

REGULAR MEETING

MARCH 18, 2003

A regular meeting of the Arcadia City Council was held on March 18, 2003 at 6:00 p.m. in Room D of the Way Building at 23 N. Polk Avenue. Councilmembers attending were: Goodman, Fazzone, Johnson, Heine and Whitlock. Also in attendance were: Administrator Strube, City Attorney Holloman, City Marshal Lee, Fire Chief Rutherford, Public Works Superintendent Waters, Ms. Way and Recorder Baumann.

Mayor Goodman called the meeting to order.

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

Pledge of Allegiance to the Flag.

The minutes of the Regular Meeting of February 18, 2003 were adopted on motion of Whitlock; seconded by Johnson and carried.

Establishing a uniform speed zone throughout Arcadia of thirty (30) miles per hour (MPH) was discussed. Fazzone stated that Marshal Lee is in favor of such a speed limit. Johnson said that he has a problem with the current 20 MPH limit being primarily in the south end of town. It was noted that South Orange Avenue was changed to 20 MPH after a child was killed. The police department has a policy that speeding tickets are written when the vehicle is going ten (10) MPH over the posted speed limit. This would mean that with a 30 MPH speed zone no tickets would be issued until the vehicle was going 40 MPH or more which actually puts the speed on the road at 40 MPH rather than 30. There was also discussion regarding the current placement of signs noting that they are usually half way down the street rather than at the beginning of an intersection. Former Councilman Ronny Allen addressed Council stating that he is opposed to a 30 MPH speed limit city wide, he then reviewed several times the Council reduced the speed limit and for the specific reasons they were changed. Mr. Allen stated that to change the speed limit back to 30 from 20 would be a detriment to the citizens who had previously requested the reduction and could cause more accidents. Mr. Allen suggested if a uniform speed limit is to be set it should be 20 MPH. Mr. Martin McClure addressed council to express opposition to a blanket wide speed limit change and suggested that a committee be formed to review and discuss this issue with the Marshal. After discussion Johnson moved to form a committee consisting of Councilman Johnson, Ronny Allen, Martin McClure, Mrs. Miller and other citizens to be named latter, to review all roads which currently have a speed limit of 20 MPH and all other roads on a case by case basis

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in order to recommend a proposed speed limit; seconded by Fazzino and carried. Attorney Holloman stated that the committee must follow the rules for "Government in the Sunshine" he will inform all committee members of the rules. Marshal Lee will not serve on the committee, however a representative from the Police Department will be appointed to the committee.

Dr. W. Paul Matthews, Jr., interim pastor of Elizabeth Missionary Baptist Church addressed Council to request consideration of establishing an office for the Mayor and Council. Dr. Matthews inquired if space would be available in City Hall after proposed renovations are completed and was informed that it is a possibility. At the time there is a storage room in the Margaret Way building which could be converted into an office. Dr. Matthews requests that the room be decorated properly and not with used furniture.

Dr. Matthews then addressed Council to request Council consider adopting a Human Rights Ordinance. Dr. Matthews reported that while waiting for service a couple of weeks ago at a local restaurant he was discriminated against when a "white" couple were shown to a table and served before he was even though he had been sitting at a table for over fifteen (15) minutes. Dr. Matthews stated that he is a Human Rights Investigator for the City of Tampa; he then presented a copy of Tampa's Ordinance to Attorney Holloman to use as an example. Administrator Strube asked what would be the action if the City did have such an ordinance in place and was informed that an individual with a complaint would file a form which would be notarized, they would be given a copy of the ordinance along with guidance on what action they could pursue. Whitlock moved to have Attorney Holloman work with Dr. Matthews on a proposed Human Rights Ordinance for Council review at the next meeting; seconded by Fazzino and carried.

Bonnie Hoffer addressed Council requesting clarification on skateboarding within the City. Ms. Hoffer stated that her son's skateboard has been taken away from him and she is asking where the kids are allowed to skateboard. Johnson stated that he presented this issue over a year ago to see what the cost would be to establish a skateboard park in the city. Mayor Goodman reported that Tony Hawk a professional skateboarder has a foundation to help rural communities build skateboard parks and she has requested information from his web site. Marshal Lee stated that his department gets numerous calls from churches, banks and shopping centers requesting that skateboarders not be allowed in the parking lots. Attorney Holloman suggests that Council adopt an Ordinance that no skateboards be allowed downtown. Fazzino moved to have an Ordinance prohibiting skateboards in the downtown vicinity; seconded by Whitlock and carried. Fazzino suggested that Ms. Hoffer contact the County to see if they would create a skateboard park at the new forty (40) acre Hargrave Park. Several citizens addressed Council in favor of a skateboard park.

A request by letter, from the Arcadia Watermelon Association for Council to place an ad in the 2003 Arcadia Watermelon Festival Program was presented. Whitlock moved to

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authorize staff to place a full page ad in the 2003 Watermelon Festival Program in the amount of \$200.00; seconded by Fazzone and carried.

Another request by letter, from the Arcadia Watermelon Association to hold the annual festival at DeSoto Park was presented. Heine moved to endorse the request that the 18th Annual Arcadia Watermelon Festival be held at DeSoto Park Friday, May 16th through Monday, May 19th, 2003; seconded by Fazzone and carried.

