

**REVISED MINUTES
CITY COUNCIL
CITY OF ARCADIA
TUESDAY, JUNE 19, 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 and roll call.

Arcadia City Council

Mayor Keith Keene

Councilman Robert Heine

Councilman Robert R. Allen

Deputy Mayor Alice Frierson

Councilman Joseph E. Fink

Arcadia City Staff

Interim Administrator Judi Jankosky

Marshal Charles Lee

City Attorney Thomas J. Wohl

City Recorder Virginia S. Haas

Captain Matt Anderson

Finance Director Jorge Santana

CONSENT AGENDA

1. Minutes of May 29, 2012 Budget Workshop Meeting
2. Minutes of June 5, 2012 Workshop Meeting
3. Minutes of June 5, 2012 Regular Meeting
4. Check warrants from 06/01/12, 06/06/12, 06/07/12, 06/11/12, 06/12/12 and 06/14/12
5. Air-Cadia flowage and hanger report for May 2012
6. Certificate of Appropriateness for 200 W. Hickory
7. July 4th Sponsorship Advertisement with Arcadian Newspaper
8. Re-appointing members to the Planning and Zoning Board

Councilman Fink made a motion to approve items number 1, 2, and 4-6 on the consent agenda and pulled item number 2 for comment. The motion was seconded by Councilman Heine and carried 5-0.

Mrs. Jankosky responded to Councilman Fink that the revised minutes were not posted on the website. Councilman Fink asked that the revisions be read into the record. The City Recorder read the verbatim revised changes and additions to the minutes into the record as follows:

"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. 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 approve the June 5, 2012 minutes as revised and presented. The motion carried 5-0.

PUBLIC HEARING

9. First Public Hearing – FFY 2012 Small Cities Community Development Block Grant (Mr. Corbett Alday, Guardian)

Mr. Antonia Jenkins, Guardian, explained this is the first public hearing required in applying for the 2012/2013 Small Cities Community Development Block Grant (CDBG). He stated he would like to first review the fair housing ordinance then move onto the public hearing.

10. Fair Housing Workshop – City of Arcadia Fair Housing Ordinance (Mr. Corbett Alday, Guardian)

Mr. Jenkins stated that the City of Arcadia does not discriminate in housing and passed out fair housing facts, contact information and booklets in English and Spanish. Next Mr. Jenkins reviewed the three types of potential grant categories: 1) Housing rehabilitation 2) Neighborhood revitalization and 3) Commercial revitalization. He asked for public and Council questions. Mr. Jorge Santana, Finance Director asked what portion of the \$700,000 grant would be used for rehabilitating homes. Mr. Corbett Alday, Guardian, responded that this would be the Council's decision however the maximum administrative fees are \$112,500. The remaining funds not utilized are transferred to construction or temporary relocation. Mr. Jenkins stated that the current grant money for temporary relocation was not completely utilized and those remaining funds were used toward construction approved in a grant modification. Mr. Corbett replied to Councilman Heine that the State does not allow funds comingled for housing and infrastructure. Mr. Jenkins, finding no further questions, asked if the Council might consider a motion to move forward to a second public hearing.

A motion was made by Councilman Heine and seconded by Councilman Allen to continue the grant process and schedule the second public hearing. The motion carried 5-0.

DISCUSSION ITEMS

11. Draft Agenda and Potential date(s) for Visioning Session (Mayor Keene)

Council agreed to schedule the Second Visioning Workshop for July 21, 2012 from 9 to noon in the Way Conference room.

12. Special Event Permit, street closure and waiver of fees – Fourth of July Independence Day Parade sponsored by the Arcadia Elks Lodge 1524 and Five Star Youth of America.

A motion was made by Councilman Fink and seconded by Councilman Heine to approve the special event permit, street closure and waiver of fees for the Fourth of July Parade. The motion carried 5-0.

