

**AGENDA MINUTES  
CITY COUNCIL  
CITY OF ARCADIA  
TUESDAY, JUNE 7, 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 Frierson

Councilmember Judy Wertz-Strickland

Councilmember S. Delshay Turner

Councilmember Joseph E. Fink was not in attendance due to illness.

**Arcadia City Staff**

City Administrator Terry Stewart

Finance Director Beth Carsten (sat in for  
City Clerk Penny Delaney in her absence)

City Attorney T.J. Wohl

Public Works Director Steve Underwood

Utilities Director A.J. Berndt

Jeff Schmucker, CFRPC

Marshal Matt Anderson

**PRESENTATION**

**Agenda Item 1 – Arcadia Housing Authority**

Becky Sue Mercer of the Arcadia Housing Authority presented a slide presentation regarding the Arcadia Housing Authority and the out-reach programs they provide. She provided the number of families that have been assisted over the last few years, the number of pounds of fresh produce and other food which had been distributed, and she provided information regarding the summer camp program provided through the Salvation Army. Ms. Mercer asked if anyone was interested in sponsoring or volunteering, to please contact the Arcadia Housing Authority.

**WALK-ON AGENDA ITEMS**

Mayor Coker presented a proclamation to Pastor and Mrs. Rue regarding the 100<sup>th</sup> Anniversary of the Saint John Missionary Baptist Church of Arcadia, Florida.

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Mayor Coker then presented a proclamation regarding Flag Day and invited citizens to attend the Flag Day ceremony to be held on Tuesday, June 14, 2016 at 10:00 a.m. at Veterans Park.

### **CONSENT AGENDA**

**Agenda Item 2 – City Council Minutes for Meeting on May 17, 2016**

**Agenda Item 3 – Special Event Permit – Team Arcadia Meet and Greet**

**Agenda Item 4 - Special Event Permit – St. John’s Baptist Church Community Unity March**

**Agenda Item 5 – Special Event Permit - Arcadia Plein Air Paint-Out – DeSoto Arts and Humanities Council, Inc.**

**Agenda Item 6 – Special Event Permit – Annual Independence Day Parade (The Veterans Council**

**Agenda Item 7 – Special Event Permit – Annual Veterans Day Parade – The Veterans Council**

**Agenda Item 8 - Special Event Permit – Special Olympics of DeSoto County Games and Golf Event**

Agenda Item 8 was pulled to discuss separately and Councilmember Wertz-Strickland made a motion to approve the Consent Agenda Item Nos. 2-7 and Councilmember Turner seconded the motion. No discussion followed and it was unanimously, 4/0, approved.

Regarding Agenda Item 8, Mayor Coker advised that members of the Special Olympics DeSoto County Games were present and she asked for Ken Clark to come forward, introduce the members and explain the requested event. Mr. Clark explained the event and he introduced the winners of the events from the previous year. Councilmember Wertz-Strickland made a motion to approve Consent Agenda Item No. 8 for Special Olympics of DeSoto County and Councilmember Turner seconded the motion. No discussion followed and it was unanimously, 4/0, approved.

### **ACTION ITEMS**

**Agenda Item 9 – Fence ROW Encroachment at 1408 East Cypress – Robert Evans**

City Administrator Stewart reminded Council that this item had been discussed at the last meeting and the Council had decided to give the residents at 1408 East Cypress the opportunity to secure a survey and present it to the Council and let it determine the nature of the situation. He advised that Gary Evans, who represented the family, had visited him and Mr. Evans indicated that the family had decided to forgo the survey and remove the fence. Mr. Stewart stated that he was grateful for the family’s cooperation and consideration in this matter. Mr. Evans thanked the Council for the opportunity to present a survey and he advised that the survey showed the same results as the current survey and the removal of the fence had begun. He again thanked the Council and the City Administrator for the cooperation.

