

**AGENDA MINUTES
CITY COUNCIL
CITY OF ARCADIA
TUESDAY, JULY 5, 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.

Arcadia City Staff

City Administrator Terry Stewart

City Clerk Penny Delaney

City Attorney T.J. Wohl

Finance Director Beth Carsten

Code Enforcement Officer Carl McQuay

Marshal Matt Anderson

PRESENTATION

Walk-On Presentation – National League of Cities Service Line Warranty Program

Ashley Shiwarski advised that she represented the National League of Cities Service Line Warranty Program (material covered in this presentation is on file in the City Clerk's office). She stated that this voluntary program partners with municipalities to make it available to residents and the program provides homeowners with optional protection on their external waterlines, external sewer lines and in-home plumbing. She further stated that there is no cost or administrative time for the City and the City would receive an incremental revenue stream for their participation. After the presentation, Council advised that they wished for it to be brought back to them for consideration. Councilmember Fink asked that copies of all relevant materials be provided to administrative and legal staff to be used for the purpose of making a recommendation to Council.

Agenda Item 1 – Special Event Rules

City Administrator Stewart advised Council that the presentation did not require any action on their part except to give staff direction on where they would like to go with it. He explained that prior to his arrival on staff, there was a change to the special event ordinance that was brought before Council but no action was taken on it. He advised that he had reviewed it and changes had been made to it from what was brought to Council before. Mr. Stewart stated that the presentation would include some of the changes with one significant change addressing the burden of having to bring every one of those to City Council and making it an administrative matter, but also to eliminate certain ones that would have to come to City Council for final action. Mr. Stewart advised that after the presentation, staff would like direction from Council as to whether or not they would like for staff to work with the City Attorney to put it into ordinance format to be brought back to Council for approval. At this time, Code Enforcement Officer Carl McQuay presented the presentation (material covered in this presentation is on file in the City Clerk's office). After the presentation and further discussion, City Administrator Stewart asked Council if they wish for staff to proceed and it was the general consensus for staff to do so.

CONSENT AGENDA

Before Council voted on the consent agenda, Mayor Coker asked George Chase, of Friends of Arcadia Airport, to step to the podium and explain the various fly-ins and he did so.

Agenda Item 2 – City Council Minutes for Meeting on June 21, 2016

Agenda Item 3 – Special Event Permit – Florida Sport Aviation Antique and Classic Association (FSAACA) Fly-In

Agenda Item 4 – Special Event Permit – Millennial Wings Fly-In – Friends of Arcadia Airport

Agenda Item 5 – Special Event Permit – Annual Rodeo Weekend Fly-In Camp-Out – Friends of Arcadia Airport

Agenda Item 6 – Politics in the Park – Chamber of Commerce and The Arcadian

Councilmember Wertz-Strickland made a motion to approve Consent Agenda 2, 3, 4, 5 and 6 and Councilmember Fink seconded the motion. No discussion followed and it was unanimously, 4/0, approved.

ACTION ITEMS

Agenda Item 7 – Ordinance No. 1014 amending Section 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 – Second and Final Reading

Councilmember Fink made a motion for the ordinance to be read by title only and Councilmember Wertz-Strickland seconded the motion. No discussion followed and it was unanimously, 4/0, approved. Mayor Coker instructed the City Clerk to read the ordinance by

title only and the City Clerk did so. Councilmember Wertz-Strickland made a motion to accept Ordinance 1014 and Deputy Mayor Frierson seconded the motion. At this time, Mayor Coker asked Carol Mahler to step to the podium. Ms. Mahler, a representative of the DeSoto County Historic Society, read the DeSoto County Historic Society, Inc. Arcadia, Florida Resolution 06-2016 which supported the adoption of Ordinance 1014 and provided a copy for the records (a copy of Resolution 06-2016 is on file in the City Clerk's office). Mayor Coker instructed the City Clerk to take a roll call vote and the following are the results of said roll call vote: Mayor Coker voted in the affirmative, Councilmember Fink voted in the affirmative, Councilmember Wertz-Strickland voted in the affirmative and Deputy Mayor Frierson voted in the affirmative. No discussion followed and it was unanimously, 4/0, approved.

