

REGULAR MEETING

MAY 6, 2003

A regular meeting of the Arcadia City Council was held on May 6, 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, Police Officer Evans, Fire Chief Rutherford, Assistant Fire Chief Wells, Ms. Way and Recorder Baumann.

Mayor Goodman called the meeting to order.

The Invocation was given by Councilman Whitlock.

Pledge of Allegiance to the Flag.

The minutes of the Regular Meeting of April 8, 2003 were adopted on motion of Johnson; seconded by Heine and carried.

Proposed Ordinance No. 898 was presented on third and final reading. Johnson moved to waive the rules and read the proposed ordinance by title only; seconded by Whitlock and carried.

ORDINANCE 898

AN ORDINANCE PROHIBITING THE USE OF ROLLER SKATES, SKATEBOARDS, COASTERS, TOY VEHICLES, OR SIMILAR DEVICES UPON CERTAIN DESIGNATED STREETS AND SIDEWALKS WITHIN THE CITY LIMITS OF THE CITY OF ARCADIA, FLORIDA; PROVIDING FOR SEVERABILITY; PROVIDING PENALTIES; PROVIDING AN EFFECTIVE DATE.

Fazzone then moved to adopt Ordinance No. 898 on third and final reading and that it become an ordinance of the City of Arcadia; seconded by Johnson. Mayor Goodman called for comments from the public, there were none. The motion carried on roll call vote. Ayes: Heine, Johnson, Whitlock, Fazzone and Goodman. Nays: None.

ORDINANCE NO 898

AN ORDINANCE PROHIBITING THE USE OF ROLLER SKATES, SKATEBOARDS, COASTERS, TOY VEHICLES, OR SIMILAR DEVICES UPON CERTAIN DESIGNATED STREETS AND SIDEWALKS WITHIN THE CITY LIMITS OF THE CITY OF ARCADIA, FLORIDA; PROVIDING FOR SEVERABILITY; PROVIDING PENALTIES; PROVIDING AN EFFECTIVE DATE.

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(Ordinance 898 continued)

WHEREAS, the downtown area of the City of Arcadia comprising the designated streets and sidewalks in this Ordinance is often congested with pedestrians and motor vehicular traffic; and

WHEREAS, this Council has investigated and determined that it is hazardous to pedestrians and also hazardous to the users of the devices hereinafter set forth if such devices are used in or on the streets and sidewalks hereinafter designated.

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

Section 1. It shall be unlawful for any person upon roller skates, skateboards, scooters, coasters, toy vehicles, or similar devices to go upon or on the following streets and sidewalks on either side of said streets, to-wit:

Oak Street and the adjacent sidewalks between Manatee Avenue on the West and Brevard Avenue on the East;

Manatee Avenue and the adjacent sidewalks between Hickory Street on the North and Magnolia Street on the South.

Orange Avenue and the adjacent sidewalks between Hickory Street on the North and Magnolia Street on the South;

Monroe Avenue and the adjacent sidewalks between Hickory Street on the North and Magnolia Street on the South;

Polk Avenue and the adjacent sidewalks between Hickory Street on the North and Magnolia Street on the South;

DeSoto Avenue and the adjacent sidewalks between Hickory Street on the North and Magnolia Street on the South, including that park designated Tree of Knowledge Park.

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. Violation of this Ordinance may be punished in accordance with Section 1-12 (a through d) of the Code of Ordinances of the City of Arcadia, Florida, and is a public nuisance and may be abated by injunctive or other equitable relief as set forth in paragraph 1-12 (e) of the Code of Ordinances of the City of Arcadia, Florida.

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(Ordinance 898 continued)

Section 4. 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 6th DAY OF May, 2003.

ATTEST:
FLORIDA

CITY OF ARCADIA,

By: s/s Rachele M. Baumann
Rachele M. Baumann,
City Recorder

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

PASSED ON FIRST READING April 6, 2003.

PASSED ON SECOND READING April 22, 2003.

PASSED ON THIRD READING May 6, 2003.

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

Proposed Ordinance No. 899 was presented on second reading. Johnson moved to waive the rules and read the proposed ordinance by title only; seconded by Whitlock 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 approve Ordinance No. 899 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, Johnson, Whitlock, Fazzone and Goodman. Nays: None.

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

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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 HERWITH AND PROVIDING AN EFFECTIVE DATE.

Fazzone moved to approve Ordinance No. 900 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, Johnson, Whitlock Fazzone, and Goodman. Nays: None.

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 first reading. Each Councilmember had previously been given a copy for study. Whitlock moved to waive the rules and read the proposed ordinance by title only; seconded by Johnson and carried.

