

**AGENDA MINUTES
CITY COUNCIL
CITY OF ARCADIA
TUESDAY, JUNE 17, 2014
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.

CALL TO ORDER, INVOCATION, PLEDGE OF ALLEGIANCE & ROLL CALL

The Mayor called the meeting to order at approximately 6:00 p.m. with the following members and staff present:

Arcadia City Council

Mayor Alice Frierson
Councilmember Robert R. Allen
Councilmember Keith Keene

Deputy Mayor Joseph E. Fink

Councilmember Robert W. Heine was not present due to a death in his family.

Arcadia City Staff

City Administrator Tom Slaughter
City Clerk Penny Delaney
Marshal Matthew Anderson

City Attorney Thomas J. Wohl
Code Enforcement Officer Carl McQuay
Finance Director Beth Carsten

Councilmember Allen gave the invocation, which was followed by the Pledge of Allegiance and roll call.

PRESENTATION

Agenda Item 1 – Proclamation

Mayor Frierson presented City Clerk Penny Delaney with a proclamation regarding her service to the City of Arcadia.

Agenda Item 2 – Special Recognition of Willy Bailey

Mayor Frierson presented Willy Bailey with a plaque regarding his courage and meritorious service to the community.

Agenda Item 3 – GSG Stormwater and Fire Assessment Study

Sandi Melgarejo of Government Services Group, Inc. presented the GSG Stormwater and Fire Assessment Study to the City Council. After the presentation, Mayor Frierson asked what the company's upfront cost was. Ms. Melgarejo stated it would be just under \$30,000.00, \$14,500.00 approximately for each of the programs. She advised that in order to help with the implementation, if the City just wanted to do the fire, the charge would be \$7,500.00. If the City chose to go forward with both the fire and stormwater, the fees would be reduced from \$15,000.00 to \$12,500.00, which would include helping with the implementation. She further stated that GSG could help with developing and sending out the first-class notices for an additional cost because there are a lot of hard costs that would come out of GSG's pocket. Mayor Frierson asked if that cost would come out of the revenue collected and Ms. Melgarejo agreed that the City could be paid back through that. She advised there is a collection issue with government properties because they can't be put on the tax bill, however, churches and the institutional tax exempt would be able to be on the tax bill so there is not the collection issue with them.

Deputy Mayor Fink stated that he felt the Council needed to look seriously at putting into effect the first timetable presented by Ms. Melgarejo which was the \$68.00 for fire and \$9.00 for stormwater to ensure it would be revenue neutral. He further stated that he would not be able to vote to not have churches taxed. Ms. Melgarejo pointed out that churches provide community services that the City might have to provide such as opening facilities for polling. Therefore, that is why they can be exempted.

The City Attorney wanted to clarify any decision on the actual rate would not be done until the resolution. Ms. Melgarejo stated that the initial assessment resolution is when the City would make their preliminary decision and whatever that decision is, the City could go lower, but not higher. When you send the first-class notices out, it has the ceiling level and it states it won't go up any further unless another notice is sent out. She further stated the final decision on the final rates is made at the August 19th resolution adoption. Deputy Mayor Fink made a motion that Council adopt the first schedule of dates rather than the second to give plenty of time to do this and implement the schedule. Councilmember Keene asked if they would want the motion to include the proposed rates as well. Deputy Mayor Fink stated that it was to include the proposed rates. Mayor Frierson asked if the public understood what was happening, that they were raising their taxes again. Deputy Mayor Fink stated that they were actually not raising their taxes. Ms. Melgarejo stated that if Council went with the \$68.00 and \$9.00, it would be revenue neutral to the residential properties. Councilmember Keene seconded the motion.

William Bailey of 422 E. Magnolia Street, Arcadia, Florida, stated that it sounded like it was an additional amount of money. Deputy Mayor Fink stated that it would not be on residential. The City Attorney advised there is currently a \$77.00 assessment on residential properties and the \$68.00 figure would keep the income the same for the fire assessment because it would also include additional commercial properties or include more of a rate to commercial properties. He further advised to make up the difference of \$9.00 to get it back to \$77.00, that's where the additional \$9.00 would come on the stormwater assessment so either way residential

would still be assessed \$77.00. The City Attorney stated that based on today's vote, the high would be from \$77.00 now to a maximum of \$92.00 and that would all be determined at the final assessment resolution vote. He further stated that he wanted to be clear that he has been instructed to come back with an assessment ordinance on fire and stormwater. Council confirmed.