Agenda Item 8 – First Amendment to Operating/Building Lease Agreement for Fixed Base Operator and First Amendment to Airport Commercial Lease (Butler Building)

City Attorney Wohl advised this was an amendment to revise the notice provisions under both the Fixed Base Operator Lease and the Butler Building Lease with Eagle Vistas. He informed Council that essentially it became burdensome for staff at Eagle Vistas to correspond the certified mail return receipt requested. He stated that both staff and Eagle Vistas were amendable to revising the notice provision to allow electronic correspondence to dispatch notices. He advised there was also an additional change in the fixed base operator agreement in the first bullet point in subparagraph 6.A. wherein it currently reads "airport manager" and it will be changed to read "FBO Manager". He stated an airport manager designation was better suited for the City Administrator or whichever staff person is designated under the organizational chart as the airport manager which is not a title to be given to the FBO who is not managing the whole airport, but just the fixed base operator operations. He then advised that Eagle Vistas had already signed it agreeing to the language and the revisions. Councilmember Wertz-Strickland made a motion to approve the changes and Deputy Mayor Frierson seconded the motion. No discussion followed and it was unanimously, 4/0, approved.

COMMENTS FROM DEPARTMENTS

Marshal Anderson provided Council with the Police Department Monthly Report and asked if Council or the general public had any questions or concerns and there were none. He advised the department had made three (3) DUI arrests with one (1) involving a wreck. He further advised that the fireworks event was injury free regarding the department responding.

City Attorney Wohl advised that he had nothing to report.

City Administrator Stewart informed City Council of a meeting he had with Penny Kurtz, the Assistant Administrator of the Health Department. He stated that the Health Department had been placed high on a list for county health departments in the state that are eligible for new or expanded facilities. However, he pointed out, that in order for them to go ahead, they have to ensure the property on which the building being accomplished is in the possession of the County. He advised that back in 2013, this was brought to Council's attention (there are parcels located at the site that were, at the time, still in possession of the City). He further advised that it was his

understanding that a previous City Council approved donating those properties to the County for the purpose of expanding the health department. He informed Council that for some reason the actual deeding of the properties to the County never occurred. He wanted to ensure the current Council was fully aware of what was happening so that if there were any questions or concerns, they could raise those. He stated that he understood the costs would be borne by the County and Council Members confirmed. Mr. Stewart stated it was his intent to administratively do what is necessary to finish what the Council initially decided to do and he assumed it would require the signature of the Mayor. It was the general consensus of the Council to move forward with it.

Mr. Stewart then addressed the new rodeo arena. He advised that it would be built next to the Turner Center. He further advised the City provides the utilities for the Turner Center and will also be providing water and sewer utilities for the new rodeo arena. He stated it was on an unincorporated area of DeSoto County. He advised there was a policy already in place that states there is a different fee for making those connections for properties that are inside the City versus properties that are outside the City. He explained that if they were within the City of Arcadia, the costs would be just over \$21,000.00, but being outside the City, the net fee would be \$95,000.00. He explained the only way they could avoid that is to either be incorporated into the City or to sign a pre-annexation agreement. He asked for Council direction before he had any conversations with the Rodeo Association. After confirming the Rodeo Association was a non-profit organization and after further discussion regarding annexation eligibility, Councilmember Fink made a motion to instruct the City Administrator to approach the Rodeo Association asking them to either annex in because it has eligibility or to build a pre-annexation agreement and Councilmember Wertz-Strickland seconded the motion. Mr. Stewart advised that he had spoken with the Rodeo Association's Executive Director to let them know of the difference in costs, what the requirements were and that he would be having this conversation with Council. No discussion followed and it was unanimously, 4/0, approved.

