

**AGENDA MINUTES
CITY COUNCIL
CITY OF ARCADIA
TUESDAY, OCTOBER 21, 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.

INVOCATION& PLEDGE OF ALLEGIANCE

Councilmember Allen gave the invocation which was followed by the Pledge of Allegiance.

CALL TO ORDER & 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
Councilmember Robert W. Heine

Deputy Mayor Joseph E. Fink
Councilmember Robert R. Allen

Arcadia City Staff

Interim City Administrator Beth Carsten
City Attorney Thomas J. Wohl
City Clerk Penny Delaney

Marshal Matthew Anderson
City Planner Carl McQuay

PRESENTATION

Agenda Item 1 – Proclamation – Week of Family

Mayor Frierson instructed the City Clerk to read the Proclamation and the City Clerk did so. Mayor Frierson presented Cindy Siegel with a Proclamation regarding Week of the Family.

Agenda Item 2 – Proclamation – Food Day

Mayor Frierson instructed the City Clerk to read the Proclamation and the City Clerk did so. Mayor Frierson presented Mary Kay Burns, DeSoto County Health Department Administrator with a Proclamation regarding Food Day.

Agenda Item 3 – Downtown Association

The City Planner, Carl McQuay advised that the structures, fees, etc. needed to be addressed and that two (2) meetings were held on June 19, 2014 and June 24, 2014 for downtown vendors. He then made a presentation regarding various tiers, fees, and requirements. After the presentation, topics such as policing of events, frequency of events, posting of signs for events, and regulation of these and other topics were discussed. After much discussion, it was the general consensus to hold the garage sale fee at \$5.00 and not move it upward to \$10.00. The City Attorney advised that the fees could be handled through resolutions, but regulations, rules and requirements will have to be addressed through an ordinance.

Councilmember Keene advised that sanitary facilities should be provided and stated that he would like to advocate for portable restrooms with sinks, etc., for the bigger events. Rob Herron of 521 E. Pine Street, Arcadia, Florida spoke from the public and stated that \$50.00 per day may drive vendors away and suggested the fee remain at \$25.00 per day.

Sheri Fink of 417 W. Effie, Arcadia, Florida and President of the Antique Association on the fourth Saturday, assured that on their busy months, they supply two (2) extra restrooms on the other end of town also some shops open their restrooms to the public on the fourth Saturday. She stated a second option to paying the \$35.00 fee would be to join the antique association. Deputy Mayor Fink made a motion to have staff meet with the City Attorney to have the issue placed in ordinance form and Councilmember Heine seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

CONSENT AGENDA

Agenda Item 4 – City Council Minutes for September 30, 2014

Agenda Item 5 – City Council Minutes for October 7, 2014

Agenda Item 6 – City Council Minutes for October 10, 2014

Agenda Item 7 – Air-Cadia Flowage and Hangar Rent Report for September 2014

Agenda Item 8 – Request for Special Event Permit – Relay for Life Community Kick-Off Sponsored by the American Cancer Society

Agenda Item 9 – Request for Special Event Permit – Arcadia Plein Air Paint-Out

Agenda Item 10 – Request for Special Event Permit – Tour of Homes

Agenda Item 11 – Request for Special Event Permit – Community Fall Festival

Agenda Item 12 – Specific Authorization No. 18 – General Consulting Services with Hazen and Sawyer

Deputy Mayor Fink made a motion to approve Consent Agenda Items 4, 5, 6, 8, 9, 10, 11 and 12 and to pull Consent Agenda Item 7 for discussion. Councilmember Keene seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

Regarding Agenda Item 7, Deputy Mayor Fink pointed out a notation on the report regarding a hangar being vacant and stated that he thought they were all full. He stated he would like to know how many are occupied and the Interim City Administrator stated she would find

out. Mayor Frierson stated that the previous administrator was aware of it. Ms. Carsten advised Mrs. Minnear has an interested renter and that it had been approved to have a locksmith remove the lock. The City Attorney advised that they needed to make sure it had been vacated and that they're not violating any commercial tenancy issues. He further stated a formal eviction may be necessary. Councilmember Keen suggested the occupant might be liable for past rent and an effort should be made to collect it. The City Attorney stated that he would get with the Interim City Administrator and Shelley Peacock regarding same. Deputy Mayor Fink made a motion to approve the item and Councilmember Keene seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

ACTION ITEMS

Agenda Item 13 – Authorization by City of Arcadia for Arcadia Main Street Program to apply for a grant regarding City Hall

Mayor Frierson advised that the Arcadia Main Street Program had made a presentation to the City Council to apply for a grant regarding City Hall. Councilmember Heine made a motion to approve Arcadia Main Street Program to proceed with applying for the grant and Deputy Mayor Fink seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

