

**AGENDA MINUTES
CITY COUNCIL
CITY OF ARCADIA
TUESDAY, JUNE 21, 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 Joseph E. Fink

Councilmember Judy Wertz-Strickland

Councilmember S. Delshay Turner was not in attendance due to illness.

Arcadia City Staff

City Administrator Terry Stewart

City Clerk Penny Delaney

City Attorney T.J. Wohl

Finance Director Beth Carsten

Jeff Schmucker, CFRPC

Marshal Matt Anderson

PRESENTATION

Agenda Item 1 – Desoto County Fire Assessment Consultant – Burton & Associates

City Administrator Stewart advised that each Council Member had an opportunity to meet with County personnel and the consultant from Burton & Associates. He advised the purpose of the presentation is so the public can see the information that Council had already received and to begin a discussion. He further advised that the County had come to the City and advised they were doing this study and asked Council's permission to include the City within their study. Mr. Stewart stated the County paid for the study and Council authorized the County to include the City to see what the outcome would be. He explained that the County was now in the process of deciding what it is going to do based upon the results of this study. He stated that in January of next year, the City would need to be in a place where a decision can be made whether to send a resolution but there is plenty of time for the public to discuss and debate this.

At this time, Erick van Malssen of Burton & Associates provided a brief background and stated that fire rescue and EMS services for the City of Arcadia are provided through the County

City Council Meeting Minutes

June 21, 2016

Page 1 of 7

which happened through a merger agreement with the County in 2006. The services are funded to the County via an annual contractual obligation, plus a City adopted fire assessment. Mr. van Malssen advised any context with the fire assessment today will be comparing the City's rates to the new calculated rates which are different than the County's rates. He stated that DeSoto County had retained Burton & Associates to update the fire assessment calculations primarily because they were based off of a 2003 study and it is recommended to update the studies every five (5) years or so as demographics, property values and costs for services change. He then reviewed the City's partially adopted FY2016 fire rescue assessment rate schedule. Mr. van Malssen addressed the fire rescue assessment update which included: 1) calls for service methodology, (a) traditional methodology of fire rescue assessments, (b) tested and verified in the Florida Court system, and (c) allocates costs of fire service to property classes based upon historical demand for services; 2) rate structure adjustments, (a) City non-residential properties will be charged based upon building size per equivalent billing unit (EBU), (b) non-residential properties separated into two classes (i) commercial/institutional and (ii) industrial/warehouse; 3) retaining of existing exemptions, (a) required exemptions – government and agricultural properties and (b) optional exemptions – church and non-profit properties. He then reviewed the non-residential property rate structure and advised that any building under 2,000 square feet is assigned one (1) EBU, between 2,000 and 3,500 square feet is 2 EBUs and so on and the maximum building size that can be assessed is 100,000 square footage. Regarding FY2017, the projection of fire rescue net revenue requirement was reviewed and he advised that there were approximately 2.7 million dollars of actual costs in the fire rescue service itself and that was arrived at by allocating the full budget between fire services and EMS services. Mr. van Malssen then went over various costs (a copy of the slide show presentation is available for review at the City Clerk's office), along with the full cost recovery accessible rate and a revenue neutral calculation. Next, he reviewed the FY2017 assessment revenue estimates both for full cost recovery and revenue neutral which included both County and City properties.

Mr. van Malssen then addressed the EMS assessment calculation which included: 1) it maintains all features of the fire rescue assessment rate structure, (a) calls for service methodology, (b) property classes are maintained, (i) the exception being there was no vacant property charge, and (c) exemptions are maintained; 2) EMS specific calculations using (a) allocated EMS costs and (b) EMS call data. He addressed the FY2017 EMS net revenue requirement calculation which showed 1.4 million dollars and stated that a large offsetting revenue for these services are the charges for services for transportation and ambulances which are actually billed either to insurance or to those who receive the service. He then reviewed the calculation for same, along with the assessment revenue distribution.

