AGENDA MINUTES
CITY COUNCIL
CITY OF ARCADIA
TUESDAY, AUGUST 16, 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 David Bedell 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
Human Resource Manager Linda Lowe
Lieutenant Kevin Joens
Jeff Schmucker - CFRPC

CONSENT AGENDA

Agenda Item 1 – City Council Minutes for Meeting on August 2, 2016
Agenda Item 2 – City of Arcadia Municipal Airport June Report

Mayor Coker advised that there was a change already made on the front page of the date of July 5th and that it had been changed to July 16th (change was read incorrectly, but document reflected the correct date of July 19th). Councilmember Fink made a motion to approve the Consent Agenda with the correction made and Councilmember Wertz-Strickland seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

ACTION ITEMS

Agenda Item 3 – City Administrator Performance Evaluation

Human Resource Manager Linda Lowe referred to the report of the Administrator's Performance Evaluation which had been placed in Council's packets. She advised she had

consulted with Mr. Bressner of the Senior Advisors regarding how to relay this to Council and had followed his recommendations. She stated they took the total responses possible and then counted the number of "exceeds expectation", "meets expectation", or "needs improvement". She referenced the number of responses received and the percentages such provided. She advised the overall rating that Mr. Stewart received was "exceeds expectation". She further advised that out of 150 possible results, 119 were "exceeds expectation" and 31 were "meets expectation", giving a 79% "exceeds expectation" evaluation. She stated she had also provided to Council information that had been requested regarding current salary with a range from 3 percent (3%) to seven percent (7%). Councilmember Wertz-Strickland made a motion for a five percent (5%) increase and Councilmember Fink seconded the motion. Councilmember Fink stated that he would not normally go over what the rest of the employees were getting, however, Mr. Stewart did not get the two percent (2%) raise last year because he felt he was too new and Councilmember Fink felt this was more than warranted. City Attorney Wohl suggested the motion state the raise amount for the benefit of the public since they do not have access to the information provided to Council. Councilmember Wertz-Strickland amended her motion to include the amount of Four Thousand Seven Hundred Fifty and 00/100 Dollars ($4,750.00) which would change the total to Ninety-Nine Thousand Seven Hundred Fifty and 00/100 Dollars ($99,750.00) and Councilmember Fink seconded the amended motion. Mayor Coker advised the year had gone by quickly and with Mr. Stewart's experience and talents, the City had been moved into a progressive state that they are actually starting to see things happen and she stated she felt blessed to have him at the helm of the ship because it makes Council's job easier to do. She then thanked Mr. Stewart for his hard work and for getting the staff to work with him in such a great manner. City Administrator Stewart thanked Council and stated that he was exceedingly grateful. He said the year had been great for him and it had been a marvelous experience to work in a community where he can do things to help make a difference in people's lives in a positive manner. He requested that the increase be held in abeyance until the Council makes a decision as to what it is going to do with the other employees. He felt that at the time the decision is made regarding the compensation and classification study with the other employees, he felt it would be an appropriate time to start receiving the increase. He said he is grateful, but there are a bunch of folks making far less than he does and he asked for their permission to hold the increase in abeyance until such time. Councilmember Wertz-Strickland amended her motion to have Mr. Stewart hold the increase in abeyance until they get through the compensation and classification study and Council moves on what they are going to do with that and Councilmember Fink seconded the motion and stated he would ask that it be considered retroactive to this date. City Attorney Wohl advised this would be an amendment reflected to Mr. Stewart's employment contract. He referred to the provision that allowed Council to revisit his salary annually based on the performance evaluation and stated he would be bringing it back to them. Councilmember Wertz-Strickland asked if it would be retroactive to August 16, 2016 or to his anniversary date. City Administrator Stewart stated he was perfectly comfortable with today's date. No discussion followed and it was unanimously, 5/0, approved.

