

**AGENDA MINUTES  
CITY COUNCIL  
CITY OF ARCADIA  
TUESDAY, MAY 3, 2016  
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**

Candy Reid 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 Susan Coker

Deputy Mayor Frierson

Councilmember S. Delshay Turner

Councilmember Judy Wertz-Strickland

Councilmember Joseph E. Fink

**Arcadia City Staff**

City Administrator Terry Stewart

City Clerk Penny Delaney

City Attorney T.J. Wohl

Code Enforcement Officer Carl McQuay

Public Works Director Steve Underwood

Marshal Matt Anderson

Mayor Coker recognized the attendance of Andrew Liebert, Legislative Aide to Representative Ben Albritton, and Karen Whaley, District Aide to Representative Ben Albritton.

**PRESENTATION**

**Agenda Item 1 – Presentation to James Arndts – Five (5) Years of Service to the City of Arcadia**

Mayor Coker presented James Arndts of the City of Arcadia Streets Department with a certificate acknowledging his five (5) years of service to the City of Arcadia

**Agenda Item 2 – Presentation to Shannon Smith – Five (5) Years of Service to the City of Arcadia**

Mayor Coker presented Shannon Smith of the City of Arcadia Streets Department with a certificate acknowledging his five (5) years of service to the City of Arcadia.

**Walk-On Agenda Item – Proclamation – Tobacco Free Florida Week**

Mayor Coker presented Jodie Skitka DeLoach, Community Health Advocate – DeSoto County of the QuitDoc Foundation a proclamation recognizing May 8-14, 2016 as Tobacco Free Florida Week.

**Agenda Item 3 – International Property Maintenance Code (IPMC)**

Code Enforcement Officer Carl McQuay advised the International Property Maintenance Code (IPMC) would bring the City's codes up to date and that it had been reviewed by the Property Maintenance Standards Review Committee. City Administrator Stewart advised that they were not asking for Council to act tonight, but just providing Council with information. Mr. McQuay then presented a slide-show regarding the IPMC. As a follow-up, City Administrator Stewart advised the IPMC had been adopted in the last four (4) cities he had worked and it was a model code that had been tested in court numerous times and validated to be both clear and forthright. He advised there is so much to do and it will not happen overnight. He informed Council that it will be at least a month before the issue will be brought back to them with a request for a final decision on it.

Mayor Coker suggested a workshop because she felt there were issues that they may want to tailor make for their community. She stated that she had heard that code enforcement did not have enough bite and if that was the case, what could be done to fix it. Mr. McQuay advised the IPMC would give him more. Mr. Stewart explained the steps that are taken when a property has been cited and how it can progress to a Special Master hearing. He advised that so much of Mr. McQuay's time is spent doing the paperwork in addition to the field work. Mayor Coker then asked once an order to appear has been issued, if there was a charge on the property owner to come before the magistrate and Mr. McQuay advised there would be a charge for his costs and a fee for the Special Master. Councilmember Wertz-Strickland asked if code enforcement has any recourse on collection if a property owner does not pay the fine and Mr. McQuay replied that the only recourse was by placing a lien on the property. City Administrator Stewart advised that the main limitation of enforcing a lien is foreclosure. He explained that Florida Statute 162 forbids foreclosing on a homestead property, but stated that many properties code enforcement has trouble with are properties that are not owner occupied. He pointed out that many correct the issue before it goes to the Special Master and many that go before the Special Master correct the issue, but there is a small minority that requires a lien be placed on their property.

Janie Watson, a City resident, questioned the need for changes being made to the IPMC and City Administrator Stewart stated he does not recommend any significant changes, but to possibly tweak it in regards to specific things that may relate to our community.

**CONSENT AGENDA****Agenda Item 4 – City Council Minutes for Meeting on April 19, 2016**

Mayor Coker advised that a change had been made on page seven (7) to reflect Councilmember Fink had cast the dissenting vote as opposed to the assenting vote and she pointed out that the correction had been made twice in the paragraph. Councilmember Wertz-Strickland made a motion to accept the minutes and Councilmember Turner seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

### **ACTION ITEMS**

#### **Agenda Item 5 – Request for Certificate of Appropriateness at 423 E. Oak Street – James Hall**

Deputy Mayor Frierson made a motion to approve the request for the Certificate of Appropriateness for 423 E. Oak Street and Councilmember Turner seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

#### **Agenda Item 6 – Request for Certificate of Appropriateness at 216 E. Oak Street - Gary Frierson**

City Administrator Stewart advised he had been asked a question regarding an item on page seven (7). He stated it had to do with a document submitted to the Historic Preservation Commission by Mr. Frierson. Mr. Stewart stated that an application was being made to close a part of the alley at the rear of the property and if the application to close a portion of the alley was approved, Mr. Frierson was asking the board to approve the relocation. Mr. Stewart stated they had approved the relocation of the fence subject to the vacation of the property and it requires the applicant to apply for and receive vacation of the property. He informed Council that the applicant is going to install the fence based upon the current property line. He further informed Council that if the application for vacation is approved, then he would agree to have the fence removed. Councilmember Wertz-Strickland made a motion to approve subject to the alley closing and Councilmember Turner seconded the motion. No discussion followed and it was unanimously, 4/0, approved with Deputy Mayor Frierson abstaining from voting on the item.

