

**REVISED MINUTES
CITY COUNCIL
CITY OF ARCADIA
TUESDAY, JUNE 5, 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 Fink 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
Marshal Charles Lee
City Attorney Thomas J. Wohl
Asst. City Administrator Judi Jankosky

City Recorder Virginia S. Haas
Captain Matt Anderson
Finance Director Jorge Santana

PRESENTATIONS

- Employee of the Month for May

Mayor Keene read and presented the employee of the Month for May to Mr. Jorge Santana, Finance Director.

- Proclamation and Key to the City – Attorney Bill Galvano

Mayor Keene read and presented a Proclamation and key to the City to Attorney Bill Galvano for his service to the City.

- United Way 2-1-1 Services in Arcadia

Mrs. Jessica Ventimiglia, Executive Director of United Way 2-1-1 of Manasota, Inc., explained the 2-1-1 program and showed a short informational video. She stated that the United Way 2-1-1 program has served the City of Arcadia citizens since 2004. She was referred to the City Council by former Mayor and Councilmember Mrs. Sharon Goodman. Mrs. Ventimiglia stated that United Way is applying for the Tucker Fund Grant and is requesting matching funding from different entities. She asked the City Council for their consideration. The Council thanked Mrs. Ventimiglia for the information and the services provided by the program.

CONSENT AGENDA

1. Minutes of May 15, 2012 Regular Meeting.
2. Minutes of May 22 2012 Budget Workshop Meeting.
3. Air-Cadia Flowage and Hanger Report for April.
4. Check warrants from 05/07/12, 05/11/12, 05/18/12.
5. Special Event Permit – Candidate Meet and Greet on July 13, 2012 sponsored by DeSoto County Democratic Committee at the Tree of Knowledge.

A motion was made by Councilman Fink and seconded by Deputy Mayor Frierson to approve consent agenda items 1 through 5. The motion carried unanimously.

DISCUSSION ITEMS

6. Potential date(s) for Visioning Session (Mayor Keene)

Councilman Allen requested an agenda of items that would be discussed. Mayor Keene suggested that the previous minutes be forwarded to Council Members and each member could choose their topics of interest.

7. Renewal of City Administrator Contract (18 month contract from renewal date)

Councilman Fink requested renewal of the City Administrators contract for 18 months which would coincide with his annual appraisal. Mayor Keene concurred.

A motion was made by Councilman Fink and seconded by Mayor Keene to approve the renewal of the City Administrators contract for 18 months. The motion failed 3-2 with voting as follows: Councilman Heine, No; Deputy Mayor Frierson, No; Mayor Keene, Yes; Councilman Fink, Yes; Councilman Allen, No.

Dr. Miller pointed out that his current contract continues through July and asked what the pleasure of the Council would be regarding his employment status.

Councilman Heine made a motion to terminate the contract without cause immediately. The motion was seconded by Councilman Allen.

Mayor Keene disagreed with the action and stated that it was his understanding that Dr. Miller would be paid through July 2012. Councilman Heine replied that the contract states 90 days plus any sick and vacation time. Attorney Wohl stated that he would like time to review the contract.

At this time Mr. Ernie Hewett approached the dais and handed paperwork to the City Attorney.

Councilman Fink stated that he found the situation quite peculiar and that he has had no issues with Dr. Miller. He explained that the dismissal would put the City at risk and costs incurred. Mayor Keene stated that he was appalled at the action. He explained that he was in Tallahassee when the contract was extended for six months and he received a text that he found offensive. He felt that government was about good conversations and differences of

opinion. Mayor Keene stated that he was looking forward to the discussion on Sunshine Law because he has concerns. Councilman Fink concurred.

The motion carried 3-2 with voting as follows: Councilman Heine, Yes; Deputy Mayor Frierson, Yes; Mayor Keene, No; Councilman Fink, No; Councilman Allen, Yes.

Dr. Miller thanked the City and citizens for their support. He stated that he felt no animosity towards the City however he did feel he was given a double standard in regards to his contract and tenure with the City. Dr. Miller at this time began exiting the Council Chambers.

VERBATIM:

Mrs. Jeanie Martin rose and asked to speak to Dr. Miller, "I want to speak with him".

Councilman Heine "If you want to – do it outside." "He's through."

Councilman Fink: "Mr. Mayor, if Mrs. Martin would like to speak, I don't have a problem with her speaking"....inaudible speaking... "That's a Council decision, not an individual Councilman's decision."

Jorge Santana, Finance Director: "So the public can't speak about this?"

Councilman Fink: "Apparently not."

Mayor Keene: "I have no objection, Mr. Attorney?"

Attorney Wohl: "There, there's...the public should be...have an opportunity to address this issue."

Mr. Jorge Santana, Finance Director stated that personal agendas should not be brought to the forefront and he felt it was the desire of the Council to move forward however the decision has caused the City to move backward.

Reverend Ted Hanus, Arcadia Housing Authority, stated that Dr. Miller was the only person to attend the board meetings and he is a wise counselor. He continued that Dr. Miller re-instituted the PILOT program for the Housing Authority. He felt the action was disturbing and voiced his sorrow for the decision.

