

CITY HALL, SEBRING, FLORIDA, August 7, 2018

Minutes of regular meeting of Council held this date.

PRESENT: John Shoop, Mayor, Charlie Lowrance, President Lenard Carlisle, Scott Stanley and Mark Stewart, Councilmembers; Bob Swaine, City Attorney; Scott Noethlich, City Administrator and Kathy Haley, City Clerk.

ABSENT: Tom Dettman, Pro-tempore.

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

President Lowrance presented the consent agenda items. The items presented for approval were: minutes from Council's general fund workshop on July 12, 2018, regular meeting on July 17, 2018, general fund budget workshop on July 17, 2018 and special meeting on July 18, 2018; announcement of upcoming meetings from August 9 – August 21, 2018; approve amendment 2017-1 to the Plan Document and Summary Plan Description of the City of Sebring Employee Benefit Plan as presented; approve Resolution #2018-11 and budget amendment #95 for landfill tipping fees as presented; approve Resolution #2018-13 authorizing Council President to sign Certificate to non-ad valorem assessment roll for solid waste as presented; update on the MS4 permit for stormwater management.

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

Mr. Lowrance stated that Council will now enter into a Public Hearing. The purpose of the public hearing is to consider a resolution that, if passed, will reimpose a Special Assessment for the provision of fire protection service within the municipal

boundaries of the City. The assessment is currently levied at 14.75% of the maximum allowed. For fiscal year 2018/2019 the City Council is proposing to increase the level to 17.4% of the maximum allowed which will result in rates as shown in Exhibit "A". The fire assessment is expected to generate \$518,687 in revenue and is used to help offset property taxes. The purpose of this public hearing is to receive public comments on the proposed assessment. Following the public hearing, Council will consider the final rate resolution that would impose the fire assessment. Mr. Noethlich went over each category with the proposed new rate. Mr. Lowrance stated that the City's rates are lower than the County's rates.

There being no further comments from the Council or the public, the public hearing was closed.

A RESOLUTION OF THE CITY OF SEBRING, FLORIDA, RELATING TO THE PROVISION OF FIRE PROTECTION SERVICES, FACILITIES AND PROGRAMS IN THE CITY OF SEBRING, FLORIDA; ESTABLISHING THE RATE OF ASSESSMENT CONFIRMING THE PRELIMINARY RATE RESOLUTION; REIMPOSING FIRE PROTECTION ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE CITY OF SEBRING FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2018; APPROVING THE ASSESSMENT ROLL; AND PROVIDING AN EFFECTIVE DATE was presented. Attorney Swaine stated that if Council approves this resolution it will adopt the rates as presented in the public hearing.

Moved by Carlisle, seconded by Stewart and the unanimous vote of Council to approve final assessment Resolution #2018-12 as presented.

Mr. Lowrance stated that Council will now enter into a Public Hearing. Mr. Lowrance stated that at Council's August 15, 2017 meeting, Council accepted a Citizen Advisory Task Force recommendation to apply for a Community Development Block Grant for a neighborhood revitalization project. The purpose of this public hearing is for Fred Fox, with Fred Fox Enterprises to present the scope of the project and to receive citizen input. Following the public hearing, Council will consider three resolutions pertaining to the application. Mr. Fox passed out a sign in sheet for those in attendance in the audience. Mr. Fox explained the grant process. Mr. Fox went through and explained each proposed project. Mr. Fox stated this will be bid as one project. Mr. Lowrance asked if all of the projects had to be done all at one time. Attorney Swaine stated the projects can be done in phases.

There being no further comments from the Council or the public, the public hearing was closed.

A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR THE SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY FOR FEDERAL FISCAL YEAR 2017 was presented. Attorney Swaine stated that if Council wishes to move forward with these projects they will need to approve the resolution.

Moved by Carlisle, seconded by Stanley and the unanimous vote of Council to approve Resolution #2018-14 as presented.

