

**MINUTES  
CITY COUNCIL  
CITY OF ARCADIA  
TUESDAY, DECEMBER 6, 2011  
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 Joseph E. Fink
Councilman Robert R. Allen	Councilman Robert Heine-Absent
Mayor Keith Keene – Present VIA Phone	

**Arcadia City Staff**

City Administrator Lawrence Miller	City Recorder Virginia S. Haas
City Attorney Jason Henbest	Captain Matt Anderson
Asst. City Administrator Judi Jankosky	Marshal Charles Lee

Councilman Allen gave the invocation which was followed by the Pledge of Allegiance.

**PRESENTATIONS**

- November Employee of the Month – Mr. Ricky Huckaby

Deputy Mayor Frierson read and presented Mr. Ricky Huckaby with the November Employee of the Month plaque for outstanding service to the City.

- Martin Luther King, Jr. Proclamation – Present to Mr. Samuel Morgan

Deputy Mayor Frierson read and presented a Proclamation for Martin Luther King, Jr. Day to Mr. Samuel Morgan, NAACP.

- Drug-Free DeSoto Coalition – Lindsay Turner, Program Coordinator

Ms. Lindsay Turner, Program Coordinator for DeSoto Drug Free Coalition gave background information regarding the program and requested a letter of support from the City and asked for a Council Member to be appointed to attend monthly meetings.

## CONSENT AGENDA

1. Minutes of the November 15, 2011 Workshop and Regular Meetings.
2. Check warrants from November 18, 2011, November 21, 2011 and November 23, 2011.

**A motion was made by Councilman Allen and seconded by Councilman Fink to approve consent agenda items 1-2. The motion carried 4-0.**

## DISCUSSION ITEMS

3. Placing Code Enforcement Under the City Administrator (Councilman Fink)

Councilman Fink stated that surveys were included in the packet indicating that typically Code Enforcement falls under the purview of the City Manager rather than the Police Department. He continued that in past dealings code issues were a civil matter and felt it better aligned under the City Administrator. Marshal Lee had no problem with Councilman Fink's request. Councilman Fink continued that he felt code enforcement should be non-intrusive but a stern approach under the City Administrator. There was discussion regarding hiring of another employee or utilizing the current employee. Mayor Keene inputted that he thought it would be optimal to move the existing employee under Dr. Miller. Marshal Lee confirmed that this employee would be moved from the Police Department budget to the Administration budget. Councilman Allen voiced that code enforcement should remain with the Police Department. Deputy Mayor Frierson agreed that code enforcement should remain status quo. No more action was taken on this item.

4. Appointing a Member to the Charter Review Advisory Board (Councilman Fink)

**A motion was made by Mayor Keene and seconded by Councilman Fink to appoint Mrs. Martha Craven and Mrs. Ann Pepper to the Charter Review Advisory Board. The motion carried 4-0.**

5. Voluntary Recycling Program for the City of Arcadia (Councilman Fink)

Councilman Fink reported he is constantly approached by residents concerning why the City does not have a recycling program. He stated that recycling has shown to be a cost saving measure as well as reducing tonnage of refuse placed into the landfills. He continued that the City could provide the service in-house or the City could outsource the service to a vendor. The City can sell off recyclable materials and make some profit. He stated he spoke with Adrian Cline, Superintendent of DeSoto School District and he was ecstatic to promote this with the schools as well. Councilman Allen agreed as long as the program was voluntary. Mayor Keene applauded Councilman Fink and supported the program. Mayor Keene suggested that the Council direct Dr. Miller to partner with local vendors and begin an outreach program to promote recycling.

**A motion was made by Councilman Fink and seconded by Mayor Keene to direct staff to look into local vendors to implement a voluntary recycling program. The motion carried 3-1 with voting as follows: Councilman Fink, Yes; Councilman Allen, No; Deputy Mayor Frierson, Yes; Mayor Keene, Yes.**

6. Appointing Council Members to Various Boards and Committees (Councilman Fink)

The Council agreed to the following appointments and alternates. Deputy Mayor Frierson would be alternates to the Ridge League of Cities, CFRPC, Chamber of Commerce and DeSoto County Economic Development Board. Councilman Fink was appointed to serve on the Peace River Estuary Board, Florida League of Cities and DeSoto Drug Task Board.

