

REGULAR MEETING

MAY 20, 2003

A regular meeting of the Arcadia City Council was held on May 20, 2003 at 6:00 p.m. in Room D of the Way Building at 23 N. Polk Avenue. Councilmembers attending were: Goodman, Fazzone, Heine and Whitlock. Absent: Johnson was out of town. Also in attendance were: Administrator Strube, City Attorney Holloman, City Marshal Lee, Assistant Fire Chief Wells, Engineer DeCheske, Public Works Superintendent Waters, Ms. Way and Recorder Baumann.

Mayor Goodman called the meeting to order.

The Invocation was given by Pastor Ted Hanus of Grace Lutheran Church.

Pledge of Allegiance to the Flag.

The minutes of the Regular Meeting of April 22, 2003 were adopted on motion of Heine; seconded by Whitlock and carried.

Proposed Ordinance No. 899 was presented on third and final reading. Heine moved to waive the rules and read the proposed ordinance by title only; seconded by Fazzone and carried.

ORDINANCE 899

AN ORDINANCE REPEALING ORDINANCE NO. 878, CODIFIED AS ARTICLE III, SECTIONS 98-61, 98-62, 98-63, 98-64, AND 98-65, OF THE CODE OF ORDINANCES OF THE CITY OF ARCADIA, FLORIDA; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Fazzone then moved to adopt Ordinance No. 899 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, Fazzone and Goodman. Nays: None.

ORDINANCE NO 899

AN ORDINANCE REPEALING ORDINANCE NO. 878, CODIFIED AS ARTICLE III, SECTIONS 98-61, 98-62, 98-63, 98-64, AND 98-65, OF THE CODE OF ORDINANCES OF THE CITY OF ARCADIA, FLORIDA; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

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Continued

(Ordinance 899 continued)

WHEREAS, DeSoto County has, pursuant to Section 166.043 (c) , Florida Statutes, by ordinance established maximum rates which may be charged on the towing and removal and storage of wrecked or disabled vehicles from an accident scene or for the removal and storage of vehicles in the event the owner or operator is incapable, unavailable leaves the procurement of wrecker service to the law enforcement officer at the scene, or otherwise does not consent to the removal of the vehicle; and,

WHEREAS, in the event the City of Arcadia does not have a similar ordinance, then the County ordinance applies within the city limits of the City of Arcadia; and

WHEREAS, the City Council of the City of Arcadia, Florida , believes it appropriate that the fees charged for such service be the same within the city limits as within the remainder of DeSoto County; and,

WHEREAS, for the above reasons the City Council of the City of Arcadia deems it best interests of the citizens of the City of Arcadia, Florida, that the City ordinance setting such fees be repealed.

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

Section 1. That Ordinance No. 878, codified as Article III, Sections 98-61, 98-62, 98-63, 98-64 and 98-65, of the Code of Ordinances of the City of Arcadia, Florida, be and the same is hereby repealed and shall be of no further force and effect.

Section 2. If any subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional, the remainder of this Ordinance shall not be affected by such invalidity.

Section 3. This Ordinance shall take effect pursuant to Chapter 73-403 of the laws of the State of Florida.

UNANIMOUSLY PASSED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA, ON THIS 20 DAY OF May, 2003.

ATTEST:
FLORIDA

CITY OF ARCADIA,

By: /s/ RACHELLE M. BAUMANN
RACHELLE M. BAUMANN
City Recorder

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

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Continued

(Ordinance 899 continued)

PASSED ON FIRST READING _____ April 22, _____ 2003.

PASSED ON SECOND READING _____ May 6, _____, 2003.

PASSED ON THIRD READING _____ May 20 _____, 2003.

APPROVED AS TO FORM:

DAVID C. HOLLIMON, CITY ATTORNEY

Proposed Ordinance No. 900 was presented on third and final reading. Heine moved to waive the rules and read the proposed ordinance by title only; seconded by Whitlock and carried.

ORDINANCE 900

AN ORDINANCE OF THE CITY OF ARCADIA, AMENDING THE CITY OF ARCADIA POLICE OFFICERS' AND FIREFIGHTERS' RETIREMENT SYSTEM, ADOPTED PURSUANT TO ORDINANCE NO. 897; AMENDING SECTION 6, BENEFIT AMOUNTS AND ELIGIBILITY; AMENDING SECTION 7, PRE-RETIREMENT DEATH; AMENDING SECTION 9, VESTING; AMENDING SECTION 15, MAXIMUM PENSION; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

Fazzone moved to adopt Ordinance No. 900 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, Fazzone, and Goodman. Nays: None.

