MINUTES
CITY COUNCIL
CITY OF ARCADIA
TUESDAY, JUNE 7, 2011
6:00 PM

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

The meeting was called to order at approximately 6:00 PM with the following members and staff present:

Arcadia City Council

Mayor Robert Heine
Councilmember Roosevelt Johnson
Councilmember Martha Craven
Councilmember Sharon Goodman
Deputy Mayor Keith Keene

Arcadia City Staff

City Administrator Lawrence Miller
City Attorney William Galvano
Marshal Charles Lee
City Recorder Dana Williams
Asst. City Administrator Judi Jankosky
Finance Director Jorge Santana

Councilmember Goodman gave the invocation which was followed by the Pledge of Allegiance led by Deputy Mayor Keene.

SPECIAL PRESENTATIONS

1. PROCLAMATION HONORING CIVILITY MONTH

The City Recorder read the proclamation recognizing June 2011 as Civility Month prior to the Mayor presenting it to the City Attorney, who represented the Florida Bar Association. The proclamation in its entirety appears below:

Proclamation

WHEREAS, the open exchange of public discourse is essential to the democratic system of government; and

WHEREAS, as a cornerstone of democracy Americans have observed certain rules of behavior generally known as civility; and

WHEREAS, civility, derived from the Latin words "civitas" meaning city and "civis" meaning citizen, is behavior worthy of citizens living in a community or in common with others; and

WHEREAS, displays of anger, rudeness, ridicule, impatience, and a lack of respect and personal attacks detract from the open exchange of ideas, prevent fair discussion of the issues, and can discourage individuals from participation in government; and

WHEREAS, civility can assist in reaching consensus on diverse issues and allow for mutually respectful ongoing relationships; and

WHEREAS, civility can uplift our daily life and make it more pleasant to live in an organized society; and

WHEREAS, the City, County and Local Government Law Section of The Florida Bar urges the adoption of a pledge of civility by all citizens in the State of Florida.

NOW, THEREFORE, BE IT PROCLAIMED, the Mayor and Council for the City of Arcadia do hereby designate

June 2011
as
Civility Month

BE IT FURTHER PROCLAIMED, we call upon all citizens to exercise civility toward each other in all aspects of daily life.

SO DONE THIS 7th DAY OF JUNE 2011.
By:
/s/Robert W. Heine, Mayor

ATTEST:
/s/Dana L.S. Williams, CMC, City Recorder

CONSENT AGENDA

2. MINUTES OF THE MAY 17, 2011 REGULAR MEETING
3. CHECK WARRANTS FOR MAY 19 (21 PGS), MAY 26 (10 PGS), & JUNE 2, 2011 (9 PGS)

On motion of Deputy Mayor Keene and seconded by Councilmember Goodman, the two items included on the Consent Agenda printed above were unanimously, 5-0, approved.

DISCUSSION ITEMS

4. CONSIDERATION OF A VARIANCE AT 518 BOND STREET, BARBARA WOODERS

The City Recorder reported on the findings of and recommendation for approval by the Board of Adjustment based on the revisions of size and siting of the structure at 518 Bond Street.

On motion of Councilmember Goodman, with a second by Councilmember Johnson, the Council voted unanimously, 5-0, to approve the variance for set-backs at 518 Bond Street, Arcadia, FL.

5. CONSIDERATION OF ADOPTING THE REVISED PERSONNEL MANUAL

This item was deferred to a future meeting.

6. WORK AUTHORIZATION FOR AIRPORT FENCING AND ACCESS CONTROL PROJECT

The Assistant City Administrator stated the Florida Department of Transportation has approved the work authorization provided in the agenda packet as part of the grant funded project for security fencing and access control at the Arcadia Airport; and that the fees will be 100% paid by FDOT. She added it is anticipated the project will begin the design phase in a few weeks and construction within a few months.

On motion of Deputy Mayor Keene and seconded by Councilmember Craven, the Council voted unanimously, 5-0, to approve Work Authorization #1 awarding the design, bidding, construction phase and RPR service contract for security fencing and access control at the Arcadia Airport to Hanson Professional Services.

7. AVIATION DAY – MARCH 3, 2012

The Assistant City Administrator reported that a team of volunteers is ready to begin planning for next year's Aviation Day and in checking event calendars for surrounding localities; it was determined the best day to hold Arcadia's event would be March 3, 2012. She added there was no anticipated cost to either the City or the airport in conjunction with the event outside of staff time spent on coordination.

Deputy Mayor Keene made a motion to approve the date of March 3, 2012 for Aviation Day in Arcadia. Councilmember Craven provided a second, the motion carried unanimously, 5-0.

