

**AGENDA MINUTES
CITY COUNCIL
CITY OF ARCADIA
TUESDAY, MARCH 18, 2014
6:00 P.M.**

CALL TO ORDER, INVOCATION, PLEDGE OF ALLEGIANCE & ROLL CALL

The Mayor called the meeting to order at approximately 6:00 p.m. with the following members and staff present:

Arcadia City Council

Mayor Alice Frierson
Councilmember Robert R. Allen
Councilmember Keith Keene

Deputy Mayor Joseph E. Fink
Councilmember Robert W. Heine

Arcadia City Staff

Interim City Administrator Tom Slaughter
City Marshal Matthew A. Anderson
Finance Director Beth Carsten
Code Enforcement Officer Carl McQuay

City Clerk Penny Delaney
City Attorney Thomas J. Wohl

Councilmember Allen gave the invocation, which was followed by the Pledge of Allegiance and roll call.

PRESENTATION

1. Community Center – Smith Brown Community Foundation

Alan Johnson who represents the Board of Directors for the Smith Brown Community Foundation and the Florida Department of Health for DeSoto County Board of Health stated that the foundation would like to lease the Smith Brown Gym to provide a base for youth activities that will improve the lives of young people now and for the future. He stated that over the next few months the foundation will be planning the construction improvements and fund raising and wanted to provide a memorandum of understanding for a long-term lease for the City. Ashley Coone, Vice-Chairman of the Smith Brown Community Foundation, stated that in 1998, the foundation was started to provide programming for youth in the community. She stated that a task force was formed in May of 2013 to identify resources that would improve the quality of life for residents in DeSoto. She further stated that the task force identified the Smith Brown Recreation Center as a facility that could meet this need. Ms. Coone stated that the foundation would like to request an open dialogue with the City Council in working towards a memorandum of understanding and eventually a contingent long-term lease for the purposes of securing funding to renovate the gym and utilize it as a community facility. She advised the Smith Brown Recreation Center will serve as a space for organizations, agencies and churches to provide programming and resources to the community, a community meeting space and will serve as a

space where the Smith Brown Community Foundation can provide programming for adults for parenting classes, financial literacy, health and wellness, programming for culture and arts programs for youth and programs that promote the family unit. Renovations needed will include bathrooms, ADA standards, and air conditioning. She advised there is a planning committee that is accessing the estimated costs for the renovations and the operations expenses. She further advised the foundation would like to secure a lease agreement with the City within six months to a year contingent upon the fact that the foundation has to secure funding. She stated that the foundation would like to secure overhead funding through community sponsorships and grants. Mayor Frierson stated that this is a win/win situation for the community and she hoped that the foundation would get all the civic organizations behind it. She felt it was a fantastic undertaking. Councilmember Keene stated that he is very excited about the proposal. He further stated that it was refreshing to have the community come with a solution to the issue rather than continue to talk about what the problems are and he advised that the foundation has his support. Mayor Frierson agreed and asked the foundation if they would like to have a member of the Council to be present at the meetings to keep the Council updated as to what is going on. Councilmember Keene asked the City Attorney what was needed in order to form with the foundation so that they could move forward with the proposal. The City Attorney stated that they were asking for a memorandum of understanding, but that the ultimate goal would be to enter into a lease with the foundation and the consideration that the City would be giving is the improvements that the foundation would be making to the City's asset. Deputy Mayor Fink stated that the City needs this desperately in that portion of the City, but wanted to make sure that it goes into effect without any encumbrance that would put the foundation at risk of possibly not being able to complete the project. Councilmember Keene volunteered to be present at the foundation's meetings.

2. Proclamation – Donate Life Month

No one from the Life Link Foundation attended the council meeting. Mayor Frierson advised that the City Clerk would read the Proclamation regarding Donate Life Month. The City Clerk read the Proclamation. Mayor Frierson stated that this is a very worthy cause and hoped that everyone would give consideration to it. Councilmember Heine made a motion to approve the Proclamation and Councilmember Keene seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

3. Proclamation – Main Street

Mayor Frierson asked if anyone from Main Street was present and asked for those individuals to go to the podium. She then advised that the City Clerk would read the Proclamation regarding Main Street and the improvements to downtown. The City Clerk read the Proclamation. Mayor Frierson stated that she had received positive feedback and stated it was a job well done. Councilmember Heine made a motion to approve the Proclamation and Councilmember Keene seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