Mr. Charles Conklin stated that he was very upset with the decision and that Dr. Miller was attempting to better the City.

Mr. Richard Bower stated that he felt there may not be fair play in the decision made. He explained that he got to know Dr. Miller very well and this decision was made with emotion and is a step back for the City.

A motion was made by Councilman Fink and seconded by Councilman Heine to appoint Mrs. Judi Jankosky as Interim Administrator with out of title pay. The motion carried 5-0.

Mayor Keene called for a 5 minute recess at 6:35 p.m.

The meeting reconvened at 6:40 p.m.

8. Special Event Permit and waiver of fees – Youth Fun Day at Smith Brown Gym on June 7, 2012 sponsored by Save Our Community's Kids (Darby Ellis and Richard Koonce).

Mrs. Jankosky explained that since the new fees were set in place that only Council can waive any fees for those organizations that are requesting waivers whether they are charitable or other. She asked the Council for direction on future waivers and how they should be handled. At this time the special event ordinance does not exempt anyone from the waiver of fees. Attorney Wohl responded that the way the waivers are currently being handled with special approval from Council was sufficient at this time.

A motion was made by Deputy Mayor Frierson and seconded by Councilman Fink to approve items 8 and 9 special event permit request and waiver of fees. The motion carried 5-0.

9. Special Event Permit, Street Closure and waiver of fees – Monthly Car Show sponsored by Team Arcadia for July 13, 2012, August 10, 2012 and September 14, 2012 at the request of Mr. John C. Super.

Special event permit request approved under item 8.

10. CHNEP Policy Board (Councilman Fink)

Councilman Fink explained that he was appointed to serve as the City's representative on the Charlotte Harbor National Estuary Policy Board and a few items have come forward that he wanted direction from the Council. He continued that the CHNEP Board wants to send sitting legislators and candidates stating specific positions of the Board. He asked if the Council felt this was an item that he should vote for or against and whether he should direct his concerns and the Council to the Board. Deputy Mayor Frierson asked why they would want to send these letters. Councilman Fink responded that the Board is very pro-environmental. Mayor Keene responded that Councilman Fink had done the right thing to bring his concerns to the Council. The Council agreed that Councilman Fink may express the Council's disagreement in sending out these type specific positions letters.

A motion was made by Councilman Allen and seconded by Councilman Heine directing Councilman Fink not to support position letters being mailed to sitting legislators and candidates. The motion carried 5-0.

11. Re-appointing Mr. George Chase and Mr. Ernie Hewett to the Arcadia Airport Advisory Committee

A motion was made by Councilman Heine and seconded by Councilman Allen to re-appoint Mr. George Chase and Mr. Ernie Hewett to the Arcadia Airport Advisory Committee for a term of three (3) years to expire on June 2015.

Mayor Keene stated that the Airport Committee has done a great job.

12. FPL Easement Request for new underground line and transformer to serve the new section of the City of Arcadia Water Plant (Hazen and Sawyer)

Attorney Wohl explained this was an easement request from FPL for a new underground line and transformer to sever the new section of the Water Plan. He stated that the survey attached sufficed however no title work has been completed. He advised the Council the easement is in perpetuity; otherwise it would serve a benefit to the City.

A motion was made by Councilman Heine and seconded by Councilman Fink to approve the FPL Easement Request for new underground line and transformer to serve the new section of the City of Arcadia Water Plant as presented by Hazen and Sawyer. The motion carried 5-0.

13. Fire Services Contract – County's financial obligation to construct new building (Councilman Fink)

Councilman Fink reviewed that he still has concerns regarding the Fire Services contract and how much the City has paid and will pay the County in remaining funds. He continued that there is no language in the contract addressing the requirements for the County to build a fire services building in the City only a land reverser clause was included. He added that there are no specifics in regards to the County manning the building in the future. He stated that the contract is indebting the City with no guarantees in place. He suggested a revision to the current contract. Councilman Allen and Deputy Mayor Frierson agreed and suggested a meeting with the County. Councilman Heine suggested the Mayor and City Administrator meet to speak on the Contract with Mr. Guy Maxcy, County Administrator. Mr. Guy Maxcy reported that the County has conducted three meetings in regards to building of the new fire facility.

A tentative meeting was scheduled for June 12, 2012 at 1 p.m. at the County offices to discuss the Fire Services Contract. The meeting will include the County Administrator, County Attorney, member of the Commission, Mayor Keene, Interim City Administrator, and City Attorney.

14. Code Enforcement - Chapter 34 - Vendors (Councilman Fink)

Councilman Fink reported that he spoke with Attorney Wohl regarding any conflicts of interest regarding voting on this vendor item. Attorney Wohl confirmed Councilman Fink has no conflict of interest. Councilman Fink stated that he was told by the President of the Antique Association that there would be code violations issued to vendors at the 4th Saturday Antique Fairs. He feels this event and other events provide many visitors to Arcadia. He asked for a discussion and proposed solution. Attorney Wohl responded that a proposal to issue an annual courtesy permit and utilize the association as the model. This would include drafting a new "Sponsor Permit" and the Association would provide the city a list of vendors each month. The vendors would fall under the umbrella of the "Sponsor Permit" and Association's liability insurance and coverage of their vendor permit. Councilman Fink stated that Mrs. Flo Rife, President of the Association has no problem with complying with any requirements. Mrs. Jankosky pointed out that temporary vendors also have compliance with the health department and fire inspections. Attorney Wohl responded that the Sponsor Permit would place the burden on the Association for supplying any requirements.

