

**AGENDA MINUTES  
CITY COUNCIL  
CITY OF ARCADIA  
TUESDAY, JANUARY 20, 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 OF ALLEGIANCE**

Reverend Hanus 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 Judy Wertz-Strickland  
Councilmember Susan Coker  
Councilmember Joseph E. Fink

Deputy Mayor Frierson  
Councilmember S. Delshay Turner

**Arcadia City Staff**

Interim City Administrator Beth Carsten  
City Clerk Penny Delaney  
Marshall Matt Anderson

**PRESENTATION**

A Proclamation was presented to William A. Hackney, Jr. on behalf of his twenty-two (22) years of volunteer service to the Arcadia Housing Authority.

**CONSENT AGENDA**

**Agenda Item 2 - City Council Minutes for January 6, 2015**

**Agenda Item 3 – Air-Cadia Flowage and Hangar Rent Report for December 2014**

**Agenda Item 4 – Annual Parade Permits**

Mayor Wertz-Strickland asked for a motion to approve the City Council Minutes for January 6, 2015. Deputy Mayor Frierson moved to approve the City Council Minutes for January 6, 2015 and Councilmember Fink seconded the motion. Mayor Wertz-Strickland asked for a motion to approve the whole consent agenda. Councilmember Fink made a motion to

approve the whole consent agenda and Councilmember Turner seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

### **ACTION ITEMS**

#### **Agenda Item 5 – DeSoto County / City of Arcadia Fire Merger**

Mandy Hines, County Administrator, presented a request from DeSoto County to consider the extension of a provision of the fire merger agreement that was approved jointly by the City and County in 2006. In 2016, the ten (10) year period for the County to have the option to build on the old Coke property will expire. She stated they are asking for a five (5) year extension on that provision of the agreement to give them time to go to the board with decisions regarding where to build the station and to move forward and provide for the fiscal planning to bring the construction to actually occur on the property. Mrs. Hines advised the County has no objection that if the Board of County Commissioners were to make a decision that it were not to build on the property, then they would go ahead and revert the property back. She stated the County acquired the property in the merger, will have paid \$114,000.00 for the parcel, and only owe \$3,000.00 on the \$114,000.00. Councilmember Fink asked if she thought it would take five (5) years to figure out if they want to build there. Mrs. Hines stated that she didn't think it would take five (5) years to decide to build there, but if they make a decision to build there, it may take five (5) years to build out and complete the construction. She felt they would need to phase it in over a couple of years for budgetary reasons. Deputy Mayor Frierson made a motion to approve this for the County for the five (5) year extension and Councilmember Turner seconded the motion.

The City Attorney stated that he had spoken with Mrs. Hines before the meeting and if the extension is approved, an extension should be made regarding fire station one (1). He advised it requires them to vacate it with the idea to relocate on the old Coke property. Mr. Wohl explained if Council allows the extension on this to allow the County time to make a decision to build, the other should probably be extended as well to allow them to stay in there until that time. Councilmember Coker said she did not have enough information yet to extend for another five (5) years at this point. Councilmember Fink concurred with Councilmember Coker. He stated he did not think it was a good agreement to begin with and to extend it further is not good or sound. He felt they needed more study time. Deputy Mayor Frierson stated she felt it was to the City's financial advantage to stay with this because the City was on the downhill slide. The City Attorney stated they were not extending the agreement because it is what it is, but it is just the reverter clause provision on the old coca-cola bottling plant property that they are discussing extending today. After much more discussion, the City Attorney reminded Council that the motion was made with the comments he made regarding Section 7.3 also which goes hand in hand to have the extension of five (5) years, they won't have fire station one (1). Deputy Mayor Frierson called for the question. No discussion followed and it was 3/2 approved with Councilmember Fink and Councilmember Coker casting the dissenting votes. Mrs. Hines thanked Council and stated they looked forward to working with them on the remaining pieces of the agreement.