CONSENT AGENDA – Agenda Items 4-6

Deputy Mayor Fink made a motion to approve the consent agenda and Councilmember Heine seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

DISCUSSION ITEMS

7. Resolution 2014-2 – Amending Resolution 2013-29 by Extending Time for Submittal of the Top Five (5) Candidates

Mayor Frierson instructed the City Clerk to read the Resolution by title only and the City Clerk did so. Councilmember Heine made a motion to approve the Resolution and Deputy Mayor Fink seconded the motion. Deputy Mayor Fink asked John Super, Chairman of the Search Committee, if this would be sufficient. Mr. Super advised that it would and further advised that the committee had met on March 17, 2014. After having considered the additional eight (8) applicants, he stated that the committee still arrived at the same top five (5) candidates since the additional eight (8) applicants were not qualified. Mr. Super asked the City Clerk to advise council of the top five (5) candidates. The City Clerk read the list, as follows: Steven A. Holsinger, Eric C. Rindfleisch, Paul H. Poczobut, Jr., Michael G. Standley and Thomas Slaughter. Mayor Frierson asked for the locations of the candidates as to where they're from, other than Mr. Slaughter. The City Clerk advised that Mr. Holsinger is from Willows, California; Mr. Rindfleisch is from Edgar, Wisconsin; Mr. Poczobut is from Ada, Minnesota; Mr. Standley is from Freeport, Florida and Mr. Slaughter is from here. No discussion followed and it was unanimously, 5/0, approved.

8. Resolution 2014-3 – Authorizing a Lease Purchase Agreement with Leasing 2, Inc. Regarding Vacuum Truck; and

9. Resolution 2014-4 – Authorizing a Lease Purchase Agreement with Leasing 2, Inc. Regarding Front Loader Garbage Truck and Rear Loader Garbage Truck

Mayor Frierson advised that Item 8 and Item 9 were going to be pulled from the agenda as a little more work was needed to be done on those two items. The City Attorney advised that he and Steve Underwood had talked with John Mintz of JLM who the City is buying the equipment from. He stated there was a little confusion on the lease they provided the City and they are trying to get that straightened out with the leasing company.

10. Personnel Policy Manual Update

The Interim City Administrator advised that this is the fourth time this has been discussed. There was a comprehensive overview the first two times and the last time consisted of providing the page replacements that would go to the original set. He asked if there were any changes regarding what is trying to be accomplished. Councilmember Heine asked for confirmation that this could be changed as needed. The Interim City Administrator agreed and stated that any future changes would be made in a two part effort. The first would be when an

issue is raised, it will be presented to Council and Council would provide direction, but it would also be an opportunity for Council to hear from staff members as well. If agreed, the second meeting on the resolution would be an approval meeting. Mayor Frierson asked if Council is ready to approve it or if more time is needed. Councilmember Keene stated that he was ready to approve it and other councilmembers agreed. Mayor Frierson instructed the City Clerk to read the Resolution by title only and the City Clerk did so. Councilmember Keene made a motion to approve the Resolution and Councilmember Heine seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

11. Monthly Financial Update

Beth Carsten, the City Financial Director, reviewed the financial updates as of March 10, 2014. She stated as of March 10th, the City is 44% through the fiscal year. She stated regarding revenues, we should be at 44% of received and we've received 46.7%. She further stated that the City is just a little below the small city surtax. The enterprise funds look good with the water/sewer at 48% and solid waste at 47.9%. She stated that she felt there was more revenue items that were not included regarding the airport and that she is working on that. She advised that to date, the city has received a total of 41.2% of total revenues. Regarding expenses in the general fund, she stated that to date, the City is at 35.5% and the City spent 15.9% of the small county surtax money. She advised that water/sewer is at 29.3%, solid waste is at 33.7% and the airport is at 2.4%. Mayor Frierson asked if there were any areas that Ms. Carsten was concerned with at present that Council needs to keep a watch on. Ms. Carsten stated there were issues with some items that there's just not enough in the budget, i.e. equipment, but that they were keeping a handle on it as best they can. There's nothing terrible. Ms. Carsten advised that she has been able to get a better handle on the insurance overage and after reviewing everything and speaking with Mr. Ambler that the shortfall will not be as bad as Council originally thought. She advised that at this point she sees a \$22,000.00 shortfall, but thinks it will be less than that and possibly not a shortfall.

