

**MINUTES
CITY COUNCIL
CITY OF ARCADIA
TUESDAY, JANUARY 15, 2013
6:00 PM**

The following minutes reflect action items of the City Council of the City of Arcadia. For a verbatim copy of the minutes you may contact City Administration to obtain a copy of the recorded meeting.

CALL TO ORDER, INVOCATION PLEDGE OF ALLEGIANCE & ROLL CALL

The meeting was called to order at approximately 6:00 p.m.

Deputy Mayor Heine gave the invocation which was followed by the Pledge of Allegiance.

Arcadia City Council

Mayor Keith Keene
Deputy Mayor Robert Heine
Councilman Robert R. Allen

Councilwoman Alice Frierson
Councilman Joseph E. Fink

Arcadia City Staff

City Administrator Judi Jankosky
Captain Matt Anderson
Thomas Slaughter, City Planner
Marshal Charles Lee

City Recorder Virginia S. Haas
City Attorney Thomas J. Wohl
Renee Green, Finance Director

PRESENTATION

Proclamation for Martin Luther King, Jr. Day – The City Recorder read the Proclamation for Martin Luther King, Jr. Day.

CONSENT AGENDA

1. December 4, 2012 Workshop Minutes
2. December 4, 2012 City Council Minutes
3. December 18, 2012 City Council Minutes
4. Check Warrant Reports from 12/18/12, 12/21/12, 01/04/13, 01/07/13, 01/09/12
5. Special Event Permit Request for Jesus' Hand Extended – Smith Brown Gym
6. Request for Certificate of Appropriateness for Demolition of Structure Located at 530 W. Hickory Street, Applicant Roger Penner
7. Request for Certificate of Appropriateness for Additional Site Improvements located at 305 W. Oak Street, Applicant Baileys Historic Veranda Apartments.

Councilman Fink moved to approve consent agenda items 1 through 5 and item number 7 as presented. Consent Agenda item number 6 was withdrawn as that item was tabled by the Historic Preservation Commission. Deputy Mayor Heine motioned to approve as

stated by Councilman Fink. The motion was seconded by Councilwoman Frierson and carried 5-0.

DISCUSSION ITEMS

8. Arcadia City Association Club – Dogs in Public Buildings (Mrs. Rose Williams and Mrs. Pat Dort)

Mrs. Rose Williams representing Arcadia City Park stated that she had a petition containing 92 park residents' signatures requesting that the Council prohibit dogs in the clubhouse. **A motion was made by Deputy Mayor Heine and seconded by Councilwoman Frierson prohibiting animals (excepting service animals) in public buildings (the clubhouse) following the 90-day required notice.** Mrs. Jankosky stated that according to the Mobile Home Park regulations a 90-day notice would be required to the residents of the rule change. Mayor Keene clarified that there was never a rule adopted through the park regulations in the first place. Attorney Wohl responded to Mrs. Pat Dort that the Council would amend the Ordinance after the 90-day period and the current sign would remain until the new Ordinance is adopted. **The motion carried 5-0.**

9. Appointing a Member to the Arcadia Housing Authority, Mr. Adrian Cline. (Becky-Sue Mercer, Housing Authority)

A motion was made by Deputy Mayor Heine and seconded by Councilman Allen to appoint Mr. Adrian Cline to the Housing Authority. The motion carried 5-0.

RESOLUTIONS

10. **RESOLUTION NO. 2013-01; A RESOLUTION APPROVING A WAIVER OF THE NUMBER OF REQUIRED OFF-STREET PARKING SPACES FOR PROPOSED DEVELOPMENT ON THREE PARCELS OF LAND (PARCELS: 31-37-25-0020-00P0-0090; 31-37-25-0020-00P0-0200; AND 31-37-25-0020-00PO-0240) LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF U.S. HIGHWAY 17 (NORTH DESOTO AVENUE) AND WEST GIBSON STREET, ARCADIA, FLORIDA; AND ESTABLISHING AN EFFECTIVE DATE. (CFRPC)**

The City Recorder read Resolution No. 2013-01 by title only. A motion was made by Deputy Mayor Heine and seconded by Councilwoman Frierson to adopt Resolution No. 2013-01 as presented. The motion carried 5-0.

