner of property which is subject to an enforcement proceeding before a Special Master transfers ownership of such property between the time the initial pleading was served and the time of such hearing, such owner shall:

- a. Disclose in writing the existence and the nature of the proceedings to the prospective transferee.
- b. Deliver to the prospective transferee a copy of the pleadings, notices, and other materials relating to the code enforcement proceedings received by the transferor.
- c. Disclose in writing to the prospective transferee that the new owner will be responsible for compliance with the applicable code and with orders issued in the code enforcement proceeding.
- d. File a notice with the city marshal of the transfer of the property with the identity and address of the new owner and copies of the disclosures made to the new owners within five (5) days after the date of the transfer. A failure to make the disclosure as described in paragraphs (a), (b), and (c) before the transfer creates a rebuttable presumption of fraud. If the property is transferred before the hearing, the proceeding shall not be dismissed but the new owner shall be provided a reasonable period of time to correct the violation before the hearing is held.

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SECTION 71-5. CONDUCT OF HEARING

A. The alleged violator may appear pro se at the hearing or be represented by legal council.

B. Each case before a Special Master shall be presented by the Code Inspector. A case may be presented by the City Attorney of the City of Arcadia if requested by the Special Master or by the Code Inspector. If the City prevails in prosecuting a case before the Special Master, it shall be entitled to recover all costs incurred in prosecuting such case and such costs may be included in the lien authorized under Section 162.09(3) of the Florida Statutes and Section 71-7 of this Ordinance.

C. The Special Master shall proceed to hear the cases on the agenda that day. All testimony shall be under oath and shall be voice recorded. The Special Master shall take testimony from the Code Inspector and alleged violator and any additional witnesses. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings.

D. At the conclusion of the hearing, the Special Master shall issue findings of facts based on evidence of record and conclusions of law and shall issue a written order affording the proper relief consistent with powers granted herein. The Order may include a notice that it must be complied with by specified date and that a fine may be imposed and under the conditions specified in Section 162.09(1), Florida Statutes, the cost of repairs may be included with the fine if the Order is not complied with by said date. A certified copy of such Order may be recorded in the Public Records of DeSoto County and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, any subsequent purchasers, successors in interest, or assigns. If an Order is recorded in the Public Records pursuant to this subsection and the order is complied with by the date specified in the Order, the Special Master shall issue an Order acknowledging compliance that shall be recorded in the Public Records. A hearing is not required to issue such an Order acknowledging compliance.

E. In cases involving multiple violations, a separate hearing shall not be required as to each alleged violation relating to the same person or property.

F. A copy of all orders issued shall be filed with the City Marshal promptly after issuance and shall be deemed rendered upon the date of said filing. It shall be a public record and available to the public upon request. A copy of all such orders shall be personally served on the violator or on the violator's legal counsel or mailed by certified mail, return receipt requested, to the violator within ten (10) days following the date the order is rendered.

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SECTION 71-6. REHEARING

- A. Either the Code Inspector or the violator may request a rehearing of the decision of the Special Master. A request for rehearing shall be made, in writing, and shall be filed with the Special Master within ten (10) days of the execution of the order. A request for rehearing shall be based only on the ground that the decision was contrary to the evidence or that the hearing involved an error on a ruling of law which was fundamental to the decision of the Special Master. The written request for rehearing shall specify the precise reasons therefore.
- B. The Special Master shall make a determination as to whether or not to rehear the matter. If the Special Master determines to grant a rehearing, he or she may:
1. Schedule a hearing where the parties will be given the opportunity of presenting evidence or argument limited to the specific reasons for which the rehearing was granted; or
 2. Modify or reverse its prior order, without receiving further evidence, providing the change is based on a finding that the prior decision of the Special Master resulted from a ruling on a question of law which the Special Master has been informed was an erroneous ruling.
- C. Until a request for rehearing has been denied or otherwise disposed of, the order of the Special Master shall be stayed and the time for taking an appeal, pursuant to this ordinance, shall not commence to run until the date upon which the Special Master has finally disposed of the request for rehearing.

