

**MINUTES
CITY COUNCIL
CITY OF ARCADIA
TUESDAY, AUGUST 20, 2013
6:00 PM**

The following minutes reflect action items of the City Council of the City of Arcadia. For a verbatim copy of the minutes you may contact City Administration to obtain a copy of the recorded meeting.

CALL TO ORDER, INVOCATION PLEDGE OF ALLEGIANCE & ROLL CALL

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

Deputy Mayor Heine gave the invocation which was followed by the Pledge of Allegiance.

Arcadia City Council

Mayor Keith Keene

Deputy Mayor Robert Heine

Councilman Robert R. Allen

Councilwoman Alice Frierson

Councilman Joseph E. Fink

Arcadia City Staff

City Administrator Judi Jankosky

City Attorney Thomas J. Wohl

City Clerk Gia Lancaster

Marshal Matt Anderson

Oak Ridge Cemetery – Mr. James Skinner (Clerk notes - Interpreter scheduled)

Mr. James Skinner, 126 Bridle Path, as interpreted: Mr. James Skinner stated his concerns with four wheelers traveling into the Cemetery and this activity is inappropriate and disrespectful. Mr. Skinner affirmed that he has contacted the Arcadia Police Department many times regarding his concerns. Mrs. Cathy Miller, Public Works Director, addressed the concern. The current gate has not been opened in many years and there is an area that is accessed near the gate into the Cemetery. She noted that the Cemetery is not lighted at night. She reviewed several options to remedy the situation. Following some discussion Mayor Keene asked if Mrs. Miller could return to the Council with some cost estimates regarding extension of the gate and any other potential options.

PRESENTATION

Mr. John Twohig - 20 Years of Service Presentation by Mayor

Mayor Keene presented Mr. John Twohig a plaque representing his 20 years of

dedicated service to the City of Arcadia.

AUDIT AND BUDGET ITEMS:

A. Presentation of Audit – Mauldin and Jenkins

Mrs. Leanne Cross summarized the fine points of the 2012 audit. Mayor Keene pointed out his concern with the written statement of corrective action which was completed and due by July 10, 2013.

B. 2013/2014 Budget

Attorney Wohl shared his legal opinion about the dissolution of the Police Department. He stated that, in his opinion, the City cannot unilaterally relinquish the ultimate responsibility of the Police Department without a dual referendum. (Article 8, Section 4 of Constitution). Interlocal Agreements are valid as long as they contain unilateral cancelling rights.

Mrs. Green began explanation of the 2013/2014 Budget with the Police Department that made \$300,000 in cuts to equipment and salaries. The General Fund lowered its budget by \$50,000 by eliminating the Inmate Contract and instead hiring part-time seasonal employees.

Water and Sewer saw no real changes except for \$53,000 per year which is the debt owed to the General fund. The Golf Course reduced its budget to \$360,000. Streets set aside \$400,000 for road improvements. The next steps will be Public Hearings. The tentative millage rate will be advertised and the hearing on September 3, 2013 will be noticed on the Truth In Millage (TRIM) on the property tax notices. The second hearing is scheduled for September 17, 2013. Mayor Keen replied that the budget is still short 17% or \$22,906. Councilman Fink responded that according to the Auditor we are not addressing, with this budget, the fiscal crisis we are in. Mrs. Green concurred stating she sees very little to cut and the only budget to adjust is the Police Department.

Councilman Fink continued that in this budget he still sees three (3) clerical positions, dispatching and the Marshal's salary. Councilman Fink asked if the concern is truly about safety then why keep clerical staff. Marshal Anderson clarified that the Sheriff provides dispatch. The City pays for radios and tower but no dispatchers. Marshal Anderson explained his staff contains a 30 year Lt., an Administrative Assistant and two Records Clerks. Councilwoman Frierson stated that this was addressed last year and the public says they want a City Police Department. Councilman Fink replied that the State will come in and look at the Elected Officials first.

Mayor Keene suggested raising the millage by 1 mil. He also suggested joining in with others Cities and Counties to work with the Legislature for funding Police Departments. Councilman Allen stated that Marshal Anderson has done extra well cutting and we as a

board should assist in the cuts. Deputy Mayor Heine stated that it was never his intention to dissolve the Police Department. Councilwoman Frierson stated she was told if we did not eliminate the Police Department Tallahassee would come down on us. Councilman Fink stated that it was not he that brought up negotiating with the Sheriff's Office; it was brought up by others on the Council. Mayor Keene stated that he has been on the Council for four (4) years and as far as Saturday's Budget Workshop budget nothing was set in stone because it was a Workshop.

