

**MINUTES
CITY COUNCIL
CITY OF ARCADIA
TUESDAY, MARCH 19, 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.

Councilman Fink 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 Recorder Gia S. Lancaster

Marshal Charles Lee

PRESENTATION

Arcadia Nico-Teen Zombie Video (6 minutes) – Dr. Kirk Voelker

Dr. Voelker presented the final Arcadia Nico-Teen Zombie Video and answered questions from the Council and public.

CONSENT AGENDA

1. March 5, 2013 City Council Minutes
2. Check Warrant Reports from 03-08-13, 03-12-13 and 03-15-13

A motion was made by Councilman Fink and seconded by Deputy Mayor Heine to approve consent agenda items 1 and 2 as present. The motion carried 5-0.

DISCUSSION ITEMS

3. Discussion of Special Assessments (City Administrator)

Mrs. Jankosky reported the packet memo addresses certain special assessments including street lighting and storm water management. She asked for Council's opinion on moving forward with additional research. Deputy Mayor Heine felt the idea was good; however he did not want to put more costs on the citizens at this time. Mrs. Jankosky replied that citizens have asked for additional street lights. Councilman Fink stated that he likes the assessment idea and

that if you want a certain level of service it costs money and if we can show services are increased this shows promise. Councilwoman Frierson stated that she would like to see the results of the County Fire Services Contract. Councilman Allen stated that he has mixed emotions regarding assessments however there is a need. Mayor Keene stated that his understanding is that the City Administrator is asking for permission to complete additional research and this may be an opportunity to provide a fee for a needed service. He asked that if the Council is in agreement to allow the City Administrator to continue research and also suggested including discussion with the Storm Water Management District. Council agreed to allow the City Administrator to move forward with assessment research.

4. Surplus Vehicles (City Administrator)

A motion was made by Deputy Mayor Heine and seconded by Councilman Fink to surplus five vehicles at auction on April 6, 2013 with transport fees in the amount of \$50.00 per vehicle. The motion carried 5-0.

The City Recorder announced two last minute special event applications for approval. The Myakka Church requested a special event permit for the following six months providing food for the homeless at the Smith Brown Gym on the second Saturday. A motion was made by Deputy Mayor Heine and seconded by Councilman Fink to approve the special event permit for Myakka Church on the second Saturday of the month (6 months) at Smith Brown Gym. The motion carried 5-0.

The City Recorder reported a request from Heritage Baptist Church for Easter Sunrise Service at the Tree of Knowledge Park on March 31, 2013. Councilman Fink agreed to pay the \$25.00 fee to ensure the permit was approved. A motion was made by Councilman Fink and seconded by Deputy Mayor Heine to approve the special permit for Heritage Baptist Church Easter Sunrise Service at the Tree of Knowledge on March 31, 2013. The motion carried 5-0.

Attorney Wohl reported that there are sections in Ordinances 984 and 987 that require amending. He suggested those Ordinances be tabled and placed on a subsequent agenda for first reading. Section 2-116 of Ordinance 984 will be deleted and addressed in Ordinance 987 to contain language regarding payment of funds and signing of checks.

A motion was made by Deputy Mayor Heine and seconded by Councilman Fink to table Ordinances 984 and 987 to the next regular meeting. The motion carried 5-0.

ORDINANCES

5. **ORDINANCE NO. 984; SECOND AND FINAL READING OF AN ORDINANCE AMENDING DIVISION 3 OF ARTICLE IV OF CHAPTER 2 OF THE CODE OF ORDINANCES OF THE CITY OF ARCADIA BY RENAMING THE TITLE OF CITY RECORDER TO CITY CLERK; DELETING SEC. 2-115 CUSTODY OF CITY FUNDS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (City Attorney)**

Ordinance tabled to next meeting (April 2, 2013) per Attorney.

6. **ORDINANCE NO. 986; SECOND AND FINAL READING OF AN ORDINANCE AMENDING SECTION 46-264 OF THE CODE OF ORDINANCES OF THE CITY OF ARCADIA TO CHANGE THE ELECTION DATES FOR THE OFFICE OF THE CITY MARSHAL; PROVIDING FOR THE ONE TIME EXTENSION OF THE TERM OF THE CITY MARSHAL; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (City Attorney)**

A motion was made by Deputy Mayor Heine and seconded by Councilwoman Frierson to adopt Ordinance No. 986 at second and final reading. Councilman Fink noted the same reasons for disapproval of this Ordinance as this could be accomplished in other ways which would include involving the citizens however he does not find fault in the Attorney's opinion. The motion carried 4-1 with Councilman Fink dissenting.

7. **ORDINANCE NO. 987; SECOND AND FINAL READING OF AN ORDINANCE AMENDING SECTION 2-95 OF THE CODE OF ORDINANCES OF THE CITY OF ARCADIA BY INCLUDING CUSTODY OF CITY FUNDS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (City Attorney)**

Ordinance tabled to next meeting (April 2, 2013) per Attorney.

8. **ORDINANCE NO. 988; FIRST READING OF AN ORDINANCE OF THE CITY OF ARCADIA, FLORIDA; CREATING SECTION 102-47 OF THE CITY OF ARCADIA CODE OF ORDINANCES; PROVIDING FOR THE IMPOSITION OF LIENS FOR DELINQUENT UTILITY ACCOUNTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE. (City Attorney)**

Attorney Wohl clarified that this Ordinance is for discussion purposes only and allows for the City to impose liens after a period of delinquent accounts. He asked for consensus from Council to continue modification of the Ordinance and bring forward to a subsequent meeting. Attorney Wohl responded to Councilwoman Frierson that the liens would be placed upon the property. Mayor Keene submitted that this appears to be a tool for collections and worthy of investigating. Councilman Allen and Councilman Fink agreed.