**Agenda Item 10 – Resolution No. 2016-08 – Request for Special Approval**

Jeff Schmucker of the Central Florida Regional Planning Council explained this was an applicant initiated request by Francisco Rivera who was looking to get special approval for a used automobile sales dealership and accessory automotive repair business which is located on three (3) parcels of land at 18, 20 and 22 South Orange Avenue on the corner of Magnolia or 70 and Orange Avenue. He stated the properties have a business future land use and a zoning of B-2 (Central Business District). Mr. Schmucker advised this was a request that was in response to a code enforcement issue on the property and provided the history of the business property. He stated that retail auto parts, now and prior to the code update in 2014, are approved uses on the site, but an auto repair shop is a permitted use by special approval prior to the code update. He further stated a special approval use could not be found on record prior to the code update. Mr. Schmucker advised that if the business was going to be allowed to continue to operate on the site, a special approval would be required. He further advised there were three (3) businesses operating on the site; in addition to the automobile sales and repair, there was also a bicycle repair shop and a TV repair shop, both of which were permitted uses on the properties. He advised of a shed on the property, an accessory structure, and he requested it be considered as part of the special approval. Mr. Schmucker stated they did not see any negative impacts. He then advised that staff and the Planning and Zoning Board recommended conditions on the approval to include the City placing conditions on the property to ensure consistency with the surrounding properties. He then reviewed the recommended conditions of approval.

Councilmember Wertz-Strickland expressed her concern regarding curb appeal with the property being one (1) of the entry ways to the City. She asked about considering opening the back of the shed and extending the fence to the bike shop and plant shrubbery along the area. Mr. Schmucker advised they were going to require the property owner have landscaping that will cover the entire right-of-way from the property line to the building.

Deputy Mayor Frierson made a motion for the resolution to be read by title only and Councilmember Turner seconded the motion. No discussion followed and it was unanimously, 4/0, approved. At this time, Ms. Carsten read Resolution 2016-08 by title only. Deputy Mayor Frierson made a motion to approve the resolution as read and Councilmember Wertz-Strickland seconded the motion. No discussion followed and it was unanimously, 4/0, approved.

**Agenda Item 11 – Ordinance No. 1015 – Proposed Text Amendment to the City’s Unified Land Development Code and Code of Ordinances – First Reading**

City Administrator Stewart reminded Council that this issue came forward based upon a prior discussion Council had regarding apartments in the downtown corridor. He stated staff had taken the opportunity to make further amendments to the text as it moved forward, but the main genesis of it was the discussion of having residential apartments approved as a right by use within the downtown corridor. He pointed out this only related to apartments above the ground. Jeff Schmucker of the Central Florida Regional Planning Council informed Council this was a request by the City to amend the City’s Land Development Code to address apartment uses in the

B-2 zoning district and also amending the City's Code of Ordinances regarding limitations on on-street parking.

Mr. Schmucker reviewed the text amendments in detail that included above-ground floor apartments in the B-2 zoning district; clean up of language which included apartments in general, auto and truck rental and leasing, commercial wharves, piers, slips and anchorages, convenience stores with gas pumps, gasoline service stations and marine establishments; parking in the B-2 zoning district and allowing group dwellings (rooming houses) in the downtown area to be allowed to park; distance requirements; and the exemption of landscaping and on-street parking requirements with a proposed text to be a "consideration for exemption". He explained that it was in Council's packet, but not in the resolution and based on the provision they were requesting, for the second reading of the ordinance, they would like to add it to the short title. He then went into detail as for the reason for the proposed text as such relates to residential uses becoming permitted by right. After further discussion, Councilmember Wertz-Strickland made a motion to have Ordinance 1015 read by title only and Councilmember Turner seconded the motion. No discussion followed and it was unanimously, 4/0, approved. At this time, Ms. Carsten read Ordinance 1015 by title only. Councilmember Wertz-Strickland made a motion to approve Ordinance 1015 with changes and Councilmember Turner seconded the motion. No discussion followed and it was unanimously, 4/0, approved.

**Agenda Item 12 – Contract Between The Florida Department of Corrections and City of Arcadia - Contract W1077**

Public Works Director Steve Underwood advised Council that they had before them Contract W1077 between the City of Arcadia and The Florida Department of Corrections for renewal of the inmate work squad. When asked if the price was the same and if it was within the budget, Mr. Underwood advised that it was. Councilmember Wertz-Strickland made a motion to approve the contract between The Florida Department of Corrections and the City of Arcadia and Councilmember Turner seconded the motion. No discussion followed and it was unanimously, 4/0, approved.