8. APPOINTMENT TO THE ARCADIA AIRPORT ADVISORY COMMITTEE

The Assistant City Administrator noted that upon the announcement of an open position on the Airport Advisory Committee, the City had received one application; that being from David Hutchinson who is an active pilot and keeps an aircraft at the Arcadia Airport. However she added that another member, Mr. Donald Knocke, recently submitted a letter of resignation creating yet another vacancy. The Assistant Administrator pointed out that should the appointment of Mr. Hutchinson be confirmed, the membership would be at six and that according to Resolution 2009-08 Council may set the committee membership from 5-7 members or to announce the position open for a period of time to allow for more applications.

Deputy Mayor Keene made a motion to appoint Mr. David Hutchinson to the Arcadia Airport Advisory Committee. The motion was seconded by Councilmember Goodman and passed unanimously, 5-0, upon roll call vote.

It was the consensus of Council to announce another position on the committee open in anticipation of securing an additional member via application.

9. AGREEMENT WITH FLORIDA POWER & LIGHT FOR USE OF A PORTION OF THE ARCADIA AIRPORT

This item was pulled from consideration.

RESOLUTIONS

10. RESOLUTION 11-07, PROVIDING FOR A VARIANCE AT 518 BOND STREET

This resolution relates to Item #4 above and will be recorded with DeSoto County to show the variance for setbacks running with the land. One correction to the resolution was noted, that being the date of the public hearing listed as June 6th, which should have been June 7th, 2011.

The Mayor opened a public hearing to receive comments, but upon hearing none, he closed the public hearing portion of the item.

On motion of Councilmember Goodman and seconded by Deputy Mayor Keene, the Council voted unanimously, 5-0, to approve Resolution 11-07 as amended and printed below.

RESOLUTION 2011-07

A RESOLUTION GRANTING A VARIANCE FOR SETBACKS ON THE PROPERTY AT 518 BOND STREET.

IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA:

WHEREAS, the White Sands Construction has been contracted by the Guardian Community Resource Management, Inc., on behalf of the City of Arcadia to construct a home in accordance with the CDBG guidelines at 518 Bond Street, Arcadia, Florida, and

WHEREAS, the contractor on behalf of the property owner has made application for a variance which would allow side, front and rear setbacks lesser than what is permitted by Code; and

WHEREAS, the revised setbacks for the property at 518 Bond Street will now be five feet (5') on each side and in the rear, and twenty feet (20') for the street facing front; and

WHEREAS, the Board of Adjustment conducted a public hearing on the request for variance on Tuesday, May 24, 2011, after due consideration and necessary findings did make a favorable and unanimous motion of approval to recommend to the City Council the granting of this variance.

WHEREAS, the City Council held a duly noticed public hearing on June 7, 2011, at which time the request was considered and public comment was heard; and

WHEREAS, the Council having found that all requirements for the granting of the requested variance provided in Section 110.245 - 110.247 of the City's Code have been shown by competent substantial evidence on the record.

NOW THEREFORE BE IT RESOLVED by the City Council that said variance be and the same is hereby granted.

SO DONE THIS 7th DAY OF JUNE 2011.

By: /s/ Robert W. Heine, Mayor

ATTEST:
/s/ Dana L.S. Williams, CMC, City Recorder

11. RESOLUTION 11-08, AMENDING THE RETIREMENT PLAN FOR EMPLOYEES OF THE CITY OF ARCADIA

This item, relating to Item #5 above, was stricken from consideration at this time.

12. RESOLUTION 11-09, RELATED TO CDBG AND CDBG HAP AUTHORIZATIONS

The City Administrator explained this resolution was required in order for the City to be eligible for the Community Contribution Tax Program related to the CDBG grant. He continued this will allow local businesses who contribute goods or services to the housing project to receive a tax credit equal to 50% of the value of the donation. The Administrator added a revised version of the resolution was provided at the dais this evening, then read the resolution by title.

Councilmember Craven asked if this was a new housing grant, to which the Administrator responded it was not.

On motion of Deputy Mayor Keene and seconded by Councilmember Johnson, the Council voted unanimously, 5-0, to approve Resolution 11-09 as it appears below.

RESOLUTION NO 11-09

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA, AUTHORIZING THE CHIEF ELECTED OFFICIAL TO MAKE APPLICATION TO THE STATE OF FLORIDA FOR APPROVAL OF ARCADIA COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG'S) AND CDBG HOUSING ASSISTANCE PLAN (HAP) WITH ANY REQUIRED STATE UPDATES, PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

WHEREAS, Arcadia is experiencing a need for physical improvements to benefit low-to-moderate income persons;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Arcadia, Florida, as follows:

SECTION 1. That the Community Development Block Grant Housing Rehabilitation program (all funding years) is declared to be a workable program for

providing needed physical improvements to benefit low-to-moderate income households indicated in the City's most current CDBG application and Housing Assistance Plan.

