

**AGENDA MINUTES  
CITY COUNCIL  
CITY OF ARCADIA  
TUESDAY, SEPTEMBER 16, 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.*

**INVOCATION& PLEDGE OF ALLEGIANCE**

Candace Reid gave the invocation which was followed by the Pledge of Allegiance.

**CALL TO ORDER & 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  
Councilmember Keith Keene  
Councilmember Robert W. Heine

Deputy Mayor Joseph E. Fink  
Councilmember Robert R. Allen

**Arcadia City Staff**

City Administrator Thomas Slaughter  
City Attorney Thomas J. Wohl  
City Clerk Penny Delaney

Finance Director Beth Carsten  
Marshal Matthew Anderson

**OPEN PUBLIC HEARING**

Mayor Frierson asked for a motion to open the public hearing. Councilmember Keene made the motion with Deputy Mayor Fink seconding the motion. No discussion followed and it was unanimously, 5/0, approved.

**Resolution No. 2014-9; a Resolution adopting the millage rate to be levied by the City of Arcadia, Florida for Fiscal Year 2014-2015**

The Finance Director, Beth Carsten, addressed the City Council regarding proceeding to adopt the tentative millage rate. Deputy Mayor Fink stated that it was set at the rollback rate which Council stated would only be used as a last resort because it would give the same amount of money as last year. He advised he had voted against putting it on the trim notice because once it's put in, they would be working off of that figure. With that in mind, he stated he could not vote to raise the millage even to the rollback rate. Councilmember Keene made a motion to approve the millage at the rollback rate and Councilmember Heine seconded the motion. Mayor

Frierson advised that the millage rate would be 8.8195. No discussion followed and it was 4/1, approved with Deputy Mayor Fink casting the dissenting vote. (6:05 p.m.)

**Resolution No. 2014-10; a Resolution adopting the tentative budget for the City of Arcadia, Florida for Fiscal Year 2014-2015**

Ms. Carsten stated that the numbers in this resolution are based on the budget presented at the last meeting. She advised this would be a total fund budget of \$11,193,822.86. She asked if there were any changes to be made or questions regarding same. Deputy Mayor Fink stated that he thought this would have to be voted on twice, both today and on September 30, 2014. Ms. Carsten agreed that it would be voted on again at the final hearing scheduled for September 30, 2014, at 6:00 p.m. Deputy Mayor Fink stated that he is pleased with the job that staff has put out with developing the budget, but he expressed concerns that they had left too many things unattended that they had stated they would attend to in the past, stating the golf course as an example. Discussion was made regarding the golf course breaking even this year instead of making money. Deputy Mayor Fink stated that once the budget is adopted, it becomes Council's budget and the fiscal security or insecurity falls on Council and for that reason and because he believed many things had not been addressed to his satisfaction, he would not be able to support the budget. Councilmember Keene made a motion to approve the budget revision that was previously distributed in the last meeting and Councilmember Heine seconded the motion and stated that he thought it was a plus that the golf course broke even this year because it hasn't been that way in the past. Ms. Carsten stated that in the City's \$11.1 million budget this year, they will be putting approximately \$1.2 million in reserves between the general fund and the water/sewer fund, and on top of that, they are setting aside \$100,000.00 for capital improvements which will be in contingency and also a \$450,000.00 renew and replace for water and sewer. She stated that together it totaled 1.7 million dollars worth of reserves in essence that they are putting aside which she thought was admirable with an \$11.1 million dollar budget. The Mayor advised there was a motion on the floor. No discussion followed and it was 4/1, approved with Deputy Mayor Fink casting the dissenting vote. (6:29 p.m.)

**CLOSE PUBLIC HEARING**

**OPEN REGULAR CITY COUNCIL MEETING**

**PRESENTATION**

**Agenda Item 1 - Retirement of Steven Rowley, July 1979- September 2014**

Mayor Frierson presented Steven Rowley with a plaque commemorating thirty-five (35) years of service to the City of Arcadia.