Marshal Anderson stated his concerns for personnel and their families and the safety of the citizens.

Dr. Lorenzo Dixon, 920 Magnolia, stated he was happy with the name/address sign in sheet procedure. He stated he is not in support of carrying the City into any more debt and he takes the budget seriously. He stated, as a former Council Member, in the past gave up his salary. He suggested in resolving the \$27,000 shortage; maybe all Council Members should give up their salary.

Mr. Earnest Morgan, City resident, spoke on a variety of items.

Mr. Joe Purcell encouraged the City to get back on track. He was thankful to Council and Marshal Anderson however the Police Department budget has been high over the last few years. When Marshal Anderson took over in May he wanted to raise certain salaries, but if he is already over budget then how do they operate. He asked if there was any protection for the Citizens.

Mrs. Jankosky explained that the overages are often pulled from other departments or by utilizing reserves.

Mr. Charles Conklin, City resident, concurred with Dr. Dixon in that we need a Police Department and suggested City Council take a cut as well. He added that Police Officers put their lives on the line.

Mr. Mitchell Watson thanked Council for the sign-in sheet. He stated that Marshal Anderson has the City headed in the right direction. He believes in the Marshal however not in all of the Officers. He addressed some concerns regarding Code Enforcement.

Marshal Anderson replied that he met with the City Attorney and is also working with the City of Sebring to amend the code to give them the authority to get more accomplished. Councilman Fink questioned that Code Enforcement was under Community Development. Mrs. Jankosky replied that it is under the Police Department.

Mayor Keene stated that Discussion items number 8 and 9 will be addressed at a subsequent meeting.

CONSENT AGENDA

1. Air-Cadia Flowage and Hangar Report for July 2013
2. Check Warrant Reports: 08/02/13, 08/08/13
3. Special Event Permit: Down Home BBQ, Tree of Knowledge, Arcadia Main Street
4. Special Event Permit and Street Closure: Veteran's Day Parade
5. Yearly Special Event Permit: Fourth Saturday Antique Fair

A motion was made by Deputy Mayor Heine and seconded by Councilwoman Frierson to approve Consent agenda items 1 through 5 as presented. Councilman Fink disclosed that he has a shop downtown and is a member of the Antique Association. The City Attorney advised him of no conflict. Councilwoman Frierson asked if the vendor problems have been handled. Mrs. Jankosky replied that is a Code Enforcement issue. Vote on the original motion carried 5-0.

DISCUSSION ITEMS

6. Stormwater Special Assessment Proposal (Administrator)

A motion was made by Councilman Fink and seconded by Deputy Mayor Heine to approve the Stormwater Special Assessment Proposal as presented. The motion carried 5-0.

7. Fire Assessment Special Assessment Proposal (Administrator)

Mrs. Jankosky explained this study would be for fire and hydrant replacement plans and does not include Emergency Medical Service (EMS). Attorney Wohl stated that our payments to the County for EMS cannot be applied as a special assessment because it is a service to a person not property.

A motion was made by Deputy Mayor Heine and seconded by Councilman Allen to approve the Fire Assessment Special Assessment Proposal as presented.

Dr. Ernie Hewett, 3587 NW Poultry St., asked if the City could raise the current Municipal Services Benefit Unit (MSBU). Attorney Wohl explained that the rates paid to the County decrease each year requiring studies to be conducted regularly. Dr. Hewett replied that there is a rumor that the 2006 MSBU was not done properly. Attorney Wohl stated he would have to review minutes, contracts and research what was done previously. He stated in no final legal opinion that typically municipalities don't create MSBUs.

Vote on the original Motion carried 5-0.

Attorney Wohl addressed the Council stating the MSBU question may take quite a bit of research/analysis into the minutes and other documents. He stated that he could complete some preliminary research. The Mayor and Council agreed to a preliminary report regarding the 2006 MSBU.

- 8. Lease of City Hall (Administrator) – TABLED
- 9. Utility Discussion with County (Administrator) – TABLED
- 10. Grant Funded Change Order #3 WTP (Administrator)

Mrs. Jankosky reported that ultimately the FDEP gave us \$275,000 more grant funding.

