

**AGENDA MINUTES
CITY COUNCIL
CITY OF ARCADIA
TUESDAY, JULY 15, 2014
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.

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

The Mayor called the meeting to order at approximately 6:00 p.m. with the following members and staff present:

Arcadia City Council

Mayor Alice Frierson

Deputy Mayor Joseph E. Fink

Councilmember Keith Keene

Councilmember Robert W. Heine

Councilmember Robert R. Allen was not present at the beginning of the meeting, but arrived at approximately 6:15 p.m...

Arcadia City Staff

City Administrator Tom Slaughter

City Attorney Thomas J. Wohl

Deputy City Clerk Dena Duran

City Planner Carl McQuay

Marshal Matthew Anderson

William Bailey, Sr. gave the invocation, which was followed by the Pledge of Allegiance and roll call.

PRESENTATION

Agenda Item 1 – Code Enforcement and Political Signage

Carl McQuay, the Code Enforcement Officer, gave a presentation regarding political signs for those candidates who are running for election. This presentation addressed regulatory control of signage, purpose of signage controls, permissibility of political signage, standards for political signage, prohibition of political signage and other political signage requirements. He advised that if a sign is just a little bit out of place, he usually just removes them from the right-of-way and places them in the property where they belong. If they are grossly out of place, he collects them, calls the candidates, and has them come pick up the signs. Someone from the public asked how long a candidate has to remove the signs after the election and Mr. McQuay advised that the candidate has seventy-two (72) hours to remove the signs. Mr. McQuay asked if there were any questions from the public or council and no one responded.

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CONSENT AGENDA**Agenda Item 2 – City Council Minutes for July 1, 2014****Agenda Item 3 – Request for Special Event Permit – Arcadia Car Show**

Councilmember Heine made a motion to approve the Consent Agenda and Councilmember Keene seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

ACTION ITEMS**Agenda Item 4 – RCMA – Redlands Christian Migrant Association**

Mr. McQuay advised that RCMA had a lease with the City of Arcadia ten (10) years ago. He stated that no one came forward when the lease expired and according to the lease, it automatically renews. Mayor Frierson asked if there were any financial penalties and Mr. McQuay advised that there were not. Mr. McQuay advised that issues regarding maintenance of the property have arisen since and after reviewing the contract with the City Attorney, it states RCMA is responsible for the existing maintenance of the property when they received it. Gloria Kendricks of 1537 SW Harlem Circle, Arcadia, Florida, spoke from the public stating she was the area coordinator for the RCMA and was preparing to retire. Upon reviewing the lease agreement, she realized it had expired in June of 2013. She advised that they have maintained the upkeep of the building for over thirty (30) years. She further advised that they take care of 150 children for low income families through Early Headstart, Headstart and VPK and that RCMA pays for the utilities on the old building also.

Mr. McQuay advised that there has been a request for the City to repair or rebuild the bridge and asked who was responsible for that. Ms. Kendricks advised that the bridge was rundown and RCMA didn't have a use for it nor did anyone use it. Mayor Frierson instructed Mr. McQuay to get with Mr. Underwood to determine what it would entail to remove the bridge, what the cost would be, and to bring said information back to Council. The City Attorney advised that the lease provides that RCMA is responsible for the maintenance cost of it. Councilmember Heine made a motion to direct RCMA to remove the bridge and Councilmember Keene seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

**Agenda Item 5 – Ordinance 998 – Ordinance Amending City Election Code –
Second Reading**

Mayor Frierson advised this would be the second reading of Ordinance 998 and asked the Deputy Clerk to read Ordinance 998 by title only and the Deputy Clerk did so. Councilmember Heine made a motion to approve and Deputy Mayor Fink seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

Agenda Item 6 – Ordinance 999 – Police Officers’ and Firefighters’ Retirement System – Second Reading

Mayor Frierson advised this would be the second reading of Ordinance 999 and asked the Deputy Clerk to read Ordinance 999 by title only and the Deputy Clerk did so. Councilmember Heine made a motion to approve and Councilmember Allen seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

