

CITY HALL, SEBRING, FLORIDA, MARCH 6, 2018

Minutes of regular meeting of Council held this date.

PRESENT: John Shoop, Mayor; Mark Stewart, President; Charlie Lowrance, Pro-tempore. Lenard Carlisle, Tom Dettman and Scott Stanley, Councilmembers; Bob Swaine, City Attorney; Scott Noethlich, City Administrator; and Renee Puzynski, Administrative Assistant.

ABSENT: Kathy Haley, City Clerk

The invocation was given by Mayor Shoop followed by the Pledge of Allegiance.

Mayor Shoop stated race week is coming up with several different events that will be happening in Sebring and thanked Public Works staff, the CRA, Chamber of Commerce and Highlands Art League for putting on or sponsoring race week events.

Mayor Shoop and Police Chief Karl Hoglund recognized the 2017 Police Officers' of the Year: Retired Sergeant Mike Warner and Officer Shannon Strenth. Mayor Shoop read background biographies on Sergeant Mike Warner and Officer Strenth. Officers Warner and Strenth were present to receive certificates.

President Stewart asked Councilmembers if they had any comments or concerns. Mr. Lowrance stated Council had a workshop due to the recent shooting incident at Parkland School and the workshop was regarding school safety issues in our local schools. As a result of that workshop, he would like to make a motion that we instruct Chief Hoglund to reassign more School Resource Officers or armed guards to all of the schools within the City. We presently have one Resource Officer shared among 3 public schools and Mr. Lowrance would like one at each school. Mr. Stewart stated he doesn't think

anyone is against that, and that he would like to do that under New Business as Agenda Item #10 E.

President Stewart presented the consent agenda items. The items presented were: minutes from Council's regular meeting on February 20, 2018; Announcement of upcoming meetings from March 7– March 20, 2018; Appointment to Firefighters Pension Board; Special Assessment lien on property located at 567 Rose Avenue, Approval of Collective Bargaining Agreement with Police Union; Repairs to 2009 Peirce Fire Engine/Budget Amendment#26; and Sebring Soda Fest VIP after party @ Civic Center.

Moved by Carlisle, seconded by Dettman and with the unanimous vote of Council the consent items were passed.

Mr. Noethlich stated at your February 6, 2018 meeting Council instructed staff to obtain a quote to pave the undeveloped portion of Hawthorne Drive. Attached is a quote from Excavation Point to build approximately 400 LF of roadway at the cost of \$77,203. Also attached is a map showing the unpaved portion of Hawthorne Drive. Among the options available to Council are the following: Option 1 – Accept the quote and instruct staff to proceed with paving road. Option 2 – Do not proceed with paving and instruct staff to keep road right-of-way closed as it currently is at Simpson Avenue on one end and at Elizabeth Avenue on the other end or Option 3 – Any other option deemed appropriate by Council. It is staff's understanding that several property owners living in the area will be at the meeting and as I can tell they are and would like to speak in reference to whether or not we should pave Hawthorne Drive. Mr. Randy Swain who lives at 1701 Simpson Ave. came before Council and asked that they not pave Hawthorne Drive due to the fact that if Council paves Hawthorne Dr. that will put more traffic on

Simpson Ave. Further the Church at the end of the road has a lot of children that play outside and it will also take away parking for the church if you pave the road. Also, there needs to be a 50ft right-of-way and in some spots there is only 30 ft. of right-of-way and the church sits right on the property line so Simpson could never become a two lane road to accommodate extra traffic. Bishop Leroy Taylor of 4300 Santa Barbara Dr. came before Council and stated his son is the Pastor at the Church and there are a lot of kids that play out there and would like to see Council either vacate the right-of-ways or keep Hawthorne unpaved so that the kids will be safe. Mr. Jack Cunningham came before Council and stated that his preference is for Council to vacate the road, but if not he would like to see it remained closed. Mr. Carlisle and Mr. Stewart stated that they like Option #2 and asked who mows and maintains the property now. Mr. Cunningham stated there is not much that grows there now it's mainly sand and a few weeds. Mr. Cunningham stated if Council will allow him he will be glad to plant seed and water and mow it and maintain it himself on behalf of the City. Mr. Carlisle stated he would like to make the motion to accept Option 2 and do not proceed with paving and instruct staff to keep road right-of-way closed as it currently is at Simpson Avenue on one end and at Elizabeth Avenue on the other end, seconded by Dettman. Mr. Stewart asked if there were any additional comments. Mr. Elgin Bayless came before Council and stated that there is still a strip of land on Hawthorne Drive between the property owner's lots and the paved road that he owns. Mr. Bayless stated if Council is going to keep the road closed he would like to see the signs, barricades moved closer to the road way than where they currently are placed so that the garbage trucks or fire trucks have easier access to all the homes back in that area. Where the signs sit now it makes it difficult for large trucks to

