

**AGENDA MINUTES
CITY COUNCIL
CITY OF ARCADIA
TUESDAY, MAY 16, 2017
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 S. Delshay Turner

Councilmember Susan Coker
Councilmember Robert W. Heine, Jr.

Arcadia City Staff

City Administrator Terry Stewart
City Clerk Penny Delaney
City Attorney T.J. Wohl
Public Works Director Steve Underwood
Utilities Director A.J. Berndt

Jeff Schmucker – Central Florida Regional
Planning Council
Marshal Matthew Anderson
Finance Director Beth Carsten

PRESENTATIONS

Agenda Item 1 – Certificate of Recognition – Gloria Montoya Vazquez

Mayor Wertz-Strickland presented Gloria Montoya Vazquez with a Certificate of Recognition regarding her receipt of a Two Thousand Five Hundred and 00/100 Dollar (\$2,500.00) scholarship from the Ridge League of Cities for the purpose of furthering her education

Walk-On Agenda Item – Certificate of Recognition – Steve Underwood

Mayor Wertz-Strickland presented Public Works Director Steve Underwood a Certificate of Recognition regarding his reporting of discovered contraband intended for inmates who perform various labor functions for the City.

Agenda Item 2 – Ronni Wood, Florida Main Street Program

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Ronni Wood of the Florida Department of State and Coordinator for the Florida Main Street Program presented a presentation regarding the program. A copy of the power point is on file in the City Clerk's office. After the presentation was made and further discussion, Deputy Mayor Simons made a motion to allow City Administrator Stewart to discuss with Main Street programs with specific emphasis on economic development and possible financial support from the City of Arcadia and Councilmember Turner seconded the motion. More discussion took place and Councilmember Heine called the question. No discussion followed and it was unanimously, 5/0, approved.

CONSENT AGENDA

Agenda Item 3 – City Council Regular Meeting Minutes for May 2, 2017

Agenda Item 4 – City of Arcadia Municipal Airport March 2017 Report

Agenda Item 5 – Special Event Permit – Memorial Day Ceremony - Board of County Commissioners

Councilmember Heine made a motion to approve Consent Agenda Items 3, 4 and 5 and Deputy Mayor Simons seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

ACTION ITEMS

Agenda Item 6 – Habitat for Humanity Request for Waiver of Rezoning Application Fees

City Administrator Stewart stated that the City's local Habitat for Humanity organization owns properties that they would like to build homes on and in order to accomplish that rezoning is necessary. He advised Council that Habitat for Humanity has asked for consideration in waiving the rezoning application fee of One Thousand Two Hundred Fifty and 00/100 Dollars (\$1,250.00) for two (2) parcels owned by Habitat for Humanity which are located on East Maple. He stated that he had provided a summary explanation within the agenda document to Council, along with back up material which will help identify the specific properties in mind. He commended Habitat for Humanity for their accomplishments. Brandon King, Habitat for Humanity's Community Outreach Director, explained that as it is currently, Habitat for Humanity cannot get an engineer to start developing the property until it is rezoned. Councilmember Coker made a motion to approve the waiver of the rezoning application fee of One Thousand Two Hundred Fifty and 00/100 Dollars (\$1,250.00) for two (2) parcels owned by Habitat for Humanity located on East Maple Street, Parcel Nos. 31-37-25-0016-6060-0250 and 31-37-25-0016-5060-0010 and Councilmember Heine seconded the motion. Mr. Stewart stated that normally he would neither recommend nor support waiving fees for a non-profit organization, but this particular issue dealt with properties donated by the City for the purpose of building residential homes and he stated one might reasonably surmise that the City has an obligation to completely fulfill what its original intent was. No discussion followed and it was unanimously, 5/0, approved.

Agenda Item 7 – Amendment to the Highway Lighting Maintenance and Compensation Agreement

Utilities Director Berndt requested Council's approval for the state highway agreement and compensation package with the Department of Transportation. He stated this was an agreement for the City to maintain the street lights that run down Highway 17 and State Road 70. He advised there was a slight increase which occurs every year. Councilmember Coker made a motion to approve the amended FDOT Highway Lighting Maintenance Compensation Agreement with the FDOT in the amount of Forty-Six Thousand Seven Hundred Fourteen and 56/100 Dollars (\$46,714.56) and Deputy Mayor Simons seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

Agenda Item 8 – Staff Recommendation for RFP #2017-03 – Technical Support Services

Finance Director Carsten advised Council that the City had placed RFP #2017-13 for Technical Support Services out on the street and received one (1) response and said response was only for web services which was a part of what was requested, but was only one (1) element of the request. She stated the amount submitted was more than the City wanted to pay for everything and not only did the amount exceed the budget, but it also did not meet the needs that the City has at this time. Therefore, she stated that staff was asking for the City Council to reject the bid at this time and staff would put it back on the street. Deputy Mayor Simons made a motion to reject VTech Solution, Inc.'s submittal in response to RFP #2017-03 Technical Services and Councilmember Coker seconded the motion. It was unanimously, 5/0, approved.

