

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

Former Councilman Dr. Roosevelt Johnson 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

HR Manager Sandy Vokoun
Marshal Matt Anderson

PROCLAMATIONS

Arcadia Rodeo Association - Mrs. Jankosky read and Mayor Keene presented the Proclamation to Mr. Ronald Neads.

Mayor Keene asked if they could continue with the Resolution next on the agenda. Council Agreed.

CONSENT AGENDA

1. Check Warrant Reports 5/3/13
2. Air-Cadia Flowage and Hanger Rent Report April 2013
3. Certificate of Appropriateness 304 E. Oak St. - Sutphin

A motion was made by Councilman Fink and seconded by Deputy Mayor Heine to approve Consent Agenda items 1 through 3 as presented. The motion carried 5-0.

Mayor Keene asked to address the resignation from Marshal Charles Lee. Attorney Wohl explained that the City Charter states that once a vacancy occurs in the Marshal's Office the Council is empowered to appoint a replacement to fill the unexpired term of the Office. A motion was made by Councilman Allen and seconded by Deputy Mayor Heine to appoint Captain Matt Anderson to fill the unexpired term of the Marshal's Office. Councilman Fink stated that the resignation is very small in his opinion. He said that he

spoke with Sheriff Wise who suggested that Captain Anderson is the logical choice for the position. Sheriff Wise asked Councilman Fink to pass on that the security of the City is maintained not only by the City Police but also the Desoto County Sheriff's Office. Sheriff Wise also suggested that the Council act on this as an interim position. Attorney Wohl replied that he agreed, however the issue is with Section 20 of the Charter in that the Marshal is an elected position. He added that the only way the Marshal position can be created as interim or appointed is through a referendum. Under the Charter the Council cannot make the appointment an interim position because it is an elected position. Councilman Fink then suggested postponing the appointment for a short period of time because Captain Anderson would be in charge anyway. There was a call for the question and the original motion carried 4-1 with Councilman Fink dissenting.

DISCUSSION ITEMS

4. Utility Late and Reconnect Fees (Administrator)

Mrs. Jankosky presented a table of comparable City utility late and reconnect fees. Mayor Keene stated that he thought the rate was high and recommended a \$10 late fee. Councilman Fink agreed. Mayor Keene agreed with the \$35.00 reconnect fee. Councilwoman Frierson inputted that reconnects actually cost more than \$35.00. Mrs. Jankosky confirmed that the actually cost totals \$60.

A motion was made by Deputy Mayor Heine and seconded by Councilman Fink to reduce the utility late fees to \$10.00. The motion carried 5-0.

Mr. Steve Stapp commented on the late fees. Mrs. Susan Coker stated she paid the late fee and there was no leniency or grace period. Mayor Keene replied that other cities were researched and late fees ranged from \$10 to \$15.00. Attorney Wohl replied to Mayor Keene that this motion would allow for a Resolution at the next meeting with the amendments.

A motion was made by Deputy Mayor Heine and seconded by Councilman Fink to reduce the utility rate fees to \$10.00 by Resolution at the next meeting. The motion carried 5-0.

Mrs. Jankosky replied to Councilwoman Frierson that residents have 21 days from the date of of the bill before the late fee is applied then there is a grace period of two weeks before disconnect which equates to a total of five weeks before disconnect. At that time the second bill would have already been mailed. Mayor Keene reviewed some of the comparable City reconnect fees. Councilman Fink stated that he has no problem with the reconnect fee however suggested extending the grace period to a month so those residents on fixed incomes would have an easier time with the billing.

A motion was made by Councilman Fink to set the reconnect fees to \$15 on the hour and \$50 after hours including extending the grace period one week. Mrs. Jankosky replied to Mayor Keene that these fees would not cover the costs when addressing the water and sewer funds which are already in the red. **The motion died for lack of a second.** Mr. Stapp asked what constitutes a \$35 dollar reconnect charge. Mayor Keene replied the cost and salary of the person to turn on the water. Mrs. Jankosky added also paperwork and fuel.

A motion was made by Councilwoman Frierson and seconded by Deputy Mayor Heine to set reconnect fees at \$35 and \$50 for after hours.

Mr. Steve Stapp voiced concerns about residents left without water.

Vote on the motion carried 4-1 with Councilman Fink dissenting.

5. Legal Services Contract (Attorney)

Attorney Wohl reported that the agreement for legal services expired on May 14, 2013. He stated that Swaine and Harris would like to continue servicing the City and submitted a new contract noting the biggest modification being the flat rate amount from \$3,000 to \$7,500 per month. Attorney Wohl continued that information was collected from other similarly situated municipalities. He stated that the Avon Park Attorney receives \$120,000 per year in compensation and the City of Wauchula \$140,000 per year on average. He added that according to those numbers the \$7,500 per month is well below the amount paid to City Attorneys at other comparable cities. In addition, he also reviewed his hourly billing the past year which would equate to \$105,000. In review with Mrs. Jankosky the preference was to proceed with a flat fee which is easier to budget. He believes his firm is well suited to serve the City which would include unlimited service of all members of the firm.