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 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, Johnson, Whitlock, Fazzone, and Goodman. Nays: None.

Proposed Ordinance No. 902 was presented on first reading. Each Councilmember had previously been given a copy for study. Johnson moved to waive the rules and read the proposed ordinance by title only; seconded by Fazzone and carried.

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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 first reading; seconded by Johnson. Mayor Goodman called for comments from the public, there were none. The motion carried on roll call vote. Ayes: Heine, Johnson, Whitlock, Fazzone, and Goodman. Nays: None.

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

Administrator Strube addressed Council regarding a proposal by Gardnyr Michael Capital, Inc. to serve as the City's Investment Banker with respect to refunding the City's series 1993 Bonds. Mr. Pfilip Hunt, Jr. President of Gardnyr Michael Capital, Inc. stated that the ten (10) year refunding penalty time limit is now up and the City could take advantage of lower interest rates and do a refunding of the outstanding bonds. Mr. Hunt estimates the City could receive/save between \$200,000.00 to \$300,000.00 if the bonds are refunded. These savings are the result of lower interest rates which are the lowest in the last fifty (50) years. The City could elect to take a large up front savings or have the amount reduce the principal due each year. The City can proceed with the refunding and does not need to wait until December 2003. The maturity date would remain the same. The savings are about \$23,000.00 per year for the next seventeen (17) years (term of bonds) and equal about \$388,733.42. If the City elects to take an up front savings in current dollars it would be about \$288,113.38. Mr. Hunts estimates about \$250,000.00 cash at the time of closing with a small reduction in principal due each year. Administrator Strube recommends that the City move forward with the refunding of the Bonds. Council is favorable to the up front savings option. Administrator Strube reported that any funds received from the refunding issue must be used for water/sewer projects. Johnson moved to authorize Pfilip Hunt Jr. of Gardnyr Michael Capital, Inc. to act as the City's Investment Banker and to move forward with the refunding of the City's current 1993 Pooled Bond issue in order to take advantage of the up front savings as proposed; seconded by Whitlock and carried.

Attorney Holloman addressed Council to report the findings by the State of Florida Commission on Ethics of "no conflict" in regards to the Golf Course Pro Shop contractual operation and Councilman Fazzone's employment at the Pro Shop.

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

The April 2003 Mobile Home Park report was presented.

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It was noted that the City did purchase in the amount of \$1,500.00 the mobile home of the tenant that was evicted. There was discussion as to what should be done with the unit. Heine moved to sell the mobile home; seconded by Whitlock. After further discussion Heine withdrew his motion and Whitlock his second. Administrator Strube will present a recommendation at the next Council meeting.

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

Councilman Fazzone suggested that a work session be held to address the Administrator evaluation process. Dr. Matthews stated that the Grants Committee would forgo their next meeting in order for Council to have the chambers for a workshop. Whitlock then moved to hold a work session to address the Administrator evaluation process at 5:00 PM, Tuesday, May 20, 2003; seconded by Fazzone and carried. Johnson reported that he will be in Tallahassee on May 19th and 20th serving on the State Advisory Board and therefore he will be unable to attend the work session and regular meeting of May 20, 2003.

Administrator Strube addressed Council to discuss and set the summer meeting schedule. Fazzone moved to have the Council meet once a month on the first (1st) Tuesday of the month for the months of June, July and August; seconded by Heine and carried. It was noted that other work sessions may be called as needed.

Police Officer Evans informed Council that the first Law Enforcement Memorial Service will be held at Elizabeth Baptist Church on Sunday, May 18, 2003 at 11:00 AM. Dr. Matthews will officiate; he is also the Chaplin for the Police Department. All Council members were invited to attend. Dr. Matthews requests that the Council prepare a formal recognition of this event.

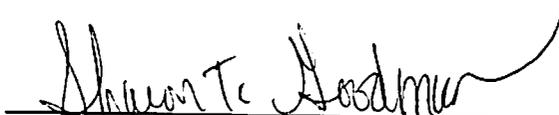
Councilman Whitlock reported that he and Mayor Goodman attended the ground breaking ceremony today for the Holiday Inn Express.

Councilman Fazzone stated that he is glad to be back on the Council after having surgery on both of his feet. He then congratulated Dr. Matthews on his appointment as full time pastor for Elizabeth Baptist Church. Fazzone then thanked Administrator Strube and Attorney Holloman for their work with the Commission on Ethics.

Mayor Goodman stated that she is very happy with the findings from the Commission on Ethics regarding Councilman Fazzone and was glad he was able to be at the meeting. Mayor Goodman noted that the Grants Committee is doing a great job.

There being no further business the meeting was adjourned.


CITY RECORDER


PRESIDENT