

**AGENDA MINUTES  
CITY COUNCIL  
CITY OF ARCADIA  
TUESDAY, AUGUST 19, 2014  
6:00 P.M.**

*The following minutes reflect action items of the City Council of the City of Arcadia. For a verbatim copy of the minutes, you may contact City Administration to obtain a copy of the recorded meeting.*

**CALL TO ORDER, INVOCATION, PLEDGE OF ALLEGIANCE & ROLL CALL**

The Mayor called the meeting to order at approximately 6:00 p.m. with the following members and staff present:

**Arcadia City Council**

Mayor Alice Frierson  
Councilmember Keith Keene

Deputy Mayor Joseph E. Fink  
Councilmember Robert R. Allen

Councilmember Robert W. Heine was not present.

**Arcadia City Staff**

City Administrator Tom Slaughter  
City Clerk Penny Delaney  
Finance Director Beth Carsten

City Attorney Thomas J. Wohl  
City Planner Carl McQuay  
Marshal Matthew Anderson

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

Mayor Frierson advised that Agenda Item 12, City of Arcadia and WCA of Florida, LLC Agreement for Treatment and Disposal of Landfill Leachate Water, will be moved to the first item due to one of the participants having an obligation somewhere else. She then called Steve Underwood, the Public Works Director, forward to address Council.

**Agenda Item 12 – City of Arcadia and WCA of Florida, LLC Agreement for Treatment and Disposal of Landfill Leachate Water**

Mr. Underwood advised this agreement was between WCA and the City of Arcadia to treat their leachate water which in essence is infiltration from their landfill. He stated they had reviewed the numbers with the engineer and they currently meet the City's water quality standards. He advised this will be an income for the City to treat their water at .025 per gallon of water treated on a 6,000 gallon trailer load as they bring it to the plant. He stated the City currently does it with DeSoto County now and it is a swap off between the City and the County. However, WCA will be charged on a monthly basis for the City to treat it at the wastewater plant. Mayor Frierson asked if the City Attorney had reviewed it. The City Attorney advised a

few changes had been made, but they were all accepted by WCA. Councilmember Keene made a motion to accept the agreement for the treatment and disposal of the leachate from DeSoto County Landfill and Deputy Mayor Fink seconded the motion. No discussion followed and it was 4/0 approved.

## **PRESENTATION**

### **Agenda Item 1 – Strategic Plan**

Mayor Frierson called Mandy Hines, the Interim County Administrator, and Carl McQuay, the Code Enforcement Officer, to come forward to make their presentation. Mrs. Hines made her presentation regarding strategic initiatives they had been working on in close partnership with the City. She stated they had selected a site selection group and asked them to come in and do a scope of work for us that would give them an actionable plan for them to focus on. During that time, the DEO Competitive Florida Process pilot program came open and the County was one (1) of four (4) pilots chosen. She advised they basically come in and tell you to choose one, they'll provide technical assistance, and they want to build on our community's unique assets and unique strengths. She reviewed a Competitive Florida Asset Mapping Report which had been compiled. She stated one consistent theme they heard was the need to invest in our own community, the need to change the curb appeal, the need to address major infrastructure challenges, and facade improvements.

She stated that as a part of that process, about a year ago, the County started having a conversation with the board about hosting a series of community conversations. In April they held four (4) series of community conversations in different areas throughout the County; Nocatee, Fort Ogden, Exhibit Hall and Kingsway. In total, there were 170 public participants. She reviewed each meeting, including location, number of attendants, responses to surveys, concerns and comments. She pointed out that areas of concern at all four (4) areas were economic opportunity, curb appeal and infrastructure. She shared information from the draft study and stated there are also a lot of positives and we're going to market and focus on those positives. She expressed her appreciation to City Council for hearing from the County and hoped to have a well-planned partnership to move this community forward. Councilmember Keene thanked Mrs. Hines for bringing the presentation forward and stated that he looked forward to developing greater partnership opportunities between the City of Arcadia and the County Commission.

Jackie Scoggins of 117 S. Hillsborough, Arcadia, Florida, asked what projects the City and County are starting to work on. Mrs. Hines stated that one thing that has been part of the five (5) year DOT plan is redevelopment work in the downtown area which includes ADA accessibility issues, beautification, landscaping because downtown is the jewel and the heart of the community. She advised there are lots of ways they work together on utility issues in providing for interconnects to reduce the flushing in both the County system and to help the water pressure issues with the City which is mutually beneficial, the fire merger, economic *development* initiatives, building and permitting. She pointed out the City serves on our Economic Development Advisory Committee and the Tourism Development Council. Mrs.

Hines stated that if there are questions, please feel free to call the County Office and ask. She stated there is so much misinformation out on social media sites; not ill-intended, but misinformation. She asked for people to get involved, ask the questions, get the information and help them share it.

