

**AGENDA MINUTES
CITY COUNCIL
CITY OF ARCADIA
TUESDAY, MAY 19, 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

Tom Lowe gave the invocation which was followed by the pledge of allegiance. The Mayor called the meeting to order at approximately 6:10 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 Marshal Matt Anderson
City Attorney TJ Wohl
City Clerk Penny Delaney

Also in attendance was Jennifer Codo-Salisbury of Central Florida Regional Planning Council.

CONSENT AGENDA

Agenda Item 1 – City Council Minutes for April 2, 2015

Agenda Item 2 – City Council Minutes for May 5, 2015

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

ACTION ITEMS

Agenda Item 3 – Public Hearing - Request Second Reading of Ordinance 1003 Regarding Annexation

Councilmember Fink made a motion to have Ordinance 1003 read by title only and Deputy Mayor Frierson seconded the motion. No discussion followed and it was unanimously, 5/0, approved. The City Clerk then read Ordinance 1003 by title only. Jennifer Codo-Salisbury of Central Florida Regional Planning Council provided a brief overview of Ordinance 1003 which was an application for a voluntary annexation into the City of Arcadia. She advised the first public hearing was held on May 5, 2015 and this was the second public hearing for consideration. Councilmember Fink made a motion for final adoption of Ordinance 1003 as presented and Councilmember Coker seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

Agenda Item 4 – Public Hearing –Request Second 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 Ordinance 1004 read by title only and City Clerk did so. Jennifer Codo-Salisbury of Central Florida Regional Planning Council provided a brief overview of Ordinance 1004 which was a land use amendment which worked hand in hand with the annexation. She advised this amendment corrects the mapping within the City and it also assigns a land use which would be business. She further advised that it would recognize the existing type of use on the property. Ms. Codo-Salisbury advised that the amendment had been reviewed and it was consistent with the future land use element of the City's Comprehensive Plan. She stated that it was a public hearing in the event someone from the audience would like to speak. No one from the public spoke. Councilmember Coker made a motion to approve Ordinance 1004 as read with a minor change to paragraph one (1) to reflect the City of Arcadia in the place of the Town of Dundee and Councilmember Fink seconded the motion with corrections. No discussion followed and it was unanimously, 5/0, approved.

Agenda Item 5 – Request Second 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 to have Ordinance 1005 read by title only and Councilmember Coker seconded the motion. No discussion followed and it was unanimously, 5/0, approved. The City Clerk then read Ordinance 1005 by title only. Jennifer Codo-Salisbury of Central Florida Regional Planning Council provided a brief overview of Ordinance 1005 which brought forward the property which was referenced in Agenda Item 4, and it assigns zoning in addition to land use. She advised the proposed zoning was commercial or B-3 zoning. Ms. Codo-Salisbury further advised that the amendment had been reviewed and it was consistent with the Comprehensive Plan and the Land Development Code. She stated again that this was also a public hearing in the event someone would like to speak to it. Councilmember Fink made a motion to approve Ordinance 1005 as presented and Councilmember Coker seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

Agenda Item 6 – Resolution 2015-03 – Request to Waive Required Minimum Development Standards for Roadway Pavement Widths

Jennifer Codo-Salisbury of Central Florida Regional Planning Council addressed an applicant initiated request for a waiver to the street width requirements of the City. She advised the subject property was 15th Street located between Cypress Street and Hickory Street. Ms. Codo-Salisbury explained that the property was an unopened right-of-way and there is a proposal on both sides of the road to develop as a residential development. She advised that the development proposal was consistent with the zoning of the City. She explained that the request was to waive the pavement widths on N. 15th Avenue. Ms. Codo-Salisbury went into detail as to what is required by land development and what is being requested. She advised that stormwater treatment would be provided as part of the project and from the stormwater perspective, it would remain consistent with the goals of the Land Development Code and she also advised that the applicant was present in the event there were any questions. After much discussion regarding the possibility of setting a precedent and a statement that each would be reviewed on their own merit and circumstances, Deputy Mayor Frierson made a motion to grant the request and Councilmember Fink seconded the motion. The City Clerk was instructed to read Resolution 2015-03 by title only and the City Clerk did so. No discussion followed and it was unanimously, 5/0, approved.

Agenda Item 7 – Request Regarding Certificate of Appropriateness at 1 N. Luther Avenue

The Interim City Administrator advised City Council that this was regarding a Certificate of Appropriateness for the demolition of a shed/carport and it was presented to the Historic Preservation Commission last week and they approved it and recommended for approval by the Council. She pointed out that the agenda listed the address as 1 N. Luther, but the actual address is 421 W. Effie where the carport is located. Councilmember Fink made a motion to grant permission to demolish the structure and Councilmember Coker seconded the motion. Deputy Mayor Frierson advised she would abstain from voting on the issue. No discussion followed and it was unanimously, 4/0, approved.