**Agenda Item 13 – FDOT Turf Runway Drainage Project – Joint Participation Agreement FPN 439454-1-94-01 Contract No. G0A78**

City Administrator Stewart advised that a meeting had taken place at the airport between the FDOT and the FAA to show them the improvements the City had made to the airport and to discuss upcoming projects and more specifically about the selection of the next consultant. He stated that the representatives from both agencies were grateful for the opportunity and were impressed with the changes to the airport. He further stated that they had asked about projects that the City had that could be accomplished within a reasonable period of time. Mr. Stewart advised the City had received complaints about the grass runway and the fact that when it rains, it becomes soft and unsafe. He explained that the problem had to do with drainage and they spoke with the FDOT and FAA representatives about a project that would accomplish better drainage and authorization had been received for that project. He advised Council that before them was the Resolution and the motion before them should be amended in order to approve the

Resolution that adopts the turf runway ramp with the FDOT, which would be Joint Participation Agreement FPN 439454-1-94-01 Contract No. G0A78. He complimented Shelley Peacock for all her work regarding getting the right information to Council. City Administrator Stewart requested for approval of the Resolution adopting this grant. Councilmember Wertz-Strickland made a motion to read the Resolution by title only and Deputy Mayor Frierson seconded the motion. No discussion followed and it was unanimously, 4/0, approved. At this time, Ms. Carsten read Resolution 2016-09 by title only. Councilmember Wertz-Strickland made a motion to approve the Resolution and Deputy Mayor Frierson seconded the motion. No discussion followed and it was unanimously, 4/0, approved.

**Agenda Item 14 – Ordinance No. 1014 amending Sections 11.14.00 and 13.06.00 of the Land Development Code to include the necessary processes and procedures to obtain Certified Local Government status from the Florida Department of State, Division of Historical Resources**

City Attorney Wohl advised this was an Ordinance revising the respective code allowing the Historic Preservation Code to now comply with the requirements to obtain certified local government status with the Florida Department of State. He further advised that included in Council's packet was a copy of an e-mail from Michael Zimny, the Historic Site Specialist at the Bureau of Historic Preservation. He explained that staff had wanted to get their blessing that the Ordinance met all the certified local government requirements so that once it was passed after second reading, the Historic Preservation Commission could then submit the entire application to obtain the certified local government status and he advised of substantial changes to Sections 11.14.00 and 13.06.00 to make it possible to comply with the requirements. Councilmember Wertz-Strickland made a motion to approve the first reading of Ordinance 1014 and Deputy Mayor Frierson seconded the motion. No discussion followed and it was unanimously, 4/0, approved. At this time, Ms. Carsten read Ordinance 1014 by title only. Councilmember Wertz-Strickland made a motion to approve Ordinance 1014 and Deputy Mayor Frierson seconded the motion. No discussion followed and it was unanimously, 4/0, approved.

**Agenda Item 15 – Selection of the City Voting Delegate for the Annual Florida League of Cities Conference in August 2016**

Mayor Coker advised Council that they must make a selection for the City Voting Delegate for the Annual Florida League of Cities Conference in August. Councilmember Wertz-Strickland volunteered to be the delegate since she had to be at two (2) meetings there at that time. Deputy Mayor Frierson made a motion to appoint Councilmember Wertz-Strickland to be the City Voting Delegate for the Annual Florida League of Cities Conference in August and Councilmember Turner seconded the motion. No discussion followed and it was unanimously, 4/0, approved.

**COMMENTS FROM DEPARTMENTS**

Marshal Anderson provided Council with the Police Department's monthly report and asked if Council or the general public had any questions or concerns and there were none. He

advised Council that the phone system at the Police Department was struck by lightning and due to the system being outdated; he had received a prior bid for a replacement. The system had been installed and was up and operational. He then advised of two (2) officers going through the Police Academy with one (1) having completed the state exam and the other would be taking it the following week.

City Attorney Wohl advised that Mr. Zimny had asked if he could utilize the ordinance as a model for other small cities and while he hoped he did not overstep his bounds, he told Mr. Zimny that he could. He stated that if they approve it, they may see the ordinance duplicated at other similarly sized cities. Mr. Wohl also provided an update regarding the social media policy and advised it was a work in progress. He stated he might bring a couple of different versions before Council for their review.