### **Agenda Item 6 – DeSoto County Local Hazard Mitigation Strategy Plan**

Doug Christ, County Emergency Manager, addressed Council regarding the local mitigation strategy plan and gave a history on it. He advised the federal government and FEMA requires every county to have a local mitigation committee and a plan has to be approved every five (5) years by the state. The committee looks at what can be done to help prevent disasters from happening again. Every five (5) years they have to bring the current plan up to State of Florida specifications. He advised that last December, they received the okay from the State of Florida that it met their criteria. The last step is to get both the City of Arcadia to adopt the plan and he has it ready for the County Commissioners to adopt it next week. He advised he needs the Council to entertain a motion to accept the plan as it is written and adopt it by resolution. Councilmember Fink made a motion to accept the plan and Deputy Mayor Frierson seconded the motion. The City Clerk was instructed to read the resolution by title only and the City Clerk did so. No discussion followed and it was unanimously, 5/0, approved.

### **Agenda Item 7 – Lake Katherine**

Bruce Neveau of 640 W. Whidden Street, Arcadia, Florida, thanked and congratulated Council for finally getting the process started regarding the beautification of downtown. He stated he was thrilled about it and although the timing is difficult for everyone, he stated that it was much needed and this is going to give Arcadia a whole new look and he's looking forward to the completed process. He addressed the issue of Lake Katherine regarding the fountain and weed removal. He advised they were coming to the end of the grant provided by Mosaic and funds were to the bottom of the barrel. Team Arcadia asked if the City could assist with the cost of the fountain pump that needed to be replaced and the weed removal issue that had to be readdressed because weeds grew over the top of the plantings Team Arcadia had planted. He advised the native plantings were intended to take over and eventually prevent any other weeds from growing in there. After much discussion, it was determined that if the City assisted with the costs, Team Arcadia will take care of the annual maintenance until December of 2015. Deputy Mayor Frierson asked for confirmation that Team Arcadia was asking for \$1300.00 towards the pump and \$1100.00 towards the weed control, making it \$2400.00 total. The Council discussed what the maintenance costs would be after the City took it over completely. Mr. Neveau stated it should be roughly \$450.00 every two months. He also pointed out that the signs had been made and they were just waiting for installation of same which would complete Phase 1 of the project. Deputy Mayor Frierson expressed her appreciation of Team Arcadia and stated she felt they did a great job and made a motion to approve the request and Councilmember Coker seconded the motion. Dennis Tyson of 640 W. Whidden Street, Arcadia, Florida stated that once the maintenance program for the year is over, it may not be every two (2) months. When the original plantings take over, it might not take as much maintenance so the cost may be less. No discussion followed and it was unanimously, 5/0, approved.

Mr. Neveau addressed the status regarding the canopy for the plane at Lake Katherine and wanted Council to remember that the plane needed some attention. Mrs. Carsten advised that they are working with Senator Galvano's office to get the funding for it.

### **Agenda Item 8 – Livestock Market Update**

Ms Carsten advised staff had contacted the Department of Environmental Protection and received a confirmation letter that the property is not a brown field and could proceed with the demolition if Council chooses. She further advised they were able to locate the certification stating the asbestos had been removed and the County has advised they would give the City the demolition permit that is needed to move forward. Ms. Carsten stated that if it is the desire of the Council, she would need a consensus so she could move forward with getting bids she could come back and advise Council how much it would cost. Mayor Wertz-Strickland suggested getting with the Florida Forestry Service to see if they would issue a burn permit on the building.

Councilmember Coker advised there is a clause that references a Phase One (1) or Phase Two (2) Environmental Site Assessment. She asked if the City could get a cost on what they would be and maybe they could see what other uses could be for that property as well. Ms. Carsten stated she could get that. Deputy Mayor Frierson made a motion to start with the bid process and check into Phase One (1) and Councilmember Coker seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

Neville Smith of 4981 NW North Road, Arcadia, Florida, stated that he wanted to recommend a Flea Market out there. He stated that the concrete building itself could be torn down, but the Phase One (1) and Phase Two (2) regarded the plume of the arsenic and DET that was used on the cattle. He went into further detail of areas they may need to be concerned about.

