

**AGENDA MINUTES
CITY COUNCIL
CITY OF ARCADIA
TUESDAY, JULY 1, 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 Keith Keene
Councilmember Robert W. Heine

Deputy Mayor Joseph E. Fink
Councilmember Robert R. Allen

Arcadia City Staff

City Administrator Tom Slaughter
City Clerk Penny Delaney
Marshal Matthew Anderson

City Attorney Thomas J. Wohl
City Planner Carl McQuay

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

PRESENTATION

Agenda Item 1 – Antique Association Letter

The City Administrator addressed Council regarding the Antique Association. He advised that members of the Antique Association had provided documentation to Council expressing concern with a permit which was previously approved and they have done annual renewals. He stated that there are a number of vendors who are not permitted in any capacity. He then presented a presentation which outlined some of the issues as well as some resolutions that can be done. He discussed right-of-ways, typical events such as a grand opening over a couple of days and then the three groups that meet on the first, third and fourth weekend of every month which are essentially single day permits. He pointed out that this issue has been more pronounced with non-permit vendors that are riding the coattails of the permit holder. The problem is two-fold. The first issue is the City assumes the City liability because many of these vendors have no liability insurance, no permit and the City doesn't know when or how they are set up. The second issue is the event holders themselves who create a brand and market themselves. He stated that the City is not enforcing it consistently through the police department

and code enforcement. He suggested community development host an open house or workshop to seek areas of agreement or disagreement to bring back to Council.

Councilmember Heine asked the City Attorney if the City had what it needed to shut down a vendor if they did not have a permit. The City Attorney stated there is a sponsored permit that would cover that. He pointed out that the issue is that there are temporary vendors who are not covered under the sponsored permit. He stated that it had been discussed in October or September to either perhaps move the all vendors into the street and give the association control of what could be set up on the street and prohibit anyone setting up temporary vendor stands on the sidewalks. Marshal Anderson stated that he had a concern for traffic and possible injuries and needed an ordinance of substance so the police department can enforce it. He pointed out that the City Attorney had drawn up an ordinance addressing some of the issues. Mayor Frierson stated that she's always supported closing the streets with nothing on the sidewalks because it's an accident waiting to happen. Councilmember Keene stated that he felt the sidewalk should be open and understands that parking is an issue everywhere. He wasn't sure if more discussion was needed after the City Administrator's presentation. Deputy Mayor Joe Fink pointed out that the Florida Commission on Ethics has stated that he does not have a conflict of interest on this. He felt closing off the street would further impact the downtown area by making it more difficult for accessing the area. He suggested that during season, if emergency staff was needed, it would be very difficult to get to the downtown area. Marshal Anderson stated that he just didn't want to see a good thing go away.

Renee Otto, owner of half of Treasure Alley and half of the Whole Shebang, of 215 W. Oak Street, Arcadia, Florida, spoke from the public and stated that she was one of the original founders of the newest antique association in 2006. She advised they never had any problems and never came before Council with complaints because they always dealt with the problems themselves. She further advised this is about vendettas against certain antique owners. She stated that Council didn't know half of it and that Council was going to make decisions about how to run the owners' antique stores and the businesses would be ruined if Council doesn't know the whole story. She suggested a meeting be held with all the business owners to discuss what Council doesn't know.

Mayor Frierson stated that there is not only a problem with the sidewalk, but also a problem with the permitting situation. She suggested Council close the street and meet with the business owners to determine what the problems are. Councilmember Keene agreed with the opportunity to meet with the parties involved to get guidance from the City Attorney and input from Marshall Anderson, and come up with something to define the area and determine who's in charge.

James Lee, owner of Bigger and Bigger Antique Mall, of 132 and 133 W. Oak Street, Arcadia, Florida, spoke from the public and stated that since June 2012 when they opened their doors, they allow their dealers to set up out front, as a perk, and his insurance covers it. He stated they've never had a problem.

Marshall Anderson asked if someone from the City Administrator staff and himself meet with the City Attorney to deal with the issue and bring it back to Council. Councilmember Keene made a motion to direct the City Administrator to put together such a group to have discussion and bring back recommendation to the Council. Councilmember Heine seconded the motion. No discussion followed and it was unanimously, 5/0, approved. Mayor Frierson advised they would leave it up to the City Administrator to set it all up and stated that perhaps he would like to invite the Council or perhaps he wouldn't. The City Administrator advised that it would be a public open house. Mayor Frierson suggested it be done as soon as possible.

