

**MINUTES
ARCADIA CITY COUNCIL
CITY OF ARCADIA
TUESDAY, December 3, 2013**

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 meeting was called to order at approximately 6:00 p.m.

Pastor Elmore gave the invocation which was followed by Mayor Frierson beginning the Pledge of Allegiance.

Arcadia City Council

Mayor Alice Frierson
Deputy Mayor Fink
Councilman Robert Allen

Councilman Robert Heine
Councilman Keith Keene

Arcadia City Staff

City Administrator Tom Slaughter
City Attorney Thomas Wohl
Carl McQuay Code Enforcement officer

Planning Specialist Christi Pence
Marshal Matt Anderson
Ashley Killmon Finance Clerk

Presentations:

City Administrator reviews per chapter as well as our code of ordinance, we had to fill some of our key positions. Penny Delaney, when we started discussing about skill sets we were looking for in the job description itself. Mrs. Delaney has a background in law and Administration and has the knowledge in our community. Mrs. Delaney fits the job description as well. We had created a slot committed those involved was the Marshall Matt Anderson, Ashley Killmon from Finance, Steve Underwood with the Public works department. Mrs. Delaney has worked in Law and government most of her life and involved in the community as well. Staff recommendation is to bring this forward for the record Section 2-112 appointment by the City Administrator sub to approval to City Council. I would like to present Mrs. Delaney as our preferred candidate.

Mayor responds Penny Delaney would you please come forward and introduce yourself.

Penny Delaney responds I was born and raised in the City of Arcadia. I am married to Bill Delaney who is a highway patrolman. I would like to thank each every one of you for giving me this opportunity.

Deputy Mayor Fink makes motion to move forward and accept Penny Delaney as our City Clerk for the City of Arcadia.

Councilman Heine seconded the motion. All in favor 5-0

City Administrator responds, the City is required to finalize a background check and a physical as well. I will confirm this and make notice next meeting.

Mayor replies on the Consent Agenda remove Item 4

City Attorney- just to clarify that it's being removed because it was already approved at a prior meeting.

Councilman Heine makes motion to approve.

Deputy Mayor Fink seconded it. Motion carried 5-0

Agenda Item 2

Special Event Airport Fly- in Rodeo weekend

City Administrator responds we really struggled if this was a special event or not because this does not fit all the categories we normally do. We thought for precaution to put together something to do a joint meeting with the chairperson of the Arcadia Airport

George we been working on this for seven months and we would like to part with the City on this event currently we are working with the Rodeo Association and with the County. This is a small first step making Arcadia Airport a destination. We would appreciate you joining with us and approving this for March 7-9, 2014 for the Rodeo weekend.

Agenda Item 5 Leadership of Desoto

On the Leadership they are asking for a representative from the council On Dec the 18th for about an hour and hour and half. I cannot participate that day. Councilman Keene responds what day is that on. Mayor replies it's on a Wednesday. Councilman Keene responds I may be able to attend. I say as many of us council that are available would be great.

Agenda Item 3 Budget Update

Mayor responds I sure hope each and every one of you has looked at the beginning balance for the year of the contingency fund, it was terrible last year, and we really need to stay on budget for this year.

Agenda Item 6 Violation of the City Ordinance No. 974

Violation of City ordinance No. 974 by Tremron Inc (Code Enforcement)

Carl McQuay from Code Enforcement responds. This complaint was given to the former administrator by Mrs. Ann Pepper on October 15, 2013. The complaint stated that the bay doors at Tremron were open on the following dates September 15, 17, and the 30th of 2013 after the prescribed times allotted in Ordinance 974. I issued a warning notice to Mr. Bobby Vansickle, the manager of Tremron. Mrs. Pepper met up with Code Enforcement, and the Marshal Matt Anderson to discuss her concerns that she felt was in violation of City Code Ordinance No. 974. Then I had coordinated with an inspection with Tremron, with the Fire Marshal Rick Sudol and the Desoto County Building Director Lester Hornbake. All questionable violations have been addressed and corrected.

Tremron has plans on building additional building on the property. At this time a new site plan will be required and we can address any concerns that maybe problematic to the existing plans and ordinances. Mayor responds with this addition, are they going to hire more employees.

Carl McQuay responds, yes with this new addition they are also going to put up sound barriers, Tremron has done everything they are supposed to do.

Councilman Keene replies I can recall with conversations with them, I just wanted them to be good neighbors. In addition to them expanding I think that's great especially for the City of Arcadia.