SECTION 71-7. ADMINISTRATIVE FINES; COSTS OF REPAIR; LIENS.

- A. A Special Master, upon notification by the Code Inspector that an Order of the Special Master has not been complied with by the set time or upon finding that a repeat violation has been committed, may order the violator to pay a fine in an amount specified in Section 162.09, Florida Statutes, for each day the violation continues past the date set by the Special Master for compliance or in the case of a repeat violation, for each day the repeat violation continues, beginning with the date the repeat violation is found to have occurred by the Code Inspector. If a finding of a violation or a repeat violation has been made as provided in this part, a hearing shall not be necessary for issuance of the Order imposing the fine. If, after due notice and hearing a Special Master finds a violation to be irreparable or irreversible in nature, he may order the violator to pay a fine as specified in paragraph (B).
- B. (1) A fine imposed pursuant to this section shall not exceed \$250 per day for a first violation and shall not exceed \$500 per day for a repeat violation. However, if a

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Special Master finds the violation to be irreparable or irreversible in nature, he may impose a fine not to exceed \$5,000 per violation.

(2) In determining the amount of the fine, if any, the Special Master shall consider the following factors:

- a. The gravity of the violation;
- b. Any actions taken by the violator to correct the violation; and
- c. Any previous violations committed by the violator.

C. A Special Master may reduce a fine imposed pursuant to this section.

D. A certified copy of an order imposing a fine, or a fine plus repair costs, may be recorded in the Public Records and thereafter shall constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the violator. Upon petition to the Circuit Court, such order shall be enforceable in the same manner as a court judgment by the sheriffs of this state, including execution and levy against the personal property of the violator, but such order shall not be deemed to be a court judgment except for enforcement purposes. A fine imposed pursuant to this part shall continue to accrue until the violator comes into compliance or until judgment is rendered in a suit filed pursuant to this section, whichever occurs first. A lien arising from a fine imposed pursuant to this section runs in favor of the City of Arcadia, a municipal corporation, and the City Council may execute a satisfaction or release of lien entered pursuant to this section. After three (3) months from the filing of any such lien which remains unpaid, the Special Master may authorize the City Attorney to foreclose on the lien or to sue to recover a money judgment for the amount of the lien plus accrued interest. No lien created pursuant to the provisions of this part may be foreclosed on real property which is a homestead under Section 4, Article X of the State Constitution. The money judgment provisions of this section shall not apply to real property or personal property which is covered under Section 4(a), Article X of the State Constitution.

SECTION 71- 8. DURATION OF LIEN:

No lien provided under this Ordinance shall continue for a period longer than twenty (20) years after the certified copy of an order imposing a fine has been recorded, unless within that time an action is commenced pursuant to Section 162.09(3), Florida Statutes, in a court of competent jurisdiction. In an action to foreclose on a lien or for a money judgment, the prevailing party is entitled to recover all costs, including a reasonable attorney's fee, that it incurs in the action. The City Council shall be entitled to collect all costs incurred in recording and satisfying a valid lien. The continuation of the lien effected by the commencement of the action shall not be good against creditors or subsequent purchasers for valuable consideration without notice, unless a notice of lis pendens is recorded.

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SECTION 71-9. APPEALS.

An aggrieved party, including the City Council and/or the City Marshal, may appeal a final administrative order of a Special Master to the Circuit Court. Such an appeal shall not be a hearing de novo, but shall be limited to appellate review of the record created before the Special Master. An appeal shall be filed within thirty (30) days of the date of the order to be appealed.

SECTION 71-10. NOTICE.

All notices required by this Ordinance shall be provided to the alleged violator in accordance with Section 162.12, Florida Statutes.

SECTION 71-11. RESOLUTION.

By Resolution, the City Council shall have the authority to proscribe proper and necessary forms, rules, and regulations governing the notice and initiation and procedural conduct of Special Master hearings. Such rules and regulations, together with this Ordinance, shall be on file at the office of the City Marshal and shall be furnished to any alleged violator upon request and without cost.

