

**MINUTES  
CITY COUNCIL  
CITY OF ARCADIA  
TUESDAY, MARCH 6, 2012  
6:00 PM**

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

The meeting was called to order at approximately 6:00 p.m.

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

**Arcadia City Council**

Mayor Keith Keene  
Councilman Robert Heine  
Councilman Robert R. Allen

Deputy Mayor Alice Frierson  
Councilman Joseph E. Fink

**Arcadia City Staff**

City Administrator, Lawrence Miller  
City Administrator Judi Jankosky  
City Attorney William Galvano

City Recorder Virginia S. Haas  
Marshal Charles Lee

Mayor Keene recognized former Mayor and Councilman Dick Fazzone.

Mayor Keene announced that item number 6 was removed from the agenda per request of Deputy Mayor Frierson.

**PRESENTATIONS**

Employee of the Month for February 2012 – Amanda Albritton-Horkey

Mayor Keene read and presented the February 2012 employee of the month to Amanda Albritton-Horkey for her outstanding service to the City Finance Department.

**CONSENT AGENDA**

1. Minutes of the February 21, 2012 Attorney/Client Session and Regular Meeting.
2. Check warrants from 02-17-12, 02-24-12, and 02-29-12.
3. Request for special event permit for Tree of Knowledge on March 21, 2012.

**A motion was made by Councilman Fink and seconded by Councilman Allen to approve consent agenda items 1-3. The motion carried 5-0.**

**DISCUSSION ITEMS**

4. DeSoto County Parks and Recreation request to utilize Speer Center for 2012 Summer day camp from June 25, 2012 through July 25, 2012. (Tara Anderson, DeSoto County Parks and Recreation)

Dr. Miller explained this was a request from DeSoto County Parks and Recreation to utilize the Speer Center for their Summer Day camp from June 25, 2012 through July 25, 2012.

**A motion was made by Councilman Heine and seconded by Councilman Allen to allow DeSoto County Parks and Recreation to utilize the Speer Center for their Summer Day Camp as requested. The motion carried 5-0.**

5. Charter Review Advisory Committee update. (City Recorder)

Ms. Haas stated that the Charter Review Advisory Committee would hold their final meeting on Friday, March 9, 2012. The board will be ready to present their recommendations to the City Council on March 20, 2012. Ms. Haas asked the Council how they would prefer receiving the recommendations. **The Council agreed on written recommendations, copies of the minutes and a presentation from one of the members.**

6. Workshop with Ken Small, Florida League of Cities. (Deputy Mayor Frierson)

**This item was removed from the agenda per Deputy Mayor Frierson.**

7. Arcadia Housing Authority Request for new appointment of Resident Commissioner. (Becky-Sue Mercer, Interim Executive Director)

**A motion was made by Councilman Heine and seconded by Councilman Fink to appoint Toni McDaniel as new Resident Board Member. The motion carried 5-0.**

8. Arcadia Housing Authority – Draft Recovery Agreement. (Becky-Sue Mercer, Interim Executive Director)

Ms. Becky-Sue Mercer reported the Housing Authority was expecting the 2008 audit within the next 15 days. The 2009, 2010 and 2011 audits are due by July 2012. She explained that at this time they are 100% occupancy filled. She responded to Mayor Keene that she would report back to the Council with all updates. She requested approval of the Arcadia Housing Authority Recovery agreement and noted that this document had nothing to do with the PILOT program. She explained this document is a required third party agreement between the City, the Housing Authority and HUD. She continued that Arcadia Housing Authority has temporarily partnered with Avon Park to address concerns.

**A motion was made by Councilman Heine and seconded by Councilman Fink to approve the Arcadia Housing Authority Recovery Agreement as presented. Councilman Fink asked if the Attorney reviewed the agreement. The City Attorney confirmed he reviewed the agreement and the Council's commitment is that of an oversight role. The motion carried 5-0.**

9. Decorum at the Meetings of the City of Arcadia. (Councilman Fink)

Councilman Fink encouraged the City Council to adopt a decorum policy so that there is a formal method of public comment and Council and staff rights and responsibilities. Attorney Galvano agreed and noted that the agenda does call for public comment and public comment is required in public hearings however not every item may have a public comment. Councilman Fink responded that he believes that providing public input is an obligation. Councilman Heine queried if Councilman Fink was asking for public approval.

Councilman Allen stated that the Council has not rejected any public's right to speak. Dr. Miller stated that decorum rules will allow public comment towards the issue and not degradation toward a person. Mayor Keene inputted that he has always asked for decorum in meetings and the Mayor has always been the time keeper. Councilman Heine and Deputy Mayor Frierson agreed that public comment has always worked in the past.

