

**MINUTES
CITY COUNCIL
CITY OF ARCADIA
TUESDAY, JANUARY 17, 2012
6:00 PM**

CALL TO ORDER, INVOCATION PLEDGE OF ALLEGIANCE & ROLL CALL

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

Arcadia City Council

Deputy Mayor Alice Frierson
Councilman Robert R. Allen
Mayor Keith Keene

Councilman Joseph E. Fink
Councilman Robert Heine-Absent

Arcadia City Staff

Asst. City Administrator Judi Jankosky
City Attorney Jason Henbest

City Recorder Virginia S. Haas
Captain Matt Anderson

Pastor David Bedell, Heritage Baptist Church, gave the invocation which was followed by the Pledge of Allegiance.

CONSENT AGENDA

1. Minutes of the January 3, 2012 Regular Meeting.
2. Check warrants from December 30, 2011 and January 6, 2012.

A motion was made by Councilman Fink and seconded by Deputy Mayor Frierson to approve consent agenda items 1-2. The motion carried 4-0.

DISCUSSION ITEMS

3. Appointing Members to the Charter Review Advisory Committee.(Councilman Fink)

A motion was made by Councilman Fink and seconded by Councilman Allen to appoint Mr. Jammarius "Mario" Bing and Mr. Charles Conklin to the Charter Review Advisory Committee. The motion carried 4-0.

4. City Visioning Workshop Update (Councilman Fink)

Councilman Fink reported that no one approached has agreed to Facilitate the City Visioning Workshop scheduled for January 28, 2012. The City Recorder reported that the Visioning Workshop was advertised in the Arcadian, the Peace River Shopper and on the Citizen's utility bills. All Council Members agreed that the Visioning Workshop was an important initiative and asked for any input from the public on a possible facilitator.

5. Request for Certificate of Appropriateness as recommended by the Historic Preservation Commission for proposed monument sign located at the former Suntrust

monument sign for Heritage Baptist Church – 15 West Hickory. (Judi Jankosky, Asst. City Administrator)

A motion was made by Councilman Fink and seconded by Councilman Allen to approve the request for Certificate of Appropriateness for the proposed monument sign for Heritage Baptist Church. The motion carried 4-0.

6. Request for Certificate of Appropriateness as recommended by the Historic Preservation Commission for proposed exterior renovations to the existing building located at 114 N. Polk Avenue – Applicant, Habitat for Humanity. (Judi Jankosky, Asst. City Administrator)

A motion was made by Councilman Fink and seconded by Councilman Allen to approve the request for Certificate of Appropriateness for the proposed exterior renovations to the existing building located at 114 N. Polk Ave. as requested by Applicant, Habitat for Humanity. The motion carried 4-0.

7. Request for Certificate of Appropriateness as recommended by the Historic Preservation Commission for proposed placement of 8 x 20 metal storage container, shell for parking lot and asphalt for business purposes on parcel located at 131 N. Brevard Avenue – Applicant, Jawahirlall Tillack. (Judi Jankosky, Asst. City Administrator)

Mrs. Jankosky responded to Councilman Fink that the request would change the permeability and applicant is granted up to 35% of the total area. The applicant is required to submit a site plan for the shell and asphalt. Councilman Fink and Mayor Keene asked for an enclosure or "Privacy Fence" to be located around the storage container. Mr. Jawahirlall, applicant, agreed to place an enclosure around the container.

A motion was made by Councilman Allen and seconded by Deputy Mayor Frierson to approve the request for Certificate of Appropriateness for the placement of 8 x 20 metal storage container, shell and asphalt with the provision of an approved site plan and additional fence enclosure surrounding the storage container. The motion carried 4-0.

8. Pre-Qualification of a Business Proposal from Rickey Hilton. (Mr. Rickey Hilton)

Mr. Rickey Hilton reviewed his Business Proposal to operate a small maintenance shop in his current rented T-Hanger. He responded to Deputy Mayor Frierson that firewalls and sprinklers are not required. Mayor Keene indicated his support of Mr. Hilton's request. Mr. Hilton passed out the current T-Hanger rules and stated that he was willing to go through the full process to ensure all rules and procedures are followed.