Mr. van Malssen advised Burton & Associates will be presenting the same presentation to the County next week and from what he understands, the City and County are in talks to figure out where to go from here. He stated the next steps are to finalize some of the decision alternatives such as whether the City would adopt the fire assessment as it is re-calculated (the county has not made a decision yet) and whether the City and County would adopt the EMS assessment. He advised the EMS MSTU is the alternative funding for such and at the contract period for the City, the funding for the MSTU would impact the City's millage rate so the assessment would allow the City to retain the millage cap of ten (10) and not approach it due to

the tax on MSTU. He then reviewed the milestones for adoption and the necessary steps to be taken. City Administrator Stewart advised he was very comfortable with the methodology, but the political decision rests with Council. He stated that the County was gracious to include the City into it early on.

Gary Frierson, a City resident, asked for confirmation that the full cost recovery for the City would be approximately Two Hundred Eighty-Six Thousand and 00/100 Dollars (\$286,000.00) and full cost recovery for the fire would be approximately Four Hundred Eighty-Nine Thousand and 00/100 Dollars (\$489,000.00) making the cost for the City approximately Seven Hundred Seventy-Five Thousand and 00/100 Dollars (\$775,000.00). Mr. van Malssen replied that figure would be for EMS and fire. Mr. Frierson asked what the City was paying this year as it relates to the contract they are under and Mr. van Malssen replied that for FY2016 the assessment for fire was Two Hundred Forty-Eight Thousand and 00/100 Dollars (\$248,000.00) as billed and the actual contract amount was One Hundred Eighty Thousand and 00/100 Dollars (\$180,000.00) allocated to fire and approximately Seventy Thousand and 00/100 Dollars (\$70,000.00) allocated to EMS with a total of approximately Five Hundred Thirty Thousand and 00/100 Dollars (\$530,000.00). Mr. Frierson stated that under the current contract, the City owes the County Five Hundred Thirty Thousand and 00/100 Dollars (\$530,000.00) and it is going down Fifty Thousand and 00/100 Dollars (\$50,000.00) a year and if they went with the assessment, it would be Seven Hundred Seventy Thousand and 00/100 Dollars (\$770,000.00). He then asked if the Council adopted with the full amount and kept the contract, with the City collecting Seven Hundred Seventy Thousand and 00/100 Dollars (\$770,000.00) and if they owed half of it, could the Council adjust it yearly by a percentage at the same ratio so that it only collected what was needed to pay the County. Mr. van Malssen stated that the assessment in the amount calculated as owed from the City is a nature of the allocated costs which is different than what the current contract is set up as and the allocated properties between City and County properties so the approximate amount of Seven Hundred Seventy Thousand and 00/100 Dollars (\$770,000.00) is over what the existing assessment and contract amounts are, but it would be the properly allocated amount so to speak. He then stated that if the City were to adopt the assessment, there would be changes to the way that contract is handled. City Administrator Stewart stated that whether the City decided to redeem the contract or not was a separate decision and once the information about the study is known, the Council has the latitude to make a decision to impose an assessment or not, to impose it at the full rate or not, or any percentage amount of that or not as long as it is applied equally across the spectrum. In response to a question raised by Mr. Frierson, City Administrator Stewart stated that they could not have both a MSTU and a MSBU to collect the same revenue. After further discussion, Council was asked if there were any further questions and there were none. Mr. van Malssen thanked Council and City Administrator Stewart and stated that he had been invaluable through the process and he had learned a lot from him.

CONSENT AGENDA

Agenda Item 2 – City Council Minutes for Meeting on June 7, 2016

Agenda Item 3 – City of Arcadia Municipal Airport April Report

Agenda Item 4 - Special Event Permit – Tent Sale for Badcock

City Council Meeting Minutes

June 21, 2016

Page 3 of 7

Councilmember Wertz-Strickland made a motion to accept the Consent Agenda 2, 3 and 4 and Deputy Mayor Frierson seconded the motion. No discussion followed and it was unanimously, 4/0, approved.