10. Request for Certificate of Appropriateness for proposed new construction and site improvements at 127 N. Polk Ave. Applicant, Peter and Francine Kent. (Asst. City Administrator Judi Jankosky)

**Mrs. Jankosky reported that this item was tabled to March 20, 2012 Historic Preservation meeting. She responded to Dr. Miller that the Commission requested architectural plans and additional information.**

11. Request for Certificate of Appropriateness for proposed new construction and improvements at 122 N. Hillsborough Ave. Applicant, DeSoto County. (Asst. City Administrator Judi Jankosky)

Mr. Richard Metzger, Facilities Director, DeSoto County, requested approval for a certificate of appropriateness for the Fire Administration Building at 122 N. Hillsborough. He passed a recent picture and noted that the project also includes a covered porch, lattice and landscaping. Councilman Heine stated that the building is already placed upon the parcel.

**A motion was made by Councilman Heine and seconded by Deputy Mayor Frierson to approve a Certificate of Appropriateness for the new construction and improvements located at 122 N. Hillsborough Ave. The motion carried 5-0.**

12. Request for Certificate of Appropriateness for proposed exterior renovations to existing building located at 200 W. Oak Street. Applicant, DeSoto Properties. (Asst. City Administrator Judi Jankosky)

Applicant Gary Mundell requested approval to construct an awning at 200 W. Oak Street. He passed around a photograph of how the building looked in the 1950s with the awning and balcony on the second floor. He noted that the new awning would be identical to the one located across the street and the awning would continue 25 feet around the side on Monroe Street.

**A motion was made by Councilman Fink and seconded by Councilman Heine to approve the request for a Certificate of Appropriateness for new construction and improvements located at 200 W. Oak Street. The motion carried 5-0.**

13. Request from Roger Penner to construct two-family dwellings on parcels zoned R-1B. (Asst. City Administrator, Judi Jankosky)

Mrs. Jankosky stated this was a request by Roger Penner, Jewel Construction; to construct two-family dwellings on parcels zoned R1-B. Mr. Penner responded to Mayor Keene that water and sewer is available to all six (6) units.

**A motion was made by Councilman Heine and seconded by Deputy Mayor Frierson to approve construction of two-family dwellings on parcels zoned R-1B. The motion carried 5-0.**

### **COMMENTS FROM DEPARTMENTS**

14. City Marshal – February report attached. There were no questions for Marshal Lee.

15. Attorney

1. Update on Towing and Wrecker Ordinance

Attorney Galvano reported that following review of all pertinent documents Ordinance No. 878 was repealed and the County Ordinance was applied. The County Ordinance establishes a maximum rate to charge however it does not create a rotation method. He continued that should the Council want to adopt a rotation schedule then 1) Council could hold a workshop and 2) During the meantime the City can adopt FAC Rule 15B-9 which is the minimum standards for towing and wrecker services.

**A motion was made by Councilman Heine and seconded by Deputy Mayor Frierson to conduct a workshop on towing and wrecker rotation services on March 20, 2012 at 5 p.m. The motion carried 5-0.**

**A motion was made by Councilman Fink and seconded by Deputy Mayor Frierson that in the interim period of time prior to the City adopting an Ordinance establishing minimum qualifications and procedures for wrecker and towing services companies, such services shall be provided on a rotation basis utilizing wrecker and towing companies located in DeSoto County, Florida that meet the minimum requirements of Rule 15B-9 "Wrecker Qualification and Allocation System," Florida Administrative Code, including without limitation the following: equipment requirements; services required; audit and facility inspection requirements; and indemnification and insurance requirements; and fees to be charged for such services shall be governed by DeSoto County Ordinance 2003-01 (as amended or replaced, if applicable)**

Councilman Allen inquired about the current contract. Attorney Galvano responded that the contract expired in October 2011. Councilman Fink responded to Councilman Heine and read the past minutes and history of how the changes in the towing and wrecker services was handled. He reported that the changes were not done by Ordinance as required.

**The motion carried 4-1 with voting as follows: Councilman Heine, Yes; Deputy Mayor Frierson, Yes; Mayor Keene, Yes; Councilman Fink, Yes; Councilman Allen, No.**

Attorney Galvano reported that they are awaiting response from Attorneys regarding the Craig A. Smith case. Councilman Fink suggested that Attorney Galvano might wish to announce an executive meeting. **Attorney Galvano announced an executive meeting be held on March 20, 2012 at 4:45 p.m.**

16. Administrator

Dr. Miller acknowledged Mr. Richard Bowers, DeSoto High School Basketball Coach for his service to the community. He also thanked Pastor Elmore and Valerie Gilchrist.

