

**AGENDA MINUTES  
CITY COUNCIL  
CITY OF ARCADIA  
TUESDAY, MAY 15, 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 6:00 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

Airport Manager Shelley Peacock  
Utilities Director A.J. Berndt  
Lieutenant Gary Evans  
Finance Director Beth Carsten

**PRESENTATIONS**

**Walk-On Item – Proclamation – National Police Week**

Mayor Wertz-Strickland presented Lieutenant Gary Evans with a proclamation regarding National Police Week.

**CONSENT AGENDA**

**Agenda Item 1 – Special Event Permit – 4<sup>th</sup> Saturday of the Month – Arcadia Antique Association**

Councilmember Heine made a motion to approve Consent Agenda Item 1 only and Councilmember Alexander seconded the motion. City Administrator Stewart advised the applicants demonstrated that they only have insurance up through a certain date for the full year requested. He explained it was too far in advance to ask the insurance company to provide a

quote for the following year. However, he advised that staff would make contact with the applicant within thirty (30) days before the insurance expires to ensure the insurance is covered and if they do not, staff will report back to Council and Council could revoke the permit for the remainder of the year, if needed. Mayor Wertz-Strickland asked for an assurance that they would provide such and it was the general consensus of the Council for the applicant to provide such. City Administrator Stewart advised it would be handled as an administrative matter. No discussion followed and it was unanimously, 5/0, approved.

### **ACTION ITEMS**

#### **Agenda Item 2 – Resolution 2018-16 – Adoption of the City of Arcadia Economic Diversification Strategy Plan**

Jeff Schmucker of the Central Florida Regional Planning Council presented a power point regarding the proposed Economic Diversification Strategy Plan (a copy of which is on file in the office of the City Clerk). Mr. Schmucker reviewed the project overview; the economic report findings; the public input process; the assets, challenges, and opportunities and strengths; the identified goals; objectives and strategies; what the City currently has and what the City should continue to do. He stated staff was looking for approval of the resolution that would adopt the plan and he advised he would come back before the Council in a few weeks to present the goals, objections and policies that will go into the City's comprehensive plan that will support the plan economically. City Administrator Stewart advised this piece was a required submittal to the Department of Economic Opportunity by May 18, 2017 and if Council should make a decision to approve the plan, then the next piece would be to begin working on developing the text amendments that are necessary. Councilmember Keene made a motion that the City Council approve Resolution 2018-16 and Councilmember Alexander seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

Mayor Wertz-Strickland spoke of CRAs and Mr. Schmucker stated that it was mentioned in the plan. City Administrator Stewart advised that he had received an email from the DEO that the next cycle for technical assistance grants was now open and could be used for a number of things, including developing a plan for a CRA or the finding necessity for such. He stated that if the Council was okay with it, he could work with the grant writers to begin putting together a grant application to the DEO for a study that would either prepare a plan or a finding necessity. It was the general consensus of the City Council for him to do so.

#### **Agenda Item 3 – Turf Runway Drainage Improvements – Contract No. IFB DOT FM No. 439454-1-94-01**

Fiscal Assistant Davis stated that on January 25, 2018, it was noticed and determined that O-A-K/Florida, Inc. d/b/a Owen-Ames-Kimball Company was the lowest, most responsive and most responsible bidder. She further stated that on April 3, 2018, the City Council authorized staff to enter into contract negotiations with them and on April 30, 2018, City staff met with O-A-K/Florida, Inc. to review the contract. Fiscal Assistant Davis advised that the contract was agreed upon by both parties and staff recommended approval of the contract in the amount of

Five Hundred Seventy-Nine Thousand Nine Hundred Thirty and 04/100 Dollars (\$579,930.04) which is one hundred percent (100%) funded by the FDOT Joint Participation Agreement that was approved by Council in June of 2016. City Administrator Stewart stated that in the sense of full disclosure, it was a one hundred percent (100%) grant, but it was a reimbursement grant which means that the City would have to pay the costs upfront and then it would be reimbursed. Deputy Mayor Simons made a motion to approve contract between City of Arcadia and O-A-K/Florida, Inc. d/b/a Owen-Ames-Kimball Company for Turf Runway Drainage Improvements IFB FDOT FM No. 439454-1-94-01 and Councilmember Keene seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

