

**MINUTES  
CITY COUNCIL  
CITY OF ARCADIA  
TUESDAY, FEBRUARY 21, 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.

Councilman Fink gave the invocation followed by the Pledge of Allegiance.

**Arcadia City Council**

Deputy Mayor Alice Frierson  
Councilman Robert R. Allen  
Mayor Keith Keene – Excused Absent

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  
Lt. Gary Evans

**CONSENT AGENDA**

1. Minutes of the January 28, 2012 Visioning Workshop and February 7, 2012 Regular Meeting.
2. Check warrants from 01/27/12, 02/03/12, and 02/13/12.
3. Mobile Home Park Report for December 2011 and January 2012.
4. Air-Cadia Flowage and Hanger Report for December 2011 and January 2012.
5. Request for Special Event Permit and Street Closure for Cinco de Mayo Parade on Saturday, May 5<sup>th</sup> from 7 p.m. to 9 p.m.
6. Request for Special Event Permit and Street Closure for March Rodeo Parade on Saturday March 10, 2012.

**Councilman Fink removed Consent Agenda Item number 2 for discussion.**

**A motion was made by Councilman Fink and seconded by Councilman Heine to approve Consent Agenda Items number 1, 3, 4, 5 and 6. The motion carried 4-0.**

Councilman Fink stated that Mr. Frierson had asked him to pull item number 2 for discussion. Mr. Gary Frierson stated there are 3 checks payable to Cemex and questioned was this for the sidewalk on North Polk. He stated that the water and sewer replacement fund was an enterprise fund and should be used for repair to water and sewer lines. He questioned if the amounts would be replaced into the water and sewer replacement fund. Dr. Miller responded that those funds were garnered through FDEP during the WWTP repairs and the contract has

been satisfied therefore there is no obligation that those funds remain enterprise zone funds. Dr. Miller confirmed that the water and sewer replacement funds are not encumbered and considered discretionary funds.

Attorney Galvano reminded that the motion and second was not called for to provide for discussion on this item.

**A motion was made by Councilman Fink and seconded by Councilman Allen to approve consent agenda item number 2. The motion carried 4-0.**

### **DISCUSSION ITEMS**

#### 7. Parking signs in front of Way Building.

Councilman Fink reported that since the Police Department is no longer next to Administration that there is no need for the 15 minute parking signs. Dr. Miller inputted that the Marshal would have to advise as to what signs would take their place.

**A motion was made by Councilman Fink and seconded by Councilman Heine to direct City staff to remove 15 minute parking signs in front of Way Building. Councilman Allen disagreed in that the parking works for those coming in and out of the building. The motion carried 3-1 with Councilman Allen dissenting.**

#### 8. Plane in Lake Katherine Park. (Councilman Fink)

Councilman Fink reported that Mr. Don Finkel suggested that he knew people in the Veteran's organization who could replace or repair the plane in Lake Katherine Park. He continued that area is a gateway to the community and suggested that Mr. Finkel speak to Council. Dr. Miller stated that the plane is owned by the US Air Force whom he has contacted but has yet to receive a response. Attorney Galvano suggested that this may be a good issue to bring forward to Congressman Buchanan's Office. Dr. Miller requested a letter from the Veteran's organization and with receipt of that he would contact Congressman Buchanan's Office.

#### 9. Insuring the Antique Fire Truck (Councilman Fink)

Councilman Fink reported he attended the re-commissioning of the city of Venice's antique fire truck and stated that the City's antique fire truck is not insured. Mr. Ray Stewart, DeSoto Insurance, explained that the antique fire truck insurance was dropped at the time of the fire services merger. He continued to insure it as roadworthy would cost \$864 per year and to insure it under inland marine would be \$173 per year. Councilman Fink noted that the City of Venice utilized prisoners on the repair to their fire truck. Councilman Heine responded the repairs may cost more than \$11,000.

