

MINUTES
CITY COUNCIL
CITY OF ARCADIA
TUESDAY, MAY 3, 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
Deputy Mayor Keith Keene

Arcadia City Staff

City Administrator Lawrence Miller
City Attorney William Galvano
City Marshal Charles Lee

City Recorder Dana Williams
Asst. City Administrator Judi Jankosky

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

The Mayor reported that Dr. Goodman was ill this evening.

SPECIAL PRESENTATIONS

1. APPRECIATION TO VOLUNTEERS AND SPONSORS OF AVIATION DAY

The Assistant City Administrator read a list of volunteers and sponsors who contributed to the success of Aviation Day. Specifically, they were:

Alert Plumbing	Bob Fink	Skydive SW Fl
Rex Almquist	Joana Gollin	Slims BBQ
Arcadia Hardware	Dave Hutchison	Greg Smith
Helmut Arndt	Arcadia Masons	Jeff Smith
Ted Bedard	Russ Miley	Susan Smith
Cody Bryan	Bill & Becky Minnear	Jim Solensky
Paul Cartwright	Mike Moon	Solomans Castle
Charlotte County Airport	Mosiac	Sweetbay Supermarket
Charlotte Sport Modelers Society	PAJ Graphix	Phil & Susan Ulrich
George and Joyce Chase	Al Pandl	Ron Watson
Civil Air Patrol	Tim Parker	Whealers Café
Classic Air Ventures	Peace River Citrus	
The Arcadia Explorers	Claude Rathgaber	

CONSENT AGENDA

2. MINUTES OF THE APRIL 19, 2011 WORKSHOP
3. MINUTES OF THE APRIL 19, 2011 REGULAR MEETING
4. CHECK WARRANTS FROM APRIL 2 THROUGH APRIL 28, 2011
5. MOBILE HOME PARK REPORT FOR MARCH 2011

6. SPECIAL EVENT PERMIT FOR TATE HIGGINBOTHAM FUND-RAISER

On motion of Deputy Mayor Keene with a second by Councilmember Johnson, the Council voted unanimously, 4-0, to approve items #2 through #6 of the Consent Agenda printed above.

DISCUSSION ITEMS

7. PUBLIC HEARING AND CONSIDERATION OF A VARIANCE AT 107 MCKINLEY STREET, K. TURNER

The City Administrator reported on the hearing which took place before the Board of Adjustment for consideration of a side setback variance at 107 McKinley Street. He explained this was part of the CDBG program and that the parcel was a non-conforming lot, adding his recommendation for approval to that of the Board.

At this point the Mayor opened a public hearing, but with no one coming forward to speak on behalf of the variance, he then closed the public hearing.

On motion of Councilmember Craven and seconded by Deputy Mayor Keene, the Council voted unanimously, 4-0, to approve the variance for setbacks at 107 McKinley Street, property of Kathryn Turner.

8. CONTINUATION ANNOUNCEMENT FOR A VARIANCE AT 518 BOND STREET, BARBARA WOODERS

The City Administrator briefly covered this item saying the proposed dwelling unit, contracted for 1,000 sf would not adequately fit on the parcel and still maintain any reasonable setbacks. Therefore the Board of Adjustment had requested the contractor speak with the CDBG administrators regarding the minimum square footage requirements, to prepare a sketch of the proposed siting on the property and that final consideration be continued to their next meeting of May 10, 2011.

The Mayor then announced that accordingly, the Council will need to continue this item to a date certain of May 17, 2011 at 6 PM at which time a public hearing on the matter will be held.

9. CONSIDERATION OF THE AMENDED MOBILE HOME PARK RULES

The Assistant City Administrator presented a complete revision to the Mobile Home Park rules saying it had been 28 years since they were last amended as a whole. She also cited the Statute which requires the City to provide a 90-day notice to the residents of the park prior to implementing any rule changes and that a copy of the notice will be retained by the park's resident manager, Carol Anderson.

Deputy Mayor Keene made a motion to approve the amended Mobile Home Park rules as presented and that staff be directed to provide statutory notice as required. Councilmember Johnson provided a second to the motion, which passed unanimously, 4-0, upon voice vote of the Council.

10. APPROVAL OF THE GENERAL CONTRACT FOR THE FOURTH AIRPORT CONSULTING SERVICES FINALIST

The Assistant City Administrator briefly stated this was the fourth of four airport consulting services contracts similar to the three which were presented a few weeks ago, and that again, she is not requesting any expenditure or authorization of a work product, but simply to provide general guidelines as to how the city and the consultant will interact once a project is initiated.

The Deputy Mayor offered a motion to approve the Airport Consulting Services Contract with LPA Group, Inc.; and Councilmember Craven provided a second. A voice vote of the Council revealed unanimous, 4-0, approval.

11. APPOINTMENTS TO THE ARCADIA AIRPORT ADVISORY COMMITTEE

The Assistant City Administrator reported that four of the Advisory Committee members' terms will expire on May 5th and that each was seeking reappointment. She asked the Council to consider that request.

On motion of Councilmember Johnson and seconded by Councilmember Craven, the Council voted unanimously, 4-0, to appoint Donald Knocke, Gary Frierson, Greg Smith and Ron Watson to the Arcadia Airport Advisory Committee for a term of three (3) years.

Ms. Jankosky then reported on another member of the Advisory Committee whose attendance has been sporadic and unresponsive to an inquiry regarding his membership intent. She recommended that in accordance with Resolution 2009-8, the Council relieve Mr. Paul Hoover of this appointment and announce the position open.

Deputy Mayor Keene made the motion to relieve Paul Hoover of his appointment to the Arcadia Airport Advisory Committee and to announce the position open. Councilmember Craven provided a second to the motion, which passed unanimously, 4-0.

