

**AGENDA MINUTES  
CITY COUNCIL  
CITY OF ARCADIA  
TUESDAY, JULY 19, 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**

Dr. Sharon Goodman 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 S. Delshay Turner

Councilmember Joseph E. Fink  
Councilmember Judy Wertz-Strickland

**Arcadia City Staff**

City Administrator Terry Stewart  
City Clerk Penny Delaney  
City Attorney T.J. Wohl

Finance Director Beth Carsten  
Marshal Matt Anderson  
Jennifer Codo-Salisbury - CFRPC

**PRESENTATION**

**Agenda Item 1 – Presentation to Lee Scarborough – Fifteen (15) Years of Service to the City of Arcadia**

**Agenda Item 2 – Presentation to Merton Snow – Five (5) Years of Service to the City of Arcadia**

Mr. Scarborough and Mr. Snow were not in attendance; however, Mayor Coker read the certificates aloud and advised the certificates would be provided to them.

**Agenda Item 3 – Audit Report**

Daniel Anderson, Lead Auditor for Mauldin & Jenkins, provided a presentation regarding the 2015 Financial Audit (material covered in this presentation is on file in the City Clerk's office). He advised the engagement team consisted of himself as the engagement manager, Wade Sansbury as the lead partner and Meredith Lipson as the quality assurance partner with the audit being served from the Bradenton, Florida office. He stated that Mauldin & Jenkins had

issued an unmodified audit report which is the highest form of assurance that they can provide and was something to be very commendable about. He further stated that this was the first time in the last four (4) years that the audit has been completed by the state's required deadline of June 30<sup>th</sup> which is a testament to the Finance Director, the City Administrator and staff. Mr. Anderson advised that the audit consisted of three (3) components: government-wide financial statements, fund financial statements and notes to the financial statements. He advised regarding the government-wide financial statements, the net position of the City was Twenty-Eight Million Four Hundred Thousand and 00/100 Dollars (\$28,400,000.00) which was very good and of that, Nineteen Million Five Hundred Thousand and 00/100 Dollars (\$19,500,000.00) was considered investment in capital assets and an additional Two Million Five Hundred Thousand and 00/100 Dollars (\$2,500,000.00) in restricted net position so that the actual unrestricted net position is Six Million Five Hundred Thousand and 00/100 Dollars (\$6,500,000.00).

Regarding the general fund, Mr. Anderson advised the tax revenue was a little over Two Million Five Hundred Thousand and 00/100 Dollars (\$2,500,000.00) which was a slight increase from the FY2014, mainly due to an increase in property values and no other significant changes were noted. Regarding expenditures, he advised the public safety expenditures accounted for approximately half of the general fund expenditures which is very common in all local governments and again, no other significant changes were noted. When viewing the general fund revenues and expenditures, he pointed out that for the last three (3) years; the revenues have slightly exceeded the expenditures which is a very positive sign for the City. Mr. Anderson informed the Council that the fund balance for 2015 was approximately thirty-four percent (34%) of the expenditures which will cover four (4) plus months of expenditures which is another very positive sign. He advised that at the end of each audit, they perform a financial condition assessment and the financial condition came back as favorable and the City should be commended for such. He further advised that the combined cash flow (which was a combination of business type funds for water and sewer, solid waste and the airport) was One Million One Hundred Thousand and 00/100 Dollars (\$1,100,000.00) which is also very positive. Mr. Anderson advised Mauldin & Jenkins had no difficulties in dealing with management, had no disagreements with management, obtained representation from management that everything they said was true and was not aware of any consultations with other accountants. He stated that the Finance Director and her staff were great to work with throughout the whole process.

He informed the Council of two (2) findings that were identified relating to bank reconciliations and the accounts and grants receivable. He stated that he felt the issue with the bank reconciliation was as a result of the City trying to catch up over the past few years being done so late with the audit. He further stated that with the timing of when it was completed and working with Beth Carsten, he felt there was a plan in place to have the bank accounts reconciled in a much more timely and accurate fashion. He advised that he felt this one would go away for the 2016 audit based on the timing and the progress that Ms. Carsten has made with her staff. Regarding the accounts and grants receivable, he advised there was grant activity related to the airport fund that was not recorded in the general ledger and an adjustment had to be made relating to the account for that, but he pointed out that it brought in receivables and revenues which was a positive adjustment made for the City.