#### **Agenda Item 7 – Resolution 2016-06 – Sale of Surplus Real Property**

Councilmember Wertz-Strickland made a motion to have Resolution 2016-06 read by title only and Councilmember Turner seconded the motion. No discussion followed and it was unanimously, 5/0, approved. The City Clerk then read Resolution 2016-06 by title only. Councilmember Wertz-Strickland made a motion to approve Resolution 2016-06 and Councilmember Turner seconded the motion. Councilmember Fink stated that he still had a problem with the fact that there are two (2) other interested people involved in this and it appears that Council is doing something possibly for reasons other than the best interest of the City. He stated it was in conflict with the action that Council took on March 15, 2016 wherein they stated they wanted the two (2) interested parties at the time to come back and if not, then Council would have a different route then. He stated he could not support it and he did not believe it was in the best interest of the City of Arcadia. Councilmember Wertz-Strickland stated that this

particular item had come up before the Council six (6) – eight (8) times. She stated they had reviewed it, looked at the pictures and provided ample time for other people who showed some interest in it to come forth and to bring their interest in it, sought legal advice on it and she felt they had done above and beyond what they are required to do to sell the property. Councilmember Wertz-Strickland stated that she felt it should be placed back on the tax roll and a bigger tax base needed to be developed in the City and it will not happen unless they are able to levy taxes on all the properties that they have to. No discussion followed and it was 3/1 approved with Councilmember Fink casting the dissenting vote and Deputy Mayor Frierson abstaining from voting on the item.

### COMMENTS FROM DEPARTMENTS

Marshal Anderson provided the Police Department monthly report to the City Council. He advised that had made eight (8) felony arrests in seven (7) days and took three (3) guns off the street including one (1) AK47, one (1) rifle, and one (1) .38. He then shared of an arrest made in Louis Anderson Park of an individual brandishing a gun at people.

City Attorney Wohl advised a draft of the Historic Preservation Ordinance had been submitted to the State Historic Preservation for their review. He acknowledged the phenomenal work that Carol Mahler had invested in the project. He explained that once verified, it would be placed on a future agenda for Council approval.

City Administrator Stewart referred a request made by Lopez Ritchie to rent or lease three (3) parcels of property from the City to keep his goats. Mr. Stewart referenced a memorandum he had provided to City Council in which he advised them Mr. Ritchie already had his goats on the property and had a fence placed on the City's right-of-way and into the property. He stated that Mr. Ritchie had been ordered to remove the goats and was issued a violation regarding junk on the property. Based on the aforementioned information, Mr. Stewart recommended City Council to not lease the property to Mr. Ritchie and Council was in agreement with the recommendation.

Mr. Stewart addressed the issue of the airplane at Lake Katherine and advised he had been communicating with a representative for the Air Force. He stated they had communicated their displeasure with the condition of the airplane and had provided a list of providers of parts. He stated that Finance Director Carsten had located a canopy at one time and he has her trying to make contact with the individual who had it to see if they still have it and he thought the cost was approximately Six Thousand and 00/100 Dollars (\$6,000.00) plus costs to transport it which was a couple of thousand dollars. Mr. Stewart advised he had reached out to Rickey Hilton who rebuilds aircrafts at the Arcadia Airport and asked for his assistance in understanding what would need to be done to get the airplane in reasonable and decent looking condition. Mr. Stewart stated he was working on that project and would be coming back to Council with it in the future.