7. Update on Main Street Association 2<sup>nd</sup> Saturday event and the joint Holiday event with the Antique Association for December 10<sup>th</sup> at the Tree of Knowledge Park.

Megan McKibben, Program Manager for Arcadia Main Street thanked Dr. Miller and staff for their assistance and noted that vendor attendance has increased considerably. She reported on upcoming events and requested police presence at the Main Street 2<sup>nd</sup> Saturday Market. Marshal Lee agreed to assist. Ms. McKibben reviewed the 2012 events and projects.

8. Establish or Appoint Historic Preservation Commission (Asst. City Administrator Judi Jankosky)

**Ms. Jankosky reported there is a request for a permit which will require review by the Historic Preservation Commission. A motion was made by Mayor Keene and seconded by Councilman Fink to appoint the Planning and Zoning Board to serve in the capacity of the Historic Preservation Commission. The motion carried 4-0.**

9. Review of Community Redevelopment Agency (CRA) questions and costs for administration and findings of necessity. (Jennifer Codo-Salisbury, CFRPC)

Ms. Codo-Salisbury distributed scope of services to the Council and reviewed the process of the Findings of Necessity for establishing a CRA. She estimated the cost for the Findings of Necessity as \$12,500. Deputy Mayor Frierson voiced she was not in favor of spending that type money at this time. Councilman Allen and Mayor Keene agreed. Councilman Fink requested that the issue not be forgotten and possibly following the scheduled budget workshops we may be able to address the initiative again. Ms. Codo-Salisbury finalized additional questions: 1) Staff could serve in administrative capacity for start up of the CRA however there would be attorney costs

involved 2) The CRA can be dissolved with passage of a Resolution and 3) The CRA are not required to be contiguous. There being no other questions the item was tabled.

10. DeSoto County's Special Exception request to place a fire administration office in R-1B Residential Zoning District. (Asst. City Administrator Judi Jankosky)

Ms. Jankosky reported that the zoning had not been changed and was still R-1B. She stated that Council can still allow a special approval as done in the past. She added that CFRPC is working on updating the Land Development Code and that zoning district would become business or professional. Attorney Henbest recommended this be considered a rezoning and established by Ordinance.

**A motion was made by Councilman Fink and seconded by Mayor Keene to forward the application to the Planning and Zoning board for a request for rezoning and report back to the City Council with a recommendation. The motion carried 4-0.**

Mr. Ernie Hewett asked who would bear the costs for the rezoning. Advertisement cost and the \$500 administration fees were discussed.

**A motion was made by Councilman Fink and seconded by Mayor Keene to waive the \$500 administration cost however County will bear the cost of the advertising. The motion carried 4-0.**

11. Award Bid No. 2011-03 for Airport Security Fencing and Gates (Asst. City Administrator Judi Jankosky)

Mrs. Jankosky reported that the low bidder for the Airport Security Fencing and Gates came in at \$78,865 from Commercial Fence Contractors. The project is 100 percent financed by a FDOT Grant; therefore no matching funds are required.

**A motion was made by Councilman Fink and seconded by Mayor Keene to award bid no. 2011-03 to Commercial Fence Contractors in the amount of \$78,865. The motion carried 4-0.**

12. Airport rules and Fees. (Asst. City Administrator Judi Jankosky)

Mrs. Jankosky reported that the airport is having difficulties with late hanger fees. She suggested that the late fees be increased to \$25.00 as well as increase in tie down fees to \$5 per day, \$15 per week and \$45 monthly. She indicated that these rates are still lower than Wauchula. She reviewed four changes to the hanger rules and regulations. There was discussion whether the Airport Advisory Committee should review rules and further discussion regarding Hangar F. Deputy Mayor Frierson objected to the emergency removal of locks. Councilman Fink responded and Marshal Lee agreed that the City Police Department did indeed have jurisdiction over the Airport.