Mr. Anderson then addressed GASB 68 which was a new pronouncement that was implemented during the current year that basically changed the way the net pension liability of the City was presented in the financial statements and it put the full liability on the face of the statements. He advised it had no impact on the governmental funds. After more discussion regarding GASB, Mr. Anderson advised no significant pronouncements for FY2016 are expected to affect the City and he advised of other upcoming changes.

City Administrator Stewart thanked Mr. Anderson for the work provided through the year and stated that he was pleased for the position the City is in. He also thanked the Finance Director and staff and recognized the City Council for the hard decisions made to build the reserves. He stated the City had gone from a position of almost no reserve to a position that many communities would love to be in. Councilmember Wertz-Strickland credited Ms. Carsten, the Finance Department and Mr. Stewart for his guidance in getting it all done.

### **CONSENT AGENDA**

**Agenda Item 4 – City Council Minutes for Meeting on July 5, 2016**

**Agenda Item 5 – City of Arcadia Municipal Airport May Report**

Councilmember Fink made a motion to accept the Consent Agenda as presented and Councilmember Wertz-Strickland seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

### **ACTION ITEMS**

**Agenda Item 6 – Application of Ernest J. Hewett, III Regarding the Airport Advisory Committee**

**Agenda Item 7 – Application of Glenn Walker Regarding the Airport Advisory Committee**

City Administrator advised Council that there were two (2) members whose terms had expired and they had submitted their applications. He stated the applications were within Council's packets and it was a policy matter for their discretion.

Councilmember Wertz-Strickland referred to a resolution that was enacted before three (3) of the current Council Members were on Council. She pointed out that the committee was to be comprised of at least three (3) and no more than seven (7) members. Due to the fact that the board had met once at the beginning of last year and then again only last week, she suggested redoing the resolution to change the number of members to three (3) members, to set specific dates that they meet and to be more specific of their duties. She further suggested rotating the three (3) members at the end of a timeframe and stated she felt the committee could serve the Council greatly with just three (3) members.

Councilmember Fink stated they had not had a report from the committee and the airport seemed to be running rather smoothly. He suggested rather than having a committee of three (3) and having to have the Clerk dedicate her time to attend the meeting and to do the staff work, he thought perhaps they should make it an inactive committee at this time and bring it back if the need arises. Mayor Coker stated she felt that since they have an airport manager, Shelley Peacock, and since some of the things that the committee was formed for such as the minimum standards and other issues were taken care of, she did not have a problem with that either. She stated she was not sure if, at this time, they needed the committee.

City Attorney Wohl stated that regardless of what the motion is, if it is not to appoint the two (2) individuals who submitted their applications or to alter or abolish the committee, it would need to be done by a subsequent resolution at the next meeting. Councilmember Wertz-Strickland restated her thought to drop the membership down to three (3), set specific dates they meet, if there is an item that needs to be presented to them for input, such can be done and reported back to Council or disband it temporarily until the need arises and then call them back up.

In an attempt to keep Council informed as to the status, City Administrator Stewart stated that it is routine when there are expired terms, advertisements are published and an advertisement was published last week and again this week. He wanted Council to know that if they should hear staff was advertising for members of the committee, it is because it was already in the process of taking place. He stated if Council moves forward with a decision, he did not want them thinking staff was doing something opposing their decision.

Deputy Mayor Frierson stated she felt they should give it a lot of consideration before disbanding the committee. She advised that the Council has no airport or flying experience, but committee members have years of both and do provide vital input. Discussion then turned to what an advisory board does.

Gary Frierson, a member of the Airport Advisory Committee, stated the board meets when the chairman calls the meeting and other members are not allowed to go to him to express the need for a meeting to discuss something. He stated the chairman had not called a meeting in fourteen (14) months and finally called one and resigned as chairman. Mr. Frierson stated that only three (3) members would not provide a wide divergent range of opinions or ideas, but felt five (5) was a good number. He explained the work that had been provided by the committee which included working on the Master Plan providing the Minimum Standards. Committee Member Smith, a member of the Airport Advisory Committee, agreed with possible quarterly meetings and stated that he felt three (3) members would be too few and suggested five (5) members. Beverly Berry, Fixed Base Operator (FBO) at the airport, suggested a five (5) member board as well. George Chase of Friends of Arcadia Airport stated that the committee was formed when the airport was in trouble, but now grants are flowing; there is an Airport Manager and a City Administrator who have a direct line to the FAA and the DOT, and grant assurance in place to give direction. He advised the committee should be advisory with the Council setting the agenda. He stated that at this time, things are going great and he did not feel there was a need for a committee. Rickey Hilton, a member of the Airport Advisory Committee, stated he could not

add much to Mr. Chase's comments, but restated that a lot had changed since the last meeting and pointed out that there is an Airport Manager, a new Administrator who take charge of the airport and run it quite well. He felt it was important that the committee act upon the City's requests and not just have a meeting to express their opinions that the City did not ask for and felt direction should come from the City. His opinion was to do away with the board until the need arises for it later.

