



**AGENDA
ARCADIA CITY COUNCIL
CITY COUNCIL CHAMBERS
23 NORTH POLK AVENUE, ARCADIA FL**

**TUESDAY, JANUARY 21, 2014
6:00 PM**

CALL TO ORDER, INVOCATION, PLEDGE AND ROLL CALL

PRESENTATION

CONSENT AGENDA

1. Request for Special Event Permit – Community Driven Clean-Up (Pam Ames of Arcadia Main Street Program/Carl McQuay – Permits)
2. Right of Entry Agreement (FDOT/AJ Berndt– Utilities)
3. City Council Minutes for December 3, 2013 (City Clerk)
4. City Council Minutes for January 7, 2014 (City Clerk)
5. 2014 Holiday Schedule (City Clerk)

DISCUSSION ITEMS

6. City Administration Search Committee Update (Chairman John Super)
7. Ordinance Regulating Solicitation – Second Reading (Legal)
8. Ordinance Regulating Behavior in Public Places – Second Reading (Legal)
9. Ordinance Updating City's Land Development Regulations (Carl McQuay)
10. Vacate Right-of-Way (Carl McQuay/Permits – Tom Slaughter/Interim City Administrator)

COMMENTS FROM DEPARTMENTS

City Marshall
City Code Enforcement
City Attorney
Interim City Administrator

PUBLIC (Please limit presentation to five minutes)

MAYOR AND COUNCIL REPORTS

ADJOURN

NOTE: Any party desiring a verbatim record of the proceedings of this hearing for the purpose of appeal is advised to make private arrangements therefore.

PLEASE TURN OFF OR SILENCE ALL CELL PHONES

AGENDA No. 1



CITY COUNCIL AGENDA ITEM
Requested Council Meeting Date: January 21, 2014

DEPARTMENT: Planning and Zoning
SUBJECT: Community driven clean up for the City of Arcadia

RECOMMENDED MOTION: Council Approval

SUMMARY: The Arcadia Main Street Program would like to request permission from the City of Arcadia to organize a community driven clean up of Arcadia on Feb 14th and 15th. The first areas to be concentrated on will be Hickory, Oak and Magnolia Streets. We hope that this will become an ongoing project and extend the clean up through the City.

Initiate an "I love Arcadia" campaign in hopes of instilling community pride in our town.

The Main Street Program will be inviting all clubs and organizations to join us in this effort.

FISCAL IMPACT: _____ () Capital Budget
() Operating
() Other

ATTACHMENTS: () Ordinance () Resolution () Budget (x) Other

Department Head: Carl A. McQuay Date: 01/14/14

Finance Director (As to Budget Requirements) Date:

City Attorney (As to Form and Legality) Date:

City Administrator: Tom Slaughter Date:

COUNCIL ACTION: () Approved as Recommended () Disapproved
() Tabled Indefinitely () Tabled to Date Certain _____ () Approved with Modifications

SPECIAL EVENTS

A special event is defined as any event held in the city that is open and advertised to the public or which could limit the normal use and access to an area by the general public, or which is deemed to have an impact on the city rights-of-way or could affect public safety, and which is less than two weeks in duration. These events could be, but are not limited to:

Festivals	Fairs	Carnivals
Flea Markets	Expo's	Tent Sales
Walk-a-thons	Parades	Road Races
Tournaments	Pony Rides	Petting Zoos
Concerts	Car Shows	Boat Shows
Battles of the Bands	Fireworks Displays	Public Gatherings

All special events require a **SPECIAL EVENT PERMIT**. Event organizers shall obtain a Special Event Permit application from the City Administrator's office, to be returned to that office at least thirty (30) days prior to the anticipated date of the event. Any required documentation or attachments should be included with the application. The completed application must include legible information detailing:

- a. A narrative describing the approximate number of people expected to attend,
- b. Whether signs will be placed in the city rights-of-way,
- c. Any special or unusual circumstances (cooking, alcoholic beverages, wildlife, fireworks, carnival type rides, outdoor music, etc.)
- d. Indicate whether additional electric service will be required, and if so where.
- e. Whether streets will be closed, or barricades erected.
- f. Include details of traffic control, emergency access and parking arrangements.
- g. Describe the provisions made for collection of trash, garbage & recycling.

