

**MINUTES,
CITY COUNCIL
CITY OF ARCADIA
TUESDAY, APRIL 3, 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 Heine 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
Asst. City Administrator Judi Jankosky
City Attorney William Galvano

City Recorder Virginia S. Haas
Marshal Charles Lee
City Attorney Leslie Gladfelter

PRESENTATION

March Employee of the Month – This item was tabled until the next regular City Council Meeting.

CONSENT AGENDA

1. Minutes of March 8, 2012 Joint Meeting with the Airport.
2. Minutes of March 13, 2012 Workshop on Recycling.
3. Minutes of March 20, 2012 Workshop on Towing.
4. Minutes of March 20, 2012 Regular Meeting.
5. Check warrants from March 23, 2012.

Ms. Haas reported a late request for a special event permit. Men of Character 1st Annual Easter Egg Hunt will be held on April 8, 2012 from 2 to 5 p.m. at the Louis Anderson Park. A motion was made by Councilman Heine and seconded by Councilman Fink to approve consent agenda items 1 through 5 and approval of the 1st Annual Easter Egg Hunt. The motion carried 5-0.

DISCUSSION ITEMS

6. Discussion of City of Arcadia Planning and Zoning Fee Schedule.

Mrs. Jankosky reported that the packets included staff time involving in all planning and zoning requests. She requested consensus from Council on moving forward in preparing a resolution of fees or the Council may take more time and review.

A motion was made by Councilman Heine and seconded by Councilman Fink to approve the planning and zoning fee schedule as presented and allow staff to move forward with drafting a resolution to that effect. The motion carried 5-0.

ORDINANCES - SECOND READING

7. **ORDINANCE NO. 972; SECOND AND FINAL READING OF AN ORDINANCE OF THE CITY OF ARCADIA, FLORIDA, AMENDING CHAPTER 2, ARTICLE VII, DIVISION 3, SECTION 2, OF THE CODE OF ORDINANCES OF THE CITY OF ARCADIA, AMENDING THE CITY OF ARCADIA POLICE OFFICERS' AND FIREFIGHTERS' RETIREMENT SYSTEM; AMENDING SECTION 1, DEFINITIONS; AMENDING SECTION 27, PRIOR POLICE SERVICE; AMENDING SECTION 28, DEFERRED RETIREMENT OPTION PLAN; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.**

Ms. Haas read Ordinance No. 972 by title. A motion was made by Councilman Fink and seconded by Councilman Allen to adopt Resolution No. 972 at second and final reading. The motion carried 5-0.

COMMENTS FROM DEPARTMENTS

8. City Marshal – Report included. There were no questions for Marshal Lee.
9. Attorney
 - a. Draft Nonconsensual Towing Ordinance

Attorney Galvano reported that his office prepared a draft nonconsensual towing ordinance according to what he believed the Council wanted. He noted that Councilman Fink may have a concern. Councilman Fink responded that it was his understanding that the Council would make the final decision regarding removal of a service from the wrecker rotation schedule.

Deputy Mayor Frierson inputted that the County already has a towing ordinance. Attorney Galvano confirmed that the City is currently utilizing the County towing Ordinance and rule 15(b). Councilman Fink asked if the towing Ordinance works for the County why we should not continue this way. He added that the Charter is specific in the Marshal's duties through adoption of ordinances. He stated that only if a service is removed would that come forward to Council. Attorney Galvano replied that the presented draft took the County's Ordinance and rule 15(b) and was tailored to fit the needs of the City for example storage standards. He stated that the Marshal handles the day to day operations and the final word still rests with the Council. He stated this Ordinance would clarify all procedures for nonconsensual towing. Deputy Mayor questioned the length of time regarding a revoked license noting that 80 days was quite some

time. Attorney Galvano responded that the time period could be shortened however they were taking into account scheduled Council Meetings. Councilman Fink responded that he saw no reason to reinvent the wheel and it appears to be working for the County. Attorney Gladfelter asked County Administrator Guy Maxcy how the towing Ordinance was working. County Administrator Maxcy responded that the City spent much time creating a working Ordinance however the County is very willing to work with the City to improve the Ordinance further. Attorney Galvano stated that the County Ordinance does not address nonconsensual towing it only sets fees. Attorney Gladfelter agreed and stated there is no where to point in the code to tell a service what the rules and procedures are on nonconsensual towing. Deputy Mayor Frierson and Councilman Allen agreed to move forward with a type of unified Ordinance through working with the County to see what deficits may exist.