**A motion was made by Mayor Keene and seconded by Councilman Fink to approve the increase in hanger and tie down fees and amendments to the hangar rules and regulations as presented. The motion carried 4-0.**

13. Update on Mobile Home Park. (Asst. City Administrator Judi Jankosky)

Mrs. Jankosky reported that cleanup efforts are ongoing at the Mobile Home Park including washing of mobile homes and painting to occur in the spring. The Park Rules were amended and distributed to all park residents. She reported that this year's budget will include repairs to the clubhouse roof, restrooms, locks and fencing around the park. She continued that some residents are unhappy about not having a key to the clubhouse. Deputy Mayor Frierson reported that the City may lose some of its mobile home park tenant. Mrs. Jankosky replied that she recently met with two of the park residents. Dr. Miller encouraged mobile home park tenants with any issues to come discuss items with him at the Administrator's Office.

14. Generic Public Meeting Notices and Schedule of Meetings for Calendar Year 2012 (City Recorder)

Ms. Haas reported that the City was currently posting monthly generic meeting schedules with the Charlotte Sun at a cost of \$165.00 per month. She continued that she spoke with the City Attorney who stated that the City must only give "reasonable" notice of meetings and suggested approving a schedule for 2012 of meetings and workshops and advertising them twice at the beginning of each year as well as posting in City Hall and on the City Web Site. This initiative if implemented could save the City almost \$2,000 per year.

**A motion was made by Councilman Fink and seconded by Mayor Keene to proceed with "reasonable" notices as recommended by the City Attorney. The motion carried 4-0.**

15. Compliance with Privacy Laws Governed by FTC and Destruction of Records Meeting State Retention Schedules. (City Recorder)

Ms. Haas reported that Cintas has offered a low cost method for destruction of sensitive records and purging of records that have met State Retention Schedules. One Executive Security Console could be placed in the Way Building for use by all employees for destroying of sensitive records. The cost for pickup and shredding of the sensitive information is \$35.00. Councilman Fink requested that the City Recorder look into Historical Grants for Preservation of City Records.

**A motion was made by Councilman Fink and seconded by Councilman Allen to approve Cintas to provide City with One Executive Console for sensitive information. The motion carried 4-0.**

**RESOLUTIONS**

16. **RESOLUTION NO. 2011-22; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA, AMENDING THE BUDGET FOR FISCAL YEAR 2010-2011.**

Mr. Santana explained this amendment will place the 2010/2011 budget in order as to what actually occurred. He responded to Deputy Mayor Frierson that the audit should begin in January 2012 and completed sometime in June 2012. Councilman Fink requested that amendments come before Council for approval prior to any adjustments made by staff. Dr. Miller responded that staff would comply with Councilman Fink's request.

**A motion was made by Councilman Allen and seconded by Councilman Fink to adopt Resolution No. 2011-22 as presented. The motion carried 4-0.**

**ORDINANCES**

17. **ORDINANCE NO. 966; FIRST 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.**

**A motion was made by 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.** Mrs. Jennifer-Codo Salisbury noted that Ordinance 966 and 967 are related which are requests for a small scale amendment to the Future Land Use and those parcels to be zoned to General Business. She continued that surrounding uses are business and the changes are in the Comprehensive Plan Update. Attorney Henbest noted that there were some minor edits to the language that he would update to bring it into compliance with growth management. The updated Ordinance would be ready for approval at Second Reading.

A motion was made by Councilman Fink and seconded by Councilman Allen to approve Ordinance No. 966 at First Reading with noted changes from Attorney Henbest. The motion carried 4-0.