**Agenda Item 2 - Overview of Increase in Mobile Homes Rental Rates for Arcadia Municipal Mobile Home Park**

Linda Hinson, Manager of the City of Arcadia Mobile Home Park, made a presentation documenting a rental increase proposal. This presentation also included information regarding singlewide spaces vs. doublewide spaces and the reasons for the rental increase which included improvements and maintenance and the revenue which would be generated if the increase was approved by Council. The requested increase was \$10.00 per month. Ralph Ricker, Rose Williams and Carol Anderson addressed Council as residents of the park and expressed some of their concerns. However, they had no objections to the rent increase. Councilmember Keene stated that he would like to direct the City Attorney to put a notice together to be brought back before the Council. He also stated that he thought the narrative provided by Ms. Hinson was a great starting point. The City Attorney advised he would bring back a ninety (90) day notice for approval and if approved, he will work with Ms. Hinson to get the notice out.

### **CONSENT AGENDA**

**Agenda Item 3 – City Council Minutes for September 2, 2014**

**Agenda Item 4 – Request for Special Event Permit – Farmer’s Market**

**Agenda Item 5 – Request for Special Event Permit – Veteran’s Day Parade**

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

### **ACTION ITEMS**

**Agenda Item 6 – Resolution 2014-11 Arcadia Municipal Airport – Amending and Restating Resolutions No. 2009-08, 2009-20 and 2013-08**

The City Attorney advised this resolution would require the Arcadia Airport Advisory Committee to report to the City Council rather than to the City Administrator. He further advised that it changed the number of committee members from a minimum of three (3) members and a maximum of five (5) members to a minimum of three (3) members and a maximum of seven (7) members. Councilmember Keene stated that he liked the idea of the committee reporting directly to City Council and he didn’t have a problem with the increase of the number of committee members. He asked who the spokesperson of the advisory committee was and the City Attorney advised that they would typically follow Robert’s Rule of Order so typically the chairperson would be their spokesperson, but it is really up to them who they want to have as the spokesperson to come to City Council. The City Administrator suggested the possibility of an ex officio wherein a councilmember may sit in and attend. The City Attorney advised that one of the previous resolutions had a councilmember sitting in, but it was later removed due to the Sunshine Law. He went into a little detail regarding his concerns for same. Councilmember Keene stated that he would not want one of the council members to serve as the ex officio on the committee for the reasons the City Attorney explained.

Greg Smith of P.O. Box 2616, Arcadia, Florida, as a member of the airport advisory board, stated that he thought seven (7) members gave them more diversity and more ideas. He felt there were people who were willing and eager to be on the committee. He stated there were

a lot of things coming up that they need to work on and he felt that more people working on it provided a better product.

Gary Frierson of 1 N. Luther Avenue, Arcadia, Florida, stated that he felt having seven (7) versus five (5) is unnecessary. He stated there were few people who are interested and have the necessary qualifications he felt the Council would like to have on there. He stated that two of the members that have applied are members of one corporation and he didn't know if that would create a Sunshine violation. He also stated that if there are people who are interested, they are welcome to attend the meetings. Councilmember Keene made a motion to have the City Clerk read the Resolution by title only and Deputy Mayor Fink seconded the motion. No discussion followed and it was unanimously, 5/0, approved. The City Clerk read the Resolution by title only. Councilmember Keene asked the City Attorney if he felt he needed to look at the qualifications of the members so there are no issues regarding similar backgrounds, boards or workplaces. The City Attorney stated that was up to Council to regulate the qualifications. He further stated that there may also be an issue with voting if a member of the committee is employed by a company and could benefit from such vote, that individual would be forced to abstain from voting. Councilmember Heine and Deputy Mayor Fink stated that was normal standard procedure. Deputy Mayor Fink made a motion to approve the adoption of the resolution and Councilmember Heine seconded the motion. No discussion followed and it was 4/1 approved with Mayor Frierson casting the dissenting vote.

#### **Agenda Item 7 – Arcadia Airport Advisory Committee Appointments**

Mayor Frierson stated that the next item was the appointments of the committee. Deputy Mayor Fink made a motion to approve the three (3) appointments and Councilmember Heine seconded the motion. Mayor Frierson advised the three (3) were Ronald Watson, Ricky Hilton and Buddy Mansfield. Ernie Hewett spoke from the public and stated that if this is approved, there will be two board members, corporate officers, on the committee. He stated he couldn't believe in their corporate meetings that they would not talk about items that would come before the committee to be voted on. He stated it will be a Sunshine violation if they talk outside a meeting that is noticed. He advised if it is found out, ethics charges will be filed. Gary Frierson stated that he would like to meet with the City Attorney after the Council Meeting regarding a quorum and to ensure rules are followed. No discussion followed and it was 4/1 approved with Mayor Frierson casting the dissenting vote.