City Attorney responds, the main complaint wasn't it the noise?

Carl McQuay responds actually it was the vibration.

Agenda Item No. 7 Emergency Repair of Storm Sewer

City Administrator responds our City purchasing policy does require larger expenses category 4 to come to council. This was clearly an issue we had to move very quickly because the way the road was failing was a dangerous to motorist to pedestrians walking the streets.

Fred Lewis Utilities supervisor discuss what had happened, we had a main storm pipe that cross Maple Street which had collapsed and caused a big void underneath the road. What we like to do is replace the curb inlets, storm drain piping, as well as an 8 inch sewer main that crosses Maple Street.

Mayor replies how long will this take?

Fred Lewis replies I had spoken with the contractor the holdup was to get the boxes because he is replacing three basins and a conjunction box and he said he will start on it in the middle of next week.

Councilman Heine responds is this an estimated bid \$54,868.00

Fred Lewis responds yes, that's his final bid.

Councilman Heine makes motion to move forward

Deputy Fink second it, motion carries 5-0

Agenda Item 8 Airport Lease modification agreement

City Attorney- gives background of Mr. Frierson father was given a lease back in 1976 by the city for a portion of the Airport to use as a hanger. 1986 the council voted to sign the rights to lease to his son Gary Frierson. The issue was FFA when they look at airports to give grants to the frown upon airports that has indecent lease. The only way this lease would be terminated is 1. If Mr. Frierson passed away or 2 if Frierson cease as using the property to storage an aircraft. It does not require this be Mr. Frierson be his personal aircraft it just states as long as he is storing an aircraft there.

We would like to modify the lease and put a definite term on the lease. We agreed twenty years. That only those individuals executing this agreement and their spouses and lineal descendants shall have the right to make use of the land described herein as Parcel No. That in the event the person or persons executing this agreement, their spouses or lineal descendants, being parties of the first part, cease to have any heir to locate, situate and store an aircraft in the said parcel. Then at the option of the City of Arcadia. The property covered under this agreement shall revert to and become the property of City of Arcadia.

Deputy Finks responds, I have not seen any meets or bounds, have not seen a piece of paper where this actually resides or exists. How can we extend what we not know if exists and the boundaries. I do understand that it was rebuilt in 2005 but at that point was a survey done and issued before the building was recon structured. Without a survey, how do we know if it was put in the same exact spot.

City Attorney responds the lease does describe a definite property.

Deputy Fink replies it describes meets and bounds.

City Attorney responds No, you don't use meets and bounds description for property that plated.

Deputy Fink responds it doesn't give a description of the location where the 50 x 40 piece is

City Attorney responds the plat tells you that it's a 50 x 40 foot property described as parcel 3 as for plat filed with the city recorder.

Deputy Fink responds but we don't have it. You assume that it exists and we are supposed to change something without physically seeing it.

City Attorney responds we are not changing the location

Deputy Fink responds we are not changing the location, however we are adding to an existing agreement.

Deputy Fink reviews the description in paragraph 5.

City Attorney responds none of the language has changed at all per verbatim.

Deputy Fink responds I understand that it's not lineal descendants are storing aircraft in that particular spot.

Deputy Fink responds there was no compensation for this over 37 years .

City Attorney responds, there was some compensation for the structure, they did ratify this in September 4, 1986.

Deputy responds if we terminate this agreement, it would be Gary Frierson to sue the City for damages.

City Attorney replies, I think this can benefit the on this, if we enter this modification for another twenty years. There are no other changes of the terms in the lease. All other provisions stay the same, only paragraph five.

Councilman Keene makes motion to approve modification agreement from August 26, 1976.

Councilman Heine seconded the motion. Mayor sustained from voting

Motion 3-1 Deputy Fink oppose

Agenda Item 9 Creating a City Administrator search committee

City Attorney responds last meeting we had discussed bringing a resolution to establish a search committee for the City Administrator. A lot of terms we had discussed at the last meeting each council member would appoint one person for the search committee. Search committee would be provided an outline and procedures and timelines to what the City council is looking for. The committee would submit top five candidates for the position.

Councilman Keene responds I thought we did not want to restrict ourselves to the person on the search committee to be residents of the City of the Arcadia.

City Attorney responds I recall we discussed that concern, I don't think it's a legal issue.