18. **ORDINANCE NO. 967; FIRST 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.**

A motion was made by Councilman Fink and seconded by Councilman Allen to read Ordinance No. 967 by title only. The City Recorder read Ordinance No. 967 by title only. Councilman Fink, as well as all other Council Members, noted no ex-parte communication regarding this Ordinance.

A motion was made by Councilman Fink and seconded by Councilman Allen to Adopt Ordinance No. 967 at First Reading. The motion carried 4-0.

#### COMMENTS FROM DEPARTMENTS

19. City Marshal – November Report Included in Packet.

Marshal Lee reported on some income to the City from closed out liens. He reported that recently some unauthorized purchases had been completed in the Police Department. The employee who was involved is no longer with the City. He stated that he spoke with Mr. Santana and safeguards were put into place so this would not happen in the future.

Marshal Lee reported that he received a request for a special event at Martin Luther King Park which caused problems last year so that he would be denying that request should it come forward for his approval.

Marshal Lee reported that two of the crossing guards are being paid by the School Board and the other positions are being paid for by not rehiring a most recently vacated Police Officer position.

20. Attorney – deferred to add statements, if needed, during Administrator report.

21. Administrator

a. Update Interlocal Agreement Fire & Emergency Services, Amendment 1

Dr. Miller reported he met with the County Attorney and Chief Prescott and section 7.45 was removed from the Agreement regarding the County renting out part of the facility. Section 7.41 regarding the timeline was amended to vacate prior to May 31, 2016 which was added for clarification. Deputy Mayor Frierson voiced concerned as to why the City must take back a building to which they already own and pay the utilities on the other building the County uses as well. Dr. Miller explained that the current agreement calls for the City to pay for the City Hall Facility and the 10<sup>th</sup> Avenue and Cypress Facility. He continued with approval of Amendment 1 the City recoups the ownership of the City Hall Facility however as it stands now the County can house up to 6 persons in the City Hall Station 1. Attorney Henbest replied that this amendment is an attempt to improve upon a badly written agreement which puts the City at a disadvantage; this is a way to get Fire Station 1 back totally and all other personnel would have to move to Fire Station 2.

**A motion was made by Mayor Keene and seconded by Councilman Allen to approve Amendment 1 to the Fire Services Agreement as presented. The motion failed 2-2 with voting as follows: Councilman Fink, No; Councilman Allen, Yes; Mayor Keene, Yes; Deputy Mayor Frierson, No.**

- b. Request for reimbursement in the amount of \$75.00 to Public Works Supervisor Jerry Cordes for purchase of Harrow Machine utilized in maintaining all City Ball Fields.

**A motion was made by Councilman Fink and seconded by Councilman Allen to approve reimbursement in the amount of \$75.00 to Mr. Jerry Cordes for purchase of Harrow Machine. Motion carried 4-0.**

- c. Request approval for hauling miscellaneous scrap metals to Scrap Yard with resulting funds turned over to City Finance Department.

**A motion was made by Councilman Fink and seconded by Councilman Allen to approve hauling of miscellaneous scrap metals to the scrap yard with resulting funds turned over to the City Finance Department. Motion carried 4-0.**

Attorney Henbest reported that Donna and Edward Duncan executed the deed turning over the Virginia Street property to the City. He stated that the only requirement would be that the City sign the IRS form for taxes for the ½ acre lot per the current appraised value. The City would incur the cost of the survey and cost of recording the deed.

**A motion was made by Mayor Keene and seconded by Councilman Allen to Authorize Attorney Henbest to execute required documents and IRS forms using appraised property value. The motion carried 4-0.**

Dr. Miller asked for clarification as to how to proceed in regards to Amendment 1 to the Fire Services Agreement. Council agreed that new discussion should occur with the County Commissioners regarding the fire services agreement. Attorney Henbest recommended that one Council Member participate in the new negotiations.

**A motion was made by Mayor Keene and seconded by Councilman Fink to appoint Deputy Mayor Frierson to participate in the new negotiations with the County Commissioners regarding the Fire Services Agreement and Amendment 1. The motion carried 4-0.**

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

Mrs. Ann Pepper, Arcadia Ave., spoke in favor of a recycling program and preserving the land in the area.