ACTION ITEMS

Agenda Item 5 – Award / Rejection of Golf Course Driving Range Netting Replacement Bid No. 2016-03

Finance Director Beth Carsten advised that Bid No. 2016-03 Golf Course Driving Range Netting went out to replace the netting at the golf course. She stated that on May 24, 2016, staff opened the two (2) responses to said bid and both were higher than it had been budgeted for at Twenty-Five Thousand and 00/100 Dollars (\$25,000.00) with one (1) being Fifty-Nine Thousand and 00/100 Dollars (\$59,000.00) and the other being Sixty-Two Thousand Four Hundred Twenty-Two and 50/100 Dollars (\$62,422.50). She informed Council that at this time staff is recommending not going any further with replacing the netting and to possibly re-visit it at budget time. City Administrator Stewart advised that it was imperative that City Council either accept or reject the bids. He stated that while Council had been gracious in providing additional funding to turn the golf course around, he could not in good conscience ask them to provide more funds for this year. Councilmember Wertz-Strickland made a motion to reject both bids and Councilmember Fink seconded the motion. Councilmember Wertz-Strickland added to possibly revisit it just before they get into the budget and to look at the budget to see if the budget could handle it and Councilmember Fink seconded the amendment to the motion. No discussion followed and it was unanimously, 4/0, approved.

Agenda Item 6 – Ordinance No. 1015 – Proposed Text Amendment to the City's Unified Land Development Code and Code of Ordinances – Second Reading

Councilmember Fink made a motion to have it read by title only and Councilmember Wertz-Strickland seconded the motion. No discussion followed and it was unanimously, 4/0, approved. City Clerk then read Ordinance No. 1015 by title only. Councilmember Fink expressed his pleasure with the amendment. Councilmember Wertz-Strickland made a motion to approve Ordinance 1015 and Councilmember Fink seconded the motion. Jeff Schmucker of the Central Florida Regional Planning Council explained that at the end of the first reading a couple of weeks ago and prior to tonight's hearing, they had asked Council for consideration to add another amendment to the short title which was Section 6.01.04 which was an amendment to existing language in the code that would provide consideration for the exemption of parking and landscaping requirements in the downtown. Councilmember Fink asked the City Attorney if the change in the title changed anything for Council and City Attorney Wohl advised that it did not. City Administrator Stewart reminded Council that he had previously explained to them that there were a number of apartments in the downtown area that were being rented out as living quarters which had not undergone the requirements to get a special exemption. He had recommended at that time that the City could either require everyone to meet the requirement that existed or it could be changed and made a use-by-right which does not require a special exception. He

explained that an apartment could be in the downtown area above the ground floor only if it had a legal nonconforming use. He further explained that if there was currently a building in the downtown zoning that has a legal nonconforming use of an apartment on the ground floor, it would be able to continue as such if it had had a long continued use before any changes were made to the zoning and could continue to do so until the building is destroyed by more than fifty percent (50%) of its value by a natural disaster and at which time it would be required to conform to its current zoning or if that property stopped being used for that purpose for one hundred eighty (180) days. He explained if it is not used for that same existing purpose for six (6) months, then it can no longer be used for that purpose and has to meet the current zoning. He advised there are currently existing ground floor apartments in the downtown corridor. City Administrator Stewart advised that once Council passes this, it would be incumbent on Code Enforcement to identify such places to ensure they are meeting the requirements and if not, there may be some push back. Mayor Coker instructed the City Clerk to take a roll call vote and the following are the results of said roll call vote: Deputy Mayor Frierson voted in the affirmative, Mayor Coker voted in the affirmative, Councilmember Fink voted in the affirmative and Councilmember Wertz-Strickland voted in the affirmative. No discussion followed and it was unanimously, 4/0, approved.

COMMENTS FROM DEPARTMENTS

Marshal Anderson asked if Council or the general public had any concerns and there were none. He advised that seven (7) burglaries had been cleared up with a couple of arrests. He also announced that his oldest son had graduated with a BA in Accounting, has started working on his MBA, and in the meantime, he had finished his last year of college eligibility in baseball. He explained that his son had received a telephone call from the Minnesota Twins who offered him a professional contract to play professional baseball for their organization.

City Attorney Wohl advised that he had nothing to report.