A motion was made by Councilman Allen and seconded by Councilman Fink to approve the pre-qualification of the Business Proposal as presented by Mr. Rickey Hilton. The motion carried 4-0. Attorney Henbest inputted that he sees no problem with the request after reviewing FAA regulations and the T-Hangar rules allow for the request.

9. 2012 Evaluation and Appraisal Report (EAR). (Jennifer Codo-Salisbury, CFRPC)

Mrs. Jankosky explained that the changes from DCA to the Department of Economic Opportunity and revised rules require that these reports are submitted for the review of the EAR.

A motion was made by Councilman Fink and seconded by Deputy Mayor Frierson to approve 2012 Evaluation and Appraisal Report to be filed with the Department of Economic Opportunity. The motion carried 4-0.

RESOLUTION

10. RESOLUTION NO. 2012-01; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA REGARDING ATTENDANCE OF COUNCIL MEMBERS AT COUNCIL MEETINGS. (City Attorney)

Attorney Henbest read Resolution No. 2012-01 by title. He reported this was a request from the City Council at a previous meeting and he reviewed the pertinent sections. Deputy Mayor Frierson felt this may have been a reaction to recent Council attendance issues and the matter is already addressed in the Charter. Mayor Keene stated that Attorney Galvano advised that a Resolution was the best way to handle the matter. Deputy Mayor Frierson questioned the need for the Resolution. Councilman Fink stated it was an issue that may or may not occur again. Councilman Allen stated that there was little doubt in the Council's minds that the Councilman is ill and it would be considered excused. He asked about the early retirement request. Attorney Henbest responded that F.S. calls for retirement benefits after 20 consecutive years of Council service and the retirement is at the discretion of the sitting Council. Councilman Allen stated that Councilman Heine deserves consideration. Mayor Keene stated that the Resolution sets standards and processes for excused versus unexcused absences.

A motion was made by Councilman Allen and seconded by Councilman Fink to adopt Resolution No. 2012-01 as presented. Mr. Gary Frierson questioned the section stating that if Council takes no action the absence is considered unexcused. There was discussion on this section being changed to should Council take no action, the absence is considered excused.

A motion was made by Councilman Fink and seconded by Deputy Mayor Frierson to rescind the previous motion adopting Resolution No. 2012-01 as presented. The motion carried 4-0.

Attorney Henbest explained why he worded that section in that should Council not want to vote publicly the outcome would be an unexcused absence.

A motion was made by Deputy Mayor Frierson and seconded by Councilman Fink to adopt Resolution No. 2012-01 amending the section to "if Council takes no action, the absence is considered excused." The motion carried 4-0.

ORDINANCES

11. ORDINANCES NO. 968 FIRST READING OF AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF ARCADIA, FLORIDA FOR PROPERTIES LOCATED AT 122 AND 126 NORTH HILLSBOROUGH AVENUE (PARCEL NUMBERS 25-37-24-0012-0200-0090 AND 25-37-24-0012-0200-0080) FROM THE FUTURE LAND USE OF LOW DENSITY RESIDENTIAL TO PUBLIC BUILDINGS AND GROUNDS; TRANSMITTING SAID AMENDMENT TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY

FOR NOTIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Jennifer Codo-Salisbury, CFRPC)

A motion was made by Councilman Fink and seconded by Deputy Mayor Frierson to read Ordinance No. 968 by title only. The motion carried 4-0. The City Recorder read Ordinance No. 968 by title.

Mrs. Jankosky explained this Ordinance would address amending the Future Land Use of low density residential to public buildings and grounds for the properties located at 122 and 126 North Hillsborough Avenue.

A motion was made by Deputy Mayor Frierson and seconded by Councilman Fink to approve Ordinance No. 968 as presented at first reading. The motion carried 4-0.