A motion was made by Deputy Mayor Heine and seconded by Councilman Fink to approve the Grant Funded Change Order #3 WTP as presented. The motion carried 5-0.

- 11. Prayer Policy (Attorney)

Attorney Wohl suggested this Resolution be placed on the website for the public and religious organizations review in order to submit their ideas and suggestions. He suggested a potential draft Resolution for the October 1, 2013.

- 12. Health Insurance Renewal Update (Administrator)

Mrs. Jankosky reported a 65% increase in health insurance costs from United. Mr. Tom Guidry, DeSoto Insurance, stated that he is awaiting rates from BC/BS. He added that what may help the City's health rates is that the City adopted a policy for retirees to go on Medicare and possibly the census may need to be reviewed again.

ORDINANCES

- 13. ORDINANCE NO. 990; SECOND READING OF AN ORDINANCE OF THE CITY OF ARCADIA PROVIDING FOR THE AMENDMENT OF CHAPTER 94, LOCAL BUSINESS TAX: ESTABLISHING CONSISTENCY WITH FLORIDA STATUTE FOR THE REGULATION, ADMINISTRATION AND COLLECTION OF LOCAL BUSINESS TAX FEES; ESTABLISHING A LOCAL BUSINESS TAX FEE SCHEDULE TO BE ESTABLISHED BY RESOLUTION; ESTABLISHING A FEE INCREASE FOR CERTAIN BUSINESS CLASSIFICATION OR TYPES; PROVIDING FOR AMENDMENTS TO BE DEPICTED IN A STRIKE THROUGH AND UNDERLINED LEGISLATIVE FORMAT;**

PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (City Attorney)

Ordinance No. 991 was read by Title only. A motion was made by Deputy Mayor Heine and seconded by Councilman Fink to adopt Ordinance No. 990 at second and final reading. The motion carried 5-0

14. ORDINANCE NO. 991; SECOND READING OF AN ORDINANCE OF THE CITY OF ARCADIA, FLORIDA; ADOPTING A POLICY FOR INSPECTION AND COPYING OF PUBLIC RECORDS PURSUANT TO CHAPTER 119; FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Council set at first reading: "extensive" use of time to produce records at 30 minutes)

Ordinance No. 992 was read by Title only. A motion was made by Councilman Fink and seconded by Councilman Allen to adopt Ordinance No. 991 at second and final reading. The motion carried 5-0.

RESOLUTION

15. RESOLUTION NO. 2013-13; LOCAL BUSINESS TAX FEE SCHEDULE (SEE ORDINANCE 990, CHAPTER 94 – CODE OF ORDINANCES)

Resolution No. 2013-13 was read by Title only. A motion was made by Councilman Fink and seconded by Councilman Allen to adopt Resolution No. 2013-13 as presented. The motion carried 5-0.

COMMENTS FROM DEPARTMENTS

16. City Marshal

Marshal Anderson replied to Councilman Allen that 2011 traffic tickets brought in \$22,358 and 2012 brought in \$22,780.

Mayor Keene expressed concern regarding pedestrian traffic crossing on Highway 17. FDOT is working on safety concerns and sidewalks.

17. Attorney

Attorney Wohl spoke to the Supervisor of Elections regarding the manner in which we conduct run offs. Should a tie occur, two weeks following the general election, the City must hold a run-off. The Supervisor of Elections feels he may not be able to prepare for the runoff. He suggested that we go to a straw draw which Florida Statutes allow. Attorney Wohl will review and return with suggestions.

18. City Administrator – No report

PUBLIC (PLEASE LIMIT PRESENTATIONS TO FIVE MINUTES)

Mr. Gary Frierson, 820 W. Gibson, spoke of a misprint in an Ordinance which was initial language from 1901. Attorney Wohl replied he spoke to the Supervisor of Elections regarding this instance.

MAYOR AND COUNCIL MATTERS

Mayor Keene sated that we demonstrated tonight that our system works. We had good debates and input from the public. He is looking towards moving the City forward.

ADJOURN

There being no further business the meeting adjourned at 6:35 p.m.

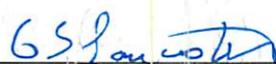
APPROVED THIS 15th DAY OF Oct., 2013.

By:



 Alice Frierson, Mayor

ATTEST:



 Gia S. Lancaster, City Clerk