Agenda Item 8 – Request for Approval for the City of Arcadia to become a Certified Local Government

Carol Mahler of the Historic Preservation Commission advised that Arcadia Main Street initially brought this to the Historic Preservation Commission and asked them to consider doing this. She then explained that Mr. Zimny put together the application for the Arcadia Historic District and he is now in charge of the Certified Local Government and has encouraged Arcadia to become a Certified Local Government. Ms. Mahler presented a presentation to the City Council regarding the Certified Local Government program. Mayor Wertz-Strickland asked what the City had to do to become a Certified Local Government and Ms. Mahler advised that the application was in their packets and the application would need to be completed. She stated the Historic Preservation Ordinance would have to be revised to meet the requirements of the Certified Local Government and there would be additional staff work that would be involved to include recording, taking minutes of meetings, publicly announcing it and all those records would have to be sent to the State. The Interim City Administrator asked Ms. Mahler if she could share how it would help the commission with its day-to-day tasks regarding codes and

guidelines and Ms. Mahler explained in detail the benefits of such. Councilmember Fink asked the City Attorney if he could do it easily and Mr. Wohl stated that he thought so and further stated that if Council wanted to move forward with this, he could start working with Ms. Mahler and Mr. Zimny recommended sending a draft to him before presenting it to Council for approval. Councilmember Fink made a motion that the City Attorney, Mr. Zimny and Ms. Mahler get together and put together a workable ordinance for this for the protection of the community and Councilmember Turner seconded the motion. Bruce Neveau and Jackie Scogin of the Historic Preservation Commission spoke of the need for preservation of the historic buildings in the community. No discussion followed and it was unanimously, 5/0, approved.

Agenda Item 9 – Minimum Standards and Guidelines for Commercial Services

Councilmember Fink advised that it had been brought to his attention that when the Minimum Standards and Guidelines for the airport had been adopted, it created a monopoly by doing so. He advised that by creating a monopoly, they had put themselves at risk for being denied additional funds for FAA grants. Councilmember Fink stated that he had spoken with Armando Rivera with the FAA and was told that there was a specific problem. He provided copies of a portion of AAAC minutes and he also provided copies of a FAA document entitled Airport Sponsor and Airport User Rights and Responsibilities with a section entitled “The Prohibition Against Exclusive Rights” which addressed his reason for concern. Ms. Carsten advised of her conversation with Mr. Rivera and stated she had questions for the FAA and advised she had scheduled a meeting for next Wednesday to meet with the FAA in Orlando and asked Council for permission for the City Attorney and Mike Moon, the City’s consultant, of Hanson Professional Services, to attend the meeting as well. The City Council was in agreement to such. Gary Frierson of 820 W. Gibson Street, Arcadia, Florida, advised that there was no intention to create a monopoly and stated there is only one area at the airport that meets the criteria for a FBO. He stated the comments made in the cover letter regarding the intent to do something is inaccurate and the thirty (30) second verbatim is just thirty (30) second of many two (2) hour excess meetings and does not give an accurate picture of everything. Councilmember Fink made a motion to have the Interim City Administrator, Mr. Moon and the City Attorney go to Orlando to meet with the FAA and find out what we need to do to make sure the Minimum Standards are acceptable and do not create a monopoly and Councilmember Coker seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

Agenda Item 10 – Resolution 2015-04 – Amending Reasonable Rules and Policies for the City Council and for Comment by Requiring Submittal of a Speaker Card at City Council Meetings

The City Attorney advised this is an amendment to the decorum resolution to provide for speaker cards. He directed Council to look at Section C, Sub-Section One (1) which encompassed the change. He stated that all of this was mostly to help facilitate the City Clerk in the minutes and keeping a record of who the speakers were. Councilmember Coker made a motion to accept Resolution 2015-04 and Councilmember Fink seconded the motion. The City Clerk was instructed to read Resolution 2015-04 by title only and the City Clerk did so. No discussion followed and it was unanimously, 5/0, approved.

