

**MINUTES**  
**CITY COUNCIL**  
**CITY OF ARCADIA**  
**TUESDAY, NOVEMBER 15, 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**

Deputy Mayor Alice Frierson  
 Councilman Robert R. Allen

Councilman Joseph E. Fink

**Arcadia City Staff**

City Administrator Lawrence Miller  
 City Attorney Jason Henbest  
 Asst. City Administrator Judi Jankosky

City Recorder Virginia S. Haas  
 Captain Matt Anderson

Councilman Fink gave the invocation which was followed by the Pledge of Allegiance.

**CONSENT AGENDA**

1. Minutes of the November 1, 2011 Workshop and Regular Meetings
2. Check warrants from October 27, 2011, November 2, 2011, November 3, 2011, November 4, 2011 and November 9, 2011
3. Acknowledge Receipt of Arcadia Police Officers' and Firefighters' Retirement System Annual Report of Investment Activity
4. Mobile Home Park Report for October 2011
5. Air-Cadia Flowage and Hanger Report for September and October 2011

**A motion was made by Councilman Fink and seconded by Councilman Allen to approve consent agenda items 1-5. The Motion carried 3-0.**

Deputy Mayor Frierson announced the following items would be omitted from the agenda: Discussion items number 6 and 7, Resolution number 14 and Administrator item 17.a.

**DISCUSSION ITEMS**

6. Placing Code Enforcement Under the City Administrator (Councilman Fink)

Item removed from Agenda per Councilman Fink's request.

7. Review of CRA questions and costs for administration and findings of necessity.  
(Jennifer Codo-Salisbury, CFRPC)

Item removed from agenda per Councilman Fink's request.

8. Adoption of Amended Prospectus for the Mobile Home Park (Asst. City Administrator Judi Jankosky)

Mrs. Jankosky stated the Amended Prospectus for the Mobile Home Park was reviewed by the City Attorney and received approval from Tallahassee per F.S. 723. In addition, the adoption saves \$125 per year in registration.

**A motion was made by Councilman Fink and seconded by Councilman Allen to adopt the Amended Prospectus for the Mobile Home Park as presented. The motion carried 3-0.**

9. Acceptance and Demolition of 1979 Nobility Mobile Home in Mobile Home Park  
(Asst. City Administrator Judi Jankosky)

Mrs. Jankosky reported that the 1979 mobile home in question was in need of substantial repairs and was not inhabitable. She continued that the title was signed over to the City and requested this Mobile Home be declared surplus and demolished.

**A motion was made by Councilman Fink and seconded by Councilman Allen to accept the donation of a 1979 Nobility mobile home and declare the mobile home and the demolished material from the mobile home as scrap and/or recyclable material and approve the disposal of the recyclable material through a recycling center. The motion carried 3-0.**

10. Update on Airport Projects and Activities (Asst. City Administrator Judi Jankosky)

Mrs. Jankosky introduced Mr. Mike Moon from Hanson who presented a powerpoint on Airport projects and activities. Mr. Moon introduced Project Manger Mr. Tim Parker. Mr. Moon presented an airport overview including background, history and potential economic impacts. He discussed funding through the Federal Aviation Administration (FAA) and the Florida Department of Transportation (FDOT). He finalized eligible projects which included security fencing/gates, runway/taxiway/apron pavement dressing conditioner and marking and the airport master plan.

11. DeSoto County's Special Exception request to place a fire administration office in R-1B Residential Zoning District (Asst. City Administrator Judi Jankosky)

Mrs. Jankosky explained a request from DeSoto County requesting a special exception to place a fire administration office in R-1B Residential Zoning District located at 122 N. Hillsborough Ave. Councilman Fink asked if the public within a 300 foot radius were noticed. Attorney Henbest inquired as to why this was not being treated as a rezoning handled through the Planning and Zoning Board. Mrs. Jankosky

responded that notification could be utilized and the current Land Development Regulations are being reviewed in entirety. Mr. Richard Metzger, DeSoto County Facilities Director responded to Councilman Fink though the request was highly required that the County would abide with the Council's decision. Mr. Ernie Hewett indicated that the parcel in question may have been previously changed to RPB and including the entire block, however the building would have to meet current Florida Building Code requirements.

