

**MINUTES
CITY COUNCIL
CITY OF ARCADIA
TUESDAY, JULY 17, 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.

Reverend Watson 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
Captain Matt Anderson
City Attorney Thomas J. Wohl
Steve Underwood, WWTP
Fred Lewis, Systems
Marshal Charles Lee

City Recorder Virginia S. Haas
Finance Director Jorge Santana
Jerry Cordes, Public Works
Carrie Taylor, Golf Course
AJ Berndt, WTP

Mayor Keene recognized County Commissioner Judy Schaefer.

Councilman Heine requested to speak at this time. He stated that times are rough and he is pleased with Mrs. Jankosky who has been doing a terrific job. He feels the employees and others are pleased as well.

A motion was made by Councilman Heine and seconded by Councilman Allen to appoint Mrs. Jankosky as the City Administrator.

Councilman Fink stated that he is pleased with Mrs. Jankosky's work however he believes the Council agreed to have the Range Riders assist with the process of hiring a new Administrator. He stated that we are cutting ourselves short if we don't follow through and he is not suggesting that she might not be the person hired but it would be presumptive at this time to act on this motion.

Councilman Allen replied that he felt we didn't need to look any further and it would save \$100,000 in the long run. Councilman Allen responded to Mayor Keene that Mrs. Jankosky's former position would not be filled. Deputy Mayor Frierson replied that she thinks Mrs. Jankosky is doing a good job working tirelessly on the budget and has good ideas.

Mayor Keene agreed that Mrs. Jankosky is doing a fantastic job; however as a Council he felt they may be cutting themselves short in making this kind of decision. He added

that we were going to use the Range Riders to assist in filling the position. He did not want Council to drag their feet in filling the position and understands about saving money however he thought when the position was filled that Mrs. Jankosky's salary would revert back to that of the Assistant City Administrator.

Mr. Greg Smith, Airport Advisory Committee, stated the Airport Committee has been working closely with Mrs. Jankosky. Mrs. Jankosky works on grants for the Airport and her visions for the City are on target with what the Committee believes. She works on Saturdays and late at night. He doesn't believe you could find anyone as dedicated as she.

Marshal Lee stated Mrs. Jankosky is the only Administrator he has know that puts in as many hours as he does, she is pleasant and knowledgeable.

Mr. Lew Ambler, DeSoto Insurance stated that Mrs. Jankosky has put much effort into the risk and safety programs and they have made much progress. She has done an excellent job.

Mr. Charles Conklin stated that Mrs. Jankosky is doing a good job but agrees with Mayor Keene. He noted that every time the Council plans something their words are never carried out so he encouraged the Council to carry out what they decided at the beginning.

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

Mayor Keene offered his congratulations to Mrs. Jankosky. He stated he has worked closely with Mrs. Jankosky dealing with several boil water notices, and he noted that nobody admires her more than he. He explained that he was sitting on the Council last time and his choice for Administrator was not hired however someone with huge credentials was chosen. He stated he is concerned that the Council is not making a best opportunity choice. He finalized that this is the hand we were dealt and he pledged to work with Mrs. Jankosky to the best of his ability and hopes the rest of the Council will do the same.

Councilman Heine stated that he hopes each Councilmember would work hand in hand with Mrs. Jankosky and possibly she will be with us much longer than the others. She has earned the slot and every Department Head can come in and talk to her and that is important to him. He stated that he would like to see the other two members of the Council come in line 100 percent. Mayor Keene responded to Councilman Heine that he felt he explained himself and reiterated that Mrs. Jankosky has his support however he still feels there may have been other opportunities and again pledged his support.

Councilman Fink agreed with Mayor Keene and stated that it is important to utilize their Council position as a cohesive unit and in that regard made the following motion:

A motion was made by Councilman Fink and seconded by Councilman Heine to direct the City Attorney, Mayor and Administrator to meet and write a contractual agreement on behalf of the City of Arcadia and the Administrator. The motion carried 5-0.