13. Fund Cash Analysis – Repair and replacement fund re-allocation (Jorge Santana, Finance Director)

Mr. Santana reviewed the fund cash report for the end of May 2012. He explained that the water and sewer fund over the last decade has spent more money than was generated resulting in negative \$2.2 million. That fund must be positive at the end of the fiscal year and this is achieved by the other cash accounts within that fund. If the City continues to use funds from the renewal and replacement account such as paving Monroe, sidewalks and paving of Nursing Home drive at the hospital, the City may fall into a negative within that fund. Mr. Santana suggested utilizing the capital improvement fund for any future paving and sidewalk installations.

14. Appointing the Planning and Zoning Board to serve as the Citizens Advisory Task Force (CATF) for purposes of the Small Cities Community Development Grant Funding applications. (City Recorder)

Mrs. Jankosky reported that applying for the next CDBG grant cycle would require a Citizens Advisory Task Force. In the past the Council appointed the Planning and Zoning Board to serve in that capacity.

A motion was made by Councilman Heine and seconded by Deputy Mayor Frierson to appoint the Planning and Zoning Board to serve in the capacity of the Citizens Advisory Task Force. The motion carried 5-0.

15. Historic Preservation Commission Ordinance and memberships. (Interim Administrator)

Mrs. Jankosky stated that currently the City's Planning and Zoning Board also serves as the Historic Preservation Commission however there may be some interest from the Historical Society members to serve in that capacity. She continued that in order for this to occur the ordinance may need revision to include DeSoto County residents. Attorney Wohl replied that the ordinance can be amended as long as there are no State Statutes that would effect the revision. Councilman Fink stated that in the instance of the Charter Review Board he felt City residency should be a requirement because that Board dealt with the City's Charter however in this case he felt it would be beneficial to include the citizens of DeSoto County. Attorney Wohl stated that he would review the State Statutes and draft an Ordinance as requested.

16. Performance Bonuses (Interim Administrator)

Mrs. Jankosky stated that all backup material was included in each Council's packets concerning the performance bonuses and requested clarification and guidance as to proceeding forward. Deputy Mayor Frierson stated that it appears what has been done in the past is a contradiction to the policy adopted. Mrs. Jankosky explained that Council could temporarily waive the policy or amend the policy. The Council asked if staff could draft amended language. Mrs. Jankosky responded to Deputy Mayor Frierson that there were approximately 30 plus employees remaining that are due performance bonuses. Attorney Wohl responded to Mayor Keene that he could review the policy and bring forth an amended policy. Councilman Fink stated that we should continue to the end of the fiscal year status quo because it would be harmful and unfair to take back any bonuses already given and for those who have not yet received bonuses it would be equally unfair. Deputy Mayor Frierson stated that the bonus money should come from each respective department. Mrs. Jankosky replied that a budget amendment reflecting the correct amounts to the different departments could be brought to Council for review.

17. Firefighter's health insurance benefit (Interim Administrator)

Mayor Keene stated that he thought he saw the documentation regarding Mr. Ricky Wood's prorated benefits and it was less than 94%. Mrs. Jankosky replied that she would review the minutes to ensure the percentage was correct. Mayor Keene stated that according to his calculation Mr. Karl Lewis would qualify for benefits at 67%.

Mrs. Jankosky explained that she reviewed the pro-rated numbers and health benefits for Mr. Ricky Wood and Mr. Karl Lewis. In verifying that the formula is the most accurate representation of determining a percentage per the policy she referenced the calculations in the table per her presented memorandum in the Council's packets. She noted that if the calculations in the table were accurate then Attorney Wohl suggested adding that to the policy. Council agreed. Mrs. Jankosky stated she would work with the Attorney to establish the formula for the policy and bring back to Council for review.

