

**MINUTES  
CITY COUNCIL  
CITY OF ARCADIA  
TUESDAY, APRIL 17, 2012  
6:00 PM**

**CALL TO ORDER, INVOCATION PLEDGE OF ALLEGIANCE & ROLL CALL**

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

Mr. Greg Martin gave the invocation followed by the Pledge of Allegiance.

**Arcadia City Council**

Mayor Keith Keene  
Councilman Robert Heine (Absent)  
Councilman Robert R. Allen

Deputy Mayor Alice Frierson  
Councilman Joseph E. Fink

**Arcadia City Staff**

City Administrator Lawrence Miller  
City Attorney William Galvano  
City Attorney Leslie Gladfelter

City Recorder Virginia S. Haas  
Captain Matt Anderson

**PRESENTATIONS**

Relay for Life Proclamation

Mayor Keene read and presented the Relay for Life Proclamation to DeSoto Chamber of Commerce representative Michelle Brown.

March Employee of the Month – Larry Bullion

Dr. Miller stated that the March Employee of the Month was Larry Bullion, Water Treatment Plant. Dr. Miller reported that Mr. Bullion was unable to attend and thanked Mr. Bullion for his years of service and exemplary work in the City of Arcadia.

**CONSENT AGENDA**

1. Minutes of April 3, 2012 Regular Meeting.
2. Check warrants from 04/02/12, 04/05/12 and 04/11/12.
3. Air-Cadia March flowage and hanger report.
4. Request for Special Event Permit and street closure on April 21, 2012 – Applicant, Courtney Jackson.

**A motion was made by Councilman Fink and seconded by Councilman Allen to approve consent agenda items one (1) through four (4).** Dr. Miller inputted there was an additional

special event request. Ms. Haas reported that a late request came in for the Mexican Rodeo Festival to be held on April 27, 2012 from 9 a.m. to 10:30 p.m. and the Council in the past approved such an event.

**A motion was made by Councilman Fink and seconded by Councilman Allen to approve the special event request for the Mexican Rodeo Festival. The motion carried 4-0.**

**Councilman Fink's original motion to approve consent agenda items one (1) through (4) carried 4-0.**

### **DISCUSSION ITEMS**

**Mayor Keene suggested approving requests number five (5) through nine (9) in one main motion. The Council agreed.**

5. Request for Certificate of Appropriateness as recommended by the Historical Preservation Commission – 6 foot wood fence - 410 E. Hickory Street – Applicant, Hilario Villafuerte.
6. Request for Certificate of Appropriateness as recommended by the Historical Preservation Commission – Metal Prefab Garage – 603 E. Magnolia Street – Applicant, Leonard and Jane Martin.
7. Request for Certificate of Appropriateness as recommended by the Historical Preservation Commission – 24 x 21 Covered Carport/Patio – 132 S. Hernando Avenue - Applicant, Roy and Mary Arms.
8. Request for Certificate of Appropriateness as recommended by the Historical Preservation Commission – Rehab, restore structure maintaining same architecture – 222 E. Oak Street – Applicant, Mosaic Fertilizer, LLC.
9. Request for Certificate of Appropriateness as recommended by the Historical Preservation Commission – Signage – 114 N. Polk Avenue – Applicant, Habitat for Humanity.

**A motion was made by Councilman Fink and seconded by Councilman Allen to approve requests number five (5) through nine (9) as presented. The motion carried 4-0.**

10. Request for Satisfaction of Mortgage, 320 Providence Street, Owner, Edith Santos.

Attorney Galvano reported there were no clear records of these mortgages located by the City showing that the mortgages were satisfied. Ms. Haas reported these were CDBG housing rehabilitation grants from the 1990's and no records were located. She noted it is possible that the Company who initiated those grants failed to complete the satisfactions of mortgages.

