

**AGENDA MINUTES
CITY COUNCIL
CITY OF ARCADIA
TUESDAY, MAY 5, 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

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 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
Code Enforcement Officer Carl McQuay

Also in attendance were Mike Moon of Hanson Professional Services and Jennifer Codo-Salisbury of Central Florida Regional Planning Council.

PRESENTATIONS

Agenda Item 1 – Certificate of Appreciation to Mosaic

Mayor Wertz-Strickland presented Bart Arrington with a proclamation regarding Mosaic's donation of flowers, plants and shrubbery to be used at various parks and facilities within the City of Arcadia.

Agenda Item 2 – Proclamation Regarding Lung Force Turquoise Takeover Week

Mayor Wertz-Strickland read the proclamation publicly and announced that no one from the American Lung Association was present in attendance to receive the proclamation, but that it would be mailed to them.

Agenda Item 3 – Presentation to Arthur Brady – 10 years of service

Mr. Brady was not present in attendance to receive the presentation.

Agenda Item 4 – Presentation to Brandon Philbrook – 5 years of service

Mr. Philbrook was not present in attendance to receive the presentation.

CONSENT AGENDA

Agenda Item 5 – City Council Minutes for April 20, 2015

Agenda Item 6 – City Council Minutes for April 2, 2015

Agenda Item 7 – City of Arcadia Municipal Airport Report

Agenda Item 8 – Special Event Permit – Fourth Saturday Market Place – Trinity United Methodist

Agenda Item 9 – Special Event Permit – Arcadia Jam Festival – Darby Ellis on behalf of Hotspot Entertainment

Councilmember Fink made a motion to approve the consent agenda as presented and Deputy Mayor Frierson seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

ACTION ITEMS**Agenda Item 10 – Public Hearing - Request Second Reading of Ordinance 1002 Regarding Rezoning of Parcel No. 36-37-24-0A00-0781-0000**

Councilmember Fink made a motion to have the ordinance read by title only and Deputy Mayor Frierson seconded the motion. No discussion followed and it was unanimously, 5/0, approved. The Clerk read Ordinance 1002 by title only. Jennifer Codo-Salisbury of Central Florida Regional Planning Council made a presentation to Council to explain the rezoning of 36-37-24-0A00-0781-0000 from MHP (Mobile Home Park) to M2 (heavy industrial). She stated that the zoning had been reviewed and it is consistent with the industrial future land use on the property, the City's Comprehensive Plan and the City's Land Development Code. Ms. Codo-Salisbury stated that she was available for any questions. She announced that this was a public hearing and advised that the applicants were in attendance in the audience if anyone had any questions for them as well. There were no questions or comments. Councilmember Fink made a motion that City Council approve the proposed rezoning and Councilmember Coker seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

Agenda Item 11 – Public Hearing – Request First Reading of Ordinance 1003 Regarding Annexation

Councilmember Fink made a motion to have the ordinance read by title only and Deputy Mayor Frierson seconded the motion. No discussion followed and it was unanimously, 5/0,

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approved. The Clerk read Ordinance 1003 by title only. Jennifer Codo-Salisbury of Central Florida Regional Planning Council made a presentation to Council to explain the voluntary annexation of property located at 1018 SW US Highway 17 and 1140 SW Palm Drive into the City of Arcadia. She stated that this was the first of two (2) public hearings and the applicants were in attendance if there were any questions. There were no questions or comments. Councilmember Fink made a motion to approve Ordinance 1004 for second reading (inadvertently referred to ordinance as 1004 instead of 1003) and Councilmember Turner seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

Agenda Item 12 – Request First Reading of Ordinance 1004 Regarding a Future Land Use Map Amendment for Parcel Nos. 01-38-24-0091-00A0-0010 and 01-38-24-0091-00A0-0050, and 36-37-24-0A00-0906-0000