ORDINANCE NO 900

AN ORDINANCE OF THE CITY OF ARCADIA, AMENDING THE CITY OF ARCADIA POLICE OFFICERS' AND FIREFIGHTERS' RETIREMENT SYSTEM, ADOPTED PURSUANT TO ORDINANCE NO. 897; AMENDING SECTION 6, BENEFIT AMOUNTS AND ELIGIBILITY; AMENDING SECTION 7, PRE-RETIREMENT DEATH; AMENDING SECTION 9, VESTING; AMENDING SECTION 15, MAXIMUM PENSION; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

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(Ordinance 900 continued)

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
ARCADIA, FLORIDA;

SECTION 1: That the City of Arcadia Police Officers' and Firefighters' Retirement System, adopted pursuant to Ordinance No. 897, is hereby amended by amending Section 6, Benefit Amounts and Eligibility, subsection 2, Normal Retirement Benefit, to read as follows:

2. Normal Retirement Benefit.

A Member retiring hereunder on or after his normal retirement date shall receive a monthly benefit which shall commence on the first day of the month coincident with or next following his Retirement and be continued thereafter during Member's lifetime, ceasing upon death, but with one hundred twenty (120) monthly payments guaranteed in any event. The monthly retirement benefit shall equal three and ~~two-tenths~~ thirty-two-hundredths percent (~~3.2%~~) (3.32%) of Average Final Compensation, for each year of Credited Service.

SECTION 2: That the City of Arcadia Police Officers' and Firefighters' Retirement System, adopted pursuant to Ordinance No. 897, is hereby amended by amending Section 7, Pre-Retirement Death, subsection 2, Deceased Members Vested or Eligible for Retirement, to read as follows:

2. Deceased Members Vested or Eligible for Retirement.

The Beneficiary of any Member who dies and who, at the date of his death was vested or eligible for early or normal retirement, shall be entitled to a benefit as follows:

- A. If the Member was vested, but not eligible for normal or early retirement, the Beneficiary shall receive a benefit payable for ten (10) years, beginning on the date that the deceased Member would have been eligible for early or normal retirement, at the option of the Beneficiary. The benefit shall be calculated as for normal retirement utilizing a benefit accrual rate of three and two tenths percent (3.2%) for each year of Credited Service and based on the deceased Member's Credited Service and Average Final Compensation as of the date of his death and reduced as for early retirement, if applicable. The Beneficiary may also elect to receive an immediate benefit, payable for ten (10) years, which is actuarially reduced to reflect the commencement of benefits prior to the early retirement date.

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(Ordinance 900 continued)

- B. If the deceased Member was eligible for normal or early retirement, the Beneficiary shall receive a benefit payable for ten (10) years, beginning on the first day of the month following the Member's death or at the deceased Member's otherwise early or normal retirement date, at the option of the Beneficiary. The benefit shall be calculated as for normal retirement utilizing a benefit accrual rate of three and thirty-two hundredths percent (3.32%) for each year of Credited Service and based on the deceased Member's Credited Service and Average Final Compensation as of the date of his death and reduced as for early retirement, if applicable.
- C. A Beneficiary may not elect an optional form of benefit, however, the Board may elect to make a lump sum payment pursuant to Section 10, subsection 7.
- D. A Beneficiary may, in lieu of any benefit provided for in A or B above, elect to receive a refund of the deceased Member's Accumulated Contributions.

SECTION 3: That the City of Arcadia Police Officers' and Firefighters' Retirement System, adopted pursuant to Ordinance No. 897, is hereby amended by amending Section 9, Vesting, subsection 2, to read as follows:

2. If the Member has six (6) or more years of Credited Service upon termination, the Member shall be entitled to a monthly retirement benefit, determined in the same manner as for normal or early retirement and based upon the Member's Credited Service, Average Final Compensation and the a benefit accrual rate of three and two tenths Percent (3.2%) for each year of Credited Service as of the date of termination, payable to him commencing at the Member's otherwise normal or early retirement date, determined based upon his actual years of Credited Service, provided he does not elect to withdraw his Accumulated Contributions and provided the Member survives to his otherwise normal or early retirement date. If the Member does not withdraw his Accumulated Contributions and does not survive to his otherwise normal or early retirement date, his designated Beneficiary shall be entitled to a benefit as provided herein for a deceased Member, vested or eligible for Retirement under Pre-Retirement Death.