SECTION 2. The Council hereby directs the Chief Elected Official or City Administrator in his or her absence, to sign all necessary certifications of the Community Development Block Grant application(s) through 2015.

SECTION 3. That the Council directs the Chief Elected Official or City Administrator in his or her absence, to execute and submit CDBG application(s) through 2015 to the State of Florida.

SECTION 4. That the City Council directs the Chief Elected Official or City Administrator in his or her absence, to sign and submit the required CDBG Housing Assistance Plan (HAP) with the CDBG application.

SECTION 5. That the Council authorizes the Chief Elected Official, or City Administrator in his or her absence, to submit additional information in a timely manner as may be required by the State of Florida, award agreement or other State or Federal request related to said application and award agreement.

SECTION 6. The CDBG housing rehabilitation program through 2015 is consistent with the local comprehensive plan.

SECTION 7. This resolution is required for the Community Contribution Tax Credit Program. The city is applying to the Governor's office to become a Sponsor for the program. The program will work in conjunction with the CDBG HR grant by allowing local businesses to make cash and material donations for the purpose of housing rehabilitation. The Businesses will then receive a tax credit equal to 50% of the value of the donation.

SECTION 8. That this Resolution shall take effect immediately upon its passage.

SO DONE THIS 7TH DAY OF JUNE 2011.
By: /s/ Robert W. Heine, Mayor

ATTEST:
/s/ Dana L.S. Williams, CMC, City Recorder

12B. RESOLUTION 11-10, AMENDING THE FY11 BUDGET TO INCLUDE THE AIRPORT

The City Administrator explained this added item as a requirement to move the airport from the General Fund to its own Enterprise fund. He then read the resolution by title.

On motion of Deputy Mayor Keene with a second by Councilmember Goodman, the Council voted unanimously, 5-0, to approve Resolution 11-10 as printed below.

RESOLUTION NO. 11-10

A RESOLUTION OF THE CITY OF ARCADIA

RELATING TO AMENDING THE 2010-2011 CITY WIDE BUDGET TO INCLUDE THE AIRPORT AS AN ENTERPRISE FUND WITHIN THE AIRPORT FUND.

WHEREAS, the City of Arcadia has requested that the Airport activity be changed from the General Fund to an independent Enterprise Fund in order to attract State and Federal Grant funding opportunities.

NOW, THEREFORE, BE IT RESOLVED, that the AIRPORT FUND has been established and included in the City of Arcadia's AMENDED BUDGET for Fiscal Year 2010-2011:

GENERAL FUND	$ 5,793,652
WATER AND SEWER FUND	3,223,042
WATER AND SEWER BOND SINKING FUND	1,223,743
WATER AND SEWER BOND RESERVE FUND	-
WATER AND SEWER RENEWAL & REPLACEMENT	251,497
AIRPORT FUND	154,000
INFRASTRUCTURE FUND	1,064,131
LOCAL OPTION FUND	1,372,650
CAPITAL IMPROVEMENT FUND	1,077,147
FIRE SERVICES PROTECTION FUND	193,640
COMMUNITY DEVELOPMENT BLOCK GRANT	678,806

SO DONE, this 7th day of June 2011.
By: /s/ Robert W. Heine, Mayor

ATTEST:
/s/ Dana L.S. Williams, CMC, City Recorder

COMMENTS FROM DEPARTMENTS

13. CITY MARSHAL

The City Marshal stated his report for the month was not yet ready but would be available at the next meeting.

He then brought to the Council's attention that the Florida Highway Patrol was closing the Arcadia station and moving to Bradenton. He reminded Council that in 1955, the City had donated that land to the State but felt that in light of their closing, it would be beneficial for the property to revert back to the City and to relocate the Arcadia Police Department on that site. The Marshal continued that he has spoken with the City Attorney, City Administrator and Senator Alexander about this proposal and requested their support; although while it may or may not come to fruition, he was trying to bring an asset back to the City and would like Council's support as well. Although no formal action was requested at this time, it was the consensus of Council to proceed with the request through the appropriate channels.

14. ATTORNEY

A) FINAL APPROVAL OF (2) WARRANTY DEEDS TO HABITAT FOR HUMANITY, INC.

The City Attorney stated revised warranty deeds were provided at the dais this evening,

which clearly outlines a right of reversion whereby should Habitat for Humanity not commence construction on the date specified in the deed, title to the property(ies) will revert back to the City.