Agenda Item 4 – Appointment of Airport Advisory Committee

City Administrator Stewart advised Council that they had taken recent action to reconfigure how the committee is constructed and what it meets about. He stated that based

upon that change, they had also changed the number of members of that committee to five (5). He explained that because there were members whose terms had expired, if theywere interested in being selected again, they had to apply. He further explained because it was possible Council may want to consider others, staff advertised. He stated those names had been provided to Council and staff realizes this is a policy matter for Council to determine. Councilmember Fink nominated Ronald McDonald and Councilmember Wertz-Strickland seconded the motion. No discussion followed and it was unanimously, 5/0, approved. City Administrator Stewart stated staff would notify Mr. McDonald.

Agenda Item 5 – FDOT Tractor Purchase - Joint Participation Agreement FPN 439794-1-94-01 Contract G0D82

City Administrator thanked Project Manager Shelley Peacock for her hard work on this issue. He stated they currently have a tractor which has seen many years of service and the power take-off which is required to power the bushhog which cuts the grass is broken. He stated the cost of the repair would probably be more than the tractor's worth. He advised they were renting a tractor from a rental company and had applied to the FDOT for funds up to the amount of One Hundred Thousand and 00/100 Dollars ($100,000.00) to purchase the tractor and a bush-hog and they had agreed to work together with the City. He informed Council that a part of such was signing a Joint Participation Agreement and while the funds are not yet available to the City, they will be available within the next funding cycle. Mr. Stewart advised that the City would still have to follow all of the purchasing requirements. He further advised they were not approving the purchase tonight, only the Joint Participation Agreement. Deputy Mayor Frierson asked the City Attorney if he had reviewed it and Mr. Wohl advised that the terms are very similar to other Joint Participation Agreements. He stated he had drafted a resolution which approves the Joint Participation Agreement and essentially conveys authority from the Council to the City Administrator and to modify the Joint Participation Agreement as necessary. Councilmember Wertz-Strickland made a motion to approve the signing of the Joint Participation Agreement which will allow Mr. Stewart to work with the FDOT in purchasing a tractor and Councilmember Fink seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

Agenda Item 6 – Rental of the South Side of the Old Police Department Building by Tim Vowels – Pulled from Agenda

Mayor Coker advised that Item 6 had been pulled from the agenda.

COMMENTS FROM DEPARTMENTS

Lieutenant Kevin Joens appeared before Council on behalf of Marshal Anderson and advised the department had started the process of the purchase of the two (2) vehicles. He asked if Council or the general public had any questions or concerns and there were none.

City Attorney Wohl addressed the issue regarding Home Owner's Supply that was brought up at the last meeting regarding a building constructed on what is marked as a park on a

plat. He pointed out that the park had never been dedicated or conveyed to the City, but because it is listed as a park on a plat, Florida Case Law dictates that members with a private interest of those who own the property described on the plat and the public may have a claim or have some interest in the area marked park. He further pointed out that nowhere on the plat is that area dedicated to the City. Mr. Wohl advised that the City Clerk and the County had performed an exhaustive search and the documents in Council's packet was the documents produced as a result of those searches. He then reviewed the documents which included the plat, a recent survey and a plat showing Hillsborough Avenue as being closed. He stated that once an alley or street is vacated, from the center line, half goes to the land owner to the west and the other to the east and that part of Hillsborough Avenue had been vacated on October of 1955 in Ordinance 547 (a copy of said ordinance was provided as well in Councils' packets). City Attorney Wohl also provided Council with copies of Resolution 97-5 that cleaned up some vacations in 1966, 1972, 1973 and 1978 which were never recorded and which included the small portion of the alleyway that is to the right of the park area on which one of Sesco's main buildings sits. He then referred Council to the minutes of the June 6, 1989 Council meeting where Mr. and Mrs. Rinehammer asked the City for a quitclaim deed to the triangle-shaped platted park area at the rear of their property because they intended to construct the very building that now sits on it. Mr. Wohl also advised there was discussion of a 100 foot right-of-way from the center line of the old Seaboard Coastline track, but he stated he did not believe it was relevant now because the right-of-way of Highway 17 coming south is identical all the way so if FDOT were to do a taking, it would be done to all of the properties not just the Sesco property. He stated City Council did approve a quitclaim deed of the park to the Rinehammers which is now owned by Sesco. He also produced a letter from then City Administrator Edward Strube to the Rinehammers regarding conditions and zoning issues which also included a quitclaim deed for the park property and a deed for the 100 foot right-of-way, along with a letter from Mr. Strube to the County Building Department advising of compliance to conditions and stating the City had no objection to the building permit for the metal structure that now sits on the park property. Mr. Wohl advised that for marketable title purposes, Sesco will need a quitclaim deed from the City. He explained that for whatever reason it appears the City was waiting on the FDOT to draw up a legal description for the deeds, but regardless, authority was given for the deeds and it was never done. He pointed out that as the City Administrator pointed out, had the deed been properly done, Sesco would have been paying taxes on that triangle-shaped piece of property. He asked if Council wanted to try to get Sesco to pay the taxes but pointed out that the property had never been deeded over to them. City Attorney Wohl advised that Sesco's attorney has been very open and has identified all their issues. Mr. Wohl referenced the survey again and pointed out there were some diminimous encroachments that encroach onto Dickhaut Street and stated that Sesco's attorney has stated that if there is a concern over such, they would like to resolve it as well.