COMMENTS FROM DEPARTMENTS

Marshal Anderson stated that he was there to address any concerns that the City Council or the general public may have and there were none. He advised that the department had lost two (2) cars since November or December of 2014 and a donor who wished to remain anonymous had provided a check for Fifty Thousand and 00/100 Dollars (\$50,000.00) for two (2) squad cars. He further advised that over the last four (4) or five (5) years, this same donor had donated various pieces of equipment to the department. Marshal Anderson stated that the check had been turned over to the Finance Director. He expressed his appreciation of such a donation. Marshal Anderson also advised that they had also received a donation from Lee County to be used as a backup car and such a donation helps out tremendously. He stated that the DeSoto County Sheriff's Office is also in the process of looking at one (1) or two (2) vehicles if they have something that is good enough to be used as backup cars. He advised that the department is trying to find ways of (inaudible) without affecting the department's budget. Mayor Wertz-Strickland told him to thank their donor.

The City Attorney advised that he and the Interim City Administrator had had a conversation with the attorney handling previous City Administrator Dr. Miller's case. The attorney has advised that the insurance company would like to reach out to Dr. Miller and try to resolve the issue and Dr. Miller currently does not have an attorney. Mr. Wohl recommended 1) conditioning any agreement that they reach with Dr. Miller to come back to Council for approval as they did with Mr. Santana through a Shade Meeting and 2) include with any agreement they may reach, a requirement that they cannot require the City to pay anything other than the deductible on that amount. Councilmember Fink made a motion to follow the recommendations made by Mr. Wohl and Councilmember Coker seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

Mr. Wohl advised that he and the Marshal had discussed deterrent measures regarding the motor vehicle noise ordinance and he had sent a proposed ordinance that would add some penalties additional from just the monetary citation. He stated he and the Marshal had also discussed the issue of the County Attorney asking if the County can include in their ordinance that they can enforce their ordinance within the City limits. He advised that the Marshal felt that the more enforcement, the better. Councilmember Fink asked how the County's ordinance differs from the Polk County ordinance and Marshal Anderson advised that it was supposed to mirror off of it. Discussion led to the difference between the Polk County ordinance and the ordinance that was presented to DeSoto County. The Council had no issue with allowing them to include the City limits within their ordinance.

Mr. Wohl provided an update regarding Bridle Path. He advised that the Interim City Administrator, the Code Enforcement Officer and he had met with the three (3) property owners who had spoken at the last Council meeting. He believed one was satisfied with the outcome of the discussion but there were two (2) others that believe the City should do something about their wells. Ms. Carsten contacted the contractor and was advised that every well they ran into was a foot from the sewer main. Mr. Wohl stated he sent letters to the two (2) individuals to let them know what the contractor was saying and asked them to provide photos, surveys or drawings that

might indicate otherwise to be taken back to the contractor. He stated that he did tell them that if they were right, then either the City or the contractor may have to do something about it.

Mr. Wohl advised that he had spoken with the FAA about the Friends of the Arcadia Airport lease and the FAA disfavors anything with nominal rent. He stated they suggested making the rent approximately Five Hundred and 00/100 Dollars (\$500.00) a year because Friends only benefits and promotes the airport. He advised he spoke with George Chase and they discussed starting at maybe Two Hundred and 00/100 Dollars (\$200.00). Mr. Wohl stated they would write up a lease, unsigned, not approved by the City or Friends and send it to the FAA for their approval and if they give their blessing, then we can go ahead and adopt it. He advised that Mr. Chase had questioned why Friends had to pay for property insurance on a small pavilion and asked if it could be a concession in the lease that essentially whatever property insurance the City has would cover the pavilion. Councilmember Fink made a motion to approve the Two Hundred and 00/100 Dollars (\$200.00) lease and the City cover the insurance on any sort of pavilion that Friends put out there and Councilmember Coker seconded the motion. The City Attorney pointed out that they do have a million dollar liability policy that they will keep in place and that is a requirement of the lease. No discussion followed and it was unanimously, 5/0, approved.

Regarding the downtown improvements, the Interim City Administrator advised that they are very close to being done with all the intersections and the thermal painting of the parking spaces were completed yesterday. She advised the final walkthrough will be Friday. Councilmember Fink stated he wanted to give the Interim Administrator an atta girl because he believed this particular project had been done very well. He stated they were in her debt for the completion of this project. Ms. Carsten thanked Councilmember Fink.

Regarding Bridle Path, the Interim City Administrator advised the paving should begin at the end of this week. She stated the section in the back will have all new base and will be all newly paved and the roads that were dug up in the sections with the water and sewer will get new overlay all the way through. Once that is done, she advised there would be a delay. They will be doing Wilson, but about three (3) weeks later, they will do Glendora and Baldwin. Councilmember Fink stated that again, the Interim Administrator had done a wonderful job in this case and deserved an atta girl on this one too. He advised this project started three (3) administrators ago and felt this had gone beyond what a normal Interim Administrator does and felt they were in her debt. Ms. Carsten thanked Councilmember Fink again.