- h. If applicable, specify the location and indicate whether or not you have the owner's permission to hold the event at that location and provide owner's contact information.

The event sponsor will be responsible for any cost incurred by the City for set-up or clean-up of the event, and any security provided by on-duty law enforcement. The sponsor will have the option of providing its own security, at its own cost, through a private security company or off-duty officers.

All special events are subject to final approval by the City Administrator, Police Department and possibly the City Council.

INSURANCE - The event organizer shall provide proof of liability insurance coverage naming the City as an additional insured on the Comprehensive General Liability Policy. An Indemnification and Hold Harmless Agreement must be signed by an authorized representative of the organizing group and submitted along with the Certificate of Insurance and application packet.

INDEMNIFICATION & HOLD HARMLESS

I, Megan McKibben as Program Manager of Arcadia Main Street Program do hereby agree to hold the City of Arcadia, (Club, organization, group, etc)

its agents and employees, harmless and indemnify same from any civil actions or claims of any nature made in connection with the event known as the Clean Up Arcadia to be held at Magnolia, Oak + Hickory Streets on 2/14-15/14

By: Megan McKibben (Signature)
Printed Name: Megan McKibben
Entity Name: Arcadia Main Street
Its: Program Manager
Date: Jan 14, 2014

STATE OF FLORIDA

COUNTY OF _____

Sworn to and subscribed before me this _____ day of _____, by _____ as _____ of _____ who [] is personally known to me or [] has produced _____ as identification.

NOTARY PUBLIC

(SEAL)



City of Arcadia
SPECIAL EVENT PERMIT APPLICATION

Date Submitted: 1/14/14
Event Name: Clean Up Arcadia
Event Location: Hickory, Oak & Magnolia Streets
Date(s) of Event: 2/14+15/2014 Hours of Event: 9:00am - 5:00pm
Expected Attendance: 100
Event Sponsor: Arcadia Main Street Non-Profit? [X] YES [] NO
Description of Event: Organize a community driven effort to clean up along Hickory, Oak & Magnolia St.

Contact Person: Megan McKibben Telephone: (863)
Fax #: Email:
Insurance Carrier: See Previous Info Submitted

Insurance Agent: Agent's Phone:

- Alcoholic Beverages? [] YES [X] NO
Tents? [] YES [X] NO
Cooking? [] YES [X] NO
Outdoor Music? [] YES [X] NO
Additional Electric? [] YES [X] NO
Carnival Rides? [] YES [X] NO
Wildlife? [] YES [X] NO
Fireworks? [] YES [X] NO
Signs Displayed? [] YES [X] NO
Set-up/Clean-up by City? [] YES [] NO
City Police required? [] YES [X] NO
Road Closures? [] YES [X] NO

If Yes, please specify locations:

Other Pertinent Information:

*****FOR CITY USE ONLY*****

Received by: City Marshal, City Administrator, City Council
Date: / /
Approved/Disapproved checkboxes

FOOD - ALL food and beverage vendors shall provide copies of their State of Florida Health Department license. All food vendors whose cooking creates grease-laden vapors shall have a mounted certified fire extinguisher.

ALCOHOL - Will alcoholic beverages be sold or consumed on the premises? If yes, organizer or sponsor shall submit a copy of the Florida Alcoholic Beverages Permit 15 days prior to the event. You can download a One/Two/Three day alcohol sales permit from the State at http://www.myfloridalicense.com/dbpr/sto/file_download/file-download-abandt.shtml

USE OF CITY PERSONNEL - If city personnel are used for set-up or clean-up, or for security, outside of normal work hours, it will be the responsibility of the event sponsor to pay the salary of those personnel for the time they spend on the event.

By completing and submitting the attached application, I certify that:

- I have read and agree to abide by the terms and conditions set forth above,
- that I will be designated as the (sole) contact person for the event,
- that I will be responsible for applying for and attaching all required permits and documentation, and
- that I am responsible for any fees which may be incurred as a result of this event .