Gary Frierson of 1 N. Luther Avenue, Arcadia, Florida, stated that they had already decided to do this and from what he understood, the motion was to pick a date to get started and he asked when Council actually decided to implement this. He further stated that what this does is provide another revenue source that Council can raise later. He felt people should be cautious of the fact that the government can start filling two buckets instead of one bucket. He asked if residents would now be getting a reduction on their water bill and will the extra funds for stormwater be included into the enterprise zone of our water system or is this going to be general fund money? Councilmember Keene stated that they have to start somewhere. He stated he was reluctant to talk about properties that currently don't pay any taxes at all. He further stated that he liked the revenue neutral option, but felt if they had to set a rate higher tonight but knowing that they could come down, he would rather see Council do that which is why he is support of the motion to get the ball rolling and they didn't have to make all the decisions tonight. He referenced Mr. Frierson's question regarding when Council decided to do this and advised that he had pulled out the agenda from August 20, 2013 and that's when Council voted to hire someone to do this study for them so it's not brand new. Mayor Frierson wanted to make the point that it was done in 2013, but they are facing July 1st and now in a push to make a decision on it right now and stated that was her problem with it. She advised that she was going to vote for the motion to get it started but felt they were in a pinch and shouldn't be. No discussion followed and it was unanimously, 4/0, approved.

Agenda Item 4 - Review Draft Memorandum of Understanding Between City of Arcadia and Smith-Brown Community Foundation

Ashley Coone of the Smith-Brown Community Foundation advised that the Smith-Brown Community Foundation had met with staff, the City Attorney and Councilmember Keene and provided a Memorandum of Understanding to present to Council. The City Attorney advised that he had reviewed it and other than a couple of typographical errors, from a legal standpoint it looked fine. Councilmember Keene stated that he appreciated being involved in it and felt it gave the City an opportunity to achieve some success with the Smith-Brown Gym and the surrounding areas. Mayor Frierson stated that they were really ambitious on the improvements and didn't know how they were going to raise the funds, but it will be a job. Councilmember Keene wanted to be clear for Council and wanted to confirm with Ms. Coone that by Council approving the memorandum; it would allow them to move forward with some funding mechanisms to get started. Ms. Coone stated that they would need a lease, but this will get the ball rolling. She advised they had raised over \$3,300.00 during a one week fundraiser. She stated they just needed something in place so the community knows they are donating to a cause that the foundation has a right to renovate. The City Attorney stated that in order to clarify for Council, this is merely a sketch of what the terms will be set out in the lease, so there is phase 1-4 renovations. Likely my recommendation will be to include timelines on when those are

completed and opt out provisions in the event those timelines are not met and also some more specific perimeters as to what exactly those renovations will entail. He just wanted to make sure this is not the language that will likely wind up in the lease. Councilmember Keene made a motion to approve the memorandum as corrected and Deputy Mayor Fink seconded the motion. No discussion followed and it was unanimously, 4/0, approved.

CONSENT AGENDA

Agenda Item 5 – City Council Minutes for June 3, 2014

Agenda Item 6 – Amendment 2 to Specific Authorization No. 17 – Construction Services Associated with Utility Relocation along US 17

Deputy Mayor Fink made a motion to approve the Consent Agenda as presented and Councilmember Allen seconded the motion. No discussion followed and it was unanimously, 4/0, approved.

ACTION ITEMS

Agenda Item 7 – Electric Carillon – Trinity United Methodist Church

Carl McQuay addressed Council to advise Trinity United Methodist Church was given an electric carillon system. He advised there was not an ordinance against it and stated it would be used for church services, at noon time, and possibly for other services such as funerals and such. Mayor Frierson stated that there has been something very similar in the past and she felt it was great.

Agenda Item 8 – Ordinance Amending City Election Code

The City Attorney stated that as discussed at the last council meeting, he was bringing back the ordinance amending the election code. He advised that they are looking to adopt the Florida Election Code and since the Supervisor of Elections handles all the City's elections anyway, it makes sense to get on the timeline they provide. Now that the City is voting in November, the City ballots will be included on the ballots with the federal, state and county level. He further stated that it doesn't make sense to have two separate canvassing boards, so they had also included having the County canvass the votes. He advised that the one thing he did was maintain the City's right to handle the elections in the future if they wanted to. He further advised that he kept the election sign ordinance in place. It is much more restrictive than what the state allows which is thirty (30) days. The City's is five (5) days.