make the turns and they are tearing up the right-of-ways trying to get around the signs. Mr. Bayless stated that concerning the small piece of land that he still owns on Hawthorne he is more than willing to just give the property to the City, if the City draws up the quitclaim deed then he will not have to worry about the property anymore and the property owners can take care of the property. Mr. Swaine stated he will be happy to work with Mr. Bayless and bring something back to Council. Mr. Stewart stated that would be appropriate and in the meantime asked that the signs/barriers be moved up. With there being no additional comments and with the unanimous vote of Council Option 2 was passed.

Mr. Noethlich stated at your February 6, 2018 meeting Council instructed staff to close Elizabeth Avenue with appropriate barricades at both ends of the road and to obtain a quote to pave the road. Attached is a quote from Excavation Point to pave approximately 565 LF of Elizabeth Avenue road right-of-way at the cost of \$108,796. Also attached is a map showing the unpaved portion of Elizabeth Avenue road right-of-way. Among the options available to Council are the following: Option 1 – Accept the quote and instruct staff to proceed with paving road. Option 2 – Do not proceed with paving and instruct staff to keep road right-of-way closed with appropriate barricades at each end of Elizabeth Avenue. Option 3 – Any other option deemed appropriate by Council.

Mr. Carlisle made the motion to accept Option 2 - do not proceed with paving and instruct staff to keep road right-of-way closed with appropriate barricades at each end of Elizabeth Avenue, Seconded by Dettman. Council discussed moving the signs/barricades

closer to the road way on Elizabeth Ave like Mr. Bayless requested for Hawthorne Drive and with the unanimous vote of Council Option 2 was passed.

Mr. Stewart stated next is Agenda Item 10A Sebring Police Department Concerns and asked Ms. Kitty Woodson Terry to come to the podium and asked Mr. Swaine to go over the issue. Mr. Swaine stated most of Miss Terry's concerns are that public documents that are in City records should be redacted and that is not something that City Council can authorize, even if Council wanted too, you could not direct or authorize the destruction of those public records. There is a statute by which a Court could order those to be expunged and if that was pursued that would be apply to any juridical proceeding including all the Police Department records and that is the only remedy for this issue. Mr. Stewart stated to Mr. Swaine so there is literally no action that City Council can take on this issue. Mr. Swaine stated correct. Mr. Stewart asked Mr. Swaine what Ms. Terry could do to pursue to remedy the issue. Mr. Swaine stated she has the ability under Florida Statue 943.0585 to petition the Court to have the records expunged. Ms. Terry went over her life history, work and background. Ms. Terry than continued to go over the details that was written in each police report and give her version of what happened and kept stating that most of the statements written in the reports were not true and should have never been written in the reports. Mr. Stewart stated to Ms. Terry that she was cleared on all of the issues she was discussing and there was no basis for anything and so you do not have a record, so you have not done anything wrong. Ms. Terry stated she was not convicted of anything and was cleared. Mr. Stewart stated you have been cleared and you are asking for the records to be erased and as explained Council does not have the authority to delete the records and asked Ms. Terry what is it that she wants