City Administrator Stewart thanked the City Attorney and the City Clerk for all their extensive work and advised the City had been contacted by a title work company regarding the issue. He stated he understood why the property owner wants to resolve it and recommended Council sign the Quitclaim deed. Regarding the property taxes, he advised that he understood the City Attorney's recommendation was based on a legal perspective and he does not argue that it is incorrect, so he could not counter the recommendation to Council, however, there is another encroachment that requires Council take an action. He then asked the City Attorney if Sesco was

asking for vacation of the portion they are encroached upon and Mr. Wohl stated they were only asking if the City had any processes that they could petition for regarding diminimous encroachments. Mr. Stewart asked if the only way to do it was to vacate a portion of right-of-way and Mr. Wohl stated he thought that was the better way to do it. City Administrator Stewart then recommended to Council to vacate a sufficient portion of the right-of-way to resolve the conflict that exists assuming there are no set back issues, but stated that how they chose to accomplish it was up to them. After further discussion, Councilmember Fink stated that while they could theoretically make a case for found money, he did not think they should in this instance regarding the property. Regarding the other encroachments on Dickhaut Street, he believed they should look into it because it had never been addressed by Council. Councilmember Fink made a motion to quitclaim deed the triangular piece of property that is designated as park and take no other action and Councilmember Wertz-Strickland seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

Councilmember Fink asked if the City had been formally approached regarding the encroachment issues and City Attorney Wohl advised that it was not a petition and stated that he agrees with the City Administrator that it cannot be brought to their attention and not do anything. He stated he could begin working with the attorney and advise the City Administrator and staff how they can get the issue resolved. Councilmember Fink made a motion for staff to be empowered to deal with the issue of the southern encroachment onto Dickhaut Street and to use the City Attorney sparingly and Councilmember Wertz-Strickland seconded the motion. No discussion followed and it was unanimously, 5/0, approved. City Administrator Stewart stated that they would absolutely bring back a recommendation to Council and he would be judicious in the manner in which they use the City Attorney's services, but he could not see any way that he would bring back a recommendation that did not have the property owner paying for all of their costs.

Finance Director Carsten presented the update for financials as of August 3, 2016 and stated that the revenues received were at eighty-three point five percent (83.5%) and the expenses used were at sixty-three point eight percent (63.8%). City Administrator Stewart advised they were close to wrapping up the fiscal year and based upon what the Finance Director has presented to Council, he felt staff had demonstrated that they have been very judicious about how they are managing the budget and that they might have a minor surplus at the end of the year which would go toward ending fund balance which will be the beginning fund balance for the coming year. He further advised that he had recently sent Council his response to Mr. Santana's message that he had received. Mr. Stewart reminded Council that staff had informed them where that money was coming out of. He advised that correction would be made within the documents that were presented to them for their first public hearing, but, again, they were informed as to where that money was coming from.

City Administrator Stewart advised he had received communication from the University of Florida Bureau of Economic and Business Research fondly known as BEBR. He informed Council that BEBR is known for doing population estimates for various counties and cities in the State of Florida and it is updated on an annual basis. He stated that in 2015, the population for

Arcadia was estimated at 7,610 and for this year it is at 7,628 which is nice because in the past number of years, it had decreased.