CONSENT AGENDA

1. Minutes of June 26, 2012 Budget Workshop Meeting
2. Minutes of July 3, 2012 Regular Meeting
3. Check warrants from 07/03/12 and 07/13/12
4. Air-Cadia Flowage and Hanger Report for June 2012
5. Certificate of Appropriateness for 315 E. Magnolia St. – Applicant Mike Morris

Mayor Keene noted that Councilman Fink requested removal of consent agenda items number 2 and 4 for discussion.

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

Councilman Fink requested an amendment to the minutes on page 2 of 9, item number 6 of the July 3, 2012 minutes by clarifying that he stated "he heard a rumor that the vendor involved in this item sued the City and questioned if this was correct information".

A motion was made by Councilman Fink and seconded by Councilman Heine to approve consent agenda item number 2 as amended. The motion carried 5-0.

Councilman Fink noticed that there was no tie down fee in the report and it was his understanding there were a couple of tie downs. He wondered if the report was amended or would be amended. Mrs. Becky Minnear, Air-Cadia, stated there was no one permanent in June but possibly some tie downs for the night who left early or late but they had not yet received payment. She continued that there was one that came in the first few days of July and they will pay when she sees them. Councilman Fink asked if this was a usual thing. Mrs. Minnear responded that you don't always have tie downs because you don't always have someone there. Councilman Fink voiced concern of what if someone stole gas as this is money out of our pocket. Mrs. Minnear responded that they would attempt to collect tie down fees in advance.

Councilman Fink asked about hangar rentals specifically a 6 month period of time that was paid in advance and only a month rental was recorded for June. Mrs. Minnear responded that generally we pay the City per month and there are people who do not pay. Attorney Wohl stated that the Air-Cadia contract requires that 90% of the money collected be paid to the City and there is no provision if unable to collect. He explained that a 6 month rent fee was collected in advance so 90% of that should have gone to the City. Mrs. Minnear recognized the error and stated it would be amended on the next report.

A motion was made by Councilman Fink and seconded by Councilman Heine to approve consent agenda item number 4 as presented with the understanding that the check will be issued to the City and an amended report filed next month. The motion carried 5-0.

DISCUSSION ITEMS

6. City Council Set Not to Exceed Millage Rate. (Finance Director)

Mr. Jorge Santana stated that on July 7, 2012 the City received the final valuations from the Property Appraiser which started completion of the DR form 420 along with the 420MMP form that must be delivered to the Property Appraiser by August 5, 2012. Mr. Santana explained that the documents are very numerically intensive. He pointed out several numbers to assist the Council in setting the not to exceed millage rate. Line number 7 is the prior year valuation of \$186,471,267. Line 6 is the current adjusted taxable value \$175,699,100 which is a difference of \$11 million in taxable value so the City will not collect as much revenue as last year. Line 10 is the millage rate of 8.0899 which has been the rate since 2007. Should the City stay within the 8.0899 rate it will collect \$70,000-\$100,000 less because of the diminishing property values. Line 16 is the roll back rate of 8.5859 which would allow the City to collect the same amount of money as last year with the new tax rolls.

Mr. Santana reviewed the DR420 MMP form which is the process for the City to decide the millage rate and is based on the majority vote of the Council. Line 13 is the highest millage rate that can be set which is calculated at 11.3567. Mr. Santana responded to Mayor Keene that the not to exceed millage rate should be set tonight as that number is used to calculate the forms that are required by the Property Appraiser. Mayor Keene questioned that last year to have collected the same amount of taxes the millage rate should have been set at 8.622. He continued that the City has missed several opportunities to adjust the rate and with the budget cuts he believes the Council may need to consider changing our millage rate tonight. Mr. Santana responded to Deputy Mayor Frierson that the number set tonight is not etched in stone and can be decreased if desired.

Councilman Fink responded that even if we adopt a different number during the budget hearings we finalize the budget and millage through Resolutions. Mr. Santana responded that you would have to finalize the budget and that is determined by how much ad valorem is collected. Attorney Wohl stated there is not another meeting until August 7 which would be too late to act, so Council should set the rate tonight.

