

**AGENDA MINUTES
CITY COUNCIL
CITY OF ARCADIA
TUESDAY, JUNE 6, 2017
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

Deputy Mayor Simons 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 Jaccarie D. Simons
Councilmember S. Delshay Turner

Councilmember Susan Coker
Councilmember Robert W. Heine, Jr.

Arcadia City Staff

City Administrator Terry Stewart
City Clerk Penny Delaney
City Attorney T.J. Wohl

Shelley Peacock – Airport and Projects Manger
Utilities Director A.J. Berndt
Marshal Matthew Anderson

PRESENTATIONS

Agenda Item 1 – City Assistance Provided to County

County Administrator Mandy Hines thanked the City of Arcadia and City Administrator Stewart for the assistance of providing equipment to remove hay that had caught on fire on back of a truck on State Road 70 and Highway 31 on March 31, 2017, along with clearing the roadway regarding such. She also expressed her appreciation for the interaction with the City Administrator and the City Council. City Administrator Stewart expressed his pleasure with working with County Administrator Hines and the County Administration.

Walk-On Agenda Item –Presentation by Jodie S. DeLoach Regarding Tobacco Use

Mayor Wertz-Strickland advised of a change in the agenda to allow Jodie S. DeLoach to present a power point regarding tobacco use. This presentation was in conjunction with Agenda Item 14 which would be moved to the first action time and voted on. At this time Ms. DeLoach presented her power point presentation. A copy of the power point is on file in the City Clerk's office.

Agenda Item 2 –Presentation by Eagle Vistas – the Economic Impact of Eagle Vistas in DeSoto County and Arcadia Municipal Airport

Beverly Berry of Eagle Vistas presented a power point regarding the economic impact of Eagle Vistas in DeSoto County and the Arcadia Municipal Airport. She invited the City Council and members of the public to visit the airport and see how things are prospering there. After the presentation, Mayor Wertz-Strickland and various Council Member, expressed their concerns regarding the following: a May 25th newspaper article which spoke of all that Eagle Vista had done at the airport, but made no mention of what the City had done; the amount of One Million and 00/100 Dollars (\$1,000,000.00) brought in and where the figure was obtained; the City's fuel sales being higher than any surrounding airports; Mr. Berry's attitude in dealing with staff; and the pilot training school being in the terminal building versus the original proposal of it being in the Butler Building. City Administrator Stewart stated he had provided the Council with a list of twenty (20) items where there had been conflict with the FBO in the past two (2) years which began almost immediately. Mr. Stewart advised a profile began of asking for forgiveness and not permission, but he pointed out that every item on the list wound up being approved by the City. City Administrator Stewart provided examples of Mr. Berry's behavior on a few occasions and stated that he did not want to continue with a relationship like that for another three (3) years.

Mrs. Berry stated Eagle Vistas had submitted a formal request in January to exercise their option for an extension; it was not a renewal of the contract, but an option to exercise. City Attorney Wohl advised that a person is always obligated to the terms and conditions of a lease and requirements and issues that would cause a default in a lease. Mrs. Berry stated that to this day, she had received no notice of default. Mr. Wohl agreed and stated that was his point. He advised that from day one (1), Mr. Stewart and Mrs. Peacock had bent over backwards to work with Eagle Vistas and he could not think of one (1) situation where Mr. Stewart or Mrs. Peacock had indicated they were not going to approve anything. He stated Mrs. Berry was correct regarding their ability to exercise their right to option for the next three (3) years, but they will be bound by the default terms. City Administrator Stewart advised that he did not think he had a choice but to issue a default notice the next time it happens. After much more discussion, Mayor Wertz-Strickland referenced the time spent on this particular item and she called time on same.

