

**AGENDA MINUTES  
CITY COUNCIL  
CITY OF ARCADIA  
TUESDAY, APRIL 17, 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**

Mayor Wertz-Strickland announced that she had attended the JROTC Awards Banquet the previous Friday night and she was very impressed. She stated that their Honor Guard was in attendance at tonight's Council meeting and would be presenting the presentation of colors. Deputy Mayor Simons gave the invocation which was followed by the above-referenced presentation of colors by the JROTC and 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  
Utilities Director A.J. Berndt

Code Enforcement Officer Carl McQuay  
Lieutenant Gary Evans  
Finance Director Beth Carsten  
Director of Golf Operations Jeff Gibson

**PRESENTATIONS**

**Agenda Item 1 – Certificate of Recognition – JROTC Cadet Elizabeth Pedroza**

Mayor Wertz-Strickland advised that in addition to Cadet Pedroza, there were twelve (12) other Cadets who were seniors at the DeSoto County High School. At this time, she presented certificates to Cadet Elizabeth Pedroza, Cadet Ricardo Arreguin, Cadet David Lee Banda, Jr., Cadet Curtis Clark, Cadet Semaj T. Elrod, Cadet Mark E. Gruber, Cadet Glen L. Mayfield, Jr. and Cadet Julieta Trejo-Nuevo. Cadet Jessica L. Backer, Cadet Ashli Cobb, Cadet Haleigh M. Pennington, Cadet Holli B. Thompson and Cadet Austin J. Kabrich were not in attendance, but their certificates were provided to US Army Lt. Col. (retired) Ronald Baynes.

City Administrator advised there would be a code enforcement issue that had come before the City Council previously and it would be walked on at the end of the action items

portion of the agenda. He explained it was regarding the End of Harvest Appreciation Alcohol Permit for La Guadalupe.

### **CONSENT AGENDA**

**Agenda Item 2 – City Council Regular Meeting Minutes for April 3, 2018**

**Agenda Item 3 – Airport Monthly Flowage Report – February 2018**

Councilmember Heine made a motion to approve Consent Agenda Items 2 and 3 and Councilmember Keene seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

### **ACTION ITEMS**

**Agenda Item 4 – Second and Final Reading of Ordinance 1037 – Request for Small Scale Future Land Use Map Amendment for Parcel No. 30-37-25-0336-00L0-0070**

Jeff Schmucker of the Central Florida Regional Planning Council provided a brief overview of both Ordinance 1037 and Ordinance 1038 which was a companion ordinance. He presented a power point presentation regarding such (a copy of the power point is on file in the office of the City Clerk). Mr. Schmucker advised the requests were by William Brady, the applicant and owner of the property, and he was asking to change the future land use and zoning of the property from low density residential to business and a rezoning from R-1B (Single-family Residential) to B-3 (General Business Commercial). He advised such which was consistent with the comprehensive plan and there was capacity available for water, sewer and solid waste. He noted there was no sewer on the site today, but as the development of the site comes in the future, the subject of looking into it for connections to the City sewer would be looked at. Mr. Schmucker advised there were local roadways that may provide access as well, but all would be reviewed at the time of development regarding concurrency with transportation and access management systems. He stated this was a public hearing and stated the first item would be Ordinance 1037 which was the setting of the future land use on the property. Deputy Mayor Simons made a motion to approve Ordinance 1037 on second and final reading and Councilmember Heine seconded the motion. At this time, the City Clerk read Ordinance 1037 by title only. Mayor Wertz-Strickland asked if anyone had any questions or comments and there were none. No discussion followed and it was unanimously, 5/0, approved.

**Agenda Item 5 – Second and Final Reading of Ordinance 1038 – Request to Rezone Parcel No. 30-37-25-0336-00L0-0070**

Mr. Schmucker explained that this item was the companion rezoning of the property from R-1B (Single-family Residential) to B-3 (General Business Commercial). Councilmember Keene made a motion to approve Ordinance 1038 and Deputy Mayor Simons seconded the motion. At this time, the City Clerk read Ordinance 1038 by title only. Mayor Wertz-Strickland stated that this was a public hearing and if anyone had any comments at this time and there were none. No discussion followed and it was unanimously, 5/0, approved.