A motion was made by Councilman Heine and seconded by Councilman Allen to set the not to exceed millage rate at the roll back of 8.5859.

Councilman Fink stated that in these economic times, even though we are dealing with diminished funds, it would be difficult to raise something with the understanding it might all be for nothing anyway. He continued that he feels the City should deal with the other issues rather than taking more from the citizens. He referred to the recent article in the paper stating that DeSoto County is the poorest County in the State according to statistics and to raise the millage to near maximum he would not support. Mayor Keene responded that he believed the maximum is 11.35 and the 8.5859 is a long way from the top number. Mayor Keene applauded the motion however he was not sure the roll back rate of 8.5859 was enough realizing that over the last years the millage rate has not changed and to think that has not been a contributing factor to our current situation would be short sighted.

Mrs. Adrienne Daley stated that she believes the City already has one of the highest millage rates around. Mayor Keene responded that the rate is high however he believes Zolfo Springs is around the millage rate of 9. He finalized that he didn't know how we could continue to provide these services simply by cutting expenses and we also need to consider the reduced property values.

Mr. Ernie Hewett, DeSoto County, asked the Attorney if FS 200065 limits the millage to ten. Attorney Wohl replied the rate may depend on other issues and he would review. Mr. Hewett replied he believes ten is the maximum millage rate. Councilman Fink stated he believes Mr. Hewitt is correct. Mr. Hewitt stated that the Finance Director indicated the millage could be raised to eleven which is why he was questioning the maximum rate. Mr. Santana responded that the form is a self calculating form.

Mr. Hewitt continued that he understands Councilman Fink's and Mayor Keene's concerns however this is a procedural move to set a maximum rate then at the budget meetings decide on a lower number and the forms that go out are based on the value of your property. When Council finalizes the budget the millage will be somewhere in between but there is a drop dead date for setting the maximum rate. He finalized that he believes the roll back rate is a reasonable rate.

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

7. Lost revenue and associated expenditures. (Interim Administrator)

Mrs. Jankosky reviewed the distributed spreadsheet of costs for the most recent July 4th parade and fireworks which amounted to \$485 not counting benefits. She stated this is lost revenue and costs associated that the Council should be aware. Mayor Keene asked if Mrs. Jankosky was suggesting that the sponsors pay for this service. Mrs. Jankosky responded it would be up to the Council just so they recognize the costs associated with each event. She reviewed the fees: \$25.00 permit fee plus \$200 deposit unless those fees are waived by Council. Mayor Keene responded that he felt the community has an expectation of community parades and events and we should not try to impose an expense on those sponsors however if we had that sense of community there might be opportunity to fund it through another mechanism. Mrs. Jankosky responded that there is a fine balance between community service and requiring permit fees but the City is cutting everyday budgets to survive and still cover these events. Councilman Fink stated he is a member of the Antique Association and according to the Attorney he does not have to declare a conflict of interest. He stated in the past they hired off duty Police Officers for the crowd, but found it cost prohibitive. Marshal Lee responded to Councilman Heine that there are approximately 11 parades per year.

Mr. Bruce Neveau, Mary Margaret's Tea Room, Beautification Committee and Team Arcadia, suggested that the amount of horse manure left over after the parade was alarming and they make bags for under horses so it doesn't hit the ground. There is no street sweeper following the parade so when cars go out the manure is spread all over the place. These are one of the added costs you were alluding to. Mr. Cordes responded that there is a street sweeper and he suggested the horses be placed at the end of the parade.

8. Request for Special Event Permit, street closure and waiver of fees - Antique Association of Arcadia Fourth Saturday Antique Fair (Interim Administrator)

Councilman Fink stated that Antique Association as a 501-C3 puts basically all funds raised by the event back into the community through advertising for \$30,000 a year to bring people to Arcadia. Advertising includes the Antiques Road Show in three major markets, Fort Myers, Tampa/St. Pete and now Ft. Lauderdale out of Florida International University as well as print advertising. Councilman Heine interjected that if you let one receive a waiver you have to let

them all. Councilman Fink asked if this was a monthly waiver or a one time fee. Attorney Wohl stated that it is an annual permit for one year for one Saturday event each month.