**A motion was made by Councilman Fink and seconded by Deputy Mayor Frierson to approve the request for satisfaction of Mortgage, 320 Providence Street, Owner, Edith Santos. The motion carried 4-0.**

11. Request for Satisfaction of Mortgages, 318 Providence Street, Owner, Pamela Johnson.

**A motion was made by Councilman Fink and seconded by Deputy Mayor Frierson to approve the request for satisfaction of Mortgages (two), 318 Providence Street, Owner, Pamela Johnson. The motion carried 4-0.**

### **ORDINANCES - FIRST READING**

**12. ORDINANCE NO. 973; FIRST READING OF AN ORDINANCE TO AMEND THE CITY OF ARCADIA COMPREHENSIVE PLAN BASED ON THE CITY'S EVALUATION AND APPRAISAL REPORT (EAR); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Jennifer Codo-Salisbury, CFRPC)**

The City Recorder read Ordinance No. 973 by title. Mrs. Codo-Salisbury stated that this Ordinance was in response to the objections from the Department of Economic Opportunity addressing two changes. 1) Adding consistency with Florida State Legislature and 2) addressing the entity standard for the overlay area in commercial or non-residential areas. The next meeting on May 1, 2012 will be the public hearing. She noted that she would return to Council with an updated 10-Year Water Supply Plan.

**A motion was made by Councilman Fink and seconded by Councilman Allen to approve first reading for Ordinance No. 973. The motion carried 4-0.**

**13. ORDINANCE NO. 974; FIRST READING OF AN ORDINANCE ESTABLISHING CITY ZONING FOR TWO PARCELS OF LAND KNOWN AS THE TREMRON GROUP, INC. PARCELS IDENTIFIED AS 30-37-25-0176-00E0-0010 (10.51 ACRES) AND 19-37-25-0000-0280-0000 (3.55 ACRES) TOTALING 14.06 ACRES FROM THE DESOTO COUNTY ZONING DISTRICTS OF COMMERCIAL GENERAL (CG) AND INDUSTRIAL LIGHT (IL) TO CITY ZONING OF PLANNED UNIT DEVELOPMENT – INDUSTRIAL (PUD-I) LOCATED AT 3144 N.E. HIGHWAY 17, ARCADIA, FLORIDA; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (Jennifer Codo-Salisbury, CFRPC)**

The City recorder read Ordinance Number 974 by title. Mrs. Codo-Salisbury noted that the public hearing will be advertised for the May 1, 2012 Council Meeting. This Ordinance would change the County zoning to City Planned Unit Development – Industrial as recommended by the Planning and Zoning Board with additional changes. Councilman Fink disclosed that Mrs. Ann Pepper came to speak with him regarding the rezoning. Councilman Fink pointed out that one of the requirements could be clearer instead of "communicating" with the truck drivers Tremron should be directed to instruct the truck drivers not to park on the highway (item 3).

Councilman Fink questioned the insulated connector building and asked what action the City can take if all conditions are not met. Mrs. Jennifer Codo-Salisbury responded that Tremron would be in violation of the zoning ordinance and code enforcement action could proceed.

Dr. Miller pointed out that if requirements are not met then the fire sprinkler code would go into effect. Councilman Fink asked if the City could shut them down for failing to meet zoning codes to which Attorney Galvano responded yes by issuing a notice of violation the City could stop that use. Councilman Fink noted that items five (5) and six (6) appear to contradict each other regarding closing of the bay doors. Dr. Miller explained that the County Attorney states that an enclosed building is a structure with four walls and a roof. Councilman Fink reiterated that the noise is severe. Dr. Miller replied that following completion of all requirements and the noise remains an issue the City has other remedies such as the nuisance ordinance and possibly requiring Tremron to keep the doors closed 24/7. Mrs. Codo-Salisbury replied to Councilman Fink that all the County requirements are maintained in the PUD-I and conditions are on the 2009 site plan which is also included in the new ordinance. She noted that the PUD-I is the only way to recognize all conditions and requirements. Councilman Fink asked if Captain Anderson felt comfortable with the ability to enforce the conditions. Captain Anderson responded that the Police Department will be able to violate them and move forward to the Special Master. Dr. Miller confirmed that the Police Department and Administration would hold Tremron accountable for the requirements. Mayor Keene thanked Mrs. Codo-Salisbury, staff and Dr. Miller and noted this was the most he has seen Tremron offer in response. Dr. Miller stated that parking on US 17 is illegal and the City will be installing no parking signs which the Marshal could then enforce.