On motion of Councilmember Goodman, with a second by Councilmember Johnson, the Council voted unanimously, 5-0, to approve the Special Warranty Deed with Reversion for Lots 1, 2, 3, 4, 5, and 6, Block 6, Tier 5, A. W. Gilchrist's East End Addition to the Arcadia DeSoto County Habitat for Humanity, Inc.

On motion of Councilmember Goodman, with a second by Councilmember Johnson, the Council voted unanimously, 5-0, to approve the Special Warranty Deed with Reversion for Lots 25, 26, 27, 28, 29 and 30, Block 6, Tier 6, A. W. Gilchrist's East End Addition (Folio 31-37-25-0016-6060-0250) to the Arcadia DeSoto County Habitat for Humanity, Inc.

B) OTHER MATTERS

The City Attorney stated that the proposed settlement agreement related to the Rupp litigation had included a mutual release provision which he had advised against; and that the matter has since been resolved.

15. ADMINISTRATOR

A) FINANCES - CURRENT BUDGET STATUS

The City Administrator offered to address any concerns the Council may have related to the current budget status and specifically to make them aware of a foreseeable shortfall in the Water/Sewer Enterprise Fund. He continued that approximately $1.5M was projected in the FY-11 budget for the enterprise fund but that in actuality the city may receive only about $1.2M in revenues. The Administrator then stated the City was at a point where a transfer from the general fund would be done to offset the enterprise fund deficit. He briefly discussed the information previously provided by email relating to budget amendments and how transfers within individual categories are handled without affecting the bottom line, total budget.

Mr. Jorge Santana, Finance Director, further discussed the financial status. He stated the current administration and entire Finance department were working from a budget from which they were not a part of in its creation; but that through the production of monthly financial statements since October (2010) he has realized some of the projections included in the FY-11 budget, particularly the revenues of the sewer department, would be unobtainable. He stated the current need was to have money moved between funds, then explained the thresholds associated with each fund created and approved by Council last September. Mr. Santana went on to say that overall projections show the City will not reach those thresholds; therefore within each fund the City is "ok" although there "may be some manipulation of money" in order to cover the shortfall in the enterprise fund. He stated the transfer needed from the General Fund would be approximately $250-300,000 in order "to offset any potential revenues that we're not gaining within the Sewer Department." The Finance Director concluded his remarks saying that "as of this moment, when we produced the financial statements through May, we are well within the thresholds that [Council] approved for the City to spend". He also stated that if any

money was left over, that would be used to supplement some of the projected but unrealized revenues within the Enterprise Fund.

Councilmember Craven asked the Finance Director if the FY-10 audit had been received. He responded it had not and that the auditors were waiting on an "Other Post Employment Benefits" (OPEB) calculation required by the State which requires municipalities who provide health insurance to its retirees to book the figure as a liability. He explained this new requirement essentially triggered two audits, the first by the auditors for the financial information and a second by the actuaries for the OPEB calculation. Once the calculation is complete, it will be provided to the auditors for inclusion in the standard audit document. The Finance Director felt hopefully within the next month the audit would be complete. Mrs. Craven next asked if the audit had been paid for yet, to which he responded approximately $65,000 was budgeted for the audit with about ½ having been expended to-date.

Deputy Mayor Keene asked when Council would be starting on the FY-12 budget. Mr. Santana answered he was waiting on a couple of departments to finish their projections, then it would come before Council, hopefully by the end of June.

B) PRO SHOP – MISSING FUNDS

The City Administrator reported on the missing funds from the Pro Shop, saying that after verification the deposits were not a bank or record-keeping error; the Police were immediately contacted and are conducting an investigation. Meanwhile, he mentioned briefly several safeguards which have been implemented to prevent further or future occurrences.

C) LAKE KATHERINE – BEAUTIFICATION PROJECT

The City Administrator described work being done in the Lake Katherine area to include removal of a large concrete column which was part of the former water plant and construction of a platform atop the overflow pipe of the lake. He noted that banners had been placed along the downtown area to provide extra pop and thanked the Elks Club for their contribution towards some of those banners. The Administrator added he was working with the Health Department on beautification of the west end of the City along SR 70 in terms of flower beds, as a means of making the entranceway to the City a more attractive appeal to motorists.

D) WATER TREATMENT PLANT – INTERCONNECT

Dr. Miller stated the WTP Interconnect project was finally coming to an end with the installation of a simple telephone which had held up progress for so long.

He also reported on a meeting of the water alliance for both underground and surface water, in order to provide options to the city in the event of a disaster or failure of our plant.

