

**AGENDA MINUTES
CITY COUNCIL
CITY OF ARCADIA
MONDAY, NOVEMBER 3, 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

Steve Underwood 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

Lieutenant Kevin Joens
City Planner Carl McQuay

PUBLIC HEARING – FFY2014 COMMUNITY DEVELOPMENT BLOCK GRANT

J. Corbett Alday, VP, COO of Guardian Community Resource Management, Inc., advised that the current neighborhood revitalization CDBG is expected to be done by the end of the year. He advised that the latest notice from the State indicated that the next cycle starts in February instead of January so they have an extra month to finish the current project. He stated that they needed to begin to plan the next program. He then presented a presentation regarding Community Development Block Grants which included eligible applicants, scoring, required income documentation, funding categories, economic development, and the process and action needed. He advised that the City had a 25 point penalty for the late audit and stated that was the only strike it had. He advised that the scores may be reset and if that is the case, the City's score would be so high. He didn't think it would keep the City from being funded.

Deputy Mayor Fink asked if it was possible to apply for the economic development grant and another grant at the same time. Mr. Alday stated that it was possible to do so. Deputy Mayor Fink made a motion to have legal counsel deal with putting together a citizen's advisory

task force (CATF) and Councilmember Heine seconded the motion. No discussion followed and it was unanimously, 5/0, approved. Mr. Alday stated that if the Council had names they wanted to recommend, it would be helpful. Councilmember Heine stated that he felt they should let the new council recommend names and Deputy Mayor Fink advised that the new council wouldn't take office until the first of December. Mr. Alday stated it could be handled in December. Councilmember Keene asked for clarity when the second public hearing would take place and Mr. Alday advised it would probably be in January. Deputy Mayor Fink made a motion to instruct Guardian to pursue an economic development grant and also the neighborhood revitalization infrastructure grant and Councilmember Keene seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

Mr. Alday stated that they were also asking for a budget for engineering because in order to score and be competitive, the City needs to be ready to proceed with plans and specs submitted with the application and he advised that would be an expenditure to the City. Deputy Mayor Fink asked how much they were talking and Mr. Alday advised not to exceed \$50,000.00 is what he recommends. Councilmember Heine made the motion to approve a \$50,000.00 budget for engineering and Deputy Mayor Fink seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

Mr. Alday advised there is a leverage component as well not to exceed \$50,000.00. He stated it wouldn't be for construction or for other services, like engineering or administration or whatever you want to pay for and you get 25 points for that. He further stated that you get 100 points for plans and specs and 25 points for having leverage of \$50,000.00 from whatever leverage source or whatever grant that you get that you want to use in the program. He strongly recommended doing both of those things because everyone who gets funded has plans and specs and leverage. The Interim City Administrator advised they have the funds and it could be taken from the road money that they have set aside or it can be taken from water and sewer. Councilmember Keene made a motion to use the \$50,000.00 leverage money that Corbett suggested and Deputy Mayor Fink seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

Mayor Frierson closed the public hearing and opened the regular council meeting.

PRESENTATION

Agenda Item 1 – Steve Underwood – 25 Years of Service to the City of Arcadia

Mayor Frierson asked Steve Underwood to come forward. She presented him with a certificate in appreciation for 25 years of outstanding service to the City of Arcadia.

CONSENT AGENDA

Agenda Item 2 – City Council Minutes for October 21, 2014 – Workshop

Agenda Item 3 – City Council Minutes for October 21, 2014 – City Council Meeting

Agenda Item 4 – Request for Special Event Permit – Mexican Rodeo on November 9, 2014

Agenda Item 5 – Request to Hang Banner – 2014 Ag Fest Committee

Agenda Item 6 – Use of Old Fire Station on 10th Avenue for Christmas Parade Float by First Presbyterian Church

Agenda Item 7 – Extension to Agreement with Swaine & Harris, P.A. for Representation and Fees

Agenda Item 8 – Re-appointment of Vince Sica as Board Member on the Arcadia Police Officers' and Firefighters' Pension Board

Deputy Mayor Fink moved that Consent Agenda Items 2, 3, 4, 5 and 8 be approved as presented and Consent Agenda Items 6 and 7 be pulled. Councilmember Keene seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

Agenda Item 6 – Use of Old Fire Station on 10th Avenue for Christmas Parade Float by First Presbyterian Church