A RESOLUTION OF THE CITY OF SEBRING AUTHORIZING THE IMPLEMENTATION OF THE LONG TERM AND SHORT TERM OBJECTIVES OF THE CITY OF SEBRING COMMUNITY DEVELOPMENT PLAN was presented.

Moved by Stanley, seconded by Carlisle and the unanimous vote of Council to approve Resolution #2018-15 as presented.

A RESOLUTION AUTHORIZING THE USE OF ONE HUNDRED EIGHT THOUSAND THREE HUNDRED SIXTY-FIVE DOLLARS AND EIGHTY-SEVEN CENTS (\$108,365.87) IN TOTAL MATCH FUNDING FOR THE CITY OF SEBRING FEDERAL FISCAL YEAR 2017 SMALL CITIES CDBG APPLICATION. THE ONE HUNDRED EIGHT THOUSAND THREE HUNDRED SIXTY-FIVE DOLLARS AND EIGHTY-SEVEN CENTS (\$108,365.87) IS BEING COMMITTED TO AS LEVERAGE NEEDED TO MAKE PAYMENT TO THE ENGINEER AND COMPLETE CONSTRUCTION OF THE ACTIVITIES INCLUDED IN THE SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION IN THE NEIGHBORHOOD REVITALIZATION CATEGORY THE CITY IS SUBMITTING TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY. Attorney Swaine explained that this is the City's match. The CRA will provide \$50,000.00 of this amount and the balance of \$58,365.87 will come from the City's Infrastructure Fund.

Moved by Carlisle, seconded by Stanley and the unanimous vote of Council to approve Resolution #2018-16 as presented.

Mr. Lowrance stated that Council will now enter into a Public Hearing. The purpose of the public hearing is to consider an ordinance that, if passed, will amend and restate the City's sign regulations. Exhibit "A" attached to Ordinance #1426 is the new Chapter 17 of the City Code of Ordinances regulating signs. Regulations having to do with illumination standards, electric message center signs and design guidelines for the CRA and historical district will be considered by separate ordinance. The purpose of this

public hearing is to receive public comments on the proposed ordinance. Ms. Jennifer Codo-Salisbury, with Central Florida Regional Planning Council, explained the proposed sign code changes and the definitions. Mr. Chip Boring, representing RE-MAX Realty, came before Council to discuss his sign that was damaged in Hurricane Irma. Mr. Boring gave a handout showing his property and stated that to rebuild his sign where it used to be would not be in compliance if the changes are approved. Mr. Boring stated these changes would not only affect his business but many others along Highway 27. Mr. Boring asked why is the ordinance being changed. Mr. Ross MacBeth stated he owns several properties that would be affected by this ordinance because they also would no longer be in compliance and this will cost a lot of money to have the signs moved. Mr. MacBeth stated he doesn't understand why the change in setbacks. Mr. Arthur Pollio, owner and manager of the Sunset Beach Motel, discussed about a free joint venture with the City to advertise different downtown events, etc. if he is allowed to put up an off-premise sign at his location. Mr. Lowrance stated that the intention of 17-11.01 C was to make sure signs did not prohibit the lake view. Mr. Lowrance stated that he will not be voting on this issue because he has an off-premise sign inside the city limits and it would be a conflict of interest. Mr. Lowrance discussed the State and City regulations. Mr. Swaine stated he interpreted the City's regulations a little different and explained. Mr. Lowrance stated he feels Mr. Pollio's idea is a great one. Mr. Stewart stated there are only a certain number of signs allowed. Mayor Shoop answered Mr. Boring's earlier question and stated this issue is being addressed because it has become confusing and the City is trying to bring things into code. Mr. Shoop asked Ms. Codo-Salisbury about signs being grandfathered in. Mr. Stewart stated he feels old signs should be let go but new

