

**AGENDA MINUTES  
CITY COUNCIL  
CITY OF ARCADIA  
TUESDAY, SEPTEMBER 15, 2015  
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**

The Mayor called the meeting to order at approximately 6:00 p.m. Joseph Longenecker gave the invocation which was followed by the pledge of allegiance. The following members and staff were present:

**Arcadia City Council**

Mayor Judy Wertz-Strickland  
Deputy Mayor Alice Frierson  
Councilmember Joseph E. Fink

Councilmember Susan Coker  
Councilmember S. Delshay Turner

**Arcadia City Staff**

City Administrator Terry Stewart  
Finance Director Beth Carsten

City Clerk Penny Delaney  
Marshal Matthew Anderson

**PRESENTATION**

**Agenda Item 1 – Eagle Scout Recognition of Joshua Edward Longenecker**

**Agenda Item 2 – Eagle Scout Recognition of Aaron Logan Longenecker**

Mayor Wertz-Strickland presented Joshua Edward Longenecker and Aaron Logan Longenecker with certificates of recognition regarding their promotions to ranks of Eagle Scout of Boy Scout Troop 39.

**Agenda Item 3 – Proclamation – Victory of Florida Year**

Mayor Wertz-Strickland read a proclamation honoring the 70<sup>th</sup> anniversary of the end of World War II, to recognize Florida's veterans and to commemorate the important role Florida played on the battlefield and on the home front during World War II. She then presented the proclamation to Adrian Cline, President of the DeSoto County Historical Society. Mr. Cline acknowledged the members of the DeSoto Victory Florida Planning Committee as follows: Lou Towne, U.S. Navy, WWII; Jim O'Leary, U.S. Army, WWII; Arthur Southwell, U.S. Air Force; himself, U.S. Air Force and those who were not in attendance, Sgt. Major Jones of the Army National Guard and Luke Wilson.

**CONSENT AGENDA****Agenda Item 4 – City Council Minutes for September 1, 2015****Agenda Item 5 – City of Arcadia Municipal Airport August Report**

Councilmember Fink made a motion to accept the consent agenda as presented and Councilmember Coker seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

**ACTION ITEMS****Agenda Item 6 – Habitat for Humanity Request for Waiver of Rezoning Application Fees**

City Administrator Stewart advised that this was a request from Habitat for Humanity for Council to waive the rezoning fees. The rezoning covered two (2) parcels of property on E. Maple Street, but it would be a single rezoning and the application fee was \$1250.00. He advised the current zoning is B1 and surrounding structures are single family homes. Mr. Stewart stated that the request was to rezone to R1B which is compatible with the land use at the location. Jane Breylinger, Executive Director of Arcadia/DeSoto Habitat for Humanity advised the fee is \$1250.00 per parcel and because there are two (2) parcels, the fee would be \$2500.00. City Administrator Stewart advised that he had spoken with the planner who stated that it was a singular and he stated he would get it straightened out. Ms. Breylinger advised that these homeowners will be paying taxes so it will raise the tax base and it will utilize the local City utilities.

Jackie Scogin, a city resident, stated she was opposed to waiving the fee, but was a little less opposed since she has learned the homeowners will be paying taxes and paying for water, but she felt the City had given enough away. Janie Watson, a city resident, felt it was a bad precedent to start. She confirmed that the City had given the lots to them and asked for the value of the homes. Ms. Breylinger advised the value would be \$85,000.00 - \$95,000.00 and Ms. Watson stated that they would be paying very little taxes once they obtained their homestead exemptions. Ms. Breylinger informed Council that the \$25,000.00 is waived regarding the value and Habitat for Humanity collects every month from the homeowners and pays the escrow when it is tax time. Councilmember Fink asked the City Attorney if Council waived the fee would it be setting a precedent and the City Attorney advised that it would not, but that individuals might refer to it. After much discussion the agenda item died on the floor for lack of a motion.