Mayor Frierson advised they would start with Agenda Item 6. Councilmember Keene stated that it was his understanding that the old fire station was housing their old fire truck and that they also lease the balance of the building to the school board for storage and he didn't believe there would be room there for a float. The Interim City Administrator confirmed it was being leased out and there isn't space for a float even for a few days. After much discussion regarding an alternate location, Councilmember Keene made a motion that they use the old livestock market for the float purposes with the provision that they provide insurance coverage and Deputy Mayor Fink seconded the motion. The City Attorney advised they should be able to get an event policy and asked what coverage amount Council wanted to require. It was discussed that they could look at the lease with the school board to determine what the coverage requirements were in that particular lease. The City Attorney advised he would review it and Councilmember Heine stated the church's insurance should be able to pick it up. Mr. Underwood stated that the City's policy should cover it and it shouldn't be an issue. Mayor Frierson requested that First Presbyterian Church check it out on their end and the City would do so on its end. No discussion followed and it was unanimously, 5/0, approved.

Agenda Item 7 – Extension to Agreement with Swaine & Harris, P.A. for Representation and Fees

Mayor Frierson then turned the Council's attention to Agenda Item 7. Deputy Mayor Fink stated that he was opposed to it last year when the fees were increased and was opposed to it for the same reason this year. The Interim City Administrator advised that the agreement expires November 14th of this year and that it is a year agreement. She further advised that they did budget for it in the 2014 year and it was staff's recommendation that they go forward with the agreement. Councilmember Keene made a motion to approve the extension of the agreement and Councilmember Heine seconded the motion. No discussion followed and it was 4/1 approved with Deputy Mayor Fink casting the dissenting vote. Councilmember Heine expressed

that he felt the firm had done a tremendous job for the Council. The City Attorney expressed his appreciation by stating that they enjoy working for the City of Arcadia and are glad to continue.

ACTION ITEMS

Agenda Item 9 – Supplemental Joint Participation Agreement, Contract #AQU32 – Arcadia Municipal Airport

The Interim City Administrator advised this was a FDOT airport grant for the pavement and marking project for a total of \$185,000.00. She stated it came in under budget by about \$20,000.00 and the FDOT has agreed to allow the City to use those funds to do a PAPI flight inspection for the runway. She advised that this is only changing the language in the agreement so they can move forward and use those funds accordingly. Councilmember Heine made a motion to approve the Supplemental Joint Participation Agreement and Councilmember Keene seconded the motion. Councilmember Keene asked if there would be a balance of money left and the Interim City Administrator advised that there should be. She further advised that they didn't know what the PAPI would cost. No discussion followed and it was unanimously, 5/0, approved.

Agenda Item 10 – Amendment to Interlocal Agreement Between the City of Arcadia and DeSoto County for Building Official Program

The City Planner stated that there was already an agreement in place, but this amendment reflects that the Building Department will be enforcing all expired building permits. Instead of the issue coming to the City Planner, the County's Code Enforcement will handle it and take it in front of their Special Master. He advised that all funds and revenue generated from that will stay with the County and go toward their Special Master fees. Councilmember Heine made a motion to accept the amendment and Deputy Mayor Fink seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

Agenda Item 11 – Reduction of Code Enforcement Lien Regarding 509 W. Effie Street

The City Planner advised that a lien had been placed on a piece of property located at 509 W. Effie Street some time ago and the property was sold on the courthouse steps to Gary Frierson. The total amount of liens and fines came to a total of \$5,625.00 and staff costs were \$290.21 for a total of \$5,915.21. He stated that after he administered the lien, Council directed staff to correct the property which came to a total of \$619.68. He asked for a ten percent (10%) reduction of the \$5,915.21 fees owed. He stated that he then added on the costs of \$619.68 making the total costs incurred to come to \$1,211.20. He advised this was his first lien reduction and asked for Council to set the precedent. Deputy Mayor Fink asked if it was listed as a lien against the property and Mr. McQuay advised that it was. Councilmember Keene asked what the costs of \$290.21 represented and Mr. McQuay advised it was for the filing fee, the special master and recording fees. Councilmember Keene asked to confirm that they would be giving a reduction of ninety percent (90%) and Mr. McQuay stated that was correct and the reason for it

was because the property had been corrected, is now back on the tax roll, is now being maintained and the violations are no longer in effect. Deputy Mayor Fink confirmed the original lien was not placed against the present owner, but was placed against the owner and the purchase of the property was subject to the liens. Councilmember Keene asked the City Attorney if this would set a precedent. The City Attorney advised that he did not think it would set a precedent because each situation is unique and it was Council's discretion on how they want to handle it. Deputy Mayor Fink felt that since there had never been an adjudication he felt it would be setting a precedent that could be brought back. He asked Mr. Frierson if he knew there was a lien against the property and Mr. Frierson stated that he had heard there was one, but didn't know how much it was.