Attorney Galvano reported that his office recommends putting together Ordinances for referendum at the next election cycle to address the Charter changes. Councilman Fink requested a workshop. **Deputy Mayor Frierson agreed along with encouraging public attendance. Council agreed to a workshop prior to the first meeting in May. Councilman Heine encouraged staff to work with the Supervisor of Elections to ensure we are meeting timelines.**

10. Administrator

1. City Attorney Submittals

Dr. Miller reported that packets were distributed with the twelve (12) City Attorney submittals for Council review. He asked the Council how they would like to proceed. Attorney Galvano responded he has six weeks remaining in his contract. **After some discussion, Council agreed to each Council Member submits their top three picks to City Administration by Tuesday, April 10, 2012. City Council agreed to hold interviews in a workshop scheduled for April 24, 2012 at 5 p.m.**

2. Recommendation on Health Ins. Prem. Payment Plan (R. Wood)

Dr. Miller reported that he, Mayor Keene and Ricky Wood met to discuss retirement health benefits. A pro-rated health insurance benefit at 94% was discussed because Mr. Wood currently has 23.5 years of service. The pro-rated benefit would cost the City \$597.11 per month and Mr. Wood would pay \$35.83 per month. Mr. Wood also agreed to fall under Medicare at age 65.

A motion was made by Councilman Heine and seconded by Councilman Fink to approve the recommendation as presented for health insurance benefit for Mr. Ricky Wood at 94%. Councilman Fink questioned if Mr. Wood would agree to fall under Medicare if he should become Medicare eligible. The motion was amended to include Mr. Wood agreeing to fall under Medicare if/when he becomes Medicare eligible. The motion carried 5-0.

3. CDBG Audit and Extension

Dr. Miller reported that the CDBG Audit was recently conducted and all was in order. Guardian is requesting an extension in order to complete any final projects. **A motion was made by Councilman Heine and seconded by Councilman Allen to approve the CDBG audit and extension. Councilman Fink questioned how this might affect the grant cycle. Dr. Miller responded that this extension is not anticipated to effect the upcoming grant cycle as the projects may be completed sooner than the requested extension. The motion carried 5-0.**

4. New City Signs, Repaved Streets and Sidewalks

Dr. Miller passed out a sample City sign which will be placed on the East side of Highway 70 along with landscaping. He reported that one side of Monroe has been paved and we are awaiting completion of the FDOT project to complete the final paving. He also reported that the City is working with the community on sidewalk paving and repair to beautify the City. He announced that the City is a willing partner in beautification projects and will try to partner with the County on future projects.

Dr. Miller requested flexibility in the disposal of small scrap metals (less than \$100) in allowing him the discretion to sell these items. Attorney Galvano responded that he remembers this item was addressed in the past and he would review.

A motion was made by Councilman Allen and seconded by Councilman Heine to approve the request to sell small scrap metal in the Public Works Department. The motion carried 5-0.

Mayor Keene recognized and welcomed County Administrator Guy Maxcy and County Commissioner Judy Schaefer.

PUBLIC (PLEASE LIMIT PRESENTATIONS TO FIVE MINUTES)

Mrs. Genie Martin, Beautification Board, thanked Dr. Miller for his assistance in obtaining plants and flowers for beautification at the Tree of Knowledge.

Dr. Lorenzo Dixon thanked Mrs. Martin for the positive remarks and thanked her for her service. Dr. Dixon reminded that Attorney Galvano said he would continue his service until another Attorney was hired. Dr. Dixon reported that there is concern in the community regarding a potential lawsuit against the City by the Minnear's and asked if there was any truth. Attorney Galvano responded that the City received a notice letter which could possibly lead to a claim for injury. Dr. Dixon asked why Vice Mayor Frierson changed her vote regarding pay if you play golf. Deputy Mayor Frierson responded "she changed her mind".

Mr. Ricky Hilton passed the Council current T-hanger rules for the Airport. He stated that he has attempted since December to operate his business out of the hanger and he needs permission from the City. Mrs. Jankosky reported that a contract agreement was drafted and disbursed to the City Attorney, FAA and FDOT for review. Mr. Hilton noted that he is already in

business however he wants to be able to utilize the hanger inside. Council requested that staff contact FAA and FDOT to find out the status of the contract review and place the item on the next Council Agenda. Councilman Fink read from the Joint Airport meeting minutes that indicated the Airport Committee approved the request. Attorney Galvano replied that the business requires a written agreement and he will try to expedite the matter.

Mr. Joe Purcell stated that County Code sets the towing rates and the State Highway Patrol has their own requirements. He noted that there still seems to be a problem with the rotation schedule.

Mr. Clinton Burton, Charlotte Sun, asked the status of the Craig Smith and Associates case as he noted there was a release and satisfaction filed. Attorney Galvano replied that the appeal failed and \$450,000 was paid to Craig Smith and Associates from City reserves.

MAYOR AND COUNCIL MATTERS

Councilman Fink stated that he hopes Marshal Lee will rectify the situation if there is an issue or miscommunication with the rotation schedule.

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ADJOURN

There being no further business, the meeting was adjourned at 7:30 p.m.

APPROVED THIS 17th DAY OF April, 2012.

By:

Keith Keene
Keith Keene, Mayor

ATTEST:

Virginia S. Haas
Virginia S. Haas, City Recorder