**Agenda Item 7 –City Initiated Rezoning of the Smith-Brown Gym Property Site**

City Administrator Stewart advised the property still belongs to the City and will continue to belong to the City. He advised Council had signed an agreement with the Smith-Brown Community Foundation, Inc. in order to develop the site as a community center. He stated the community center requires a zoning that does not current exist at that site. The current zoning is R1C which would not permit a community center to be operated there. However, the

rezoning of PBG would be necessary in order to use it for that purpose. Mr. Stewart asked Council if they wish for staff to move forward with this and if so, Council would need to make a motion to instruct staff to prepare a City initiated rezoning application for the Smith–Brown Gym property site from its current zoning of R1C to a PBG zoning designation. Deputy Mayor Frierson stated it was a fantastic project for the community and commended the people who had taken it on. She then made a motion that Council agree to this and Councilmember Fink seconded the motion. Ashley Coone thanked Council and also advised of a Community Day on the 26<sup>th</sup> and invited Council to attend. No discussion followed and it was unanimously, 5/0, approved.

**Agenda Item 8 – Ordinance No. 1007 – Police/Fire Pension Ordinance Amendment**

City Administrator Stewart advised that according to Florida Statutes 175 and 185, which deal with independent local government pension plans for police officers and firefighters, it is required that if there are any changes in the pension, then such must be approved by the governing body through an ordinance. These changes relate to the rules, changes within the IRS and Florida Law that dictate that the City's plan be amended to meet those requirements. He also advised of minor changes also within the ordinance in order to correct and/or clarify references that exist within the ordinance. He referenced a letter from Foster and Foster, the actuary, which affirms that the changes as presented will have no effect on the actuary valuation. City Administrator Stewart also advised the ordinance was prepared by the pension plan attorney. Councilmember Fink made a motion to have Ordinance No. 1007 read by title only and Councilmember Coker seconded the motion. At this time, the City Clerk read Ordinance No. 1007 by title only. Councilmember Fink made a motion to move Ordinance No. 1007 as presented to second reading and Councilmember Coker seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

**Agenda Item 9 – Ordinance No. 1008 – Amending Article I, Chapter 98 of the Code to Regulate or Prohibit the Use of Designated Streets by Commercial Vehicles**

City Attorney Wohl advised that currently the City does not have an ordinance that allows the police department to regulate or put signs up prohibiting commercial vehicles from driving in the downtown area. He further advised that Council had directed him to look into creating an ordinance that would allow signs to be posted. He referred to the ordinance, section 98-6, which deals with the issue. Mr. Wohl advised that one issue that was not addressed at the last meeting was the issue of section 98-3 which pertains to speed limits. He recommended that section be removed due to subsection (b) which has a fifteen (15) miles per hour zone and according to Florida Statutes, the lowest residential, non-school, zone area is twenty (20) miles per hour and this can only be accomplished after a study is done. He explained another issue he had, to which the City Administrator agreed, was that there is no place in the code to address speed limits in certain locations. He stated that now that they have the Uniform Traffic Code in Chapter 316 of the Florida Statues, it essentially addresses all of the issues you need there. City Attorney Wohl stated for those reasons he recommended eliminating section 98-3 and if so inclined to do so, he would need to bring it back for first reading as revised. Councilmember Fink asked that as a person, who owns a business in one of the areas listed in section 98-3, would

he need to reclude himself for it and City Attorney Wohl advised that he would not need to do so. Councilmember Fink made a motion for the ordinance to go back to the City Attorney for the removal of 98-3 and that it come back to Council on October 6<sup>th</sup> and Deputy Mayor Frierson seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

#### **Agenda Item 10 – Salvation Army Lease**

City Attorney Wohl advised this was the lease that the City Council had directed he bring back. He stated there were five (5) items listed in the letter from the Salvation Army, but there were three (3) other items that were listed in a prior letter and Mr. Wohl advised that he included all eight (8) items in the lease. Any additional items would need to come before City Council for approval. Deputy Mayor Frierson asked if this was in agreement with the Salvation Army and City Attorney Wohl advised that the Salvation Army had reviewed the lease and approved it. The City Administrator advised staff had met with the Salvation Army representatives to tour the facility. He stated the air conditioning was working now after a repair that totaled Four Hundred and 00/100 Dollars (\$400.00). He stated the representatives advised they were fine with the lease as presented. Deputy Mayor Frierson made a motion to approve the lease agreement and Councilmember Turner seconded the motion. No discussion followed and it was 4/1 approved with Councilmember Coker casting the dissenting vote.