COMMENTS FROM DEPARTMENTS

**12. CITY MARSHAL
A) ACTIVITIES AND CODE ENFORCEMENT REPORT FOR APRIL 2011**

The Marshal was available to answer any questions regarding the April activity and Code Enforcement Report.

He also reported the National Crime Rate Reports had been received and that Arcadia's crime rate is down 17.5% and that our small town was a little safer.

13. ATTORNEY

The City Attorney stated he had conveyed the Council's position on mutual release of

claim to the attorney for former administrator Markae Rupp.

He also stated it was his intention to meet the following week with County Attorney Donald Conn regarding animal control.

14. ADMINISTRATOR

The City Administrator stated he had been approached by Habitat for Humanity about the possibility of donating two parcels on East Maple and 12th Avenue. He continued both were vacant lots with overgrown vegetation and were .688 and .863 acres respectively. The Administrator felt these could be developed as nice structures with responsible homeowners who would contribute to the tax base, as well as participate in utility service; and asked that as part of the Clean Community initiative, would this be something the Council was interested in pursuing. Additionally, there is a small, wedge shaped pocket park on Mills Avenue, close to Memorial School, they have agreed to spruce up which would add to the community in general.

Councilmember Johnson asked how many homes could be constructed on the parcels, to which Ms. Jane Breylinger, executive director of Habitat for Humanity, responded four on one parcel and three homes on the other. Ms. Breylinger added there was currently a zoning issue in that the parcels are zoned B-1 but that the organization will pursue residential zoning if progress is continued. The consensus of the Council was to continue in negotiations with Habitat and the Mayor requested the item be included on the next meeting's agenda.

Ms. Breylinger also invited each of the Council to the upcoming 9th home dedication to be held May 26, 2011 at 5:30 PM.

The City Administrator announced the City had been granted a 12 month extension by the Department for Community Affairs for completion of the CDBG contract.

He then spoke about the timeline for the Brownsfield grant application submitted for the former Livestock Market, and that applications will be reviewed in the next few weeks with an anticipated notification time frame sometime in June.

The City Administrator stated the Public Works Director has several old dumpsters which have extended beyond their useful life and while recognizing there is a policy for the sale of surplus material, he requested the Council declare these five 4-yd dumpsters and five 6-yd dumpsters as surplus to be sold directly to the scrap metal yard.

On motion of Councilmember Johnson with a second by Deputy Mayor Keene, the Council voted unanimously, 4-0, to declare a total of ten 4- and 6-yd dumpsters as surplus and direct the Public Works Director to sell the same as scrap.

The Administrator reported he had received a letter from the Police Officers' and Firefighters Retirement Pension Board regarding a City receivable contribution due in the amount of \$9,762.73 for the fiscal year ending September 30, 2010. In addition to the receivable the City is required to pay interest in the amount of \$65 for each complete month beginning

October 2010 and until all funds are deposited in the Plan's account. He added there were funds available for this contribution; however he wanted to bring it to the Council's attention.

Lastly, the Administrator stated he had addressed the matter of a letter received from Joan Whitlock with her and advised her on the proper procedure and protocol to deal with issues such as those she presented.

PUBLIC

Dr. Ernie Hewett suggested a proactive approach for the City by offering the 6.5 acres of the former Livestock Market land to the Sheriff for the construction of a new jail recently discussed in the newspaper. He also mentioned two other properties on Fiveash Street, namely the 40 acre Candido and 29.5 acre Stephenson property. The Deputy Mayor thanked Dr. Hewett for concurring with the citizen's advisory committee, but added there was not much movement at this point because of funding. A brief discussion followed.

MAYOR AND COUNCIL MATTERS

Councilmember Craven stated she read on the internet that the development grant for the Way Building had been funded but that it appears the city can not accepted the grant because the building has already been restored "to Sarasota standards" and that the grant is not permitted to be used as a reimbursement. She continued that when the designs were presented there was no vote to proceed but yet much work was done and without utilizing the "buy local" program.

Mrs. Craven also asked the Council to find a replacement for her on the Regional Planning Council Board as she will be leaving for Houston in the coming weekend.

The City Administrator, in addressing the concerns of Councilmember Craven regarding the building, stated it needs more than \$50,000 to continue restoration. He pointed out the building needs a new roof, there are three other sides to it which have cracks in the stucco, and it needs new gutters and paint. He also stated he would have liked to use local contractors but had an obligation to the taxpayers to get the biggest bang for the buck by using money wisely.

The City Attorney presented a Memorandum of Agreement (MOA) from the State designating Arcadia in the Rural Area of Critical Economic Concern (RACEC). He added this was a positive program for the City and provided waivers, opportunities, incentives etc. particularly for tourism and economic development that might not be afforded cities not so designated.

On motion of Deputy Mayor Keene, and seconded by Councilmember Johnson, the Council voted unanimously, 4-0, to authorize entering into the Memorandum of Agreement for the Rural Area of Critical Economic Concern and to authorize the Mayor to sign on behalf of the City.

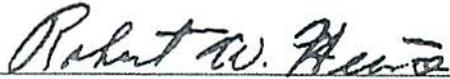
The City Administrator inquired of the City Attorney for a possible legal remedy to recover money from either the state or former employees who were fired but still received unemployment benefits. He added that one such employee was an interim administrator, and at that level, termination should be in the form of severance rather than unemployment. The Marshal added that his department also had experienced this, where employees were fired for cause or been convicted of a crime, yet still received unemployment. The City Attorney stated it was worth looking in to on a case by case basis.

ADJOURN

Having no further business at this time, the meeting was adjourned at 6:55 PM.

APPROVED THIS 19th DAY OF MAY 2011.

By:



Robert W. Heine, Mayor

ATTEST:



Dana L.S. Williams, CMC, City Recorder