CONSENT AGENDA

Agenda Item 2 – City Council Minutes for June 17, 2014

Agenda Item 3 – Air-Cadia Flowage and Hangar Rent Report for May 2014

Councilmember Keene made a motion to approve the Consent Agenda and Councilmember Heine seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

ACTION ITEMS

Agenda Item 4 – Ordinance 999 – Police Officers' and Firefighters' Retirement System – First Reading

The City Clerk advised it was brought to her attention that the mortality rate has increased and people are living longer and it is a requirement to have it changed. She further advised it is the only change that was made. The actuary has advised that there will be no change in funding requirements because there is not a change in the valuation results and it is their opinion that an impact statement would not be required. She advised there would be no cost to the City. Mayor Frierson instructed the City Clerk to read Ordinance 999 by title only and the City Clerk did so. Councilmember Keene made a motion to approve and Councilmember Heine seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

Agenda Item 5 – Ordinance 1000 – Fire Rescue – First Reading

The City Attorney advised that this was from a discussion from the last council meeting regarding the Ordinance to create the fire rescue non-ad valorem assessments. He pointed out that it provided for a collection on the tax roll which is why it requires all the notices and resolutions. He advised that on the interim assessments on page 14, there are essentially two ways to deal with interest assessments. One way is based on a Notice of Commencement and the other is a Certificate of Occupancy which is what the City did. He stated that if it's done by a Notice of Commencement, there is an issue if they do not complete the project, a Certificate of Occupancy is not obtained, or it passes into the next year and you have to give rebates and he felt that might complicate matters a little too much. He pointed out that if a Certificate of Occupancy

is issued on June 30th, that particular property owner would only be liable for one-half of the annual assessment in November. Essentially it will be determined in a resolution where it is adopted each year by the Council for the annual rate resolution, the Council that year can determine if the City is going to bill the government property owners or the religious institutions that are already exempt from ad valorem taxation. Discussion was made regarding the assessment values and it was determined that the amount collected would be about the same due to the adjustment of commercial property. Mayor Frierson advised that the firm that did the study would help the City implement it and they would have to be paid. Councilmember Keene advised that it was already figured into it. Councilmember Keene stated that he felt this was better than what they had. It was opened to public comment and no one came forth. Mayor Frierson instructed the City Clerk to read Ordinance 1000 by title only and the City Clerk did so. Councilmember Heine made a motion to approve and Councilmember Keene seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

Agenda Item 6 – Ordinance 1001 – Stormwater – First Reading

The City Attorney advised this Ordinance was regarding the stormwater and it is also collected on the tax roll. He advised that some municipalities collect their stormwater fees on the utility bill and it's something Council could do. Mr. Wohl stated Government Services Group did a study and the ordinance is ready to go on the tax roll. He advised the collection rate will be higher if it's on the tax roll than on the utility bill. He further advised that if someone is not paying their utility bill or there's no account opened up on a property, the City will not get any payment out of that property owner. He stated that it was up to Council and they could wait to implement it. The City Attorney stated the reason he brought it up is because a comment was made at the last council meeting as to whether the City could hold off on these or if they needed to be implemented now. If Council wants them on the tax roll, they have to go either at this meeting or the next meeting for first reading. If Council wants them to go on the utility bill, it can be done at any time, but they would need to talk to the Finance Director to determine if their software could even handle something like that. Councilmember Keene stated that he was okay with collecting it on the property tax. The City Attorney advised this is the best way to collect it. Mayor Frierson instructed the City Clerk to read Ordinance 1001 by title only and the City Clerk did so. It was opened to the public and no one came forth. Councilmember Heine made a motion to approve and Deputy Mayor Fink seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

COMMENTS FROM DEPARTMENTS

7. CITY MARSHAL

The City Marshall presented the Police Department's monthly report. Councilmember Heine asked about the status of the formal City Marshal Charles Lee. He was advised that the hearing had been postponed until July 24th due to the holiday. However, the restitution date was still July 1st and no one was aware if restitution had been made.

8. CITY ATTORNEY

None.

9. CITY ADMINISTRATOR

The City Administration advised Council that Richard Fazzino had resigned from the Airport Advisory Board so they will notice members of the Airport Advisory Board and advertise the vacancy.

He further advised that the Land Development Code Update had recently been adopted. One of the mechanisms to ensure compliance is the creation of a Development Review Committee. The purpose of that is two-fold. One, staff provides technical review of development to permit applications and secondly, they often provide recommendations in terms of the review to either a planning board or City Council. He advised that staff would like to set one up and it does require, under the Florida Sunshine Law, public notice of meetings and recording of the meetings. In developing the board, he stated that they would like to include not only their staff, but also an ex-officio who is often a council member who would sit in on the committee. That person would not vote because often time development entitlement and applications will come to the full Council anyway, but that person would provide both a sounding board toward the application of codes and regulations and they often time hear different thoughts and ideas and you can see if your codes are working. He asked if there was a member of Council who would like to be a part of such an effort. Councilmember Keene asked when the group would meet. He advised that he had served on the Development Review Committee for the County as a representative from the Department of Health, but didn't want to commit if he wouldn't be able to make the meetings. The City Administrator advised that it would be on an as needed basis and probably would be once a month. The City Administrator further advised that they would work around Councilmember Keene's schedule. Councilmember Keene advised that if Council would be supportive, he would be willing to do so. Councilmember Heine made a motion for Councilmember Keene to serve on the committee and Deputy Mayor Fink seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

The City Administrator advised that state work is being done on the right-of-way at McSwain Park. He further advised that, with Mosaic, the City has plans for the first phase. The bid advertisement has been sent off for Thursday, July 3, 2014. A pre-bid meeting with staff will be held on July 15, 2014, the bid closing will be July 24, 2014, and a bid selection committee will meet on July 31, 2014.