Ms. Carsten advised they would have the advertisement for the grant writer in the paper next week and asked how long they wanted to run the advertisement. She stated that once it ran, they would have a workshop as requested by the Council. It was decided to let it run for two (2) weeks and to see what they get.

Ms. Carsten advised a draft contract had been forwarded to the prospective new City Administrator for his review. She advised that the last three (3) administrators had been negotiated by the Mayor and the City Attorney and she requested that this be a consideration for this contract. Councilmember Fink made a motion to have the City Attorney and the Mayor to

be involved in the negotiations and Councilmember Coker seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

Ms. Carsten also provided an update regarding the airport and the negotiations with the FBO lease. She advised they had been in communication with the Berrys and they hopefully should have a lease to show to Council at the next meeting.

Deputy Mayor Frierson stated that she would like to recognize the staff for all the work they did in the search for the administrator. She advised there was a lot of time involved in it and staff, to include the police department, did a superb job with a lot of hours. She stated Thursday and Friday was fantastic and that it went like clockwork. She said no one could have done it better and stated she was so proud of the City for that and stated they did well for the City.

PUBLIC

Dennis Tyson of 640 W. Whidden Street, Arcadia, Florida stated that he thought Ms. Carsten had done a wonderful job with downtown and thanked her for all she had done. He stated he was concerned about regulating and protecting the work that had been done because of the semi trucks and large trucks driving down Oak Street. He asked if there was an ordinance to stop them and the Marshal advised that an ordinance was in place for residential, but with an exception for delivery trucks. Mayor Wertz-Strickland suggested speaking with the business owners. Jackie Scogin of 17 S. Hillsborough, Arcadia, Florida expressed her appreciation of Ms. Carsten for the wonderful job she had done with finance and administration. She also stated that it was fantastic how the interviews and meet and greet were handled last week.

Rickey Hilton of 2807 NW Haile Dean Road, Arcadia, Florida and Beverly Berry of 446 Hendricks Field Way, Hangar C4, Sebring, Florida, stated they would like to attend the meeting with the FAA. Mr. Moon advised that with his experience with the FAA, if they turned it into a public meeting, they would lose all the ground in the world and it will shut down the process. The City Attorney advised there was nothing to stop anyone from having their own meeting with the FAA. After much discussion, it was decided that only Ms. Carsten, Mr. Moon and Mr. Wohl would attend the meeting.

MAYOR AND COUNCIL REPORTS

Councilmember Fink stated Karen Whaley was present and asked Council to petition her directly to go to Representative Albritton to make sure the grant for City Hall was top priority. Ms. Whaley of Representative Albritton's Office, 115 N. Central Avenue, Bartow, Florida, stated that Ms. Carsten had already sent an e-mail to that effect and it had already been sent to Representative Albritton and to his legislative aide. She advised that she would make sure that he gets whatever anyone would like to send. Councilmember Fink asked the Mayor if it would be in Council's interest to talk to people who are in charge of appropriations as well and send e-mails to the Speaker as well so that they know Council's concerns as well. Ms. Whaley stated that they were more than welcome to reach out to them.

Councilmember Fink brought up the issue of the old fire truck. He advised the City of Venice has one similar, but not as old and the person in charge of it has talked with Tim Backer. He felt it would be a wonderful parade addition. He suggested having Mr. Backer come and explain what he had found out from the City of Venice and suggested it as a possible agenda item in the future. It was a consensus by all.

Councilmember Coker advised that she was the Council Representative for the drug free youth organization. She further advised the organization goes into our schools and have agreements with our students that they won't use drugs or alcohol and they keep them honest by having periodic drug testing for them. She stated they had their first annual talent contest last Friday night and she was a judge. She wanted to share that the talent of our children in this town is wonderful and encouraged everyone to support events such as this in our community.

Councilmember Coker also commented that she felt Ms. Carsten and the staff did a great job with the interviews, tours, etc. last week. She made a motion that the check warrants be printed for a period of three (3) months for the new Council members to review them and know where the City's money is being spent. She stated they could get familiar with them and at a later time make another motion to take them off again and Councilmember Fink seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

The Interim City Administrator advised that Councilmember Coker was the key note speaker at the Memorial Day ceremony which would be at 11:00 a.m. at the courthouse.

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 8:02 P.M.

ADOPTED THIS 3rd DAY OF June, 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 19, 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 Certificate of Appropriateness regarding property located at 421 W. Effie Street due to her and her husband, Gary Frierson, owning said property.

5-19-15
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.