City Attorney Wohl stated that regarding the sunshine issue, if Council chose to abolish the Airport Advisory Committee, there would not be an issue of discussing something and utilizing the experience of the members who are on the committee if Council had questions on an individual basis. Councilmember Fink suggested putting the committee on a hiatus and if needed, he felt the committee would come back at any time the Council requested an opinion such as an ad hoc committee. City Attorney Wohl advised that the Council could establish a resolution which stated that the committee would meet upon the request of City Council when the Council has an issue they want the committee to weigh in on.

After further discussion, Councilmember Fink made a motion to rescind Resolution 2014-11 and have the City Attorney come back with a resolution dealing with an ad hoc committee for the airport advisory committee, that it be a committee that meets at behest and for specific items stated by Council, membership to be of five (5) members and Councilmember Wertz-Strickland seconded the motion with discussion. Councilmember Wertz-Strickland asked why a new resolution was needed when they could amend the present resolution and City Attorney Wohl advised that when Councilmember Fink said "rescind", he (the City Attorney) had said "amend". She stated she felt the duties of the advisory committee should be spelled out a little differently that it is solely at the discretion of the Council as to whatever they are meeting on for discussion and for recommendations to Council. Councilmember Fink stated that he would be happy to amend his motion to that and Councilmember Wertz-Strickland seconded the amended motion. Mayor Coker asked the City Attorney for clarification of if the resolution is amended as such, then would the committee members remain, and she also pointed out the fifth member would still need to be selected and the advertisement for the position is still being run, so all applications were not yet received. Therefore, she stated she would like to hold off on approving anyone else until the advertisement has run so they have everyone to pick from, but they will be on-call and the City Attorney confirmed.

City Administrator Stewart stated he was reluctant to speak on it because it was a Council driven issue but asked for the City Attorney to make clear to City Council what happens with the current members if the resolution is amended, all current members remain as members except for those whose terms have expired and it could require the Council to act on whether or not one (1) or any of those would be retained or someone else would be brought in from the outside. The City Attorney agreed and stated he was not sure what Councilmember Fink was referencing, but he felt they needed to have an established set of members with set terms simply due to it being a sunshine committee. He stated that once an issue is raised and you begin identifying members of that committee, a sunshine issue may be created because they might not have known. Because it is a sunshine committee, he felt they needed to establish the five (5), who they are, and have set terms and once terms expire, advertise and solicit applications for membership on the committee.

City Attorney Wohl stated that if Council does not act on Items 6 and 7 on the agenda, there are four (4) members and still satisfy the membership requirements of the committee, but pointed out the importance of having an odd number of members.

Councilmember Wertz-Strickland stated that she would like to amend what she had said to state that because this is an airport committee and there may be things coming up and they want to make sure they have members that are asked to meet once a year to know that everyone is still on the board and that it will facilitate the Council as the Council feels is necessary. Mayor Coker asked Councilmember Fink if he agreed with that and he stated only to select a Chairperson because otherwise they were defeating the purpose of it being Council driven.

Gary Frierson stated that with it being ad hoc, if a member comes up with something that may need to be addressed, it would be hard to go through the entire process to get it done. He suggested if they met three (3) or four (4) times a year, it would qualify that the process is still happening and things are moving along. He asked if it could require for the Chairman to meet with the City Administrator to come up with ideas or alternatives which could be addressed at the meetings and with a report provided to Council.

Councilmember Fink called for question. Mayor Coker began reviewing the motion and Councilmember Wertz-Strickland asked if the Chairman could contact the City Administrator with recommendations to bring to Council and Council could approve the meeting over and above the one initial meeting and Councilmember Fink stated as long as they do not discuss it at that time before they get approval. The City Attorney stated any member of the committee could come before Council. Councilmember Fink stated he was happy with that and setting a Chairman. City Administrator Stewart made it clear that no one, not a private citizen nor a committee member, ever has to come through him to ask their elected officials to accomplish something. Councilmember Wertz-Strickland felt they would need to be on the agenda and City Attorney Wohl advised it could be brought up during public comment at a City Council meeting and the Council could weigh in and possibly make a motion for a meeting to be set. City Administrator Stewart advised that from a technical standpoint, the City Attorney was correct and he (Mr. Stewart) did not mean any disrespect to him, but from a practical perspective, he highly suggested that coming to a Council meeting to tell Council of a need to address an issue isn't always the best way to begin. He felt going to a Councilmember and having a conversation so they are not blind-sided at a meeting is probably the preferred methodology.