Mr. Ken Pepper, N. Arcadia Avenue, explained that the Police Department went to Tremron twice recently and now Tremron is not cooperating. He stated there are still issues in regards to the "completely enclosed building" and requiring the bay doors to be closed while manufacturing is taking place. Attorney Galvano responded that he would have to review all stipulations together to formulate the intent of a fully enclosed structure to prevent the noise nuisance.

Mrs. Ann Pepper, N. Arcadia Avenue, reviewed the pictures of Tremron distributed to Council: 1) No turn lanes on S R 17 2) Landscape D requirement not met 3) Two oversized bay doors left open 4) Debris not removed bi-weekly 5) Stacked pavers on pallets with plastic 6) Loose debris and broken pavers across property and on US 17 and median) 7) Crushed paver mounds that Mr. Barns claim is a byproduct that once gone will no longer be there. She continued that County zoning requires a 10 foot wide buffer landscape D on the front property line which they are in violation and on the site plan map Tremron only addresses the west and north side buffer but nothing about the south side next to the old Livestock Market. She stated the East side of property has no buffer and the adjacent property is platted for a subdivision.

Mr. Pepper reiterated that the structure be completely enclosed and the crushed aggregate will be gone according to Mr. Barns but the City has nothing in writing. Mrs. Pepper clarified that she was told by Marshal Lee that "Tremron has stopped cooperating".

**A motion was made by Councilman Allen and seconded by Mayor Keene to approve Ordinance No. 974 at first reading. The motion carried 4-0.**

## **COMMENTS FROM DEPARTMENTS**

14. City Marshal – Council had no questions for Captain Anderson

15. Attorney

a. DeSoto County Health Department Building Project

Attorney Galvano reported that they received additional information today regarding the DeSoto County Health Department project. Mrs. Penny Kurtz stated the project is very complicated and time sensitive. She stated they intend to build on the Parker Street side and keep the current building up and running during the process.

b. Cypress Property Deed – Habitat for Humanity

**A motion was made by Councilman Allen and seconded by Deputy Mayor Frierson to approve and have the Mayor execute the Cypress Property deed as presented. The motion carried 4-0.**

16. Administrator

1. Highway 17 Update – Sound Wall

Dr. Miller reported that FDOT will be putting up a sound wall on Highway 17 and he would like to take public comment from the Mobile Home Park regarding the height.

2. Refurbishing of Jet Plane at Lake Katherine

Dr. Miller reported that he is working with Congressman Buchanan's office regarding refurbishing the Plane at Lake Katherine Park. He is also working with the Beautification Board on landscaping and Team Arcadia regarding the fountain. He reported that the sign for the East City entrance will be installed along with landscaping.

3. Meeting w/ County

Dr. Miller reported that he, the Mayor, Guy Maxcy and Buddy Mansfield met to go over common issues. Some of the discussions revolved around the following: 1) Towing ordinance 2) Water boundary area 3) Tourist development 4) Extending Nursing Home Road to Turner 5) YMCA facility at the old Livestock Market and 6) Waterline to the Airport. He reported the next meeting will be on May 3, 2012 at 10 a.m.

4. Rental of former Police Station by the Dept. of Probation

Dr. Miller reported he is still in negotiations with renting the old Police Department space to the Probation Office however this may not come to realization until a year out.

## 5. Telecommunications Audit by Florida League of Cities

Dr. Miller reported that the Florida League of Cities (FLC) offers a telecommunications audit to find cost savings. If the FLC realizes any savings for the City they receive 45% of the first year's savings, if no savings is realized then there would be no cost to the City.

Mr. Antonio Jenkins, Guardian, reported there are two units left to complete in the CDBG grant cycle and believes they will be complete by the first week in July. Dr. Miller stated that by the second meeting in June the City Council should decide on which grant they would like to apply for in the next cycle. Councilman Fink stated that there is a CDBG grant for businesses he would like to discuss. Council consensus was for staff to look into all avenues and types of grants the City can apply for in the next cycle.

Mayor Keene reminded Council that there was a downtown improvement concept completed and asked Dr. Miller if he could bring forward grant information for a future workshop.