Carl McQuay, the City Code Enforcement Officer, presented the Arcadia Strategic Plan. He stated the team consisted of himself as City Planner, Jim LaRue of LaRue Planning and Management Services and Jeff Matthews of Venice Design Group. He advised the funding project is for \$15,000.00 from the Department of Economic Opportunity and that there is no local match required so the money is coming in free. He reviewed the planning goals, the program components and the planning program progress.

Jim LaRue introduced himself and Jeff Matthews and presented their presentation which included points on commitment to the strategic plan, mission, vision, values, and reaffirmation of challenges which entails strengths, weaknesses, opportunities and threats and identification of the strategic issue areas. They reviewed the public input from back in May, the reaffirmation of issues, and discussed where to go with the strategic plan. Mr. LaRue thanked everyone for their participation, but pointed out it's not a new year's resolutions, but something on an annual basis. The City Administrator advised the City had applied for a grant from the DEO's technical assistant fund. He advised they are aiming for the \$40,000.00 grant, but if they don't get it through the Competitive Florida Grant, they will seek the \$25,000.00 from the technical assistance grant fund through the state.

### **Agenda Item 2 – Special Event Permits**

Carl McQuay, the City Planner, presented a presentation regarding special events. He pointed out there will be various tiers as follows: Tier I which is garage sales; Tier II which is parking lot sales, Tier III which is minor special events, and Tier IV which is major special events. Mr. McQuay followed up by reviewing, in detail, the specifics of each tier which included who it pertains to, requirements, fees, frequency of events, and if Council approval will be required to obtain a specific permit.

Rob Herron of 521 E. Pine Street, Arcadia, Florida suggested for some of the downtown events the use of stickers to identify as being part of an organization and it could possibly help with enforcement. Martha Craven of 15 West Oak Street, Arcadia, Florida, asked if the City were to have a block party, could the City sponsor it and could the City's insurance be used, and would there be a fee? The City Administrator stated that the insurance agent had been broached with that question and he believed so.

Mayor Frierson asked if they would want to table it and Deputy Mayor Fink stated that he would think not. He felt it should be put on to another agenda item so they could look it over again. He thought it should go to a public hearing so they could change whatever ordinance would need to be changed and have it codified into City Code. The City Attorney recommended to put it in ordinance form, but have the fee schedule as a resolution. It was agreed the City Administrator will come back before Council at a later date regarding this issue.

**CONSENT AGENDA**

Mayor Frierson advised Consent Agenda Item 9 was being pulled to be voted on separately. Councilmember Keene made a motion to remove Item 9 from the consent agenda and Deputy Mayor Fink seconded the motion. No discussion followed and it was unanimously, 4/0, approved.

**Agenda Item 3 – City Council Minutes for August 5, 2014**

**Agenda Item 4 – Rodeo Fly-In**

**Agenda Item 5 – Site Plan for Camping Site Area**

**Agenda Item 6 – Request for Special Event Permit – Homecoming Parade**

**Agenda Item 7 – Request for Special Event Permit – Antique Association**

**Agenda Item 8 – Placement of Historical Marker at the Tree of Knowledge**

**Agenda Item 9 – Certificate of Appropriateness within Historical District – 216 E. Oak Street – Re-roofing and Painting**

Deputy Mayor Fink made a motion to approve the consent agenda 3 – 8 and stated that concerning Item 7, according to the Commission on Ethics, he is required to vote on this and he has no conflict. Councilmember Keene seconded the motion. No discussion followed and it was unanimously, 4/0, approved.

**Agenda Item 9 – Certificate of Appropriateness within Historical District – 216 E. Oak Street – Re-roofing and Painting**

Mayor Frierson stated that Item 9 is regarding 216 E. Oak Street, which Gary and Alice Frierson own and she stated she would not be voting on it. She then turned the item over to the City Planner to be addressed. Mr. McQuay stated Mr. Frierson had re-roofed and is painting the house. He stated it had been brought before the Historical Committee and they voted on it to move forward with a recommendation for the City Council to approve it. Councilmember Keene made a motion to approve and Deputy Mayor Fink seconded the motion. Mayor Frierson abstained from voting. No discussion followed and it was unanimously, 3/0, approved.

**ACTION ITEMS**

**Agenda Item 10 – Ordinance 1000 – Florida Power and Light Franchise Agreement – First Reading**

Deputy Mayor Fink made a motion that it be read by title only and Councilmember Keene seconded the motion. No discussion followed and it was 4/0 approved. Mayor Frierson

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instructed the City Clerk to read Ordinance 1000 by title only and the City Clerk did so. Deputy Mayor Fink made a motion to approve to second reading and Councilmember Keene seconded the motion. No discussion followed and it was 4/0 approved.