Finance Director Carsten provided the monthly finance report. She advised that revenues were at sixty-nine point eight percent (69.8%) and expenses were at fifty point three percent (50.3%). She also advised that the City was one (1) week away from the final date with the audit. She felt it would be certified late this week or early next week which would meet the deadline of June 30th and they should have the draft financials by tomorrow. Ms. Carsten also advised that the City was one (1) week away from having credit card payments as an available payment option and explained the program. Mayor Coker asked if there would be charges to offset the costs and Ms. Carsten stated there would not be any charges. City Administrator Stewart advised that everyone pays that way today and costs are figured into the rates. Councilmember Wertz-Strickland spoke of credit card holding houses and Ms. Carsten stated there were such charges, but with the type of service the City is using, there are different tiers and the amount is more reasonable than what they had been looking at. Ms. Carsten also stated that this would allow other payments to be made down the line in other areas.

City Administrator Stewart informed City Council that the airport fuel system had been damaged due to lightning. He stated that a portion of the costs will be covered by insurance, but

there is a deductible and the costs are approximately Five Thousand and 00/100 Dollars \$5,000.00 worth of damage.

He then informed City Council that the mower at the airport was worn out and needed to be repaired again. He advised that he had spoken with Shelley Peacock about checking with FAA and FDOT regarding a possible grant and she had learned that it is possible to cover the cost of a new mower through a grant and they will fund between Ninety Thousand and 00/100 Dollars (\$90,000.00) and One Hundred Thousand and 00/100 Dollars (\$100,000.00). Mr. Stewart stated that should give the City the opportunity to get a nice tractor and a batwing mower that needs to go with it. He also stated that they were still required to follow all the appropriate purchasing requirements to get the best price possible.

City Administrator Stewart then addressed the need for an audit committee. He stated it was time for the City to do an RFQ for an auditor as it had been a number of years since the last selection. Ms. Carsten advised that Florida Statute 218.391 requires that an auditing committee be used and that such committee can be made up of professional experts, outside of the City, and it should be made up of 5-7 people. She stated that the City had one before which would be beneficial for drawing from. She also advised that the purchasing manual provides language on how to put together an auditing committee. Mr. Stewart recommended putting out a notice that the City would be selecting an audit committee, indicate general qualifications, ask individuals to submit their name for consideration and in most communities the Council makes the decision regarding who will sit on the committee. He stated that staff would put together the RFQ, have the committee review it, and then put it out on the street. He then explained that the audit committee would review the proposals and make a recommendation to Council. He then recommended keeping the number of committee members to five (5). City Attorney Wohl advised that he and Ms. Carsten had reviewed the auditing committee language in the purchasing manual and had discussed deleting some language which was restrictive and then bringing it back to Council and revising it accordingly. Mr. Stewart advised that Mr. Wohl would make the necessary changes and it would be brought back to Council. Councilmember Wertz-Strickland asked if this committee would be meeting once a month and City Administrator Stewart advised that it would not be a standing committee and it would have a specific purpose. Deputy Mayor Frierson stated that she felt it would be difficult to get five (5) professionals that the Council would want to do this. City Administrator Stewart advised that the Council can make the decision about whether or not they want all the members to be City residents and could go outside to the County if they chose to do so. He highly recommended going outside of the City limits only if they cannot get qualified applicants from within the City.

Mr. Stewart then announced that last week was his one (1) year anniversary and thanked Council for bringing him to the City of Arcadia. Council expressed their pleasure of having him as the City Administrator.

PUBLIC

None

MAYOR AND COUNCIL REPORTS

Regarding the City Administrator evaluation forms which were provided to Council for their determination regarding which one to use, Councilmember Wertz-Strickland asked which one had been decided on. After some discussion, it was the general consensus of Council to use the evaluation that used the methodology of letters rather than the other two (2). The City Clerk was instructed to inform Councilmember Turner of the decision made.

Mayor Coker reminded all in attendance of the Fourth of July Parade and asked that anyone interested in participating to let Ms. Carsten know. She then advised Council that she and the City Administrator had attended a brownfield symposium and received a lot of good information that would be beneficial in the future.

ADJOURN

Councilmember Wertz-Strickland made a motion to adjourn and Councilmember Fink 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 7:25 P.M.

ADOPTED THIS 5th DAY OF July, 2016.

ATEST:

By:

Susan Coker
Susan Coker, Mayor

Penny Delaney
Penny Delaney, City Clerk

