

**MINUTES  
CITY COUNCIL  
CITY OF ARCADIA  
TUESDAY, FEBRUARY 7, 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 – VIA Phone

Councilman Joseph E. Fink  
Councilman Robert Heine

**Arcadia City Staff**

City Administrator, Lawrence Miller  
City Administrator Judi Jankosky  
City Attorney William Galvano

City Recorder Virginia S. Haas  
Marshal Charles Lee

**PRESENTATIONS**

- Certificate of Appreciation - Mr. Tim Backer

Deputy Mayor Frierson presented Mr. Tim Backer with a Certificate of Appreciation for his yearly decorations at McSwain Park.

- Employee of the Month for January 2012

Deputy Mayor Frierson presented Virginia Haas with a plaque for January 2012 Employee of the month.

- Proclamation – Dr. Ted Land

Deputy Mayor Frierson read and presented Dr. Ted Land a proclamation thanking him for his community service and for facilitating the City's Visioning Workshop. Dr. Land thanked the Council and urged Citizens to take part in the visioning of the City. He stated he would gladly facilitate the next workshop.

Deputy Mayor Frierson recognized and welcomed County Commissioner Judy Schaefer.

**CONSENT AGENDA**

1. Minutes of the January 17, 2012 Workshop and Regular Meetings.
2. Check warrants from 01/11/12, 01/13/12, 01/20/12, 01/23/12.

3. Request for Special Event Permit at Trinity Methodist Church. Auction Fundraiser at 304 W. Oak St. from 10 a.m. to 2 p.m. on February 25, 2012. Applicant Jim Heichelbech.

**A motion was made by Councilman Fink and seconded by Councilman Allen to approve agenda items 1-3 as presented. The motion carried 5-0.**

#### **DISCUSSION ITEMS**

4. Request for Special Event – DeSoto County Volunteer Fire Rescue Golf Tournament at Arcadia Golf Course on March 24, 2012. Applicant requesting waiver of Green Fees from City Council.

**A motion was made by Councilman Allen and seconded by Councilman Heine to approve the special event request and waiver of green fees for the above stated event. The motion carried 5-0.**

5. Request to place Rotary Signs at each entrance of the City. (Judi Jankosky, Assistant City Administrator)

Mrs. Jankosky stated the Rotary would like to place "real estate" size signs on City Property located at each entrance of the City.

**A motion was made by Councilman Allen and seconded by Councilman Fink to approve placement of Rotary Signs at each entrance of the City. The motion carried 5-0.**

#### **ORDINANCES – PUBLIC HEARINGS**

6. **ORDINANCE NO. 966 SECOND AND FINAL READING OF AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF ARCADIA, FLORIDA FOR PROPERTIES LOCATED AT 18 EAST MAGNOLIA STREET (PARCEL NUMBER 25-37-24-0012-0470-0110) AND 109 SOUTH DESOTO AVENUE (PARCEL NUMBER 25-37-24-0012-0470-0130) FROM THE FUTURE LAND USE OF INDUSTRIAL TO BUSINESS; TRANSMITTING SAID AMENDMENT TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY FOR NOTIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Marisa Barmby, CFRPC)**

**A motion was made Councilman Fink and seconded by Councilman Allen to read Ordinance No. 966 by title only. The City Recorder read Ordinance No. 966 by title only.**

**A motion was made by Councilman Fink and seconded by Councilman Allen to adopt Ordinance No. 966 at second and final reading. The motion carried 5-0. There was no public comment.**

7. **ORDINANCE NO. 967 SECOND AND FINAL READING OF AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ARCADIA, FLORIDA FOR PROPERTIES LOCATED AT 18 EAST MAGNOLIA STREET (PARCEL NUMBER 25-37-24-0012-0470-0110)**

AND 109 SOUTH DESOTO AVENUE (PARCEL NUMBER 25-37-24-0012-0470-0130) FROM THE ZONING OF LIGHT INDUSTRIAL (M-1) TO GENERAL BUSINESS (B-3); PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (Marisa Barmby, CFRPC)

A motion was made by Councilman Fink and seconded by Councilman Allen to read Ordinance No. 967 by title only. The motion carried 5-0. The City Recorder read Ordinance No. 967 by title only.

Attorney Galvano noted that the effective date for this Ordinance is required to run in conjunction with Ordinance No. 966. This change would be made prior to obtaining signatures.