**Dr. Miller asked for clarification regarding the Telecommunications audit.**

**A motion was made by Councilman Fink and seconded by Councilman Allen to allow Dr. Miller to move forward with this initiative and enter into an agreement with FLC. The motion carried 4-0.**

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

Mr. Owen Mathews ask for Code Enforcement to review the property located at 500 W. Oak Street as it is in disrepair. Captain Anderson reported that they have attempted to address this issue in the past and the Council at that time gave the property exemptions. Mayor Keene asked for the City Administrator and Attorney review this issue.

Mr. Vaughn Aiker stated that repair to the Jet Plane is a lot of work and you must expect vandalism and suggested that the plane be moved to the Airport.

Mrs. Penny Kurtz, 625 W. Ivory, stated that the sidewalks on Dade Street are in need of repair and possibly there is a grant opportunity to make improvements.

Mr. Greg Smith stated there are possible grants available for running water to the Airport.

Mr. Gary Frierson reported termites at City Hall. He asked about the budget workshops. Deputy Mayor Frierson stated that no one wants to talk about the budget. Councilman Fink replied he has no problem with a budget workshop if all items are on the table including the contracts.

**A motion was made by Deputy Mayor Frierson to hold a budget workshop on May 1, 2012 at 5 p.m. The Council scheduled the workshop by consensus.**

Mr. Frierson stated he met with the Finance Director and was told that the City had a savings and he would like to know where that savings was located. Mayor Keene suggested that the

Finance Director review savings and talk about any solutions to the budget issues. Councilman Fink stated we should be talking about next year and added that he was still hoping to have a second visioning session.

Dr. Miller responded to Mr. Frierson with an example of chemicals at the Golf Course stating that some expenses are not realized until a certain time in the budget.

Mrs. Shelley Peacock, Public Works, reported on a potential after school program at the Speer Center that would benefit children and generate revenue for the City. The times would be from 2 p.m. to 5:15 p.m. Monday through Friday for \$40 per week. She stated all she would need to start would be a popcorn machine, basketball hoop and a marquee sign. This would be a safe place for the Children to go and she would utilize volunteers however requested one staff to open and close each day and a backup person. She stated she spoke with the Insurance Company and they advised no change. Mrs. Peacock responded to Deputy Mayor Frierson that she received 20 "yes" responses and many volunteer requests. Councilman Fink agreed that we need a safe place for our children. Deputy Mayor Frierson had several questions. Attorney Galvano stated the City needed to look at all liability issues carefully. The Council agreed that all liability issues be addressed and bring the item back to a future meeting for possible action.

### **MAYOR AND COUNCIL MATTERS**

Deputy Mayor Frierson stated the sidewalk on Oak Street needs a smooth finish. Dr. Miller responded that all parties have been contacted and they are in the process of smoothing the sidewalk.

Mrs. Haas asked the City Council how they would like to continue with the City Attorney interviews. The Council discussed the top three. There was mention of a You Tube video regarding one of the top three applicants. Councilman Fink and Mayor Keene agreed that they would like to interview more than just the top three (3). Council discussed removal of one of the top three candidates. Councilman Fink felt the firm in question should be afforded the opportunity to interview. The Council agreed to remove one of the top three candidates. The Council agreed to interview seven candidates on April 24, 2012 at 5 p.m. allowing 30 minutes each for questions.

Mayor Keene stated that Baldwin Street from SR 70 to Hickory needed repairs and he would like a priority list of streets that need paving.

***Signature Page Follows***

**ADJOURN**

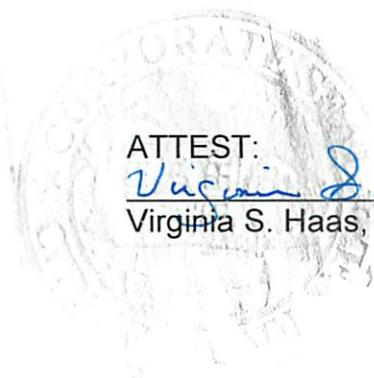
There being no further business, the meeting was adjourned at 8:20 p.m.

**APPROVED THIS 1st DAY OF MAY, 2012.**

By:

  
\_\_\_\_\_  
Keith Keene, Mayor

ATTEST:

  
  
\_\_\_\_\_  
Virginia S. Haas, City Recorder