Councilman Fink made a motion to deny the request for fee waiver, approve the special event permit and require Antique Association to pay the \$25.00 fee. The motion was seconded by Councilman Heine.

Mr. Remus Griffin, Freelance Journalist, stated that the 4th of July Ranch Rodeo proceeds went to Tidewell Hospice and they asked for no handouts. He continued that you are talking about a public street set aside twelve days a year; if it's worth having it's worth paying for. He stated you want to raise the millage but you want to waive the fees. He finalized that if an event can afford fireworks costing \$10,000 to \$40,000 you can afford the permit fee and in his opinion Council should not waive the fee.

Mayor Keene clarified that Councilman Fink's motion was to charge the Association \$25.00 for the year. Attorney Wohl stated that according to the ordinance events are not listed as exempt for anyone. Mrs. Jankosky added there is also a \$200 deposit which is part of the fee schedule approved and it is up to the Council whether they choose to waive the fees. There was discussion if the fee was \$25.00 per month or for the year. Attorney Wohl replied that the fee is for 12 events throughout the year, Councilman Fink's motion was for \$25.00 per year. He explained that the permit application was streamlined for events held like the Antique Association because they have the same schedule throughout the year. He continued that he did not believe it was the Council's intent to reduce the fee to \$25.00 a year because the Ordinance requires \$25.00 per event. Councilman Fink withdrew his original motion.

A motion was made by Councilman Fink and seconded by Councilman Heine to approve the application permit for the 4th Saturday Antique Fair and charge the Antique Association \$25.00 per event or a total of \$300.00 annually. The motion carried 5-0.

9. Request for Special Event Permit, closure of streets and waiver of fees for the TEAM Arcadia Car Show – Applicant Mr. John Super (Interim Administrator)

Mr. John Super reported that they hold monthly car shows with very little budget which was \$200 out of his pocket per month and if you impose a \$300.00 fee that would put them out of business. He stated the sole purpose of the car show is to help promote the downtown businesses. He indicated that it costs the County nothing and the barricades are put out on Friday during working hours and taken down following the event. Mayor Keene asked if there was a breakdown on cost for the car show. Deputy Mayor Frierson noted that the car show does have good attendance even in the summer. Councilman Fink suggested drawing on the restaurants since this event is done specifically to draw restaurant business. Mr. Super replied that the businesses do support him. Mr. Greg Smith inputted a dollar per car entry could support the required permit fee.

A motion was made by Councilman Fink and seconded by Councilman Heine to approve the request for the monthly car show and require a permit fee in the amount of \$25.00 per event or \$300 annually. The motion carried 3-2 with voting as follows: Councilman Heine, Yes; Deputy Mayor Frierson, No; Mayor Keene, No; Councilman Fink, Yes; Councilman Allen, Yes.

10. Request Approval of two proposed locations for the CDBG Neighborhood Revitalization Grant Program – maps included (Interim Administrator)

Mrs. Jankosky explained two maps were included identifying potential areas for the Neighborhood Revitalization grant that included East Maple and Bridle Path. These areas must be low to moderate income, surveys will be conducted and once the information is received it will return to Council in September. Deputy Mayor Frierson asked why these two areas were chosen. Mr. Corbett Alday, Guardian, replied that density, low to moderate income and the needs of water, sewer and roads in the area were analyzed to choose the two locations. He also asked if the Council could rank each area and explained that from the grant standpoint the Bridle Path area is denser and needs more attention however both areas will work however the scope needs to be narrowed.