Councilmember Fink pointed out that was the whole point of having an ad hoc committee and not having a need for a meeting unless it is driven by Council because there is no sunshine violation if Mr. Frierson speaks to any one Councilmember.

Mayor Coker advised there had been a motion and second and Councilmember Fink suggested having the City Clerk read the motion back. City Attorney Wohl stated that he felt the motion should be clarified and Mayor Coker asked the City Clerk to clarify the motion. The City Clerk stated that Councilmember Fink made a motion to rescind Resolution 2014-11 and have the City Attorney come back with a resolution dealing with an ad hoc committee that would meet for

specific items stated by City Council and to reduce it to five (5) members; then the motion was amended to replace “rescind” with “amend”; then there was a request to add one meeting a year, but it was not accepted by the original motion maker. No discussion followed and it was approved with a 3/2 vote with Mayor Coker and Deputy Mayor Frierson casting the dissenting votes. City Administrator Stewart stated that a comment was made that only the chairperson of the committee could call a meeting and it would be a violation of the sunshine law for someone to speak to the chairperson and ask for a meeting. He advised that it would not be a violation of the sunshine law and any committee member can contact the chairperson of a committee and ask for a meeting. He advised they would not be able to talk about specifics at that time, but a meeting could be requested.

Councilmember Fink made a motion to table Items 6 and 7 until such time as there were more applicants and Councilmember Wertz-Strickland seconded the motion. Councilmember Wertz-Strickland asked the City Administrator if there were other applications and Mr. Stewart advised that there were other applications, but they had just been received and staff was not able to provide them to Council on such short notice. No discussion followed and it was unanimously, 5/0, approved.

**Agenda Item 8 – Ordinance No. 1016 – Request for Rezoning of Property Located at 1001 East Oak Street – First Reading**

Jennifer Codo-Salisbury of the Central Florida Regional Planning Council advised Council that this item was a City-initiated re-zoning for a property located at the northeast intersection of S.R. 70 (or Oak Street) and Rogers Avenue. She advised the rezoning from B-3 to Planned Unit Development-Commercial would recognize an existing heavy automotive or major automotive use. She advised there are conditions of approval which allow for the use, but also limit the number of inoperable vehicles that must be screened from site and can't be more than three (3). She also advised that any vehicle cannot obstruct any traffic circulation on the property and if the use discontinues for more than one hundred eighty (180) days, it reverts back to the commercial zoning. City Administrator Stewart reminded Council that staff had brought it to Council's attention while doing the business tax receipt process and code enforcement discovered the property was operating improperly in a zoning area that did not cover it. He stated that at that time, staff recommended a change, but since the business had been operating at the location for a number of years, he (Mr. Stewart) had recommended that it be handled as a City-initiated rezoning in order not to cost the property owner. He advised it all came about due to a code enforcement violation and that violation still exists. Mr. Stewart stated that staff had been having difficulty in getting the property owner and the tenant to come into compliance. He advised the property was scheduled to go before the hearing officer relatively soon. He stated that since this is City-initiated and they are trying to do this on behalf of the business to allow them to continue operating and not be put out of business, he felt they needed to cooperate with the City on the code enforcement matter. He advised he would be watching it and would advise Council as to the circumstances and conditions with it as Council makes their decision at the next vote on this matter. Mr. Stewart further advised Council that the tenant also is renting a separate site with a similar type of problem, but it is a different land owner. He advised he spoke with that particular land owner today and he was quite concerned that he had received a violation and

had been informed that the business that is operating does not meet zoning and once again it is a business that has been operating for a number of years. Mr. Stewart stated he needed to look at the circumstances and if the circumstances are substantially similar, and the property owner and the same tenant cooperates and cleans that property up as well, then he (Mr. Stewart) would recommend that Council handle that situation in a similar fashion. Councilmember Fink asked the City Attorney, since this is a land use change, if it would be quasi judicial and the City Attorney advised that it would be at the next meeting.