A motion was made by Councilman Fink and seconded by Councilman Allen to adopt Ordinance No. 967 with changes to the effective date as noted by the Attorney. The motion carried 5-0. There was no public comment.

8. ORDINANCE NO. 968 SECOND AND FINAL 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. (Marisa Barmby, CFRPC)

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

A motion was made by Councilman Fink and seconded by Councilman Allen to adopt Ordinance No. 966 at second and final reading. The motion carried 5-0. There was no public comment.

9. ORDINANCE NO. 969 SECOND AND FINAL 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. (Marisa Barmby, 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 5-0. The City Recorder read Ordinance No. 969 by title only.

Attorney Galvano noted that the effective date for this Ordinance is required to run in conjunction with Ordinance No. 968. This change would be made prior to obtaining signatures.

A motion was made by Councilman Fink and seconded by Deputy Mayor Frierson to adopt Ordinance No. 969 with changes to the effective date as noted by the Attorney. The motion carried 5-0. There was no public comment.

**10. ORDINANCE NO. 970 SECOND AND FINAL 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 Councilman Fink and seconded by Deputy Mayor Frierson to read Ordinance No. 970 by title only. The City Recorder read Ordinance No. 970 by title only.

Councilman Allen noted his opposition to Ordinance No. 970 and that it was a disservice to the community. Councilman Heine questioned if this Ordinance only concerned parks. Councilman Fink stated that the Ordinance would not affect ball fields or tennis court lights and the signs are already posted from dusk to dawn. The Police Department has confirmed that closing of the parks was standard practice for some time. Marshal Lee responded to Councilman Allen that the Police Department often find people in the Park after hours smoking illegal drugs and causing vandalism. Mayor Keene inputted that it is not the intent of the Ordinance to keep people from using the Parks. Councilman Heine suggested that the Ordinance be more specific and identify which Parks. Attorney Galvano responded that language was added to the Ordinance to allow for permitted activities. Mrs. Ann Pepper stated that she had requested language for organized sports which has been added to the Ordinance.

Mr. George Lampaneau, Peace River Campground, discussed that the east side of DeSoto Park is City and there will be activities that will extend past the set hours of the park. Marshal Lee noted that the County closes Brewer Park totally at set hours.

A motion was made by Councilman Fink and seconded by Deputy Mayor Frierson to adopt Ordinance No. 970 at second and final reading. The motion carried 3-2 with voting as follows: Councilman Allen, No; Councilman Fink, Yes; Deputy Mayor Frierson, Yes; Mayor Keene, Yes and Councilman Heine, No.

**COMMENTS FROM DEPARTMENTS**

11. City Marshal

Marshal Lee reported that January had started badly in that there had been one homicide and one traffic homicide. He responded to Councilman Fink that there are possible leads regarding the homicide. Councilman Fink stated that he hoped Marshal Lee or a representative from the

Police Department had attended the Visioning Workshop and asked would he attend the next scheduled workshop as stated in the Charter. Marshal Lee assured a representative of the Police Department would be present in the future Visioning Workshops.

## 12. Attorney

Attorney Galvano requested an Attorney/Client closed session on February 21, 2012 at 5 p.m. He reported that the draft Ordinance regarding Wrecker Services was sent to the City Administrator and the Marshal for review. He introduced Ms. Leslie Gladfelter who will be getting acclimated to City work.

## 13. Administrator

### a. Update on Recycling Initiative

Dr. Miller reported he spoke with Waste Management, RCG Consulting and Mr. Womack regarding a recycling program for the City. Waste Management could provide single-stream recycling services, RCG Consulting could perform all contract negotiations and Mr. Womack's service would include various recycling bins around the City. Dr. Miller stated he included information in the Council's boxes of various City recycling programs. He noted that various small and large cities have recycling programs. He continued with a power point summarizing the single-stream recycling system utilizing transfer stations presented by Waste Management and movement toward this type of recycling due to simplicity and cost savings. Councilman Fink inputted that the City's largest expense would be employee salaries and tipping fees. Dr. Miller confirmed and stated that should the City partner with Waste Management any profit is split 70/30 in favor of the City. He continued that the City could save money in tipping fees because landfill expenses will eventually increase due to future landfill expansions.

