

**AGENDA MINUTES
CITY COUNCIL
CITY OF ARCADIA
TUESDAY, APRIL 7, 2015
6:00 P.M.**

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.

INVOCATION, PLEDGE, CALL TO ORDER AND ROLL CALL

Rev. Ted Hanus gave the invocation which was followed by the pledge of allegiance. The Mayor called the meeting to order at approximately 6:00 p.m. and the following members and staff were present:

Arcadia City Council

Mayor Judy Wertz-Strickland
Deputy Mayor Alice Frierson
Councilmember Joseph E. Fink

Councilmember Susan Coker
Councilmember S. Delshay Turner

Arcadia City Staff

Interim City Administrator Beth Carsten
City Attorney TJ Wohl
City Clerk Penny Delaney

Marshal Matt Anderson
City Planner Carl McQuay

PRESENTATIONS

Agenda Item 1 – Franklin T. Boone – Retirement after 30 + years of service

Mayor Wertz-Strickland presented Franklin T. Boone with a plaque commemorating his retirement after 30 plus years of service to the City of Arcadia Oak Ridge Cemetery.

Agenda Item 2 – Mayor Wertz Strickland Regarding IEMO

Deputy Mayor Frierson presented Mayor Wertz-Strickland with a Certificate of Completion regarding attendance of a class offered by the Institute for Elected Municipal Officials (IEMO).

Agenda Item 3 – Councilmember Coker Regarding IEMO

Deputy Mayor Frierson presented Councilmember Coker with a Certificate of Completion regarding attendance of a class offered by the Institute for Elected Municipal Officials (IEMO).

Agenda Item 4 – Day of Prayer Proclamation

Mayor Wertz-Strickland presented Reverend Brian Russell, President of the Ministerial Association; Reverend Ted Hanus, Vice President of the Ministerial Association; and Jane Breylinger of Habitat for Humanity with a proclamation proclaiming May 7, 2015 as the City of Arcadia Day of Prayer.

CONSENT AGENDA

- Agenda Item 5 – City Council Minutes for March 17, 2015**
- Agenda Item 6 – City Council Workshop Minutes for March 26, 2015**
- Agenda Item 7 – Air-Cadia Report for February 2015**
- Agenda Item 8 – Air-Cadia Report for March 2015**
- Agenda Item 9 – Special Event Permit – Totally 80s Reunion**
- Agenda Item 10 – Special Event Permit – Car Show – Team Arcadia**

Councilmember Coker made a motion to approve the consent agenda with a minor change and Councilmember Fink seconded the motion. Mayor Wertz-Strickland asked what the change was and Councilmember Coker advised it was regarding the Berrys speaking of the Butler Building being a big part of their contract. She advised it was typed as “will not” and should be changed to “will”. No discussion followed and it was unanimously, 5/0, approved.

ACTION ITEMS**Agenda Item 11 – Request Regarding Arcadia Housing Authority Board**

Becky-Sue Mercer of the Arcadia Housing Authority introduced Reverend Ted Hanus who is the Chair of the Housing Authority and the new prospective board member, Karen Allen Bledsoe. Ms. Mercer advised that they were requesting City Council to approve and appoint Karen Allen Bledsoe to fill the vacant position on the Housing Authority Board after Bill Hackney’s retirement after twenty-two (22) years. Deputy Mayor Frierson made a motion to make this appointment and Councilmember Coker seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

Agenda Item 12 – Request Regarding Historical Preservation Commission

The City Planner addressed the City Council and advised that the Historic Preservation Commission was requesting that members be placed on the board due to either previous member’s membership having expired or other’s stepping down. He stated that three (3) applications had been provided in their packets regarding the following individuals: Pam Ames would be a renewal and Jackie Scoggins and Luke Wilson would be new applicants. The City Attorney advised that the Historic Preservation Commission Ordinance requires seven (7) members and there are currently four (4) members because Ms. Ames’ term had expired. He further advised that technically they need all three (3). Councilmember Fink made a motion to

approve and Councilmember Coker seconded the motion. No discussion followed and it was unanimously, 5/0 approved.