City Administrator Stewart stated that a few weeks ago, Council approved staff to rebuild a culvert on South Potter and he provided Council with pictures, one of dirt that is filling the drainage ditch. He stated that the contractor that is currently on site had provided a quote of just

under Thirteen Thousand Five Hundred and 00/100 Dollars (\$13,500.00) to clean out all the debris from Potter to the next street east and Potter to the next street west which will provide excellent drainage capacity for the neighborhood. He asked for authorization for the City to do a change order to the current contract to allow the contractor, while he is on site, to get the work done. Councilmember Fink asked if funds were available and Mr. Stewart advised funds were available and it would be coming out of stormwater. Councilmember Fink made a motion for the amount of the total of both of these items to come from storm repair to complete the work specified and Councilmember Wertz-Strickland seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

Mr. Stewart advised Council there were a number of culverts that were not planned for in the paving project that they were getting ready to do. He further stated they were not upsizing it as South Florida Water Management District would not allow such unless you have a stormwater management plan. City Administrator Stewart advised that the funds were budgeted, but it was an oversight and the cost difference is Forty-Three Thousand One Hundred Forty and 00/100 (\$43,140.00). Councilmember Wertz-Strickland made a motion to approve the Forty-Three Thousand One Hundred Forty and 00/100 (\$43,140.00) and Councilmember Fink seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

City Administrator Stewart referenced the Cyndy's Place project that was previously approved. He explained that a part of the improvements to the streets is a sidewalk along 15<sup>th</sup> Avenue. Upon progressing with the work, it was discovered there is a property at the corner of 15<sup>th</sup> Avenue and Cypress that has a fence that juts out into the City's right-of-way and they would not be able to install the sidewalk if the fence remains in place. Mr. Stewart advised they had spoken with the property owner, Robert Evans, who is related to one of our employees and one of our Council Members and Mr. Evans indicated he had pulled a permit with the City to install the fence approximately twenty (20) years ago, but a record of it cannot be found. City Administrator Stewart advised that the City's survey shows the fence is within the right-of-way and staff had related to him that Mr. Evans indicated that he had at one time had a survey for when the fence was installed, but cannot locate it. He advised Council that Mr. Evans does not want to move his fence. Mr. Stewart stated he could not make that policy decision, but if Council chooses to allow him to keep the fence, it is essentially on City's property and if it ever became damaged, another fence could not be built in its place. He advised that in the Bridle Path project where fences were on the City's easements, the fences were taken out and the City was not required to put the fences back. He stated it does not mean it cannot be done, but in a former instance, that was how it was handled. Deputy Mayor Frierson asked how much fence they were talking about and Mr. Evans stated it was one hundred fifty (150) feet.

Gary Evans, Mr. Evans' son, advised Council that the fence was installed in 1997 and steps were taken to ensure it was done correctly. He provided pictures to show where the sidewalk would be and advised that the setback of the newer homes is further back. He stated that it could be on the City's right-of-way, but stated Council had options such as vacating five (5) or six (6) feet of the right-of-way. After further discussion, Councilmember Fink stated that when this was approved by City Council, Cyndy's Place had asked for a special exception to build the roadway different than originally decided. He then stated he felt they should not do this

without all the facts and suggested staff look at using a portion of the property on the other side of the fence to use for that purpose. Councilmember Wertz-Strickland suggested tabling the matter until the City Administrator could collect more information on how the problem could be resolved and Council directed the City Administrator to bring it back to the next meeting.

Marshal Anderson addressed Council again to advise the Police Department would be having a fund raiser on Friday for two (2) children within the community who have leukemia. He directed anyone interested in providing financial assistance to go to the department's Facebook page then click the link to the GoFund page. He then applauded the department and Representative Albritton for their involvement in the fund raiser.

### PUBLIC

None

### MAYOR AND COUNCIL REPORTS

Councilmember Wertz-Strickland stated she had spoken with Mike Taber regarding marketing for the City. She then suggested getting with the newspaper staff and the public to assist in such.

Councilmember Fink stated that Mother's Day was May 8<sup>th</sup> and wished all moms a happy mother's day.

Mayor Coker advised of the Day of Prayer scheduled for May 5, 2016 at noon at the County Commissioner's Chambers. She also advised of the DeSoto Chamber of Commerce ribbon cutting on the new water park during the early bird breakfast. City Administrator Stewart advised the City would hold their event on Saturday, May 14, 2016 from 11:00 a.m. until 1:00 p.m. and he encouraged people to bring their children because that is what the park is for.

### ADJOURN

Councilmember Wertz-Strickland made a motion to adjourn and Councilmember Fink seconded the motion. No discussion followed and it was unanimously, 5/0, approved. Having no further business at this time, the meeting was adjourned at approximately 7:30 P.M.

ADOPTED THIS 17<sup>th</sup> DAY OF May, 2016.

By:



Susan Coker, 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 May 3, 20 16:

(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 Request for Certificate of Appropriateness at 216 E. Oak Street due to marriage to applicant, Gary Frierson.

\_\_\_\_\_  
Date Filed

  
\_\_\_\_\_  
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.



**APPOINTED OFFICERS (continued)**

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- 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 Resolution 2016-06 - Sale of Surplus Real Property due to marriage to purchaser, Gary Frierson.

\_\_\_\_\_  
Date Filed

  
\_\_\_\_\_  
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.