AGENDA MINUTES
CITY COUNCIL
CITY OF ARCADIA
TUESDAY, MARCH 15, 2016
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

Pastor Thomas Simmons gave the invocation which was followed by the pledge of allegiance. The Mayor called the meeting to order at approximately 6:00 p.m. and the following members and staff were present:

Arcadia City Council

Mayor Susan Coker
Deputy Mayor Alice Frierson
Councilmember S. Delshay Turner
Councilmember Judy Wertz-Strickland
Councilmember Joseph E. Fink

Arcadia City Staff

City Administrator Terry Stewart
City Clerk Penny Delaney
City Attorney T.J. Wohl
Finance Director Beth Carsten
Lieutenant Gary Evans
Denise Musselwhite

PRESENTATION

Agenda Item 1 – Recognition of Denise Musselwhite for 5 Years of Service to City of Arcadia

Mayor Coker presented Denise Musselwhite with a certificate recognizing her five (5) years of service to the City of Arcadia.

CONSENT AGENDA

Agenda Item 2 – City Council Minutes for Meeting on March 1, 2016
Agenda Item 3- Special Event Permit – FAA Safety Seminar – Friends of Arcadia Airport

Councilmember Wertz-Strickland made a motion to approve the City Council Minutes for March 1, 2016 and the Special Event Permit and Deputy Mayor Frierson seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

ACTION ITEMS

Before proceeding to the Action Items, Mayor Coker announced that Margaret Way was in attendance and had recently celebrated her birthday. Councilmember Fink pointed out that the following day would be Councilmember Wertz-Strickland's birthday. At this time, everyone sang "Happy Birthday" to Ms. Way and Councilmember Wertz-Strickland.

Agenda Item 4 – Property Maintenance Standards Review Committee Application

City Administrator Stewart advised an application had been filed regarding a vacant seat on the Property Maintenance Standards Review Committee due to a committee member choosing to relinquish their position. He stated the vacancy had been advertised and Michael Taber had applied. Councilmember Fink advised that for informational purposes, Mr. Taber is an employee of the County. Councilmember Fink made a motion that Mr. Taber be approved and Councilmember Wertz-Strickland seconded the motion. No discussion followed and it was unanimously, 5/0, approved. Regarding Mr. Taber's employment with the County, City Administrator Stewart advised that he had spoken with the City Attorney to ensure this would not create an issue of dual office holding and the City Attorney advised it would not create such an issue.

Agenda Item 5 – Request to Purchase City Parcel No. 30-37-25-0A00-1270-0000

City Administrator Stewart advised Council this was a request from Gary Frierson to purchase a piece of property that is owned of the City. He stated that a piece of the parcel that is currently owned by Mr. Frierson was originally donated to the City by a prior property owner for the purpose of a right-of way. He explained the property was never deeded or created as a right-of-way and currently Mr. Frierson's property surrounds about ninety-five percent (95%) of the property owned by the City. Mr. Stewart advised the parcel abuts Mr. Frierson's property on three (3) sides and it also abuts another property that is owned by the owner of the radio station in a small portion of the southeast corner, with another property owner to the immediate south that abuts the southern piece of the property. He advised he had provided Council with information from minutes of prior council meetings from 1957 when the property was donated and prior to the donation where it was indicated that it was for the purpose of a right-of-way.

Councilmember Fink stated that it was important to point out that the property serves no purpose to the City and he felt Council needed to divest itself of the property. However, he pointed out that the owner of the radio station was interested in the property. He indicated that he felt there was a need to take a different route and suggested a sealed bid. Councilmember Wertz-Strickland asked if Mr. Fiorini (owner of the radio station) wanted a portion of the strip that Mr. Frierson was wanting to purchase. Mr. Stewart advised he could not answer that question. Councilmember Fink stated that if the two (2) individuals wanted to divide the property, after whoever receives it, then they could deal with the division.

Mr. Frierson stated that almost anything would be better than a sealed bid because with such, the property would still be useless and could not be developed unless someone was taken