**A motion was made by Councilman Fink and seconded by Councilman Heine to insure the antique fire truck under inland marine in the amount of \$23,000 for \$173 per year. The motion carried 4-0.**

#### 10. Request for Certificate of Appropriateness for proposed new construction and site improvements at 127 N. Polk Ave. Applicant, Peter and Francine Kent. (Asst. City

Administrator Judi Jankosky)

Item tabled to the March 6, 2012 City Council Meeting.

11. Request for Certificate of Appropriateness for proposed new construction and improvements at 122 N. Hillsborough Ave. Applicant, DeSoto County. (Asst. City Administrator Judi Jankosky)

Item tabled to the March 6, 2012 City Council Meeting.

12. Request for Certificate of Appropriateness for proposed exterior renovations to existing building located at 200 W. Oak Street. Applicant, DeSoto Properties. (Asst. City Administrator Judi Jankosky)

Item tabled to the March 6, 2012 City Council Meeting.

13. Discussion and direction as to free golf policy for employees versus volunteers. (Asst. City Administrator Judi Jankosky)

Mrs. Jankosky explained that according to the October 19, 2004 minutes a motion was passed granting all current and retired City employees receive waived green fees at the Arcadia Municipal Golf Course, however cart fees still apply. Mrs. Jankosky asked for clarification as to the definition of a City employee and whether that applied to board members. She noted that according to Golf Course Supervisor, Carrie Taylor, the estimate is \$13,000 a year in green fees lost due to this policy. Councilman Allen responded to Deputy Mayor Frierson that he assumed that free golf was available to him. Councilman Fink asked if Councilman Allen paid the cart fees to which Councilman Allen responded no. Attorney Galvano cautioned the Council in being consistent.

**A motion was made by Councilman Fink to require all who play golf to pay green and cart fees. There was continued discussion. Councilman Fink withdrew his motion but noted that the item did need to be addressed.**

Attorney Galvano responded to Councilman Fink that board volunteers are not considered City employees.

**Councilman Fink placed his original motion back on the floor requiring all who pay golf to pay green and cart fees. The motion was seconded by Deputy Mayor Frierson. Dr. Dixon noted and Attorney Galvano confirmed that government employees are not able to accept gifts over the value of \$100. Councilman Heine questioned the waiver of green fees for special events like the Volunteer Fire Department golf tournament. Attorney Galvano stated this would not affect the process of and approval of special events. The motion carried 4-0.**

Dr. Dixon stated that former Administrator Strube's golf lifetime membership was part of his retirement package and that plan should be maintained. Attorney Galvano responded to Dr. Miller that would be a separate issue concerning a retirement package.

14. Discussion and direction regarding 100% grant funding opportunity from FDOT to replace airport taxiway, runway lights and new electric vault. (Asst. City Administrator, Judi Jankosky)

Mrs. Jankosky reported there are issues at the Airport regarding the airport taxiway, runway lights and the electric vault. FDOT has agreed to 100% funding of the project in the amount of \$575,000 over a period of three years. The first year in order to get the project off the ground FDOT would grant \$25,000 then the remaining years approximately \$183,000 per year. The City would have to borrow from a bank initially and pay back over the three years at a 3% interest rate equally approximately \$35,000 - \$38,000. Councilman Fink asked what if we did not make the repairs. Mrs. Jankosky responded that we may have to pull out the lights and shut down the airport at night. Mrs. Jankosky responded to Deputy Mayor Frierson that the 100% grant from FDOT is guaranteed.

**A motion was made by Councilman Fink and seconded by Councilman Heine to authorize staff to negotiate a contract loan with Seacoast National Bank and return to City Council for final approval. The motion carried 4-0.**

Councilman Fink asked if the Airport Advisory Board reviewed this item and whether the Board would consider a joint meeting with the City Council. Mrs. Jankosky noted the next Airport Advisory Board was scheduled for March 8, 2012.