Chief Prescott pointed out that charitable organizations are not exempt from any life safety issues or from the requirement of a courtesy permit. Mayor Keene explained typically these type vendors are regulated by the DBPR however temporary vendors are excluded from the State's purview. He stated that locally the Health Department tries to track more for information purposes in the case of any food born illnesses. He stated that all vendors should be held to the same standards. Attorney Wohl responded to Councilman Fink that he could provide a draft sponsor permit for review at the next Council Meeting.

COMMENTS FROM DEPARTMENTS

15. City Marshal – May report included in packet.

Marshal Lee requested a verbatim of the vendor permit discussion. Marshal Lee responded to the Council that there would be no disruption to the scheduled antique fairs.

16. Attorney

a. Sunshine and Public Records Law – Part 1

Attorney Wohl gave a brief introduction to the Sunshine and Public Records Law.

b. Charter Referendums Update

Attorney Wohl reported that he spoke with Mr. Mark Negley, Supervisor of Elections, regarding the suggested Charter changes. The deadline for referendums would be August 1, 2012 however there were issues to consider such as precinct boundaries, redistricting, two page ballots and the presidential election would create serious time constraints.

A motion was made by Councilman Heine and seconded by Councilman Fink to direct the City Attorney to prepare Charter recommendations and changes for referendum voting by the electors on the September 2013 City election. The motion carried 5-0.

Attorney Wohl clarified that term limits can be placed on Council seats but not on constitutional Officers.

17. Administrator

a. US Air Force Jet and Water Fountain at Lake Katherine

Mrs. Jankosky reported a quote in the file to remove the fountain at Lake Katherine and install a new fountain in the amount of \$8,000.

b. Out of Title Work Policy Procedure

A motion was made by Councilman Fink and seconded by Councilman Heine to adopt the out of title work policy procedure to Chapter 4 of the personnel policy. The motion carried 5-0.

- c. Public Works – Addressing Drainage Issues Across the City & General Services-
Police Dept. Bldg.

Item c. was tabled. Councilman Heine stated that Department Heads should attend the meetings in case questions arise. Council was agreeable to some sort of comp time for Departments to be able to attend the night meetings. Council asked Attorney Wohl to review what the City may be able to provide in compensatory time.

- d. Beautification Projects – State Road 70 East and West, next Highway 17 North
and South

Item d. was tabled.

- e. CDBG Grant – Future Application Neighborhood Improvement (Infrastructure)

A motion was made by Councilman Heine and seconded by Councilman Fink to proceed with public hearings on June 19, 2012 at 6 p.m. and applying for future CDBG housing and neighborhood revitalization grants. The motion carried 5-0.

- f. Request for Health Ins. Premium Payment Plan for Former Employee, Karl Lewis

Council requested that Interim Administrator meet with Mr. Karl Lewis to discuss a prorated health insurance premium and report to the June 19, 2012 meeting.

- g. Street & Sidewalk Repair (Repair and Replace Fund Re-Allocation)

Mrs. Jankosky reported she would meet with the Finance Director and return this item for discussion at the next meeting.

PUBLIC (PLEASE LIMIT PRESENTATIONS TO FIVE MINUTES)

Coach Bowers stated that the Smith Brown Gym roof needs repair and if the City could consider a summer program for the children. Mrs. Jankosky replied that one quote was received in the amount of \$36,000 for the roof repair. Mrs. Valerie Gilchrist confirmed that at the last food drive water was leaking on the floors of the building.

A motion was made by Councilman Fink and seconded by Councilman Heine to direct staff to acquire three or more bids for repairing the roof at Smith Brown Gym. The motion carried 5-0.

Mr. Charles Conklin reported that water was also flowing through an electrical box at the gym. Mr. Conklin stated that Mr. Eugene Hickson was performing work without a permit on Orange Avenue and voiced concern about potential asbestos hazards.

Marshal Lee responded to Councilman Fink that Mr. Hickson is moving items out of the house and that address has been served notice. They are awaiting a hearing with the Special Master.

Mr. John Super stated the monthly car shows have gone on for three years and they never used food vendors because they would like to see the local vendors prosper from the traffic.

MAYOR AND COUNCIL MATTERS – No Comments

ADJOURN

There being no further business the meeting adjourned at 8:05 p.m.

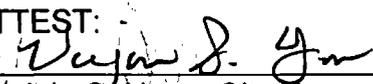
APPROVED THIS 19th DAY OF June, 2012.

By:



Keith Keene, Mayor

ATTEST:



Virginia S. Haas, City Recorder