

**MINUTES
CITY COUNCIL
CITY OF ARCADIA
TUESDAY, NOVEMBER 1, 2011
6:00 PM**

CALL TO ORDER, INVOCATION PLEDGE OF ALLEGIANCE & ROLL CALL

The meeting was called to order at approximately 6:00 p.m. The following members and staff were present:

Arcadia City Council

Mayor Keith Keene

Deputy Mayor Alice Frierson

Councilman Joseph E. Fink

Councilman Robert R. Allen

Arcadia City Staff

City Administrator Lawrence Miller

City Attorney Jason Henbest

Asst. City Administrator Judi Jankosky

City Recorder Virginia S. Haas

Captain Matt Anderson

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

CONSENT AGENDA

1. Minutes of the October 18, 2011 Closed and Regular Meetings
2. Check warrants from October 13, 2011, October 14, 2011, October 21, 2011, October 24, 2011 and October 25, 2011

A motion was made by Councilman Fink and seconded by Councilman Allen to approve consent agenda items 1 and 2. The motion carried 4-0.

PRESENTATION

3. Employee of the Month for October 2011

Mayor Keene presented A.J. Berndt with a certificate recognizing him as employee of the Month of October 2011 and for outstanding service to the City.

4. DeSoto Tobacco Free Partnership – Lake Katherine Park Tobacco-Free Policy, Dr. Kirk Voelker

Dr. Miller reported this was a request to make Lake Katherine Park Tobacco-Free through a policy with DeSoto Tobacco Free Partnership. Dr. Kirk Voelker asked for approval and posting of no smoking and tobacco free signs within Lake Katherine

Park. Councilman Fink stated his concern with telling people in an outside open space to leave the park as he believes it is an individual choice. He would prefer to err on the side of education rather than prohibition. Deputy Mayor Frierson agreed. Councilman Allen stated that when a City starts dictating what people can do he has a problem. Mayor Keene asked if the Council could come to some sort of agreement, for example, discouraging smoking in the playground area. Dr. Voelker replied that there is no safe level of second hand smoke and indicated that the no smoking area would be limited to the fenced playground area.

Captain Matt Anderson stated that there is a City Ordinance that prohibits alcohol in City Parks. Attorney Henbest stated that the City could write a policy that smoking is discouraged and the policy would not be enforced by the Police Department.

The Council agreed to task the City Attorney with preparing a Resolution discouraging smoking in all the City Parks and posting signs to that effect.

DISCUSSION ITEMS

5. Charter Review Committee Names (Councilman Fink)

Councilman Fink stated that he would like to suggest Mr. Vincent Sica and Dr. Roosevelt Johnson for appointees to the Charter Review Board. Deputy Mayor Frierson indicated her choices as Becky Minnear and Margaret Way. Mayor Keene and Councilman Allen stated that those asked chose not to serve. Councilman Fink nominated Gary Frierson to serve.

A motion was made by Councilman Fink and seconded by Deputy Mayor Frierson to appoint Vincent Sica, Dr. Roosevelt Johnson, Becky Minnear, Margaret Way and Gary Frierson as members of the Charter Review Board.

6. Golf Cars Lease-Purchase Agreement with PNC Equipment Finance, LLC

Dr. Miller presented the golf cars lease-purchase agreement with PNC Equipment Finance, LLC and stated that this item was included in the approved budget. Deputy Mayor Frierson questioned if these cars were in addition to the 60 we already had which was affirmed. Councilman Allen confirmed that at least 75 golf cars are needed during the busy season. Mr. Gary Frierson, Gibson Ave., questioned the semi-annual payments in the contract. Dr. Miller responded that this was a continuation of the previous contract and payments were attuned to reflect income levels during different seasons at the Golf Course.

A motion was made by Councilman Fink and seconded by Deputy Mayor Frierson to approve and execute the golf cars lease-purchase agreement with PNC Equipment Finance, LLC. The motion carried 4-0.

COMMENTS FROM DEPARTMENT

7. City Marshal

Captain Anderson responded to Mayor Keene that there were no Halloween mischief reports.

8. Attorney – No Report

9. Administrator

a. Antique Association request regarding official sponsorship 4th Sat. event

Dr. Miller explained that he received a request from Flo Rife, President of the Antiques Association of Arcadia to formally reconfirm and name their organization as the permitted sponsor of the monthly 4th Saturday event. Councilman Fink stated that he had issued each Councilmember the Attorney's legal opinion noting no voting conflict on this issue. He disclosed that he has a business in the area and is a member of the Antiques Association. Attorney Henbest replied that the minutes are sufficient in approving this matter. It was noted that the Association does carry \$2,000,000 in liability insurance, however Attorney Henbest reminded that the City would be liable at least to some extent.