SECTION 4: That the City of Arcadia Police Officers' and Firefighters' Retirement System, adopted pursuant to Ordinance No. 897, is hereby amended Section 15, Maximum Pension, to read as follows:

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(Ordinance 900 continued)

SECTION 15. MAXIMUM PENSION.

1. **Basic Limitations.**

Subject to the adjustments hereinafter set forth, the maximum amount of annual retirement income payable with respect to a Member under this System shall not exceed one hundred sixty thousand dollars (\$160,000).

For purposes of applying the above limitation, benefits payable in any form other than a straight life annuity with no ancillary benefits shall be adjusted, as provided by Treasury Regulations, so that such benefits are the Actuarial Equivalent of a straight life annuity. For purposes of this Section, the following benefits shall not be taken into account:

(1) Any ancillary benefit which is not directly related to retirement income benefits;

(2) Any other benefit not required under §415(b)(2) of the Code and Regulations thereunder to be taken into account for purposes of the limitation of §415(b)(1) of the Code.

2. **Participation in Other Defined Benefit Plans.**

The limitation of this Section with respect to any Member who at any time has been a member in any other defined benefit plan (as defined in §414(j) of the Code) maintained by the City shall apply as if the total benefits payable under all defined plans in which the Member has been a member were payable from one (1) plan.

3. **Adjustments in Limitations.**

- A. In the event the Member's retirement benefits become payable before age sixty-two (62), the one hundred sixty thousand dollar (\$160,000) limitation prescribed by this Section shall be reduced in accordance with Regulations issued by the Secretary of the Treasury pursuant to the provisions of §415(b) of the Code, but not less than seventy-five thousand dollars (\$75,000), if the benefit begins at or after age fifty-five (55). In the event the Member's retirement benefit becomes payable before age fifty-five (55), the seventy-five thousand dollar (\$75,000) limitation shall be reduced from age fifty-five (55) in accordance with Regulations issued by the Secretary of the Treasury pursuant to the provisions of §415(b) of the Code so that such limitation (as so reduced) equals an annual benefit (beginning when such retirement income benefit begins) which is equivalent to a one hundred sixty thousand dollar (\$160,000) annual benefit beginning at age sixty-two (62).

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(Ordinance 900 Continued)

- B. In the event the Member's benefit is based on at least fifteen (15) years of Credited Service, the adjustments provided for in A. above shall not apply.
- C. The reductions provided for in A. above shall not be applicable to disability benefits paid pursuant to Section 8, or pre-retirement death benefits paid pursuant to Section 7.
- D. In the event the Member's retirement benefit becomes payable after age sixty-five (65), for purposes of determining whether this benefit meets the limitation set forth in subsection 1 herein, such benefit shall be adjusted so that it is actuarially equivalent to the benefit beginning at age sixty-five (65). This adjustment shall be made ~~using an assumed interest rate of five percent (5%) and shall be made~~ in accordance with regulations promulgated by the Secretary of the Treasury or his delegate.

4. Less than Ten (10) Years of Service.

The maximum retirement benefits payable under this Section to any Member who has completed less than ten (10) years of Credited Service with the City shall be the amount determined under subsection 1 of this Section multiplied by a fraction, the numerator of which is the number of the Member's years of Credited Service and the denominator of which is ten (10). The reduction provided for in this subsection shall not be applicable to disability benefits paid pursuant to Section 8, or pre-retirement death benefits paid pursuant to Section 7.

5. Ten Thousand Dollar (\$10,000) Limit.

Notwithstanding the foregoing, the retirement benefit payable with respect to a Member shall be deemed not to exceed the limitations set forth in this Section if the benefits payable, with respect to such Member under this System and under all other qualified defined benefit pension plans to which the City contributes, do not exceed ten thousand dollars (\$10,000) for the applicable Plan Year and for any prior Plan Year and the City has not at any time maintained a qualified defined contribution plan in which the Member participated.

