

**AGENDA MINUTES  
CITY COUNCIL  
CITY OF ARCADIA  
TUESDAY, AUGUST 4, 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**

Captain Josue Prieto of the Salvation Army 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**

City Administrator Terry Stewart  
City Attorney TJ Wohl  
Finance Director Beth Carsten

City Clerk Penny Delaney  
Lieutenant Kevin Joens

**CONSENT AGENDA**

- Agenda Item 1 – City Council Minutes for July 21, 2015**
- Agenda Item 2 – Special Event Permit - Arcadia Heritage Festival**
- Agenda Item 3 – Special Event Permit - Tailgate Party with the Dogs**
- Agenda Item 4 – Special Event Permit - Downtown Clean-Up**
- Agenda Item 5 – Special Event Permit – Downtown Farmer’s Market**

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

**ACTION ITEMS**

**Agenda Item 6 – Request Regarding Certificate of Appropriateness at 33 Winifred Street**

City Administrator Stewart advised that Lester Hornbake, Jr. was requesting permission to build a house at 33 Winifred Street. He advised the property lies within the historic district and the Historic Preservation Commission had approved the application and his recommendation was for City Council to also approve the application. Deputy Mayor Frierson made a motion to approve the application and Councilmember Coker seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

#### **Agenda Item 7 – Recommendation Regarding Salvation Army Use of Old Police Department**

City Administrator Stewart advised that the Salvation Army had requested use of the old Police Department building for the purpose of providing services to DeSoto County and Arcadia residents. He stated that City Council had previously asked for a report on the properties that the City owns before this matter would be considered. Mr. Stewart pointed out that the report had been completed and a document of his review of the matter had been sent to City Council on July 24, 2015. City Administrator Stewart advised that there were only two (2) properties that could be considered and one was leased out to the school board and the other property was the property in question. Mr. Stewart further stated that if City Council should decide to provide the opportunity to the Salvation Army, he recommended that any agreement be limited to a year-to-year basis. In addition, he cautioned City Council regarding the \$150.00 per month towards the overhead of the building. The City Attorney advised that he believed the offer was to pay all utilities, water, electric, plus \$150.00. The City Administrator advised he did not get that understanding from it and stated if he was incorrect, he apologized. He stated the phrase of “overhead” threw him off.

Deputy Mayor Frierson asked if a year-to-year lease was satisfactory with the Salvation Army. Lew Ambler of 720 W. Imogene, Arcadia, Florida, a volunteer with the Salvation Army and a member of the district advisory board stated that a one (1) year lease was okay with them. Deputy Mayor Frierson advised that the office had been vacant for a length of time and the maintenance on the air conditioning should be addressed. Mr. Ambler asked if they could come to an agreement subject to the mechanicals working, and if they do not work, it would be revisited. Councilmember Fink made a motion to go into a one-year lease agreement with the Salvation Army to take the building over contingent on looking over the air conditioning units and seeing how they run. City Administrator Stewart stated that if it was the decision of the City Council to do this, then he respectfully requested that they turn it over to the City Attorney and himself to work with the Salvation Army to put together an agreement that would be brought back before City Council for final approval. Councilmember Fink stated the request was added to the motion. Deputy Mayor Frierson seconded the motion for discussion. She stated that she felt the air conditioning units should be inspected. City Administrator Stewart advised that the City would undertake the inspection. Councilmember Coker expressed her concerns due to it being their only available office building, parking issues, and the possibility of setting a precedent. Councilmember Fink expressed his concern regarding the deterioration of buildings sitting empty and stated he would like to see them utilized. Deputy Mayor Frierson stated that she knew of no one interested in using the building other than the Salvation Army and she

advised that there is parking in the back of the building and she then called for question on the motion.

Marcia Brown, a city resident and a previous Salvation Army volunteer, expressed her support for the Salvation Army using the old Police Department building. Lucille Brown, a City business owner and non-city resident, expressed her concern regarding the safety of tourists, her customers, her own safety, parking concerns and how often would they have give-aways should the request be granted. She suggested a more in-depth investigation into the issue before a decision was made. Captain Josue Prieto stated that the Salvation Army had no intentions of the space becoming a soup kitchen or shelter and that such was out of their budget. He advised they would be open three (3) days a week, 9:00 a.m. to 4:00 or 5:00 p.m. and would offer intensive help for individual families. Corps Sergeant Major Carlos Osorio advised that the Salvation Army was not speaking of homeless people, but children and families that could be other's neighbors.

