

**AGENDA MINUTES  
CITY COUNCIL  
CITY OF ARCADIA  
TUESDAY, FEBRUARY 20, 2018  
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**

Deputy Mayor Simons gave the invocation which was followed by the pledge of allegiance. The Mayor called the meeting to order at approximately 6:05 p.m. and the following members and staff were present:

**Arcadia City Council**

Mayor Judy Wertz-Strickland  
Deputy Mayor Jaccarie D. Simons  
Councilmember Keith Keene

Councilmember Jerry B. Alexander  
Councilmember Robert W. Heine, Jr.

**Arcadia City Staff**

City Administrator Terry Stewart  
City Clerk Penny Delaney  
City Attorney T.J. Wohl  
City Planner Jeff Schmucker

Fiscal Assistant Darlene Davis  
City Marshal Matt Anderson  
Finance Director Beth Carsten

**PRESENTATIONS**

**Agenda Item 1 – Presentation to Margot Ayre – Five (5) Years of Service to the City of Arcadia**

Mayor Wertz-Strickland presented Margot Ayre with a certificate recognizing her five (5) years of service to the City of Arcadia.

**Agenda Item 1 – Presentation to Doris Wiley – Fifteen (15) Years of Service to the City of Arcadia**

Mayor Wertz-Strickland presented Doris Wiley with a certificate recognizing her fifteen (15) years of service to the City of Arcadia.

**Agenda Item 3 – Arcadia Main Street Update**

Pam Ames thanked the City Council for its support and advised Arcadia Main Street is enjoying its office space. She provided an update regarding the weekend clean-up event and the

various groups that participated in it. She also shared future plans to include the refurbishing and staining of benches in the downtown area and the plans to purchase new flower pots with native plants of which an event was planned for April 20<sup>th</sup> to provide funding for such. Mrs. Ames introduced Mike Taber of the DeSoto County Economic and Tourism Development Department and advised the committee had spoken to Mr. Taber regarding a branding process for the City. Mr. Taber spoke about what branding entails and the benefits it provides. He advised that the County had just gone through the process on a county and regional level and stated that on a County level, they were there to support the City and assist with anything that would increase economic development within the City and the County. City Administrator thanked Mr. Taber for his willingness to work together with the City and stated that the way the City and the County is working together now is a great example of how they should be operating.

Mrs. Ames provided a profit and loss statement related to the financial support that the City had provided Arcadia Main Street since December. Mr. Stewart explained that the Council was receiving the report because Arcadia Main Street was honoring their commitment to provide information to the Council regarding their operations.

### **CONSENT AGENDA**

**Agenda Item 4 – City Council Regular Meeting Minutes for February 6, 2018**

**Agenda Item 5 – Special Event Permit – Car and Bike Show Spring Fest 2018 – Roc Hard Production and Pressure Gang Entertainment**

**Agenda Item 6 – Special Event Permit – Annual March Rodeo Parade**

**Agenda Item 7 – Special Event Permit – Coastal Conservation Association Peace River Kids Fishing Clinic**

Councilmember Heine made a motion to approve the Consent Agenda as presented, Items 4, 5, 6 and 7, and Deputy Mayor Simons seconded the motion under Items 4, 6 and 7 and asked to pull Agenda Item 5 for discussion. Councilmember Heine amended his motion to Items 4, 6 and 7 and Deputy Mayor Simons seconded the motion. No discussion followed and it was unanimously, 5/0, approved. Deputy Mayor Simons referenced Marshal Anderson's notation at the bottom of the application regarding having two (2) officers present at a specified rate, along with a concern regarding the ending time of the event. He stated he wanted to ensure the Marshal was okay with it and he wanted to ensure the concerns had been satisfied. Marshal Anderson advised the applicant had agreed to pay for two (2) officers to be present and to keep the music volume under the required decibel readings. After further discussion, Councilmember Keene made a motion to approve the Car and Bike Show Spring Fest 2018 to be held on March 17, 2018 and Deputy Mayor Simons seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

### **ACTION ITEMS**

**Agenda Item 8 – Ordinance 1030 – Amending Definition of Family – Second and Final Reading**

City Attorney Wohl explained this issue was originally addressed over a year ago when a number of individuals complained that in their single family neighborhood, they experienced having neighbors with eighteen (18) to twenty (20) individuals living in a single family home. He further explained that caused a number of safety concerns and sanitary concerns having that many individuals living in one (1) home and a number of Department of Health issues to include certain areas within the home that can be served as sleeping quarters. He stated to protect the public health, safety and welfare, the overcrowding ordinance was implemented. In doing so, he explained they realized the definition of “family” needed to be a little more subjective and he advised a definition of a “single housekeeping unit” was included. City Attorney Wohl stated that the Ordinances 1030 and 1031 were interrelated with trying to create subjective standards for family in Ordinance 1030 and trying to protect the public health, safety and welfare by providing subjective standards regarding how many people you can fit into a house in Ordinance 1031. He advised the Fair Housing Act gives little leeway as to what can be done from the zoning standpoint without being discriminatory and these two (2) are exceptions.

