

**AGENDA MINUTES
CITY COUNCIL
CITY OF ARCADIA
TUESDAY, MARCH 3, 2015
6:00 P.M.**

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.

INVOCATION, PLEDGE, CALL TO ORDER AND ROLL CALL

Councilmember Coker gave the invocation which was followed by the pledge of allegiance. The Deputy Mayor called the meeting to order at approximately 6:00 p.m. and the following members and staff were present:

Arcadia City Council

Deputy Mayor Frierson

Councilmember Joseph E. Fink

Councilmember Susan Coker

Councilmember S. Delshay Turner

Mayor Judy Wertz-Strickland was not in attendance.

Arcadia City Staff

Interim City Administrator Beth Carsten

City Attorney TJ Wohl

City Clerk Penny Delaney

CONSENT AGENDA

Agenda Item 1 – City Council Workshop Minutes for February 9, 2015

Agenda Item 2 – City Council Workshop Minutes for February 12, 2015

Agenda Item 3 – City Council Workshop Minutes for February 17, 2015

Agenda Item 4 – City Council Minutes for Regular Meeting February 17, 2016

Agenda Item 5 – Special Event Permit – Old Town Market

Agenda Item 6 – Special Event Permit – Stay Alive & Thrive Health Fair

Agenda Item 7 – Sixth Amendment to the Retirement Plan for Employees of the City of Arcadia

Councilmember Coker made a motion to accept the consent agenda and Councilmember Fink seconded the motion. No discussion followed and it was unanimously, 4/0, approved.

ACTION ITEMS**Agenda Item 8 – DeSoto County Historical Society Letter – Historical Marker at Tree of Knowledge**

Carol Mahler of the DeSoto County Historical Society advised that enough funds had been raised to pay for the marker. She further advised that Council had already given permission for the marker to be placed in the Tree of Knowledge Park and Ms. Mahler asked for the City workers to install the marker. Councilmember Coker made a motion to allow City workers to install the marker under the Tree of Knowledge and Councilmember Fink seconded the motion. No discussion followed and it was unanimously, 4/0, approved.

Ms. Maher also extended an invitation to the 11th Annual Pioneer Day & BBQ Cook-Off on March 21, 2015 at Veterans Park. She then passed the invitations to the City Clerk for distribution.

Agenda Item 9 – Arcadia Airport Advisory Committee Recommendation to Council

Deputy Mayor Frierson advised that Chairman Glenn Walker is sick. Committee Member Gary Frierson stated that Chairman Walker had asked him to come and inform the Council of the motion that was made and agreed to. He advised that after much discussion at the advisory committee meeting, it was recommended that the City enter into negotiations with the one (1) company that applied. Mr. Frierson stated that he believed the motion was that they recommend that the City Council have the Interim Administrator enter into negotiations to create the best contract for the City. He asked if anyone had any questions. Committee Member Coker asked if they were talking actual negotiations or a sit down to see what they have to offer and then look at a broader picture. Mr. Frierson stated that right now nobody knows what they want or propose or what the City wants or proposes. He stated it would be to enter into negotiations and sit down and try to hash out something, put it together and bring it back before the Council. He further stated they (the company) had come back with their qualifications and they were the only people that were there. He suggested Council won't know until they have a discussion.

Councilmember Fink stated it was a real important decision and he didn't think they should be doing it without all members of the Council in attendance. He provided copies of the advertisement that was placed by the City. He pointed out that there was one (1) less on Council than they normally have, and they are getting information from a substitute for someone who has just stepped in as Chairman of the advisory board. He asked the Interim City Administrator if she felt the airport would shut down if they put this off for two (2) weeks. The Interim City Administrator stated that she felt they needed to go forward to find out what their options were. Councilmember Fink questioned doing so without a full Council and without hearing from the Chairman of the advisory board and stated that it seemed something may be specious in all of it. Mr. Frierson stated that anyone could have come up to advise of the recommendation of the advisory committee and the fact remained that that was what the motion was. He stated the motion was not to enter into a contract, but to start talking about it. Deputy Mayor Frierson stated that they did not need a full Council to proceed with talking to somebody. She pointed out

that they are not making a binding contract, but just having a conversation between the City Administrator and the Berrys. She asked if anyone from the public wanted to weigh in.