**Agenda Item 11 – Resolution No. 2014-08 – Repealing Resolution 2013-13 and Re-Establishing the Local Business Tax Fee Schedule**

The City Attorney stated that back in September they had looked at potentially raising or re-classifying some of the rate structure in the local business tax. He stated that he had provided a memorandum essentially advising that they couldn't at that time. He stated he knew former Administrator Jankosky was drafting it and some of them actually did get increased. He advised they're repealing that and bringing it back to the existing fees. Deputy Mayor Fink asked if we collected money last year for this. The City Administrator replied that they had and it was during the Munis system upgrades. Councilmember Keene stated that he hopes it can be communicated in a clear and concise way. Mr. McQuay asked when they could start billing and the City Attorney stated that it was an October 1 – September 30 cycle. Deputy Mayor Fink made a motion that it be read by title only and Councilmember Keene seconded the motion. No discussion followed and it was unanimously, 4/0 approved. Mayor Frierson instructed the City Clerk to read Resolution No. 2014-08 by title only and the City Clerk did so. Councilmember Keene made a motion to approve the Resolution repealing Resolution 2013-13 and re-establishing the local business tax fee schedule and providing an effective date and Deputy Mayor Fink seconded the motion. No discussion followed and it was unanimously, 4/0, approved.

**Agenda Item 13 – Jehovah Witness Literature Distribution Table Complaint**

The City Planner advised that several months ago, Council had given Jehovah Witness permission to set up at the Tree of Knowledge in a designated area. A complaint has been received by Martha Craven that they were aggressive. He asked for permission from Council to move them further back. The City Attorney stated that he was not sure he would ask Council to weigh in on this just yet. He felt they should check with the Jehovah Witness individuals first and see if they were willing to make any voluntary compromises. Marshal Anderson suggested he and Mr. McQuay meet with them to see if a compromise could be made. After much discussion, it was decided Marshal Anderson and Mr. McQuay would meet with them to discuss a compromise and report back to Council.

**COMMENTS FROM DEPARTMENTS**

**14. CITY MARSHAL**

He stated he had nothing to report, but would answer any questions or concerns from the general public. Councilmember Keene asked how the opening of school was going. Marshal Anderson stated they had received a lot of complaints, but they have been trying to assist in directing traffic. Mayor Frierson stated she had received a call from a parent to thank Council for the police department for doing such a fantastic job.

## 15. CITY ATTORNEY

The City Attorney advised there is a new law taking effect on January 1, 2015; all elected municipal officers will be required to obtain four (4) hours of ethics training each year. Deputy Mayor Fink asked if the league would be offering that and the City Attorney stated that he believed they will have either online seminars and live training.

## 16. FINANCE DIRECTOR

The Finance Director, Beth Carsten, presented an update. She advised that as of August 14, 2014, they had received 77.4% of revenues. There are other revenues, especially the state revenues, that will not come in until later in the year, but they will be allocated for this year. She advised that to date expenses are at 61%. Ms. Carsten stated that she had spoke with the insurance company and they are very close to getting a firm number. They are waiting on the health insurance to be bound and instead of being around 44% as first indicated; we should be around 10%. She felt she should be able to get something back to Council before the September 2, 2014 meeting. Deputy Mayor Fink stated that upon reviewing the health insurance Council adopted last week, he was uncomfortable with the action they took. He felt that many employees have not had raises in a significant time and they took the action last week of increasing their insurance by \$27.00 and change per month. He stated that for someone that makes \$8.00-\$10.00 per hour, it could mean the difference between the basic necessities. He asked Council to consider adopting Option 9 rather than Option 11 as presented last week. He stated he didn't want to change the base plan, but wanted to change the 95% / 5%. Mayor Frierson asked if there were any comments from the Council or the public.

Ernest Hewett of Poultry Street, Arcadia, Florida, stated that he agreed with Deputy Mayor Fink and felt that Council should try to support the employees with a raise if possible and if not, at least not hurt them on the insurance. He stated that last year Council passed a Resolution to have 17% of your budget put into reserves. He further stated the word used in the budget was "contingency" not "reserves" and as a contingency, it's an expense. Mr. Hewett made a negative comment toward Councilmember Keene to which Councilmember Keene advised the Mayor that the comment was totally out of order. Mr. Hewett stated that at 17%, the Finance Director has \$600,000.00 as contingency in this next budget. He felt that if they have the contingency, they could afford the money to help the employees. He then turned to the public and asked how many people cared that they're paying a fuel tax and the roads are in the condition they are in. He advised in the 2012 audit, there was \$972,000.00 in the street reserve fund and a capital improvement fund that had \$979,000.00. He stated that's 1.9 million dollars that the Finance Director can't find to which the Finance Director stated his comment was an unfair comment. He advised Ms. Jankosky stated in the budget hearing that year that there was no money in the fuel reserve fund and whatever money is there, she would sweep into the general fund. Deputy Mayor Fink stated that he would like to apologize to Councilmember Keene. He told Councilmember Keene he should have jumped in and made a point of order earlier and he (Councilmember Keene) shouldn't have had to do it himself. Deputy Mayor Fink made a motion that City Council adopt Option 9 that was presented to Council at the last meeting that was held and repeal Option 11. The motion died for the lack of a second.