signs would need to comply. Ms. Codo-Salisbury explained and stated the way the code is written and that in seven years all signs would have to be in compliance. Mr. Stanley stated that there are a lot of signs that do not meet code and never did and this ordinance is trying to fix that issue also. Mr. Lowrance stated most of the signs on the highway are right on the property line and this would be a huge expense if all of these businesses had to move their signs. Mr. Lowrance also discussed the tree ordinance and as the trees grow could cover up the signs. Mr. Lowrance stated he feels signs should be able to be placed on the edge of the property line. Mr. Carlisle stated he wished the business owners would have come before them when we were having the workshops so these issues could have been discussed. Mr. Carlisle stated we have to have rules and need to follow them but we don't want to hurt the businesses either. Mr. Stanley stated we need to decide if we want to change the setbacks but we can't fix every situation. Mr. Lowrance stated we need to find a way for businesses to not have to replace an expensive sign in seven years. The consensus of Council was to not have setbacks. Ms. Codo-Salisbury stated she does not have a problem with this and Council can always change it later. Council discussed options to have an off premise signs regarding the Sunset Beach Motel property. Mr. Stanley stated this could bring up questions from property owners across the highway regarding their sign rights. Mr. Noethlich asked how is the 1,000 feet between signs measured, is it measured diagonally or linear and feels this needs to be clarified. Mr. Noethlich stated the State follows the roadway. Mayor Shoop suggested measuring from the middle of the road with the exception of Lake Jackson. Mr. Stewart stated he would like to limit signs on both sides of the highway and have one sign per 1,000 feet.

There being no further comments from the Council or the public, the public hearing was closed.

AN ORDINANCE AMENDING AND RESTATING CHAPTER 17 REGARDING SIGNS BY DEFINING TEMPORARY, PERMANENT AND OFF-PREMISES SIGNS AND BY SETTING FORTH THE CRITERIA FOR PROHIBITED AND EXEMPT SIGNS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE was read. Mr. Swaine stated the only change in this ordinance will be the deletion in Section 17-10.02 A 8 regarding the setbacks.

Moved by Stewart, seconded by Carlisle and with Carlisle, Stanley and Stewart voting aye and Lowrance abstaining as he stated earlier in the public hearing, the ordinance was passed on 1st reading with changes and 2nd and final reading for August 21, 2018.

Mr. Lowrance stated that Council will now enter into a Public Hearing. The purpose of the public hearing is to consider an ordinance that, if passed, will provide guidelines for illumination standards, electric message center signs and design guidelines for signage within the CRA and historic district. The purpose of this public hearing is to receive public comments on the proposed ordinance. Ms. Codo-Salisbury had passed out a brochure that is a summary of the proposed sign regulations. Ms. Codo-Salisbury discussed the regulations in the historic and CRA districts. Ms. Codo-Salisbury went over the brightness of signs and stated the Historic Preservation Commission will be discussing this at their next meeting and the Planning & Zoning Board will meet on

August 14th to discuss and she will bring back any suggested changes at Council's August 21st meeting. Mr. Lowrance asked if the changes will be just for the historic and CRA districts or in general. Ms. Codo-Salisbury stated in general. Mr. Lowrance stated he did not feel the language was clear. Mr. Swaine stated he can clarify the language. Mr. Lowrance stated he will also be abstaining as he did previously. Mr. Lowrance also stated that he felt the more restrictions we place on businesses the harder it makes on them and they may decide to have their business in the County, etc.

There being no further comments from the Council or the public, the public hearing was closed.

Attorney Swaine stated that Ordinance #1427 was to be presented for 1st reading but with Stanley and Lowrance having to abstain and Dettman not being present there is not a quorum to vote. Mr. Swaine stated that 1st reading will be presented at a later date when a quorum would be present.