Agenda Item 14 – FDOT Lease – Mobile Home Park, Lot 9 Encroachment

The City Attorney advised that a few months ago, there was an issue with one of the mobile homes encroaching on the FDOT right-of-way. He further advised one option was to move the mobile home or enter into a lease for the area affected by the encroachment. He stated the lease is for a five (5) year term and they have expressed their desire to renew it each year for \$4.00 a year and we would pay the \$20.00 lump sum upfront. He stated the cost to move the mobile home would be more than \$20.00. Councilmember Heine asked the City Attorney what his recommendation would be and the City Attorney recommended Council approve the lease agreement. Councilmember Heine made a motion to approve the lease agreement and Deputy Mayor Fink seconded the motion. Councilmember Keene asked if the encroachment was caused by the sale of the property to FDOT and the City Attorney advised that it was the prior right-of-way. No discussion followed and it was unanimously, 5/0, approved.

Agenda Item 15 – Request to Plant Trees in City Right-of Way – Linda Luppino

Linda Luppino of 129 S. Volusia Avenue, Arcadia, Florida, requested to have trees planted in the City right-of-way. Mayor Frierson asked if the right-of-way had any infrastructure under it of any type and the City Planner advised that it did. After much discussion, Councilmember Heine made a motion that the request be denied and Councilmember Keene seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

Agenda Item 16 – Property Maintenance Standards Committee Applications

The City Attorney advised that he had spoken with Councilmember Heine about his son being on the committee and there is a potential issue for a violation of Florida's anti-nepotism law. He stated that after speaking with Councilmember Heine's son, Bobby, withdrew his name from the applicant list. Mr. Wohl also pointed out that two other applicants work at the same location. He stated not that there would be a Sunshine issue, but there's always the concern where two (2) individuals (sentence trailed off). The City Planner stated that Pam Ames had agreed to step down since she was the last one to submit her application. Councilmember Keene made a motion to approve moving forward with the committee with the seven (7) names and Deputy Mayor Fink seconded the motion. The City Attorney advised the committee would be in charge of reviewing any codes and ordinances pertaining to property maintenance, bringing them up to current standards, and adding any additional codes that we might not currently have. Councilmember Keene stated that he was under the understanding that work was done on this years ago so there may be groundwork already laid to use as a starting point. The City Attorney stated that he had a meeting with Ms. Daly and she had provided ordinances from when she was on a committee. He also stated that he had drafted an ordinance pertaining to this about a year ago to get the committee started. No discussion followed and it was unanimously, 5/0, approved.

Agenda Item 17 – Florida Highway Patrol Commercial Motor Vehicle Safety Inspections

The City Planner advised that the Florida Highway Patrol had requested use of the old livestock market for safety inspections. Councilmember Keene asked the City Attorney if this would prevent Council from doing something with the property during this period of time and the City Attorney stated that they were not locked into a lease so he didn't think it would be an issue. Councilmember Heine stated that the State had not cleaned that property and Council has approached them several times and they refuse to do anything. He felt that since the State mandated that they dip the cattle with ticks, they should be responsible for clean-up of the property. He stated he has no objection to the troopers using it. Deputy Mayor Fink stated that he agrees with Councilmember Heine and felt they should investigate the possibility of a brown field area because until that is rectified, and they did mandate it, it will never be a usable piece of property. He felt it should be investigated as to what the options are and felt they should empower staff to deal with it because it's an important consideration. Karen Whaley of Representative Albritton's office was present and she advised that if there was a state issue that they're having a problem with, to please send her an e-mail with the details because they would be more than happy to follow up on it with the DEP or whichever agency it is. Deputy Mayor Fink asked if there was a consensus to have the Administrator contact and find out what's what and all agreed. Councilmember Keene made a motion to approve the Florida Highway Patrol use of the property for commercial vehicle safety inspections and Deputy Mayor Fink seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

Councilmember Heine asked about the car. Marshal Anderson advised that he hasn't had a chance to speak to every council person yet, but that the department has a squad car that is broke down and it will cost \$7,300.00 to repair a car that is worth \$8,700.00. He stated that the department has roughly \$10,000.00 worth of drug confiscated money. He advised to outfit a brand new squad car is roughly \$24,000.00 to \$26,000.00, so roughly they would need another \$15,000.00 to replace the vehicle. He stated that he had spoken with the Interim City Manager/Finance Director and didn't feel it would be a smart move to put \$7,300.00 just for the engine into a car with transmission problems that is barely worth less than \$9,000.00. The Interim City Administrator advised that in the budget this past year, \$100,000.00 was put aside out of the surtax money for capital expenditure emergencies or things that would come up. She stated the funds were there if it was the Council's pleasure. Councilmember Heine made a motion to allow the police department to get the car. Marshal Anderson stated that Steve Underwood felt that they could sell the car as is for approximately \$1,500.00 to \$3,000.00. Councilmember Keene seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