City Administrator Stewart stated that a concern that had been raised from the group handling the Tiny Home Community was the square footage limitations. He stated that with such a community being done with a PUD, it would enable the City Council to approve something that might be different and City Attorney Wohl stated that a request for a variance or special exception could be brought before the City Council.

While discussing the number of people who are allowed within a certain number of square footage, Theron Provau, a non-City resident referred to an ordinance which allowed for one hundred fifty (150) square feet minimum for one person and he stated that he felt there should be something for two (2) people such as a mother and her child and then he stated that he was referring to Tiny Town. Councilmember Keene asked if it would behoove them to define what a residential unit is and City Attorney Wohl advised that it was defined in the code. Jeff Schmucker of the Central Florida Regional Planning Council advised they had worked closely with Mr. Wohl and City staff to help draft the language. He further advised that it had been pulled from the Minimum Health Department Standards Form – living space; habitable space so the one hundred fifty (150) number was not just an arbitrary number and it was for the safety health and welfare of residents of a dwelling unit.

Deputy Mayor Simons made a motion to approve Ordinance Number 1030 on second and final reading and Councilmember Keene seconded the motion. At this time, the City Clerk read Ordinance Number 1030 by title only. No discussion followed and it was unanimously, 5/0, approved.

### **Agenda Item 9 – Ordinance 1031 – Amending Code to Prevent Overcrowding – Second and Final Reading**

Councilmember Heine made a motion to approve Ordinance 1031 on second and final reading and Councilmember Keene seconded the motion. At this time, the City Clerk read Ordinance Number 1031 by title only. Councilmember Keene reminded the Council that the

Planning and Zoning Board had voted in favor of this and had sent it on to Council for its approval. No discussion followed and it was unanimously, 5/0, approved.

**Agenda Item 10 – Ordinance 1035 – City-Initiated Text Amendment to the Unified Land Development Code – Second and Final Reading**

Jeff Schmucker of the Central Florida Regional Planning Council advised that this was an amendment to the Land Development Code to amend the language for the meeting requirements of the Planning and Zoning Board. He informed the Council that it would change the requirement from meeting every month to requiring a meeting only when there is business to be heard and the meeting would be called by the Chair of the board or by a written request of two (2) members of the board. Councilmember Keene made a motion to approve Ordinance 1035 and Deputy Mayor Simons seconded the motion. At this time, the City Clerk read Ordinance 1035 by title only. No discussion followed and it was unanimously, 5/0, approved.

**Agenda Item 11 – Central Florida Regional Planning Council Planning Advisory Services Agreement**

City Administrator Stewart advised this was an agreement with the Central Florida Regional Planning Council (CFRPC) to do specific work for the City that is separate and apart from the normal planning services which they provide for the City. He further advised that the City had received a Department of Economic Opportunity Technical Assistance Grant that will enable the City to examine its comprehensive land use codes and make the determination of how the City might adjust those to make our City more attractive to businesses. Mr. Stewart complimented the CFRPC for responding to the State's inquiry regarding accomplishing it and he advised the agreement had been signed and sent in and the grant was the City's. Mr. Stewart advised the grant would be used to pay the cost of Twenty-Five Thousand and 00/100 Dollars (\$25,000.00). Mr. Schmucker stated that it would be for the development of economic strategy for the City and with that there would be amendments to the Comprehensive Plan and the Future Land Use Element to be consistent with it. Councilmember Keene made a motion to approve the Planning Advisory Services Agreement with the Central Florida Regional Planning Council in the amount of Twenty-Five Thousand and 00/100 Dollars (\$25,000.00) to prepare an Economic Diversification Strategy Plan (Plan) and amend the City's Comprehensive Plan Future Land Use Element consistent with the Plan and Councilmember Heine seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

**Agenda Item 12 – Lien Foreclosures**

City Administrator Stewart spoke of the need to improve the quality and the look of the community, along with the City's code enforcement methods. He stated there were a number of properties that have outstanding liens. He explained that the current policy is when a property has been fined, the property owner has refused to correct the violation and the fine has reached One Thousand and 00/100 Dollars (\$1,000.00), a lien is filed against the property with the Clerk of Court. Mr. Stewart stated that while the vast majority will correct the violation, some do not correct the violations and the fines continue on a daily basis. He asked Council to provide staff

with the authority to move forward with foreclosures on properties that have liens that the owners have failed to pay and correct the violations. Mr. Stewart advised that staff would also be bringing a lien reduction proposal to City Council for consideration in the future. After further discussion which included homestead properties, properties with mortgages, and properties sold on the courthouse steps, it was the general consensus of Council to move forward with the item. Councilmember Heine made a motion to direct staff to proceed with code lien foreclosure as allowed by law and Councilmember Alexander seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