**A motion was made by Councilman Fink and seconded by Councilman Allen to direct staff to research the property's current zoning through adopted Ordinances and proceed to Planning and Zoning with a recommendation to City Council if required. The motion carried 3-0.**

## **RESOLUTIONS**

- 12. RESOLUTION NO. 2011-19; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA, DISCOURAGING THE USE OF TOBACCO PRODUCTS IN CITY PARKS; AND PROVIDING FOR AN EFFECTIVE DATE. (City Attorney)**

**A motion was made by Councilman Fink and seconded by Councilman Allen to read Resolution No. 2011-19 by title only. The motion carried 3-0. The City Recorder read Resolution No. 2011-19 by title only. Councilman Fink requested to delete paragraphs 2-4. Attorney Henbest stated "providing for an effective date" would be deleted. A motion was made by Councilman Fink and seconded by Councilman Allen to adopt Resolution 2011-19 with recommended changes. The motion carried 3-0.**

- 13. RESOLUTION NO. 2011-20; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA, REGARDING THE CHARTER; ESTABLISHING THE CHARTER REVIEW ADVISORY BOARD AND THE PROCEDURES AND RULES GOVERNING SAME; AND PROVIDING AN EFFECTIVE DATE. (City Attorney)**

**A motion was made by Councilman Fink and seconded by Councilman Allen to read Resolution No. 2011-20 by title only. Motion carried 3-0. The City Recorder read Resolution No. 2011-20 by title only. Councilman Fink reported that Mr. Lewis Ambler agreed to serve on the board if appointed. Councilman Fink requested that names included in Section 1. (2) be deleted, and insert a new Section 8 to include specific charges of the Board which includes a completion date of recommendation to City Council. Attorney Henbest included that the last sentence in Section 1. (2) will be removed as well. Section 5 will also include the selection of a Chair and Vice Chair annually. Attorney Henbest will include the following addition as**

Section 8. "The Board is charged with conducting a comprehensive review of the City's Charter and to make recommendations for amendments thereto to the City Council. Such recommendation may include the rescission of any current provision, the revision of any current provision, and/or the adoption of any new provision. Such recommendations shall be made no later than April 30, 2012." There was extensive discussion regarding Charter Board members required to be residents of the City. Councilman Fink and Councilman Allen agreed board members should be City residents. Deputy Mayor disagreed in that the City may be missing valuable talent.

**A motion was made by Councilman Fink and seconded by Councilman Allen to adopt Resolution No. 2011-20 with recommended changes above. The motion carried 2-1 with voting as follows: Councilman Fink, Yes; Councilman Allen, Yes; Deputy Mayor Frierson, No.**

**A motion was made by Councilman Fink and seconded by Councilman Allen to appoint Lewis Ambler and Charlotte Carter to the Charter Review Advisory Board. The motion carried 3-0.**

**14. RESOLUTION NO. 2011-21; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA, AMENDING THE BUDGET FOR FISCAL YEAR 2011-2012. (Finance Director Jorge Santana)**

This item was removed from the agenda per Finance Director Jorge Santana.

**COMMENTS FROM DEPARTMENT**

**15. City Marshal**

Captain Matt Anderson asked for any comments or concerns. Mr. Charles Conklin, 301 Bridlepath, questioned if there is an ordinance enforcing dogs roaming in neighborhoods without leashes. He stated there had been two recent incidents regarding pit bulls attacking a mailman and a small child. Captain Anderson explained that the City currently has an Interlocal Agreement with County Animal Control. Dr. Miller ensured that if any resident should receive no response from County Animal Control that they should contact the City Administration Office.

Mr. Greg Smith thanked the Police Department for their diligence in keeping their eyes open within the neighborhoods.

**16. Attorney**

Attorney Henbest questioned if the Council would like to retain services with Bell and Roeper pertaining to the ongoing lawsuit, Purcell versus City, as the City's Insurance coverage has been exhausted.

A motion was made by Councilman Fink to return wrecker services to the rotation basis. Dr. Miller stated there was a current balance due to Bell and Roeper and was requesting if that amount could be paid. There was continued discussion revolving the Ordinance that gave the authority to bid for wrecker services. Council reviewed the current bill from Bell and Roeper.

A motion was made by Deputy Mayor Frierson and seconded by Councilman Fink to discontinue services with Bell and Roeper. Dr. Miller explained that the litigation was ongoing and the City would need representation in the case.

