

**AGENDA MINUTES  
CITY COUNCIL  
CITY OF ARCADIA  
TUESDAY, JANUARY 21, 2014  
6:00 P.M.**

**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  
Councilmember Robert R. Allen  
Councilmember Robert W. Heine

Deputy Mayor Joseph E. Fink  
Councilmember Keith Keene

**Arcadia City Staff**

Interim City Administrator Tom Slaughter  
City Marshall Matt A. Anderson  
Finance Director Beth Carsten  
Code Enforcement Officer Carl McQuay

City Clerk Penny Delaney  
City Attorney Thomas J. Wohl

Councilmember Allen gave the invocation, which was followed by the Pledge of Allegiance and roll call.

**CONSENT AGENDA**

Mayor Frierson advised that they were going to change the order of the agenda and address the US 17 Interconnect. The Interim City Administrator advised of discussions between the city and County which led to a letter from the County Attorney stating that the city's rights to extend its service area five miles from its corporate limits will not be limited by said interconnect. This letter was provided to all council members.

A.J. Berndt of the City Water Treatment Plant advised that following a meeting with City and County, to include the City Attorney, they are not aware of any interruption in the City growing from an interconnect at this point. The County is going to have a line to this boundary regardless. There will either be a stub out on it or funding for an interconnect service. Once the interconnect is there, the City is under no obligation to use it. Deputy Mayor Fink asked the City Attorney if he concurs with the County Attorney to which the City Attorney agreed with Mr. Berndt in that the City Council is not voting on the use of the interconnect, but rather for the funding and the City could determine to never use the interconnect. Deputy Mayor Fink made a motion for staff to work with the County to establish the interconnect at the corner of Martin Luther King and US 17. He further suggested that a copy of the letter be placed on file as a response from the County to have as a permanent record. Councilman Heine seconded the motion. No discussion followed and it was unanimously, 5-0, approved.

Mayor Frierson stated the City Council would address the consent agenda that that time. Deputy Mayor Fink made a motion to approve the consent agenda. Councilman Heine seconded the motion. No discussion followed and it was unanimously, 5-0, approved.

#### **Discussion Item 6 – City Administration Search Committee Update**

Mayor Frierson introduced Chairman John Super. Vice Chairman Fazzino was also in attendance. Mr. Super advised the committee will submit the proposed job summary, position description and applicant qualifications to City Council for approval no later than February 4, 2014. Upon approval of same, the committee will proceed to advertise for the position. He advised that the proposed budget is \$1,500.00 - \$2,000.00. Mayor Frierson inquired as to where they plan to advertise. Vice Chairman Fazzino advised they would advertise in the Florida League of Cities with Administrative Weekly pointing out that there is no charge for said advertisement and it is also through the county, along with the Arcadian. Deputy Mayor Fink asked what the \$1,500.00 - \$2,000.00 would be used for if there was no cost with the Florida League of Cities. Chairman Super advised that there is the advertisement through the Arcadian, the Charlotte Sun which their area of coverage is Sarasota County and Charlotte County. Vice Chairman Fazzino suggested advertising in the St. Pete Times to which Councilmember Keene agreed.

Councilmember Keene confirmed with Chairman Super that the final position description would be ready to present to council by February 4, 2014. He further made a motion to approve up to \$2,000.00 expenditure to advertise for this position and Councilman Heine seconded said motion. The City Attorney stated that he wanted to clarify that the budget not only needed to be approved, but also the plan schedule and suggested it be included in the motion as well. Councilman Keene agreed to include both the approval of up to \$2,000.00 as the expenditure and also the plan schedule to which Councilmember Heine seconded. No discussion followed and it was unanimously, 5-0, approved.

#### **Discussion Item 7 – Ordinance Regulating Solicitation (2<sup>nd</sup> Reading)**

Councilmember Heine made a motion to read by title only. Deputy Mayor Fink seconded said motion. No discussion followed and it was unanimously, 5-0, approved. The City Clerk read title only of said Ordinance No. 2014-001. Councilmember Heine made a motion to approve the second reading. Councilmember Allen seconded said motion. No discussion followed and it was unanimously, 5-0, approved.

#### **Discussion Item 7 – Ordinance Regulating Behavior in Public Places (2<sup>nd</sup> Reading)**

Councilmember Heine made a motion to read by title only. Councilmember Keene seconded said motion. No discussion followed and it was unanimously, 5-0, approved. The City Clerk read title only of said Ordinance No. 2014-002. Councilmember Keene made a motion to approve the second reading. Councilmember Heine seconded said motion. No discussion followed and it was unanimously, 5-0, approved.

