

**MINUTES
CITY COUNCIL
CITY OF ARCADIA
TUESDAY, FEBRUARY 5, 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.

Councilman Allen 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
City Attorney Thomas J. Wohl

City Recorder Virginia S. Haas
Marshal Charles Lee

Mayor Keene acknowledged former Council Members Dr. Lorenzo Dixon and Dick Fazzone.

CONSENT AGENDA

1. January 15, 2013 City Council Minutes
2. Check Warrant Reports from 01/11/13, 01/15/13, 01/22/13, 01/18/13, 01/25/13, 01/29/13 and 02/01/13
3. Air-Cadia Flowage and Hangar Report for December 2012
4. Special Event Permit Request for Habitat for Humanity, Orientation, Way Building
5. Special Event Permit and Street Closure Request, Students Against Tobacco Video Shoot, Oak and Polk, Applicant Dr. Kirk Voelker
6. Special Event Permit and Street Closure Request, Team Arcadia Monthly Car Show
7. Special Event Permit for Margaret Way's 90th Birthday, Way Building

A motion was made by Councilman Fink and seconded by Deputy Mayor Heine to approve consent agenda items 1 through 7 as presented. The motion carried 5-0.

DISCUSSION ITEMS

8. FDOT Highway 17 Widening Purchase Offer (City Administrator)

Mrs. Jankosky reported that the purchase offer was reviewed and found that the City has deeds, easements and a compensable interest in the property therefore FDOT will pay to relocate city

utilities and reimburse engineering costs in the amount of \$85,000. She added that as part of the FDOT project we will be upsizing the water line to an 8 inch to meet fire code and then the city will have a small project that we will need to take care of due to the construction which includes a few reconnects in the mobile home park and running an extension of the line down Palm to loop and connect to Hillsborough which is also an 8 inch water line. This project is still in the engineering phase and may cost \$100,000 on the City's part. Attorney Wohl stated that based on the FDOT reimbursement because the City has compensable interest, he suggests approval on the condition that the City maintains an easement for future utilities.

A motion was made by Deputy Mayor Heine and seconded by Councilman Allen to proceed with negotiations with FDOT land purchase offer contingent upon the City maintaining easement rights for utilities. The motion carried 5-0.

9. FAA Response to Friends of the Airport Proposal (City Administrator)

Mrs. Jankosky reported that Mr. Chase understands the process and the City will proceed as fast as possible updating the master plan. Councilman Fink asked if there was some way the Council could help them become a charter entity as Friends of the Airport. He suggested allowing them to hold their pancake breakfast in an Airport hangar until the master plan is approved. Mr. Chase agreed they could submit a plan to the City Administrator. Mrs. Jankosky replied they could set up a monthly calendar. Mrs. Jankosky will meet with Mr. Chase for discussion on potential events.

10. FDEO Grant Award for Neighborhood Revitalization Program – Bridle Path Area (Guardian)

A motion was made by Deputy Mayor Heine and seconded by Councilman Fink to approve the FDEO Grant Award. The motion carried 5-0. The City Recorder reminded that in previous votes regarding the CDBG award process Councilwoman Frierson abstained due to owning property in the Bridle Path project area. A motion was made by Deputy Mayor Heine and seconded by Councilman Fink to reconsider the previous motion and vote. The motion carried 5-0. Councilwoman Frierson noted for the record that she owns investment property in the Bridle Path area so she will abstain from voting.

A motion was made by Councilman Heine and seconded by Councilman Fink to approve the FDEO Grant Award for the Neighborhood Revitalization Program for the Bridle Path area as presented. The motion carried 4-0 with Councilwoman Frierson abstaining.