Council to do. Ms. Terry stated she is still concerned because this is public record and the reports are full of inaccuracies, misreporting, you can now pull this information off the internet and this is her reputation and police should not be able to write everything in the reports whether it would be true or not and feels like someone in charge of the Police Department should change the way they make and fill out reports. Mr. Dettman stated the cover letter dated February 2<sup>nd</sup>, 2018 which is actually the cover letter to a five page report where Chief Hoglund had gone through all of your concerns and each and every one of the police reports that has the issues in them and he encapsulated if you will, every single one of them and drew the official conclusion which is on the police reports and asked Ms. Terry if she had the opportunity to read it. Ms. Terry stated yes. Mr. Dettman stated that is probably the most important document in this entire packet. If you understand what Mr. Stewart is trying to say, the Councilmembers up here, although we are the Legislators for the City, we have no authority over public records. Your solution is to follow through with what Mr. Swaine explained to you under the Florida Statute and you can get your records expunged and the best thing you can do is show the Judge Chief Hoglund's summary which clearly states in each case that you was cleared. Ms. Terry stated she understands that she will need to follow up with the courts to have all the records expunged, but she would still like to see that the Police Department change their ways and not write such details in the reports.

Mrs. Kristie Vazquez, CRA Executive Director came before Council and referred to the Special Event Application for the Rockin' 50's Block Party. This event is scheduled for the Friday before the Sebring Soda Festival. The Sebring Community Redevelopment Agency (CRA) has partnered with the Sebring Commerce of Chamber

and the Tourist Development Council to showcase the downtown to extend the inaugural Sebring Soda Festival from a one day event to a two day event. The CRA is asking for the following for the Rockin' 50's Block Party: Establish date of event for Friday, April 6, 2018; Establish Friday event hours from 5:30 to 8:30 p.m.; Approve road closures as shown in Attachment 1 from 5:15 p.m. to 9:00 p.m.; Approve parking restrictions as deemed necessary by event organizer and Public Safety staff; Approve use of City stage; Approve placing signage around Circle to advertise event; Approve variance from City's open container ordinance and the CRA is requesting waiver of all fees. Mr. Dettman asked Ms. Vazquez who will be supplying the alcoholic beverages. Mrs. Vazquez stated the local downtown eateries in accordance to what their liquor and alcohol license allows. Mr. Dettman stated he did not see the Certificate of Liability Insurance attached in the packet that is required for all events and asked that the CRA provide the Certificate of Insurance before the event. Mrs. Vazquez stated she will provide the Certificate. Mr. Lowrance stated he is very supportive of the CRA events, but one thing he would like to see for future events is for the CRA to try to use more of the side streets so that the Circle is not continually closed off during events. Chief Hoglund stated that the Special Event Planning Committee looks at each event and makes the decision to either close the Circle or keep it open and since this event will be serving alcohol the Committee decided for safety reasons that it would be best to close the Circle.

Moved by Dettman to approve the waiver of fees and the event as presented based upon the CRA providing the Certificate of Liability Insurance, seconded by Carlisle and with the unanimous vote of Council the motion was passed.

Mrs. Vazquez next presented the Special Event Application for the Food Truck and Flicks event. The proposal is to schedule this event for the 2<sup>nd</sup> Friday of each month. The event will consist of food trucks and a movie. The Sebring Community Redevelopment Agency (CRA) is coordinating the event. We are asking for the following: Establish date of the 1<sup>st</sup> event as April 13, 2018 and thereafter the 2<sup>nd</sup> Friday of each month; Establish Friday event hours from 5:00 to 10:00 p.m.; Approve road closures as shown in Attachment 1 from 5:15 p.m. to 9:00 p.m.; Approve parking restrictions as deemed necessary by event organizer and Public Safety staff; Approve use of City stage (if needed); Approve placing signage around Circle to advertise event; Approve variance from City's open container ordinance; Approve use of Palm parking lot for the "Flicks" portion of the event and the CRA is requesting waiver of all fees.

Moved by Dettman to approve the waiver of fees and the event as presented based upon the CRA providing the Certificate of Liability Insurance, seconded by Carlisle and with the unanimous vote of Council the motion was passed.