SECTION 71-12. ENFORCEMENT OF CODES BY OTHER MEANS:

The enforcement of codes pursuant to Part I of Chapter 162, Florida Statutes, is an additional and supplemental means of obtaining compliance with local codes. Nothing contained herein shall prohibit the City of Arcadia from enforcing its codes by any other means, including but not limited to, injunctive relief or criminal prosecution by the State Attorney.

SECTION 71-13. SEVERABILITY.

If any subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not effect the validity of the remainder of this Ordinance.

SECTION 71-14. EFFECTIVE DATE.

This Ordinance shall take effect pursuant to Chapter 73.403 of the laws of the State of Florida.

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(Ordinance 911 continued)

UNANIMOUSLY PASSED BY THE CITY COUNCIL OF THE CITY OF
 ARCADIA, FLORIDA, IN REGULAR SESSION AT CITY COUNCIL CHAMBERS,
 ARCADIA, FLORIDA, ON THIS 6TH DAY OF JULY, 2004.

ATTEST:

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

CITY OF ARCADIA, FLORIDA
 By: /s/ RICHARD P. FAZZONE
 RICHARD P. FAZZONE
 MAYOR

PASSED ON FIRST READING MAY 18, 2004.

PASSED ON SECOND READING JUNE 1, 2004.

PASSED ON THIRD READING JULY 6, 2004.

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

Mayor Fazzone presented Assistant City Marshal Matt Anderson with a Certificate of Appreciation for fifteen (15) years of service to the City along with a check

Pastor Lorenzo Dixon addressed the Council to request clarification regarding the enforcement of City Park Usage Rules concerning Lake Katherine. The park signs show the hours of operation, however Pastor Dixon stated that there is a lot of activity after the scheduled hours of operation. Pastor Dixon asked if an Ordinance is still effective and would like to know what can be done about enforcing the rules. He noted that there are excessive beer bottles left on the ground. Mayor Fazzone stated that previously he did ask the Marshal to patrol the area more frequently, and he suggested that Pastor Dixon get with the Marshal. Assistant City Marshal Anderson addressed Council and stated that there were no complaints until the last two (2) months at which time the Police Department did increase enforcement of the area. Special Projects Coordinator Hewett reported that there are four (4) lights that need re-wiring that go around Lake Katherine. Pastor Dixon then reported that his daughter was held at gun point in his backyard and he would like the Police Department to be more active concerning his case.

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Mayor Fazzone then asked about the status of Mr. Baldy of Peace River Cab and was informed by Assistant City Marshal Anderson that Firefighter Lewis Wells is handling the business license issue. Currently Mr. Baldy is not licensed to run a cab business in the City.

A report of Police Fines and Forfeitures for the Month of May 2004 indicates fines \$6,658.13, law enforcement \$42.00 and radios \$225.00.

The Police Activity Report for the month of June 2004 was presented.

The Recorder's report of Revenues and Expenditures for the month of May 2004 was presented.

Administrator Strube addressed Council concerning the City's Community Development Block Grant (CDBG) noting that originally the City signed an agreement for partial funding; however we have now been presented with a full funding agreement in the amount of \$700,000.00. The City received three (3) responses for a Grant Administrator. The proposals were reviewed and ranked by the City Administrator, City Recorder and Special Projects Coordinator and are as follows: 1) Government Funding Specialist, Inc., Sebring, FL, 2) Jordan and Associates, Orange Park, FL, and 3) Boyle Engineering Corp., Sarasota, FL. Administrator Strube reported that Government Funding Specialist, Inc. and Jordan and Associates were very close; however he recommends that a contract be awarded to Government Funding Specialist, Inc. Whitlock then moved to authorize the City Administrator to negotiate an administrative services agreement with Government Funding Specialist, Inc. for contract administration of the CDBG Grant #04DB-IQ-07-24-02-H18; seconded by Goodman and carried.