A motion was made by Councilman Fink and seconded by Deputy Mayor Frierson to name the Antiques Association of Arcadia as the organization of record and permitted sponsor of the 4th Saturday Antique Fair. The motion carried 4-0.

b. Update Interlocal Agreement Fire & Emergency Services, Amendment 1

Dr. Miller explained that Amendment 1 to the Interlocal Fire Services Agreement would allow the volunteer firefighters to use the 10th and Cypress facility while keeping 2 firefighters and volunteers at the City Hall facility thereby reducing costs. He continued that the City Attorney reviewed and fine tuned the document and Councilman Fink provided comments regarding section 7.4. Dr. Miller responded to Deputy Mayor Frierson that the City provides utilities and maintenance as needed at both facilities. Mayor Keene indicated his favor in moving forward with Amendment 1.

Mayor Keene introduced and welcomed Ms. Judy Schaefer, County Commissioner.

There was some discussion regarding a possible Museum at City Hall and transfer of the antique fire truck to the City Hall station. Councilman Fink inputted that it would be an honor for the City Hall upstairs to be utilized for its intended use.

c. Peace River Campgrounds Issue resolved

Dr. Miller reported that A.J. Berndt has been working closely with the owner at Peace River Campgrounds and the issue was resolved regarding increased water flow. In addition the dumping of waste was brought to the owner's attention.

d. Rick Wood request for certification of eligibility of Health Ins. Prem. Plan

Dr. Miller reported that Mr. Rick Wood was present to request a certificate of eligibility for the City's Health Insurance premium plan. He stated that Mr. Wood is eligible however there were different levels to consider and questions to be answered such as does County time count as City time served. Councilman Fink inquired about the DROP Program specifics. Mr. Wood stated his time of service as starting with the City Fire Department on January 1, 1983 and continuous service until June 1, 2006 when the City merged with the County Fire Department which amounted to 23.5 years of service. Mr. Wood continued that he and several other Firemen listened to the September 20, 2011 meeting tape and concluded that Dr. Johnson motioned for the time served to continue for these firefighters and he encouraged the Council to review the meeting tape concerning this issue.

A motion was made by Councilman Fink and seconded by Deputy Mayor Frierson to direct Dr. Miller to determine how many people are eligible for this program, make available a verbatim transcript of the September 20, 2011 meeting minutes and requested a legal interpretation from the City Attorney. The motion carried 4-0.

Mr. C.W. Blouser, former City Firefighter, stated that the City Firefighters were required to merge with the County to assist the City financially and at the time of the merger items were missed where the County did not extend health benefits for retirees. Dr. Miller stated he would be happy to speak with the former Administrator Strube to clarify the Council's intention at that time.

A motion was made by Mayor Keene and seconded by Councilman Fink requesting Dr. Miller to contact Mr. Strube, former Council and Ms. Margaret Way to conclude a history of the merge.

Mr. Wood requested action and stated this process has been ongoing for four years.

Dr. Miller announced a request from Brownfield Revitalization Coalition for the City to join in partnership enabling grant initiatives through the United States Department of Environmental Protection.

A motion was made by Councilman Fink and seconded by Deputy Mayor Frierson to approve the City partnership with DeSoto Habitat for Humanity and DeSoto Homeless Coalition. The motion carried 4-0.

A motion was made by Councilman Allen and seconded by Councilman Fink to approve two special event requests from the DeSoto Homeless Coalition: Food distribution to the homeless on the first and third Wednesdays of the month and use of Smith Brown Gym as distribution center and request for distribution of Thanksgiving Dinner on November 19, 2011. The motion carried 4-0.

PUBLIC (PLEASE LIMIT PRESENTATIONS TO FIVE MINUTES)

County Commissioner Judy Schaefer distributed maps of the proposed areas of paving at the hospital and indicated once approved by the County the road repaving could begin as early as next week.

Ms. Valerie Gilchrist, DeSoto Homeless Coalition, asked the City Council to consider placing no smoking signs at Louis Anderson Park on MLK, Jr. Street due to ongoing smoking problems. She asked for volunteers to help distribute food on Wednesday from 10 a.m. to 12 noon.

Mr. Gary Frierson questioned transfers between departments and transfers within departments. He asked that in the future those transfers be listed by line items and amounts reflected in the budget amendments. Mr. Frierson questioned the gas tax option and indicated that money has specific uses. He asked if the garbage truck could be purchased from the gas tax option money.

Jane Breylinger, Habitat for Humanity, stated that she had acquired the parcel and legal description of the property located on Cypress. The property is owned by the City and Abstract Title has agreed to draw up the title gratis.

A motion was made by Councilman Fink and seconded by Deputy Mayor Frierson to continue the process of donating the Cypress Property to Habitat for Humanity and allowing Abstract Title to draw up the title. The motion carried 4-0.

MAYOR AND COUNCIL MATTERS

Deputy Mayor Frierson questioned the seating arrangement at the dais. Mayor Keene responded that he requested the seating arrangement.

Councilman Fink stated he would be attending the Florida League of Cities Legislative Conference on November 17th and 18th. Councilman Fink encouraged new members to attend the Institute for Elected Officials and participate on a policy board.

A motion was made by Mayor Keene and seconded by Councilman Allen to appoint Councilman Fink to the Tourism Advisory Committee. The motion carried 4-0.

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ADJOURN

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

APPROVED THIS 15th DAY OF November, 2011.

By:



Keith Keene, Mayor

ATTEST:



Virginia S. Haas, CMC
City Recorder