**Discussion Item 8 – Ordinance Updating City’s Land Development Regulations (1<sup>st</sup> Reading)**

Jeff Schmucker with the Central Florida Regional Planning Council stated it was a public hearing because they were making adjustments to the zoning districts within the city. He then proceeded to give a presentation of the updates. He stated this was a carry-over of the city’s existing code and they are making a unified land development code’s own section specifying the land development regulations. Updates include language that is consistent with the comprehensive plan, general language not in code today, additional language that’s tailored for the direction of the city, and language that are out of date since the last time it was adopted was in 1986. Councilmember Heine made a motion to approve. Deputy Mayor Fink seconded said motion. No discussion followed and it was unanimously, 5-0, approved.

Councilmember Heine made a motion to read by title only. Deputy Mayor Fink seconded said motion. No discussion followed and it was unanimously, 5-0, approved. The City Clerk read title only of said Ordinance No. 994. Councilmember Keene made a motion to approve the second reading. Councilmember Heine seconded said motion. No discussion followed and it was unanimously, 5-0, approved.

**Discussion Item 9 – Vacate Right-of-Way**

Deputy Mayor Fink asked the City Attorney if this would be considered in any way a quasi judicial of which the City Attorney stated that it would not. Deputy Mayor Fink further explained because Mr. and Mrs. Kirkpatrick spoke with him on this noting this was going to be here prior to his knowledge of it being on the agenda.

The Code Enforcement Officer stated that Mr. and Mrs. Kirkpatrick, DeSoto Land Surveying, on behalf of the two property owners request consideration of a vacation of two platted alleyways which bisect a single-family residential block. The subject property proposed for vacating from the subdivision plat is an unimproved right-of-way. While included in the original plan, the companion right of way was never improved for vehicular use as an alleyway or utilized by the City for potable water and sanitary sewer utility services. The Interim City Administrator advised that the idea is to put a garage in that area.

Councilmember Keene made a motion to approve the vacation of the right-of-way and Councilmember Heine seconded said motion. No discussion followed and it was unanimously, 5-0, approved.

The Interim City Administrator pointed out that by ordinance once it is approved, it is required that a legal notice be published to let anyone know in the area that a legal action has been taken and if anyone should have standing and should object, how it can be found. Then if there are no objections as a result of the legal ad, then the City Clerk will post it with the Clerk of the Court where they will actually consider filing it and putting it on the record.

## COMMENTS FROM DEPARTMENTS

### 1. CITY MARSHALL

Marshal Anderson advised that the computer program that was purchased was installed today and training dates are set for next week. It's the same software the sheriff's offices uses and they will download their date base with names, addresses and phone numbers so they don't have to start from scratch.

The Martin Luther King Day Parade was low in attendance, but no incidents. The parks crew cleaned up quickly and a call came in complimenting the City for such.

### 2. CODE ENFORCMENT OFFICER

On December 17<sup>th</sup>, someone from the community spoke up about the house on Pine and Lee. Mr. McQuay took it to the Special Master last week and it was demolished on Thursday. The City Council had approved \$4,000.00 and he got it down for \$1,000.00. City employees took what could be burnt to the burn pit which helped on the costs with the contractors. He further suggested he's going to try to use this scenario as a template for future demolitions. The only issue is the time period with only having the Special Master once every other month.

Deputy Mayor Fink wanted to make a commendation to Mr. McQuay in this particular instance. He stated that it was gone and Mr. McQuay saved us \$3,000.00 and he further stated that it was a formal motion. Said motion was seconded by Councilmember Keene. No discussion followed and it was unanimously, 5-0, approved.

Mr. McQuay further stated that he had received a notice that the house on Effie Street will be going to a tax deed sale on February 5<sup>th</sup>. Hopefully, once it is sold, they should contact the City regarding the lien and then it will be back before council regarding whether council wants to collect the entire lien or partial based on city council's decision. It is a running lien. When it was cleaned and boarded up, it was in excess of \$900.00 at that time just for the labor and it has been mowed numerous times since then. It is not a lien that is impossible to satisfy. It will be more than what the property is probably worth. The Marshall stated that they had arrived at a rough figure of a little less than \$5,000.00. It will be brought back to council.