Councilmember Fink made a motion to have the ordinance read by title only and Councilmember Coker seconded the motion. No discussion followed and it was unanimously, 5/0, approved. Jennifer Codo-Salisbury of Central Florida Regional Planning Council provided a brief overview to Council and explained the Future Land Use Amendment and Rezoning that accompanied the annexation that Council had just heard would be a first reading and it would come back to Council on May 19, 2015 in the form of a public hearing. She explained that there were two (2) requests: one (1) being a small scale amendment to change the land use from County Unlisted and there is a portion that is also in the City that is City Recreation and Open Space and those land uses would be amended to City Business. She also explained that it was also a rezoning from county zonings of general commercial and residential medium and city single family to RB3 (General Business District). Ms. Codo-Salisbury stated that she was available to answer any questions and the amendments had been reviewed and they are consistent with the City's Comprehensive Plan and Land Development Code. She stated again that this would be a first reading and if approved on first reading, they would come back before Council on May 19, 2015 for a public hearing. The Clerk then read Ordinance 1004 by title only. Councilmember Fink made a motion to approve the ordinance as presented and Councilmember Coker seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

Agenda Item 13 – Request First Reading of Ordinance 1005 Regarding Rezoning of Parcel Nos. 01-38-24-0091-00A0-0010 and 01-38-24-0091-00A0-0050, and 36-37-24-0A00-0906-0000

Councilmember Fink made a motion that the ordinance be read by title only and Councilmember Coker seconded the motion. No discussion followed and it was unanimously, 5/0, approved. The Clerk read Ordinance 1005 by title only. Councilmember Fink made a motion that Ordinance 1005 be approved for second reading and Councilmember Coker seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

Agenda Item 14 – Work Authorization for Professional Services

The Interim City Administrator advised Council that this was an agreement with Hanson Professional Services, Inc. to use them for services at the airport on an as needed basis. She introduced Mike Moon of Hanson Professional Services, Inc. and stated he was there to answer any questions that anyone may have. Deputy Mayor Frierson asked if there was a cap as to the hours of assistance and Mr. Moon replied that there was a cap of Thirty Thousand and 00/100 Dollars (\$30,000.00) and anything beyond that would have to come back to Council for an amendment. Deputy Mayor Frierson made a motion to approve the work authorization and Councilmember Coker seconded the motion. Mr. Moon stated that they are happy with their partnership with the City of Arcadia and he stated they appreciated the City's support as much as the City appreciated Hanson's. No discussion followed and it was unanimously, 5/0, approved.

Agenda Item 15 – Agreement and Resolution for Road Paving Services – Wilson Avenue (W. Gibson Street to Bridle Path), N. Baldwin Avenue (W. Hickory Street to State Road 70), and Glendora Avenue

The Interim City Administrator advised this was regarding three (3) other streets to be paved, more specifically, Wilson Avenue, Baldwin Avenue and Glendora. She advised since they are already working in Bridle Path, the City is able to get this done for a minimal amount of mobilization fees for One Hundred Ten Thousand and 00/100 Dollars (\$110,000.00). Councilmember Fink asked if there was a specific listing of worst to best streets because he was wondering how these particular roads were itemized to come out. Ms. Carsten advised that there is a list that was compiled by staff a number of months ago when they were looking to apply for grants for FDOT funding and quite a few of the items on the list have infrastructure involved so they are automatically disqualified for it. The staff put the list together and AJAX looked at the streets, and with the amount of money that the City had, they ascertained that those were the best roads. Councilmember Coker made a motion to accept the agreement for the road work and Councilmember Turner seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

Agenda Item 16 – Update on City Administrator Search

The Interim City Administrator advised that the interviews will be May 14th from 9:00 a.m. until 2:00 p.m. and 15th from 9:00 until 11:30. She further advised the Open House will be on the 14th from 5:00 until 7:00 p.m., invitations have been sent out and it has been advertised. She stated that she had received confirmation that the background checks on the candidates are close to being done and will forward them to Council once she receives them.

The City Attorney stated that he had an update on the panel of residents that Council would appoint. After discussing it with the Mayor, he advised that it seemed like it might trigger a Sunshine Law issue. He advised that unless Council wanted to appoint a board that would have to meet the Sunshine Law, he didn't recommend individuals be appointed.

