

## REGULAR MEETING

SEPTEMBER 2, 2003

A regular meeting of the Arcadia City Council was held on September 2, 2003 at 5:00 p.m. in Room D of the Way Building at 23 N. Polk Avenue. Councilmembers attending were: Goodman, Fazzino, Heine, Johnson and Whitlock. Also in attendance were: Administrator Strube, City Attorney Holloman, Police Captain Anderson, Fire Chief Rutherford, Assistant Fire Chief Wells, Public Works Superintendent Waters, Ms. Way and Recorder Baumann.

Mayor Goodman called the meeting to order.

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

Pledge of Allegiance to the Flag.

Proposed Ordinance No. 903 was presented on third and final reading. Heine 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 BURIALS WITHIN THE CITY LIMITS OF THE CITY OF ARCADIA TO OAK RIDGE CEMETERY; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTIES; PROVIDING AN EFFECTIVE DATE.

Fazzino then moved to adopt Ordinance No. 903 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, Johnson, Fazzino and Goodman. Nays: None.

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(Ordinance 903 continued)

WHEREAS, Oak Ridge Cemetery is an existing cemetery within the city limits of the City of Arcadia, Florida; and,

WHEREAS, Oak Ridge Cemetery is zoned R-1B, and R-1B zoning allows existing cemeteries; and,

WHEREAS, the City Council finds that it is in the best interests of the citizens of the City of Arcadia, Florida, that burials and entombments of human remains within the city limits only take place in Oak Ridge Cemetery; and,

WHEREAS, the zoning code of the City of Arcadia prohibits burials in any part of the City except Oak Ridge Cemetery, but this prohibition has been challenged and the City Council of the City of Arcadia deems it in the best interests of the City of Arcadia to provide clearly and unequivocally that burials entombments of human remains are only allowed in Oak Ridge Cemetery.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA, that the Code of Ordinances of the City of Arcadia, Florida, is hereby amended by adding a section to be numbered Section 38-3, which said section reads as follows:

Section 38-3.

Section 1. The following tract of land is the public cemetery of the City of Arcadia and known as Oak Ridge Cemetery:

The South half (S ½) of the Southeast quarter (SE ¼) of the Northwest quarter (NW ¼), and the Southeast quarter (SE ¼) of the Southwest quarter (SW ¼) of the Northwest quarter (NW ¼), and that portion of the East half (E ½) of the Northwest quarter (NW ¼) of the Southwest quarter (SW ¼) lying north of branch, and that portion of the Northeast quarter (NE ¼) of the Southwest quarter (SW ¼) lying North of branch, all lying and being in Section 25, Township 37 South, Range 24 East, DeSoto County, Florida.

Section 2. An official map of Oak Ridge Cemetery shall at all times be on file at the office of the City Recorder of the City of Arcadia.

Section 3. Oak Ridge Cemetery is set apart only for the burial and entombment of human remains and shall only be used as such in perpetuity.

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(Ordinance 903 continued)

Section 4. Oak Ridge Cemetery is not a cemetery of perpetual care, and the City of Arcadia shall be under no obligation to set standards for its care and upkeep. The City shall endeavor to provide general maintenance and care of Oak Ridge Cemetery in keeping with the remainder that it is readily devoted to the burial and entombment of the dead.

Section 5. No human body or human remains, including cremated remains, shall be buried or entombed within the city limits of the City of Arcadia, Florida, except within Oak Ridge Cemetery or in such other cemetery facilities and/or property as the City Council may from time to time designate, acquire, or control.

Section 6. The City Council may grant a special exception to this Ordinance for the construction and operation of a columbarium to requesting churches, clubs, and other non-profit organizations or corporations. Such columbariums may be only to receive the ashes of the cremated dead.

A. Request for special approval under this Ordinance shall be addressed to the City Council and shall be filed with the City Recorder.

B. Such request shall be referred to the City Planning and Zoning Board for investigation and study and shall be reported back to the City Council. The City Council shall not act on a request for a special approval without a report and recommendation thereon from the City Planning and Zoning Board.

C. In making any finding or granting any special approval under the terms of this section, the City Council may include in its approval such limitations, requirements, and conditions as may be found necessary to carry out the spirit and purpose of this Ordinance.

D. Any existing columbariums shall not be affected by this Ordinance and may continue to be used in the same manner as it has been used in the past.

Section 7. 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.

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(Ordinance 903 continued)

Section 8. 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.

Section 9. 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 2 nd DAY OF SEPTEMBER, 2003.