Lorenzo Dixon of 920 W. Magnolia Street, Arcadia, Florida, stated that there had been such requests made before, but they not granted and if this is granted, it will be legally challenged. He stated the City needs money and Mr. Frierson should pay like anyone else. Councilmember Keene stated that not because of threat of a lawsuit, but inquired as to other similar situations and actions that were taken. Mr. McQuay stated that this was the first time in five (5) years that he's formally brought a lien reduction issue before Council. Councilmember Keene stated that he felt ninety percent (90%) sounded like a lot. Deputy Mayor Fink moved to not reduce the lien at 509 W. Effie Street and Councilmember Heine seconded the motion. Mayor Frierson abstained from voting on the issue. No discussion followed and it was unanimously, 4/0, approved.

Agenda Item 12 – Request the Purchase of City Property – Vacant Lot located at 1270 N. DeSoto Avenue

The City Planner advised that the property is owned by the City of Arcadia. He stated that he had instructed Mr. Frierson to get an appraisal of the property to be brought before the City Council. He owns the property on both sides of the City owned property. The property is undeveloped and landlocked with no entrance or exit to the property unless you were to go through Mr. Frierson's property. The appraisal of the property came to \$6,500.00. Deputy Mayor Fink stated that it appears to have been a frontage road with two entrances besides Mr. Frierson's property, one from Frankfurt, an undeveloped street, and one at the south end of the property which leads on to the FDOT property. Mr. McQuay pointed out that they were undeveloped with no clear roads to them. Deputy Mayor Fink agreed, but stated the access is available. He suggested to Council that they may want to defer to the next Council and the reason being because this is a frontage road and the property must have had some sort of use in planning and zoning as a frontage road for future use in the City of Arcadia. He stated that he saw nothing in the paperwork that showed Mr. Frierson would keep it as a public roadway so they would lose a future right-of way, public land, and they would be giving it away in his opinion. Mr. Frierson responded by stating that the property between a frontage road and the main road is generally public owned and this is not. He advised it was never a frontage road. He further advised the main road that they were referring to was a railroad track so it would be a frontage road to a railroad track which doesn't make sense. He then gave a brief history on the property. Deputy Mayor Fink asked if a permit was obtained when the property was cleared and Mr. Frierson advised that the previous City Administrator, Tom Slaughter, advised that one was

not required. Deputy Mayor Fink stated that he still felt they should put this off for the new Council. Councilmember Heine asked what the County had it appraised at and Mr. Frierson stated that it was \$6,000.00.

Councilmember Keene asked if the property could be used for a billboard and Mr. McQuay advised it sits too far back for such. Councilmember Keene stated that it would just need to be angled. He further stated that he felt they needed to do an inventory of all of the City's property and he was inclined to delay the issue until the new Council was seated. Lorenzo Dixon stated that he felt if the property was to be sold; it should be properly advertised so others could bid on it. Deputy Mayor Fink made a motion to put it off until next Council is seated to see if they want to proceed or if they'd like to itemize the properties and Councilmember Keene seconded the motion. Mayor Frierson abstained from voting on the issue. No discussion followed and it was unanimously, 4/0, approved.

Agenda Item 13 – Update on Special Events Ordinance and Regulation of Temporary Motor Vehicle Sales

The City Attorney advised an ordinance was passed in 2008 that didn't prohibit such, but was a good ordinance regarding regulation of such. He stated that his recommendation would be to leave it as is. Councilmember Heine expressed that he was against temporary vehicle sales and felt something needed to be done. The City Attorney stated that he wasn't sure they could be prohibited, as doing such could infringe on someone's proper zoning rights. Janie Watson of 803 W. Imogene, Arcadia, Florida, suggested the City look at what the County did and keep it uniform. Deputy Mayor Fink asked the City Attorney to check to see if there are any differences and the City Attorney advised that he would do so. The City Attorney advised that instead of creating an entirely new tier two, they seem to be covered with the large concern which was the temporary motor vehicle sales and then cleaning up the mobile food vendor and temporary vendor ordinance that they have. He felt they could insert the terms that was in the presentation. He stated that he just wanted to make sure Council didn't desire an entirely new ordinance spelling out the tier two requirements. He advised that he is working on the special event ordinance. He stated it is a fairly substantial document and he hoped to have that by the next meeting.