12. ORDINANCE NO. 969 FIRST READING OF AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ARCADIA, FLORIDA FOR PROPERTIES LOCATED AT 122 AND 126 NORTH HILLSBOROUGH AVENUE (PARCEL NUMBER 25-37-24-0012-0200-0090 AND 25-37-24-0012-0200-0080) FROM THE ZONING OF SINGLE-FAMILY, LOW DENSITY RESIDENTIAL DISTRICT (R-1B) TO PROFESSIONAL OFFICE DISTRICT (P-1); PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (Jennifer Codo-Salisbury, CFRPC)

A motion was made by Councilman Fink and seconded by Deputy Mayor Frierson to read Ordinance No. 969 by title only. The motion carried 4-0. The City Recorder read Ordinance No. 969 by title.

Mrs. Jankosky explained this Ordinance would amend the Official Zoning Map for properties located at 122 and 126 North Hillsborough from Single Family Zoning, Low Density Residential (R-1B) to Professional Office District (P-1) which is consistent with surrounding uses such as the Library.

A motion was made by Councilman Fink and seconded by Councilman Allen to approve Ordinance No. 969 as presented at first reading. The motion carried 4-0.

13. ORDINANCE NO. 970 FIRST READING OF AN ORDINANCE OF THE CITY OF ARCADIA, FLORIDA, A MUNICIPAL CORPORATION, RELATED TO PUBLIC PARKS; AMENDING THE CITY OF ARCADIA CODE OF ORDINANCES, SECTION 74-34; PROVIDING THAT ALL CITY PARKS SHALL BE CLOSED EACH DAY FROM DUSK UNTIL DAWN; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (City Attorney)

A motion was made by Councilman Fink and seconded by Deputy Mayor Frierson to read Ordinance No. 970 by title only. The motion carried 4-0. The City Recorder read Ordinance No. 970 by title only.

Attorney Henbest explained this was an Ordinance drafted at the Council's request to prevent overnight sleeping in the City Parks. Councilman Allen voiced he was against this Ordinance as the City has no right to tell people when they may use the City Parks. Attorney Henbest replied that this Ordinance allows the Police Department to enforce the closing of the parks and prevent overnight camping. Ms. Ann Pepper asked if there were exceptions to include organized events. Captain Anderson stated that the Police Department has been enforcing this for over 20 year with no issues. City Council directed the City Attorney to include an exception allowing for organized events.

A motion was made by Councilman Fink and seconded by Deputy Mayor Frierson to approve Ordinance No. 970 at first reading to include the exception for organized events. The motion carried 3-1 with voting as follows: Mayor Keene, Yes; Deputy Mayor Frierson, Yes; Councilman Fink, Yes; Councilman Allen, No.

COMMENTS FROM DEPARTMENTS

14. City Marshal - None

15. Attorney

Deputy Mayor Frierson inquired as to the status of the Ordinance pertaining to Wrecker Services. Attorney Henbest replied that he and Mr. Galvano were researching and working on the draft Ordinance.

Attorney Henbest thanked the City Council stating it was a pleasure working with all. The City Council wished him luck in his endeavors.

16. Administrator

a. Airport Traffic Accident

Ms. Jankosky reported on a mowing accident at the Airport on January 9, 2012. The City has reported the accident to the insurance company and an outside mechanic will be assessing the tractor for issues. Deputy Mayor Frierson stated it would have been helpful to have known about this accident before seeing the article in the newspaper. Mrs. Jankosky apologized and thought the Council was advised at the time of the incident.

Mr. Bill Minnear addressed City Council explaining that power steering on a tractor mower is different from vehicles. He stated he mowed that day for over 8 hours and the steering slipped, the tractor fell into the ditch, resulting in two cracked ribs and lower lung collapse. He continued this accident was not carelessness and he spoke to the mechanics who said there was nothing wrong with the tractor however the power steering fluid was refilled prior to returning it to the garage. Deputy Mayor Frierson noted that in past meetings volunteers requested to use City equipment. She felt volunteers should not be utilized because of this most recent incident.

b. Mobile Home Park signs removal by FDOT

Mrs. Jankosky reported that FDOT would be removing City signs out of the right of way at their cost.

c. Water Treatment Plant Groundbreaking Ceremony

Mrs. Jankosky announced the Water Treatment Plant Groundbreaking Ceremony scheduled for January 30, 2012 at 11:00 a.m.