Mrs. Vazquez stated that at Council's January 29, 2018 joint CRA and City Council workshop, the CRA board discussed the relocation of their office to the current location of the Downtown Sebring Chamber at 309 Circle Park Drive. This is a City owned building that is leased by the Chamber. This move would allow the CRA to have a greater presence in the downtown district, and provide a potential cost savings to the CRA. The CRA discussed the relocation with the Greater Sebring Chamber of Commerce Board of Directors, and they agreed to the CRA's request to take over the space at their 12/14/17 meeting. City Council approved of the relocation concept at the joint workshop and directed the CRA to make a formal request for the relocation and



applicable expenses at an upcoming meeting of the City Council. The CRA board is requesting the same lease terms currently offered to the Chamber as outlined: CRA would pay \$1/year lease; CRA would cover the expenses for power, liability & contents insurance, phone, and internet (with the approval from City Council to install a wireless connection utilizing a City office in close proximity if City IT deems it as possible); CRA would reimburse the City for the property insurance expense as the Chamber does currently; City would continue to cover the water, sewer and garbage expenses as the bathrooms within the office will still be made available for downtown events.

Attachment A was provided as an estimated cost breakdown based on the current rates paid by the Chamber. The CRA will also contribute half of the cost of the lowest bid to replace the roof on the Chamber building. The lowest bid was for \$11,750.00, and the CRA will contribute \$5,875.00 to the replacement. The CRA is prepared to incur additional costs to make updates to the interior of the building, and supply the needed furniture to outfit the office to meet our needs. Mrs. Vazquez asked Council to approve the CRA office relocation and applicable lease terms as detailed in the background section. Mr. Lowrance asked if the CRA would be keeping the same hours as they currently do in City Hall. Mrs. Vazquez stated yes. Mr. Dettman asked the duration of the lease. Mrs. Vazquez stated that would be up to Council discretion. Council discussed several options as to how long the lease should be and whether the CRA should pay more per year for the lease rather than the current offer of a dollar per year. Mr. Lowrance stated since the City would be losing \$7,000 a year in lease payments that the CRA currently pays and that he thinks the CRA should be responsible for covering all the costs of the roof replacement. Mr. Carlisle agreed with Mr. Lowrance. Mr. Noethlich stated

there may be some kind of reimbursement coming from the hurricane claim with the Insurance Company. Council continued to discuss if there is any reimbursement from the Insurance Company whether the City should keep the money or split the refund with the CRA. Mr. Lowrance made the motion that we lease the building for one dollar a year for a five year lease, the CRA pays for the roof and if there is any reimbursement on the roof the City will keep the reimbursement, seconded by Carlisle. Mr. Stewart asked if there were any comments from the audience. Mrs. Liz Barber with the Chamber of Commerce, who currently rents the downtown building, stated she is in support of the CRA leasing the building and stated to Council she would like to see if there is any reimbursement that it goes back to the CRA to use to help with the updating of the building and bathrooms and she is worried that if Council keeps any reimbursement the CRA Board may choose not to go through with the move and if that is the case the City Council would be required to cover the roof repairs under the current lease with the Chamber of Commerce. One of the issues downtown is there is constant complaints about public restrooms downtown especially during special events and with the CRA moving into the building the restrooms will become more accessible to the public, on a daily bases and during special events. The Chamber of Commerce does not have the funds to update the bathrooms or the staff the CRA has. Mayor Shoop stated he believes Mrs. Vazquez is doing a wonderful job and the more she increases the activities downtown the more our tax base will continue to increase and they are providing a big service by being downtown. Mrs. Audrey Ascitutto with the Democratic Women's Club came before Council and asked if the bathrooms can be utilized for events that are not CRA sponsored. Mrs. Barber stated the bathrooms are currently available to organized

events. The organizers just need to come to the Chamber of Commerce and check out a key, but they need to have a volunteer there to maintain and supervise the space. Council continued to discuss whether or not any possible reimbursement from insurance should go back to the CRA or if the City should keep it, since the City will be losing the \$7,000 per year in lease payments. Mr. Stewart stated there is a motion on the floor and asked for roll call, with Carlisle, Lowrance and Stanley voting aye and Dettman and Stewart voting nay the motion was passed.