Ms. Carsten advised that they had received word that the Charles Lee sentencing will be continued because of a serious accident that the defense attorney had. She advised there is not a re-scheduled date yet. Mayor Frierson advised this was beyond the City Council's control and it is between the attorneys. Ms. Carsten stated that some of the issues that were brought up a little while ago are also out of her control. She expressed that she would like to be able to get more information regarding reserves, but because the audit is not finished and due to the state of affairs when she started financially, she has not been able to answer all of those things. She advised the budget that they had presented is based on what they have at this time and those numbers are real numbers. Mayor Frierson asked if she had heard anything more on the audit and Ms. Carsten advised it's still continuing and they are still trying to get through some of the balancing of some of the statements. Regarding the Charles Lee issue, Deputy Mayor Fink stated it was unfortunate his counsel was involved in an accident, however, the Judge stated this would be taken care of and he would have one (1) month to pay the money or face the consequences. He felt there was more to this than meets the eye. He felt the City had reason to go to the next level because he didn't feel Mr. Yuter has the City's best interest in mind. He stated if the City doesn't get anything there, then perhaps Ms. Bondi in Tallahassee needs to be involved.

Martha Craven from the public asked if anyone on the Council had ever considered asking for a state audit. She said it sounds like we've got a mess and have had a mess for a long time. She asked that Council think about it.

## **17. CITY ADMINISTRATOR**

The City Administrator stated that as they get closer to the September 16<sup>th</sup> and September 30<sup>th</sup> public hearing dates for the budget, they may want to schedule one (1) lighter workshop to tighten up a couple of loose ends. He also stated that he would like to have an opportunity for the directors to come forward and address the strategic plan.

## **PUBLIC**

William Bailey of 422 E. Magnolia Street, Arcadia, Florida, stated he has no personal affiliation with Mr. Hewett, but he felt the numbers he presented and the shadow of doubt over the budget is something that should be addressed. As a candidate, he stated that should he be fortunate enough to be on the council, he would like to know what he was walking into. He agreed with Mrs. Craven regarding having someone do a formal audit. He felt everyone would benefit by having it straightened out to include the new council coming in.

## **MAYOR AND COUNCIL MATTERS**

Deputy Mayor Fink stated that we do an annual audit of the City's books, not a forensic audit, but from point a to point b, and asked for confirmation of which Ms. Carsten agreed. He asked what the annual costs and Ms. Carsten replied it would be \$85,000.00. He asked what a ballpark figure of forensic audit would cost and Ms. Carsten stated she imagined it would be upwards of \$100,000.00. Mayor Frierson stated the auditors that audit the City only audit the

information they are given and there is a big difference between an audit that they're doing for the City and an in-depth audit that the State might give us or a forensic audit. Deputy Mayor Fink stated that he couldn't imagine the State would give the City anything, so this would fall to the taxpayers of the City of Arcadia if they went to a forensic audit. He asked Ms. Carsten if she had seen any evidence of misappropriation of funds and she replied she had not. He then asked Ms. Carsten if she had a dog in the fight and she replied that she did not. Deputy Mayor Fink stated that he would suggest that if anyone felt so inclined, if they felt there's been some sort of misappropriation that they should investigate their options because he didn't feel they could look into this collectively as a body.

Janie Watson of 804 W. Imogene, Arcadia, Florida stated that she believed a State audit could be requested if the Council asked Representative Albritton and Senator Galvano to do it and there would be no charge. If it comes from citizens, it requires a 20% petition of the registered voters in the City and it is approximately \$80,000.00.

Ernest Hewitt spoke again stating that he wanted to make clear that he doesn't think the money is missing or that it was stolen. He believed the fuel tax money should only be spent on road improvements. He stated that Mr. Miller and Ms. Jankosky believed it could be raked into the general fund and spent and he felt that was what happened. He stated they, and others, believed that fuel tax money could be spent to maintain the roads or on other items such as a garbage truck. Mayor Frierson stated she felt it went to the contingency fund and paid the lawsuit attorney and whatever the general fund was short.

### ADJOURN

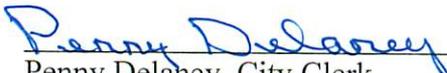
Having no further business at this time, the meeting was adjourned at 8:15 P.M.

ADOPTED THIS 20<sup>th</sup> DAY OF September, 2014.

By:

  
\_\_\_\_\_  
Alice Frierson, Mayor

ATTEST:

  
\_\_\_\_\_  
Penny Delaney, City Clerk