Michelle Pinel addressed Council to express concerns regarding City and County Fire and Ambulance service funding alternatives. Ms. Pinel is opposed to any City and County merger. She reported that the County only contributes \$5,100.00 from the General Fund to fund their Fire and Ambulance Department all other funds come from special assessments such as MSTU, MSBU and grants. Ms. Pinel stated that she and her group have spoken with the County regarding a settlement for over charging on taxes since the courts have ruled you can not charge for ambulance services on a tax bill. Ms. Pinel would hate to see the City have to help fund any settlement when they were not involved. However if they were to merge then money to operate the Fire and Rescue Services and pay any settlements could come from a pool from both governments.

A report of Police Fines and Forfeitures for the month of February 2003 indicates fines \$6,773.46 law enforcement \$50.00, radios \$974.92 and investigative cost \$50.00.

Marshal Lee stated that he is getting a high volume of calls regarding the sludge hauling trucks going through town. It was noted that the original company sold and it seems that the new company is not aware of the previous agreement with the City regarding approved routes. Administrator Strube will send a letter to the new company informing them of the routes they should take.

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

A request by letter, from DeSoto County for a deed of City property in order for the County to assume maintenance responsibility of the Hickory Street Railroad Crossing to assure perpetual access to Morgan Park was discussed. Attorney Holloman recommends that Council honor the request. Heine moved to honor the request from the County for the City to deed to DeSoto County that portion of Hickory Street lying west of Parker Street, extending across the old Peace River Bridge as far as the City owns it westward into the City-County Park, plus that portion of land between the river and the railroad right of way extending northward to and abutting Morgan Park, including the parking lot, the City will reserve necessary easements for the provision of utilities now in place; seconded by Fazzone and carried.

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The Planning and Zoning Board at their meeting of March 11, 2003 recommends that Council approve a request from AutoZone Inc. for a reduction in the required number of parking spaces. Administrator Strube stated that SWFWMD has yet to review the site plan which could further reduce the number of spaces available. Heine moved to approve the request from AutoZone Inc. for a reduction in the number of parking spaces from 41 to no less than 25 by non-transferable Resolution No. 2003-03; seconded by Whitlock and carried.

RESOLUTION NO. 2003-3

A RESOLUTION GRANTING A NON-TRANSFERABLE APPROVAL IN ZONING LAWS AS AUTHORIZED IN SECTION 110-708 OF THE ZONING LAWS TO AUTOZONE INC. FOR A REDUCTION IN THE REQUIRED NUMBER OF PARKING SPACES FROM 41 TO NO LESS THAN 25.

WHEREAS, AutoZone Inc. has requested approval in zoning laws as authorized in section 110-708 of the zoning laws for a reduction in the required number of parking spaces for their business located at 1106 E. Oak Street, and

WHEREAS, the Planning and Zoning Board has reviewed the request and recommend to the City Council that a non-transferable Special Approval be granted subject to all City, County and State Regulations being met.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Arcadia, Florida, that AutoZone Inc. be granted a Non-transferable Special Approval for a reduction in the required number of parking spaces from 41 to no less than 25 at their business located at 1106 E. Oak Street, subject to all City, County and State Regulations being met.

PASSED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA,
IN REGULAR SESSION this 18th day of March, 2003.

/s/ Sharon T. Goodman
SHARON T. GOODMAN, MAYOR

ATTEST:

/s/ Rachelle M. Baumann
RACHELLE M. BAUMANN, CITY RECORDER

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The February 2003 Public Works report was presented.

The Flowage report of Air-Cadia, Inc. for the month of February 2003 for the Municipal Airport was presented.

Dr. Matthews requested a limit of nine (9) committee members for the Grants Committee. Heine moved to limit the number of committee members of the Grants Committee to 9 and to appoint Pam Ames and Lois White to serve on the Committee; seconded by Whitlock and carried.

Dr. Matthews then reported that the Grants Committee has sub-divided to look at Federal, State and other types of grant funding.

Dr. Matthews invited Council to attend Elizabeth Missionary Baptist Church on March 30, 2003 at 11:00 AM noting that Congresswoman Katherine Harris will be in attendance.

Mayor Goodman requests that an update of the Grants Committee become a regular agenda item.

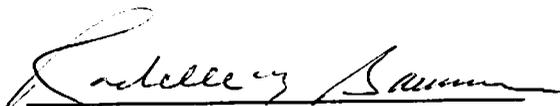
Heine stated that he is disappointed in the appearance of the new road paving being done and was informed by Administrator Strube it is the type of paving material being used.

Whitlock requests that wrecker fees be placed on the agenda for the next Council meeting.

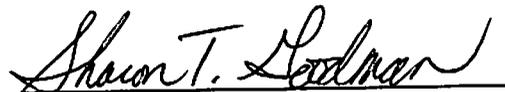
Ms. Way thanked Council for the flowers sent for her 80th birthday and 61st employment anniversary.

Mayor Goodman reported that she has received confirmation on her nomination to represent Arcadia and DeSoto County in the African-American Leadership Summit to be held in Washington DC in May 2003.

There being no further business the meeting was adjourned.



CITY RECORDER



PRESIDENT