advantage of somehow. He suggested a possible auction, taking the appraised value and dividing the property similar to a right-of-way, or request the City to put a road in which is what the City originally agreed to. Joseph Fiorini was in attendance and addressed Council by stating he was the owner of WFLN located at 201 Asbury Street. He stated that regarding the property, he is interested in the portion that abuts his property. He explained that his plans were to build a new building on the property and he needed the extra space to be able to do so. Mr. Fiorini stated he was in agreement to a sealed bid or an open bid. He also stated that if he and Mr. Frierson could work out a deal to split the property, he would be fine with that as well. Mayor Coker stated that the property mainly affected Mr. Frierson and Mr. Fiorini. City Administrator Stewart asked the City Attorney what it meant to divide it up as if it were a right-of-way and City Attorney Wohl advised that by doing so, the end result would be half would go to one owner of the property that abuts it and the other half would go to the other owner of the property that abuts it. There was much discussion regarding the division of the property and the property lines. Councilmember Fink expressed his concern that by the City divesting itself of the property, it appearing the Council may be enhancing one side over the other and he did not feel it was Council's interest as to how they divide or develop the property. He felt they should divest the property, give everyone a chance to be equal holder of the property or not and let them decide what to do with it. He then asked City Attorney Wohl, besides a sealed bid, what the options were for the City to divest itself in an affordable solution that would not put the City at risk for litigation. City Attorney Wohl advised that the Florida Statutes do not provide a required procedure, but in his legal opinion, since there is an appraisal, the property could be sold in an arms-length transaction without an auction or sealed bid, but it was up to Council. He stated the only caveat was to ensure they are getting fair market value. Councilmember Fink asked Mr. Wohl what he would recommend so that there is not an appearance of impropriety since this is not a normal sale. City Attorney Wohl stated that there were two (2) people interested in the property and he felt it would be inequitable for the Council to pick one so he suggested an auction. Mr. Wohl further stated that if he were one of the two gentlemen in attendance, he would be speaking with one another to figure out how they could buy it for less than the appraised value.

Mayor Coker pointed out that there was one (1) other property below that abuts the property and she felt it should only concern the three (3) property owners that abut the property and she asked the City Attorney if it would be equitable to try to deal with it that way. City Attorney Wohl advised they could be notified of the auction and he would notify anyone whose properties are contiguous to the subject property. Mayor Coker stated that she did not think it should be open to the whole public because of what this property is and Mr. Wohl stated that he did not think the City could determine who would be getting it and felt that it should be open to the public. City Administrator Stewart pointed out that due to the way the property is currently zoned and due to its configuration, nothing can be built on it. He stated it would not be of value to anyone other than those who are abutting property owners and have a use for it. He further stated that the only way anyone could come in and bid on the property would be if they hope to hold someone hostage by charging them additional dollars for way more than it is worth. Councilmember Fink made a motion that staff be authorized to auction the property publicly and no one seconded the motion. Therefore, the motion died for lack of a second. City Attorney Wohl advised that they could give the two (2) gentlemen until the next council meeting. Councilmember Wertz-Strickland stated that was going to be her motion to give Mr. Fiorini and

Mr. Frierson , , , , to table it until the next meeting to give them time enough to get together, formulate a plan and then come back to Council with it. Mr. Wohl suggested it be stated that essentially one will advise they do not want the property, that they have worked out something and that Council could sell it to the other. Mr. Stewart stated that if they were going to do such, he would like for there to be specific rules of engagement which would include a legal agreement that is notarized and provided to Council as being what they together recommend be done. After much more discussion, Councilmember Wertz-Strickland amended her motion to continue the matter to the second City Council meeting in April unless Council can provide something to satisfy the City that they can move forward with an arms-length transaction and Councilmember Fink seconded the motion, but added an amendment to the motion that the person who is withdrawing from it provide a notarized statement agreeing to this particular agreement, that this is what they agree to. Councilmember Wertz-Strickland agreed to the amendment. No discussion followed and it was unanimously, 4/0, approved with Deputy Mayor Frierson abstaining from the vote.

Agenda Item 6 – Request Approval of Trailer Mounted Pothole Patcher, Bid No. 2016-01

City Administrator Stewart advised staff had performed an appropriate sealed bid pursuant to the City Purchasing Rules and Regulations and had received one (1) response. He advised the response matched the specifications in every way and even exceeded them by including optional items they did not expect to get at no additional charge and the price received was less than what was expected. Mr. Stewart stated the finance staff along with Public Works Director Underwood had examined the bid and found it to be responsible and responsive and they are recommending to Council its approval for the purchase of the sealed bid of H.D. Industries Trailer Mounted Pothole Patcher in the amount of $51,750.00. Councilmember Wertz-Strickland made a motion to accept the bid and Councilmember Turner seconded the motion. No discussion followed and it was unanimously, 5/0, approved. Mr. Stewart guaranteed delivery would be within one hundred fifty (150) days.