Councilmember Fink made a motion for the clerk to read Ordinance 1016 by title only and Councilmember Wertz-Strickland seconded the motion. No discussion followed and it was unanimously, 5/0, approved. Mayor Coker instructed the City Clerk to read the ordinance by title only and the City Clerk did so. Councilmember Fink made a motion to move Ordinance 1016 to second reading and Councilmember Wertz-Strickland seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

**Agenda Item 9 – Ordinance No. 1017 – Request for Future Land Use Map Amendment – Parcel Numbers 30-37-25-0A00-1240-0000 and 30-37-25-0A00-1270-0000 – First Reading**

Jennifer Codo-Salisbury of the Central Florida Regional Planning Council advised Council that Ordinance 1017 would be a future land use amendment for a little over five (5) acres on property located on the west side of U.S. 17 south of Frankfort Street. She advised it would be changing the future land use from low density residential to business which would be consistent with the heavily used corridor that the property fronts directly onto.

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, 5/0, approved. (This vote was later changed to 4/0 with Deputy Mayor Frierson abstaining from the vote.) Mayor Coker instructed the City Clerk to read the ordinance by title only and the City Clerk did so. Councilmember Fink made a motion to move the ordinance to second reading and Councilmember Wertz-Strickland seconded the motion. No discussion followed and it was 4/0 approved with Deputy Mayor Frierson abstaining from the vote.

**Agenda Item 10- Ordinance No. 1018 – Request for Rezoning - Parcel Numbers 30-37-25-0A00-1240-0000 and 30-37-25-0A00-1270-0000 – First Reading**

Jennifer Codo-Salisbury of the Central Florida Regional Planning Council advised Council that Ordinance 1018 was a companion to Ordinance 1017 which is a request for rezoning of approximately five (5) acres located on the west side of U.S. 17 just south of Frankfort Street. She advised this rezoning would change the zoning from Residential, R-3, to the City Business zoning of B-3 and it would be consistent with the proposed future land use amendment in Ordinance 1017. She advised this was first reading and a public hearing will be at the next meeting.

Councilmember Fink made a motion for Ordinance 1018 to be read by title only and Councilmember Wertz-Strickland seconded the motion. Mayor Coker advised Ms. Codo-Salisbury that on page three (3) of six (6) within the paragraph titled "Consistency with the Comprehensive Plan", it stated City C-1 (Commercial) and asked if it should be B-3. Ms. Codo-Salisbury acknowledged she was correct and advised that it would be changed. Ms. Codo-Salisbury advised that at the Planning and Zoning Board hearing, it was recognized that the B-3 would be more consistent and compatible with the surrounding area. She further advised it was public noticed in the Ordinance and will be revised in the staff report. Mayor Coker asked what type of businesses qualify under the B-3 zoning and Mrs. Codo-Salisbury provided examples of such. No discussion followed and it was unanimously, 5/0, approved. Mayor Coker instructed the City Clerk to read the ordinance by title only and the City Clerk did so. Councilmember Fink addressed the City Attorney and stated that the vote to read by title only was 5/0. To protect the Deputy Mayor, he asked if she should have abstained in that one and the previous title only as well. City Attorney Wohl stated that technically the reading of title only doesn't really (inaudible). He then recommended that she abstain to be better safe than sorry, but the only thing done by that was avoid having to read the entire ordinance; it was just read by title only. He stated that the actual approval of the ordinance is where she would abstain. No discussion followed and the vote tally was amended to reflect 4/0 with Deputy Mayor Frierson abstaining from the vote. Councilmember Fink made a motion to approve the ordinance on first reading and move it to second and Councilmember Wertz-Strickland seconded the motion. No discussion followed and it was 4/0 approved with Deputy Mayor Frierson abstaining from the vote.

#### **Agenda Item 11 – Declare T-33 Aircraft at Lake Katherine as Excess**

City Administrator Stewart advised the Council that he had formerly had communication with the program manager regarding this and had asked if it was possible to get another aircraft and if it was possible to return this aircraft. He stated it would have required declaring the current one as excess so it was placed on the agenda. He advised that since then, he had received a reply and while it is possible to get another aircraft, it is not likely. He further advised he also learned the other cannot be scrapped and salvaged, but it has to be returned to their location. Whether or not that is a cost to the City is whether or not they can convince another community to take it. He did not recommend that be done. He advised the City can, given the right amount of effort and resources, get this one into the shape that they will continue to work with us. He then recommended Council to not declare this as excess and that Council allow him to begin gathering information to bring back to them regarding costs to get it reconditioned back into acceptable shape. He stated this does not exclude the possibility of getting assistance from members of the public in funding it and getting the work accomplished.