Signature of Applicant/Event Sponsor



Date



PRINTED Name of Above



Contact Phone #

AGENDA No. 2



CITY COUNCIL AGENDA ITEM

Requested Council Meeting Date: January 21, 2014, 2013

DEPARTMENT: Utility Department

SUBJECT: Right of Way Agreement

RECOMMENDED MOTION: Approve

SUMMARY: To allow D.O.T. Contractor to place water and sewer within the Mobile Home Park located on US 17.

FISCAL IMPACT: None

Capital Budget

Operating

Other

ATTACHMENTS: Ordinance Resolution Budget Other

Department Head: A.J. Berndt

Date: 01-14-14

Finance Director (As to Budget Requirements)

Date:

City Attorney (As to Form and Legality)

Date:

City Administrator: Tom Slaughter

Date:

COUNCIL ACTION: Approved as Recommended

Disapproved

Tabled Indefinitely Tabled to Date Certain _____

Approved with Modifications

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
RIGHT OF ENTRY AGREEMENT

ITEM/SEGMENT NO.: 193898-2-52-01
MANAGING DISTRICT: I
F.A.P. NO.: TCSP 051.U
STATE ROAD NO.: 35
COUNTY: DESOTO
PARCEL NO.: 166

STATE OF FLORIDA
COUNTY OF DESOTO

THIS AGREEMENT, made and entered into on the _____ day of _____, _____
by and between

hereinafter called the "OWNER" and the State of Florida Department of Transportation, hereinafter called the "DEPARTMENT."

WITNESSETH:

WHEREAS, the Department has acquired the property described as Parcel 166
as right of way for the construction of the above referenced project; and

WHEREAS, there are certain improvements affected by the above referenced project which are located upon the Owner's remaining property; and

WHEREAS, it is hereby determined to be in the best interest of the Owner and the Department to remove and/or demolish these improvements.

NOW, THEREFORE, in consideration of the above stated premises, the Owner and the Department hereby agree that the Department and/or its duly authorized representative shall have the right to enter upon the Owner's remaining lands for the purpose of removing and/or demolishing the above improvements. It is further understood and agreed that the Department and/or its duly authorized representative will restore the remaining lands to a safe and sanitary condition after the demolition or removal of the improvements.

OWNER:

DEPARTMENT:

Signature Date

Name (Please Print or Type)

Signature Date

Name (Please Print or Type)

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

By: _____
Agent's Signature

Name (Please Print or Type)

AGENDA No. 3



CITY COUNCIL AGENDA ITEM
Requested Council Meeting Date: January 21, 2014

DEPARTMENT: City Clerk
SUBJECT: December 3, 2013 Minutes

RECOMMENDED MOTION: Council Approval

SUMMARY: These minutes were approved at the Council Meeting on January 7, 2014. After approval, various council members asked for minutes to be retyped due to typographical errors. Therefore, before said minutes can be corrected, council approval is required.

FISCAL IMPACT: _____ () Capital Budget
() Operating
() Other

ATTACHMENTS: () Ordinance () Resolution () Budget (x) Other

Department Head: _____ Date: _____

Finance Director (As to Budget Requirements) _____ Date: _____

City Attorney (As to Form and Legality) _____ Date: _____

City Administrator: Tom Slaughter _____ Date: _____

COUNCIL ACTION: () Approved as Recommended () Disapproved
() Tabled Indefinitely () Tabled to Date Certain _____ () Approved with Modifications

MINUTES
ARCADIA CITY COUNCIL
CITY OF ARCADIA
TUESDAY, December 3, 2013

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.

CALL TO ORDER, INVOCATION, PLEDGE OF ALLEGIANCE & ROLL CALL

The meeting was called to order at approximately 6:00 p.m.

Pastor Elmore gave the invocation which was followed by Mayor Frierson beginning the Pledge of Allegiance.