Councilman Keene replies it we are going to commit ourselves to find the best qualify candidate to serve as the Administrator for the City of Arcadia. We need person on the Committee that has the experience and the History of making these decisions. I think if we exclude the folks, I would like to broad this opportunity and make sure they find the right candidate.

City Attorney are they any specific deadlines we need to meet as far as getting advertisements and making the initial interviews.

Councilman Heine responds I think each council member should choose one candidate for the committee.

Mayor replies I think between six to eight weeks will be good, once the committee is established, I think a timeline would be a good time.

Deputy Fink responds, I hope Mr. Slaughter would be considered a finalist if he chooses to apply for the position.

Councilman Keene replies, I think at a minimum they need to have experience. I am looking for someone who has the qualifications to get the City moving forward.

City Administrator when we are doing the list do we want to do an alternate two candidates in case there is duplicates.

City Attorney responds what I was thinking if the City clerk when submitting the names the City Clerk can determine to pick someone else if there is a duplicate.

Council members nominate their candidates for the City Administrator committee.

Councilman Keene nominates Mary Kay Burns

Councilman Heine nominates Marsha Brown'

Mayor nominates Beth Carson

Deputy Fink nominates Mitchell Watson

Bob Allen nominates Dick Fazione

City Administrator responds I will have a staff member notify them and thoughts can be presented to the committee group and develop. If we have a recommendation from the committee we will e-mail the City Attorney.

City Attorney responds I will be available by telephone.

Agenda Item 10 Ordinance Regulating Solicitation

City Attorney responds, the proposed ordinance I have drafted. The first paragraph, I wanted to bring to your attention the issue of solicitation is protected from freedom of speech. However you cannot you prevent someone for asking for asking for money. If you look at Section an it deals with aggressive solicitation you can regulate that, which would be an individual making aggressive threats to the public. The standard solicitation a simple request you cannot completely outlaw that in the city, due to protected freedom of speech. I would like to get some input from the council as to areas on Downtown Arcadia prohibited zone. Mainly focusing on areas that may become a less desirable zone then other areas.

City Marshal replies the parade area is down East side of Hillsborough, West side of Manatee, Pine Street. This area would be consider the parade area.

Deputy Fink responds, I have read through this I had thought we were going to have a workshop on this Item and I think we need to get together with local churches and the County on this topic, they need to be involved. I think the shelter needs to be in a resolution as well. I want the homeless to have a place to go, we don't want to appear mean spirited.

City Attorney responds let's focus on the zone that the City Marshall and I had discussed.

Mayor replies I think it's much defined within reasons

Councilman Keene agrees.

City Attorney responds I will have Code Enforcement e-mail the proposed boundaries that identify by Street names. I will have it ready for 1st reading next meeting

Agenda Item 11 Ordinance regulating Behavior in Public Places

City Attorney explains the issue of Public camping and sleeping in the right always etc. You cannot regulate someone for not having a place to sleep. The potential solution I have put in this you can have law enforcement and identify the person and have the Deputy take them to a shelter.

Deputy Fink responds there has been a large discussion on facebook on December 16th there will be a meeting on this subject at Saint Edmunds Church. The City cannot afford to do a shelter.

Valerie responds I was contacted by Robert Bon, He is a social worker and is licensed to Baker Act. He would like to see a representative to discuss the situation. We don't feel that throwing them in jail is going to be the solution .We been doing as a Homeless Coalition that is still operating as a resource center , which is run by dedicated volunteers. Also on Tuesday, Wednesday, Thursday of every month the food distribution also provides a meal from 10:00 am- 2:00 pm. The Arcadia Housing Authority and Desoto County homeless coalition partner up to build housing units on Baldwin and Joy. The units were confirmed in 2005 to have black mold and lead paint. The projected cost for this demo was \$480,000.00 at that time the economy had crashed. In 2012 the housing Authority and the Desoto County homeless coalition got together to attempt to apply for a grant. In addition we were informed that they had received it and 2013 they are going to start phase 1. Which is Environmental review and also does a structure study. In August this year a company came out and gathered samples for the study. In November the same company received the same results. The final phase of environmental review will be completed in sometime the first quarter of 2014.

Pastor replies we have set number priorities one of them is homeless people, right now for public housing we are 95-100% full. The Heritage Baptist Church had been allowing them to camp on the property. We can save money by having a shelter. We would like to address this issue with the housing board and Valerie.

Deputy Fink responds I urge that we find a solution and asking the county for support on this and coming up with a Resolution.