Mr. Stewart stated at this time he would like to discuss under New Business as Agenda Item #10E and what the City should do about placing additional School Resource Officers at each school and the budget for that expense. Mr. Stewart asked Chief Hoglund to come up and give his perception of when and how additional Resource Officers could be achieved. Chief Hoglund in detail discussed how the Police Department is currently understaffed and that he is currently trying to fill three positions now and over the next several months he will be losing three additional staff members and the difficulties the department currently faces in trying to hire new Officers to fill vacant positions, let alone hire additional staff for a School Resource Officer at each school. Mr. Stewart asked if the Police Department currently works with or have any security measures in place such as maps or layouts of the private schools like the department has for the public schools. Chief Hoglund stated no but they can and have offered programs and presentations such as the Dare program and currently Saint Catherine's School does utilize the Dare Program. Mr. Stewart stated he feels like the private schools should be offered the same services and would like to see at least an on duty officer frequently visit the schools and make their presence known and asked Chief Hoglund to make contact with the schools and see if they

would like or need any additional services and get to know the schools lay out and would like to see at least an emergency security back up plan in place for the private schools also. Chief Hoglund stated he would be glad to reach out to the private schools and see what services they would like to see or may need. Council continued to discuss the budget and filling the current staff vacancies. Mr. Stanley stated at this time it is going to take some time to fill the current vacancies and he already has the funding for these open positions in this years budget, so let's address this issue again at budget time and if he happens to fill all the open positions before budget time then Chief Hoglund can come back before Council and at that time Council can address the additional positions and budget. The other Councilmembers agreed with Mr. Stanley and took no further action.

Chief Hoglund stated to Council that a little over a month ago Council approved the Sebring Fan Fest Event which included approximately 40 transporter semi-trucks that will participate in the parade. Initially the mall was to be used as a staging area but they ran into some issues so they have had to come up with an alternate route. Chief Hoglund explained the new route for the Transporter Parade. Mayor Shoop stated that under the new route we no longer need to close part of the parkway as in the previous approved route. Chief Hoglund stated yes. Council was in agreement with the new route.

Ms. Audrey Ascitutto representing the Democratic Women's Club of Highlands County came before Council and stated the Democratic Women's Club has two areas of concerns one being School support personnel carrying concealed weapons on school or college campus and two they would like to see stronger assault weapon regulations. Ms. Ascitutto presented a sample Ordinance and Resolution to Council that the Democratic Women's Club would like for Council to consider for adoption. Mr. Stanley asked

Attorney Bob Swaine if there was a State Law that precludes local governments from passing any ordinances or resolutions in regards to gun control. Mr. Swaine stated the State has laws that preempt local government from regulating guns. Ms. Ascitutto apologized to Council and stated she was not aware of the State Law precluding local governments from taking action on gun control, but the Democratic Women's Club was hoping if the legislators do decide and pass the current law they are considering that local Sherriff departments can arm school personnel that the City of Sebring would take a stance against the law and only allow School Resource Officers to carry weapons on school grounds. Mr. Swaine stated until the State takes away the prohibition on local governments weighing in on gun control we can't pass any ordinances or resolution in support. Chief Hoglund stated even if the State law would allow Council to weigh in, he would have to recommend that Council not take any actions without the other local municipalities being in agreement due to the fact it would be extremely difficult to enforce the ordinance just inside the City limits. Ms. Ascitutto thanked Council for their time.

AN ORDINANCE AMENDING SECTION 2-436(6) OF THE CODE OF ORDINANCES OF THE CITY OF SEBRING; AMENDING THE EFFECT OF FINAL ORDERS ISSUED IN LIEN REDUCTION HEARINGS BY THE CODE ENFORCEMENT BOARD; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE was read by Mr. Swaine. Mr. Swaine stated this would allow the Code Enforcement Board to hear a request more than once. Mr. Stanley asked why the Code Enforcement Board would need to have more than one hearing on the same case. Mr. Swaine explained this Ordinance came about because in a particular situation someone came before the Board was granted a lien

reduction. The person came back before the Board attempting to pay the lien off after the deadline expired and the Board is unable to take any further action on the case. This ordinance omits the line in the previous ordinance that states “no extensions of the 90 day period shall be permitted, and no further action by the Code Enforcement Board or the City Council shall be permitted regarding lien reduction”. This will give the Board at least the opportunity to hear and consider a request again.