Mr. Fred Lewis, Systems Supervisor, responded to Mayor Keene that both areas are good candidates. We have a lot of inflow issues but Bridle Path is denser and there is a storm sewer system and flooding problems. The Maple area is open ditch. Councilman Fink inquired if you could install storm sewer in the East Maple area. Mr. Lewis responded that in the Maple area near the west the whole area is open ditch and the best bang for your buck in that area would be to revitalize the ditches.

A motion was made by Councilman Fink and seconded by Councilman Heine to rank Bridle Path area number one and East Maple area number two for the proposed Neighborhood Revitalization grant locations.

Mr. Gary Frierson inquired what if there is an investor owned property by one of the Council Members in one of those locations. Attorney Wohl suggested that Deputy Mayor Frierson abstain from the vote due to owning property in the Bridle Path area.

Ms. Leanne Harrison asked where Bridle Path and Maple are located. Councilman Heine replied that Bridle Path is near the Cemetery.

Mr. Ernie Hewett agreed that Bridle Path area is in best interest for public issues and would benefit most from the grant however Maple is one of the last areas in the City for development with hindrances of no water and sewer. Mrs. Jankosky responded preliminary cost for the East Maple area was \$1.1 million, the Bridle Path area cost was \$900,000 and the grant is \$600,000.

Vote on the motion carried 4-0 with Deputy Mayor Frierson abstaining.

11. DeSoto Insurance Letter of Recommendation (Interim Administrator)

A motion was made by Councilman Allen and seconded by Councilman Heine to approve the Letter of Recommendation for Mr. Lew Ambler, DeSoto Insurance. The motion carried 5-0.

12. Sale of Surplus Material Procedure (City Attorney)

Attorney Wohl reported the proposed revision allows City staff to dispose of surplus and scrap materials without requiring a bid process.

A motion was made by Councilman Heine and seconded by Councilman Fink to approve the proposed changes to the sale of surplus material procedure as presented. The motion carried 5-0.

13. Wingman Aviation Contract (City Attorney)

Attorney Wohl reported that he and Mrs. Jankosky met with County and Fire Inspectors and according to the code Mr. Hilton can only perform owner's maintenance. The City's Airport Consultant, Hanson Professional Services and Mr. Hilton believe that the County is not looking at the particular regulations and there is an exception for hangers under 12,000 square feet. He continued that the City has asked the County to provide in writing the particular citations they are addressing.

Mr. Ricky Hilton stated he wanted something in writing so it could be challenged. He thought that at the last meeting he would be invited to the meeting with the County however no one called. He added that he would appreciate being included in the process as he is knowledgeable of the rules and regulations. He continued that the Fire Marshal does not distinguish between commercial activities and other activities so there is much to discuss and he asked to be included in the meetings.

Mayor Keene clarified that he did not attend the meeting with the County however at the last meeting he assumed all parties involved were to meet. Mr. Hilton responded that he has a hard time understanding why it is taking so long and in eight months there should be some progress. Attorney Wohl replied that he drove from Sebring, travel not included, for that meeting which lasted 30-45 minutes and the City is attempting to work through the process. We have requested the citations in writing. Mrs. Jankosky responded that they did not address the business in that hangar because it is not a recognized business according to the business tax receipt so they viewed it as a hangar with potential issues of a commercial business going on in the hangar. Now we are at the point where the Fire Department will need to show us the code addressing the issues.

Councilman Fink stated that in dealing with the County Fire Department in a building that was never inspected by the County it was his job as the business owner to deal with the County directly. He noted his confusion as to why this was not between Mr. Hilton and the Fire Department and if it is a legitimate business Mr. Hilton can work with the Fire Department. Attorney Wohl responded that Mr. Hilton working directly with the County would work well if Mr. Hilton feels he has a good grasp on the code. He stated that the City was trying to define the type of services that could occur in the hangar. Councilman Fink recommended executing the contract and distinguishing between commercial and personal usage of City property rather than involving the City. Deputy Mayor Frierson responded that she thinks it is our business because we don't know the legal aspects. Attorney Wohl responded that the City should ensure we are not allowing a business to operate if they are violating the fire codes and it would be beneficial if Mr. Hilton got the answers from the Fire Department. Deputy Mayor Frierson stated that if we allow businesses in the hangers and the Fire Department has told us no then we are opening up the City to all sorts of legal issues. Councilman Fink questioned if we were going to shut down the current paint operation at the Airport because that is considered under the same statute and no sprinkler system is installed. He asked also is the City requiring that current business to do same or are we going to have a double standard. Deputy Mayor Frierson asked are we setting a precedent for businesses in the other hangars. Councilman Fink inquired isn't there already a precedent when we have people doing this type business without sprinklers or fire suppression. He continued how can we justify those requirements and not expect retaliation by Mr. Hilton by not allowing what is already being allowed.