The Marshal replies I had tried to take two individuals, the one individual stated someone was taking her. The other individual refuses to go, he said he is not spending and money.

Mayor responds I feel by charging the fee isn't going to do much.

Councilman Keene replies we need to have a community meeting, Deputy Fink can you attend this?

Deputy Fink responds if you want me to be a representative, I do plan on attending this.

Councilman Keene responds, I think we need to postpone this issue, I would like to get feedback from Deputy Fink so I can see how it went.

Deputy Fink responds I will have a report for our next council meeting.

The City Marshal responds if they refuse to go to a shelter we can give them a trespass warrant.

Councilman Heine responds I think this time of year we are going to have several people.

Charley Conklin replies what about the people that give them food.

Deputy Fink responds we have several business owners let's see if they had a chance to review it and have any suggestions on this topic.

Agenda Item 12 Marshal Matt Anderson Police Report November 2013

Felony Arrest Total 7

Juvenile Arrest Total 8

Warrant Arrest Total 8

Complaints Total 682

Traffic Citations Total 40

Criminal Cases Inv. Total 16

Cases closed Total 7

Misdemeanor Arrest Total 30

Traffic Arrest Total 2

Accident Reports Total 20

City Ordinance Violations Total 26

Warning Citations Total 25

Cases under Inv. Total 7

Discussion

City Administrator discuss we finished up on the City Clerk search, we are still continuing on the Finance Director search working with staff and the job description. I think it's very important the staff has an input on making the decision.

Mike is from the Golf court he had sent me an e-mail, I know there has been some concerns with the Golf Course. Our staff takes pride at the Golf Course and trying to make the improvements. We have had an increase in revenue as well an increase of \$70,000 in one just one month. Operating supplies we have found that we are buying less which is a good thing.

Christmas Party we are allowing Mike from the Golf Course to host our Christmas Party this year. Last year we had money from the prior year \$500.00 left to go towards the Christmas party. Last Year from my understanding not all staff was invited. I would like to close out this year on a good note. I was thinking benefits on Friday or Saturday. I would like to ask council if you would prefer Friday or Saturday before Christmas. Starting at 6:00 pm till whenever. One of our staff members volunteered to grill. I was thinking in the paychecks have the rsvp by staff.

Dennis Tyson responds for the Christmas party we would like to donate Scallop Potatoes for the event.

Jerry Cordes responds On October 17th I went through the appeal process and the next step was to meet with the Administrator. Till this day there has been no discussion.

City Administrator responds I need to put together a Correspondence and present attorney on the findings. What discussions are made I need to get with the City Attorney.

Bob from Toys for Tots would like to thank Mike we had our first golf tournament first week in October would like to Thank him and his staff for an outstanding event. The Golf Course was in Great Shape. In addition I believe I was skipped on the Agenda for Item 1.

City Administrator responds Item 1-5 was approved.

Sam Morgan I would like to have your support for Martin Luther King Parade for next month. I would appreciate you giving me the same support as last year.

Councilman Keene is we meeting on December 17th.

Deputy Fink our last meeting we had talked about our Personnel Policy what had occurred recently will not reoccur.

City Administrator we were able to locate the Digital file, I will send it over to the City Attorney for review. I don't know if I'll be ready yet for December 17th yet, but I will try. I will keep you informed of the progress.

Mayor responds I thought we were going to make some changes on the termination of the employees not sure if Council was aware of it.

Deputy Fink responds my concerns seems to me we need to change the policy and pass another Resolution to where we need to think about it and my suggest it we need to just do it as a voice vote again and have it changed by the Resolution.

Mayor responds we need to put it together before we pass the resolution.

Dick Fazone questions are we going to revisit the prisoners.

Councilman Keene responds it's my understanding that it wasn't in the budget, Can we look into this and see what they were Budgeted for, Tom can you look into this and confirm this.

City Administrator responds, I will look into this and have it ready for the next agenda.

Councilman Heine replies I think most of the money went to the guard.

Council Meeting Adjourned

Approved this 21st ~~7th~~ day of January ~~2013~~ 2014.

BY: Alice Frierson
Alice Frierson, Mayor

ATTEST:

Penny Delaney
Administrative Planning Specialist
Christi Pence
City Clerk
Penny Delaney

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 crally 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 December 3, 20 13 :

(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 Airport Lease Modification Agreement due to husband, Gary Frierson, serving on the Airport Committee.

1-21-14
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.