Administrator Strube then addressed Council regarding Specific Authorization No. 42 in the amount of \$108,106.00 with Boyle Engineering Corporation to provide project management, permitting, surveying, preliminary and final design, and bidding services in connection with the Reuse Expansion Project. The Reuse Expansion Project is estimated to cost \$600,000 of which South West Florida Water Management District (SWFWMD) will fund 50%. The Reuse Expansion Project is part of the work which was identified in the schedule of improvements required by our consent order with Florida Department of Environmental Protection (FDEP). Heine moved to approve Specific Authorization No. 42 with Boyle Engineering Corporation for the "Arcadia Reclaimed Water Main Design Services" not to exceed \$108,106.00; seconded by Johnson and carried.

Mayor Fazzone asked Administrator Strube if Addendum #1 Proposed 2004/2005 General Fund Budget could be postponed and was informed that this needs to be addressed as we only have thirty (30) days to get a millage rate to the Property Appraiser. Administrator Strube reported that significant increase in employer contributions were incurred this year and will be again next year in the General Employee Pension Fund and the Police and Firefighters Pension Fund due to less than favorable earnings in both plans. The City must make up the shortfall from the actuarial projected earnings. The

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Police and Firefighters Pension requires an additional \$30,000.00 this year and will be a total of \$158,758 for next year as compared to the original estimate of \$70,000.00. This is a significant increase. The General Employee Pension Fund requires an additional \$17,000.00 this year and will be a total of \$31,000.00 additional next year over the estimate of \$55,000.00. Administrator Strube anticipates that the increase in the telecommunications tax revenue will help offset these increases. He also believes that the funds used to pay the Sheriff's department for dispatch services needs to be looked at. The FY 2004/05 General Fund Budget is tentatively balanced using the same millage rate as last year of 8.9963, which is greater than the rollback rate of 8.6454 by 4.06%. The Ad Valorem value has increased by 4%, most of this increase is due to reassessment of current homes and not for new construction. The Florida League of Cities will be giving all cities information regarding a proposed amendment which would increase the homestead exemption from \$25,000.00 to \$50,000.00, if passed this would greatly reduce the amount of Ad Valorem taxes the City would receive. An employee increase of 3% has been factored into the FY 2004/05 budget. At this time the increase for health, liability and worker's compensation insurance is not known. After discussion Council scheduled a Budget Work Session to be held on Tuesday, July 20, 2004 at 6:00 PM.

The Fire Department report of ambulance runs and collections for the month of May 2004 was presented showing mutual aid given was 18, and mutual aid received was 2.

The June 2004 report of Arcadia Golf Course receipts and number of play was presented. Mayor Fazzone reported that several of the holes are being reconfigured in order to add a driving range and he anticipates that everything will be done by the season.

The May 2004 Public Works report was presented.

Mayor Fazzone then proposed the following resolution at his request to honor I.D.Eller Jr. by naming the terminal building at the Arcadia Airport after him. Heine moved to adopt Resolution No. 2004-13, and that a plaque with the Resolution be prepared and presented at a formal dedication ceremony; seconded by Whitlock and carried.

RESOLUTIONS 2004-13

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF ARCADIA, FLORIDA, NAMING THE
TERMINAL BUILDING AT THE ARCADIA
MUNICIPAL AIRPORT IN HONOR OF I.D.ELLER, JR.

WHEREAS, the local self governance of the City of Arcadia is dependent upon its citizens to step forward and hold public office, and

WHEREAS, I.D.ELLER, JR., was first elected to hold the public office of Arcadia City Councilman in 1965 and during his 2 year term was appointed by the Council to be Chairman, and

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(Resolution 2004-13 continued)

WHEREAS, the citizens of Arcadia repeatedly demonstrated their confidence in I.D.'s ability to serve as evidenced by his subsequent election to the positions of Mayor (1967-69, 1969-71, 1971-73), and Council member (1975-79), and

WHEREAS, the passage of Article V to the State Constitution in 1973 abolished the Mayor's authority to perform the duties of Municipal County Judge, thereby bestowing on I.D. the distinction of being the last elected Municipal Court Judge for the City of Arcadia, and

WHEREAS, I.D. was very active in real estate, always promoted the economic growth of the community, loved aviation and was a pilot, and

WHEREAS, the Arcadia City Council wishes to memorialize I.D.'s contributions to the City of Arcadia and its development.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Arcadia, Florida, that the terminal building at the City's Municipal Airport shall henceforth be known as the "I.D.ELLER, JR., Building" in recognition of his civic contributions to the City of Arcadia and its development.