Agenda Item 14 – Ordinance Amending Regulation of Yard Sales

The City Attorney advised this Ordinance amended the regulation of yard sales. He stated the ordinance did not include the fee provision so under 80.23, subsection b, he added that they would only receive a permit upon payment of the fee established from time to time by resolution. Mr. Wohl directed Council to the Resolution and stated that the Resolution would not be passed until they have had the approved second reading of the Ordinance. Councilmember Keene made a motion to have the Ordinance read by title only and Deputy Mayor Fink seconded the motion. Mayor Frierson instructed the City Clerk to read the Ordinance by title only and the City Clerk did so. Councilmember Keene made a motion to approve the Ordinance and Councilmember Heine seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

COMMENTS FROM DEPARTMENTS

16. CITY MARSHAL

Lieutenant Joens advised the Arcadia Police Department Report was placed in Council's packet. He also advised that the new car was in and they were in the process of getting it stripped up and getting the equipment installed. Councilmember Heine stated that he appreciated the officers out on Halloween.

17. CITY ATTORNEY

The City Attorney advised he was contacted by an attorney for FDOT who indicated they had been working with previous City Administrator Tom Slaughter on Parker Avenue between Oak Street and Hickory. Essentially they were looking at doing a long term road closure, but he was looking at doing a right-of-way vacation. They would prefer to do a 25 year closure. They would provide the City access, repave the entire property, indemnify the City for any liability that may occur on the property and provide the City access to our utilities in the event that is necessary. He advised that his reasoning for thinking that would be the better way to go is because if that property in 25 years may need to be used for a right-of-way, then they could open it back up and have it completely paved, but if they vacate it, they're giving it up forever. Councilmember Keene asked if they could have them improve the entrance to Morgan Park as part of this deal. He stated he was opposed to giving up Parker. Deputy Mayor Fink instructed to ask them if they would improve the existing access to the park and if they plan to vacate it in 25 years, to leave it in the same shape that they put it into at the beginning of the 25 years.

Mr. Wohl also updated Council advising that he had heard from Attorney Salzman who handled the Santana deal and Ms. Jankosky did sign the settlement agreement.

18. INTERIM CITY ADMINISTRATOR

The Interim City Administrator advised she wanted to update Council on the McSwain Park project. She stated they had received the second round of bids and they still came in around \$230,000.00 over the \$500,000.00. They are still working with Mosaic and the designers and talking with the lower bidder in an attempt to get it down to the \$500,000.00 and they feel they are really close to getting it. She stated they hope to bring it back to Council for final bid approval at the next meeting.

Ms. Carsten advised that they are getting toward the end of the FBO at the Arcadia Municipal Airport. She advised that the advisory committee meets on November 6th and she will be there and would like to take to them that they can start getting together a RFP to bring back to Council so that they can move forward with advertising for a possible FBO or going forward with that. She advised a couple had met approached her and was very interested in the airport and would like to go further with it. It was common consensus of all Council for her to be able to do so.

PUBLIC

George Chase of 2692 NE Highway 70, Arcadia, Florida, spoke on behalf of Friends of Arcadia Airport, addressed Council regarding the fly-in and advised that the site has been cleared. He stated that since the site plan had received Council's approval, they had prepared the paperwork for the Development Plan and the Temporary Use Permits needed from DeSoto County and they were submitted on August 26th and approved on October 24th. So far, Friends had provided labor, materials, cash outlay and other services that total over \$7,500.00 to this project. He advised they are gathering the information necessary for the FAA application and must file and have FAA approval prior to doing any building construction on the site. Mr. Chase invited Council to come out and see what the area looks like. The goal is to use the Fly-In/Camp-Out Center to attract out of town pilots to Arcadia Airport and once here, to make it possible for them to visit local businesses and attractions. He advised they had applied for a grant to fund the pilot shelter, fire pit and picnic tables, but were not one of the recipients and are working on a back-up plan. However, they have received three substantial donations from both the business and private sector. He advised County Commissioner Bob Miller had been added to the Board of Directors. Mr. Chase concluded his address by thanking the Council for their support.

MAYOR AND COUNCIL MATTERS

None

ADJOURN

Having no further business at this time, the meeting was adjourned at 8:04 P.M.

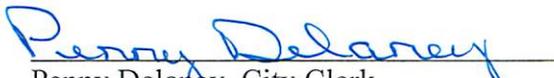
ADOPTED THIS 18th DAY OF November, 2014.

By:



Alice Frierson, Mayor

ATTEST:



Penny Delaney, City Clerk