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### **Agenda Item 6 – Updated T-Hangar Lease**

City Administrator Stewart explained that the City leases out hangar space at the Arcadia Municipal Airport and the leases that were in place have been in existence for a number of years and after discussion with the City Attorney, it was determined an update of the lease was needed. He advised an appraisal evaluation was also done to ensure all costs were in line with FAA recommendations. Mr. Stewart stated staff needed City Council's approval for the form of the lease and he informed the Council that each t-hangar renter would have the exact same lease. He shared he spoke with Gary Frierson regarding concerns Mr. Frierson had with the lease and he believed City Attorney Wohl had spoken with Mr. Frierson as well. City Attorney Wohl addressed the concerns Mr. Frierson had and actions that would be taken regarding said concerns. He then explained that rather than each lease coming back to Council for approval for every new tenant, because they are very form driven and the rent amount would be the same, he would like to provide a resolution authorizing the City Administrator to sign any future leases. It was the general consensus of the Council for him to do so. Gary Frierson expressed his appreciation for the time taken to address the issues and advised it had taken care of the issues he had.

City Administrator Stewart advised the Sheriff's Office had a hangar with no aircraft in it and it was a FAA requirement for an airworthy aircraft to be in the hangar. He stated that staff had spoken with the Sheriff's Office and advised there was no provision for such and they had been asked to find another location to house their items. Deputy Mayor Simons made a motion to approve the updated airport t-hangar lease agreement as presented with the addition of the words "or other applicable inspections" provided in Section 5.5 and Councilmember Heine seconded the motion. After further discussion, it was unanimously, 5/0, approved.

### **Agenda Item 7 – Resolution 2018-10 to Certify Joint Participation Agreement, Financial Project No. 443237-1-94-01, Contract No. G0U76**

City Administrator Stewart reminded Council of a recent item that had come before them pertaining to an application for a Florida Department of Transportation (FDOT) grant for the construction of an additional business hangar. He explained that in order for such to be accepted by the state, a resolution was required. Councilmember Heine made a motion to approve Resolution 2018-10 to enter into a Joint Participation Agreement with FDOT accepting the grant award amount of Three Hundred Fifty Thousand and 00/100 Dollars (\$350,000.00) for Financial Project Number 443237-1-94-01 Contract G0U76 and Councilmember Alexander seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

### **Agenda Item 8 – New Position – Systems Foreman**

City Administrator Stewart informed the Council this was not adding a new employee and he stated staff had the expectation that there would be an existing employee that would be able to step into the position and it would be opened up to the employee's application. Utilities Director Berndt explained that Fred Lewis, the Systems Manager who has been an employee for approximately thirty (30) years is talking about retiring in the next year or two and currently

there was no one to take his place. He recommended that this position would be for someone to shadow Mr. Lewis and learn the many facets of the position. No discussion followed and it was unanimously, 5/0, approved. City Administrator Stewart advised this position did not currently exist with a job description and approval would enable staff to create a job description for it. He explained that the salary that is being paid to whichever employee gets promoted would go toward offsetting the cost of said employee and the additional amount is included in the packet for the Council's review. He further explained that Mr. Berndt had run his operation in an efficient manner so he had available opportunity for funding. Deputy Mayor Simons made a motion to approve the creation of a position for a Systems Forman with a W4 pay grade, salary range Thirty-One Thousand Sixty-Three and 15/100 Dollars (\$31,063.15) to Sixty-Seven Thousand Two Hundred Eighty-Nine and 07/100 Dollars (\$67,289.07) and Councilmember Keene seconded the motion. City Administrator Stewart stated that this was all within the utility budget and it would not affect the general fund budget. No discussion followed and it was unanimously, 5/0, approved.