Ms. Rachelle Cruz spoke on behalf of Maurice Martinez who requested that their Dance Hall be allowed to stay open past midnight until 2 a.m. with no alcoholic beverages being served. The location stated was 414 N. Brevard Ave. Marshal Lee noted a recent issue with the old Cattleman Restaurant that was cited and shut down. Captain Anderson confirmed that the State Beverage Ordinance states he cannot stay open past midnight. There was no further discussion.

Mr. Ernest Hewitt stated that the Fire Merger was in the City's benefit in that it gave City Firefighters jobs, sold equipment and provided services to the Citizens. He also stated that Chief Prescott had said he would be giving up the Cypress Building and the City would become responsible for that as well.

Mr. Jamarius Bing asked why a Councilman was being paid and has not attended 4 consecutive meetings. He requested that this Councilman's salary be suspended until which time he returns to meetings. Attorney Henbest noted that the Charter states 3 consecutive unexcused absences and person may be removed. Mayor Keene inputted that we are at a great disadvantage at this time and perhaps Councilman Heine may be receptive to speaking with someone on his intentions. Deputy Mayor Frierson voiced her concern on the passage of the Water Treatment Plant Project with a vote of 2-1. She asked if the City might be able to offer Councilman Heine retirement. **Council requested that the City Attorney look into speaking with Councilman Heine regarding his absences and intentions as well as any retirement benefits that may be available.**

Attorney Henbest replied to Sam Morgan that a 2-2 vote is considered failed as there needs to be a majority vote for an item to pass.

Councilman Fink also voiced his concern on passage of items on a 2 to 1 vote.

**MAYOR AND COUNCIL MATTERS**

**A motion was made by Councilman Fink and seconded by Mayor Keene to direct the City Attorney to speak with Councilmen Heine in regards to his intentions to attend future meetings; review of potential retirement benefits and report back to City Council. Motion carried 4-0.**

Dr. Lorenzo Dixon stated that Councilman Heine has missed 3 consecutive meetings and the Charter gives the Council ability to take certain action. He further stated that State Law requires 20 consecutive years of service to take advantage of retirement benefits.

Councilman Fink thanked Charles Cobb and Jerry Cordes for assisting the Antique Association with placement of decorations for the park.

**Councilman Fink requested an Ordinance regarding no sleeping in Parks from dusk to dawn. The ordinance could be regulated by hours of operation and not loitering. A motion was made by Councilman Fink and seconded by Mayor Keene to have the City Attorney draft an Ordinance for first reading addressing regulating hours of operation as closed from dusk to dawn for all city parks. The motion carried 4-0**

Councilman Fink reported that the Antique fire truck needs to be insured and would like this item reviewed and the cost of insuring brought back to Council. He also announced Pearl Harbor Day and gave his thoughts and prayers.

Mayor Keene thanked Deputy Mayor Frierson for being Acting Mayor in his absence and City Council for their dedication and participation in the meetings.

**A motion was made by Councilman Fink and seconded by Councilman Allen to cancel the next City Council Meeting scheduled for December 20, 2011 at 6 p.m. The motion carried 4-0.**

Deputy Mayor Frierson noted that the City Administrator's evaluation is nearing and the full Council needs to be in attendance. **The City Council requested that the City Attorney prepare a City Administrator Evaluation form and have that distributed to each Council member for completion prior to the meeting scheduled on January 3, 2012.**

Dr. Miller updated Council that the 118 Singleton address house that was to be demolished has asbestos to be abated because it was built before 1959.

**ADJOURN**

There being no further business, the meeting was adjourned at 9:10 p.m.

APPROVED THIS 3<sup>rd</sup> DAY OF JANUARY, ~~2011~~ 2012

By:

Keith Keene  
Keith Keene, Mayor

ATTEST:

Virginia S. Haas  
Virginia S. Haas, City Recorder