Councilmember Wertz-Strickland made a motion to not declare the T-33 aircraft at Lake Katherine in excess and to instruct Mr. Stewart to research the costs, get estimates and whatever he has to do to repair it and Councilmember Fink seconded the motion. Mayor Coker stated she knew there were a lot of people in Arcadia will be happy not to lose that landmark. Mr. Stewart advised there were quite a few retired members of the Air Force in the community who were

really interested in making sure the aircraft is returned to a reasonable semblance of its former glory. No discussion followed and it was unanimously, 5/0, approved.

### **Agenda Item 12 – City Administrator Performance Evaluation**

Mayor Coker asked for input from Council. She advised that Human Resource Manager Lowe was out of town. She asked if Council wanted her to review his performance evaluation or did they wish for it to wait until Mrs. Lowe returns. Councilmember Wertz-Strickland recommended each Councilmember schedule an appointment with Mr. Stewart to review their evaluation on a one-to-one basis. She then suggested coming back as a Council when Mrs. Lowe is back to discuss the evaluation document then. Councilmember Fink agreed, but stated he would like to see everyone else's sheets since they are public record to determine if he was in the ballpark or if they were. Councilmember Fink suggested the City Administrator contact the Councilmembers. City Administrator Stewart advised he would have his administrative assistant to work together with Council to do so. He pointed out that he had had no influence on the process and had not participated in anything other than placing it on the agenda at Council's discretion. Councilmember Wertz-Strickland stated she appreciated Mr. Stewart's handling of the evaluation process.

### **Agenda Item 13 - Tentative Millage Rates**

Finance Director Carsten advised the property tax values had been certified by the Property Appraiser on July 1<sup>st</sup>. She further advised that the next steps were to certify the tentative millage rate and schedule the first public hearing. She then provided a presentation regarding the tentative millage rates which reflected the rolled back rate of 8.8310% with the estimated ad valorem as \$1,574,714.00 and the adopted 2015-16 millage rate of 8.8195% with the estimated ad valorem as \$1,572,663.00. She pointed out that there was a very small difference between the two and stated that staff was recommending adopting the rolled back rate. She advised the City received the state revenues in a much more timely manner and the numbers reflected in the presentation were pretty solid. She advised the rolled back rate figure was \$1,495,978.00 which is figured at 95% to ensure it is not overestimated. With those contemplations and without figuring any fund balance or any transfer from other funds at this point, she advised they were at \$4.8 million which is very close to where they were last year. She then reviewed the expenses and stated that without using any fund balance at this point, they have been able to balance it. She advised the draft general fund revenues and expenses were \$4,874,104.00 and staff was recommending the rolled back rate of 8.8310% which will garner the \$1,495,978.00. Councilmember Fink stated that no matter how slight the increase, it was still an increase to go with the rolled back rate, and he could not vote for an increase. Councilmember Wertz-Strickland made a motion to accept the rolled back rate of 8.8310% because they could always go lower and Deputy Mayor Frierson seconded the motion. Councilmember Fink stated that in five (5) years, they had only gone lower than the adopted rate once and thanked Mr. Stewart and again stated that he could not support the current rolled back rate. No discussion followed and it was 4/1 approved with Councilmember Fink casting the dissenting vote.

Ms. Carsten presented dates for the tentative budget hearing and the final budget hearing and advised she had cleared those dates with DeSoto County and the School Board (as required by the State) and said dates would meet the advertising requirements as well. Mr. Stewart pointed out that this has to be wrapped up by September 30, 2016. Councilmember Fink made a motion to schedule the budget hearing #1 be held September 6<sup>th</sup> at 5:01 p.m. and second public hearing on September 20<sup>th</sup> at 5:01 p.m. and Councilmember Wertz-Strickland seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

Staff presented dates to Council regarding the budget workshop and Councilmember Fink made a motion to schedule the budget workshop on August 9<sup>th</sup> at 5:00 p.m. and Councilmember Wertz-Strickland seconded the motion. No discussion followed and it was unanimously, 5/0, approved. Councilmember Fink made a motion to schedule August 23<sup>rd</sup> at 5:00 p.m. for a second budget workshop if needed and Councilmember Wertz-Strickland seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

City Administrator Stewart shared an observation regarding property values. He advised he had spoken with the County Administrator and learned that the County's property value rates went up this year and the City's went down. He stated he found it curious because the legislature passed a law that exempted agricultural properties from taxes and only those properties with a structure can be taxed. He advised the City limits do not include agricultural properties to any extent so it did not affect the City, but he felt it should have a significant effect on the County's budget. He stated he did not know the solution, but wanted Council to be aware of it. Councilmember Wertz-Strickland suggested directing a letter to the Property Appraiser to supply Council with how he does it or why the City's property values have gone down and City Administrator Stewart suggested the letter be signed by the Mayor. City Administrator Stewart stated his comments were not a criticism of the agricultural exemption but was an observation about the effect it should have had on the County and the fact that the City's property values went down.