6. ~~Member in Defined Contribution Plan:~~

~~In any case where a Member under this Section is also a member in a "Defined Contribution Plan" as defined in §414(i) of the Code, maintained by the City, the sum of the "Defined Benefit Plan Fraction" and the "Defined Contribution Plan Fraction" (both as defined in §415(e) of the Code) shall not, subject to the restrictions and exceptions contained in §2004 of the Act, exceed 1.0. This limitation is repealed effective January 1, 2000.~~

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(Ordinance 900 continued)

76. Reduction of Benefits.

Reduction of benefits and/or contributions to all plans, where required, shall be accomplished by first reducing the Member's benefit under any defined benefit plans in which Member participated, such reduction to be made first with respect to the plan in which Member most recently accrued benefits and thereafter in such priority as shall be determined by the Board and the plan administrator of such other plans, and next, by reducing or allocating excess forfeitures for defined contribution plans in which the Member participated, such reduction to be made first with respect to the plan in which Member most recently accrued benefits and thereafter in such priority as shall be established by the Board and the plan administrator for such other plans provided, however, that necessary reductions may be made in a different manner and priority pursuant to the agreement of the Board and the plan administrator of all other plans covering such Member.

87. Cost-of-Living Adjustments.

The limitations as stated in subsections 1, 2, and 3 ~~and 6~~ herein shall be adjusted to the time payment of a benefit begins in accordance with any cost-of-living adjustments prescribed by the Secretary of the Treasury pursuant to §415(d) of the Code.

9 8. Additional Limitation on Pension Benefits.

Notwithstanding anything herein to the contrary:

- A. The normal retirement benefit or pension payable to a Retiree who becomes a Member of the System and who has not previously participated in such System, on or after January 1, 1980, shall not exceed one hundred percent (100%) of his Average Final Compensation. However, nothing contained in this Section shall apply to supplemental retirement benefits or to pension increases attributable to cost-of-living increases or adjustments.
- B. No Member of the System shall be allowed to receive a retirement benefit or pension which is in part or in whole based upon any service with respect to which the Member is already receiving, or will receive in the future, a retirement benefit or pension from a different employer's retirement system or plan. This restriction does not apply to social security benefits or federal benefits under Chapter 67, Title 10, U.S. Code.

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Continued

(Ordinance 900 continued)

SECTION 5: Specific authority is hereby granted to codify and incorporate this Ordinance in the existing Code of Ordinances of the City of Arcadia.

SECTION 6: All Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

SECTION 7: If any section, sentence, clause, phrase of this ordinance, or the particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases under application shall not be affected thereby.

SECTION 8: That this Ordinance shall become effective upon its adoption.

UNANIMOUSLY PASSED BY THE CITY COUNCIL OF THE
CITY OF ARCADIA, FLORIDA, ON THE 20 th DAY OF May, 2003.

PASSED ON FIRST READING, this 22 nd day of April, 2003.

PASSED ON SECOND READING, this 6th day of May, 2003.

PASSED ON THIRD READING, this 20 th day of May, 2003.

By: s/s Sharon T. Goodman
Sharon T. Goodman, Mayor

ATTEST:

By: s/s Rachelle M. Baumann
Rachelle M. Baumann
City Recorder

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

Attorney Holloman stated that the two proposed re-zoning ordinances are a quasi-judicial matter and asked Council to report any site visits or communication written or verbal since the public hearing of April 22, 2003. No one had anything to report.

Proposed Ordinance No. 901 was presented on second reading. Whitlock moved to waive the rules and read the proposed ordinance by title only; seconded by Heine and carried.

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ORDINANCE 901

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF ARCADIA, FLORIDA, TO REZONE LOTS 1,2, & 3, BLOCK 61, ORIGINAL SURVEY OF THE CITY OF ARCADIA, FLORIDA, AS RECORDED IN THE PUBLIC RECORDS OF DESOTO COUNTY, FLORIDA, FROM ONE-FAMILY DWELLING R-1C DISTRICT TO PLANNED BUSINESS CENTER B-1A DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Fazzone then moved to approve Ordinance No. 901 on second 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, Fazzone, and Goodman. Nays: None.

Proposed Ordinance No. 902 was presented on second reading. Fazzone moved to waive the rules and read the proposed ordinance by title only; seconded by Heine and carried.

ORDINANCE 902

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF ARCADIA, FLORIDA, TO REZONE ALL OF BLOCK 36, ORIGINAL SURVEY OF THE CITY OF ARCADIA, FLORIDA, AS RECORDED IN THE PUBLIC RECORDS OF DESOTO COUNTY, FLORIDA, FROM MULTIPLE DWELLING R-3 DISTRICT TO RESIDENTIAL-PROFESSIONAL AND BUSINESS RPB DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Fazzone then moved to approve Ordinance No. 902 on second 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, Fazzone, and Goodman. Nays: None.