Agenda Item 7 – Stormwater Piping on Potter Avenue

City Administrator Stewart referenced pictures that had been provided in City Council's packets which showed the damage to a culvert type bridge on Potter Avenue and he advised it had been blocked off for two (2) months. He advised that within the paving bid that is currently out on the street now, there are specifications to deal with this. He explained, however, if they wait for the whole process to be finished, it will be forty-five (45) to sixty (60) days from now. He felt it was unfair to the people living around the area and he also was concerned regarding the safety of the issue to allow it to continue for another two (2) months. He advised they had taken the specifications that reside within the bid that is out for the paving and used those as specifications for repairing this one (1) site so that the people that bid on it are all bidding on exactly the same thing. He explained the difference is that the amount of the bid is such that it would normally require a sealed bid which would put them back into the next sixty (60) days. He asked Council to waive the requirement for a sealed bid based upon emergency and exigent circumstances. Mr. Stewart stated it was a written bid, everyone bid on the same thing and that

Council had the three (3) bids. He advised the higher bid had agreed to pave more road, but that was not necessary because we do not need the additional paved road, so paying the additional money does not make sense. Mr. Stewart asked that Council approve the low bidder who is both responsive and responsible and meets all the requirements as established by the Florida Department of Transportation. He further stated they were asking for Council's approval to accept the proposal from Conidaris Builders and General Contractors in the amount of Seventy-Three Thousand Seven Hundred Ten and 00/100 Dollars ($73,710.00) for the work on Potter Avenue. Councilmember Wertz-Strickland made a motion to accept the contract with Conidaris Builders, but asked if the culvert/bridge was in a wetlands area. City Administrator Stewart advised it was a drainage ditch but he could not tell her if it was in a wetlands area. Councilmember Fink seconded the motion, but asked if the riprap for Fifteen Thousand and 00/100 Dollars ($15,000.00) would be on both sides of Potter and City Administrator Stewart confirmed that it would be on both sides. Public Works Director Underwood advised Council there were two (2) other sites adjacent to each side of Potter which are Lincoln and McKinley that will require the same type of work. Mr. Stewart stated those two (2) sites were not in as bad a shape as the other yet, but they were in the work plan that would be handled by the overall paving contract. No discussion followed and it was unanimously, 5/0, approved.

Walk-On Agenda Item – Certificate of Appropriateness regarding Property Located at 132 W. Oak Street and 134 W. Oak Street

City Administrator Stewart advised that representatives from the Historic Preservation Commission were in attendance and would speak on the issue. Carol Mahler advised Council that the commission did not want to approve the Certificate of Appropriateness for the requested change. Bruce Neveau advised that the issue was that the color scheme is in no way appropriate for the building and there was nothing structurally on the building that was already painted the particular color. He also advised the Council that the application came in after the fact of the colors already having been put into place and he further advised that the Historic Commission recommended that it be denied. Mrs. Drill was not in attendance. Councilmember Fink made a motion to not approve the Certificate of Appropriateness for Barbara Drill to change the color of the building at property located at 132 W. Oak and 134 W. Oak and Councilmember Wertz-Strickland seconded the motion. Councilmember Fink stated this was the reason they have the commission and expressed his appreciation. Councilmember Wertz-Strickland agreed and asked if the whole building would be painted or if it would just be the front under the awning. Carol Mahler stated Ms. Drill would have to come back again and ask for a Certificate of Appropriateness. She stated she did not know if they could require her to paint the entire building, but the part that had already been changed had to be addressed. She further stated the most appropriate thing would be for the color to match the rest of the building. No discussion followed and it was unanimously, 5/0, approved.

COMMENTS FROM DEPARTMENTS

Lieutenant Gary Evans attended the meeting in the absence of Marshal Anderson. He stated he had nothing to report to Council. He then stated he was there to address any concerns the Council or the public may have and there were none.

City Attorney Wohl had nothing to report.

Finance Director Carsten provided the monthly financial report. She advised that to date, the revenues were at forty-nine point seven percent (49.7%) and the expenses were at thirty-three percent (33%). She then provided an audit update and stated that it had started on February 22, 2016 and staff had been working very hard with the auditors to complete the audit in a timely fashion. She stated one of the challenges that staff faces is the continual job of catching up, but they were catching up. Ms. Carsten advised that when the fiscal year starts in October 2016, they will be reconciling October 2016 statements which has not happened in some time. She further advised that their goal was to file by June 30, 2016, if not before.

City Administrator Stewart stated he was pleased with the progress that had been made and that next year, they expect to be done even sooner. He then thanked City Council for the extension they had given him and his wife until April to be residents of the County and advised that Mrs. Stewart was now residing in Arcadia as well.

Mr. Stewart stated he had spoken with staff regarding the creation of a "victory list" which would detail accomplishments made within the City. He further stated it would not be possible without the support of the Council.