18. Removal of shuffleboard courts at McSwain Park (Interim Administrator)

Mrs. Jankosky reported that Mrs. Debbie Snyder approached the City regarding a permit for demolition of the shuffleboard courts at McSwain Park. She requested if City staff could perform the demolition to aid in the improvements at the Park. Mayor Keene asked if that would put a burden on staff as there was a local contractor who could volunteer. Mrs. Jankosky replied that this demolition would be performed by the inmates so it would not overburden City staff.

19. City Administrator Advertisement (Interim Administrator)

Mrs. Jankosky stated that the previous City Administrator ad and a few samples were in the packet for Council review. Also she stated that Councilman Fink contacted the Florida League of Cities Range Riders and the contact person would be Mr. Richard Williams. She suggested a workshop meeting with Mr. Williams who could assist the City in crafting an advertisement. Deputy Mayor Frierson stated that there are many workshops ongoing regarding the budget and asked if this item could be tabled for a brief time. Mayor Keene agreed however noted that he did not want the City to drag its feet in getting a permanent person for the position. Mrs. Jankosky relayed the schedule of workshops. Councilman Fink stated that he contacted the League at the suggestion of the newspaper. He stated that the League could come and talk to the City about our issues, how the issues can be solved and who best we can bring in to help. He continued that he thinks it behooves the City to pick the best person and maybe they will be here for 20 years. Mayor Keene replied that he felt twenty years for an Administrator is too long as the average is normally no more than seven years. Mayor Keene stated that he is all about using professionals and it will be up to majority vote of council who gets the position and who keeps it. He thinks we should seize the opportunity to utilize professional people to guide us in qualifications and a person who matches up with our community.

There was discussion about holding the workshop on a Saturday. Attorney Wohl stated his concern with holding a public workshop on a Saturday when it is concerning the hiring of a new Administrator.

Council agreed to schedule a workshop with Mr. Williams, FLC Range Riders, on July 31, 2012 at 5:30 p.m.

20. Fire Hazard Insurance Air-Cadia (Interim Administrator)

Mrs. Jankosky reported that Attorney Wohl brought forward the question regarding fire insurance coverage at the Airport. She stated that according to Addendum 3 of the contract that the City was providing fire insurance coverage which is reimbursable to the City. When Mrs. Jankosky spoke with DeSoto Insurance, Mr. Lew Ambler provided separate premiums per building since 1993/94 and forward for a total of \$18,746. Mrs. Jankosky explained that the City was providing the coverage but a dollar amount was never provided to Air-Cadia as the premium was a lump sum which could not be separated.

Air-Cadia was told not to worry about the payment premium. Mrs. Minnear requested the fees waived in light of what Air-Cadia has been told in past years. She referred to the most recent fire inspection and stated that if the Council could not make a decision tonight she could get some numbers together and Council may see this in a different light. Councilman Fink asked if everyone was brought up to speed regarding the fire inspection. Mrs. Jankosky responded no, that they were scheduling a meeting with the fire inspectors to review the codes and report prior to reviewing it with the Airport Advisory Committee.

Councilman Fink stated that the sprinkler system was not the City's issue because that was a requirement due to the painting occurring on site. Mrs. Jankosky replied yes, that was her understanding however a fire hydrant is still required. Mrs. Minnear responded to Councilman Fink that they do not currently rent the Butler Building because it is not up to code. Councilman Fink stated that the City should conduct an audit of the Airport because every time we turn around we are dealing with something new. Councilman Fink continued that staff could perform the audit and he would encourage this audit because different issues keep coming to the surface. Councilman Fink responded to Deputy Mayor Frierson that Mr. Santana could perform the audit under the direction of the Interim Administrator. Mr. Santana responded to Councilman Fink that an audit of the Airport books would be very simple provided his office received all the pertinent spreadsheets. He stated they would also need to analyze the issues with the insurance and look at what they should and shouldn't have to ensure everything is accurate.

A motion was made by Councilman Fink and seconded by Councilman Heine for the City Staff to audit Air-Cadia's books per the contract between City of Arcadia and Air-Cadia spanning at least three years prior and return to City Council for review within two months. The motion carried 5-0.