COMMENTS FROM DEPARTMENTS

Marshal Anderson advised that he had provided Council with the Arcadia Police Department Report. He advised that the County is attempting to pass an ordinance governing, in particular, music from out of vehicles that the Florida Supreme Court has ruled unconstitutional. He stated he had spoken to the Sheriff and the Ordinance that he presented to the County's attorney is not the Ordinance that was approved by the first reading by the commissioners. He advised that some of the wording had been left out that the Sheriff insisted he wants put in, i.e., wording that consists of how to pay the fines, how a person could protest said fine, etc. Marshal Anderson stated that the Sheriff and the County Attorney were trying to get that style of wording put back in. Marshal Anderson stated that his concern was once they write a citation, how would they receive their money and if people do not pay the citation, how would they get that payment enforced. He advised that the County will create County Ordinance Citations and the City has nothing like that in place. Marshal Anderson stated that they did have City Parking Citations and if they have any still around, he thought there was a box that could be checked that states "other" and they could put in the Ordinance Number and it would go through their records management system. The City Attorney stated that the way to define whether a person gets a citation is whether the noise is audible; the County states it as fifty (50) feet and currently the City states it as one hundred (100) feet. He recommended that it be uniform with the County, along with the fine as well.

Deputy Mayor Frierson stated that he had planned on bringing this issue up during council comments. He stated it was not about the money, but about the noise. The City Attorney stated that if they have no way to enforce the fine, what is the deterrent? Deputy Mayor Frierson stated that she saw it as a problem with enforcement because once it's heard; the car can be a mile down the road. Marshal Anderson stated that it is a misdemeanor violation and the crime would have to be committed in law enforcement's presence. The Marshal stated that the wording needed to be specific regarding the noise coming from a vehicle. He then stated he was there to address any questions or concerns that the City Council may have. There were no questions.

The City Attorney addressed the issue of speaker cards and he advised how the County dealt with it and his concerns with same. After much discussion, Councilmember Fink asked, rather than asking that the cards be presented to the Clerk prior to the meeting, have the completed cards presented to the Clerk prior to speaking. The City Attorney recommended doing so. Mr. Wohl stated that another issue that he had a concern with was requiring an address of an individual on a card. After further discussion, it was decided a box could be checked as City Resident or Non-City Resident with the individual's name to be provided to the Clerk. Councilmember Fink stated they would have to change two (2) things on the resolution: to make a generic location of the address and to require them to bring up a speaker's card filled out with pertinent information. The City Attorney stated that he would bring back an amended resolution regarding same hopefully at the next meeting.

The City Attorney then advised that there was issue with 30 Rio Vista Road. He explained that the City had a code enforcement lien on this property and the violation has since

been cured. He stated that he had called the other attorney and advised that he did not understand why they needed a satisfaction from the City when our lien was foreclosed out in their foreclosure. Mr. Wohl believed their client, Fannie Mae, has a policy that they want an actual satisfaction recorded in the public records. He advised that the City is in a position to get its hard costs back which total Five Hundred Seventy and 59/100 Dollars (\$570.59), and probably a little more money with Mr. McQuay preparing the Partial Satisfaction and getting that recorded. Councilmember Fink asked how much the original lien was and the City Attorney stated that it was over Three Hundred Thousand and 00/100 Dollars (\$300,000.00) with the daily fines. Mr. McQuay advised that the lien was recorded in 2009 at Two Hundred Fifty and 00/100 Dollars (\$250.00) a day and has been accumulating since then. Mayor Wertz-Strickland asked if it was his recommendation and he advised that it was because it was free money. Deputy Mayor Frierson made a motion regarding same and Councilmember Coker seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

The Interim City Administrator did not have anything to bring before the City Council.

PUBLIC

Audrey Mehl of 105 Bridle Path, Arcadia, Florida; Araceli Lopez of 5 Hackamore Drive, Arcadia, Florida; and Susanne Garcia and Ismel Garcia of 1 Hackamore Drive, Arcadia, Florida spoke regarding the renovation on Bridle Path and advised of damages that incurred from same. The City Attorney recommended getting copies of the survey and stated they would review the plat. He asked for pictures and stated that who did the work, City or contractor, would also need to be determined. After much discussion, the City Attorney asked the individuals to meet with Mr. McQuay, Ms. Carsten and him after the meeting to address the issues. Mr. McQuay stated that the contractor had tried to preserve the properties and worked around it as best he could. He stated that permits could not be found for many of the sheds and utility buildings and some of the sheds sat right on the line.