11. **RESOLUTION NO. 2013-02; A RESOLUTION OF THE CITY OF ARCADIA, GRANTING DESOTO COUNTY SCHOOL BOARD A VARIANCE TO SIGNAGE STANDARDS TO PERMIT AN ELECTRONIC COMPUTERIZED MESSAGING SYSTEM ON A GROUND SIGN NOT LOCATED ALONG A MAJOR THOROUGHFARE ROADWAY ON PROPERTY LOCATED AT 1710 EAST GIBSON STREET, ARCADIA, FLORIDA. (City Planner)**

The City Recorder read Resolution No. 2013-02 by title only. A motion was made by Deputy Mayor Heine and seconded by Councilman Allen to adopt Resolution No. 2013-02 as presented. The motion carried 5-0.

12. RESOLUTION NO. 2013-03; A RESOLUTION OF THE CITY OF ARCADIA, GRANTING A SPECIAL APPROVAL BY AMENDMENT OF A DEVELOPMENT ORDER TO FACILITATE THE OPERATION OF A DAY CARE CENTER ON PROPERTY LOCATED AT 15 NORTH MANATEE AVENUE, ARCADIA, FLORIDA. (City Planner)

The City Recorder read Resolution No. 2013-03 by title only. A motion was made by Deputy Mayor Heine and seconded by Councilman Allen to adopt Resolution No. 2013-03 as presented. The motion carried 5-0.

13. RESOLUTION NO. 2013-04; A RESOLUTION OF THE CITY OF ARCADIA ESTABLISHING A BUDGET PROCESS AND BUDGET AMENDMENT POLICY FOR THE CITY OF ARCADIA; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; PROVIDING FOR AN EFFECTIVE DATE. (Finance Director)

The City Recorder read Resolution No. 2013-04 by title only. A motion was made by Councilman Allen and seconded by Councilwoman Frierson to adopt Resolution No. 2013-04 as presented. The motion carried 5-0.

14. RESOLUTION NO. 2013-05; A RESOLUTION OF THE CITY OF ARCADIA ESTABLISHING A FUND BALANCE POLICY FOR THE CITY OF ARCADIA; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; PROVIDING FOR AN EFFECTIVE DATE. (Finance Director)

The City Recorder read Resolution No. 2013-05 by title only. A motion was made by Deputy Mayor Heine and seconded by Councilman Allen to adopt Resolution No. 2013-05 as presented. The motion carried 5-0.

COMMENTS FROM DEPARTMENTS

1. City Marshal – December 2012 Report Included in Packet

Marshal Lee reported on a Special Master Hearing on February 5, 2013. Councilman Fink asked why the speed limit signs changed on Gibson Street to 30 mph. Marshal Lee reported that the County met with the City Administrator and a speed study was conducted which dictates the speed on Gibson Street at 30 mph.

A motion was made by Councilman Fink and seconded by Deputy Mayor Heine to approve the speed study and the County's determination to post the speed limit at 30 mph on Gibson Street. The motion carried 5-0.

2. Attorney
a. Airport Land Lease Agreement

Attorney Wohl reported that he spoke with the FAA regarding Mr. Frierson's land lease agreement at the Airport and found nothing in the FAA policy that voids the agreement however the indefinite term of the lease could be detrimental to obtaining and complying with future FAA grant funding. Mayor Keene asked if it would be in order and if Mr. Frierson would consider speaking with the City Attorney and City Administrator regarding amending the lease agreement. Mr. Frierson agreed.