Agenda Item 13 – Request Regarding Planning & Zoning Board

The City Planner addressed the City Council and advised that the Planning & Zoning Board was the same situation as the previous agenda item. He stated that some members' terms and expired and others had stepped down. He advised that seven (7) members were also required on this board as well. He informed Council that George Whitlock, Michael Pooser, Melva Sawyer and Roseanne Collins were the returning members and new applicants were Charles Conklin, John Drake and Keith Keene. The City Attorney advised that it is a similar situation and they have to have seven (7) according to the ordinance. Councilmember Fink made a motion to accept the applicants and Councilmember Coker seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

Agenda Item 14 – Property Maintenance Standards Review Committee

The City Planner stated that the Property Maintenance Standards Review Committee had been established to review a property maintenance standard. He advised they had come up with a list of items they would like to change or implement. Mr. McQuay began reviewing the list. Councilmember Fink stated that this is an important committee and suggested setting an hour before a meeting as a workshop to review with the committee or chairman and the majority of the committee. After much discussion, Councilmember Fink made a motion to schedule a workshop on May 19, 2015, at 5:00 p.m. and Councilmember Coker seconded the motion. No discussion followed and it was unanimously, 5/0 approved.

Agenda Item 15 – CFRPC Service Agreement

The Interim City Administrator advised City Council that an agreement was being brought before City Council to have the Central Florida Regional Planning Council (CFRPC) to work with the City regarding planning. She stated this will assist the City with some of the things coming before it, such as planning, annexation opportunities and rezoning. Ms. Carsten advised the agreement would cover the last part of this year through September 30th and then they will talk about a new agreement for next year. She then introduced Jeff Schmucker of the Central Florida Regional Planning Council to share what their services are. Mr. Schmucker advised they would assist with growth management administration which would essentially be working with the City on comp plan amendments; updates to the comp plan whether they be text amendments or map amendments which would deal with future land use changes in the City with real property. He advised they would also provide technical assistance on minor revisions to the land development code; they would assist with coordinating training sessions with City staff and elected officials on anything pertaining to growth management act changes, anything that changes with Florida Statutes, Chapter 163, and anything that is related to planning that would affect the City. He stated they would also provide GIS mapping services and any other series of mapping needs that may come based on any projects or annexations that come as development.

Finally, he advised, they would assist with large scale plan reviews regarding any development that comes to the City.

Deputy Mayor Frierson thought it was an excellent decision on the Interim City Administrator's part and commended her for it. She felt it was the right path for the City and the Mayor agreed. Deputy Mayor Frierson made a motion to approve the contract and Councilmember Turner seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

Agenda Item 16 – Bridle Path Pavement Options

The Interim City Administrator advised Council that they are close to the end of the project. She stated there were a lot of pavement issues that were not originally forecasted in the plan. She advised they had spoken with the contractor, Electricom, and the bid that they initially gave the City was for \$372,000.00 which she felt was extremely high. She explained that they tried to get something expedient because if they put it out to bid again, they would have to wait for it to come back. She advised that they had looked at the avenue of piggybacking with another county and with that, they were able to get two (2) bids; one was \$237,500.00 and the other was \$175,000.00. She advised the piggyback language has to be the same scope as what they are trying to get the work done for. She explained the one (1) contract that is lower does not address the same issues with what they are having done. She stated that it is the staff's recommendation, along with the engineer and the City Attorney that they go with the \$237,500.00 piggyback contract with AJAX. Deputy Mayor Frierson made a motion that they go with the \$237,500.00 amount and commended Ms. Carsten for getting it where it is. Councilmember Fink seconded the motion. Gary Frierson from the public asked if it mattered that a Councilperson is a property owner there and Deputy Mayor Frierson stated she had forgotten about it and that it did matter. Deputy Mayor Frierson withdrew her motion. Councilmember Fink made a motion to approve AJAX as the paver of choice and Councilmember Turner seconded the motion. Deputy Mayor Frierson advised she would abstain from the vote. No discussion followed and it was unanimously, 4/0 approved.

COMMENTS FROM DEPARTMENTS

Marshal Anderson reported that the number of accidents for the month was down. He advised that there had been a large number of people gathered at the Louis C. Anderson Park over the three (3) day weekend. He explained there was a domestic dispute and when the police department was called, the male in the dispute proceeded to fight the police. He explained that one of his officers that was there had a body camera on and through the fight; it was intermittent in its recording. Due to that, he explained they will be looking elsewhere for a new camera system.