Gary Frierson of 820 W. Gibson Street, Arcadia, Florida stated that they had acquired a property with a carport behind it and he had been advised that the carport had been constructed without a permit and therefore was an illegal carport. He advised that while applying for a demolition permit, he discovered it was in the historic district. He was under the assumption he would have to go before the historic committee and asked for direction. He stated the structure has to come down and there is nothing that the historic committee would review because it would need to come down due to it being an illegal structure. He asked, if there was nothing that the historic committee can do, did he need to go before them and could he apply for a demolition permit and just tear it down. The City Attorney stated that a Certificate of Appropriateness would be required, but if the City Council proposed it as an eminent threat, he believed Mr. Frierson could go ahead and do it now. Councilmember Coker made a motion dependent on Code Enforcement and the Administrator's decision that if they deem it so, that Mr. Frierson can go ahead and take it down and Councilmember Turner seconded the motion. Councilmember Fink advised that he is the property owner next door and it has been in the same shape for the last four (4) or five (5) years and he asked if he should reclude himself from voting and the City Attorney stated that he didn't feel that would be necessary. No discussion followed and it was

unanimously, 4/0, approved. Deputy Mayor Frierson advised she was abstaining from voting on the issue. Mr. McQuay confirmed that the County would not issue a demolition permit without him signing off or a Certificate of Appropriateness and the City Attorney agreed.

Greg Smith of 5750 Hull Avenue, Arcadia, Florida inquired as to the airport update regarding fuel. Ms. Carsten advised that work was going on and they were waiting on the appraisal to come back. The City Attorney stated the initial draft of the lease had been sent out to the FBO and that there had been a meeting with the airport committee chairman regarding the issues to be dealt with and advised that you don't want to rush a ten (10) year lease. Ms. Smith then inquired as to Mr. Hilton's situation. When asked by the City Attorney what he was referring to, Mr. Smith asked if the Berrys would have all of the buildings and the City Attorney responded that they had not discussed the lease with the Berrys. Councilmember Fink questioned the fact that they had not discussed it yet and the City Attorney advised they had the first draft, but it had not been discussed with them yet. Councilmember Fink stated that he thought they were empowered to go into negotiations for the lease and Mr. Wohl stated they did not have the appraisal back and would not be able to know the numbers until they received the appraisal back. Councilmember Fink stated that he thought the motion was for the City Attorney and the City Administrator to go into negotiations with the applicant for the FBO and he thought it was a three (3) / two (2) vote. Councilmember Fink asked the City Administrator if they could see a copy of the motion so they know specifically what was done at that particular meeting. The City Attorney asked if they had approved to have an appraisal done and stated that any reasonable person, in order to negotiate, would have to know where the rents are. Councilmember Fink asked for a copy of the minutes. The City Attorney stated that he would not sign a lease without knowing what he was paying for and he hoped the City does not. Michael Moon advised that the FAA would not approve it.

MAYOR AND COUNCIL REPORTS

Councilmember Coker stated that the Community Conversations were going on and encouraged people to attend them. She stated there were a lot of positive things going on in the County and the City.

Mayor Wertz-Strickland stated that she had attended the second part of the EIMO class and advised that it was very good with a lot of good information. She stated that she would like her fellow Council Members to think about a workshop regarding vision strategy in the next couple of months. She would like to know what they want to accomplish in the way of prioritizing road paving, City owned properties, City owned land, and how social media is used. She advised she would like to get it done before they finalize the budget and it could be handled in a session as the County does, but with only one (1) session would be needed because it dealt only with City residents. Deputy Mayor Frierson advised it had been done before and the public didn't attend. Councilmember Fink suggested putting it off until the new administrator was appointed so that he could take part.

Mayor Wertz-Strickland also stated that May 7th was National Day of Prayer at the Board of County Commissioners Chambers at noon.

ADJOURN

Councilmember Coker 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 7:50 P.M.



ADOPTED THIS 19th DAY OF May, 2015.

By:

Judy Wertz Strickland
Judy Wertz-Strickland, Mayor

Penny Delaney
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 5, 202015.

(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 a motion dependent on Code Enforcement and the Administrator's decision that if they deem a carport located at 421 W. Effie Street as an eminent threat, that the owner could tear it down without having to go before the historic committee due to it being in the historical district. Deputy Mayor Frierson abstained from voting due to her and her husband, Gary Frierson, owning said property.

5-5-15

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.