Gary Frierson of 1 N. Luther Avenue, Arcadia, Florida, stated that in the past the election was over and done in October and during the first meeting of October, the Mayor was elected. He asked if the Mayor would still be elected in October and he asked if it was correct that the new people elected wouldn't go into office until January. The City Attorney advised they would take office in December. Councilmember Keene made a motion to approve the ordinance and

Deputy Mayor Fink seconded the motion. No discussion followed and it was unanimously, 4/0, approved. The City Attorney stated that he wanted to clarify that in the event there is a run-off, the run-off wouldn't take place until January. He advised that part of the issue the Supervisor of Elections would have, in the event they had not done this, the run-off would take place two (2) weeks after the election and that's impossible for the Supervisor of Elections to do now that there is a 2010 Statute that requires absentee ballots to be mailed out forty-five (45) days in advance. Mayor Frierson instructed the City Clerk to read the ordinance by title only. The Clerk did so. Deputy Mayor Fink made a motion to approve the ordinance as presented to second reading and Councilmember Keene seconded the motion. No discussion followed and it was unanimously, 4/0, approved.

Agenda Item 9 – Arcadia Airport Advisory Committee Appointment of Greg Smith

The City Clerk advised that Mr. Smith's time ran out in May of this year. She advised that he would have to re-apply to be re-appointed and that Mr. Smith had submitted to her a request to have this done. She then advised that at this point it is up to Council. Mayor Frierson asked the City Clerk if there were any other applicants and the City Clerk advised that there were not. Councilmember Keene asked how long the term was for and it was determined it was a three year term. Deputy Mayor Fink stated that difficulties arose last year due to issues not being brought to Council's attention and way too much being brought to the then City Administrator. He expressed his concern with having a board that reports directly to the City Administrator and not to Council. He stated it was unheard of and unprecedented. He stated that before any appointments are made, he felt Resolution 2013-08 should be revoked due to too much authority being given to the City Administrator. He further stated that the League of Cities had never heard of a committee that is authored by Council that reports to the Administrator.

Councilmember Keene stated that he is for making the appointments tonight and if Council wants to revise or change the resolution, he felt that could be done separately if that's what they want to do. He asked if Council was establishing who the spokesperson would be for the airport advisory board. Deputy Mayor Fink advised that it would be the chairman of the committee who they choose themselves.

Deputy Mayor Fink made a motion that they repeal Resolution 2013-08. Councilmember Allen preferred to review it rather than repeal it. Deputy Mayor Fink amended his motion to have Resolution 2013-08 reviewed at the next meeting and Councilmember Allen seconded the motion. Mayor Frierson asked if they wanted to put off the appointments. Deputy Mayor Fink stated that until they have a good solid resolution, he felt they should put it off until the next meeting. The City Attorney was asked to review it and determine if Council could go back to Resolution 2009-20. The City Attorney advised that Council can repeal its own resolution.

Mayor Frierson stated that she didn't know that the Airport Advisory Committee had abused their actions and if there has never been a problem in the past, she felt there may be ulterior motives here. Deputy Mayor Fink stated that he never stated anyone abused anything except that it's unusual and unprecedented. Gary Frierson of 1 N. Luther Avenue, Arcadia, Florida, addressed Council and stated that they have two people who are basically off so there is

a three member board at this time. He advised there are some meetings scheduled to go over with the engineer for public comment with the master plan coming in. By doing this, it would eliminate those if one person is missing, you'd have a two person committee. He stated that it was his understanding that Council could eliminate the board at any time if they should decide to do so. He further stated that if Council put people on the committee, they could continue to do the job Council asked them to do and if Council wants to review or change it at a later date, they could. He advised there are meetings scheduled and the engineer will be here as such has been advertised. If Council does not make these two separate issues, they essentially will shut the committee down and won't get the input they asked for from the engineer.

Councilmember Keene stated that there is a motion and a second to review the resolution and he called for the question. No discussion followed and it was, 3/0, approved with one dissenting vote by Councilmember Keene.

Councilmember Keene made a motion to grant the request of Greg Smith to be re-appointed to the Airport Advisory Committee and the motion was seconded by Deputy Mayor Fink. No discussion followed and it was unanimously, 4/0, approved.

Agenda Item 10 – Arcadia Airport Advisory Committee Appointment of Gary Frierson

Councilmember Keene made a motion to grant the request of Gary Frierson to be re-appointed to the Airport Advisory Committee and the motion was seconded by Deputy Mayor Fink. Mayor Frierson abstained from voting on this issue as she is married to Gary Frierson. No discussion followed and it was unanimously, 3/0, approved.