CONSENT AGENDA

Agenda Item 3 – City Council Regular Meeting Minutes for May 16, 2017

Agenda Item 4 – Special Event Permit – Annual Veterans Day Ceremony – Board of County Commissioners

Agenda Item 5 – Special Event Permit – Special Olympics of DeSoto County Games and Golf Event

Deputy Mayor Simons made a motion to approve Consent Agenda Items 3, 4 and 5 and Councilmember Coker seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

ACTION ITEMS**Agenda Item 14 – Resolution 2017-14 – Establishment of Tobacco Free Zones at City Parks and Recreation Facilities**

City Attorney Wohl explained that Ms. DeLoach had approached the Mayor regarding creating tobacco free zones at City parks and recreation facilities. He advised that the specific language in the resolution discourages smoking in the smoke free zones, but it cannot be enforced because Florida Statutes preempt it. He advised Ms. DeLoach will be providing signs and the City Administrator and the Parks and Recreation Department will work on getting them installed in areas. Councilmember Coker made a motion to approve Resolution Number 2017-14 and Councilmember Heine seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

Agenda Item 6 – The Smith-Brown Community Foundation Request for Funding

Ashley Coone of the Smith-Brown Community Foundation advised the City had been a wonderful partner in the project regarding the lease and its support. She provided an update and advised the derby fundraiser raised approximately Thirty Thousand and 00/100 Dollars (\$30,000.00) and she further advised that they had been approved for One Hundred Thousand and 00/100 Dollars (\$100,000.00) for phase one (1) in the State of Florida Budget. She advised the foundation had raised approximately Two Hundred Thousand and 00/100 Dollars (\$200,000.00) and had spent approximately Thirty Thousand and 00/100 Dollars (\$30,000.00) for architectural and engineering drawings to help determine the cost of the project. After providing more information regarding the project, Ms. Coone requested Twenty-Five Thousand and 00/100 Dollars (\$25,000.00) to go towards phase one. At this time, Richard Bowers spoke and stated that if the Council would endorse the request, he would donate two (2) hours a day to help the project be a success. Councilmember Coker asked about financials and Ms. Coone advised she had a copy of the financials and would leave it with the Council. After further discussion, Mayor Wertz-Strickland stated she wondered if it would not work out better if it was a joint effort between the Board of County Commissioners (BOCC) and the School Board.

City Administrator Stewart advised that the City Council had recently authorized a contract with a Grant Writer and he would peruse what may benefit Smith Brown and since they are in partnership with the City, he stated it would be appropriate for the grant writers to assist in helping them write a grant if Council approves. He then advised that he would have his assistant contact Ms. Coone to schedule a meeting to discuss such. Regarding the request for funding, Mr. Stewart informed Council that the City had received its preliminary valuation assessment from the County Property Appraiser on June 1, 2017. He advised it was a little better than last year and he would assess how it would affect the City and report to Council so they will better know what they think they can or cannot do as they move through their first workshop.

Agenda Item 7 – JPA Agreement for T-Hangar Taxilane Design Project, Contract No. G0L78, Financial Project No. 441369-1-94-01

Airport and Project Manager Peacock informed Council this was a JPA Agreement from Florida Department of Transportation (FDOT) and in the past Council had approved JPA Agreements for the turf runway drainage project and the tractor. She advised this was for the T-Hangar Taxilane Project and she had asked FDOT if they would apply ten percent (10%) to the City with the remaining balance of the entitlement funds to go toward the construction. Councilmember Coker made a motion to approve the Joint Participation Agreement from FDOT accepting the grant amount of Eighteen Thousand Nine Hundred Fifty-Seven and 00/100 Dollars (\$18,957.00) and Councilmember Turner seconded the motion. Councilmember Coker amended her motion by making a motion to approve Resolution 2017-15 and Councilmember Turner seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

Agenda Item 8 – Revised T-Hangar Taxilane Project

Airport and Project Manager Peacock reminded Council that back in April she had brought to them a proposal of the contract from Hanson Professional Services for the design of this project which was One Hundred Eighty-Nine Thousand Five Hundred Seventy-Two and 00/100 Dollars (\$189,572.00). She advised that since then, Hanson Professional Services had been able to lower the amount to One Hundred Fifteen Thousand and Seven Hundred Twelve and 00/100 Dollars (\$115,712.00). Mrs. Peacock stated that although Council had already approved it, she wanted to inform them of the change. City Administrator Stewart stated that the City appreciated Hanson Professional Services working to make it happen. Councilmember Heine made a motion to approve the revised Pre-Application for request to use One Hundred Fifty Thousand and 00/100 Dollars (\$150,000.00) of FAA Entitlement Funds for the Design T-Hangar Taxilane Rehabilitation of One Hundred Fifteen Thousand Seven Hundred Twelve and 00/100 Dollars (\$115,712.00) instead of One Hundred Eighty-Nine Thousand Five Hundred Seventy-Two and 00/100 Dollars (\$189,572.00). Funds left over from will be applied to the construction of the project. Councilmember Coker seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