#### **Agenda Item 13 – Vacancy on Police Officers’ and Firefighters’ Pension Board**

City Administrator Stewart advised that the Police Officers’ and Firefighters’ Pension Board had a five (5) member board and one (1) of the members, Mr. Sica, had resigned because he had moved out of the City which it is a requirement that a member live in the City. He stated that the board had asked that the Council replace the position and he asked if the Council had someone to put forward now and if they wanted to have it advertised and placed on a future agenda. Mayor Wertz-Strickland suggested Mr. Stewart, but Mr. Stewart advised that while he would gladly do it, he does not live in the City. Marshal Anderson suggested Bonnie Malloy and Mrs. Malloy agreed to serve. Deputy Mayor Simons made a motion to appoint Bonnie Malloy to the Police Officers’ and Firefighters Pension Board to fill the vacancy of Vince Sica as the Council appointee and Councilmember Keene seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

#### **Agenda Item 14 – Staff Recommendation to City Council for the Award of IFB #2018-01 Southeast Looping Project**

City Administrator Stewart advised this project was being funded by a grant and the grant funding compels the City to move forward to get things done and time was of the essence. He explained a solicitation for bids went out and he asked Fiscal Assistant and Purchasing Agent Davis to address such. Mrs. Davis informed Council that on January 17, 2018 the project was noticed and there were five (5) submittals received. After compliance review, it was determined that all five (5) were within the requirements of the submittals. She explained staff had compiled the bid tabulations and checked references; the selection committee reviewed the submittals and Go Underground Utilities, LLC was the lowest, most responsive, most responsible bidder with its bid being Two Hundred Forty-Two Thousand Eight Hundred Fifty and 00/100 Dollars (\$242,850.00) for the project. Mrs. Davis stated that staff was recommending that the bid be awarded to Go Underground Utilities, LLC and asked Council to allow staff to enter into contract negotiations with the contractor for this project. Councilmember Heine made a motion to award IFB 2018-01 Southeast Looping Project to Go Underground Utilities, LLC as the most responsive, responsible bidder at the lowest price and to allow staff to enter into contract negotiations with the contractor. City Administrator stated that because it was an IFB, the amount of Two Hundred Forty-Two Thousand Eight Hundred Fifty and 00/100 Dollars (\$242,850.00) should be included in the motion. Councilmember Heine amended his motion to include the amount of Two Hundred Forty-Two Thousand Eight Hundred Fifty and 00/100

Dollars (\$242,850.00) and Councilmember Alexander seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

### **Walk-On – Purchase of Portable Radios (5)**

Marshal Anderson stated he misunderstood and did not think this had to come before Council since the City Administrator had authority for the amount, but now realizes it does because it is a sole source matter. He informed Council that they were in meetings to upgrade their system to a digital system and these radios will be able to be converted to said system. Councilmember Keene made a motion to allow the Arcadia Police Department to purchase five (5) portable police radios at a total price of Twenty-Two Thousand Three Hundred Sixty-Five and 45/100 Dollars (\$22,365.45) based upon a sole source purchase and Deputy Mayor Simons seconded the motion. No discussion followed and it was unanimously, 5/0, approved,

### **COMMENTS FROM DEPARTMENTS**

Marshal Anderson advised he was there to address any concerns the City Council may have and Councilmember Heine asked about the traffic lights. Marshal Anderson stated he had received an email from Utilities Director Berndt who advised of an upcoming meeting with the Department of Transportation (DOT) to discuss the traffic lights and the programming of such. He advised the Mr. Berndt can re-set the lights, but the DOT sets the timing. There were no questions from the general public.

Marshal Anderson thanked City Administrator Stewart and Finance Director Carsten for allowing his son, Brady, to work for the City and get some practical work experience. He also thanked Mrs. Malloy because she was part of the reason Mr. Sica put his son, Garrett, to work as a paid internship because he is working towards his Master's Degree in Health Administration.

City Attorney Wohl referred to when Mr. Stewart first arrived, he had talked about the International Property Maintenance Code (IPMC) and Mr. Wohl stated that the 2018 model had just come out and hopefully it would be adopted very soon. He stated the City did not have a lot of code provisions regarding houses and how they need to be maintained. He advised there are codes regarding high grass, not keeping junk cars or boats in yards, but there wasn't much regarding needed paint, issues with windows or roofs. He stated that hopefully if they get the IPMC in place, along with the lien foreclosures, the properties will begin to look better. He further stated it will take time due to the size of the code and the need to review it carefully to customize it for the City of Arcadia.