Next, City Administrator Stewart advised that the Arcadia Housing Authority was an entity that operates separately from the City, but is connected to the City in some way with a contract. He further advised that we enable the authority to allow them to be a part of our insurance program, but they are not a subdivision of our political entity, and the insurance companies are starting to balk at that. Councilmember Fink asked what type of insurance they were talking about and Mr. Stewart advised it was medical insurance for their staff. He explained that they pay for it, but in addition to what he just stated, with their history, they are driving our rates up. Mr. Stewart stated that he was advising Council of the issue, would fully explore it and would bring a recommendation back to them. After more discussion, Councilmember Fink asked that the City Attorney look at other models, and referenced Highlands County, to see what they do. Deputy Mayor Frierson asked how many employees it involved and was advised that there were a total of eighteen (18). Deputy Mayor Frierson asked if it was at the same rate as the City employees and Mr. Stewart advised that it was at the same rate. It was the general consensus of City Council for it to be explored and to bring additional information back to Council. Deputy Mayor Frierson advised that it was more important to her regarding how much impact it was having on the City rather than what other models show.

Mr. Stewart then advised that he had the City Clerk pull a document that dealt with the incorporation of the Housing Authority and it identified its relationship with the City. He stated the document indicates that the Authority will not pay any property taxes on properties under its ownership, but it also states that the Authority will make a payment in lieu of taxes to the City and other government entities that are out there. Mr. Stewart stated he could not find where any such payment has been made as far back as the City's records go. He stated he could not find any intervening agreement that would alter it. He further stated that there had been a number of issues wherein the City had dealt with the Housing Authority and this is the document that they consistently provide to the City. He stated action rests solely with the City Council, but if there is an agreement out there that is not being followed, it either needs to be changed or it needs to be followed. Mr. Stewart advised that he would provide Council with a copy of the agreement with the appropriate sections highlighted. He also advised that he was pretty sure it would require the City Attorney's involvement and would, at some point, need guidance from Council regarding what needed to be done.

The last item Mr. Stewart addressed was the T33 airplane at Lake Katherine. He stated he had been communicating with a representative of the Air Force and had sent pictures of the aircraft's condition indicating it being beyond reasonable repair. He advised that the Air Force has indicated that if Council will declare it as excess property, they can begin the process to secure a different airplane to replace it, hopefully the same type of airplane. Mr. Stewart stated that he would like to bring it to Council in the form of a resolution. He further stated that he would continue to communicate with Ms. Oakes and will keep Council informed, to include all costs.

He also stated the Fourth of July Parade was a lot of fun. Councilmember Wertz-Strickland asked if he had heard anything from the State Road Department regarding the clean-out of Lake Katherine. Mr. Stewart advised that he would get an update and report back to Council with it.

PUBLIC

Tim Twohig, a county resident, expressed concern regarding the sale of fireworks to unauthorized individuals and the enforcement of such. Mr. Stewart stated that the State of Florida has a hypocritical approach to the sale and use of fireworks and expounded on such. He further stated that it was almost a mission impossible and blames the State of Florida for creating the hypocritical environment that exists.

Tod Backer, a county resident, addressed the idea of the City Parks and Recreation Department to offer a tennis clinic for ages nine (9) and above in November on Tuesdays and Thursdays between the hours of 4:00 p.m. and 6:00 p.m. at the John York Tennis Courts at the Speer Center. He stated that he would volunteer to be the instructor. Councilmember Fink asked the City Attorney if this could be done and Mr. Wohl advised that it could be done, but that Council should look at background checks and whether it would be considered a City event or Mr. Backer's event. Mr. Stewart suggested that before Council considered it, he recommended

Mr. Backer to provide a plan, in writing, describing what is to be accomplished and how, and for such to be brought back to Council.

Connie Bateman, a county resident, advised that on April 19, 2016, Council had approved for volunteers, representing the City of Arcadia, to schedule events downtown. She stated that the group's official name was "Saturday Night Lights" and she provided a ticket to their first event and a bag of popcorn to each Council Member. She advised they were scheduling a music concert in November and a movie (8 Seconds) in March.

MAYOR AND COUNCIL REPORTS

Mayor Coker mentioned the Fourth of July Parade and stated it was a lot of fun and nice to meet some of the candidates face to face

ADJOURN

Councilmember Wertz-Strickland made a motion to adjourn and Deputy Mayor Frierson 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 7:32 P.M.

ADOPTED THIS 19th DAY OF July, 2016.

A TEST:

By:



 Susan Coker, Mayor



 Penny Delaney, City Clerk