Dr. Miller finalized with three potential areas of interest: 1) Bins throughout the City 2) Utilizing Consulting group to bid and negotiate entire process and 3) Waste Management single-stream recycling. Dr. Miller inquired as to the direction of the Council.

Councilman Allen voiced disfavor of any recycling program because people within the City are already disposing of recyclables and he does not want additional cost to the taxpayers. Mayor Keene responded that he and others do not leave their recycling out but include recycling with their regular garbage and he is aware that Citizens are asking for a recycling program. Dr. Miller asked if the Council would like a presentation from Waste Management. Councilman Heine requested additional information and asked who would be performing the work. Dr. Miller responded that all recyclables would be placed in a single bin, City staff would pick up bins and Waste Management would transfer recycling to their Tampa station.

**A motion was made by Councilman Heine and seconded by Councilman Fink to hold a workshop on potential recycling programs. Deputy Mayor Frierson suggested that the workshop be held upon Mayor Keen's return and Councilman Heine inputted that the Workshop not be held on a Regular Council Meeting night. Council agreed and the motion carried 5-0.**

### b. Performance Evaluation Form

Dr. Miller reported that he placed a sample evaluation form in each Council box for their review.

c. Update on Issues with the Arcadia Housing Authority

Dr. Miller reported that he met with Arcadia Housing Authority regarding the PILOT Program. He stated that they are moving in the right direction however they are awaiting audits from the last three years. Councilman Heine asked if we knew how much was in arrears. Councilman Fink asked if there was a statute of limitation. Dr. Miller responded that the Housing Authority has an agreement with the City for a certain amount and Attorney Galvano responded that the statute of limitation was 5 years. Dr. Miller continued that Becky Sue Mercer, Acting Director, stated she was expecting 2008 audit soon and 2009-2011 began that week and all audits should be complete by July 2012. Councilman Fink asked if the City needed to file anything. Councilman Frierson inquired if they have no money the City would not get paid anyway. Councilman Fink inquired as to how they afford an attorney. Dr. Miller responded that the City is to oversee the Housing Authority Board and the Property Appraiser has an action against them.

Dr. Miller reported that the Department of Corrections (DOC), Probation Office, has inquired as to leasing the old Police Department. Dr. Miller will provide Council with copies of correspondence. Dr. Miller responded to Deputy Mayor Frierson that DOC did not request a full service lease and they would provide furnishings.

Dr. Miller reported on a SCORE meeting scheduled for Saturday February 25, 2012 at the Three Fisherman Restaurant in Fort Myers and the Business Expo at the Turner Center.

**PUBLIC** (PLEASE LIMIT PRESENTATIONS TO FIVE MINUTES)

Mrs. Ann Pepper questioned why there are 15 minute parking signs outside the Way Building. She inquired with the Marshal and he stated that this was not due to the Police Department when located there in the past. Councilman Fink requested this item be placed on the next agenda for discussion.

Mr. Ricky Wood explained that he has worked for the Fire Department since January 3, 1983 and just entered the DROP program on January 31, 2012 for a total of 29 years in the plan. He requested a letter of eligibility for City Health Insurance at 100 percent. Attorney Galvano explained that the main issue in this matter is does Mr. Wood's County time count towards City time worked. Dr. Miller stated that Mr. Wood is eligible for City health insurance however Mr. Wood is requesting 100 percent paid health benefits. Dr. Miller read from Strube's memo outlining the eligibility requirements. Councilman Fink and Allen requested copies of all information on the post retirement health benefits.

County Commissioner Judy Schaefer thanked City Council for joining in the effort to improve the roads at the Hospital and indicated that the final inspection is due soon. Dr. Miller thanked Mrs. Schaefer for spearheading the effort.

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**MAYOR AND COUNCIL MATTERS**

Councilman Heine expressed his gratitude to the Council and stated he was glad to be at the meeting. Mayor Keene welcomed Councilman Heine back and commented on the successful Visioning Workshop. He wished Dr. Miller's wife well and a quick recovery.

Councilman Fink asked the Council if they would like to hold a part 2 of the Visioning Workshop.

**ADJOURN**

There being no further business, the meeting was adjourned at 7:50 p.m.

APPROVED THIS 21<sup>ST</sup> DAY OF FEB., 2012.

By:



Keith Keene, Mayor

ATTEST:



Virginia S. Haas, City Recorder