Councilmember Fink referenced the original letter from the Salvation Army and advised that it states exactly what the gentleman had suggested, numbers one (1) through five (5) and he asked to amend the motion slightly to note those five items as being the only thing they would be doing in that area to our negotiators on this lease, the attorney and the City Administrator. Deputy Mayor Frierson seconded the motion. No discussion followed and it was 4/1 approved with Councilmember Coker casting the dissenting vote.

#### **Agenda Item 8 – Tentative Millage Rate**

City Administrator Stewart advised that it was staff's goal to provide a budget to City Council by the end of the week. He then explained that what they were looking at during this meeting was the tentative millage and stated that whatever was decided at this meeting, the millage rate could be made lower later, but not increased. Mr. Stewart recommended a millage rate that met the roll back and he explained what a roll back rate meant. He advised that the roll back rate would increase to 8.9586 and the current millage rate was 8.8195. He explained that even though it was an increase in the millage, it was not an increase in taxes. He stated the taxable value of a person's property and the millage rate determines the taxes that person will pay. No discussion followed and it was approved 4/1 with Councilmember Fink casting the dissenting vote. Finance Director Carsten addressed City Council regarding the first public hearing to adopt the tentative millage rate and possible dates for such. City Administrator Stewart recommended those special meetings to be the only item on the agenda. After some discussion, Councilmember Fink made a motion to have the first reading of the budget hearing for adoption on September 14, 2015 at 6:00 p.m. and the second reading and final reading on September 24, 2015 at 6:00 p.m. and Councilmember Coker seconded the motion. No discussion followed and it was unanimously, 5/0, approved. Ms. Carsten then provided possible dates for the workshops. After further discussion, Councilmember Fink made a motion that the workshop meetings be held on August 17, 2015 at 5:00 p.m. and August 24, 2015 at 5:00 p.m. and Councilmember Coker seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

Deputy Mayor Frierson then made a motion to approve the tentative millage at the recommended roll back rate and Councilmember Turner seconded the motion. Councilmember Fink stated he would support the 8.8195, but nothing more and explained his reasoning.

Jackie Scogin, a city resident, asked how they can get their property to be worthy what they pay for in taxes. City Administrator Stewart explained that he has a pragmatic and business-like approach to have the City's operations run smoothly. He also stated that the business environment in the community needed to be enhanced and explained that they were heading in that direction. Mr. Stewart pointed out the road issues and the appearance of the community and advised that he had thoughts and ideas that he would bring before Council. Linda Lupino, a city resident, had a concern about trash pick-up and the City Administrator addressed her concern and then asked her to call his office in the future if she has a problem with such.

Deputy Mayor Frierson pointed out that the City had come a long way financially by using the roll back rates. She also pointed out that the City residents would not be receiving a MSBU bill as the County residents would receive because the City's MSBU was staying the same because of the fire contract. Mayor Wertz-Strickland reminded that Deputy Mayor Frierson had made the motion and Councilmember Turner had seconded the motion. No discussion followed and it was 4/1 approved with Councilmember Fink casting the dissenting vote.

#### **COMMENTS FROM DEPARTMENTS**

Lieutenant Kevin Joens advised that the Arcadia Police Department report for the month of July had been provided to City Council. He advised that two (2) officers were leaving the department; one (1) would be going to the County for insurance purposes and the other resigned due to a family emergency. He asked if there were any questions from City Council or the general public and there were none.

The City Attorney advised that he had nothing to bring before City Council.

City Administrator Stewart stated there was a situation in the downtown area. He advised there were a number of buildings with upper floors which had residential apartments in them. He stated that the downtown area was not zoned for residential by right and such can only be allowed by special exception of which only one (1) of the residential apartments had been granted a special exception. He advised there are three (3) alternatives; one (1) was to do nothing and continue as they have and he stated he does not recommend it; two (2) change the zoning to allow a mixed-use zoning which would permit residential; or three (3) City Council direct staff to begin enforcing the requirement for the special exception. After some discussion, City Administrator Stewart asked if they wanted to modify the zoning to mixed use and Councilmember Fink stated that he thought so and he asked how soon staff could get back with them and the City Administrator suggested the first meeting in September. Councilmember Fink asked if they could have a preliminary ordinance designed and City Administrator Stewart advised that the zoning change must go through Planning and Zoning and must be advertised and

discussed. He suggested taking it through the Planning and Zoning process and have them develop a recommended zoning ordinance and it was the Council's consensus to do so. The City Administrator stated he would put something together for the Planning and Zoning Board.