#### **COMMENTS FROM DEPARTMENTS**

Marshal Anderson asked if Council or the general public had any questions or concerns and there were none. He advised he had met with the City Administrator and the Finance Director regarding the police department's budget. He asked Council to consider the purchase of a vehicle and advised there were enough line items in which there were savings to do so with enough funds to finish out the budget. He advised that a fully equipped new car is approximately \$27,000.00 - \$28,000.00 and restated there was enough within the police department budget to absorb it. He then advised that through means of the police department doing the same thing, all of the road patrol division now have body cameras and provided the benefits and uses of such. Councilmember Turner directed the discussion back to the purchase of the vehicle and asked if the Marshal was looking into a patrol car or SUV. Marshal Anderson advised there was only approximately One Thousand and 00/100 Dollars (\$1,000.00) difference in price and it would depend on if he could trade in a couple of vehicles, but he preferred an SUV because of the trunk space and all the officer's gear. After some discussion, it was decided that City Administrator

Stewart would schedule it on an agenda. Marshal Anderson advised he would gather the information and provide such to Council.

Lastly, Marshal Anderson advised Pastor Alexander had agreed to represent the police department as the department pastor. The Marshal advised Pastor Alexander had also agreed to allow the police department to use the church property (Elizabeth Baptist) for a Bridge the Gap Town hall meeting on July 26, 2016 at 6:00 p.m. and he invited the public to attend.

City Attorney Wohl advised that all the ordinances (Items 8, 9 and 10 of the current meeting) will be quasi judicial public hearings at the next meeting. He reminded Council of the ordinance that was implemented which regulated ex parte communications and provided that as long as they were disclosed, they would not be prejudicial for anyone that appeals Council's decision at a quasi judicial public hearing. Regarding public hearings, he advised that the City was lacking any type of hearing procedure. He advised that during his tenure as City Attorney, there had not been any contested public hearings, but that is not to say it won't happen in the future. He suggested the Council consider adopting an ordinance that would include hearing procedures for the quasi judicial hearings. He stated that if Council was amendable to such, he would begin working on it. It was the general consensus for City Attorney Wohl to begin working on the ordinance.

The City Attorney then provided a map regarding the Health Department and the surrounding properties. He stated that he felt the property on the west was included in a previous deed. He recommended a quit claim deed to the County with no restrictions for the middle property due to an error on the title work. Regarding the property to the east, City Attorney Wohl advised he had spoken with Penny Kurtz of the Health Department and he understands there will not be any improvements constructed on the property, but they are currently using it for green space (possibly minimum playground equipment). He advised that should the county not wish to use it in the future, the City may wish to utilize it for something so he asked Council if they would want it to revert back to the City within a specific time frame. He also asked if the Council wanted to place any use restrictions on the property. Mr. Wohl advised he had spoken with the City Administrator regarding an inspection as to whether there are any utility lines that could be affected by any new construction and if so, any removal or relocation of such would be done at the County's expense and not the City's. After further discussion, Council agreed to a reverter clause with ten (10) years to be re-visited at that time with usage restrictions placed on it. City Attorney Wohl advised the deed would provide that it would revert if a new health department facility is not constructed on any portion of that property. He then advised he would submit the deeds to the County Attorney for approval and hoped to have them on the next agenda. He asked for confirmation that Council was agreeable to a quit claim deed on the piece that goes through the building and Council agreed.

Finance Director Carsten presented the monthly financial report and advised that seventy-seven percent (77%) of the revenues had been collected and fifty-seven percent (57%) of the expenditures had been spent. She stated they were doing very well and they had already exceeded where they had budgeted for the ad valorem taxes. She then apologized and advised that the online pay for the utility billing did not go online July 1<sup>st</sup> as hoped due to an issue with

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the Munis financial software version, but it has been upgraded at no cost to the City. She advised it would be tested and should go live next Thursday and hopefully go online the first of August. Councilmember Fink asked if this was part of the costly agreement from a few years back and Ms. Carsten advised that it was a part of it.