**Agenda Item 4 – Public Transportation Supplemental Joint Participation Agreement (SJPA)**

Airport Manager Peacock stated this item was regarding the construction funds for the O-A-K/Florida, Inc. contract in the amount of Five Hundred Seventy-Nine Thousand Nine Hundred Thirty and 00/100 Dollars (\$579,930.00) and she asked Council to approve the Supplemental Joint Participation Agreement (SPJA) Project No. 439454-1-94-01. Councilmember Heine made a motion to approve Public Transportation Supplemental Joint Participation Agreement (SJPA) with FDOT accepting the grant award amount of Five Hundred Seventy-Nine Thousand Nine Hundred Thirty and 00/100 Dollars (\$579,930.00) to cover the cost for construction for the Turf Runway Drainage Improvement Project No. 439454-1-94-01 Contract No. G0A78 and Councilmember Alexander seconded the motion. No discussion followed and it was unanimously, 5/0, approved. City Administrator Stewart asked Mrs. Peacock when the project was scheduled to begin and Mrs. Peacock stated the timeline for the construction part of it was one hundred fifteen (115) days. He asked her if it was a total rebuild of the turf runway and she replied that it was.

**Agenda Item 5 – Resolution 2018-17 – Authorization to Execute Supplemental Joint Participation Agreement with Florida Department of Transportation for Runway Drainage Improvements at the Airport**

Airport Manager Peacock requested Council's approval to execute the Supplemental Joint Participation Agreement. City Administrator Stewart stated this was a resolution that affirms all that had been discussed. Deputy Mayor Simons made a motion to approve Resolution 2018-17 for the approval of and authority to execute the Supplemental Joint Participation Agreement with FDOT, Financial Project No. 439454-1-94-01 to reflect the increased amount of Five Hundred Seventy-Nine Thousand Nine Hundred Thirty and 00/100 Dollars (\$579,930.00) for the runway drainage improvement at the Arcadia Municipal Airport and Councilmember Heine seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

**Agenda Item 6 – Amendment to the State Highway Lighting Maintenance and Compensation Agreement**

Utility Director Berndt advised this item was a yearly contract that the City has with the FDOT and he explained it was a compensation plan for the City to take care of the traffic lights.

He informed Council no lights had been added, but a cost of living increase had been added to it and he asked Council to approve the agreement. Councilmember Keene made a motion to approve the amended FDOT State Highway Lighting Maintenance Compensation Agreement with the FDOT in the amount of Forty-Eight Thousand One Hundred Sixteen and 79/100 Dollars (\$48,116.79) and Councilmember Heine seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

**Agenda Item 7 – State of Florida Department of Economic Opportunity Certified Development Block Grant (CDBG) of Lincoln Street Improvements**

Utility Director Berndt reminded Council that recently they had approved for staff to move forward with this and he asked for Council approval of the contract with the Department of Economic Opportunity (DEO) for such. Councilmember Heine made a motion to approve State of Florida Department of Economic Opportunity CDBG Grant for Lincoln Street Improvements in the amount of Seven Hundred Fifty Thousand and 00/100 Dollars (\$75,000.00) and Deputy Mayor Simons seconded the motion. City Administrator Stewart advised this was a CDBG Neighborhood Improvement Grant regarding essentially Lincoln Avenue for replacement of the sewer system in that area. He stated that the system already existed and the City was repairing and replacing the system that is currently there. Utilities Director Berndt stated they were also replacing water lines (four inch (4”) lines to eight inch (8”) lines) which will help tremendously with the fire flow protection in that area. City Administrator Stewart stated that the project will not only repair a lot of the sewer system, but it will also fix a lot of the roads as well. After further discussion, it was unanimously, 5/0, approved.

**Agenda Item 8 – Second and Final Reading of Ordinance 1039 – Amending Division 2 of Article II of Chapter 62 of the City Code to add Section 62-50, Establishing Qualifications for Candidacy of City Marshal**

City Attorney Wohl stated, as discussed at the last meeting, there was a discrepancy in the City's Code/Charter based on the fact that the Charter was created, creating an office of the City Marshal, back in the early 1900s before there were all the statutory requirements for certified law enforcement officers. He explained the Charter puts on the City Marshal all the obligations of enforcing the ordinances, however, there is nothing stating that the City Marshal has to be a certified law enforcement officer even though all law enforcement officers of the City must be certified law enforcement officers. He further explained this ordinance would deal with the glitch due to the Charter being somewhat antiquated and it simply provides that in order to qualify for candidacy of the City Marshal, you have to be a certified law enforcement officer. Councilmember Heine made a motion to approve on second and final reading Ordinance 1039 and Deputy Mayor Simons seconded the motion. At this time, the City Clerk read Ordinance 1039 by title only. Barbara Ragan, a City resident, understood that it was not required to be certified, but to have police experience. She stated she was trying to run for City Marshal and she understood that the City Marshal was supposed to have a bachelor's degree. City Attorney Wohl stated such was not the case in the City of Arcadia's Charter/Code. He explained that under the Florida Statutes governing the certification of law enforcement officers, there are alternative ways of becoming a certified law enforcement officer and he provided an example of