Mr. Hilton stated that all companies go through the same process and this request is nothing special. He asked for some verification on the agreement then he would apply for the

occupational license for that location and he will be required to meet the codes then all concerns would be addressed. He noted that the building is not to code and should not be used and every hanger does not meet codes either. Mrs. Jankosky agreed that Mr. Hilton should file for the occupational license. Mr. Hilton responded that initially he and Mrs. Jankosky should meet to review the agreement which should be a fair and equitable. Councilman Fink requested that the Council review the contract at the next meeting and the Attorney can review as to form. Attorney responded that would be fine as long as approval is conditioned upon the fire inspection. Councilman Fink replied that Mr. Hilton would not receive his occupational license without a fire inspection.

Mr. Ernie Hewett, former Airport Manager, stated this whole concern goes back to 2008-2009 when the first fire inspection occurred after the merger. Prior to the merger the City Fire Department had authority over the Airport and allowed it to operate as is under the City's liability. The County took over after the merger and shut down the operations for painting, mechanical work and use of one building. The FBO contract states you must be in code compliance however the Airport is not in code compliance. Should you issue a contract for Mr. Hilton to operate he could return and state he can not become compliant because the City Airport is not in compliance. The City would have to come into code compliance for the FBO and the new contract tenant. He cautioned Council to be careful signing a contract that will put the City in a liability issue which you are already in with the current FBO. Most minimum standards for airports, which the City does not have, indicate that any business is given a plot of land to build their own hangar. Mr. Hilton has alternatives such as the Minnear's could rent one of their buildings but we are back into code compliance issues with the Fire Department.

Mr. Hilton responded he is not asking to sign the contract only negotiate and the contract would not be signed until after the inspections and occupational license are issued. He added that current hangar rules authorize commercial maintenance. He stated again that he would not sign the contract until all the requirements are approved. Mr. Hewett responded that as Airport Manager he wrote that rule because they were going to allow the Trudeau Warbirds to conduct light maintenance but the lease for the two hangars was tied to the Minnear's contract which allowed them to use the Butler Building. Once the lease ended the contract ended and that rule never was removed. Mr. Hilton agreed to meet with staff to negotiate a contract and apply for a business license as mentioned previously.

14. Mobile Home Park Fence (Interim Administrator)

Mrs. Jankosky reported that there was \$40,000 budgeted for improvements and this item is for a chain link fence as referenced on the distributed map. In order to install the fence, dead ends must be created. She spoke to the Fire Department and they requested gates they could access and Marshal Lee requested a key to access the area. She noted that the Post Office has not yet responded. She asked for a consensus from Council on blocking the streets with locked gates. Mrs. Jankosky responded to Mayor Keene that a notice is posted in the common area noting this project was progressing. Mrs. Carol Anderson, Park Manager, responded to Mayor Keene that the park has 85 permanent residents and over half are gone during the summer. Councilman Fink inquired if there are signs already posted for limited access to the park. Mrs. Anderson replied that there are signs posted however people still walk and drive through the park. Councilman Fink asked again has Council already taken action by installing signage on the park streets. Marshal Lee responded that there are some trespassing signs however some of the residents overrule the signs by inviting people into the park. Mrs. Jankosky replied to Councilman Heine that the fence would not interfere with the Highway 17 improvements. We have to leave the park open however we are limiting the access. Council gave a consensus for the requested gated street ends.