Councilmember Craven asked about the grant for the interconnect and whether the City was in jeopardy of losing it as a result of the delays. The Administrator responded he was not aware of that, although there was a tight timetable which is why there was such a push to get

the phone installed; however he added the delay was not on the part of the City but rather a result of Censtate.

E) DILAPIDATED BUILDING ORDINANCE – INTERLOCAL AGREEMENT WITH DESOTO COUNTY

The City Administrator stated he has been working with the County on an Interlocal agreement for building permitting; but also that the County currently has an ordinance which allows for removal of dilapidated buildings although it does not apply to structures within the City. He continued that if it were the desire of Council, a provision to exclude this limitation could be included in the Interlocal.

16. OTHER DEPARTMENTS

A) DESIGNATION OF FLC ANNUAL CONFERENCE VOTING DELEGATE

On motion of Councilmember Goodman and seconded by Deputy Mayor Keene, the Council voted unanimously, 5-0, to appoint Dr. Roosevelt Johnson as the City's voting delegate to the Florida League of Cities Annual Conference.

PUBLIC

Mr. Clinton Burton asked the City Recorder when Resolution 11-10 had been added to the agenda. She answered late this afternoon. Mr. Burton then questioned the legality of that late addition with the City Attorney, who confirmed it was legal and required no advance notice or advertising.

Mr. Dan Wells questioned the continuation of medical benefits for firefighters with 20+ years of City service but who were transferred to County employment in 2006. The City Administrator and City Attorney will discuss the matter and research applicable dates to make certain all is done in accordance with the ordinance.

Ms. Janie Watson asked if the fire station adjacent to City Hall was closing, adding that she had heard it was. Councilmember Johnson added he had heard the same thing and asked the Administrator to check with the County, saying it would be unfair to delete that station and leave the City exposed.

Mr. Ed Strube questioned some of the proposed changes to the personnel manual, specifically the matter of health insurance at an age when Medicare would be applicable, and also the deletion of longevity pay and the leave buy back program. Mr. Strube contended employees relied on these policies, felt the employees had a vested interest in them, and considered the policies to be a contractual relationship of sorts.

The City Administrator pointed out the State legislature has passed a bill which prohibits bonuses except when based on performance. He noted the bill is currently on the Governor's desk for signature or veto.

MAYOR AND COUNCIL MATTERS

The City Attorney asked that Jason Henbest be in [our] thoughts, having recently lost his brother to cancer.

Councilmember Craven requested to set the record straight that she had intended to vote "no" on the naming of the water plant for Eugene Hickson. She also requested the Council consider implementing term limits for Council seats, pointing out limits are imposed for the President, governor, and legislators. She felt a regular change in leadership would be good for the city. Also, Mrs. Craven thanked the Administrator for including bullet points on the agenda, saying she had requested his items for discussion be included.

Deputy Mayor Keene thought the banners in downtown were great and thanked the responsible parties. He also reported that he was recently a victim of crime, and in dealing with the Arcadia Police Department, they were very responsive and very professional. He expressed his appreciation to the Marshal on behalf of that department.

Councilmember Johnson commended the City for its use of the inmates, saying it was really making a difference in the appearance of the city as a whole. Councilmember Goodman agreed.

The City Recorder stated that because of Councilmember Craven's schedule, she has resigned her position as the City's representative to the Central Florida Regional Planning Council and that the CFRPC had requested a replacement be appointed. The Recorder noted the RPC meets approximately 10 times per year, in various locations, and on the 2nd Wednesday of the month; although there will not be a meeting in July (2011).

On motion of Councilmember Goodman and seconded by Councilmember Johnson, the Council voted unanimously, 5-0, to appoint Deputy Mayor Keith Keene as the City's representative to the Central Florida Regional Planning Council.

The City Recorder also reminded the Council that the Form 1 - Financial Disclosure statements had been recently mailed out and were due to the Supervisor of Elections office by July 1, 2011.

The City Administrator also provided the dates for voter registration and qualifying related to the upcoming City election.

In response to Dr. Johnson's comments about the use of inmates, the City Administrator gave all the credit to Jerry Cordes, Street & Sanitation Supervisor, and his crew for their diligence and hard work.

The Mayor questioned whether privatizing the DeSoto Correctional Institute would include or affect the Arcadia Road Prison.

ADJOURN

Having no further business at this time, the meeting was adjourned at 7:08 PM.

APPROVED THIS 21st DAY OF JUNE 2011.

By:

Robert W. Heine

Robert W. Heine, Mayor

ATTEST:

Dana L.S. Williams

Dana L.S. Williams, CMC, City Recorder