Greg Smith of 5750 SW Hull Road, Arcadia, Florida, stated the Council had instructed the board to come up with a consensus of which way to go as far as does the City need a FBO, does the City need to keep control of the airport and have a manager and rent everything out themselves, and the board was never able to come back to Council with that recommendation. Councilmember Fink asked for confirmation that Mr. Smith had stated that he wasn't given the option to come back with a recommendation of either a FBO under the current form, a manager that would be employed by the City or a hybrid of both. Mr. Smith stated there were certain members of the board that felt the FBO avenue was pushed on them and that the conversation was always stopped or postponed. Councilmember Fink stated it was his understanding that the Council had empowered the board to come back with a specific recommendation. Mr. Frierson stated that exactly everything that Mr. Smith said was not completely accurate. He further stated they had discussions and afterward a motion was made to recommend entering into negotiations to find out what these people want and what they're willing to do. He repeated the recommendation as being to recommend that the City authorize the Interim Administrator to enter into negotiations for a contract to find out what they want and try to create the best deal for the City.

Councilmember Fink asked if there was a proposal and Ms. Carsten advised that there was. There was much discussion regarding procedure of handling proposals and it was pointed out that there was only one proposal presented. Councilmember Fink asked if anyone else finds it strange that Council asked for one (1) thing and did not receive it from the advisory board. The City Attorney stated that until they speak with the folks who responded to the FBO, there is no way to determine it and what's being done tonight is delaying the evitable. Mr. Smith stated that he felt they should talk to all of them and the City Attorney agreed.

Councilmember Coker stated that she was under the impression there were three (3) interested parties; one a FBO and two (2) individuals and she thought the airport advisory committee was going to look at all of them and make a recommendation based on that. Mr. Frierson stated that they did. He further stated that they had the discussion and it was decided that the two (2) people were looking for jobs and if they wanted to apply for a job, they should submit an application to the administrator and apply for employment. He stated that as an employee of the City, they're not renting or providing service. He pointed out that there was one person that wanted to rent and provide a service out there which is why the committee made the recommendation to enter into negotiations to possibly make the best contract for the City that they could. Councilmember Coker suggested that maybe negotiations was too strong of a word for where they are at right now and Deputy Mayor Frierson agreed and stated they are talking about having a conversation. Councilmember Coker stated she would like to see their proposal in figures and then weigh the other options and try to make the best choice that's going to do the best job for the City. Deputy Mayor Frierson stated she thought that was the intent. The City Attorney stated that Council could authorize the Interim City Administrator to have discussions with all three (3). He further stated that he didn't know how they could saddle the advisory committee with making a recommendation as to which one when they have no idea of what the

numbers were or the salary requirements of the other two. Councilmember Fink stated that he would like to see a dozen FBOs out there, but didn't want to see one managing the airport because he felt the City should manage the airport. He further stated that they can't afford another thirty (30) year deal like they've had. Councilmember Fink said that his biggest concern was not that the Berrys was going to do anything bad, but would like to know what they want before they go into negotiations.

Councilmember Coker made a motion to recommend that the Assistant City Administrator sit down with the Berrys and look at what they're offering, also talk to the other two (2) applicants and see what they're offering, and if there's somebody else from our town with a proposal or business offer, to look at that as well, bring it back to Council at a special workshop where they can sit down and talk about it and hash it out and go from there when they have a full Council to make some decisions on it and Councilmember Fink seconded the motion. Councilmember Fink stated that it was stated that any management hire would be by the Administrator, but to cut that position and make it a policy of the City of Arcadia is Council's job, not the Administrator's job. He further stated that person can only exist as a manager of the Arcadia Municipal Airport after Council vote that position into being and that she does not make that specific judgment.

Rick Martin of 5411 10th Avenue Drive West, Bradenton, Florida, spoke from the public and stated that he had prepared a letter regarding his concern of proceeding without considering all the options, but felt it might not be needed. He stated he is anticipating possibly moving to the airport in the future and wants it to be the best that it can be. He further stated that he will save the letter for later.

Joseph Nappier of 620 N. Pine Avenue, Fort Meade, Florida, stated that he is very interested in the airport for his own reasons. He stated that as an outsider looking in, there are members of the airport board and City Council who do not have the City's best interest at heart.