1. RFQ on Wastewater, Water and Stormwater Repair & Replacement Initiative

Dr. Miller reported that the City received three (3) Requests for Proposals for the wastewater, water and stormwater repair and replacement initiative and staff has met with each firm. He stated that he would be returning to Council to recommend the best agency and request their approval to move forward.

2. Update on Golf Course – Carrie Taylor

Ms. Carrie Taylor, Golf Course Supervisor, asked the Council to clarify who is eligible for free golf. She stated that she currently has 16 volunteers at the Golf Course who work a certain amount of hours and they receive free golf with a cart because they provide a valuable service. She also noted that she has eight (8) people who have lifetime memberships. Mr. Dick Fazzone stated he served 23 years on the Council and he felt the lifetime membership was merited.

**A motion was made by Councilman Heine and seconded by Councilman Allen to approve free golf and cart for the volunteers who work 250 hours on the course. The motion carried 4-1 with voting as follows: Deputy Mayor Frierson, Yes; Mayor Keene, Yes; Councilman Heine, Yes; Councilman Fink, No; Councilman Allen, Yes.**

Yes VSY

No

MSA

**A motion was made by Councilman Allen and seconded by Councilman Heine to rescind previous motion stating that if you play golf you pay. The motion failed with voting as follows: Councilman Heine, Yes; Deputy Mayor Frierson, No; Mayor Keene, No; Councilman Fink, No; Councilman Allen, Yes.**

**A motion was made by Deputy Mayor Frierson and seconded by Councilman Heine to approve lifetime members for Golf with a Cart. The motion carried 4-1 with voting as follows: Councilman Heine, Yes; Deputy Mayor Frierson, Yes; Mayor Keene, Yes; Councilman Fink, No; Councilman Allen, Yes.**

### 3. City of Arcadia Comprehensive Plan Recycling Plan Policy

Dr. Miller read from the City's Comprehensive Plan Policy 4.1 "As mandated by the Solid Waste Reduction Act of 1988, Arcadia, in coordination with DeSoto County, shall ensure that 30 percent of total solid waste volume is recycled by 1994. Arcadia shall participate in county-wide public education efforts, including inserts in municipal mailings and public notices or workshops indicating recyclable materials, locations of facilities for the disposal of oil, tires and other recyclables, and other means to increase public participation in recycling efforts." He added that currently the City budgets \$275,000 for solid waste disposal and there is a grant program available through the County. He reported the Workshop regarding recycling information will be held on March 13, 2006 at 5 p.m. Councilman Allen stated his opposition to the program and that it is an expense to the City. Mayor Keene voiced that he would like the opportunity to recycle because he currently puts his recyclables in his trash.

Mr. Robert Womack, Womack Sanitation, stated that the County does have a recycling location in Nocatee and that we currently fall under the small county exemption for the 4.1 Policy. Councilman Fink asked if the current tipping fee is \$250,000 and we reduced the waste by 30 percent would that not be a savings. Mr. Womack agreed however he noted there would be a cost to the City and it could possibly break even. He explained that the City's best cost method in this situation would be a drop off station. Deputy Mayor Frierson asked why the City was not working with the County on this issue. Dr. Miller responded that he spoke with the County Administrator who stated that they were open to working with the City on this project.

Deputy Mayor Frierson stated that she is for a recycling program however not if it required spending money at this time. Councilman Fink explained that Sarasota's tipping fees tripled. Mr. Womack reminded there usually is a 5 year vendor contract due to the cost of buying machinery. Dr. Miller stated that he is sensitive to the budget issues which is why he brought forward the grant opportunity and suggested taking the issue one step at a time. Dr. Miller stated he would contact the County Administrator regarding any grant opportunities.

Ms. Penny Kurtz, Department of Health, reported that the State was in the process of building a new Health Department and part of the land needed is City property in order for the area to be contiguous. She asked if the 3.34 acres could be deeded to the Health Department in order to proceed with the new building. Mayor Keene noted for the record that he would abstain from any vote due to a conflict of interest.

**A motion was made by Councilman Heine and seconded by Councilman Fink to direct the City Attorney to work with the Department of Health in deeding the property over to the County. Jerry Cordes, Public Works Supervisor, reminded that there are pipes and water lines that may need to be moved. Ms. Kurtz stated that would be part of the State contract. The motion carried 4-0 with Mayor Keene abstaining.**

Dr. Miller reported that Hazen and Sawyer Engineers are requesting additional funds in the amount of \$25,000 for renewal of water use permit which was considered an as needed service.