PASSED and ADOPTED BY THE CITY COUNCIL OF THE CITY OF ARCADIA in Regular Session this 6th day of JULY, 2004.

/s/RICHARD P. FAZZONE
RICHARD P. FAZZONE
MAYOR

ATTEST:

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

Administrator Strube addressed Council to present Resolution No. 2004-14 supporting Dr. Roosevelt Johnson's candidacy for Second Vice President of the Florida League of Cities. Whitlock moved to adopt Resolution No. 2004-14; seconded by Heine and carried.

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RESOLUTION NO. 2004-14

A RESOLUTION IN SUPPORT OF ROOSEVELT JOHNSON'S
CANDIDACY FOR 2ND VICE PRESIDENT OF THE FLORIDA
LEAGUE OF CITIES.

WHEREAS, Roosevelt Johnson has been a member of the Arcadia City Council since 1991, and has served in the position of Mayor for three (3) one (1) year terms, and

WHEREAS, Roosevelt Johnson has served as President of the Ridge League of Cities, and is currently a Director of the Ridge League of Cities, and

WHEREAS, Roosevelt Johnson has served on the Florida League of Cities Board of Directors since 1998, and has served for three (3) years on the Executive Committee, and

WHEREAS, Roosevelt Johnson attends the annual National League of Cities Conferences, and

WHEREAS, Johnson's demonstrated commitment to serve on committees and boards at the local, state and national level and his strong commitment to local self governance has qualified him to be a candidate for a leadership position with the Florida League of Cities.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Arcadia, Florida, that the Council, along with other City Officials do hereby endorse Roosevelt Johnson's candidacy for 2nd Vice President of the Florida League of Cities, and

BE IT FURTHER RESOLVED that the Mayor expresses the Council's endorsement of Roosevelt's candidacy to the members of the League's Nominating Committee.

UNANIMOUSLY PASSED BY THE CITY COUNCIL OF THE CITY OF
ARCADIA, FLORIDA in Regular Session this 6th day of July, 2004.

/s/ RICHARD P. FAZZONE
RICHARD P. FAZZONE
MAYOR

ATTEST:

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

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Stan Abram, Chairman for the Arcadia DeSoto Beautification Committee addressed Council to request that the City draft an Ordinance regulating residential vehicles, such as number of vehicles and parking location. Mr. Abram feels that this is a quality of life Ordinance. Attorney Holloman will review City Code and look at samples of other cities which Mr. Abram will provide. Attorney Holloman will have something for Council to review on the August 3, 2004 agenda.

Attorney Holloman then addressed Council regarding the Special Master Ordinance No. 911 noting that it will be in effect ten (10) days from today and that on August 3, 2004 a resolution setting the fines will be presented. It will be necessary to advertise for a Special Master and Attorney Holloman recommends that this individual be hired for a period of one (1) year.

Adrienne Daly asked why people are not being arrested if they are performing illegal activities and was informed by Assistant City Marshal Anderson that unless the officer sees the illegal activity they can not take any action.

Ms. Way stated that she appreciated the Council nominating her as Employee of the Year for the Florida League of Cities award program; however she was glad that she did not receive the award stating that she has been recognized in the past and is glad someone else had the opportunity.

Mayor Fazzone announced that he is running for the position of County Commissioner and the he will resign to run effective November 16, 2004.

There being no further business the meeting was adjourned.


CITY RECORDER


PRESIDENT