He then advised that the City Attorney, Shelley Peacock and he had a productive meeting with George Chase and Ross Clark of Friends of Arcadia Airport. He stated the City Attorney would be putting together a recommended agreement to be brought before Council at the next meeting. City Administrator Stewart also advised that they had met with Rickey Hilton regarding his lease agreement which was up. Mr. Stewart advised that they were planning on bringing his lease agreement before Council at the first meeting in September for their approval.

Mr. Stewart then advised that he had spoken with the Finance Director regarding utility credit card payments and he informed Council that the costs had grown from approximately \$15,000.00 the first year to \$32,000.00 plus already this year. He stated that if the processing fees had been included in the rate study, it would have taken it into consideration with establishing the rates, but it was not done and now the costs were not being offset by the rates. Mr. Stewart advised there were two options; one (1) was to implement a processing fee; or do a rate analysis and determine if it would affect the rates. He stated that no business fails to consider all of its costs when determining its operating expenses. He advised that he would be bringing back a recommendation to City Council.

He then advised that he would be away from the office next Thursday and Friday due to his high school reunion.

## PUBLIC

Adrienne Daly, a city resident, expressed her concerns regarding code enforcement and asked what the City Administrator planned on doing about it. Mr. Stewart pointed out that the magnitude of the issue would not be solved with one (1) officer. He then explained the process of code enforcement which included the steps and time frame involved and that the continuum of the enforcement process is badly broken. The City Administrator pointed out that there are repeat violators and explained the process of this as well, along with the costs involved in code enforcement. He stated his intention was to enable the City to have the methodologies that they need to be successful

Janie Watson, a city resident, expressed her concerns regarding the roll back rate, the lack of a code enforcement report at City Council meetings, whether mixed-use zoning parties would have to adhere to restrictions as well, water rates and why semi-trucks were going down Oak Street. After some discussion, the City Administrator advised the State of Florida controls what vehicles come down streets and stated he would look at what restrictions the City is allowed to impose and he advised mixed-use parties would have to adhere to restrictions.

Darby Ellis, a city resident, advised that he had run into numerous problems in his attempt to apply for an alcohol and beer license. He then addressed problems with the Code Enforcement Officer directly and he repeated a statement that a third party had made regarding

Mr. McQuay. Mr. Stewart spoke up and stated to Council that they had an individual before them who was making allegations about an employee. He told Mr. Ellis that if he had someone who said that Mr. McQuay made a comment, he wanted that person to be brought to his office to sign a legal affidavit stating such and then they would work from there. The City Administrator stated this should not, cannot be and would not be about a code officer and Mr. Ellis. Mr. Stewart stated that there was no way that he, as a City Administrator, was going to authorize his staff to issue an alcohol and beer license when there were outstanding violations. He advised that he would personally review the code with the code officer to ensure the code officer was interpreting it correctly. Mr. Stewart suggested resolving the issue by an agreement and asked Mr. Ellis to call his office to schedule an appointment.

Susana Garcia, a city resident, expressed her concern about the work done in the Bridle Path Subdivision relating to her easement. City Administrator Stewart advised Council that he and Steve Underwood had gone out to the property in question and he explained what he discovered. He stated that even though the contractor did the work, the City hired the contractor and he stated that he felt the City must be responsible for solving the problem. Regarding the well issue, he stated that the wells were not permitted wells and he did not know what the ultimate resolution would be, but regarding the other items, Mr. Stewart advised that he felt they could reach a resolution on them.

### MAYOR AND COUNCIL REPORTS

Mayor Wertz-Strickland advised that she would be going to the Florida League of Cities Conference and it has been requested that Council delegate her as a voting delegate. Councilmember Fink made a motion to delegate Mayor Wertz-Strickland as a voting delegate and Councilmember Turner seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

### 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 8:00 P.M.

ADOPTED THIS 18<sup>th</sup> DAY OF August, 2015.

By: Judy Wertz Strickland  
Judy Wertz-Strickland, Mayor

Penny Delaney  
Penny Delaney, City Clerk