He asked the Finance Director to address council regarding the 4th of July parade. She advised that the City would be participating in the parade and wanted to open it up to Council if any wanted to ride. Meeting time will be at 9:00 a.m. in the Methodist Church parking lot.

PUBLIC

Janie Watson of 803 W. Imogene, Arcadia, Florida, spoke from the public regarding the City Code. She advised that there was a Beautification Committee once that addressed certain codes and there was a Property Maintenance Ordinance that had been tabled by Council. She wondered what had happened to it. The City Attorney advised that it consisted of Matt Anderson, Carl McQuay and maybe the prior City Administrator. He further advised they had developed property maintenance standards and such was placed on the agenda, but there were too many questions from the public and it was tabled to schedule some workshops. Ms. Watson asked if it could be brought back and Councilmember Keene stated that he felt it should be brought back.

Deputy Mayor Fink stated that he mentioned this several months ago and suggested they activate the beautification council to update the codes and he's still in favor of it. He felt a citizen's advisory committee is far more appropriate to handle this than Council. He stated it needed to be the community's standard. Deputy Mayor Fink asked if they had a consensus of the Council to have the City Attorney author a new citizens advisory board committee that can review the codes with staff, see what's legal, see what's not, see what the community standard is and come back by date certain and have Council adopt what needs to be adopted. Councilmember Keene asked what it would take on the part of the City Attorney to provide what is being asked by Deputy Mayor Fink. He asked if it could be something the City Attorney could review and bring it back to Council. The City Attorney advised that they already have a proposed ordinance for the property maintenance standards. He stated that with what Deputy Mayor Fink was asking, that would put it on hold and it wouldn't be brought back and essentially have a resolution appointing a citizen review committee to review the current property maintenance codes and try to develop newer ones to implement. Deputy Mayor Fink stated they would need to come back to Council date certain.

Adrienne Daly of 5 Johnson Avenue, Arcadia, Florida, stated that they had many ordinances that were approved and asked what happened to them. She discussed the liability issue with garbage cans being left out and the wind blowing them into the street, thus causing a possible accident. She felt citizens needed to take pride in their properties. The City Attorney asked Ms. Daly if she had a time frame regarding the ordinances she referenced and she advised that it was probably 7-8 years ago. He advised he had never seen them. Deputy Mayor Fink stated that he felt this needed to be tailored to Arcadia by citizens of Arcadia and he appreciated Council's consensus. He asked the City Attorney if it could be done by the next meeting. The City Attorney advised that he would try but those types of documents are fairly substantial.

Steve Bauer of the Arcadian stated that The Arcadian would be hosting a candidate forum on Monday, July 7, 2014, from 6:00 – 8:00 p.m. at the County Commission Building. There are four (4) races coming up for the primaries which are School Board District 1 and District 5 and two (2) County Commission races. He advised The Arcadian will be doing something with the City, but it's a ways off.

Sandra George, owner of Feenix Rising Antique Store, of 132 W. Oak Street, Arcadia, Florida, stated that she felt comments made by Deputy Mayor Fink to Mayor Frierson were in appropriate and disrespectful. She addressed the letter presented to Council by Mrs. Fink. She questioned who actually wrote the letter particularly due to a comment by the commission of ethics.

John Super of 7692 SW Albritton, Arcadia, Florida, advised that he met with Becky Bragg and Tony Yacovetti of Sandhill Growers regarding Lake Katherine. He stated he had been advised the cattails have been killed and will not come back. Not all of the plants have been planted due to the bank having been filled in with a lot of rock at one time, so it was tough to get some of the plants in there, but other plants are beginning to take hold. He anticipates seeing new growth by the end of the summer.

MAYOR AND COUNCIL MATTERS

Regarding the codes and cleaning up, Councilmember Keene stated that there were some real societal issues that needed to be addressed and he didn't know how to do it. He felt we need to instill pride in our community and until we can figure out a way to do that, this is going to be a tough row to hoe. He felt that if they don't start somewhere, they're never going to get anywhere. He stated that whatever efforts they can make, he felt they need to do them.

Linda Luppino of 129 S. Volusia Avenue, Arcadia, Florida, stated that she had an idea. There are nurseries all over the county and suggested getting volunteers to start planting plants in yards for free.

Mayor Frierson stated that Council does not have an official spokesperson and anything that is said on television, radio, facebook, or anywhere else, it belongs to that particular council member. It does not belong to the Council as a body. She advised this Council cannot pass a law forbidding that. Each individual council member speaks for themselves, not for the whole body.

ADJOURN

Having no further business at this time, the meeting was adjourned at 7:29 P.M.

ADOPTED THIS 5th DAY OF August, 2014

By:



Alice Frierson, Mayor

ATTEST:


Penny Delaney, City Clerk