Charles Conklin brought up the issue of children riding around without helmets. He asked if the parents could be approached about it. The Marshal advised that they try to stop the children, educate them, and pass out helmets. He further stated that it is up to the individual officer.

### 3. CITY ATTORNEY

On October 2013, legislation changed the Sunshine Law. Prior to October, they were not required to entertain public rights to be heard. That was changed. Now they have the right to be heard. He stated it has been practiced here since he has been the City Attorney, but some local

governments have begun implementing resolutions to confirm that statute change. He didn't know if council wanted to entertain a resolution to that effect or if what's been done here is good enough. Councilman Allen didn't feel they should mess with it and Mayor Frierson agreed, stating that no one has ever been turned down here.

The City Attorney advised that the City did receive notice from Ms. Miller's attorney regarding a possible litigation dealing with a whistleblower. The City Attorney advised that he has been trying to get in contact with her attorney and once they get more information, he may come back to City Council to see if a labor attorney needs to be retained for this specific issue. The Interim City Administrator also pointed out that they had requested public records which will be provided and a copy of same will be provided to council and if a labor attorney is required, we'll bring one in.

The City Attorney stated that on another matter, he spoke with the State Attorney who is prosecuting the former Marshal Charles Lee and the first day of trial date is set for March 3<sup>rd</sup>. Marshal Anderson stated that he thought it was the end of March. The City Attorney stated that he would confirm the date and he stated that the conversation with the State Attorney was positive. He stated that he would speak with him again and bring back what he could to the council until the prosecution is complete.

#### **4. INTERIM CITY ADMINISTRATOR**

The Interim City Administrator stated that he would provide City Council with an agenda regarding the first workshop. The first workshop is to review the personnel policy, the management work team and more importantly, budgeting, education, training, to give them a better background of what goes on behind the scenes.

He also brought up advisory boards which include airport advisory board, planning commission, the historic preservation, etc. He stated that at some point the City Council will want to have briefings from these individuals regarding recommendations to changes that need to be made. He stated that he's looking for more five or ten minute briefings where it's not going through the staff filter, but through the members of your committee.

Deputy Mayor Fink asked the City Attorney if the City Council had not changed the reporting mechanism of the airport advisory board from council to the City Administrator under Ms. Jankowski. The Interim City Administration stated that they did, which is why he is bringing Mr. Frierson to the council regarding standards of practices under his comment area timeframe. With that, he introduced Mr. Frierson and Mr. Smith from the Airport Advisory Committee.

Mr. Frierson stated that he believed they had the final draft of the minimal standards and guidelines. He advised that the City Clerk had mailed and noticed all the tenants last week and uploaded the document to the City website. Copies of the standards and guidelines were distributed to all council members along with a copy of the letter which was mailed out to all tenants so that council members would give feedback and the City Attorney could review same.

Afterward, the committee could present a final copy to City Council. He pointed out the document has five sections and briefly reviewed each section. He stated that during the last meeting, the subject of financial disclosure and a background check was brought up and same will need to be decided if it will be presented into the document as a final product to be presented to the City Council. Existing businesses will be grandfathered in.

Mr. Smith brought up the issue of the codification of the ordinance regarding not allowing a building to be placed on lot on Maple. It's been held up and it's never been passed. The request was made that the City Attorney contact Mr. Hewitt regarding the status of same.

### PUBLIC

County Commissioner Bob Miller expressed appreciation to the City Council for the vote of approval regarding the interconnect.

Adrienne Daly asked where the signs around town stating "Oak Ridge Cemetery" came from and if permits were required. Mr. McQuay advised they placed around town by the Historical Committee and they had to meet code as to where they could be placed and permits were obtained. She further advised that the road that leads to the cemetery, Lee Avenue, looks pretty bad and also the road that leads to the post office, Polk Avenue, looks bad as well and requested that Mr. McQuay look into it to see what could be done. Another house on Monroe was also brought up and it was stated that it would be looked into.

### MAYOR AND COUNCIL MATTERS

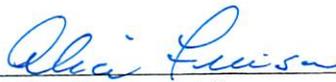
NONE

### ADJOURN

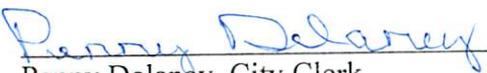
Having no further business at this time, the meeting was adjourned at 7:17 P.M.

ADOPTED THIS 4<sup>th</sup> DAY OF FEBRUARY, 2014

By:

  
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Alice Frierson, Mayor

ATTEST:

  
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Penny Delaney, City Clerk