**A motion was made by Councilman Fink and seconded by Councilman Heine to hold a joint meeting with the Airport on March 8, 2012 at 6 p.m. The motion carried 4-0.**

#### **ORDINANCES - FIRST READING**

- 15. ORDINANCE NO. 971; FIRST READING OF AN ORDINANCE OF THE CITY OF ARCADIA, FLORIDA, A MUNICIPAL CORPORATION, RELATED TO NONCONSENSUAL TOWING AND WRECKER SERVICES; CREATING ARTICLE III OF CHAPTER 98 OF THE CITY OF ARCADIA CODE OF ORDINANCES; PROVIDING FOR A WRECKER ROTATION SYSTEM TO BE ESTABLISHED BY THE CITY MARSHAL; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Attorney Galvano)**

Councilman Fink passed around copies of the meeting minutes of November 15, 2011 referring to the request made by Council regarding the wrecker rotation schedule. Councilman Heine stated that typically the owner of the car chooses the towing service. Attorney Galvano responded that this Ordinance addresses non-consensual towing and provides a method for services to be added to the RFP list.

**A motion was made by Councilman Allen to table this item to the next meeting. Councilman Heine seconded the motion. The motion failed 2-2 with voting as follows: Councilman Allen, Yes; Councilman Fink, No; Deputy Mayor Frierson, No; Councilman Heine; Yes. Attorney Galvano responded to Councilman Fink that according to**

parliamentary procedure the original action from the November 15, 2011 would still stand. Attorney Galvano stated he would re-draft the Ordinance and bring it back for review.

### COMMENTS FROM DEPARTMENTS

16. City Marshal - There were no questions for Lt. Evans

17. Attorney

Attorney Galvano reported that he distributed to the City Council his 90 day notice of intent to resign as City Attorney and would help in any way with the transition.

**A motion was made by Councilman Fink and seconded by Councilman Heine to direct staff to advertise the position of City Attorney as processed when they hired Attorney Galvano. The motion carried 4-0.**

18. Administrator

1. Cardinal Construction Job Fair

Dr. Miller reported that Cardinal Construction would be holding a Job Fair on Friday, February 24, 2012 at the Family Service Center on Whidden Street from 9 a.m. to 5 p.m.

2. Possible increase in Insurance Cost

Dr. Miller reported that staff updated the vehicle list saving \$26,000 in insurance costs to the City. He continued that appraisals were conducted on the major City structures and some structures are under insured. Mr. Ambler briefly reviewed some of the questionable structures that were not adequately insured and stated he would be glad to meet with Dr. Miller to review which buildings may need to be adjusted.

**A motion was made by Councilman Allen and seconded by Councilman Fink to authorize staff to negotiate an agreement on those structures that are underinsured. The motion carried 4-0.**

3. Initiation of an Afterschool Program

Dr. Miller reported that Mrs. Shelley Peacock brought forward the idea of an after school program utilizing the Speer Center. The cost would be \$40 per week and would cater to 5 to 12 year olds. Ms. Peacock is currently surveying the interest in the program and volunteers through the School Board. Deputy Mayor Frierson questioned if that would have an impact on insurance and if the City really desired to be involved in an after school program. Councilman Heine agreed that an afterschool program is no business for the City to run. Dr. Miller explained the program would function with volunteers at no cost to the City. Councilman Fink explained

that these are our children and the buildings can be utilized. He mentioned a possible agreement with the School Board. Deputy Mayor Frierson stated that the population in Arcadia cannot afford \$40 per week. Councilman Fink noted that there are many latchkey children in the City due to limited after school programs. Ms. Susan Cavas-Smith stated that it would behoove the City to have a YMCA however the City does not need to be in the after school program business.

#### 4. Naming of Parks Policy

Dr. Miller reported that the attached resolution naming parks could be utilized to stimulate public/private partnerships which could foster growth in the City. Ms. Haas stated this item stemmed from the Visioning Workshop when Dr. Miller suggested that needs for the City could be addressed through public/private partnerships. Councilman Heine noted that the City had already asked the larger companies for help and partnerships. There was no action taken on this item.