11. Ordinance Changing Election Date and Terms of Council Members (Councilman Fink)

Councilman Fink reviewed a more prudent way to change the terms of Council to coincide with changing the election dates rather than extending a Council Members term. He continued that it may be legal to extend the terms however he does not believe it is prudent. He was elected until 2015 and suggested another avenue as the City has already budgeted for an election. Terms expire October 1, 2013 and rather than extend terms without voter approval he suggested holding an election and those terms would be for 3 years and 6 weeks, so rather than extending the term, it would extend through 2nd meeting of November following the general election at that point a re-election would take place. Following the 3 year and 6 weeks terms would then go into a four year cycle so no one would have additional time without citizen approval. Councilman Allen replied that the suggestion sounds like a complicated process.

Councilman Allen made a motion to direct the City Attorney draft the Ordinance for first reading at the next meeting and added that the Council position is not about salary. The motion received a proper second by Councilwoman Frierson. Attorney Wohl clarified the motion is to draft the ordinance changing the election date and extending terms as necessary.

Mayor Keene requested additional input from the Supervisor of Elections supervisor. He received a call from a representative of the Elections office with information that might be worthy of consideration, however he is convinced moving to even years is positive for improving voter turnout. He added that there will still be public input through the ordinance adoption and asked to hear from supervisor of elections.

Mr. Moe Brown, DeSoto County, stated your attorney has submitted a process on how you can change to even year elections. The Ordinance's primary purpose is to change election dates from odd to even years and the other part is an act within the Ordinance that extends terms an additional year. He suggested that there is no adverse effect and it is perception of ethics to extend your salary. He finalized the Ordinance adoption is a streamlined process however Council Members are not obligated to sit in term of the extended office and may leave if they so choose.

Dr. Dixon stated that with that motion made by Councilman Allen he felt he was not specific enough. With Mr. Allen's ethics violation, last Friday he was fined \$500 in voting that he benefited from. He was saying what the Attorney General told him. Councilman Allen replied that he voted for volunteers and he does not get free golf and gets receipts for every time he plays. Dr. Dixon replied that he spoke to the Attorney General who said that Councilman Allen pleaded guilty to the charge and agreed to a \$500 fine. Dr. Dixon said that point is because he (Allen) is making the motion to extend terms one year. Dr. Dixon explained that part of his (Allen) defense was that he was an "old fragile man" and he would not be seeking any more time in politics and for him (Allen) to make a motion to extend another year is contradicting. Dr. Dixon stated that he will make sure that is revisited that he (Allen) reneged on the deal and extended another year unless you are going to do it without pay. There are concerned people out there and he wants to ensure what is done is in the best interest of the citizens.

Attorney Wohl clarified that there is some stigma that it is unethical to vote. Florida Statutes say Public Officers are not impaired to vote on anything that affects their salary. It is legal under statutes and ethical. Mayor Keene clarified the motion is to direct the City Attorney to move forward with an Ordinance to change elections to even years and the term limit extensions is a byproduct of the Ordinance. Councilman Fink clarified that what Mr. Brown said that he (Fink) said it would increase compensation. Councilman Fink suggested that this extension would give compensation that we were not elected to receive. He added that Mr. Brown also mentioned a "straw ballot". He clarified that there is no straw ballot; it would only empower the citizens to do something we have budgeted in this year's budget and will be budgeted in 2015. We will have to budget in any event for 2014 and 2016 elections whether there is a diminished cost or not. Councilman Fink relayed that he spoke to the Elections Office who suggested there would potentially be a redistricting of precincts in the City and that cost would go to the City. Councilman Fink implored Council not to vote for this and deal with it in a logical fashion, three year and 6 week terms.

Mayor Keene asked to speak with the Supervisor of Elections. Councilman Fink responded to Deputy Mayor Heine that he spoke to Kelly at the Elections Office. Mr. Moe Brown stated that he spoke with Kelly and Mark (Elections Office) on issues and costs. Mr. Negley is familiar with

the disparities on his part and there will be some costs incurred however it will be minimal once implemented and becomes a standard process from that time on.

The vote on the original Motion carried 4-1 with Councilman Fink dissenting.