**A motion was made by Councilman Fink and seconded by Deputy Mayor Frierson to direct the City Attorney to approach Mr. Purcell's Attorney regarding returning to the rotation wrecker service method and if agreeable draft a rescinding ordinance for City Council review. Councilman Allen stated that he would not support the motion without seeing the contract termination clause. The motion carried 2-1 with voting as follows: Councilman Fink, Yes; Deputy Mayor Frierson, Yes; Councilman Allen, No.**

City Attorney Henbest reported that he reviewed the anti-camping ordinance for parks by utilizing the City of Sarasota Ordinance and adjusted it to meet the needs of the City of Arcadia.

#### 17. Administrator

- a. Request from former Mayor and Council Member Dr. Sharon Goodman to continue being the representative of the City Council on the Drug Free DeSoto Task Force Coalition.

This item was removed as requested by Dr. Sharon Goodman.

- b. Award of Water Treatment Plant Contract to Cardinal Construction, Inc.

A motion was made by Councilman Allen and seconded by Deputy Mayor Frierson to award the Water Treatment Plant Contract to Cardinal Construction, Inc. Councilman Fink stated that he does not believe in these economic times to incur this type debt which he feels is not as good as it has been touted. He felt there were still many unanswered questions and better use of the funds would include resurfacing of streets and building of sidewalks. Dr. Miller responded that the grant monies won't be available at all times and should the project not move forward then the grant money is returned and the process must begin again. Councilman Fink replied that the Council is elected to make these decisions and suggested a Joint Planning Agreement with the County. Councilman Fink reiterated that the project would be indebting the City and he did not believe the timing was right for spending \$7 million.

**A motion was made by Councilman Allen and seconded by Deputy Mayor Frierson to award the Water Treatment Plant contract to Cardinal Construction, Inc. The motion carried 2-1 with voting as follows: Councilman Allen, Yes; Councilman Fink, No; Deputy Mayor Frierson, Yes.**

**A motion was made by Councilman Allen and seconded by Councilman Fink to authorize the City Administrator to sign Amendment 2 from FDEP on behalf of the City. The motion carried 3-0.**

- c. Safety Committee established with Virginia Haas as the Safety Coordinator for the City. Safety training incorporated into performance evaluation of all administrative employees.

Dr. Miller reported that the Safety Committee would be reestablished and safety training incorporated into performance evaluations.

- d. History of County and City Fire Services Merger and City Health Benefits eligibility for Former Firefighters.

Dr. Miller reported he spoke with former City Recorder Ms. Margaret Way who indicated that although she was involved in the merger she was not aware of information regarding the health care for retirees. Dr. Miller stated he included in the packet a list of potential former Firefighters eligible for the City Health care. He continued that questions still stand as to what is considered vested time and whether County time serves City time for purposes of calculating eligibility.

Mr. Ed Strube, former Administrator, addressed the Council stating that it was the intent of the merger to be seamless and to that end the County was negotiating providing benefits to City firefighters who had 16 years at the time of the merger. He believes that within the in depth discussions regarding the pension plan the retirement health benefits were withdrawn from consideration. He indicated that there may still be a chance to open a dialogue with the county regarding this issue. He continued the pressure was on to have the agreement in place by May 1<sup>st</sup> and by June 1<sup>st</sup>, the merger was completed and details as noted could be worked out at a later date.

On February 2, 2009 benefits were discontinued in agreement modifications should the person not have 16 years of service by December 31, 2008. He indicated that most transferred employees had 16 years. As per 4.1 of the agreement all City employees would have same rights as similarly situated County employees.

Mr. Strube stated he contacted County Personnel, Mr. Don Kesterson, who was already reviewing information in regards to this issue. Mr. Strube stated that it appears a door could be open; even though it is 6 years later there may be a benefit which could be applied to those transferred employees. He continued that the City did not account for those programs in 2006 and since GASB45 inception you are required to account for post employment benefits. The County is in a position to review to see if the retirees could qualify however the County did not account for this benefit either.

Dr. Miller inputed that these firefighters are coming forward to retire and take advantage of the health program. The question is on a case by case basis allowing the Council to make a determination on their eligibility and what level they fall into. He continued that some of the Firefighters fit into first category eligible for limited benefits while the second category over 62 and 25 years of services is 100 percent. Dr. Miller

listed Dan Wells, Harvey Sweeting, Rick Wood and Carl Lewis with over 20 years service. The question is they haven't reached 25 years of service would they then wait until age 62 for 100% benefit and does the time of service at the County count toward City time served. Dr. Miller indicated that from his research the time stopped with the City and began with the County at the time of the transfer. He stated these Firefighters except Dan Wells (who is eligible and has over 25 years of service) are all eligible but must wait until 62 to get the full 100% coverage based upon the agreement at this point.