ORDINANCES

- 15. ORDINANCE NO. 975: SECOND AND FINAL READING OF AN ORDINANCE DELETING SECTION 70-6 OF THE CODE OF ORDINANCES OF THE CITY OF ARCADIA; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (City Attorney)**

A motion was made by Councilman Heine and seconded by Councilman Fink to read Ordinance No. 975 by title. The City Recorder read Ordinance No. 975 by title.

A motion was made by Councilman Heine and seconded by Councilman Fink to adopt Ordinance No. 975 at second and final reading. The motion carried 5-0.

- 16. ORDINANCE NO. 976: SECOND AND FINAL READING OF AN ORDINANCE AMENDING SECTION 60-3 OF THE CODE OF ORDINANCES OF THE CITY OF ARCADIA TO PERMIT CITIZENS OF DESOTO COUNTY TO SERVE ON THE HISTORIC PRESERVATION COMMISSION; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (City Attorney)**

A motion was made by Councilman Heine and seconded by Councilman Fink to read Ordinance No. 976 by title. The City Recorder read Ordinance No. 976 by Title.

A motion was made by Councilman Heine and seconded by Deputy Mayor Frierson to adopt Ordinance No. 976 at second and final reading. The motion carried 5-0.

COMMENTS FROM DEPARTMENTS

17. City Marshal

Marshal Lee updated that a Special Master Hearing was held regarding 342 South Orange Avenue and the owner has 120 days to correct and obtain all permits otherwise there will be a \$100 per day fine issued. Also the owner has 14 days to remove all non working vehicles or face a \$50 per day fine.

Marshal Lee reported that Special Master William Nielander's contract expired and he requested that Council consider renewal of that contract as they are very satisfied with his services.

A motion was made by Councilman Heine and seconded by Deputy Mayor Frierson to renew Attorney Nielander's contract as Special Master for the City of Arcadia. The motion carried 5-0.

Marshal Lee reported that Tremron has removed some debris from the site, added some buffer pavers, noise reduced greatly and are moving toward compliance.

Mr. Charles Conklin stated that he heard some metal was taken from the City Garage and they knew who took the items. He asked why this issue was not addressed because that is return revenue to the City. Marshal Lee responded the matter is a departmental issue and should not

be addressed to Council. He stated that they do not know who stole the items however they know whose vehicle was used to deliver the items but have yet to locate the young man. The matter must be investigated so until there is probable cause rather than reasonable suspicion no arrest can be made. Mr. Conklin apologized and stated he was bringing it forward because a lot of people asked him about the status of the case. Marshal Lee responded that there were not a lot of people asking about the status, possibly two or three.

18. Attorney

Attorney Wohl reported he would have session III of the Sunshine review for the next Council Meeting.

19. Administrator

Mrs. Jankosky reported that Tindale-Oliver is holding a consensus building workshop to prioritize the future pedestrian, bike, sidewalk project on July 26, 2012 from 5:30 p.m. to 8 p.m. at the County Administration building.

Mrs. Jankosky asked if there were any questions regarding health insurance. The workshop is scheduled for Thursday, July 19, 2012 at 5:30 p.m. The Council reported no questions.

Mrs. Jankosky replied to Mayor Keene that she emailed Mr. Maxcy, County Administrator, regarding the City/County meeting but has not heard back.

PUBLIC (PLEASE LIMIT PRESENTATIONS TO FIVE MINUTES)

Mr. Gary Frierson congratulated Mrs. Jankosky on being appointed Administrator.

MAYOR AND COUNCIL MATTERS

Councilman Heine noted that there are many street lights out in the City.