Councilmember Keene asked when she felt the City would receive some of the State Local 9th Cent Gas Tax. Ms. Carsten stated that she did not know and that most come in automatically and she has been watching for it. Councilmember Keene stated that regarding the airport, he wondered if some of the issue has something to do with grant funding that the City has not received yet. Ms. Carsten stated that she thought some of it had to do with reimbursements and that she needed to go through that to reconcile it. Mayor Frierson pointed out that the City had collected 74% of the ad valorem taxes. Councilmember Heine stated that he liked the monthly report. He stated that he knew she had a mess to start with and said it seems like she's done an outstanding job with it.

Ms. Carsten advised that the audit starts Monday, March 24, 2014, and along with that comes the issue of the water/sewer annual report being due March 29, 2014. She stated that is where we actually report as to what our annual audit is and we won't have it completed at that time. She stated that she spoke with the lady that administers it and was advised that we could give them un-final figures. This was done last year because it wasn't filed on time. She said we would file a failure to report and even though it sounds bad, there are no penalties. Once we

have it prepared and ready, we'll send it in. She asked if it was okay with Council and they agreed.

She pointed out that the Finance Department is looking at MUNIS training in April for the utility department. She stated that they wanted to give it their all due to the expense involved. She asked if it would be okay to close the utility department for two days from 8:00 – 4:30 on a Monday and Tuesday. She also stated that they could stagger it between herself and another employee to be at the window if they wish. Deputy Mayor Fink stated that he would like to see them all get their training. Councilmember Keene stated that he felt it would be best if someone was at the window, at least a portion of the day. Mayor Frierson agreed with Councilmember Keene. After much discussion, it was decided to leave the window open

COMMENTS FROM DEPARTMENTS

12. CITY MARSHALL

Marshall Anderson asked if anyone had any concerns. Councilmember Heine made the statement that there were a lot of break-ins in town and the Marshall advised that they had no leads and asked the public to keep their eyes open. Linda Luppino asked how they were getting in. The Marshall stated they were all through doors or broken windows.

The Marshall also stated that Pioneer Day was this past weekend and the Explorer program was there to be seen in the public and also do some recruiting. He advised that regarding the Rodeo, Saturday and Sunday were completely sold out and that there was a lot of positive response from people regarding the same.

Councilmember Keene thanked Marshall Anderson and the police department regarding the way the mercury issue was handled at the DeSoto Middle School. Marshall Anderson stated that it was great to see the Health Department and the School Board come together on the issue.

Marshall Anderson also advised that Karen Whaley has been instrumental in kick-starting the installation of traffic lights in areas that needed to be replaced.

13. CITY ATTORNEY

NONE

14. INTERIM CITY ADMINISTRATOR

The Interim City Administrator advised that the City is working on a Community Development Block Grant for the Bridal Path Water and Sewer Project. The bids came in and the lowest was approximately \$800,000.00 and the highest was approximately \$1,200,000.00. He stated that one area has been identified that could be phased out that would provide a better opportunity to serve the project within the budget. It has been recommended that it be re-bid and lower the costs for the project overall. It doesn't set the project back, but it does allow us to zero

in on a more accurate number that meets our budget needs and the needs of the community. He asked for any questions or comments and none were given..

He stated that the next matter is regarding an issue that was in The Arcadian that described deficiencies or improvements to the City's public meeting. He stated that was taken seriously and he met with the Mayor and they discussed several thoughts and ideas. From that, Staff is putting together a list of actions to be taken to correct deficiencies and to identify improvements to the process. He stated these would be brought to the Council's next meeting to be discussed. Mayor Frierson stated that she had considerable feedback from the article and that the public is very offended regarding the subject of a sign-in sheet and state whether they are city or county in order to speak. Councilmember Keene stated that he didn't feel it was unreasonable to know whether they lived in the city or county as long as it didn't restrict their ability to speak. The Interim City Administrator stated that that type of input helps, but he stated that he had not heard of a proposal that would limit a member of the public to speak. However, some communities provide a three or five minute limit. He stated with some public comment cards, it allows staff to get back with an individual on a matter to explain a vote or provide additional information. He stated it also allows for accuracy regarding spelling for the public record. Councilmember Keene stated that he felt the City's meetings needed certain decorum. He further stated that he had been told by an attorney that served this Council for many years that Robert's Rules had never been adopted and he couldn't believe it. Deputy Mayor Fink stated that it was more Council's concern that Staff's. He further stated that it's a difficult job and the balancing act is very difficult. He concurred with Councilmember Keene and felt that anyone should be able to speak on the record, but he felt that it is important for the issues of quasi judicial and permanent record purposes.