Ms. Jamey Binneveld, stated that later this week a circus is coming to the Highlands County Fair Grounds. Ms. Binneveld would like to make sure that the ordinance Council passed last year banning the use of rods, pipes, etc. is strictly followed. Ms. Binneveld passed out pictures showing the use of weapons that are disguised in pipes, etc. Mr. Shoop stated if the Federal government has been after the handlers and they have not been able to get to them how is the City to handle them. Ms. Binneveld stated the USDA is to inspect the circus and there is not enough employees for them to do this so the laws are not enforced and this is why local cities have started having their own ordinance so they can enforce it. Ms. Binneveld thanked Police Chief Hoglund for his cooperation and asked if the circus would be videotaped. Chief Hoglund stated at the last

circus he had officers present at each show and the shows were videotaped. Officers also inspected the pvc pipe and they were hollow and did not have a bull hook inside. Chief Hoglund stated he does not plan to shut down the circus in the middle of a show but the videotapes can be reviewed later and enforce fines. Chief Hoglund stated he has talked with the handlers and they are aware of the city's ordinance. Mr. Stewart stated he disagrees with Chief Hoglund and feels if the handler has a pvc pipe this is not acceptable. Mr. Stanley stated he is not in favor of animals being hurt, but if a pvc pipe is hollow and they are not beating the animal he doesn't have a problem. Chief Hoglund stated if the ordinance is revised to state nothing can be in the ring with the handler on the animal then he could enforce it better. Mr. Lowrance stated he has seen other animals and they are trained with rewards for doing good work and agrees with Mr. Stewart. Mr. Shoop stated he also agrees with Mr. Stewart and if the animal has been hit with a pvc pipe in training then they are threatened by this. Mr. Shoop stated the City is trying to do the right thing but we do not know how these animals have been trained. Chief Hoglund stated he has a call into the USDA representative but it has been difficult to reach someone. Chief Hoglund recommended again that perhaps the ordinance can be revised to state no device is allowed in the ring. Mr. Carlisle stated we need to trust the police department to do their job to enforce the ordinance and keep their eye on it. Chief Hoglund stated there will be someone at all four shows and it will be videotaped. Chief Hoglund stated he has also asked another agency to look at the videotapes to see if they miss anything. Mr. Lowrance asked about the training of 4-H animals. Chief Hoglund stated 4-H animals are not exotic animals and are not governed by this ordinance. Ms. Binneveld explained the difference but also stated she would not like them to be treated

this way.

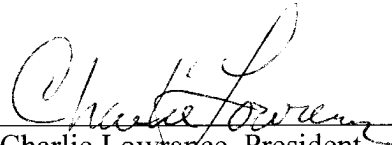
Mr. Noethlich reported there is a billboard located to the South of the Gate Station on U.S. Highway 27. The sign is not in compliance and is in a prohibited area. The ordinance allows the sign to stay until is destroyed or damaged to the extent of 50% or more of its replacement value. The sign was damaged during Hurricane Irma beyond 50%. The owner has rebuilt the sign without having obtained a building permit. The owners have been sent a letter and Duke Energy has since disconnected electricity to the sign. Mr. Noethlich asked Council if they wish to proceed with legal action against Lamar Signs. Mr. Swaine stated he has not written them a letter but has had a phone conversation back in October and explained the city's ordinance and that the sign is in violation but has not heard back from them. Mr. Stewart stated he feels they should be able to put the sign back. Mr. Carlisle stated he disagrees and feels the city's rules should be followed. Mr. Lowrance agreed and stated the ordinance is specific and should be followed. Mr. Shoop agreed. Mr. Stanley asked about any State laws that could be enforced but feels we should enforce our rules. Mr. Swaine stated he will proceed. Mr. Stewart stated he feel bad for them because of an Act of God they will face this hardship.

The City bills were presented for payment as follows:

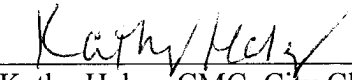
General Fund	\$ 62,296.27
CRA	\$ 3,193.50
Infrastructure	\$176,305.80
Water & Wastewater	\$530,796.70
Solid Waste	\$ 46,957.06
Golf Course	\$ 33,685.39
P-Card	\$ 47,146.53

Moved by Carlisle, seconded by Stanley 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.


Charlie Lowrance, President

ATTEST:


Kathy Haley, CMC, City Clerk