Agenda Item 9 – Resolution 2017-13 – Petition for Vacation of Alley Right-of-Way

Jeff Schmucker of the Central Florida Regional Planning Council advised Council that the applicant, G and A, Inc., is requesting to vacate a portion of a sixteen (16) foot alley right-of-way generally located between Volusia Avenue and Hillsborough Avenue and north of Magnolia Street. He further advised the applicant was in compliance with the City's requirements for vacating a right-of-way and referred to a survey provided by the applicant. Mr. Schmucker stated that they had also received certified return mail receipts of the notifications that were sent to the abutting property owners that would be affected as well as letters from those property owners stating there were no objections to the vacation along with letters of no objection from public utility providers in the area. He advised City Attorney Wohl had drafted a quit claim deed for a portion of the property which happened to be under a holding of the City and he reminded Council approximately a month ago, the issue had come before them and it had to be tabled due to issues of a portion of it still being in ownership of the City. He informed Council the abutting property owners had reviewed the deed and were not in objection of it as well. Mr. Schmucker stated the notice was advertised in the Arcadian as required and staff and the City Attorney had reviewed the package by the petitioner and have no objections to its vacation. A copy of the power point is on file in the office of the City Clerk. Councilmember Coker made a motion to approve Resolution 2017-13 and Deputy Mayor Simons seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

Agenda Item 10 - Ordinance 1022 – City-Initiated Amendment to the Unified Land Development Code – Sidewalk Cafes - Second and Final Reading

Jeff Schmucker of Central Florida Regional Planning Council advised this was a City-initiated amendment to the City's land development code proposing regulations for sidewalk cafes specific to the B2 zoning district and he reviewed the requirements for such. He reviewed a power point which is on file in the office of the City Clerk. Deputy Mayor Simons made a motion to read Ordinance 1022 by title only and Councilmember Coker seconded the motion. No discussion followed and it was unanimously, 5/0, approved. At this time, the City Clerk read Ordinance 1022 by title only. Councilmember Heine made a motion to approve Ordinance 1022 and Councilmember Turner seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

Agenda Item 11– Ordinance 1023 – City-Initiated Amendment to the Unified Land Development Code – Right-of-Way Encroachments in the B-2 Zoning District – Second and Final Reading

Jeff Schmucker of Central Florida Regional Planning Council advised this was a City-initiated request to amend the City's land development code to propose regulations for right-of-way encroachments with regard to elements which include balconies and terraces, awnings, canopies, arcades, colonnades and marquees applicable to the B-2 downtown zoning area of the City. He reviewed a power point which is on file in the office of the City Clerk. Deputy Mayor Simons made a motion to read Ordinance 1023 by title only and Councilmember Coker seconded the motion. No discussion followed and it was unanimously, 5/0, approved. At this time, the City Clerk read Ordinance 1023 by title only. Councilmember Coker made a motion to approve Ordinance 1023 and Councilmember Heine seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

Agenda Item 12 – Ordinance 1024 – Temporary Moratorium Regarding Wireless Communication Towers or Facilities – First Reading

City Attorney Wohl advised of changes regarding wireless technologies, transmission facilities, installation of equipment towers and public right-of-ways. He stated municipalities and local governments have the right to establish reasonable regulations essentially for esthetics, landscape buffer zones and the zoning that the towers and facilities can be located. He informed the Council that he drafted the ordinance to seek a temporary moratorium of six (6) months to allow for Council to digest all the information and to determine how they wish to craft an appropriate ordinance to cover everything. Councilmember Coker made a motion to read by title only Ordinance 1024 and Councilmember Heine seconded the motion. No discussion followed and it was unanimously, 5/0, approved. At this time, the City Clerk read Ordinance 1024 by title only. Councilmember Coker made a motion to approve Ordinance 1024 establishing a temporary moratorium on the acceptance, processing or approval of any wireless communication towers or facilities in the City's rights-of-way on the first reading and Councilmember Turner 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 or the general public may have and there were none. He took an opportunity to advise his youngest son had graduated from college with his Bachelor's Degree in Health Administration. He explained that if his hopes to play for the Mayor Baseball League do not work out, he plans to work on his Masters Degree in Health Administration. He also advised that his oldest son was assigned to the Cedar Rapids Team in Iowa (a Class A team) and through a series of events, he now is back in Florida at the Fort Myers Complex (a high A team) with the Minnesota Twins for spring training. Marshal Anderson thanked the City Council for providing him the opportunity to brag.