Administrator Strube addressed Council regarding issues with the Waste Water Treatment Plant's (WWTP) need to be consistent in order to meet the Department of Environmental Protection (DEP) requirements and permitting for re-use. The City received assistance in 1989 from the federal government through DEP and there are twelve (12) years remaining on the loan. Another loan/bond was done in 1993 which has seventeen (17) years remaining. The City is applying for grant funds from DEP in the amount of \$4,500,000.00 which would have an interest rate of 1%-2%. The low interest rate is due to the City being considered a distressed area. In December 2002 the City applied for a \$6,000,000.00 grant which was not funded due to state budget issues. Administrator Strube noted that water and sewer rates will need to be increased in order to cover debt service agreements and a current shortfall of \$125,000.00 which is the result of lost interest revenue due to a down market. Rates will increase by about 10% or \$4.00 to \$5.00 monthly. Administrator Strube recommends

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Council adopt a resolution authorizing the submittal of a loan application and designating the Mayor and City Administrator as its authorized representatives. Heine then moved to adopt Resolution No. 2003-4; seconded by Fazzone and carried.

RESOLUTION NO. 2003-4

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA, RELATING TO THE STATE REVOLVING FUND LOAN PROGRAM; MAKING FINDINGS; AUTHORIZING THE LOAN APPLICATION; AUTHORIZING THE LOAN AGREEMENT; ESTABLISHING PLEDGED REVENUES; DESIGNATING AUTHORIZED REPRESENTATIVES; PROVIDING ASSURANCE; PROVIDING FOR CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE.

WHEREAS, Florida Statutes provide for loans to local government agencies to finance the construction of water pollution control facilities; and

WHEREAS, Florida Administration Code rules require authorization to apply for loans, to establish pledged revenues, to designate an authorized representative; to provide assurance of compliance with loan program requirements; and to enter into a loan agreement; and

WHEREAS, the State Revolving Fund loan priority list designates Project No. 68014P as eligible for available funding; and

WHEREAS, the City of Arcadia, Florida, intends to enter into a loan agreement with the Department of Environmental Protection under the State Revolving Fund for project funding.

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

SECTION 1. The foregoing findings are incorporated herein by reference and made a part hereof.

SECTION 2. The City of Arcadia, Florida is authorized to apply for a loan to finance the Project.

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(Resolution 2003-4 continued)

SECTION 3. The revenues pledged for the repayment of the loan are net water and sewer utility system revenues after payment of debt service on the City of Arcadia, Florida Series 1993A Pooled Loan, and 1993 Florida Department of Environmental Protection State Revolving Fund Loan.

SECTION 4. The Mayor or City Administrator are hereby designated as authorized representatives to provide the assurance and commitments required by the loan application.

SECTION 5. The Mayor is hereby designated as the authorized representative to execute the loan agreement which will become a binding obligation in accordance with its terms when signed by both parties.

SECTION 6. The legal authority for borrowing moneys to construct this Project is Florida Statutes 166.111.

SECTION 7. Conflicts. All resolutions or portions of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

SECTION 8. Severability. If any Section or portion of a Section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other Section or part of this Resolution.

SECTION 9. Effective Date. This Resolution shall become effective immediately upon its passage and adoption.

PASSED and ADOPTED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, in Regular Session this 20th day of May, 2003.

s/s Sharon T. Goodman, Ed.S
SHARON T. GOODMAN, ED.S.
MAYOR

ATTEST:

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

Mayor Goodman proclaimed the month of May as "Foster Care Month" and urged all citizens to volunteer on behalf of children in foster care. Fazzone moved to endorse this action; seconded by Heine and carried. Mayor Goodman then presented the proclamation to Mr. Kevin McKenney, Director of Operations for YMCA Children, Youth and Family Services, Inc.

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Dr. Gary and Mary Parker addressed Council to request permission to have museum tours and programs in their home at 1220 West Imogene St. Dr. Parker noted that they are incorporated as a Florida non-profit educational institution known as Creation Adventures Museum, Inc. and have also received federal tax exempt status as a 501(c)(3) educational organization. Dr. Parker has an extensive fossil collection. After discussion Fazzino moved to grant approval by non-transferable Resolution No. 2003-5 to allow Dr. Parker to conduct hands-on educational programs and tours in his home located at 1220 West Imogene Street subject to all City, County and State regulations being met; seconded by Whitlock and carried.