#### **Agenda Item 11 – JimSpace Rebuild Project**

City Administrator Stewart advised that this was a facility that is on a City owned piece of property. He advised the facility was constructed twenty-one (21) years ago, but had deteriorated over time. He advised the JimSpace Team is wishing to replace it and in order to do so; they have to tear down what is there now and build a new one. He informed Council it will require Council's permission for them to carry that out. Pat Backer, the Co-General Coordinator of the JimSpace Project, addressed the City Council and referenced information that had been provided to Council. She expressed appreciation of the City's support over the past year as they had been preparing for the build and she then provided a presentation of the project. Ms. Backer requested a MOU to demolish the existing playground in order to build a new one. City Attorney Wohl asked when they were planning on beginning the demolition. She explained that once they receive the MOU, they could set a timeframe. Ms. Backer advised they have to have everything completed by October 15<sup>th</sup>, so within the next thirty (30) days, they need to get it down to ground level. Councilmember Fink made a motion to authorize the JimSpace Team to demolish and reconstruct the JimSpace children's play area and Councilmember Coker seconded the motion. City Attorney Wohl pointed out that should Council approve a MOU, there will not be another City Council meeting until October 6<sup>th</sup>. For indemnification purposes, he suggested Council allow the City Administrator and the City Attorney to enter into the MOU without approval at the October 6<sup>th</sup> meeting which could delay the demolition plans. Councilmember Fink amended his motion to allow such and Councilmember Coker seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

#### **Agenda Item 12 – 2015-16 Insurance Renewals – for both the Package Policy and Worker's Compensation**

City Administrator Stewart stated that due to the amount of the cost, he felt it should go before Council for approval. Lew Ambler of DeSoto Insurance Agency presented a slide presentation regarding the insurance renewals. After reviewing the package policy, Mr. Ambler advised it had gone done approximately \$6,000.00 this year partly due to the time that had passed between now and the hurricane events of 2004 and 2005. The issue of uninsured motorist coverage which was covered through the presentation was brought back for further discussion. City Administrator Stewart stated that he felt the City was taking a risk that it should not be taking. After further discussion, Councilmember Coker made a motion to approve adding uninsured motorist insurance to the insurance policy and Councilmember Turner seconded the motion. No discussion followed and it was unanimously, 5/0, approved. Councilmember Coker made a motion that they approve the insurance policy for renewal and Councilmember Fink seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

### COMMENTS FROM DEPARTMENTS

Lieutenant Gary Evans advised the City Council that Marshal Anderson would not attend the meeting. He stated that he was there to answer any questions or concerns that Council or the general public may have and there were none.

The City Attorney advised that Councilmember Fink had been approached by an individual who had inquired about a rezone or land use issue. City Attorney Wohl stated that fortunately Councilmember Fink was familiar with quasi judicial issues and advised that person that he was not allowed to speak because that would be an ex parte communication. After referencing a Supreme Court case, Mr. Wohl stated that after that Supreme Court decision, the legislature passed a statute that essentially allows municipalities and counties to pass ordinances stating that you can allow ex parte communications and that they aren't prejudicial to the quasi judicial hearing so long as they are disclosed prior to rendering a decision. City Attorney Wohl recommended getting an ordinance for the Council to review at least in some form based on the statute. He advised that he may come back to Council with a memorandum if they are inclined to look further into it to give Council some options.

Councilmember Fink asked the City Attorney if this would also deal with the Planning and Zoning Board since they are also a quasi judicial body at times and they would make those same decisions. City Attorney Wohl agreed and stated that no matter whether they were appointed or elected, it would affect them as well. Councilmember Fink asked if such a change would also include swearing in anyone that would speak at quasi judicial hearings and City Attorney Wohl advised that the statute allowed for alternatives and options on that particular issue and stated that he recommended it. Councilmember Fink suggested that staff tell members of the Planning and Zoning Board to also be aware of this before Council even did it because it would put anyone in serious jeopardy. City Administrator Stewart stated that he wholeheartedly agreed with the City Attorney regarding the need for such an ordinance. Councilmember Fink made a motion that the City Attorney and staff set into motion to do this and Councilmember Coker seconded the motion. City Attorney Wohl stated he was hoping to bring back a

memorandum with different alternatives available first rather than draft several different versions of an ordinance. No discussion followed and it was unanimously, 5/0, approved.