City Attorney reminded Council of the workshop regarding the proposed medical marijuana issue on May 23, 2017 at 4:00 p.m. He asked if Council would like to tailor it to cover specific issues or if they would like to have a general presentation. It was the general consensus of the Council to have a general presentation. Regarding the meetings that had been scheduled and then cancelled with each Council Member individually pertaining to the Miller case, he explained that it has been arranged to keep those meetings if Council was in agreement with such. It was the general consensus of the City Council to proceed with the previously scheduled meetings. He then advised Council that their next regularly scheduled meeting would fall on July 4th and he asked if they wished to keep that date or if they wished to discuss changing it. He also advised that he would be on vacation at that time. After discussion, Councilmember Coker made a motion to move the July 4th Council meeting to the 5th of July instead of the 4th on a Wednesday and Councilmember Turner seconded the motion. No discussion followed and it was unanimously, 5/0, approved. City Attorney Wohl advised that he would still be on vacation, but would have someone more than competent to fill in.

City Administrator Stewart reminded Council that several months ago, the Historical Preservation Commission had recommended Council change the fee for Certificates of Appropriateness and create a lesser fee for actions such as painting a building or putting up a fence, etc. He further reminded Council that they had approved such and the new fees had been put into place. He advised that there were individuals who were in the process of getting their certificates during the time of the change of fees and explained that one such person, Felix Lopez, Jr., had replaced an awning and paid the old fee of One Hundred Sixty-Five and 00/100 Dollars (\$165.00). Mr. Stewart recommended that the fee be reduced to the Twenty-Five and 00/100 Dollars (\$25.00) that came into effect immediately after such was accomplished. Councilmember Coker made a motion to reduce the fee charged to Mr. Felix Lopez to Twenty-Five and 00/100 Dollars (\$25.00) and to refund the difference and Councilmember Turner seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

City Administrator Stewart then addressed the issue of the State Legislature moving forward with a bill to raise the homestead exemption amount to Fifty Thousand and 00/100 Dollars (\$50,000.00). He spoke of the City's low property values compared to cities across the state and how such would affect cities that were county seats. He stated that people that own properties that fall above that value, because of the low values of our properties and the

exemptions, are bearing the burden to support the local government in our community and if this passes it is only going to make it worse. He further stated that he hoped Governor Scott has the personal wisdom, insight and fortitude to veto the bill.

Mr. Stewart then addressed the railroad tracks at the intersection of Orange and Pine that are difficult to navigate and advised that staff had asked the railroad for repair. He advised if they repair it, the City will have to pay for it. He stated the railroad has a ninety-nine (99) year right-of-way to use the tracks through the City which has expired and they want to renew it. Mr. Stewart advised that they have stated they will repair the tracks at Pine and Orange if the City will renew the right-of-way. He stated the value of the right-of-way far exceeds the amount of the repair and he recommended City Attorney Wohl speak with their attorney regarding a more equitable solution. It was the City Council's general consensus for him to do so.

Finance Director Carsten presented the finance summary update as of April 27, 2017 and advised that to date the City had received sixty-four point seven percent (64.7%) of revenues and forty-five point three percent (45.3%) of expenses. Regarding the investment update as such pertains to Florida SAFE, she advised for the month of April, One Thousand Five Hundred Seventeen and 82/100 Dollars (\$1,517.82) worth of interest had been earned making the total Eight Thousand Two Hundred Seventy-Two and 49/100 Dollars (\$8,272.49) for the fiscal year. Ms. Carsten informed the Council that the auditors started the audit last week with three (3) auditors having been at City Hall every day and things were going well.

PUBLIC

None

MAYOR AND COUNCIL REPORTS

Councilmember Coker referenced the alleyway that had been closed behind Habitat for Humanity and stated there had been complaints of people dropping items off at Habitat for Humanity and blocking the alley which hinders the residents in that area. Marshal Anderson advised he would take care of it.

She then referenced an individual in town who trims trees and is unlicensed. She advised that it has resulted in the City having to pick up the debris which is not its responsibility and she inquired as to what teeth could be given to the City to deal with such. After further discussion, Mr. Stewart advised that the finance office is working in conjunction with staff to put together a fee schedule which staff would like to put in the form of a resolution and will be coming before Council for consideration of such.

Councilmember Coker then addressed code enforcement and stated that for the most part it was complaint driven. Mr. Stewart advised that was the case when he was hired, but it is now about fifty-fifty (50-50). She stated that some people do not want to file a complaint because of people being vindictive. He advised that in 2015, the number of code enforcement cases that proceeded to special master hearings required only having a hearing once every three (3) to four

(4) months and they now have a full schedule every month. City Administrator Stewart stated that a report would be compiled and given to Council.

Mayor Wertz-Strickland thanked City Administrator Stewart for the work he performed regarding the City's Stats Report for the Florida League of Cities and she also advised of an ethics training session on November 6, 2017 in Wauchula from 4:00 p.m. – 8:00 p.m. with Lynn Tipton of the Florida League of Cities conducting it.

ADJOURN

Councilmember Coker 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 6th DAY OF June, 2017.

By: Judy Wertz Strickland
Judy Wertz-Strickland, Mayor

ATTEST:

Penny Delaney
Penny Delaney, City Clerk