RESOLUTION NO. 2003-5

A RESOLUTION GRANTING A NON-TRANSFERABLE
APPROVAL TO GIVE TOURS AND HANDS-ON
EDUCATIONAL PROGRAMS IN THEIR HOME AT
1220 WEST IMOGENE STREET AND SETTING
FORTH CONDITIONS.

WHEREAS, Dr. Gary E. Parker and Mary M. Parker have requested approval to have small groups into their home to view their fossil displays and participate in hands-on educational programs and tours, and

WHEREAS, the property located at 1220 West Imogene Street is presently zoned R-1B, and

WHEREAS, Section 110-241 (7) (a) provides for "Educational, recreational and social centers not operated for profit and intended to serve the surrounding neighborhood" subject to approval of the City Council after a finding of their necessary or desirability for public convenience, and

WHEREAS, Dr. Gary E. Parker has incorporated as a Florida non-profit educational institution, the Creation Adventures Museum, Inc., and

WHEREAS, Dr. Gary E. Parker as the Creation Adventures Museum, Inc. has received tax exempt status as a 501 (c) (3) educational organization, and

WHEREAS, Dr. Gary E. Parker assured the City Council that the property will be maintained and will in no way be detrimental to the surrounding residences, and

WHEREAS, Dr. Gary E. Parker assured the City Council that groups no larger than 39 would be scheduled at a time.

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(Resolution 2003-5 continued)

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Arcadia, Florida, that Dr. Gary E. Parker and Mary M. Parker be granted a Non-transferable Special Approval to have small groups into their home at 1220 West Imogene Street to view their fossil displays and participate in hands-on educational programs and tours, 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 20th day of May, 2003.

s/s Sharon T. Goodman, Ed.S
SHARON T. GOODMAN, ED.S.
MAYOR

ATTEST:

By: s/s Rachelle M. Baumann
RACHELLE M. BAUMANN, CMC
CITY RECORDER

A report of Police Fines and Forfeitures for the month of April 2003 indicates fines \$6,089.23 law enforcement \$46.00, radios \$950.00.

Marshal Lee reported that the first meeting of the Speed Limit Committee is scheduled for Tuesday, May 27, 2003 at 6:30 PM at the Police Department.

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

The April 2003 Public Works report was presented.

The minutes of April 8, 2003 Grants Committee Meeting were presented for information.

Stan Abram, President of the Arcadia/DeSoto Beautification Committee addressed Council concerning the benches downtown. Administrator Strube reported that the City maintains the benches, which requires replacing broken slats and refinishing the wood. Administrator Strube stated that other materials such as plastic should be considered if new benches are purchased.

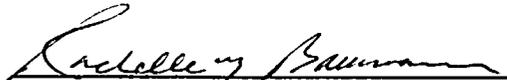
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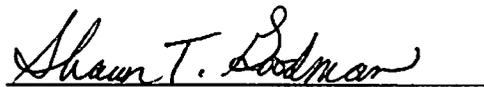
Mr. Abram then asked about the status of the Street Light Project. Administrator Strube stated that the lights were scheduled for a twelve (12) week production time frame and should be in soon. The City is still working with Department of Transportation (DOT) regarding the placement of nine (9) lights on Magnolia Street/State Road 70 East. Oak Street and US 17 will be done as soon as the lights are received.

Dr. W. Paul Matthews, Pastor for Elizabeth Baptist Church addressed Council with several issues of concern. (1) He noted that Oak Ridge Cemetery is running out of space. (2) He suggested increasing the current fee of \$250.00 up to \$350.00 or \$450.00. (3) Dr. Matthews noted that the County has a program for indigent burials, however the \$595.00 currently paid to funeral directors does not cover the actual costs which are about \$1,200.00 and up. Fazzone suggested that the Funeral Directors address this issue with the County. After discussion Mayor Goodman stated that she will contact County Commission Chairman Needs to discuss this issue. It was brought out that the City had for many years provided the burial spaces for indigents at no charge.

Administrator Strube stated that the City is looking at increasing the fees for a burial space when the new five (5) acre section is opened up. The proposed fee is \$350.00 and no monuments would be allowed in the area.

There being no further business the meeting was adjourned.


CITY RECORDER


PRESIDENT