b. Friends of Arcadia Airport

Attorney Wohl stated that the proposed pavilion at the Airport may be premature due to the FAA Grant Assurances and the requirements of an updated Master Plan and Airport Layout Plan. Mr. George Chase, Friends of Arcadia Airport, pointed out three areas of concern that require answers from the FAA. 1) Determine if the proposal to hold events are considered aeronautical. 2) All revenue will be used to fund similar activities and maintain the Airport and is this considered revenue diversion or retention by FAA 3) Will developing this facility for such use create grant assurance issues for the Airport. Mr. Chase added that no one has asked the FAA these specific questions. The FAA was involved in the drafting of the contract and they assured him that it contained no compliance issues. He continued that if we must wait until we update the Master Plan that will be a fatal blow to the entire project. That process will take us into 2015. He continued that there is an offer from over 85 people to help the Airport grow and prosper. Mayor Keene confirmed that no action would be taken until we are sure the proposal does not jeopardize the grants. Councilman Fink agreed about needing a final determination from FAA however to not wait three to five years and act on it sooner than later. Attorney Wohl replied that his recommendation is to wait until the Master Plan is updated. Mayor Keene asked Mrs. Jankosky to address these specific questions to FAA.

c. Charter Amendments

Attorney Wohl reported that he met with the Charter Review Board and most of the recommendations can be amended by Ordinance.

1) Amending the title of City Recorder and duties. This is addressed under Chapter 2 however it is a good idea to amend referring that position to a City Clerk rather than City Recorder. Council agreed to move forward on the suggested amendment through the adoption of an Ordinance.

2) Amending City Election dates to even years will bring more voter turn out and save on special election costs. Attorney Wohl explained that this can be accomplished by Ordinance which allows for pushing the election to 2014. The members who are up for election would be pushed to 2014 and members now will be pushed to 2016. Councilman Fink questioned if Attorney Wohl was suggesting that terms can be extended without citizens' vote. Attorney Wohl replied yes, if you are amending only to move election dates and added that he could provide statutes 100.3605 and 166.021 (4) and a number of Attorney General Opinions (AGO). Attorney Wohl stated that he could bring that Ordinance forward for review and more discussion. Mayor Keene stated that the City's election turn out has always been low and he hopes this might improve the turnout.

3) Attorney Wohl stated that term limits 166.021(4) could be addressed by Ordinance, in his opinion, but he has not found solid statute to follow. Attorney Wohl will request an Attorney General Opinion regarding the term limits amendment.

4) Amending elected Marshal to Police Chief: Attorney Wohl explained that this particular amendment will require a referendum, however if we move election dates to even years that office is also pushed back an additional year. Mayor Keene agreed that we are one of the few Cities who have an elected Marshal.

Councilman Fink questioned that the Charter states specifically that people run for a four-year term and then we give those members five years. Attorney Wohl replied because you are changing the election date. Councilman Fink replied that we could then change election dates each year and make it six or seven years. He added that it is odd that the taxpayer's money is being spent by people who are no longer elected to office. Attorney Wohl replied that Florida Statutes allows the City to push the terms to an extra year provided you are changing election dates. The terms of your officers change to coincide with the election date change. Mayor Keene asked how we will address the referendum regarding the elected Marshal. Attorney Wohl replied that if we agree to change the election date we could address the referendum at a later date.

5) Code Enforcement powers: Attorney Wohl explained this is addressed in the Ordinance however Council may want to strengthen that section. This amendment can be accomplished through Ordinance adoption and more teeth added to its content.

6) Defining form of government. Attorney Wohl stated that you don't need to define the form of government because that is based on the provisions of your Charter and Ordinances.

7) Defining City Administrator and Finance Director and duties. Attorney Wohl explained that the City Administrator is addressed in Chapter 2 however the Finance Director is not defined. He saw no reason to add the Finance Director to the Charter as that position falls under the City Administrator.

8) Clarify precinct locations. Attorney Wohl spoke to the Supervisor of Elections. Mr. Negley was fine with how the Charter reads, where the precincts are and he prefers it the way it is.

Mr. Charles Conklin, Charter Review Board, stated that the Council previously approved the list of amendments then the Council changed their minds.

Dr. Dixon asked for clarification from the City Attorney regarding the recommendation to change election dates and extending the terms of the Council Members. He stated that the citizens voted the Council in for 4 years, and to abuse that will raise a lot of concerns and you will be challenged by the voters and legally challenged. Attorney Wohl replied that his legal position stands and it is very clear in the statutes and Attorney General Opinions. Mayor Keene stated that through the Ordinance process the people will have a chance to address the changes.