#### **Agenda Item 9 – Second Amendment to the City Administrator's Employment Agreement**

City Attorney Wohl explained that on August 16, 2016, after the City Administrator's performance evaluation, the Council voted to increase the City Administrator's annual salary from Ninety-Five Thousand and 00/100 Dollars (\$95,000.00) to Ninety-Nine Thousand Seven Hundred Fifty and 00/100 Dollars (\$99,750.00). He further explained the City Administrator requested that the increase be held in abeyance until such time as the Council made a decision on the classification study for all other City employees. He advised that increase would take effect as of August 16, 2016. City Attorney Wohl explained that what had happened was he had drafted the second amendment at that time and on February 17, 2017; the Council made its decision on the rate study and it was never brought back to reflect the increase on the City Administrator's agreement. He explained it took effect chronologically on February 17, 2017 despite the fact that a third amendment was passed on September 5, 2017. City Administrator Stewart pointed out that he was not getting a raise now, but the previous approved raise was simply being memorialized. Councilmember Keene made a motion to approve the Second Amendment to the City Administrator Employment Agreement to memorialize the base salary increase approved by City Council on August 16, 2016 and Councilmember Alexander seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

#### **Walk-on Agenda Item – La Guadalupana End of Harvest Season Appreciation Alcohol Permit**

City Administrator Stewart reminded Council of a previous request for a special event by La Guadalupana for an End of Harvest Season Appreciation event to be held at their job site. He explained that based upon concerns of Marshal Anderson, Council had approved the event contingent on the event being moved to the Tree of Knowledge. Code Enforcement Officer McQuay advised he and the Marshal met with the special event holders and explained to them that the event could be held at the Tree of Knowledge or at another venue. At that time, they requested to sell beer at the event and the Marshal advised that he would recommend it not be

allowed due to a City ordinance stating alcohol could not be sold in a City park, but they were allowed to apply for the ATF (Alcohol, Tobacco and Firearms) application. Mr. McQuay stated the application was turned in, but he would not sign off on it unless Council approved it. Angela Olguin of 6 E. Hickory Street (location of business) asked if Council would approve the event to be held at the original location if they installed fences, hired three (3) police officers and obtained the three-day permit for alcohol. After much discussion regarding the three-day permit for alcohol and the ordinance that prohibits alcohol in a City park, City Attorney Wohl stated the ordinance was in place for this very reason and Council would be opening a can of worms if they approved the request. City Administrator Stewart stated that based upon Council comments, the prohibition of the ordinance that is in place, the lack of documentation from the alcohol division permitting such, he recommended Council deny the request for alcohol at the Tree of Knowledge and that Council continue to deny the permit at their business location. Councilmember Heine made a motion to deny the sale of alcohol on City property for special event permit for La Guadalupana End of the Season Appreciation and Councilmember Keene seconded the motion. No discussion followed and it was unanimously, 5/0, approved. City Administrator Stewart pointed out that Council had denied the sale of alcohol at the park, but the approval of having the event at the park still stood.

#### **COMMENTS FROM DEPARTMENTS**

Lieutenant Gary Evans asked if the City Council had any concerns or questions and there were none. He reemphasized the Marshal's decision regarding the alcohol being served in a City park. He then asked if the general public had any questions or concerns and there were none.

City Attorney Wohl referred to the IPMC (International Property Maintenance Code) and the proposed ordinance that had been provided to the Council by Code Enforcement Officer McQuay. He commented how lengthy it was and stated that was the reason staff did not want to put it on an agenda for first reading without Council having an opportunity to review it first. He stated staff would do the same thing with the wireless communications ordinance which was necessitated by the recent statutory amendment done at the last legislative session. City Attorney Wohl stated that he had received all of the title work regarding the twelve (12) properties that the City Administrator had provided to him relating to potential code lien foreclosures. He advised that the City could obtain title to the majority of them and the encumbrances would be inferior to our lien. He stated the only issue would be to analyze whether there is value to the properties to make it worth the City spending time and money for the foreclosures. He advised Council he would hopefully have a report regarding such at the next meeting.