such. He stated there was nothing in the City of Arcadia's Charter or Code that required the City Marshal to obtain such. He thanked her for her service and commended her for running for office. He explained what was now required of certified law enforcement officers versus what was required many years ago. After further discussion, a roll call vote was taken with the following results: Councilmember Keene voted in the affirmative, Deputy Mayor Simons voted in the affirmative, Mayor Wertz-Strickland voted in the affirmative, Councilmember Alexander voted in the affirmative and Councilmember Heine voted in the affirmative. It was unanimously, 5/0, approved.

**Agenda Item 9 – First Reading of Ordinance 1040: Voluntary Annexation of Parcels 30-37-25-0000-0080-0000 and 30-37-25-0000-0094-0000**

City Attorney Wohl stated this was a proposed annexation which arose when some land use classifications had been changed to accommodate the developer who wants to bring in an RV park. He advised of a third parcel (forty (40) acres) directly to the east of the south parcel. He informed Council that particular parcel could not be annexed in right now although the property owner (Mr. Schaper) is willing to do so. He explained the college owns a little strip between the two (2) parcels which prohibits the City from having the parcels contiguous and therefore it does not qualify for annexation now, but hopefully it can be done in the future.

City Administrator Stewart stated this was a voluntary annexation and explained reasons that compel a property owner to do so. He stated the City Attorney had done due diligence to ensure the statutory requirements were met for the property to be annexed. He advised the two (2) properties were the old FEMA properties and they both have water and sewer infrastructure in them already. Mr. Stewart spoke with Glen Little who represents the college and stated the property was in fee simple (not a right-of-way) which prohibits the City from crossing it to get to the property to annex it. He advised that Mr. Little stated it was a road access for a right-of-way to allow access to Fiveash. City Administrator Stewart stated that if the college were to designate it as a right-of-way, the City could then cross it and Mr. Schaper could annex it into the City of Arcadia as well. The possibility of annexing the college into the City was mentioned, but it was stated that it was too early in the process to discuss such at this time. He stated that any time a piece of property is annexed, you want to ensure the capacities exist to provide the service that the property will require and the City has such capacities.

Councilmember Keene made a motion for the City Council to approve Ordinance 1040 for the proposed voluntary annexation on first reading and Deputy Mayor Simons seconded the motion. No discussion followed and it was unanimously, 5/0, approved. The City Clerk read Ordinance Number 1040 by title only.

**Agenda Item 10 – Approval of Revenue Sharing Contract with Golf Operations Director Jeffrey Gibson**

City Administrator Stewart informed Council the item was a recommended contract developed by the City Attorney who had been in discussions with Mr. Gibson and himself. He explained it would enable Mr. Gibson to provide golf lessons at the Arcadia Golf Course and to

be compensated for it with the City receiving a portion of the lesson fee as well. He stated the contract establishes the framework of how such will happen and it provides additional compensation for Mr. Gibson which is a highly common and expected methodology for compensating Golf Pros at all golf courses. Mr. Gibson stated he was in agreement with the contract. Councilmember Heine made a motion to approve the recommended revenue sharing contract for professional golf instructions between the City of Arcadia and Jeffrey Gibson and Councilmember Alexander seconded the motion. Councilmember Alexander complimented Mr. Gibson for the great job he is doing. No discussion followed and it was unanimously, 5/0, approved. City Administrator Stewart complimented Mr. Gibson for his work and advised Council the golf course had already exceeded its revenue projections for the full fiscal year.

Mayor Wertz-Strickland advised she had received a request from the Rotary Club to use the golf course banquet room. Mr. Stewart reminded Council that there is a fee schedule that was approved by Council by a resolution and he stated he did not have the authority to change such. Councilmember Keene asked if it was a one-time use and Mayor Wertz-Strickland stated that it was a one-time use for the installation of their officers. After discussion regarding fees, Councilmember Keene made a motion to authorize the City Administrator to meet with Jane Martin for a fee not to be less than Fifty and 00/100 Dollars (\$50.00) for the Rotary Club to use the banquet room at the golf course for two (2) hours and Councilmember Alexander seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

#### **COMMENTS FROM DEPARTMENTS**

Lieutenant Evans asked if the City Council or the general public had any concerns or questions and there were none. He expressed words of appreciation regarding the proclamation related to National Police Week.