Agenda Item 7 – Resolution 2014-07 – Property Maintenance Standards Review Committee

The City Attorney advised that at the last meeting, Council directed him to draft a resolution creating a property maintenance standards review committee of citizens to review the Code of Ordinances and come up with some recommendations for property maintenance standards to be implemented under Code Enforcement. He stated this is essentially the first draft of that resolution provided the balance of the resolution meets with Council’s approval. He further stated the lone decision before adopting it would be to address the deadline stated in Section 5 for the committee to submit its recommendations to Council if Council wants to provide a deadline at this time. He pointed out that the committee is to be comprised of at least three (3) and no more than seven (7) members appointed by Council. He stated that the only qualification is that they be registered voters in the County and that the committee would operate very similar to what Council may recall of the Charter Review Committee and some of the other citizen advisory boards and committees that the City has had. Essentially their job would be to review the Code and come up with additional sections of the Code, repeal any old antiquated Code provisions and to address that the property maintenance standards that have been a concern of the citizens and Council. Mayor Frierson asked if they wanted to set a number for the committee. The City Attorney recommended that if Council implemented the resolution, they could then request applications to be submitted and they could accept between three (3) and seven (7) members. He then restated that Council would need to determine when they would want the committee to submit their recommendations. Deputy Mayor Fink proposed that due to the nature of the committee that it would be best to wait until the first of the year to allow sufficient time for the Code to be reviewed. It was the common consensus of the Council to leave the time frame open ended. Councilmember Keene made a motion to approve the resolution subject to the change and Councilmember Heine seconded the motion. The City Attorney advised that the City Clerk should advertise positions on the committee are available and applications should be submitted. Mayor Frierson pointed out that applicants did not need to be City residents, but registered voters of the County. The City Attorney recommended that he bring the finalized resolution back to Council at the next meeting. The City Administrator suggested that it be advertised on the City’s information board on the website and then take out a couple of display advertisements through the newspaper and maybe through the Shopper. He asked if Council wanted to provide a window of possibly a month to accept applications and advised that staff would provide staff support to the effort. Mayor Frierson asked if they wanted to have a representative from the Council to sit in on it or not. Reference was made that Councilmember Keene had done so. The City Attorney advised that it would be a Sunshine

Committee anyway, so anyone could attend. Councilmember Keene stated that he would be there.

Charles Cravin of 15 West Oak Street, Arcadia, Florida, stated that he would hope they would find someone from the downtown area and not just the outlying areas for the committee. Mayor Frierson agreed that she would like for there to be representation from different sections of the County.

Agenda Item 8 – Fire and Stormwater Assessments Update

The City Attorney advised that the Ordinances are not on the agenda for second readings. He stated the notice of intent that was entered by Council back in October required the City Clerk to mail it to the Department of Revenue, the Property Appraiser and the Tax Collector which is required by statute. It was discovered last week that the resolution was never mailed to those entities. It was supposed to have been done by January 10th or if the Property Appraiser and Tax Collector agreed, they could accept it by March 10th. He advised they worked with the City with getting it in late, but unfortunately it became a software issue of trying to get it implemented by September 15th which is when the City needs to get everything over to the Tax Collector. He advised that they would have to wait for the assessments for this year, but they still have plans to move forward with the current \$77.00 rate which has been since 2005, but the City won't be able to do stormwater this year.

Agenda Item 9 – Removal of Gary Frierson from the Arcadia Airport Advisory Board; Possible Dissolution of the AAAB

Deputy Mayor Fink advised that all Council had received an e-mail from the City Administrator that dealt with an e-mail sent to Mr. Frierson and then where he forwarded that e-mail and another e-mail to former Administrator Jankosky. Deputy Mayor Fink then proceeded in reading the e-mails aloud. He stated the Airport Advisory Committee reports directly to the Administrator and then the Administrator reports to Council. He further stated that he does not see how someone who wants to undermine the Administrator can advise someone in an honest and fair manner. He suggested that unless Mr. Frierson can explain it, he would move that Mr. Frierson be removed from the AAAB.