Agenda Item 9 – Updating Airport Master Plan and Airport Layout Plan for Future Business Opportunities

Airport and Project Manager Peacock stated they were wanting to add two (2) twelve thousand (12,000) square foot buildings at the airport along Airport Road, the west quadrant. In order to do so, she advised that FAA had required that the City update the Airport Master Plan. City Administrator Stewart advised that the City had received a grant from the Southwest Florida Water Management District (SWFWMD) to do a looping project which is being managed by Utilities Director Berndt. He further advised he had met with the City Engineer in order to accomplish getting more water supplied to the airport and the project will run along the west side of the road from the airport. After further discussion, Councilmember Coker made a motion to approve the updated changes for the Airport Master Plan and Airport Layout Plan and direct the City staff to forward the updated changes to the FAA for their approval and Deputy Mayor Simons seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

Agenda Item 10 - Ordinance 1022 – Emergency Repair for Waste Water Plant Influent Station

Utilities Director Berndt explained he was asking for emergency repairs for the influent station at the waste water plant due to a pump that has a problem with its base. He further explained in order to do so; the influent station had to be by-passed which is costly. He then explained what had led up to the emergency repair. Utilities Director Berndt stated the company they purchased the pumps from was going to repair all five (5) pump bases which will basically be a brand new influent station and they are willing to pay their share of the cleaning and the replacement of the pump. Mr. Stewart explained that the contractor had put the wrong sized quality of sand in which clogged the pump. He stated he had authorized Utilities Director Berndt to do this on an emergency basis and they were not only asking Council to authorize the work but to approve his decision that it be done on an emergency basis. He explained the recommended motion had been modified because of additional repairs in the amount of Seventeen Thousand Seven Hundred Ninety-Five and 20/100 Dollars (\$17,795.20). After further discussion, Councilmember Coker made a motion to approve an emergency repair of the Waste Water Plant Influent Station in the amount of Sixty-Three Thousand Nine Hundred Ninety-One and 55/100 Dollars (\$63,991.55) and to authorize the transfer of funds from the water plant account 41533-60620 to the waste water account 41535-60640 to cover the cost of this repair and Councilmember Heine seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

Agenda Item 11 – Budget Transfer

Utilities Director Berndt requested a budget transfer for chemicals at the water treatment plant. He advised the drought has taken a toll on the City's wells causing air to be sucked in resulting in the aquifer being way down which pulls dirty water into the plant. He stated the plant cleans it perfectly well, but it takes more for staff to clean the vessels which results in more expense for the salt. Deputy Mayor Simons made a motion to approve a budget transfer in the amount of Forty Thousand and 00/100 Dollars (\$40,000.00) from the Water and Sewer Reserve Account (41577-30558) to the Water Treatment Plant Chemical Account (41533-30523) and Councilmember Coker seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

Agenda Item 12 – Ordinance 1024 – Temporary Moratorium Regarding Wireless Communication Towers or Facilities – Second and Final Reading

Deputy Mayor Simons made a motion to read Ordinance Number 1024 by title only and Councilmember Coker seconded the motion. No discussion followed and it was unanimously, 5/0, approved. At this time, the City Clerk read Ordinance Number 1024 by title only. Councilmember Heine made a motion to approve Ordinance Number 1024 establishing a temporary moratorium on the acceptance, processing or approval of any wireless communication towers or facilities in the City's rights-of-way on second and final reading and Councilmember Coker seconded the motion. At this time, the City Clerk took a roll call vote and the results were as follows: Councilmember Turner voted in the affirmative, Deputy Mayor Simons voted in the

affirmative, Mayor Wertz-Strickland voted in the affirmative, Councilmember Coker voted in the affirmative and Councilmember Heine voted in the affirmative. No discussion followed and it was unanimously, 5/0, approved.