City Attorney Wohl spoke of Officer Gentry who was killed in the line of duty in Highlands County. He shared that he had participated in a ride-along with Officer Gentry and spoke very highly of him as an officer. He then provided an update regarding the case that Computers and More had brought against the City and advised that the civil case had been dismissed.

Finance Director Carsten provided the finance report as of May 4, 2018. She reported that revenues were at forty-seven point three percent (47.3%) and expenses were at forty-five point two percent (45.2%) which included the Hurricane Irma year to date expenses that the City has. She advised that the reimbursements had not been received yet. Mr. Stewart told Council to not expect one hundred percent (100%) reimbursement from FEMA; at the very best it may be seventy-five percent (75%). Ms. Carsten stated that the money market had a balance of \$2M and year to date interest earned is Sixteen Thousand Nine Hundred Fifty-Two and 00/100 Dollars (\$16,952.00). Lastly, she advised that the audit had been fully submitted and a report should be presented at the next City Council meeting.

City Administrator Stewart informed Council that he had authorized an emergency expenditure above the amount of what he is generally authorized to approve regarding a sewer

system repair that will end up costing approximately Sixty-Two Thousand and 00/10 Dollars (\$62,000.00). He stated it would be brought to Council at the next meeting but that it had met the criteria for an emergency repair. He then advised of a vacancy on the Planning and Zoning Board. He stated that it had been advertised on four (4) separate occasions and asked Council to consider names for submittal. The final matter he addressed was regarding his annual performance evaluation. He informed Council that the Human Resource Director would be providing forms to each council member and he requested that they meet with him individually to discuss issues rather than to do so at a Council meeting. He then thanked Council for the opportunity to work with them and he stated that the City had a good staff.

### **PUBLIC**

Barbara Ragan, a City resident, asked if the sewer work being performed was the work being done on Pine Street West and she was advised that it was.

### **MAYOR AND COUNCIL REPORTS**

Councilmember Heine shared that he had been asked if the City was charging residents for the newly installed water meters and he informed the public that was not the case. City Administrator Stewart explained that if a meter was installed in the middle of a billing cycle, part of the billing would be on the old meter and part of the billing would be on the new meter. In a sense of full disclosure, he stated everyone eventually (over a period of twenty (20) years) pays for the cost of the meter which is why the water bill is paid, but there is no individual current charge for the cost of the meter. Councilmember Heine then asked about the status of work being performed on Cypress and 10<sup>th</sup> and City Administrator Stewart advised that the design phase was at ninety percent (90%). He explained that the State requires the City to retain a professional engineering inspection to ensure the project is done correctly which a Request for Qualifications has to be sent out and such will be done in the coming weeks. He advised that once the design is complete, the construction piece can then be sent out for bid as well. Mr. Stewart stated that the completion date for the projects is 2020, but he advised it would be done before that date.

Mayor Wertz-Strickland provided flyers regarding the Ridge League of Cities dinner scheduled for June 14, 2018 in Lakeland. She stated that it would include the scholarship awards and one (1) recipient is from Arcadia, Caroline Livingston, who will be in attendance at the June 5, 2018 City Council meeting. She then discussed possibly holding regularly scheduled workshops and after further discussion, the issue was tabled. Mayor Wertz-Strickland then spoke of CRAs and how they can benefit a City.

Anthony Walker, a County resident, introduced himself and his wife and advised he was an artist and had run an art gallery in Baltimore, Maryland. He asked if he might be invited to submit a proposal regarding an Arcadia City Gallery which would bring local artists and profit sharing into Arcadia and he asked about property that may be suitable for such. City Administrator welcomed Mr. and Mrs. Walker to the community and he asked Council for their

authorization for he and Main Street to meet with Mr. and Mrs. Walker to discuss such and it was the general consensus of the Council for Mr. Stewart to do so.

ADJOURN

Councilmember Heine made a motion to adjourn and Councilmember Alexander 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 8:08 P.M.

ADOPTED THIS 5<sup>th</sup> DAY OF June, 2018.

By: Judy Wertz Strickland  
Judy Wertz-Strickland, Mayor

ATTEST:

Penny Delaney  
Penny Delaney, City Clerk