City Administrator Stewart stated that Ms. Carsten was being humble because they were actually getting a functionality piece (at no cost) out of it that the City would not normally have gotten. He advised that in order to get to the place where this could be done, the internet broadband speed had to be improved so the access to the website should be better for the public.

City Administrator Stewart informed City Council of an issue that had been brought to his attention. He stated that there is a substantial business that has been operating on City property because their building encroached on City property. During a title search due to lack of payment of taxes, the Property Appraiser's office learned that it was City property, but did not do anything because they did not want to create an issue. Mr. Stewart advised that he had asked for copies of the documents related to the title search and had received such, but had not had an opportunity to review them. He suggested the situation needed to be resolved and it is reasonable for the property owner who has had use of City property for all these years should perhaps compensate the City for the use of that property in some way. He advised he had more research to do on the matter and wanted to do so before he created an issue for a local business owner. After further discussion regarding recourse, Mr. Stewart advised Council that he would review the file; if facts remain the same then he will provide a copy of the file to the City Attorney and recommend to Council to contact the property owner and insist on a negotiation to deal with compensation for prior use and how to move forward. If the information is as suspected, he asked that he and the attorney be empowered by the Council to contact the property owner and begin discussions. It was Council's general consensus to do so. City Attorney Wohl advised the property was somewhat an irregular shape and potentially not buildable, but it has highway frontage. He suggested the preferred resolution would be to convey it to them for fair market value and recoup some of (inaudible) for them using it for free. He then stated if that is not done, then it would become an ejectment action and the City would seek to have all their equipment removed from the property. He then expressed his concern that when it was indicated that it was a public park, it indicated to him that title companies are seeing it on prior deeds. He further explained that unless the park is platted reserved for public use, typically the parks come about by a benefactor conveying land to a local government and putting in a use restriction that it be maintained as a park. Deputy Mayor Frierson asked if it was possible the City deeded it to the people and Mr. Stewart advised he did not discover any conveyance through the title searches.

### PUBLIC

Jasmine Gordon and Peter Anthony, City residents, of Equally United addressed Council regarding the recent events of deaths, injustice and senseless violence; they wanted to stand up for this cause and make a difference in the community. Mr. Anthony then read their mission statement. Ms. Gordon stated that they would like to address neighborhood clean-ups, ensure constitutional rights are followed and to prevent discrimination in the justice system. She

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advised of a United 365 Peace Rally scheduled for July 30, 2016 at noon at the Arcadia Women's Club and invited everyone to attend.

**MAYOR AND COUNCIL REPORTS**

Councilmember Fink advised that one of the oldest restaurants in town, the Clock Restaurant, had closed and Mayor Coker reported that Publix had opened.

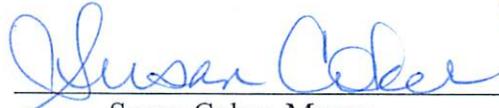
**ADJOURN**

Councilmember Wertz-Strickland made a motion to adjourn and Councilmember Fink seconded the motion. No discussion followed and it was unanimously, 5/0, approved. Having no further business at this time, the meeting was adjourned at approximately 8:47 P.M.

ADOPTED THIS 2<sup>nd</sup> DAY OF August, 2016.

A TEST:

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, Alice Frierson, hereby disclose that on July 19, 202016.

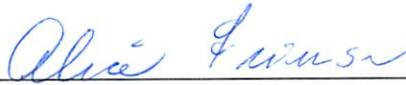
(a) A measure came or will come before my agency which (check one)

- 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, \_\_\_\_\_;
- 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:

Abstained from votes on Ordinance No. 1017, Request for Future Land Use Map Amendment, regarding Parcel Numbers 30-37-25-0A00-1240-0000 and 30-37-25-0A00-1270-0000 due to her and her husband, Gary Frierson, owning said property. This included the vote to read the Ordinance by title only (first reading) and the vote to move the Ordinance to second reading.

\_\_\_\_\_  
Date Filed

  
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.



**APPOINTED OFFICERS (continued)**

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**DISCLOSURE OF LOCAL OFFICER'S INTEREST**

I, Alice Frierson, hereby disclose that on July 19, 202016:

(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, \_\_\_\_\_;
- 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:

Abstained from votes on Ordinance No. 1018, Request for Rezoning, regarding Parcel Numbers 30-37-25-0A00-1240-0000 and 30-37-25-0A00-1270-0000 due to her and her husband, Gary Frierson, owning said property. This included the vote to read the Ordinance by title only (first reading) and the vote to move the Ordinance to second reading.

\_\_\_\_\_  
Date Filed

Alice Frierson  
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.