Agenda Item 13 – Ordinance 1025 – Establishing Procedures for the Declaration of a State of Local Emergency – First Reading

City Administrator Stewart advised there had been concerns about what would be done if there was an impending or immediate emergency and the Council could not be brought together. He then explained the ordinance that had been prepared by the City Attorney and encouraged Council to approve it. Deputy Mayor Simons made a motion to read Ordinance Number 1025 by title only and Councilmember Heine seconded the motion. No discussion followed and it was unanimously, 5/0, approved. At this time, the City Clerk read Ordinance Number 1025 by title only. Councilmember Coker made a motion to approve Ordinance Number 1025 on first reading and Councilmember Heine seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

COMMENTS FROM DEPARTMENTS

Marshal Anderson advised he was there to address any concerns the City Council or the general public may have and there were none. He took an opportunity to advise his youngest son had participated in the FGCU Tournament and the Eagles won their first Conference Tournament which gave them the opportunity to play in the first regional college bowl series. He stated they ended with a 1-2 in the national showcase regional tournament. He thanked Council for providing him the opportunity to share such.

City Attorney Wohl advised that following the medical marijuana workshop wherein they discussed whether Council wanted to retain the firm that presented the workshop to draft the medical marijuana ordinance and he stated that he could not get the firm to agree to an amount. He advised the other option would be Central Florida Regional Planning Council (CFRPC) and himself working together to draft an ordinance. He advised this would require it to go to Planning and Zoning for a public hearing and then to Council for two (2) readings with the second being a public hearing. After further discussion, it was the general consensus of the Council to do so.

City Attorney Wohl then advised that the City Council had a 5:00 p.m. shade meeting earlier that day regarding the Catherine Miller issue and as is known, the insurance company had settled her claim contingent on City Council's approval for One Hundred Fifteen Thousand and 00/100 Dollars (\$115,000.00) which requires the City to pay a Twenty-Five Hundred and 00/100 Dollar (\$2500.00) deductible. Based on the discussion at the shade meeting, he asked for a motion to authorize the insurance company to finalize that settlement in the amount of One Hundred Fifteen Thousand and 00/100 Dollars (\$115,000.00). Councilmember Coker made a motion to finalize the settlement of One Hundred Fifteen Thousand and 00/100 Dollars (\$115,000.00) in the Cathy Miller case and Deputy Mayor Simons seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

City Attorney Wohl then referenced a Supreme Court case that had come out not too long ago in the town of Gilbert, Arizona regarding a sign ordinance. He explained it by stating that currently it is unlawful for a local government to regulate signs in the manner of essentially that if you have to read what the sign says to determine how you regulate it, then the ordinance is improper. City Administrator Stewart stated content could not be regulated, but size, location, height, etc. could be regulated. City Attorney Wohl stated that when the City did its land development regulation overhaul in 2014, the sign provision in the Code is the only thing that was not touched. He stated he thought it was probably time to look into updating it at least to avoid a lawsuit if someone wants to challenge it. He asked for Council's approval to start working with Central Florida Regional Planning Council on updating the sign code and it was the Council's general consensus to do so.

City Administrator Stewart had no City business to report.

PUBLIC

Alton Christ, a City resident, addressed the issue of traffic and signage on Rio Vista Road. He advised trucks and trailers with cows travel the road, along with dump trucks and school buses and he referenced the two (2) ton limit on City streets. City Administrator Stewart advised he had spoken with Mr. Christ about the condition of the streets and the current process of how such is being handled. Regarding the types of vehicles that can travel the streets, he advised he will leave such up to the City Marshal, but he will ask the Public Works Director to speak with him regarding the roads. Mr. Christ addressed the storm drains that are filled with sand and wondered why it was not being addressed. Mr. Stewart advised he can appreciate his frustration and will speak with the Public Works Director regarding such.

MAYOR AND COUNCIL REPORTS

Neither Mayor Wertz-Strickland nor Council had any City business to report.

ADJOURN

Deputy Mayor Simons made a motion to adjourn and Councilmember Coker 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 8:20 P.M.

ADOPTED THIS 20th DAY OF June, 2017.

By:

Judy Wertz Strickland
Judy Wertz-Strickland, Mayor

ATTEST:

Penny Delaney
Penny Delaney, City Clerk

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