### **Agenda Item 9 – CDBG Update**

Ms. Carsten advised that sewer repair started on December 23, 2014 in the Bridle Path Subdivision and in the middle of it, they discovered there is a real issue with the stormwater sewer drainage system. She stated the drainage pipes have deteriorated and this was not added into the initial bid. Systems Supervisor Fred Lewis advised there are catch basins at each crossing which are twelve (12) inch corrugated metal pipes which were installed in the mid-50s and they are proposing to go with eighteen (18) inch concrete pipes. Ms. Carsten advised the pipe would be replaced and it would go under the road and out to the ditch and the add-on could cost almost \$76,200.00. She advised there would be another addition once this is completed with the road because of the drainage issue. She explained it was so wet that when machinery hit it, it almost disintegrated. Ms. Carsten stated that the reason she would like to do this now rather than having to re-dig the road up and re-do it later. She asked for permission to get a vote to move forward and she advised there is money set aside in water and sewer for rehabilitation and replacement of \$450,000.00 so money is there to cover it.

Gary Frierson of 1 N. Luther, Arcadia, Florida, stated there are houses out there that are still on septic tanks and he asked if they would be slated to be hooked up to the sewer system. Mr. Lewis stated there are four (4) houses that are not connected to sewer, but the grant called for it to be put back as it was. Councilmember Fink asked if the sewer goes past those houses and Mr. Lewis advised that it did not. Councilmember Fink stated that he felt it was important that they follow through on the aspects of the CDBG and that means that they will have to bite

the bullet and do this. He asked Mr. Lewis if there was a cap number and if it had to be bid out. Ms. Carsten stated this was through the contractor. Councilmember Fink made a motion that they use the surplus funds and dedicate \$76,200.00 to the project and Councilmember Turner seconded the motion. Deputy Mayor Frierson stated that she abstained from voting on this issue. No discussion followed and it was unanimously, 4/0, approved.

#### **Agenda Item 10 – Oak Ridge Cemetery Back Gate**

Ms. Carsten advised there is a fence that separates the cemetery from the burn pile and evidently was damaged after Hurricane Charley and has never been repaired. She further advised there are issues with vandalism and poaching and expressed her concern for liability with the issue. She advised there is a quote to have the fence repaired for \$3600.00. Deputy Mayor Frierson made a motion to have the fence repaired and Councilmember Coker seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

#### **Agenda Item 11 – Update on City Administrator Search**

Ms. Carsten advised that they had a workshop on January 13, 2015 with the Senior Advisors and they are requesting an official vote as to whether the City is wanted to proceed with them or not so the process can be started. Deputy Mayor Frierson made a motion to move forward with the Senior Advisors and Councilmember Turner seconded the motion. No discussion followed and it was unanimously, 5/0, approved. Ms. Carsten advised the City Clerk has a questionnaire for each council member to fill out and return to the City Clerk by January 30, 2015. She stated this will allow them to move forward with the profile that will be used for the application process. Ms. Carsten advised Mr. Bressner had put together a couple of sample profiles so you can see what they are trying to put together, along with the Code of Ethics that he had spoken of.

#### **COMMENTS FROM DEPARTMENTS**

Marshal Anderson stated he was there to address any concerns the City Council or the general public may have. No one responded. Regarding the body camera grant, Marshal Anderson stated that there was some legal language that the grant overseer wanted him to put in on the FDLE's end. He pointed out that it was submitted when Mrs. Frierson was the Mayor so when that is returned, it will require her signature, but anything after that will require Mayor Strickland's signature. He stated it was roughly \$1800.00. He advised once it is approved, he'll provide it to Council in their packets. He also stated there was a case that he was questioned about at the last meeting and all he can advise, due to legality issues, is that the case is moving forward.