The final matter that the Interim City Administrator brought forward was to confirm with Council that the Strategic Plan Workshop will be on Monday, March 24, 2014, at 4:00 p.m. Deputy Mayor Fink advised that he will not be able to attend. The Interim City Administrator asked if it needed to be rescheduled and Deputy Mayor Fink stated for Council to proceed. Councilmember Keene stated that he hated that Deputy Mayor Fink could not attend, but felt it was important to proceed. The Interim City Administrator stated that the information would be provided to Deputy Mayor Fink.

PUBLIC

Lorenzo Dixon of 920 West Magnolia Street, Arcadia, Florida, advised Council of an incident involving Marshall Anderson and Lieutenant Evans. He stated there was a bogus and malicious charge brought against him by the police department and Marshall Anderson and Lieutenant Evans played a major role in it. He advised his property has "No Trespassing" signs in his driveways due to events in the past. Several years ago, Captain Anderson (at the time) was identified as prowling in his backyard. Delshay Turner, along with another officer, took pictures of footprints that were in my backyard and we all agreed that the prints were similar to bootprints that officers wear. It was reported to the Sheriff's Office to avoid a coverup. Due to that, the signs have been placed in his yard.

He stated that there was another incident where he had to ask Gary Frierson and a Mr. Butler to get off of his property and he did so. He stated this is also court records as he helped to get Mr. Butler prosecuted. He further stated that his neighbor advised him a couple of weeks ago that a couple of police officers were in his driveway. To this day, no explanation has been presented as to why they were there. He advised that Lieutenant Evans has stated in one of his sworn statements that he (Mr. Dixon) has a record and history of violence. Therefore, he and Arcadia Police Department will have the opportunity in the next few weeks to prove that and produce those records. He stated that he was exonerated and ordered not guilty by the Honorable Kimberley Carlton Bonner as charged by the Arcadia Police Department. He stated Lieutenant Evans' statement was a defamation of character and slander and he will have the opportunity to prove that statement. He advised Council will receive further information from his lawyer concerning this matter in which the City's officers have involved the City causing damages and liability.

Gary Frierson of 1 N. Luther Avenue, Arcadia, Florida advised that he and Tommy Butler did go by Mr. Dixon's house because Mr. Butler had asked him to be a construction consultant on a job. He further stated that he had testified for Mr. Butler also and that was his only involvement. He advised that as far as him going by Mr. Dixon's house this morning, he has acquired management of a building on S. Hillsborough and had been notified by the Health Department to sample the water. He pointed out that the Health Department is on the west end of town and in order to go back to his office, he had to pass Mr. Dixon's house.

Greg Smith of P.O. Box 2616, Arcadia, Florida, stated that he was there on behalf of Friends of the Arcadia Airport. He provided packets to Council regarding the Fly-In that took place March 7-9, 2014, which included e-mails and photos regarding the event. He stated the weekend was a success and thanked Council for their support. He also advised that they now hold their 501C3 tax status and will be allowing them to apply for grants that should support the needs of the airport that are not funded by the FAA and the FDOT.

MAYOR AND COUNCIL MATTERS

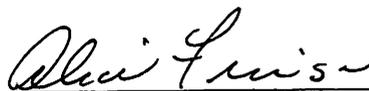
Councilmember Keene thanked the Friends of the Arcadia Airport for all that they do. Deputy Mayor Fink agreed with Councilmember Keene regarding the outstanding job that Friends of the Arcadia Airport does. He further stated that Lee Gallagher of the Veterans Office for the County wants to set up another Fly-In and felt that was what the City needs.

ADJOURN

Having no further business at this time, the meeting was adjourned at 7:30 P.M.

ADOPTED THIS 1st DAY OF April, 2014

By:



Alice Frierson, Mayor

ATTEST:


Penny Delaney, City Clerk