Moved by Carlisle, seconded by Lowrance and the unanimous vote of Council the motion was passed.

AN ORDINANCE AMENDING SECTION 22-49 OF THE CODE OF ORDINANCES OF THE CITY OF SEBRING; PROVIDING FOR REPAIR OF DAMAGE TO A NON CONFORMING DOCK OR BOATHOUSE CAUSED BY A SUDDEN ACT OF GOD CASUALTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE was read by Mr. Swaine.

Moved by Dettman, seconded by Carlisle and the unanimous vote of Council the motion was passed.

AN ORDINANCE VACATING THAT PORTION OF THE UNNAMED ROAD RIGHT-OF-WAY LYING SOUTH OF KENILWORTH BOULEVARD AND BETWEEN LOTS 1 AND 2, BLOCK 158, SEBRING HIGHLANDS AND A PORTION OF LOTS 1 AND 2, BLOCK 354 ENGLEWOOD PARK SUBDIVISION, LYING IN SECTIONS 33 AND 34, TOWNSHIP 34 SOUTH, RANGE 29 EAST, HIGHLANDS COUNTY, FLORIDA, AS SHOWN ON HIGHLANDS COUNTY TAX MAPS 90C AND 90D, AND ESTABLISHING AN EFFECTIVE DATE was read. Mr. Swaine

stated the legal description in the ordinance does not match the footage in the attached map showing the proposed right-of-way to be vacated. Mr. Swaine stated you can vacate all the area shown on the map and if that is the case, the legal description in the ordinance needs to be amended. Council and Mr. Swaine discussed the map and the property lines of the surrounding neighbors and if they vacated all the right-of-way shown on the map, technically they would be vacating the other two property owner's right-of-ways to them also. Mr. Lowrance asked if the other two surrounding property owners have made any contact concerning the Hinkle's vacation request. Mr. Swaine and Mr. Noethlich stated no. Mr. Lowrance stated he would at least like to re-notify the other owners that they may be getting more land, which will affect their property taxes and they may not want the right-of-way vacated, Council was in agreement. Council also agreed it made more sense to vacate all the right-of-way as shown on the attached map. Mr. Stewart asked if we need to take any action at this time on the ordinance, since the City will be re-notifying other property owners of the change. Mr. Swaine stated it could be placed on a future agenda for 1<sup>st</sup> reading again or you can pass it on 1<sup>st</sup> reading now subject to the ordinance change.

Mr. Lowrance made the motion to pass the ordinance subject to the legal description being changed and to re-notify the properties owners. Seconded by Carlisle. Mr. Stewart asked if there was any additional comments. Chief Dettman stated I would like some clarification on the notification. Mr. Noethlich stated all the property owners were notified. Mr. Stanley asked if the notification was just on the Hinkle property. Mr. Stewart stated they need to be notified that this also involves their property, not just the Hinkle's. Mr. Dettman stated we should wait to take any actions until the property

owners are notified again with the changes. Mr. Lowrance stated we could always not approve the ordinance at the second reading if the adjoining property owners object, so that Mr. Hinkle's request could continue to move forward. Mr. Dettman stated Council should not approve the ordinance tonight. Mr. Swaine stated it would be better to not approve it tonight, the City has to publish an advertisement of the 2<sup>nd</sup> reading, and this will save the City publication costs at this time. Mr. Lowrance stated he is withdrawing his motion. Council was in agreement to wait and have Mr. Swaine bring the ordinance back to Council for 1<sup>st</sup> reading.

The City bills were presented for payment as follows:

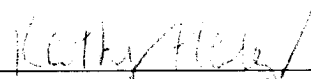
General Fund	\$ 25,476.74
CRA	\$ 11,359.84
Infrastructure	\$ 1,908.00
Water & Wastewater	\$ 69,403.90
Solid Waste	\$ 4,815.31
Golf Course	\$ 354.11

Moved by Carlisle, seconded by Lowrance and with the unanimous vote of Council, the motion passed to approve the paying of the bills as presented.

There being no further business, the meeting was adjourned.

  
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 Mark Stewart, Council President

ATTEST:

  
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 Kathy Haley, CMC, City Clerk