ATTEST:

CITY OF ARCADIA, FLORIDA

By: /s/ RACHELLE M. BAUMANN  
Rachelle M. Baumann, City Recorder

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

PASSED ON FIRST READING       JULY 1      , 2003.

PASSED ON SECOND READING       AUGUST 5      , 2003.

PASSED ON THIRD READING       SEPTEMBER 2      , 2003.

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

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Proposed Ordinance No. 905 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 905

AN ORDINANCE OF THE CITY OF ARCADIA, FLORIDA,  
GOVERNING CONSTRUCTION WITHIN FLOOD PRONE AREAS;  
STATING STATUTORY AUTHORIZATION; FINDINGS OF FACT,  
PURPOSE AND OBJECTIVES; DEFINITIONS; STATING LANDS TO  
WHICH THIS ORDINANCE APPLIES; DISCLAIMER OF LIABILITY;  
PENALTIES; PERMIT PROCEDURES, PROVISIONS FOR FLOOD  
HAZARD REDUCTION; STANDARDS FOR CONSTRUCTION;  
PROVIDING FOR VARIANCES; REPEAL OF ALL ORDINANCES IN  
CONFLICT HEREWITH; SPECIFIC REPEAL OF PRESENT CHAPTER  
58 IN THE CITY CODE OF THE CITY OF ARCADIA; PROVIDING  
SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Fazzone then moved to approve Ordinance No. 905 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, Johnson, Fazzone and Goodman. Nays: None.

Mayor Goodman proclaimed the month of September 2003 as Leukemia & Lymphoma Awareness Month. Fazzone moved to endorse this action; seconded by Johnson and carried.

Mayor Goodman then presented a proclamation to Dr. Calvin W. Martin acknowledging his retirement as a local physician, having served the citizens of Arcadia and DeSoto County for 43 years. Johnson moved to endorse this action; seconded by Whitlock and carried. Dr. Martin thanked the Council saying this was an unexpected award for doing something he enjoyed. Dr. Martin will continue to assist DeSoto Memorial Hospital to recruit new physicians to the area.

Robin Johnson, President of the DeSoto County Youth Athletic Association (DCYAA) addressed Council to request that the current two (2) year agreement between DCYAA and the City be extended to five (5) years. The current agreement will expire December 31, 2003. Administrator Strube stated that in the past the President of DCYAA would review the contract with the City Parks and Recreation (P&R) staff in order to prepare a new agreement. Mr. Johnson stated that DCYAA would like to include volleyball in the new agreement noting that DCYAA will fund the construction of the courts. Mr. Johnson will get with Tara Anderson of P& R to draft a new contract. Mr. Johnson then reported that the baseball and softball leagues are getting larger and DCYAA anticipates changing a current ball field to be used for girls softball.

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Mr. Johnson then addressed Council regarding a request for EMS personnel to be in attendance at all DCYAA football games. It was noted that the City and County will alternate weekends to provide EMS staff at DCYAA football games.

A request by letter, from Kathy Hague of the Post Office to discuss curbside delivery procedures was tabled as Ms. Hague was not in attendance. Whitlock moved to table the request until September 16, 2003; seconded by Johnson and carried.

A request by letter, from Jacqui McPhillips of The Heritage Companies was presented. Administrator Strube stated that the request is similar to the Oak's Trail project. The current request deals with old buildings which were originally financed by HUD. The McPines Apartments were built in 1978 and the Eastside Apartments (originally known as the McArther Apartments) were built in 1893. Each apartment complex contains sixteen (16) duplex buildings. The Eastside Apartments also contain one non-residential building which will be enlarged to contain a community room, computer lab, library, office, maintenance, laundry and exercise room. The new owner, Pines Cypress, Ltd. is requesting City participation in the form of a monetary contribution to assist in the rehabilitation of McPines Apartments and Eastside Apartments using a Florida Housing finance Corporation SAIL program loan. The City's contribution would allow the owner to be eligible for the SAIL program loan. Fazzone moved to grant the request for the City to contribute \$20,000.00 in the form of a monetary match contribution to assist in the recreational phase of the rehabilitation of McPines Apartments and Eastside Apartments; seconded by Heine and carried.

A report of Police Fines and Forfeitures for the month of July 2003 indicates fines \$2,871.53 law enforcement \$30.00, radios \$425.00.