Mr. Strube responded that we have a special circumstance where it was never intended to divorce ourselves from the City Firefighters and this issue could be addressed through an amendment to the agreement. He continued that the City never intended to abandon these individuals who have been serving the City and County residents this entire time. He noted that the issue is similar to the decision firefighters had to make in staying with City pension or changing over to FRS irrevocable. He believes because of the agreement there is room to provide funding for this program. Dr. Miller thanked Mr. Strube for his insight and histories enabling the Council to make informative decisions as these effected firefighters come forward.

Mr. Strube reminded that the County's policy was a 16 years vesting program and dialogue also needs to address the method of payment for the services like MSBU, MSTU issues. He inquired about the budget amendment resolution being withdrawn. Deputy Mayor Frierson responded that the budget in question has some issues and the County made a gross error in their favor, which would be reviewed at the next budget meeting. Mr. Jorge Santana, Finance Director, explained that each October the County provides the City with MSBU funding for the year. He continued that on October 15, 2011 he personally requested the new numbers. The current year estimate was \$39,000 monthly or \$480,000 annually. Mr. Santana stated he was looking to eliminate some expenditures so to avoid drawing from reserves. The County gave the MSBU of \$659,000 which saved \$450,000 and the budgets were adjusted accordingly. He continued that at 3 p.m. today he received a call from County Finance who apologized for an error in two distinct papers. Deputy Mayor Frierson pointed out that if no one questioned the \$659,000 the County would have never researched and the error not realized until the books were audited. She continued that the \$450,000 was a "no" number not to be used in our budget. Dr. Miller stated these items would be addressed in the upcoming budget workshop.

- e. Toys for Children request for use of Fire Station or empty PD for storage.

Mr. Steve Rackmill, Church of the Nazarene, reported that DeSoto Toys for Children was requesting use of one of the City's storage areas possibly the Fire Station or vacated Police Department for storage of toys until the first of the year. Dr. Miller recommended the Police Department due to Firefighters still accessing the Fire Station.

**A motion was made by Councilman Fink and seconded by Councilman Allen to allow DeSoto Toys for Children access to the vacated Police Department for storage of toys until the first of the year. The motion carried 3-0.**

**PUBLIC** (PLEASE LIMIT PRESENTATIONS TO FIVE MINUTES)

Ms. Rae Dowling, FPL Area Manager, updated the Council on programs FPL were doing in the area designed to reduce customer outages. She reported that FPL has recently hired an Economic Development Director. She stated that the Solar Rebate Program is ongoing and reported an event at the Solar Energy Plant on November 29, 2011.

**Mr. Sam Morgan, NAACP, requested permission for the annual Martin Luther King Parade and program at the Smith Brown Gym. City Council agreed and asked that an application be completed and the Marshal notified of the event. Councilman Fink requested a Proclamation in honor of Martin Luther King Day.**

Mr. Greg Smith inquired whether it was permissible for volunteers to help keep the grounds mowed at the Airport. Mrs. Jankosky explained that volunteers have come forward for various reasons to help with maintenance at the Airport and the City's liability insurance is in effect. Mr. Frierson cautioned that volunteers are great until something goes wrong. Mr. Dixon inputted if the City might consider a waiver of liability for each volunteer. He encouraged Council to do what is best for the City and return to the rotation method for wrecker services so all is on equal basis.

**MAYOR AND COUNCIL MATTERS**

Councilman Fink reported that he pulled two items as he wanted Mayor Keene and Jennifer Codo-Salisbury available for questions. He also requested a discussion item and possible action regarding a voluntary recycling program for the City placed on the next Council agenda. He congratulated Deputy Mayor on a fine job running the meeting.

Deputy Mayor Frierson stated that she attended two public meetings regarding US Highway 70 and was disappointed that no one else attended. She stated another meeting was scheduled for Thursday night. Dr. Miller reported he attended a FDOT meeting and staff was dealing with public concerns.

There being no further business, the meeting was adjourned at 9:15 p.m.

APPROVED THIS 6<sup>th</sup> DAY OF December, 2011.

By:

  
 Keith Keene, Mayor

ATTEST:

  
 Virginia S. Haas, City Recorder