Finance Director Carsten provided the monthly finance report and advised that as of February 8<sup>th</sup>, thirty point two percent (30.2%) of the revenues were met and the expenses were at twenty-five point four percent (25.4%). She then reviewed the purchase amounts that went over Mr. Stewart's former approved limit. Ms. Carsten then reviewed the status of items related to Hurricane Irma and FEMA. She advised she would be meeting with a FEMA representative tomorrow and she would come back before Council with the actual claim once all the figures were in and a timeframe of when the City can expect to be reimbursed. She advised what had

been provided to Council was approximately twenty-five percent (25%) of the expenses and there was still a considerable amount more. Mr. Stewart advised what the liaison had shared with him and stated that Ms. Carsten had done an excellent job with this. A copy of the power point is on file in the office of the City Clerk.

City Administrator Stewart referred to an email received from a citizen of which he had provided, along with his response, to Council regarding streets and potholes. He advised he had forwarded it to the Arcadian and had been asked if it could be printed and he had given his permission to do so. He commented on the frustrations regarding the condition of the roads and shared what was being done regarding such. On another note, he advised Council that DeSoto County Chief Building Official Hornbake had informed him that the permit to fix the roof on the Oak Park Inn had been approved and was moving forward. Mr. Stewart advised that the grant writers were working on a land and water grant of which Lake Katherine had been identified as a possible recipient and they had indicated there had to be active use of the particular park area. He asked, if funding was approved, if Council would allow some sort of fishing at Lake Katherine. He explained that before that could happen, the lake would need to be dredged which would be a part of the project. Mr. Stewart advised they were working with FDOT because its stormwater runoff on SR 70 goes into Lake Katherine. After further discussion, it was the general consensus of the Council to allow fishing to occur certain times during the year.

### PUBLIC

George Chase of the Friends of Arcadia Airport reported that the restroom/shower project was complete and being used by visiting pilots. He provided a report regarding same. He then stated that the Friends of Arcadia Airport had donated Seventy-Five Thousand and 00/100 Dollars (\$75,000.00) in improvements to the Arcadia Municipal Airport in the last three (3) years (Thirty Thousand and 00/100 Dollars (\$30,000.00) for the original Aviation City Campground facility and Forty-Five Thousand and 00/100 Dollars (\$45,000.00) for the restrooms. He advised the donor dedication ceremony was set for February 23, 2018 at 9:30 a.m. at the Aviation City pilot shelter and he invited Council to attend. Mayor Wertz-Strickland commended Friends of Arcadia Airport for their work and City Administrator Stewart advised they had been an excellent group to work with. He expressed his appreciation to Friends of Arcadia Airport and specifically George Chase.

Mayor Wertz-Strickland asked if any progress had been made regarding the contract with the FBO. City Administrator Stewart stated that City Attorney Wohl, Airport Manager Peacock and he were working very closely together on the matter, but they were not at a place where it could be discussed. He advised a meeting was scheduled next week to review certain items and City Attorney Wohl stated that they would hopefully have an update for the Council after said meeting. Councilmember Heine expressed his concerns regarding the FBO and City Administrator Stewart stated they had tried to work together with the FBO in the past, but he advised that they were now taking appropriate legal actions on every misstep along the way.

Nina Ricco, a City resident, asked if she could donate the surplus of water (from the minimum amount usage) that she does not use each month to people who may need it. City

Administrator Stewart advised it was not possible to do so and he explained that the utility system was set up as an enterprise fund which must support itself. He then went into detail to explain how the fund worked.

### MAYOR AND COUNCIL REPORTS

Councilmember Keene stated that on February 14<sup>th</sup> he attended the Central Florida Regional Planning Council meeting which was hosted in Arcadia at the County Commissioner's Chambers. He provided a summary to the Council (a copy of which is on file in the office of the City Clerk). He advised that Jeff Schmucker was in attendance and discussed the subject of tiny houses which is something that needs to be considered for communities. Councilmember Keene also advised of an unexpected trip that he and his wife would be making to Maine and he advised they would be back next week.

Councilmember Alexander asked to keep the Parkland community in prayer and stated he had the opportunity to go over there last week. He encouraged prayer for our community that it not take place in Arcadia and that our community will stay safe.

Mayor Wertz-Strickland commended Arcadia Main Street for the cleaning that was done on Saturday and advised that she had been appointed to the State Nominating Committee for the Florida League of Cities. She also spoke of and encouraged people to sign the Home Rule petition.

### ADJOURN

Councilmember Keene made a motion to adjourn and Deputy Mayor Simons 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 8:05 P.M.

ADOPTED THIS 16<sup>th</sup> DAY OF March, 2018.

By: Judy Wertz Strickland  
Judy Wertz-Strickland, Mayor

ATTEST:

Penny Delaney  
Penny Delaney, City Clerk