City Recorder and Finance Officer Baumann addressed Council with three (3) requests dealing with audit fees. 1. Approve audit agreement with CPA Associates to do regular audit work for FY 2003, 2004 & 2005 at a cost of \$33,200.00 per year. 2. Approve an audit agreement with CPA Associates for preparing work as required by the Single Audit Act for FY 2003 in the amount of \$6,000.00 or .07% of the federal grant expenditures. 3. Approve an audit agreement with CPA Associates for a one (1) time mandated implementation for GASB 34 in the amount of \$12,000.00 to \$14,000.00, the fee includes the revision of the financial statements and notes to the new reporting model. After discussion Whitlock moved to approve all three (3) agreements as presented; seconded by Heine and carried.

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

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Johnson moved to appoint Tim Adamson to serve on the Planning and Zoning Board filling the unexpired term of Howard Holtzendorf, said term to expire July 1, 2004; seconded by Heine and carried.

Administrator Strube addressed Council to report that John Reed has been appointed to the position of Public Works Superintendent, a position which was previously held by Don Waters. Mr. Waters will continue to oversee all of the operations for the Parks & Recreation Department including the golf course. Administrator Strube thanked Mr. Waters for his hard work in getting the golf course up and running.

The July 2003 Public Works report was presented.

The August 2003 Mobile Home Park report was presented.

Mayor Goodman reported the results of Administrator Strube's evaluation stating that he received a 4.1 out of a possible 5. Mayor Goodman is glad to have the evaluation process in place and said that this was a good evaluation of Administrator Strube. When asked what he thought of the process Administrator Strube said it was a good process.

A request by letter, from DeSoto County Commissioners requesting Council identify available dates for a joint City/County meeting to discuss the possible merging of all fire services. Administrator Strube stated that September is full with both governing bodies having extra meetings to approve the new year budget and recommends a date in October. Mayor Goodman stated that she would like to have the meeting held in the Margaret Way Building on Tuesday, Wednesday or Thursday October 14th, 15th, or 16th at 5:00 PM. Several members stated that Wednesday is not a good day since many have church service on Wednesday evenings. Whitlock moved to send a letter to the County requesting a joint meeting on either Tuesday, October 14, 2003 or Thursday October 16, 2003 at 5:00 PM in the Way Building; seconded by Johnson and carried.

Dr. Matthews addressed Council to inquire on the status of the Smith Brown bathroom facilities and was informed that they have all been cleaned and have new fixtures. Councilman Fazzone stated that after the last Council meeting he went to Smith Brown to check out the condition of the bathrooms and said that he found them to be clean, however the poor color scheme makes the facilities very dark.

Dr. Matthews stated that he had a problem with a letter dated August 8, 2003 coming from the Parks and Recreation staff and not the Council. It should be noted that the letter in question was an interoffice correspondence which was sent to Administrator Strube, all Council Members, and a copy was sent to the Planning and Zoning Board and Elizabeth Baptist Church. The memo addressed concerns with the Smith Brown Complex.

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Dr. Matthews reported that the Church of the Nazarine will have about 200 youth in town on November 8, 2003 to work on community projects. Twenty (20) youth will be sent to assist the Elizabeth Missionary Baptist Church and Dr. Matthews suggest that they be used at the Smith Brown Complex.

Adrine Daly asked about the new Code Enforcement Officer position and was informed by Capitan Anderson that five (5) people were interviewed for the position. A current police officer in the City Police Department will become the new Code Enforcement Officer effective October 1, 2003.

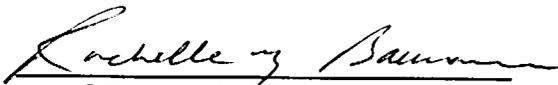
Mayor Goodman stated that the new "Welcome to Arcadia" sign is beautiful.

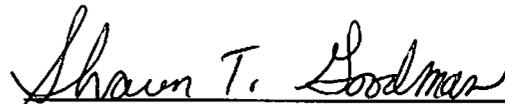
Administrator Strube invited Council to attend a retirement party for Bob DeCheske to be held Friday, September 5, 2003 at the Arcadia Golf Course Club House from 3:00 to 5:00 PM.

Councilman Fazzone reported that County Commission Chairman Ronald Needs called him to compliment the City on the new sign.

Mayor Goodman then wished incumbent Councilmen, Johnson and Whitlock well in todays election. Mayor Goodman again congratulated Dr. Martin on his retirement and thanked the Beautification Committee for their assistance in getting the new sign created and installed.

There being no further business the meeting was adjourned.

  
CITY RECORDER

  
PRESIDENT