COMMENTS FROM DEPARTMENTS

6. CITY MARSHAL

Marshal Anderson stated he was there to address any concerns the City Council or the general public may have. No concerns were brought to his attention. He stated that a big tree had fallen across Hwy. 70 causing it to be blocked off for several hours and City employees worked diligently to remove it. He also updated Council to advise Mitzi McGavic is slowly but surely coming back to work.

7. CITY ATTORNEY

None.

8. FINANCE DIRECTOR

The Finance Director, Beth Carsten, provided Council with an update regarding revenues and expenses. She advised that to date, the City had taken in 64.2% of expected revenues. She advised that she had checked to see how the revenues came in last year, and the City is very much on schedule. She advised that the City had received some more money from the small city

surtax. Mr. Carsten stated that the City had expended approximately 50.5% of its expenses for each department to date. She felt the departments were doing a good job of keeping their expenses as low as they can. Mayor Frierson asked if she had heard anything regarding the audit. Ms. Carsten advised they were continuing to do the audit. In the process of going through things requested by the auditors, some items are taking longer to balance than expected and it will be close. She further advised that they are still going forward that they will be able to file and the auditor will be able to give the City a plan if they cannot file. She stated that the auditor, at this time last month, felt that we would be on schedule to be able to file. Ms. Carsten stated that she had talked with the auditor regarding the chance that we can't file, and was advised that it would be very close to that time, to the beginning of July and she didn't feel it would hurt our funding or revenue sources at that point. The auditor advised that the biggest thing they look for is that we do file in this fiscal year. Ms. Carsten advised that she has made every effort to get this completed.

9. CITY ADMINISTRATOR

The City Administrator advised that with the exception of Councilmember Keene, staff had set up council members' one-on-one workshop on June 19, 2014 throughout the day. The planning team will be getting in touch with each of them. He advised that Councilmember Keene's had been scheduled for June 24, 2014. He further advised that staff had put together a format and advertisement which advertised for Thursday, June 19, 2014 from 5:00-7:30 p.m., Tuesday, June 24, 2014 from 1:00-3:00 p.m. and on the same date from 5:30-7:30 p.m. He advised the format will be the exact same for all three meetings and it will essentially allow the community to provide input. The planning team will review concepts regarding strategic planning, will share some of council's preliminary comments and thoughts in regards to issues from the SWOT (strengths, weaknesses, opportunities and threats) analysis, and lastly will try to hone down on a vision statement for the community. He stated that the idea is to get some of these concepts and thoughts presented, and then from that to prioritize major capital projects that will be used to help council target some of our spending for the next fiscal year. He further stated that they will probably have a list of deficiencies greater than our budget, but it will allow the public to weigh in regarding what they believe would be the priorities for council in the next year. With no further comment, he advised that he hoped all can attend one of the meetings.

PUBLIC

Gary Frierson of 1 N. Luther Avenue, Arcadia, Florida, advised Lee Snyder is doing an excellent job mowing at the airport. He stated that it looks better than it has in years. He stated there is a triangular area between Runway 13 and Runway 6 with a lot of trees and the limbs have grown and you can't see through there. He advised that a number of years ago, volunteers had gone out with chainsaws and trimmed the trees and it was nice for a while. He stated that if the City could, it would be nice if they could do that again.

William Bailey of 422 E. Magnolia Street, Arcadia, Florida, addressed Council to thank them, the Marshal, the Chamber of Commerce and to all of those who recognized their son, Willy, for what he did. He stated that he felt it was very wonderful of them to do that and it

made a lasting impression in his life. Mr. Bailey stated that there is always negative everywhere and people have stepped up for a positive.

MAYOR AND COUNCIL MATTERS

Deputy Mayor Fink asked Council to consider naming the Chamber in honor of two (2) council members who have served or will have served twenty (20) years; one who is retiring and is not with us tonight and one is Dr. Roosevelt Johnson. He asked that they consider naming the chambers in honor of Dr. Roosevelt Johnson and Robert Heine. He felt it was well deserved and it should be considered. He further asked Council to consider naming the administrative offices in honor of Edward Strube. He stated that twenty-eight (28) years to the City is a long time and people should be honored for their time. He felt it should be done because they understand what these individuals have given. No discussion followed.

ADJOURN

Having no further business at this time, the meeting was adjourned at 7:30 P.M.

ADOPTED THIS 1st DAY OF July, 2014

By:

Alice Frierson
Alice Frierson, Mayor

ATTEST:

Penny Delaney
Penny Delaney, City Clerk