**A motion was made by Councilman Heine and seconded by Mayor Keene to authorize additional funds in the amount of \$25,000 to Hazen and Sawyer for water use permit renewal and as needed engineering services. Ms. Karleskint responded to Mr. Fink that Hazen and Sawyer have provided regulatory and engineering services to the City for the past ten (10) years. The motion carried 5-0.**

Dr. Miller reported that Hazen and Sawyer Engineers are asking for \$200,000 from FDEP for the Water Treatment Plant to cover funding for all sub-contractors which is allowable through the grant. Ms. Karleskint stated that the funding was within the grant however she did not ask for the specialized subcontractor costs like Geo-tech for the roads.

**A motion was made by Councilman Fink and seconded by Councilman Heine to approve \$200,000 from FDEP for Water Treatment Plant sub-contractor services. The motion carried 5-0.**

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

Coach Richard Bowers requested that the Council not forget the children and he commended Council for a job well done. He spoke about the successful three on three basketball tournament and asked for the Council to look at the Smith Brown Gym such as more hours, roof and tile repair and a clock.

Mr. Richard Koonce, DeSoto County High School Basketball Coach, reported he has enjoyed working with the children the past two years and produced a letter from the Community. He stated there is lack of structured programs for the youth and he hopes for Council support on his proposed ideas. He asked approval for the upcoming DeSoto County All Stars Game on March 17, 2012 and use of the Smith Brown Gym from 3 p.m. to 8 p.m. He explained that the proceeds from the game would be donated for improvements to the Smith Brown Gym.

**A motion was made by Councilman Heine and seconded by Councilman Fink to approve the use of Smith Brown Gym on March 17, 2012. The motion carried 5-0.**

Mr. Joe Pursell thanked the City Council for addressing the City's needs and asked the effective date of the towing and wrecker services to which the Council response was immediately.

**MAYOR AND COUNCIL MATTERS**

Mayor Keene stated that he was sad to lose Attorney Galvano.

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**ADJOURN**

There being no further business, the meeting was adjourned at 8:15 p.m.

APPROVED THIS 20<sup>th</sup> DAY OF MARCH, 2012.

By:

Keith Keene  
Keith Keene, Mayor

ATTEST:

Virginia S. Haas  
Virginia S. Haas, City Recorder



OFFICE OF THE ATTORNEY GENERAL  
STATE OF TEXAS  
DEPARTMENT OF PUBLIC SAFETY



NAME OF APPLICANT	...
ADDRESS	...
CITY	...
COUNTY	...
STATE	...
DATE OF BIRTH	...
SEX	...
HIGHEST SCHOOLING	...
PROFESSION	...
RELIGION	...
MARRIAGE	...
CHILDREN	...
EDUCATION	...
EMPLOYMENT	...
CRIMINAL RECORD	...
REMARKS	...

REMARKS

The applicant is a native born citizen of the United States and is of legal age. He is of good character and has no criminal record. He is employed as a [job title] and has a good reputation in his community. He is a member of the [organization] and is active in its affairs. He is a [religion] and is a [marital status]. He has [number] children. He is a [education level] graduate. He is a [profession] and has a good reputation in his community. He is a [religion] and is a [marital status]. He has [number] children. He is a [education level] graduate. He is a [profession] and has a good reputation in his community.

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THE APPLICANT'S STATEMENT

I, the undersigned, being a native born citizen of the United States and is of legal age. I am of good character and have no criminal record. I am employed as a [job title] and have a good reputation in my community. I am a member of the [organization] and am active in its affairs. I am a [religion] and am a [marital status]. I have [number] children. I am a [education level] graduate. I am a [profession] and have a good reputation in my community.



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APPLICANT'S SIGNATURE

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**APPOINTED OFFICERS (continued)**

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

**DISCLOSURE OF LOCAL OFFICER'S INTEREST**

I, Keith Keene, hereby disclose that on March 6, 20 12 :

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, \_\_\_\_\_;
- inured to the special gain or loss of my relative, \_\_\_\_\_;
- inured to the special gain or loss of DeSoto County Health Department, by whom I am retained; or
- inured to the special gain or loss of \_\_\_\_\_, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

I work for the Department of Health and the vote included the deed of land from the City to build a new Health Department.

3/12/12  
Date Filed

Keith Keene  
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.