Deputy Mayor Frierson stated that Council would like to recognize Mr. Wohl for doing such a fantastic job regarding the historic ordinance and Mr. Wohl thanked Council, but acknowledged that Carol Mahler had provided much assistance with it.

City Administrator Stewart acknowledged Carol Mahler for all of her assistance in the above-referenced matter. He then referenced the conference he had attended the week before and advised it was one of the better conferences that he had attended and mentioned the networking that he was able to participate in. He thanked Council for the opportunity to attend the conference.

Mr. Stewart advised of the filling of vacancy positions within the Finance Department and that during the transitions, it became apparent that there were ongoing issues within the City Cemetery regarding record keeping and control/access to the Cemetery as such relates to the control of the digging of graves. Mr. Stewart advised that Ms. Carsten had indicated there is a position within the budget that is currently a meter reader position that was never filled and she advised the funds could be transferred to the finance department to use for a cemetery clerk position. He advised that should Council approve this request, it would be folded into a budget amendment. Councilmember Wertz-Strickland made a motion to allow Mr. Stewart to make that amendment and hire someone and Councilmember Turner seconded the motion. Mr. Stewart advised the position would be part-time. No discussion followed and it was unanimously, 4/0, approved.

City Administrator Stewart addressed the San Juan Bosco project of which the City is providing utilities. He advised that Utilities Director Berndt had advised him that the project was completed and the City needed to sign off on the City accepting the infrastructure improvement project. He further advised that Council is the one who accepts infrastructure improvements (and it should have been placed on the agenda) and apologized for it being brought to them like this, but time was of the essence because the company was ready to move forward with the final connections so that they can get the residents in. He advised the previous phase had been signed off by a City employee and he could not speak to that, but any such approvals in the future would be brought to Council. Mr. Stewart stated that he had the assurance from Utilities Director Berndt that he has all of the appropriate documents and approvals indicating that the inspections

have been completed and that all the engineering requirements and the infrastructure was installed as required by the engineering documents. He advised Utilities Director Berndt had reached out to the City Attorney who advised that these items should come before Council for final approval. City Administrator Stewart asked that Council vote to accept the infrastructure improvements to the San Juan Bosco Project Phase 2 and City Attorney Wohl recommended structuring the motion to direct the City Administrator or the Mayor to execute the document to accept the infrastructure. Councilmember Wertz-Strickland made a motion to direct Mr. Stewart to authorize sign off on Infrastructure Improvements at San Juan Bosco Phase 2 and Deputy Mayor Frierson seconded the motion. No discussion followed and it was unanimously, 4/0, approved.

### PUBLIC

Gary Frierson, a City resident, asked, regarding the fire assessment, that if the City decided to modify the contract and effectively change the rates that are charged to property owners, would the Council be willing to have a workshop or public hearing. City Administrator Stewart advised that Council had received a copy of the work done by the consultant on behalf of the County and each Council Member had an opportunity to meet with County Administration and the consultant to review the results of such. He stated it was up to City Council as to whether there would be a workshop. Mayor Coker advised they had just received the packet and could not provide an answer to him at that time.

### MAYOR AND COUNCIL REPORTS

Mayor Coker reminded all in attendance of Flag Day. She advised that a ceremony would be held at Veterans Park on Tuesday at 10:00 a.m. and she would be the keynote speaker and Mr. Stewart would be singing.

Councilmember Wertz-Strickland reminded all in attendance of Dr. Martin's funeral. Mayor Coker also referenced the passing of Matt Condo as well.

### ADJOURN

Councilmember Wertz-Strickland made a motion to adjourn and Councilmember Turner seconded the motion. No discussion followed and it was unanimously, 4/0, approved. Having no further business at this time, the meeting was adjourned at approximately 7:27 P.M.

ADOPTED THIS 21<sup>st</sup> DAY OF June, 2016.

By:

  
Susan Coker, Mayor

  
  
Penny Delaney, City Clerk



**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, S. Delshay Turner, hereby disclose that on June 7, 20 16;

(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, Robert Evans \_\_\_\_\_;
- 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:

My father, Robert Evans, will come before the City Council regarding Agenda Item 9 which addresses an issue with his fence.

06/07/16  
Date Filed

S. Delshay D. Turner  
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.