The City Attorney advised that a while back FDOT approached City Council whether to vacate or close a portion of Parker Avenue that bisects their yard on Parker Avenue. He advised they operate on both sides of the street with gates that they have to open and close and they were wondering if the City would be willing to close Parker Avenue for an extended period of time. He further advised that the City agreed they would be willing to do that provided that when they

got that portion of Parker Avenue back in 20-25 years, that portion of Parker Avenue would be newly paved, along with a portion of Baldwin, because that would now be getting a lot more traffic on it. Their attorney has advised they can't find any funds to pave Baldwin and asked if the closure is still an option. Otherwise, they may petition the Council for a vacation of that Parker Avenue right-of-way. After much discussion, Deputy Mayor Frierson suggested they talk with the property owner before they start anything. Councilmember Fink stated if they want the road bad enough, he felt they could find funding. He made a motion to tell FDOT that they are not interested without the repaving of Baldwin and Deputy Mayor Frierson seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

The City Attorney then updated Council regarding Former City Administrator Miller's filing with the EEOC and advised Dr. Miller had charged the City with four (4) claims of discrimination of which three (3) were thrown out by the EEOC. The investigator did make a finding on a race discrimination issue. Mr. Wohl stated that the EEOC has enforcement powers, but they rarely exercise them, only in instances where it is egregious discrimination or a retaliatory discharge. Most often it is utilized solely to accomplish the prerequisite to filing the civil suit. He stated the EEOC had offered to go into a conciliation stage and the attorney representing the City stated it may as well be given a shot, but he was very surprised that anything came back at all based on the facts that he is aware of. Mr. Wohl advised that if there is any settlement or tentative agreement made at the conciliation stage, it will require Council approval before anything can be done. He further advised that the attorney handling it stated if the City wants to enter into the conciliation stage, they will set a date and if we wish to cancel and not proceed, they can, but they did recommend that Council make a motion to send Ms. Carsten, he or a councilmember to attend the conciliation. Councilmember Fink made a motion to advise that Council is willing to move toward conciliation with the Mayor as representative and Deputy Mayor Frierson seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

Beth Carsten brought forward the finance report. She advised that twenty-three percent point eight percent (23.8%) of the revenues have been taken in for the year and they should be around twenty-five percent (25%). She further advised that regarding expenses, they are around twenty-three percent (23%) and they should be around twenty-five percent (25%).

Beth Carsten introduced Linda Lowe as the new Human Resources Director. Ms. Carsten advised that there was a continuing problem at the JimSpace and Storybook Park ball fields regarding the lack of control over access to the bathrooms. She advised gates had been left open and vandalism had occurred in the past. Further discussion involved having the gates locked at night and having a staff member take care of the maintenance of the bathrooms. Ms. Carsten was advised she could move forward with gaining control over the access to the restrooms.

## PUBLIC

Dennis Tyson of 640 W. Whidden Street, Arcadia, Florida, thanked Ms. Carsten for coming downtown earlier in the day regarding the work being done. He suggested a flyer of the

concept plan be made available to take to each store to explain it or a plan downtown where the construction is being done to show what it will look like. Mayor Wertz-Strickland stated that her daughter had made a suggestion of posting a plan on the side of the pink building and the public could be advised. Councilmember Fink agreed with the idea and suggested a frame be built for such.

### MAYOR AND COUNCIL MATTERS

Mayor Wertz-Strickland stated that when Ms. Carsten gets the information regarding Senior Advisors to each of them, they all need to complete the information and get it back to administration so it can be forwarded to Senior Advisors.

Councilmember Fink stated he thought it was a marvelous idea regarding placing a plan in the downtown area for the public. He made a motion to empower staff to make a framing of the plan that is going into the downtown area so the citizenry can see and watch it as it progresses and Councilmember Coker seconded the motion. Deputy Mayor Frierson asked Ms. Carsten the timeframe on the completion and Ms. Carsten advised they have to be done by June 30, 2015, but they are looking at May 31, 2015. Penny Kurtz of 1384 NE Shiplon, Arcadia, Florida, asked Council to consider the Chamber as well as far as posting since they get a lot of foot traffic as well as the health department. She also suggested the Tree of Knowledge as being a possible site for posting. Councilmember Fink amended his motion to state if something can't be worked out with the particular property owner, to have framing placed in the Tree of Knowledge Park and Councilmember Coker seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

### ADJOURN

Having no further business at this time, the meeting was adjourned at 7:35 P.M.



ADOPTED THIS 3<sup>rd</sup> DAY OF February, 2015.

By:

Judy Wertz-Strickland  
Judy Wertz-Strickland, Mayor

Penny Delaney  
Penny Delaney, City Clerk