Regarding Todd Backer's request to hold a tennis clinic in November of 2016, Mr. Stewart stated that he had received Mr. Backer's written request and such had been passed along to Council. Mr. Stewart asked Council if this was something they would like to do. He reminded Council that Mr. Backer had requested this be a City event due to the expense of obtaining insurance. City Administrator Stewart advised that the City's insurer had indicated that if Council decided to avail itself of Mr. Backer's volunteer services regarding the tennis clinic, he would be considered as any other volunteer and would be covered under the City's policy at no additional charge. Mayor Coker asked if the clinic included children, and if so, would screening be required and Mr. Stewart advised that anytime an individual works with children on behalf of the City, that individual must be screened and have a background check completed and that individual must pass the background check. Mr. Backer advised that he was planning on putting in an application with the school board next month and they automatically do a background check and drug test and he assumed the City could have access to those results. Mr. Stewart advised they could not accept that check and the City had a fiduciary responsibility to do their own. Councilmember Fink asked if Mr. Backer, as a volunteer, would be under the guise of the personnel policy and Mr. Wohl advised he would not be an employee and pointed out that with it being a City sponsored event, it would not just be about any claims as to anything regarding any bodily injury to Mr. Backer, but also to any participants or anyone out there at the event. City Administrator Stewart stated that since Mr. Backer had asked for this to be a City program with himself serving as a volunteer, the City was compelled to exercise reasonable oversight which meant that if Council should decide to proceed with it, staff should provide parameters about exactly what is going to be done, how it is going to be done, etc. Deputy Mayor Frierson asked the Council if the City wanted to go down this road which will open up to others with other activities. No one expressed any thoughts on the matter.

City Administrator Stewart advised of his upcoming article in the newspaper which would provide an update on the road paving. He informed Council that they had completed 13th, 14th, 15th and 16th, along with O'Hara and O'Leary which were previously paved, but had gotten in really bad shape. He advised they paved, for the very first time, the full length of Hodges, paved Sunset, replaced the culverts in all of those locations and had originally planned to pave McKinley, Potter and Lincoln and replace the storm ditch culverts for those streets. He stated they did replace the one on Potter and the rainy season hit and created problems due to heavy rains wiping out some of what was done and it had to be redone. Public Works Director Steve Underwood recommended waiting and doing the other two (2) storm drain culverts after the rainy season is over. He stated they have every intention of doing those and they will be done. He further stated that they also decided to wait on the paving that was to go along with those until they do the culverts. As a result of that, Mr. Stewart advised there was a certain amount of paving work that was then opened to be done. He stated they selected Manatee from Magnolia south to the intersection of Palmetto (the whole intersection). He advised that it appears they are somewhat under budget with that based upon the fact that the sub-base on O'Leary, O'Hara and Hodges were in better shape than they thought so it did not require a great deal of work on the sub-base and due to them getting unit pricing, they may be able to pick up a little bit of extra

paving. He advised they were doing an audit as to where they were in the paving contract and how much is left and he assured Council they would extend the full amount that Council had authorized. He further advised that there is money that was budgeted for this year, but they were going to target that as well because the full amount was not expended. Mr. Stewart stated they would bring back information to Council with a recommendation that they authorize the expenditure of the remaining dollars in the budget to do the additional paving. He advised that the work being done with the One Million and 00/100 Dollar ($1,000,000.00) grant received from the State on the sewer system is paying dividends because, as Council may recall, they had authorized a grant application for Two Hundred Fifty Thousand and 00/100 Dollars ($250,000.00) to do some sewer work on Lee Street. He explained that the work that had been done in examining the sewer system had indicated that some of the line that was thought to be deteriorated is actually in pretty good shape so they had moved the location of where they are doing the work along Lee Street and they will be getting more bang for their buck and not spending money to dig the underground up that we do not have to. He stated this will benefit the City is so many ways.

City Administrator Stewart was pleased to announce that the hotpatch machine had arrived the day before and the training took place today. He advised that the process that will be used will be durable and very drivable.