Mrs. Jankosky stated that Team Arcadia had requested a plaque of appreciation be presented to Mr. Tim Backer for volunteering yearly at McSwain Park. The Council Agreed.

PUBLIC (PLEASE LIMIT PRESENTATIONS TO FIVE MINUTES)

Mr. Ted Hanis, Chair, Arcadia Housing Authority, explained that the Payment in Lieu of Taxes (PILOT) Agreement was created by City Council in 1963 and since 2004 the Housing Authority has been unable to meet their obligations. He stated that the Housing Authority wishes to re-establish the PILOT with the City and become current on their agreement. He asked City Council if the City Administrator could meet with the Housing Authority Board to begin the process. He advised City Council that there are a series of buildings on Baldwin and Taylor that were destroyed by Hurricane Charley and the Housing Authority is attempting to find a 3rd party to have those demolished.

Mr. Ernie Hewett stated that the County would like their tax money as well however they have no PILOT Agreement in place. He suggested contacting former City Administrator Strube regarding the Baldwin property density zoning. Ms. Becky Sue Mercer invited the City Council to call or come by for a tour of the facility (863-494-4343).

A motion was made by Deputy Mayor Frierson and seconded by Councilman Fink directing the City Administrator to meet with the Housing Authority Board to discuss how the PILOT Agreement can be honored. The motion carried 4-0.

PUBLIC (Please limit presentations to five minutes)

Mr. Ernie Hewett stated that the Fire Services Merger was necessary to maintain the employ of the City Firefighters, continued use of City equipment, and for a future Fire Station in Arcadia. He continued if you terminate the contract agreement the MSBU and MSTU collected will no longer come to the City. Resident's taxes will double and commercial taxes will increase ten fold.

Mr. Hewett inquired as to Councilman Fink's status as married or unmarried. He eluded that either the City Attorney or Councilman Fink were or had acted fraudulently.

Mr. Gary Frierson spoke regarding the local option gas tax and those proceeds were only to be used for transportation projects. He questioned would this tax include buying a garbage truck?

Mr. Jammarius Bing asked if the City could investigate the blighted house on Orange owned by Mr. Hickson (the old school). City Council requested that the City Administrator look into the issue because Captain Anderson inputted that the structure had been cited by Code Enforcement in the past.

MAYOR AND COUNCIL MATTERS

Councilman Fink reported that he is scheduled to attend the Florida League of Cities Action Days on January 24th and 25th.

Deputy Mayor Frierson reported that after some research she found that the City initiated the request for the Fire Department to move to Station 2 (Cypress Location). Councilman Fink inputted that a bad agreement is better than none at all however this agreement has put the City in the current deficit. Councilman Fink recalled that at one time a private company was utilizing the City Hall Fire Station 1 and this could have been what initiated the Addendum.

A motion was made by Deputy Mayor Frierson and seconded by Councilman Fink for the City Recorder to cancel the Deputy Mayor's meeting with the County regarding the Fire Services Agreement and the item can be addressed at the next Council Meeting. The motion carried 4-0.

Councilman Fink requested copies of the email response from Dr. Miller to Deputy Mayor Frierson regarding the Fire Services Addendum 1.

Bob and Penny Petry inquired about a letter they received regarding a rezoning. They were informed that all properties within a certain radius are notified of any changes so property owners may voice their comments or concerns regarding the changes.

Mayor Keene announced that Craig A. Smith oral arguments will be heard on January 25, 2012. City Recorder will send details to all Council Members.

ADJOURN

There being no further business, the meeting was adjourned at 8:07 p.m.

APPROVED THIS 7th DAY OF FEBRUARY, 2012.

By:



Keith Keene, Mayor

ATTEST:



Virginia S. Haas, City Recorder