17. CITY ATTORNEY

The City Attorney advised the shade meeting was October 10, 2014, and the litigation attorney provided the settlement agreement and release signed by Mr. Santana. Mr. Wohl advised he would like to have Ms. Jankosky's signature on it before he asked Council to sign it and the litigation attorney replied that she would be signing it, but it needed to be approved as soon as possible. Mayor Frierson asked what the consequences would be if she didn't sign it and Mr. Wohl stated that potentially the insurer could force her to sign. Mayor Frierson asked the City Attorney what he recommended and he stated that he didn't see a risk of anything happening, but if there was a personal concern, given the circumstances of the insurance providing coverage for her, he felt it was a no brainer. Councilmember Keene asked if there would be any benefit if it was contingent upon her signing and Mr. Wohl thought that would be a great way to handle it. Councilmember Keene made a motion to approve the agreement contingent upon Judi Jankosky's production of her signature and Deputy Mayor Fink seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

18. INTERIM CITY ADMINISTRATOR

The Interim City Administrator advised that the CDBG grant project in Bridle Path started this week.

Councilmember Keene asked the Interim City Administrator if she could bring them up to speed on the collapsed sewer line. Ms. Carsten advised they began last Tuesday and it was completed by Wednesday afternoon. She stated it went 500 feet, was connected on both sides and everything seems to be good. Mayor Frierson asked if she had a final figure and Ms. Carsten advised that she didn't, but thought it would be around \$25,000.00.

Agenda Item 18 – Airport Fuel Tank Inspection

Ron Watson, Chairman of the Arcadia Airport Advisory Committee, stated that at the last committee meeting, it was recommended to proceed with the fuel tank inspection. He advised that Committee Member Glenn Walker investigated what it would cost to have the tanks inspected and World Fuel gave an estimate of between \$485.00 and \$525.00 which is the inspection only. He stated they had been advised that if they find a lot of problems it could cost between \$28,000.00 and \$38,000.00 to repair, bring up to grade or replace. He stated that the committee's recommendation is to allocate the funding out of the necessary enterprise funds to have the tanks inspected prior to the takeover next spring. Councilmember Heine made a motion to approve the recommendation and Deputy Mayor Fink seconded the motion. Deputy Mayor Fink stated that at the last meeting, the City Attorney would go over a checklist to see what was required by the conclusion of the contract between the FBO and the present FBO. Mr. Watson stated they were in the process of developing it and it was an agenda item for their next committee meeting on November 6, 2014 and hopes to have that information for Council in plenty of time before the takeover. No discussion followed and it was unanimously, 5/0, approved.

Agenda Item 19 – Personnel Manual

As directed by Council at the last meeting, the employment attorney has reviewed portions of the personnel manual and there are a lot of changes that are recommended. She suggested they take the time to review the changes and get back with her about their feelings regarding same. She then suggested it be brought back to the next meeting. Deputy Mayor Fink asked if they wanted to have a workshop. The City Attorney advised these changes were only three sections and the Interim City Administrator agreed and stated there was another issue that he couldn't get to in such a short period of time. She advised that the employment attorney was actually reviewing the whole manual and it will take a little while. The City Attorney advised they review it, come back at the next meeting and schedule a workshop when it is all completed.

COMMENTS FROM DEPARTMENTS

16. CITY MARSHAL

As the City Marshal was approaching Council, Mayor Frierson stated she had heard nothing but positive input from the public regarding the fund-raiser at Slim's for the Shop with a Cop Program. Marshal Anderson advised the two (2) day event brought in \$5,900.00 and as of today, including donations, they are \$200.00 short of \$10,000.00. He advised they will now be able to extend the grades from kindergarten to eighth grade and the Health Department, the Guardian Ad Litem Program and other private donations have donated booster seats and car seats to be able to take the children in the squad cars to Wal-Mart. He further advised that Winn-Dixie will be giving out gift cards for food items only so the families can have a nice Christmas. He thanked everyone who contributed to the cause.

PUBLIC:

Charles Conklin of 301 Bridle Path, Arcadia, Florida asked if they will let residents know where they'll be regarding the Bridle Path project. Ms. Carsten advised there was a sign at one entrance and there will be another one at the other entrance.

Susan Coker of 411 Frankfurt Street, Arcadia, Florida inquired as to the next Council meeting date due to elections. Councilmember Heine made a motion to schedule the meeting for November 11, 2014 and Deputy Mayor Fink seconded the motion. No discussion followed and it was unanimously, 5/0, approved. Tara Anderson of the County Parks and Recreation Department pointed out that November 11, 2014 falls on Veteran's Day. Councilmember Heine made a motion to schedule the meeting for Monday, November 3, 2014, at 6:00 p.m. and Deputy Mayor Fink seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

MAYOR AND COUNCIL MATTERS

None

ADJOURN

Having no further business at this time, the meeting was adjourned at 7:44 P.M.

ADOPTED THIS 3rd DAY OF November, 2014.

By:



Alice Frierson, Mayor

ATTEST:



Penny Delaney, City Clerk