Mr. Stewart then advised that the City had been approached by the School District who indicated that the road in front of their administration building (LaSolona) is significantly deteriorated and there are actual ruts in the asphalt pavement from the buses. He stated staff had asked the contractor, AJAX, which was selected based on a purchasing recommendation, to go over and examine it and based upon the unit prices, there is a cost of Fifty-Four Thousand Four Hundred Ninety-Seven ($54,497.00) to repair the road work. He advised there is sufficient money within the fund that was budgeted to be able to do it and because it is within a purchasing agreement that Council previously authorized which is still in effect, it does not need to go out for bid. He requested that Council approve staff to proceed with the project. City Administrator Stewart advised that a letter had been sent to the school board to let them know what the project is, how much it is going to cost and asking for their participation. Councilmember Fink made a motion to extend the dollar amount by Fifty-Four Thousand Four Hundred Ninety-Seven ($54,497.00) to repave LaSolona between Charles and El Verano and Councilmember Wertz-Strickland seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

PUBLIC

Todd Backer stated that if they were going to repave LaSolona, he asked that they take a look at the speed bumps. He advised they go all the way past the School Board offices and City Administrator Stewart advised they would look into it. Deputy Mayor Frierson advised that a tremendous number of children walk along that area and she felt that may be the reason for it. Councilmember Fink asked if the Marshal could verify the need and City Administrator Stewart advised he would work with the Marshal.

MAYOR AND COUNCIL REPORTS

Councilmember Wertz-Strickland stated she had spoken with a lady from the Tobacco-Free Partnership who works out of the Health Department and she advised she wanted to come before the Council to do a presentation. Mr. Stewart asked that she contact him.

She then advised that Ashley Coone also wanted to come before Council to give an update on the Smith-Brown project. Mr. Stewart asked if Council would like for him to contact Ms. Coone to schedule it and they were in agreement with such.

Councilmember Fink stated that the first budget hearing was scheduled for September 6, 2016 at 5:01 p.m. He reminded Council that the last time they did so, they sat for quite a while. He stated he realized nothing could be done about it because it had already be advertised, but he suggested that they change the time for the one on September 20, 2016 to 5:45 p.m. which should be enough time. Councilmember Fink made a motion that the budget meeting for the second reading on September 20, 2016 be re-scheduled for 5:45 p.m. rather than 5:01 p.m. and Councilmember Wertz-Strickland seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

Councilmember Fink referenced the work that Mr. Hilton had done to the plane at Lake Katherine and stated that as he understood it, Mrs. Hilton who is involved in the art league is going to be re-doing the numbers and insignias on the plane. He stated that he found what Mr. Hilton and company was doing typifies what is best with the City of Arcadia and DeSoto County. He advised Mr. Hilton is doing this of his own time and money and suggested issuing a proclamation to thank Mr. Hilton and whoever has helped with the project. Councilmember Fink made a motion to issue a proclamation to thank Mr. Hilton and whoever has helped with the project and Councilmember Wertz-Strickland seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

City Attorney Wohl apologized and stated he had left something out of his report. He stated that there are two (2) outgoing Council Members and it had been brought to his attention as to whether Council Members, on their out-going year, still needed to comply with the four (4) hours of education requirements imposed by the Florida ethics and statutory statute 112 (end of track 16). Mr. Wohl advised that despite the fact that they are on their out-going term, they still needed to comply, as well as those returning next year. Councilmember Fink advised that the League would be sending information for him to do it and it will also be sent to the City Clerk. City Administrator Stewart highly recommended that they take it as it was an honor system. Councilmember Wertz-Strickland advised there would be a class in Wauchula on December 4, 2016 at no charge. Mr. Stewart advised that if they did it via the internet, they would need to validate with the City Clerk that it had been completed.

Mayor Coker reminded everyone of early voting and she also referenced the placing of the canopy on the plane at Lake Katherine. She stated she was impressed with the group coming together to make it happen on the twelfth anniversary of Hurricane Charlie.

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 7:22 P.M.

ADOPTED THIS 6th DAY OF September, 2016.

By: Susan Coker

Susan Coker, Mayor

ATTEST:

CITY OF ARCADIA, FL CORPORATE SEAL 1888

Penny Delaney

Penny Delaney, City Clerk