21. Ordinance Deleting Section 70-6 Firearms (City Attorney)

Attorney Wohl reported that last year F.S. 790.33 was adopted which preempts local government from regulating firearms with the only exception regarding zoning of firearm businesses. He explained that City Code section 70-6 addresses the discharge of firearms and presented the draft amended Ordinance repealing the City's Ordinance for the Council's review. Attorney Wohl requested if the Ordinance could be placed on the July 3, 2012 agenda for First Public Hearing. The Council agreed.

RESOLUTIONS

22. RESOLUTION NO. 2012-04. A RESOLUTION OF THE CITY OF ARCADIA, FLORIDA GRANTING A VARIANCE TO PERMIT THE PLACEMENT OF A SHED IN THE DESIGNATED SIDE YARD OF PROPERTY LOCATED AT 726 EAST MAGNOLIA STREET, ARCDIA, FLORIDA (Interim Administrator)

Mrs. Jankosky stated that the Board of Adjustment recommended approval and the applicants were present if there were any questions.

Mrs. Jankosky read Resolution No. 2012-04 by title. A motion was made by Councilman Fink and seconded by Councilman Heine to adopt Resolution No. 2012-04 as presented.

Mrs. Sandra McLellan, 726 East Magnolia Street, explained that last year the office area was removed from the building to allow expansion for more children. The shed was placed on the parcel for office use and the contractor told us they would obtain a permit. When the fire inspection was performed we found that no permit was pulled. She stated they recently obtained the certificate of completion and are in the process of obtaining the required permit. The applicants wish to maintain the shed at its current location for security purposes.

Vote on the main motion carried 5-0.

**23. RESOLUTION NO. 2012-05. A RESOLUTION OF THE ARCADIA CITY COUNCIL IN SUPPORT OF THE DESOTO COUNTY HISTORICAL SOCIETY'S APPLICATION FOR A SMALL MATCHING HISTORIC PRESERVATION GRANT TO NOMINATE THE TOWN SITE OF PINE LEVEL TO THE NATIONAL REGISTER OF HISTORIC PLACES.
(Carol Mahler)**

Ms. Carol Mahler, DeSoto County Historical Society, gave a brief history of the Town of Pine Level. Ms. Mahler responded to Deputy Mayor Frierson that it is a matching grant however DeSoto County is a Rural Economic Disadvantaged (REDI) community therefore no matching funds are required. She responded to Mayor Keene that this grant pertains to only two tracts of land and the owner is in agreement.

A motion was made by Councilman Fink and seconded by Deputy Mayor Frierson to read Resolution No. 2012-05 by title. The motion carried 5-0. The City Recorder read Ordinance No. 2012-05 by title.

A motion was made by Councilman Fink and seconded by Councilman Allen to adopt Resolution No. 2012-05 as presented.

Mayor Keene asked if the Pine Level area became historically preserved what effect would it have on the outer lying 40 acres, will there be any restrictions. Mrs. Mahler responded that this is an honorary designation and no restrictions will be placed on the areas.

Mr. Ernie Hewett, DeSoto County asked what restrictions might be placed on Mosaic if they chose to conduct mining there. Mrs. Mahler responded that to her understanding should Mosaic apply for any Federal/State grants or permits the designation would be taken into consideration.

Vote on the main motion carried 5-0.

COMMENTS FROM DEPARTMENTS

24. City Marshal

Marshal Lee requested a copy of the amended minutes and recordings of the June 5, 2012 Council Meeting for purposes of the ongoing investigation. A motion was made by Councilman Fink and seconded by Councilman Heine to direct staff to provide Marshal Lee with copies of the amended minutes and recording of the June 5, 2012 Council Meeting. The motion carried 5-0.

25. Attorney

a. Sunshine and Public Records Law – Part II

Attorney Wohl conducted Part II review regarding sunshine and public records law.