Councilman Fink stated that he did not have problem with Attorney Wohl or the firm however when the agreement was signed the retainer was set and adequate. He believes the City is on tenuous footing in fiscal matters and voiced that there is no way he could vote for more than double an increase in legal services after a one year time. Attorney Wohl replied that he never made any complaint about what was paid in the last year and never asked for money back or that he did not like the arrangement. Councilman Fink replied that the firm came forward with a bid for service and the City accepted however there are no salary increases for any others and in this financial period.

Councilwoman Frierson suggested Mayor Keene meeting with Attorney Wohl to see if a mutual agreement could be worked out. A member of the public asked if the work load doubled. Attorney Wohl responded that the work load had not doubled but it was based on other Cities and the amount of hours dedicated to the City which in hourly time totaled \$105,000. He added that they also did not foresee the amount of work the City had and it was the first year so there was no number to gauge.

A motion was made by Councilwoman Frierson and seconded by Councilman Allen to empower Mayor Keene to meet with Attorney Wohl to reach a mutual agreement.

Ms. Brenda Johnson asked if the Attorney position could be put to a re-election. Attorney Wohl replied that the position is not an elected attorney. Mayor Keene noted that if the negotiation fails another attorney would be selected.

Vote on the original motion passed 5-0.

6. School Board Request to Use Fire Station (Administrator)

A motion was made by Councilman Fink and seconded by Deputy Mayor Heine to allow the City Administrator to negotiate a lease with the School Board to utilize the Cypress Fire Station for storage of surplus. The final agreement shall include separation of bays to protect the antique LaFrance Fire Truck. The School Board will pay the utilities and provide for the maintenance of building and grounds. Agreement will be for a one-year period. Vote on the motion carried 5-0.

7. Desoto Memorial Hospital (Vince Sica)

Item was tabled to the next regular meeting.

RESOLUTIONS

8. Resolution 2013-11 – A Resolution Urging Tobacco Retailers to Stop the Sale and Marketing of Flavored Tobacco Products in the City of Arcadia, Florida.

Mrs. Jankosky read Resolution No. 2013-11 by title. Dr. Voelker and the middle and high school students gave a short presentation regarding support and approval of Resolution No. 2013-11.

A motion was made by Deputy Mayor Heine and seconded by Councilman Allen to adopt Resolution No. 2013-11 as presented. The motion carried 5-0.

COMMENTS FROM DEPARTMENTS

9. City Marshal

Captain Anderson confirmed to Councilman Fink that the locks were changed at the station.

10. Attorney – No report

11. City Administrator
a. Jim Space

Mrs. Jankosky spoke to Pat Backer and they are interested in repairing Jim Space. They would like to hold a fundraiser sometime after Memorial Day. Mayor Keene requested an update in June.

Mrs. Jankosky reported an update on the Senior Center move and remodeling of the former Police Department. Councilman Fink complimented Mrs. Jankosky on her due diligence and efforts to accommodate the Senior Center.

Mrs. Jankosky reported on a letter from Charlotte Harbor National Estuary Program stating a \$500 contribution was authorized by the City of Arcadia however it is not in the budget.

PUBLIC (PLEASE LIMIT PRESENTATIONS TO FIVE MINUTES)

Coach Richard Bowers requested the Smith Brown Gym be reopened for recreational use by the children during the summer months. Councilman Fink asked if Coach Bowers would provide volunteers to open and close the facility. Coach Bowers replied that there are two volunteers along with someone the City would hire. Mayor Keene stated that Smith Brown Gym is an asset to the community and the City replaced the roof recently. Coach Bowers replied to Mayor Keene that he would suggest Gym hours as Monday through Saturday from noon to close. Mayor Keene requested that Mrs. Jankosky meet with Coach Bowers and bring information to a subsequent meeting.

Mr. Steve Stapp questioned paying for water that he does not utilize. Mrs. Jankosky replied that the City is currently gathering information from its system to send to the actuary to put numbers together for a cost estimate study to re-tier the number program based upon gallons.

MAYOR AND COUNCIL MATTERS

Councilman Fink praised the new Council Chambers. He voiced concerns regarding use of the old City Hall in that the building may deteriorate if not used regularly. He suggested if the City could allow a group such as the Historical Society to utilize it as a possible museum. Mayor Keene concurred.

Ms. BeBe Bradbury, President of the Historical Society, stated they would love to entertain the idea. Council agreed to gather more information.

ADJOURN

There being no further business the meeting adjourned at 7:25 p.m.

APPROVED THIS 2nd DAY OF July, 2013.

By:



Keith Keene, Mayor

ATTEST:



Gia S. Lancaster, City Clerk