Gary Frierson of 1 North Luther Avenue, Arcadia, Florida, stated that if the documents allow the stand to become an official policy, he felt he had to refute everything that is strictly political charges and allegations made by Mr. Fink so that his response is in the minutes and can be used to defend him in the future. He advised that he has a prepared response, but asked that Mr. Fink's document be removed from the agenda so that he can destroy his response. Mr. Frierson stated that he sent that e-mail, but he did not send it to Judi Jankosky and he stated that is what the Administrator has said. He said the e-mail in question was forwarded to him by the current City Administrator and pointed out that Mr. Slaughter's first sentence says, "This e-mail was sent to the City's server." Mr. Frierson stated it has Ms. Jankosky's name, but if it went to her, how did it get on the City's server. It went to the dead letter office on the City's server. He stated that Deputy Mayor Fink's comments were political and an attempt to destroy Mr.

Frierson's reputation. Deputy Mayor Fink asked Mr. Frierson if he didn't author the e-mail with the intent to go to Ms. Jankosky. Mr. Frierson stated that he authored it, but it was sent to the dead letter office of the City. Deputy Mayor Fink asked why he would send it to the dead letter bin where it would become a public record. Mr. Frierson again asked the Council to remove Mr. Fink's letter and comments from the agenda so it does not become official record.

Comments were made from the public including Charles Cravin of 15 West Oak Street, Arcadia, Florida, regarding resignation of Deputy Mayor Fink. Charles Conklin of 301 Bridle Path, Arcadia, Florida, who stated that he felt the e-mail should be kept public. George Chase of 2692 NE Highway 70, Arcadia, Florida, encouraged the Council to eliminate the committee and have the Administrator establish his own group of trusted experts that would not be impaired by the Sunshine Law.

Councilmember Keene stated he would like for it to stay in because if they got to the crux of the matter, the City Administrator was not able to share with the Chamber breakfast what was going on at McSwain Park and he felt it was reflective of other issues with the City Administrator. Mr. Frierson stated that he wanted the slanderous and political letter removed and that the e-mail was fine.

Councilmember Heine stated that if they deactivated the AAB it would solve the whole problem and he further stated that it was not meant as disrespect to Mr. Frierson. Mr. Frierson responded by pointing out the committee provides a valuable service and stated reasons to support the statement. He asked Council to reject Deputy Mayor Fink's request to deactivate the Airport Advisory Committee because it does provide a public forum with noticed meetings open to everyone.

Other public comments included Janie Watson of 803 W. Imogene, Arcadia, Florida, who stated that it's extremely hard to get volunteers and felt it would be a bad move to shift the responsibility for the committee to the City Administrator. George Chase pointed out that the master plan process requires public meetings for comments and input from stakeholders involved. He stated this will still take place even without the committee. Mr. Frierson stated that Mr. Chase's comments are true, but there would be no part of being in the process to create what would be done.

Councilmember Keene made a motion to keep the Arcadia Airport Advisory Board as is. There was no second to the motion. Charles Conklin spoke from the public and stated that he felt Mr. Frierson had been doing a fantastic job at the airport and he felt people need to remain involved. Deputy Mayor Fink pointed out that there was a motion on the floor that had not been seconded and asked if they were going to deal with it. The City Attorney commented that the board is a sunshine committee that was created so public could comment on what is transpiring at the airport. If it is eliminated, the public comment is severely diminished, but in addition, by leaving the board intact, there is nothing that diminishes the Administrator's ability to have private meetings, but it would not be sunshine meetings. Deputy Mayor Fink made a motion to deactivate the Arcadia Airport Advisory Board. Councilmember Heine seconded the motion.

Greg Smith of 5750 SW Hull Avenue, Arcadia, Florida, spoke from the public and advised that he is one of the members of the Airport Advisory Board. He stated that he had spoke with Mr. Slaughter who had advised that he wanted the board put back to what it originally was where the board answered to Council, not to him. He expressed his agreement with such. Councilmember Heine advised that he wished to rescind his second if the Council would go back to where the board would report to Council. He stated that everyone has to work together.