Attorney Wohl updated the Council on the recent meeting with the County regarding the Fire Services Contract. He stated that the County does want to utilize the property to build a fire station and to date they will have paid \$150,000 solely in debt service for that property. The County does not know how many bays however financially they may be restructuring the municipal service benefit unit (MSBU) which could reduce the annual payments. He advised Council that the schedule of payments does continue out to the year 2024, not just the four years Council anticipated. The ten year clause for the property to return to the City has nothing to do with the schedule of payments.

Mr. Gary Frierson asked should the County raise the MSBU and the City's schedule of fees eventually diminishes to zero would the City receive the difference. Attorney Wohl responded that the City and

County would be meeting again to review the rate structure, talk about the future station and he would report back to Council.

Mrs. Jankosky asked if it was the Council's pleasure to request quotes on the City's health insurance benefit package. The Council agreed.

26. Interim Administrator

- a. Smith-Brown Gym RFP roof repair/replace

Mrs. Jankosky reported that one quote was obtained for replacement of the roof at Smith-Brown Gym and an RFP was prepared however; safety and fire inspections were being conducted. She asked if she could return to Council with those updates prior to going out to bid so they would have a better idea on the total cost of repairs. Council agreed.

- b. Jet and Fountain at Lake Katherine

Mrs. Jankosky stated that it is the City's responsibility for the upkeep of the jet and fountain at Lake Katherine. Team Arcadia is interesting in assisting with the improvements to the fountain. Mrs. Ann Pepper stated that Mr. Vaughn Aiken is interested in assisting with the restoration of the jet.

- c. FEMA appeal for T-Hanger repairs

Mrs. Jankosky reported that the second FEMA appeal for the T-Hanger repairs was denied and a copy of the notice was provided to each Council Member.

- d. Update on electric lift crane

Ms. Jankosky reported that the 1991 WWTP electric lift crane brakes went out and needs repair in the amount of \$8,500. The repair money is within the budget however she wanted to let Council know in advance.

PUBLIC (PLEASE LIMIT PRESENTATIONS TO FIVE MINUTES)

Ms. Jeanie "Helen" Raines, Parks employee, asked about the merit bonuses. She explained that employee morale is low and few care or have the courage to speak up. She continued there are rumors that employees will have to pay back the bonuses and she knows this would put a burden on most. She stated that employees have been threatened with layoff rumors and she hopes that she doesn't receive repercussions for speaking. She asked that the Council consider the employees and their work when they discuss the budget. Mayor Keene clarified to Ms. Raines that the bonuses already received by employees would not have to be returned and those bonuses not yet received were scheduled to continue as usual to the end of the fiscal year.

Dr. Lorenzo Dixon stated that Mayor Keene was doing a superb job and following the Sunshine Law by ensuring the public is allowed to speak. He noted his sorrow that any member of the Council would deny Mrs. Jeannie Martin the opportunity to speak.

Mr. Charles Conklin applauded Mayor Keene for his service. He stated he was angered at the last meeting and had wanted to ask Deputy Mayor Frierson, Councilman Heine and Councilman Allen to step down and cause an investigation into the matter. However he since has changed his mind and instead he encouraged the Council to go out into the public and see the people that are working in the community supplying food to the needy.

Ms. Janie Watson stated her support for the merit bonuses. She asked about the grass at the Parker House to which Marshal Lee responded the location was cited today.

Mrs. Martha Craven stated that she had differences with the past Administrator however now is the time to move on and find someone to perform due diligence.

MAYOR AND COUNCIL MATTERS

Mayor Keene asked Mrs. Daley to say hello to her daughter who was running for the School Board position.

ADJOURN

There being no further business the meeting adjourned at 7:45 p.m.

APPROVED THIS 3rd DAY OF July, 2012.

ATTEST:


Virginia S. Haas, City Recorder

By:


Keith Keene, Mayor