3. City Administrator

a. Organizational Chart

Mrs. Jankosky reviewed the organizational chart and noted the inclusion of a Public Works Director that is currently advertised and an additional Human Resources/Risk Management person. She asked Council if they were amenable to officially establishing those two positions utilizing some of the \$200,000 in contingency. Councilman Heine and Mayor Keene agreed

these positions are needed. Mrs. Jankosky will bring particulars to include costs and budgeting to Council for review.

b. The Arbor – Len Hazen

Mrs. Jankosky updated the Council on The Arbor stating that in the 90's Mr. Hazen paid 10 Equivalent Residential Unit (ERU/ERC). Now there are apartments, suites, businesses, 2 restaurants, bar, etc. which creates a total of 35 ERC. Mr. Hazen has been notified.

c. Smith-Brown Gym

Mrs. Jankosky reported on an event that occurred at the Smith Brown gym several weeks ago where no special event permit was approved and no insurance. The building is City owned and holds the liability for the people who go in there and the key to the building is with the event group. Council agreed that Mrs. Jankosky could request the key be returned to the City. Mrs. Gilcrest will be notified that she should request an application for an annual event permit.

d. Stonegate

Mrs. Jankosky reported that Stonegate Apartments is \$25,000 in arrears and the last bill paid was in June 2012. Attorney Wohl is in contact with Stonegate's Attorney. They are on their own water supply and DEP is forcing their hand. They are using City sewer for health reasons so we don't want to cut off sewer for 50 units.

Mrs. Jankosky reported that Mr. Steve Underwood, WWTP, would like to donate older vehicle scanner equipment to the High School. Mrs. Jankosky will obtain the potential value of the equipment prior to donation. **A motion was made by Deputy Mayor Heine and seconded by Councilwoman Frierson to approve donation of the vehicle scanner equipment to the High School. The motion carried 5-0.**

Mrs. Jankosky reported the Casa San Juan Bosco will hold a ribbon cutting ceremony on January 23, 2013 at 10 a.m.

Mrs. Jankosky reported that Mrs. Kathy Till from the Florida League of Cities is scheduled to present at the February 19, 2013 Council meeting regarding legislative priorities.

Mrs. Jankosky reported that she will be meeting with FDOT regarding the utility relocation on the US 17 improvement project. The stipulation agreement was located and the City holds principal interest in the land therefore FDOT will be responsible for any utility relocation. FDOT has offered \$7,000 to purchase the corner section of land at the Mobile Home Park.

A motion was made by Deputy Mayor Heine and seconded by Councilman Allen to approve the dedication of the right of way as requested by FDOT. Attorney Wohl questioned the amount and thought it would be a better idea to have the formal proposal in the packet for Council's review. Deputy Mayor Heine withdrew his motion.

Mrs. Jankosky replied to Mayor Keene that in the meeting with the County today she was told that DOT will be addressing the street crossing issue at the south end of town.

Mayor Keene recognized County Commissioner Bob Miller and former Councilmember Dick Fazzone.

PUBLIC (PLEASE LIMIT PRESENTATIONS TO FIVE MINUTES)

Mr. John Super, 7692 West Albritton, updated the Council on the car show and the improvements to the fountain at Lake Katherine Park.

Mr. Dick Fazzone commented on the benefit of changing the election date to even years.

Ms. Jane Hilton, DeSoto Arts and Humanities, reported an art show at Florida State College on February 9, 2013.

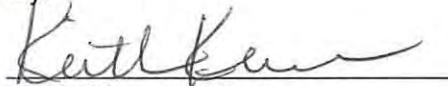
Mr. Greg Smith reported on an open manhole located in the parking lot at 11th Avenue and requested safety cones.

MAYOR AND COUNCIL MATTERS**ADJOURN**

There being no further business the meeting adjourned at 7:40 p.m.

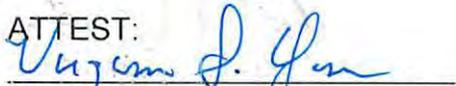
APPROVED THIS 5th DAY OF FEBRUARY, 2013.

By:



Keith Keene, Mayor

ATTEST:



Virginia S. Haas, City Recorder