Finance Director Carsten provided the monthly update as of April 5, 2018 (a copy of the power point is on file in the office of the City Clerk). She reported that the revenues to date were at forty point six percent (40.6%) and the expenses were at forty point five percent (40.5%). She pointed out that she added a lien item related to Hurricane Irma so Council could see a real amount of how it affects the expenses for this fiscal year. Finance Director Carsten advised the actual reimbursement amount had not been received from FEMA yet, but when it was received, it would be added to the revenue portion. She stated the requisitions that the City Administrator signs off on were the same as last month. She further stated that staff was making good headway

regarding the audit and department heads would be receiving information regarding the budget soon.

City Administrator Stewart asked Director of Golf Operations Gibson to step to the podium. He stated Mr. Gibson had provided Council with a report regarding his first month of employment with the City (a copy of said report is on file in the office of the City Clerk) and at this time, he asked Mr. Gibson to address the Council. Golf Course Director Gibson stated he can only be successful based upon the people around him and he expressed his appreciation of the golf course staff: Ann Applegate, Lou Tasker, Patty Gerth and Beverly Miller. He spoke of how rainy weather can affect revenue and other streams of revenue that can be incorporated to mitigate the loss. He provided a power point (a copy of which is on file in the office of the City Clerk) which addressed the installation of the nets, the expansion of sales in the Pro Shop, the snack bar and banquet room, the outside appearance of the building and the plans for landscaping the area. Councilmember Keene thanked Mr. Gibson for the report and for all the efforts made by the golf course staff. Mr. Gibson spoke of the plans to improve the greens and tee boxes, over seeding, improvements to the driving range and possible expansion of hours. Mr. Stewart stated Mr. Gibson had plans for a ladies golf camp and also for the juniors and he stated he was proud of his identifying ways to get minorities engaged as well. Councilmember Heine expressed his appreciation for Director Gibson's enthusiasm and the work that had been done.

## **PUBLIC**

Sarahca Peterson, a non-City resident, distributed information to Council regarding the arts and economic prosperity (a copy of which is on file in the office of the City Clerk) and she thanked The Arcadian for the article that had been published.

## **MAYOR AND COUNCIL REPORTS**

Councilmember Keene advised he had attended the Central Florida Regional Planning Council meeting on April 11, 2018 and provided information regarding such (a copy of which is on file in the office of the City Clerk). He shared that some topics discussed included FEMA reimbursements to municipalities and the need for affordable housing for the workforce.

Deputy Mayor Simons congratulated the Golf Pro and staff for the awesome work being done at the golf course. He also thanked Sarahca Peterson for her presentation and he congratulated Mayor Wertz-Strickland regarding her recognition as an advocate for home rule with the Home Rule Hero Award at the Ridge League dinner. He spoke of how the City was being recognized on a state level for the work that the Mayor and Council stands for and assuring the citizens have the ability to elect people to make the best decisions for our community's benefit.

Councilmember Heine asked about the transition with FATHOM and City Administrator Stewart advised some issues had been resolved while others are still being dealt with. He stated that the meter change out was in full swing and was thirty-five percent (35%) ahead of schedule.

He explained that once that is accomplished, meter usages will be able to be tracked on an hourly basis.

Mayor Wertz-Strickland spoke of Amendment 1 which will be on the ballot in November. She stated it would be a hardship on cities and counties and how it affected homestead exemption. She advised that if it should pass, the City and County will lose a significant amount of money. Mayor Wertz-Strickland stated she would provide the newspaper with information regarding the amendment so it could be published and people could give it some thought. She encouraged people to go online and become informed of it. She provided the City Attorney with a sample resolution and City Attorney Wohl stated if the Council had no objection, he would draft one and place it on the next agenda. City Administrator Stewart stated that fifty percent (50%) of our properties pay no taxes while the average across the State of Florida for cities is twenty-three percent (23%). Mayor Wertz-Strickland stated that our millage rate is above eight (8) and we will tap out at ten (10) and we would have to go to Tallahassee in order to get approval to go above ten (10).

### ADJOURN

Councilmember Heine made a motion to adjourn and Councilmember Keene 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 7:45 P.M.

ADOPTED THIS 1<sup>st</sup> DAY OF May, 2018.

By:

Judy Wertz Strickland  
Judy Wertz-Strickland, Mayor

ATTEST:

Penny Delaney  
Penny Delaney, City Clerk