PUBLIC

Carol Mahler invited everyone to the DeSoto County Historical Society's 12th Annual Pioneer Day Bar-B-Que Rib Cook-off which was scheduled for March 19, 2016 from 9:00 a.m. until 3:00 p.m. In addition to the City Administrator singing the national anthem during the opening ceremony, she listed individuals taking part and the planned activities.

Tim Backer, chief of the volunteer fire department, provided an update on the antique fire truck. He explained the prison had been on lockdown and reported that they were hoping to haul it back within a month. Mr. Backer informed Council he had spoken with Public Works Director Steve Underwood and they believe they had found someone who could repair the existing engine. He felt that would be more appealing which would mean they would not have to ship it off which could save money in the long run.

Tim Twohig, a county resident, referenced the Main Street Wine Walk and asked if they were required to have a license. City Administrator Stewart advised that they do not sell it and they are not allowed to leave the premises with it, making it permissible. He also pointed out that they had restrictions as to how much was served.

MAYOR AND COUNCIL REPORTS

Councilmember Wertz-Strickland apologized for not providing a heads-up before bringing up the issue of a class she had attended which addressed social media. She advised that any information that deals with the City must be logged and kept track of. She stated that she

felt the City should be proactive regarding putting out good information about what the City does. Councilmember Wertz-Strickland advised that there is a class being offered in Orlando the following Monday by the Florida League of Cities. City Administrator Stewart stated that he would look into it and send someone. City Attorney Wohl pointed out that information which would need to be memorialized would be information stated on the City's Facebook page and not information placed on a private Facebook page. Councilmember Wertz-Strickland advised the class was great and thanked the City Council for allowing her to attend. She then referenced various actions which were put in legislature and the status of various bills that pertained to cities.

Councilmember Fink stated that he and Deputy Mayor Frierson sit on the Tourist and Development Tax Committee and for the last three (3) years, the meetings have been on Monday. However, with no notice or reason, the meetings have been changed to Thursday which will require him to close his business in order to attend. Councilmember Fink then advised that he had planned on asking Council to replace him as a member on the committee, but Michael Taber had since sent out a question regarding what day of the week to hold the meetings. Mayor Coker asked when and where the committee meets and Councilmember Fink stated he believed it was the second Thursday of the month. Mayor Coker suggested Council review their calendars to see if anyone would be able to attend if the date changes and it will be discussed at the next meeting.

Councilmember Fink also stated that he hoped Council would review the Regional Planning Council information that he had sent to everyone because there were a lot of issues discussed that dealt specifically with the City this time concerning airport security and possibilities of what the City may have to do because of legislation that was adopted.

Mayor Coker announced that Arcadia had had a great rodeo over the weekend and Sarah Palin had attended it. She also stated that Connie Bateman had come before City Council and asked to present something to them and Council had discussed a workshop specifically. Mayor Coker advised she had told Mrs. Bateman that she would be placed on the agenda in April and the Mayor asked Council if they still want a workshop regarding the issue and asked for input. After discussion, it was decided that a workshop was not necessary and a presentation would be sufficient.

She reminded City Council that a while back she had requested printed sheets of the check warrants to be included in the Council packets and she asked if they still wanted it in printed form or if they were fine with reading it online and everyone was in agreement that reading it online was fine. Mayor Coker then informed the City Clerk that the printed check warrants were no longer necessary.

Mayor Coker advised she had received a compliment from someone at the rodeo regarding the downtown beautification project and Councilmember Wertz-Strickland suggested writing a letter to Arcadia Main Street to tell them what a good job they had done on their clean-up day.

ADJOURN

Deputy Mayor Frierson made a motion to adjourn and Councilmember Wertz-Strickland 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 7:34 P.M.

ADOPTED THIS 5th DAY OF April, 2016.

By: Susan Coker

Susan Coker, Mayor

CORPORATE SEAL CITY OF ARCADIA FL 1886 ATTEST

Penny Delaney

Penny Delaney, City Clerk

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
Frierson, Alice	City Council
MAILING ADDRESS 23 N. Polk Ave.	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☑ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY: Arcadia — COUNTY: DeSoto	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED March 15, 2016	MY POSITION IS: ☑ ELECTIVE ☐ APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * * * * * * * * * * * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * * * * * * * * * * * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

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 orally 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 March 15, 20 2016:

(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 the Request to Purchase City Parcel No. 30-37-25-0A00-1270-0000 due to her and her husband, Gary Frierson, owning abutting property.

3-24-16
Date Filed

Alice H 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.