#### **COMMENTS FROM DEPARTMENTS**

##### **14. CITY MARSHAL**

Marshal Anderson stated that he had nothing to present to City Council and asked if they had any concerns he could address or answer. Deputy Mayor Fink stated that it had been brought to his attention that on July 20<sup>th</sup>, he believed, the Charlotte County Sheriff's Office and the Punta Gorda Police Department were using the old housing authority buildings behind the health department for SWAT exercises. He stated that according to the charter, all power of the Marshal comes through ordinance of the Council and no agreement came before Council for the

usage of that area for that particular thing. He was concerned because of the liability involved. He advised when he had talked with Charlotte County Sheriff and Punta Gorda Police Department, he found out that they thought that our insurance was covering this as well. He brought up the issue of toxic elements in the building and wanted to ensure the City was covered, had adequate liability and stated if an agreement needs to be done; it should be authored by the Council and not the Marshal. Marshal Anderson stated other agencies that have come up know that the liabilities they have are on their own agencies. He stated that as far as he knew, Council controls the budget aspect of the Arcadia Police Department, and not that he is trying to supersede Council, but he understood that the day-to day operations fell under his jurisdiction. He addressed the housing authority report which reads that the popcorn ceiling has asbestos, but as long as it's not being torn down, it's dormant. Regarding the lead paint report, individuals going in are made fully aware of it and that is why they are told they can't kick in the doors or destroy it. It's only used for training purposes, not to destroy. The report also reads that the soil around the Housing Authority is actually more dangerous than what is inside the buildings.

Deputy Mayor Fink stated that it is not limited to asbestos and lead paint, but also black mold. He stated that he is bringing it up to Council because he thought it was important that they know what had occurred. Councilmember Heine asked who owns the building and was advised that HUD owned it. Councilmember Keene stated that it seemed to him that since the guys were on the job doing this, then their workman's compensation would pay for any issue that might occur. He stated that he didn't have a problem with the exercises occurring in the buildings. He understood the concerns, but personally didn't have an issue with the property being used for an exercise. Richard Fazzino, who used to head up the Housing Authority, suggested they contact the chairman of the advisory board for the Housing Authority and get the facts. Deputy Mayor Fink stated that he just wanted to bring it to their attention and if they had no concern about it, he suggested they move on. Mayor Frierson stated she had no concern about it and she was glad they did the exercises. She further stated that she would venture to say that half the buildings they go into in this City and County have all those problems. The City Administrator asked if Council would like for staff to look into it regarding ownership, use agreement, and insurance to see what we have and Council concurred. Marshal Anderson advised that they called DeSoto Insurance advised they were covered by the liability insurance wherever they go in the nation to train. Deputy Mayor Fink stated that it was not the City of Arcadia training, but another agency that was training. Marshal Anderson stated that every agency has the same insurance as his department does.

Ernest Hewitt advised that the two-story building next to the water plant, the next one over and the third one were given to the City after Hurricane Charley. He suggested they would need to talk to Mr. Strube, Mr. Holloman or Mr. Galvano to determine how the paperwork went down.

## 15. CITY ATTORNEY

Regarding the current litigation with former employee, George Santana, the City Attorney advised that the attorney who was hired by the insurance company has requested a shade meeting to discuss strategies in regard to the lawsuit. Mr. Wohl stated that he had

available dates and wanted to see if he could get consensus from Council on when they would be available. He advised it would begin as an open public meeting and then move to the Council, the City Attorney, the City Administrator and the outside litigation attorney into a closed shade meeting. There would be a certified court reporter taking transcripts and upon conclusion of the shade meeting, they would come out and conclude the public meeting and upon conclusion of the litigation, the transcript would be made public. It was agreed that the meeting would be held on Friday, October 10, 2014, at 3:00 p.m. The City Attorney stated that the City Clerk would need to notice the public meeting as a special meeting or shade meeting on the agenda.