The City Attorney advised that regarding the Miller conciliation, the opposing side now wishes to proceed with the conciliation although they reported otherwise initially. He further advised that it may only involve a member of Council and Ms. Carsten. Councilmember Coker made a motion that they approve the conciliation meeting if the attorney recommends it and

Councilmember Fink seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

Regarding the airport, the FBO lease and a number of issues associated with that, the City Attorney advised that one of the main issues they will be dealing with is the fair market rental value of some of the property being rented. He advised that he and Ms. Carsten had talked and he hadn't seen an official appraisal of the rental values at the airport. He recommended that an appraisal be done in order to identify what the fair market rental values are and he advised that Ms. Carsten had spoken with someone that the Sebring Airport has used in the past and he gave a quote of between Three Thousand and 00/100 Dollars (\$3,000.00) and Five Thousand and 00/100 Dollars (\$5,000.00). He stated his recommendation would be to do that which would make it much safer with the FAA. Councilmember Fink stated that he felt they should consider having a background check on the FBO. He made a motion that the City hire a professional to get comps for the property at the airport up to Five Thousand and 00/100 Dollars (\$5,000.00) and Councilmember Frierson seconded the motion. No discussion followed and it was unanimously, 5/0, approved. Councilmember Fink made a motion that they also have a background check done on the FBO for the City's protection. The City Attorney added that it would be more specifically for the two (2) principals of the company and Councilmember Fink replied that it would be for the company itself. The City Attorney advised that they wouldn't get much background on the company because a company doesn't commit crimes. He asked Councilmember Fink if he was referring to the individual owners and Councilmember Fink stated that he felt it should be for all three (3). Councilmember Coker seconded the motion. No discussion followed and it was unanimously, 5/0, approved. Mayor Wertz-Strickland expressed her concern for what the background checks would cost and the City Attorney stated that if they were going to do it, he recommended they do it on at least the individuals. He advised when you're dealing with a corporation, you're dealing with two (2) individuals who decided to form a corporation.

The Interim City Administrator provided an update on the City Administrator search. She advised that it closed on April 2, 2015 and they had received thirty-four (34) applications. She stated that next Tuesday at 10:00 a.m., the Senior Advisor Review Team will meet with her via telephone conference and it has to be in a public forum. She advised that Council did not need to attend, but the public had to be aware of it. She explained they will narrow down from thirty-four (34) to ten (10) or twelve (12). She further explained that a meeting will be scheduled for the following week for Mr. Bressner to bring those applicants to Council to discuss whether they agree with the choice of the review team or if they want to add more, but it would have to be in a Council setting in a public format. It was the general consensus of the Council to meet on May 20, 2015 at 5:00 p.m. Ms. Carsten advised staff would be providing Council with the thirty-four (34) applications for their review.

Ms. Carsten also provided an update on the downtown project. She advised the landscaping had gone in and they were waiting on the pavement to cure. She explained that initially it appeared there would be overages of approximately Twenty Seven Thousand and 00/100 Dollars (\$27,000.00), but it will be closer to Six Thousand and 00/100 Dollars (\$6,000.00) to Eight Thousand and 00/100 Dollars (\$8,000.00). Ms. Carsten further explained

that the County had a credit of Forty-Five Hundred and 00/100 Dollars (\$4500.00) and the County has agreed to let the City use that toward the overages.

PUBLIC

Mr. and Mrs. Darby Ellis of 307 McKinley, Arcadia, Florida, addressed Council and stated they had received a letter from the City. Mr. Darby explained they own a restaurant on Alabama and they distributed copies of the letter that was sent out, along with pictures of the area to the Council. They were asking the Council to waive the issues that they were requested to do in the letter. Mr. McQuay advised that Council had directed him to enforce the code. He explained that everything quoted in the letter was according to Ordinances and asked when the City will move forward to enforce the codes. After much discussion, Mr. Ellis stated that he felt Mr. McQuay was targeting him and that his request to be placed on the Council agenda had been refused. The City Attorney stated they were likely refused to be placed on the agenda because it was a code enforcement issue. Councilmember Fink requested copies of documents drafted thus far to ensure staff has done what is required, but stated that if Mr. McQuay had followed everything, the Council's hands would be tied. The Mayor advised Mr. Darby that they needed to go before the code enforcement board. At this point, Mr. Ellis stated that he felt threatened and Councilmember Fink advised if he felt threatened, he should speak to the Marshal about that. At this point, the City Attorney explained the process regarding going before the code enforcement board.