William Bailey of 422 E. Magnolia Street, Arcadia, Florida, spoke from the public and stated that he was not speaking as a candidate for City Council, but as a citizen of Arcadia. He stated that if anybody felt they should limit the citizens' right to have input on things, they are severely mistaken.

The City Attorney pointed out that the lease with the fixed base operator is expiring in April of next year and it will be a substantial issue that the airport will need to address, whether it's the Council or whoever will be looking into it.

Councilmember Heine stated that rescinding his second, he would like to make a motion that they go back to the original resolution that the committee reports to the Council. The City Attorney recommended rescinding last year's resolution where it got changed to reporting to the Administrator. He stated that all that would have to be done would be to repeal Resolution 2013-08 so you can go back to the original manner in which the Airport Advisory Board reported. Councilmember Keene asked if the original has a requirement in it for the advisory board to report to the City Council with any frequency and what is that frequency. The City Attorney stated that it did not.

The City Administrator stated that the only person he spoke to regarding this was the Mayor and he told her that advisory boards are political and as a result, staff does not get involved in suggesting who is on it or what. He suggested that since the advisory board will be meeting, to let them take a look at it and make a recommendation to Council. He pointed out the FBO, the Master Plan, and even the Minimum Standards and Guidelines are three (3) major issues that it is important to have a public input process. The City Attorney felt the Administrator made a fine point by having the board review the resolution with the inclusion that they report to the Council, but also clean up any other issues or make any other recommendations. Councilmember Keene made a motion that Council direct the Airport Advisory Board to do just that. Councilmember Heine seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

Deputy Mayor Fink commented that he was not satisfied with Mr. Frierson's explanation regarding the first issue because he did not believe that Mr. Frierson meant to not send that to Ms. Jankosky. He found that asking her assistance in getting "a crew" together to discredit the Administrator on Facebook to be reprehensible and that's the only explanation there is for that. He moved to remove Gary Frierson from the Airport Advisory Board because of that. No one seconded the motion. Mayor Frierson stated that she felt it dies because of a lack of a second.

COMMENTS FROM DEPARTMENTS

10. CITY MARSHAL

Lieutenant Joens addressed Council to advise that citations had been up with the department and the computer system is now in place and in the vehicles. Since the impound ordinance was passed approximately three (3) months ago, he advised that it had brought in \$1260.00. He asked if the money could be used for training and ammunition. Councilmember Heine made a motion for the funds to be used for training purposes and Councilmember Keene seconded the motion.

Joe Pursell of 714 E. Maple Street, Arcadia, Florida, advised he has Abel Wrecker Service in town and by towing vehicles to the police impound lot, it will greatly affect his business and he proceeded in giving examples of such. He stated that if the vehicles going to the impound will generate money to the City's general budget, he won't have a problem with it because he wants the City to grow. Deputy Mayor Fink asked the Finance Director if the money is being directly sent to her and deposited into the City fund. The Finance Director responded that it is. Deputy Mayor Fink responded that he could not vote for the motion. He stated that he City is approaching a budget year and he couldn't vote to take the money from the general fund with all the shortfalls of the City and give it to the police department. Councilmember Keene pointed out that there was a motion and a second and called for the question. No discussion followed and it was approved 4/1 with Deputy Mayor Fink casting the dissenting vote.

Deputy Mayor Fink asked for clarification on Councilmember Heine's motion and wanted to reaffirm that the funds were to be spent for education. Councilmember Heine confirmed that it was to be spent on education. Deputy Mayor Fink stated that it did not include bullets. Lieutenant Joens stated that he had requested for the funds to be used for purchase of ammunition as well as training. He stated that training and ammunition go hand in hand. Councilmember Heine stated that officers have to go to the range and asked how often they had to go. Lieutenant Joens responded that the department is down to once a year. He then asked the Council if they had an issue with him purchasing bullets and Councilmember Heine responded that he did not and no one else responded.