#### 5. Paving of Monroe Street and Installation of Sidewalk on Oak Street

Dr. Miller reported that the City began repairs to the inoperable fire hydrants, moved to manholes and then underground pipes. Monroe Street has no encumbering issues and there are funds in repair and replacement to pave the street. Deputy Mayor Frierson asked if there is a priority list of streets that require paving. Dr. Miller responded that he asked staff to review all streets that could be repaved quickly.

**A motion was made by Councilman Allen and seconded by Councilman Fink to approve paving of Monroe Street and installation of the sidewalk on Oak Street. Deputy Mayor Frierson inputted that the Council should review the budget first because the budget was approved with major deficits. Dr. Miller responded that those funds came from other sources and we are obligated as a City to provide these services. He finalized that the funds have already been allocated for these type projects. The motion carried 4-0.**

Dr. Miller reported a request for a special event, the Mexican Rodeo Festival, to be held this Sunday and the Marshal has given his approval. Council agreed and approved this item.

Councilman Allen thanked staff for the budget worksheets recently provided.

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

Ms. Janie Watson stated that the after school program was a good idea, however there are already private individuals, churches and daycares that provide this service.

Dr. Lorenzo Dixon expressed his sadness on Attorney Galvano's departure from the City and wished him well in his endeavors.

Mr. Gary Frierson read a letter to the City Council and requested the letter be placed into the Official Records. Mr. Frierson summarized his two concerns: " 1) The Finance Director informed the City Council a new garbage truck had been purchased for \$65,000 less than the Administrator requested in the budget. The Administration had quotes from the garbage truck vendor for the exact price of the truck over a month before the budget was approved, yet the Administrator budgeted \$65,000 over the quote. 2) The day after the budget meeting I discover the Administrator did not purchase a new garbage truck. He presented the budget to the Council with no intention of buying a garbage truck. The City Council cannot allow expenditures without proper approval. Mr. Frierson stated his request as "tonight the Council terminates the Administrator, Lawrence Miller, with cause for spending more than he is approved to spend on a non-budgeted item without Council approval." He added, "I am told the Council is not strong enough to act tonight but I ask that the Council prove me wrong."

Dr. Miller pointed out that the City Administrator works at the pleasure of the City Council. Dr. Miller passed Florida Statutes 336.025 regarding uses of the local option fuel tax and read 3. "County and municipal governments shall use moneys received pursuant to this paragraph for transportation expenditures needed to meet the requirements of the capital improvements element of an adopted comprehensive plan or for expenditures needed to meet immediate local transportation problems and for other transportation related expenditures that are critical for building comprehensive roadway networks by local governments." "2.(7) For the purposes of this section, "transportation expenditures" means expenditures by the local government from local or stated shared revenue sources, excluding expenditures of bond proceeds, for the following programs: (a) Public transportation operations and maintenance. (b) Roadway and right-of-way maintenance and equipments and structures used primarily for the storage and maintenance of such equipment. (8) In addition to the uses specified in subsection (7), the governing body of a county with a population of 50,000 or less on April 1, 1992, or the governing body of a municipality within such a county may use the proceeds of the tax levied pursuant to paragraph 1(a) in any fiscal year to fund infrastructure projects. For the purposes of this subsection, "infrastructure" has the same meaning as provided in F.S. 212.055."

Dr. Miller read Florida Statutes 212.055 (2) Local Government Infrastructure Surtax 1. "For the purpose of this paragraph, the term "infrastructure" means: b. A fire department vehicle, an emergency medical service vehicle, a sheriff's office vehicle, a police department vehicle, or any other vehicle, and the equipment necessary to outfit the vehicle for its official use or equipment that has a life expectancy of at least 5 years."

Councilman Allen made a motion to adjourn the meeting. Councilman Fink seconded the motion and the meeting adjourned.

### **MAYOR AND COUNCIL MATTERS**

ADJOURN

There being no further business, the meeting was adjourned at 8:05 p.m.

APPROVED THIS 6<sup>th</sup> DAY OF March, 2012.

By:

Keith Keene  
Keith Keene, Mayor

ATTEST:

Virginia S. Haas  
Virginia S. Haas, City Recorder