COMMENTS FROM DEPARTMENTS

9. City Marshal

Marshal Lee reported a complaint from Mr. Ken Pepper regarding Tremron leaving their bay doors open. Attorney Wohl requested that Code Enforcement visit Tremron and take decibel readings with the bay doors open and all the machines on except the hydraulic press. They would proceed following investigation and Attorney Wohl would report back to Council.

10. Attorney

a. Antiques Fair Update

Attorney Wohl reported because the Antiques Fair is every month there is no long term solution; However in his memo he outlined two short-term solutions: 1) display merchandise at least 5 feet away from the buildings next to the curbs or 2) Close Oak Street and place vendors within the Street area. Attorney Wohl noted that for long term purposes the code may be addressed to permit booths daily that will not violate the code and ADA regulations, as well as not blocking the storefronts.

Cindy Long, store owner, stated she was the past president of the Antiques Association and those days are typically big for her store. She stated that the tables should be next to the buildings because if tables are near the curb the cars will knock items down. Attorney Wohl noted that the biggest concern is maintaining ADA compliance.

Councilwoman Frierson questioned if the Antiques Association permit give exclusive use of the sidewalks to the Association. Attorney Wohl replied no, that the Antiques Association indicated in their yearly sponsorship permit that they would not obstruct the sidewalks. Councilwoman Frierson asked if the vendors need to acquire a sponsorship permit from the Antiques Association or the City. Attorney Wohl responded that the vendor may be sponsored under the umbrella of the Antiques Association or a temporary vendor can be issued by the City.

Councilman Fink disclosed that he owns an antique shop but does not gain any benefit and the previous Counsel confirmed no conflict of interest. Councilman Fink continued that he reviewed the Code and asked who becomes responsible for the liability because the Antiques Association carries \$2 million in liability. He noted that code 86-5 is very specific and if we need to update the code then let us change it. He stated that it was his understanding that the Antiques Association was granted exclusive rights to place items on the sidewalk and questioned who is liable. Attorney Wohl replied that the exclusivity issue is if they don't fall under the umbrella of the approved sponsorship application; however they could apply for a City temporary vendors permit. He continued, as to the liability, the City could always be liable. Mayor Keene asked that if someone obtains a temporary vendors license where they will set up their table. Attorney Wohl replied that on the application it asks for the location of the temporary vending so that would need to be agreed upon up front. Councilman Fink inputted that according to 34.94 a temporary vendor license is only for four per year. Attorney Wohl confirmed.

Christine Lee, asked as a store owner, why she had to pay a fee for a temporary license when she pays rent. Attorney Wohl replied per 24-91 that if someone wanted to set up a table that is a temporary vending license which is different from blocking the sidewalk (96-5). He noted that one issue is there is no definition for blocking or obstructing the sidewalk and perhaps the code should be addressed.

Councilman Fink stated that he received pictures of the downtown from Mrs. Flo Rife depicting vendors selling out of the handicap loading zone and the back of a truck.

Mrs. Sheri Fink passed out a diagram showing the Antiques Association ADA compliance of 8'6 and noted that on the 1st Saturday the tables are set on both sides of the sidewalk.

Mrs. Sue Brady, Lake Suzy, said she visited the Antiques Fair recently and had no issues in the wheelchair or walker.

Mr. Charles Conklin asked if the Margaret Way Building was ADA accessible and he knew there were no curb cuts. He felt that even the City building did not fit ADA compliance.

Mayor Keene stated that the City is looking for consistency in the downtown area. Attorney Wohl inputted that he felt that all people were aware of the ADA issues and if you do not have a permit or fall under the sponsorship umbrella you are not authorized as a temporary vendor. Mayor Keene countered then we may need to revise the code. Attorney Wohl stated a possible solution was amending the permit considering the ADA compliance and that the Antiques Association would not set up in front of stores without permission.

Mrs. Jankosky pointed out that the poles, plants and trees at the curb are 3'2" which can't be counted which leaves 7 feet so if you limit setup to one table ADA compliance will be met. Attorney Wohl responded to Mayor Keene that the City needs a uniform code for vendors to set up tables.

Ms. Sandra George, storeowner, asked why Code Enforcement was only present during the 4th Saturday Antique Fair.

The City Recorder announced the Business Expo at the Turner Center at 6 p.m. on March 28, 2013.

11. City Administrator

Mrs. Jankosky reported that Mrs. Valerie Gilchrest, Homeless Coalition, presented the certificate of liability for utilizing Smith Brown Gym however there was still the matter of the special event fee.

Marshal Lee agreed to pay \$150.00 toward the event fees. Mayor Keene agreed to pay an additional \$150.00 for the event fees. A motion was made by Councilman Fink and seconded by Deputy Mayor Heine to approve the yearly application for the Homeless Coalition at the Smith Brown Gym. The motion carried 5-0.

PUBLIC (PLEASE LIMIT PRESENTATIONS TO FIVE MINUTES)

County Commissioner Bob Miller asked about the lien Ordinance (30 day notice) and about the rules for owning a business in the downtown area.

Mr. Steve Stapp voiced his concerns about "water privatization", the 25% rate increases and the new late fees for water and sewer.

Mr. Roger Dall stated that he has served on boards in the past and recommended painting lines downtown to regulate the sale of items on the sidewalk and he spoke to ADA and permitting.

Mr. Greg Smith asked if he could be granted permission to perform maintenance on the Wind-T. The City Administrator granted approval.

MAYOR AND COUNCIL MATTERS - NONE

ADJOURN

There being no further business the meeting adjourned at 7:30 p.m.

8264

APPROVED THIS 2nd DAY OF April, 2013.

By:



Keith Keene, Mayor

ATTEST:



Gia S. Lancaster, City Recorder