Finance Director Carsten advised that Council had been provided with a summary of all funds as of September 3<sup>rd</sup>. She stated that of the general fund 83.7% had been received of the revenues and 80.7% of expenses had been expended; of the small county surtax 92.5% had been received and 65% had been spent; of the CDBG 69.3% had been received and 94.2% had been expended and she explained that they were waiting on the last draw from CDBG. She further stated that of the water/sewer fund 83.8% had been received and 64% had been expended; of the solid waste 92% had been received and 81% had been expended; of the airport 23.7% had been received and 86.3% had been expended which was due to a grant. She explained that all of the FAA funds had not been received yet, but they were being requested. Ms. Carsten advised that to date, they had received 81.9% of total funds that the expenditures were at 75%. She asked if anyone had any questions and there were none.

City Administrator Stewart advised that back in July, City Council had approved a request for a special event permit application from the Arcadia Main Street Program and stated that he had a visit from representatives of the program and they had failed to include two (2) programs that they operated last year: one (1) was a scarecrow event and the other was wreaths. He asked if they had any concerns with approving same and there were no objections to it.

Mr. Stewart advised of a problem with Mills Avenue caving in and stated that four (4) sections were cordoned off because the storm drain was leaking badly. He stated the roadway needed to be dug up and the pipe replaced and expected it to cost around \$250,000.00 but advised there were funds in an infrastructure account to accomplish same. He further advised that the street could not be closed off because it was a very busy street. City Administrator Stewart informed Council that he has the Public Works Director seeking prices on completion of same and as soon as he had an idea of the cost, he would share it with City Council.

Regarding the Golf Course, Mr. Stewart stated that he had heard loud and clear the Council's concerns regarding same. He advised that he and the Golf Course Director would be meeting within the next thirty (30) days to prepare a business plan which will cover a three (3) year period to identify goals, what the benchmarks will be, and what they hope to achieve. He advised he will be bringing that information back to City Council.

Mr. Stewart stated that he had a request from Team Arcadia for the use of the Council Chambers on October 22, 2015 from 4:00 – 7:00 p.m. for a meet and greet event. He advised it will require having someone return to the facility to secure the building thereby creating some cost to the City. He then asked how Council wanted to handle it. After some discussion, Deputy Mayor Frierson stated that since the cost would be minimal and considering what Team Arcadia does for the community, she felt City Council should allow it. It was the general consensus of City Council to allow same.

City Administrator Stewart addressed the Annual Financial Report and informed Council that he had been assured the audit would be completed well before the deadline and would be electronically transmitted to the State of Florida upon completion.

**PUBLIC**

None

**MAYOR AND COUNCIL REPORTS**

Councilmember Fink advised that he had attended the County Tourist Tax and Development meeting on Monday and stated this particular committee deals directly with the recommended spending from the three (3) cent tax that the County collects on hotel rooms in the county. He advised it was not getting disbursed quickly enough and advised that it was now being opened up not only for non-profits, but also businesses that might want to make available some of these funds that are used to promote the county to other counties. He stated that if anyone is interested, they should speak with Mike Tabor of the county.

Mayor Wertz-Strickland advised that she had attended the Ridge League Dinner and was inducted as a board member. She also advised that she had invited the City Administrator, the Finance Director and the City Clerk to attend as well. She stated she is looking forward to building relationships with the other cities.

**ADJOURN**

Councilmember Fink made a motion to adjourn and Councilmember Coker 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 7:40 P.M.



ADOPTED THIS 16<sup>th</sup> DAY OF October, 2015.

By:

Judy Wertz-Strickland  
Judy Wertz-Strickland, Mayor

Penny Delaney  
Penny Delaney, City Clerk