No discussion followed and it was unanimously, 4/0, approved.

COMMENTS FROM DEPARTMENTS

Marshal Anderson reported that Lieutenant Evans and Detective Carrillo recovered property and made a couple of arrests regarding a downtown business that had been burglarized. He asked for any questions Council may have and there were none. Marshal Anderson announced that today was the exact anniversary of Lieutenant Gary Evans' twenty (20) years with the City of Arcadia Police Department. He advised Lt Evans was hired through the Cops grant and had risen through the ranks to working road patrol, to now being in charge of the criminal investigation division and also being their onsite IT guy which includes the new grant the department is getting that he has had to write a policy for and do all the server work so it can be stored according to FDLE. Marshal Anderson asked if the general public had any questions and there were none.

The City Attorney advised that Council had voted to enter into the conciliation stage regarding the Dr. Lawrence Miller EEOC charge, but unfortunately the opposing side had responded and didn't care to have a face to face conciliation meeting so they submitted paperwork to the City's attorney telling them where they think the conciliation should begin. Mr. Wohl stated that our attorney and the insurance company are advising that we simply let the EEOC phase of this issue lapse and at that point, Dr. Miller will likely file a civil suit, but they believe that's a much better forum for the City. Mr. Wohl recommended heeding the attorney's advice. Councilmember Coker made a motion to let the EEOC phase lapse and Councilmember Turner seconded the motion. No discussion followed and it was unanimously, 4/0, approved.

The Interim City Administrator announced that Ernest Morgan had passed away and his funeral service will be this coming Saturday at Pleasant Hill Methodist Church at 319 Lee Avenue at 11:00 a.m.

Ms. Carsten also stated she had received the paperwork on the rodeo and asked if Council wanted to participate. Councilmember Fink, Councilmember Coker and Councilmember Turner stated they would participate and Deputy Mayor Frierson advised she would have to get back with the Interim City Administrator regarding same.

PUBLIC

Robert Blank of 330 Fortuna Road, Arcadia, Florida, stated that he had addressed the City Council on February 3, 2015 and now has additional information regarding a problem with vehicles blocking the sidewalks in the City. He shared what the Marshal had stated in a letter to him. Mr. Blank stated that when he met with the Marshal on February 20, 2015, Marshal Anderson advised that Code 86-5 had been replaced with a newer one and that residents could park on the sidewalk if the sidewalk was in their driveway because many sidewalks were constructed wrongly. He further stated that on February 27, 2015, Carl McQuay advised him that Code 86-5 is still in effect. He asked that the City Marshal be instructed to enforce the existing law and to inform him in writing that the instruction has been made. Councilmember Fink asked the City Attorney if Mr. Blank was right on the code and Mr. Wohl was advised that he was right. Mr. Wohl advised that there is also a state statute controlling on the issue and that may be what Marshal Anderson was referring to. Councilmember Fink made a motion for the City Attorney to look into it and get back at the next meeting with the results and Councilmember Coker seconded the motion. No discussion followed and it was unanimously, 4/0, approved.

Greg Smith of 5750 SW Hull Road, Arcadia, Florida, approached City Council and distributed information for Council to review regarding airport rental rates, assets, fuel sales, etc.

MAYOR AND COUNCIL REPORTS

Deputy Mayor Frierson advised that last Thursday the Arcadian ran an article on the Water Treatment Plant. She stated Steve Bauer did a great job on the article and she thanked him for same. She also stated that in addition to the information that was provided in the article,

if you read it, you came away from the article knowing that A.J. and his staff care about the water that the people in this community drink and they are very dedicated employees.

Councilmember Coker stated that Ernest Morgan will definitely be missed at the City Council meetings.

Councilmember Fink referred to a letter that had been provided to Council from the DeSoto County Fire Rescue to then Administrator Judith Jankosky. He asked Council to read it over because he didn't want them to be unaware of what he found out and other issues that may also be telling in this particular instance because of this particular letter from the fire inspector of the county. Councilmember Fink advised he will be bringing up at the next meeting something that he found fascinating in this particular instance on this particular issue.

ADJOURN

Having no further business at this time, the meeting was adjourned at approximately 6:56



ADOPTED THIS 17th DAY OF March, 2015.

By:

Judy Wertz-Strickland, Mayor

Penny Delaney, City Clerk