Councilman Fink stated we are elected officials to sit here and listen to people. We need to take what they say and realize these people pay our salaries. It's disheartening by the suggestion that the citizen was a fibber just a bit ago. It's not right. We don't need to have that and I don't like to tolerate that. Whether the person was telling the truth that there were a lot of people or a few, is inconsequential and it is important not to minimize the person. Marshal Lee stated if this man wants to know the Police Department is always open. Councilman Fink replied as the City we need to be receptive, even if we don't like the comment, if not, we are in the wrong business, even if someone talks and blabbers it is our responsibility to sit here and look at them and say thank you for your comments. If you minimize that person we are not doing the job we are elected to do. Marshal Lee replied that he is elected as well. Councilman Fink replied that this is a Council Meeting and for someone to disrespect what the public says in not right. Marshal Lee replied that telling the truth is not disrespectful. Councilman Fink replied that truth is a relative commodity. Marshal Lee replied telling the truth is not disrespectful and he might try it. Mayor Keene asked to bring the conversation to a close as points have been well taken and you are both right.

Mayor Keene stated that he is excited about McSwain Park and gave kudos to Mrs. Jankosky and Mrs. Penny Kurtz for working on the project. There was a great turn out at the groundbreaking ceremony. Councilman Fink stated that the Mayor did a wonderful job representing the City. Deputy Mayor Frierson stated that the City has good things going on like

the new Water Plant, McSwain Park and other projects. She thinks all the rumors floating around need to stop and let's not pay attention to those rumors. She continued that Marshal Lee does a great job and if we put him out, we will be out of a job. There is too much negativity and nit picking and it needs to stop.

Mayor Keene agreed that we do have positive things going on, people really believe in the City and admire the Council sitting here. We are working on the budget and it's all about fiscal responsibility. Mayor Keene continued however, there is potential for disaster out in our community and referred to the collapse of a line on Highway 17. He stated if we don't think in those terms, these type emergencies are what reserves are for and why we need to balance the budget. He agreed with Deputy Mayor Frierson regarding the negative vibes and he is tired as well and wants to hear positive to move the City forward. He stated that he met with Tindale-Oliver on the Bike/Pedestrian project which is a fantastic opportunity for the community. He thanked Mrs. Judy Schaefer and the County for their involvement in project. He mentioned connecting the merchant center on the east side with downtown which would be great.

Mayor Keene reported that at the groundbreaking ceremony several people reported some miscommunication. He stated that we live in a social media arena where people are reporting in real time and much of the information is inaccurate such as why are we closing Story Book Park and Jim Space is falling down. He drove out to both parks and there was no indication of either park closing however there are some issues that need to be addressed at Jim Space. He encouraged Mrs. Jankosky to contact First State Bank to see if a collaborative effort might enable Jim Space to be repaired.

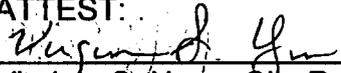
Mayor Keene congratulated Mrs. Jankosky on her appointment and stated he doesn't sleep much and hates to be in the dark, so he charged Mrs. Jankosky with the following: What is Administration doing to consolidate services between City Hall and the Way Building. He suggested consolidating those operations as we move toward a vision and how we can make ourselves more effective. He announced the Vision Workshop taking place July 21, 2012 at 9 a.m. in the Way conference room.

ADJOURN

There being no further business the meeting adjourned at 7:50 p.m.

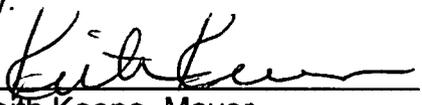
APPROVED THIS 7th DAY OF August, 2012.

ATTEST:



 Virginia S. Haas, City Recorder

By:



 Keith Keene, Mayor

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Frierson, Alice	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE City Council
MAILING ADDRESS 23 N. Polk Ave.	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:
CITY COUNTY Arcadia DeSoto	<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
DATE ON WHICH VOTE OCCURRED July 17, 2012	NAME OF POLITICAL SUBDIVISION:
MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

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, Alice Frierson, hereby disclose that on July 17, 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 _____, 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:

Own investment property located on or near areas of interest for CDBG grant funding. (*Beille East Maple*) *Path*

7-25-2012
Date Filed

Alice Frierson
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.