RESOLUTIONS

12. RESOLUTION NO. 2013-06; A RESOLUTION FOR JOINT PARTICIPATION AGREEMENT (City Administrator)

Mrs. Jankosky reported Resolution 2013-06 is a FDOT grant in the amount of \$180,000 for the lighting project at the Airport. The City would initially front the \$420,000 and FDOT would reimburse project money in July 2017. Construction will begin sometime in July. Mrs. Jankosky responded to Mayor Keene that the City has CD's that matured and the Airport would pay better interest than SBA.

A motion was made by Councilman Allen and seconded by Councilman Fink to approve Resolution No. 2013-06 Joint Participation Agreement with FDOT for the lighting project at the Airport as presented. The motion carried 5-0.

COMMENTS FROM DEPARTMENTS

13. City Marshal – January report included in packets

Marshal Lee updated Council on 342 South Orange. Attorney Wohl suggested a title search. Mayor Keene requested that Attorney Wohl conduct an exhausted search and return with an update at the next meeting.

Marshal Lee updated Council on a successful drug sting on West Myrtle. He also reported on a recent Code Red drill at the High School.

14. Attorney

15. City Administrator

a. City Administrator Evaluation Form

Mrs. Jankosky reported that updated evaluation forms were given to each Council Member for review. Council agreed the forms were improved from the last one however felt a one-year evaluation may be in order. Council agreed to defer the evaluation to one year.

Mrs. Jankosky reported on a change order in the amount of \$227,343 for the new Water Plant which would include new electronic control panel, new pump on number two, hauling and fill for lime sludge ponds and that this cost will be included in the grant portion of the agreement with FDEP.

A motion was made by Deputy Mayor Heine and seconded by Councilman Allen to approve the change order in the amount of \$227,343 as presented. The motion carried 5-0.

PUBLIC (PLEASE LIMIT PRESENTATIONS TO FIVE MINUTES)

Mr. Fazzone voiced concern about the way Dr. Dixon continues to berate Councilman Allen.

Dr. Dixon clarified that when he referred to Councilman Allen it was not accusation, Councilman Allen plead guilty to the charges which is on the Attorney General Website.

Mayor Keene pointed out that Councilman Allen was appointed by Council to fill an unexpired term.

Mr. John Super gave an update on the fountain and concept plan for Lake Katherine Park. He asked about the airplane at the park.

MAYOR AND COUNCIL MATTERS

Councilwoman Frierson asked for a first quarter breakdown on budget.

Councilman Fink asked if the Airport Advisory Committee could prepare a presentation for Council since we are updating the master plan and a potential change in management. Mayor Keene agreed and asked for an over view of important Airport issues for review at the next meeting.

Councilman Fink asked for an update on the past insurance owed to the City by Air-Cadia. Attorney Wohl replied that the Minnears have retained an Attorney and are making several offers that may not involve paying but giving the City some concessions that may be beneficial. He stated that prior to giving any legal advice there are items to be flushed out with their Attorney. Mayor Keene asked if Attorney Wohl could bring an update to next meeting. Attorney Wohl confirmed it is ultimately the decision of Council but he can put it on the agenda however there are still issues of concern to address.

Councilman Fink asked for an update on the Frierson land lease agreement and if there was any impediment with the FAA. Attorney Wohl stated they had not met with Mr. Frierson as of yet but would give an update at the next meeting.

Mrs. Jankosky reported that she spent much time reviewing the retiree health insurance and she requested a workshop on February 19, 2013. Councilman Fink suggested bullet points as to what is seen as the main issues and recommendations so an informed decision could be made. Council set the workshop for February 19, 2013 at 5:30 p.m. Lew Ambler and Tom Guidry will be present and Mrs. Jankosky will put together summary bullet points for Council's review. Councilman Fink asked could the action be taken at the regular meeting. Council agreed.

ADJOURN

There being no further business the meeting adjourned at 7:05 p.m.

APPROVED THIS 19th DAY OF FEBRUARY, 2013.

By:


Keith Keene, Mayor

ATTEST:


Virginia S. Haas, City Recorder