## 16. CITY ADMINISTRATOR

The City Administrator stated that once the audit is received, they will review the high points of it at a short Council Meeting, and discussion was made regarding following up with a possible workshop regarding the audit results.

He also addressed the problems that exist with the local business tax. Mr. Slaughter stated that he had heard a number of complaints from council members and business owners. He advised they currently have an application that requires privileged or private information and he would like to revamp the application so they're not asking for information that technically they don't need. He suggested having Mr. McQuay and his assistant bring to Council how much has been brought in to date at the next Council Meeting. The City Administrator stated that there has been talk about the legislature doing away with the entire program. He advised they will try to put together a citizen's guide with information to be placed on the website. Deputy Mayor Fink stated that maybe the City should follow the County's lead in asking if anything has changed from the previous year and if it has not, the business owner just signs a paper, the license is issued and the business owner pays.

Mr. Slaughter also mentioned that Steve Bauer of the Arcadian has requested to use the Margaret Way Building on October 23, 2014, from 5:00 p.m. – 8:00 p.m. for a candidate forum. Mr. Bauer stated it would be the same setup as the county forum. He advised that on October 16, 2014, from 5:30 p.m. – 7:00 p.m., they will be having another candidate reception which is an informal outdoor bar-be-que and this time they have asked several other civic organizations to come and participate. Regarding the candidate forum, he stated Susan Hoffman would be moderating with prepared questions for the candidates and then they would take questions from the audience. He stated that they had also invited the hospital since the half cent sales tax will be on the agenda for the November election. Discussion was made regarding literature being placed on tables and the rules governing same and the City Attorney stated he would look into it and get back with Council. Councilmember Heine made a motion to let the Arcadian use the building for the candidate forum and Deputy Mayor Fink seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

The City Administrator stated that he would be taking a couple of days off for personal and hopefully squeeze two (2) days of vacation in the next couple of days and through Tuesday of next week and Beth Carsten administratively and Steve Underwood for operations will be in charge.

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Eugene Miraldi of 816 W. Grainger, Arcadia, Florida, stated there are trees over the highway that are dropping limbs and they could kill somebody or wreck vehicles and the City would have a suit. He also mentioned the sidewalks can't be utilized because of the low hanging limbs. Mr. Miraldi also suggested putting in a brick street in the antique district and the money could come from grants. Councilmember Heine stated there are not as many grants as people think there are out there. Mr. Miraldi asked about the street cleaner. Steve Underwood of Public Works stated that it was broke down and they were in the middle of a budget and are having to wait to purchase the part to fix it. Councilmember Keene stated that a downtown improvement plan was in place regarding the intersection on Oak Street, but he couldn't say when it will occur.

MAYOR AND COUNCIL MATTERS

Councilmember Keene also stated that he was excited about the scarecrows that he's seeing downtown and asked Connie Bateman of the Main Street Program to come forward and share a little about it. Mrs. Bateman of 6384 SE CR 760, Arcadia, Florida stated they were kicking off the Farmer's Market on October 24, 2014 at the Tree of Knowledge. She stated they wanted to do something that would increase the foot traffic in downtown Arcadia and something that would be fun and free. She advised Julie and Bobby Fussell were going to donate hay and dump it at the SunTrust parking lot. Main Street Farmers Market is supplying the hay and the interested party(s) would supply all the material for building their scarecrow. She advised they want to mount the scarecrows up and down Main Street on the thirty-nine (39) lampposts to be displayed through Thanksgiving. She advised if they begin to look bad or become an eyesore, they will take them down. Mrs. Bateman stated the Farmers Market will start at 9:00 a.m., but at 10:00 a.m. everyone will come downtown and it's from 10:00 a.m. until 2:00 p.m. or until everyone is done. She advised they have a team that will put them up on Main Street.

ADJOURN

Having no further business at this time, the meeting was adjourned at 8:17 P.M.

ADOPTED THIS 7<sup>th</sup> DAY OF October, 2014.

By:



Alice Frierson, Mayor

ATTEST:

  
Penny Delaney, City Clerk