11. CITY ATTORNEY

The City Attorney advised that he and the City Administrator had met with the County regarding fire services interlocal agreement and one of the provisions deals with the old Coca-Cola Bottling Plant property. There is a reverter provision that provides that if they do not construct an improvement on the property for fire or EMS rescue services, that property reverts back to the City. The County has paid approximately \$120,000.00 in debt service on the property. In the event they don't do that by August 2016, the property would revert back to the City. The City Attorney stated that the County has indicated they would like to have further meetings with himself and the City Administrator. Mr. Wohl stated that they had recommended that the Council appoint a spokesperson from Council to also attend. He advised they would like to discuss it further with the potential that they request an extension to that reversion provision.

Councilmember Keene stated that he would be willing to serve if Council would like. It was common consensus that Councilmember Keene serve in such capacity. The City Attorney advised that he and the City Administrator indicated to the County that they make some sort of presentation or request to the Council. He further advised that the County has indicated that they have plans for the property to build something there, but they're not sure when the funding will be available.

12. FINANCE DIRECTOR

The Finance Director presented the monthly update. She advised the revenues have taken in 71.4% of the revenues. The City has received a total of \$304,000.00 of the \$456,000.00 of the surtax monies. Regarding expenses, she advised that the City is at 55%. She further advised that they are at 71.4% of all revenues and the budget to date used is 55.2%.

She advised there is a workshop for the budget scheduled for July 22, 2014 and tentatively for July 29, 2014, but they will decide that night if they need to meet again for that or not.

Mayor Frierson asked the Finance Director if she had done any projections to the end of the year where the City might stand. Ms. Carlsen advised the revenue coming in is very much in line. She stated she was not sure regarding timing wise how it will come down to the end. She stated she has been able to verify all regular budget items and they are very much in line with the funds that they have received this year. She advised that progress is being made with the audit, but there are still areas that need to be balanced and completed.

13. CITY ADMINISTRATOR

The City Administrator stated that staff had forwarded information to Council regarding free training through the Florida League of Cities. He advised that a formal training program will be put out for Council to review as well as one for City staff. He stated that for Council, we're looking into areas such as a fund that would be set up for parliamentary procedure, Robert's Rules, Florida Sunshine Law, ex parte communication as well as municipal budgeting. There would also be organizational training that would deal with ethics, harassment in the workplace, hostile work environments and customer service issues. He advised that on the e-mail he sent to Council from the Florida League of Cities dealing with essentially customer service, based on the input he has received, a webinar will be done which will be available to the public anytime they are in a larger gathering.

PUBLIC

Jackie Scogin of 117 S. Hillsborough Avenue, Arcadia, Florida, stated that she would like to come to a meeting once and not hear everybody argue with their personal agendas. She further stated that they are all terrific people, but it's getting to where all that is heard is bickering. No City stuff is getting solved. As far as Judi Jankosky goes, she's gone, let her go. She stated that she's not running the City anymore and doesn't understand any of this. She

stated that she felt they needed the airport people and felt they are doing a great job. She pointed out that Mrs. Frierson is the Mayor and should be addressed as the Mayor and Mr. Fink is the Deputy Mayor and should be addressed as Deputy Mayor. She stated that she just felt it needed to stop.

MAYOR AND COUNCIL MATTERS

Councilmember Keene stated that he had the opportunity to visit the Ingram House on Saturday. He stated it was pretty impressive to visit and see how the house was restored. He also stated that he keeps getting questions about Dunkin Donuts and asked Mr. McQuay if he could tell him anything. Councilmember Keene stated that he serves on the development review committee and he hadn't seen anything and he figured if Dunkin Donuts was going to Arcadia, Mr. McQuay would surely let him know.

ADJOURN

Having no further business at this time, the meeting was adjourned at 8:01 P.M.

ADOPTED THIS 5th DAY OF August, 2014

By:

Alice Frierson
Alice Frierson, Mayor

ATTEST:

Penny Delaney
Penny Delaney, City Clerk