MAYOR AND COUNCIL REPORTS

Councilmember Coker stated that on March 17, 2015, she had John Bry give a presentation and she would like to make a motion that they take a grant writer under their wing to work with them. She stated it was not a position that would require a salary, but she wanted to see if she could get a consensus to work with a grant writer, and if approved, have a workshop. She also stated that she would like to advertise to see if anyone else, along with Mr. Bry, would like to work with the City in that capacity and then Council could make a decision on who they would select. Councilmember Fink seconded the motion. Deputy Mayor Frierson asked how soon she was talking about because a lot was going on and she suggested postponing it for a few weeks until some things were in order. Deputy Mayor Frierson questioned the cost of paying a grant writer and Councilmember Coker gave a scenario and suggested it would be on a case by case basis. No discussion followed and it was unanimously, 5/0, approved.

Councilmember Coker asked for Council to give staff a directive regarding the sound system in the council chambers. The City Attorney encouraged it for Sunshine reasons. The Interim City Administrator asked if they wanted to look at a new system and Councilmember Fink suggested possibly a professional system.

Councilmember Fink stated that he would be attending the Central Florida Regional Planning Council meeting in Winter Haven tomorrow. He also brought up the issue of residential units over the tops of storefronts on Oak Street and their having to be allowed, by special exception, to be residential. He advised he was told that the City gives a special variance

and when the property sells, it reverts back to commercial. He suggested allowing property owners to have mixed-use of the property. Mr. McQuay stated that he had already looked into it and a variance change would be required and it would have to be coordinated with the Fire Marshal. Mayor Wertz-Strickland questioned how many building owners may want to convert to apartments and Councilmember Coker questioned how it would affect parking. The City Attorney stated it would be a rezoning issue which would come back to Council and appropriate petitions would need to be filed. Mr. Wohl stated that if the property is rezoned and if it resells, it will pass on to the new owners. He suggested what the people were talking about was probably a situation with a non-conforming use. Mr. Jeff Schmucker stated they had had conversations before about allowing residential above retail and apartments were allowed in B2 zoning districts, but they would be special exceptions. He advised if it sold, the use would carry on as long as it didn't defunct for one hundred eighty (180) days.

Councilmember Fink commented on the exteriors of buildings, specifically the old hotel on Magnolia with the half paint job. He suggested a period of time being allowed to complete a job being strengthened in the Code. Mr. McQuay stated there is nothing in the Code to enforce a paint job being completed but this would be addressed at the workshop. The City Attorney advised that an ordinance had been drafted about a year or two ago that covered many issues with properties.

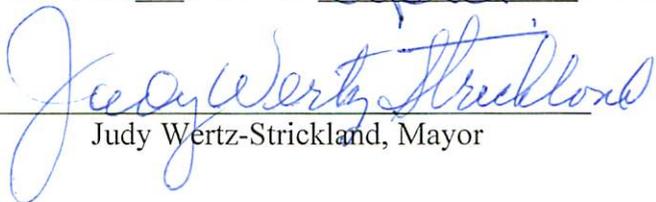
Mayor Wertz-Strickland suggested a form, which would have a place for the name and address of the individual, being used when a member from the public wishes to address the Council. Deputy Mayor Frierson stated that she didn't think they could stop anybody who hasn't filled out a form from speaking. The City Attorney stated that as long as they are applying those rules to everyone, you can do it. Councilmember Fink asked if this needed to be done by consensus and the City Attorney advised it should be reflected in the resolution that had been drafted and have that resolution amended to implement the procedure. Councilmember Fink suggested that the City Clerk work with the City Attorney to deal with what they believe is best and bring it back to the next meeting for Council to act upon and to amend the resolution.

ADJOURN

Councilmember Fink made a motion to adjourn and Deputy Mayor Frierson seconded the motion. Having no further business at this time, the meeting was adjourned at approximately

ADOPTED THIS 21st DAY OF April, 2015.

By:


 Judy Wertz-Strickland, Mayor




 Penny Delaney, City Clerk

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 April 7, 20 2015.

(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:

Abstained from vote on Bridle Path Pavement Options due to her and her husband, Gary Frierson, owning rentals in the Bridle Path Subdivision.

4-7-15
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.