Arcadia City Council

Mayor Alice Frierson
Deputy Mayor Fink
Councilman Robert Allen

Councilman Robert Heine
Councilman Keith Keene

Arcadia City Staff

City Administrator Tom Slaughter
City Attorney Thomas Wohl
City Code Enforcement Officer Carl McQuay

Planning Specialist Christi Pence
Marshal Matt Anderson
Finance Clerk Ashley Killmon

Presentations:

City Administrator review per chapter as well as our Code of Ordinance, we had to fill some of our key positions. Penny Delaney, when we started discussing about skill sets we were looking for in the job description itself. Mrs. Delaney has a background in law and administration and has the knowledge in our community. Mrs. Delaney fits the job description as well. We had created a slot committed those involved was the Marshal Matt Anderson, Ashley Killmon from Finance, Steve Underwood with the Public Works Department. Mrs. Delaney has worked in law and government most of her life and involved in the community as well. Staff recommendation is to bring this forward for the record Section 2-112 appointment by the City Administrator sub to approval to City Council. I would like to present Mrs. Delaney as our preferred candidate.

Mayor responds – Penny Delaney, would you please come forward and introduce yourself.

Penny Delaney responds - I was born and raised in the City of Arcadia. I am married to Bill Delaney who is a highway patrolman. I would like to thank each and every one of you for giving me this opportunity.

Deputy Mayor Fink makes a motion to move forward and accept Penny Delaney as our City Clerk for the City of Arcadia.

Councilman Heine seconds the motion. All in favor 5-0.

City Administrator responds – the City is required to finalize a background check and a physical as well. I will confirm this and make notice next meeting.

Mayor replies on the Consent Agenda – remove Item 4.

City Attorney – just to clarify that it's being removed because it was already approved at a prior meeting.

Councilman Heine makes motion to approve.

Deputy Mayor Fink seconds it. Motion carries 5-0.

Agenda Item 2 Special Event Airport Fly-In Rodeo Weekend

City Administrator responds – we really struggled as to if this was a special event or not because this does not fit all the categories we normally have. We thought, for precaution, to put together something to do a joint meeting with the chairperson of the Arcadia Airport.

We've been working on this for seven months and we would like to part with the City on this event. Currently, we are working with the Rodeo Association and with the County. This is a small first step to making Arcadia Airport a destination. We would appreciate you joining with us and approving this for March 7-9, 2014 for the rodeo weekend.

Agenda Item 5 Leadership of DeSoto

On the Leadership, they are asking for a representative from the Council on December 18th, for about an hour to an hour and a half. I cannot participate that day. Councilman Keene responds – what day is that on. Mayor replies – it's on a Wednesday. Councilman Keen responds – I may be able to attend. I say as many of council that is available would be great.

Agenda Item 3 Budget Update

Mayor responds – I sure hope each and every one of you has looked at the beginning balance for the year of the contingency fund. It was terrible last year and we really need to stay on budget for this year.

Agenda Item 6 Violation of the City Ordinance No. 974 by Tremron Inc (Code Enforcement)

Carl McQuay from Code Enforcement responds – This complaint was given to the former administrator by Mrs. Ann Pepper on October 15, 2013. The complaint stated that the bay doors at Tremron were open on the following dates: September 15, 17, and 30 of 2013 after the prescribed times allotted in Ordinance 974. I issued a warning notice to Mr. Bobby Vansickle, the manger of Tremron. Mrs. Pepper met up with Code Enforcement and Marshal Matt Anderson to discuss her concerns that she felt was in violation of City Code Ordinance No. 974. Then I had coordinated with an inspector with Tremron, Fire Marshal Rick Sudol and DeSoto County Building Director Lester Hornbake. All questionable violations have been addressed and corrected. Tremron has plans of building additional buildings on the property. At this time, a new site plan will be required and we can address any concerns that may be problematic

to the existing plans and ordinances. Mayor responds with this addition – are they going to hire more employees? Carl McQuay responds – yes, with this new addition, they are also going to put up sound marries. Tremron has done everything they are supposed to do.

Councilman Keene replies – I can recall with conversation with them, I just wanted them to be good neighbors. In addition to them expanding, I think that's great, especially for the City of Arcadia.

City Attorney responds – the main complaint, wasn't it the noise?

Carl McQuay responds – actually it was the vibration.

Agenda Item 7 Emergency Repair of Storm Sewer

City Administrator responds – Our city purchasing policy does require larger expenses category 4 to come to council. This was clearly an issue we had to move on very quickly because the way the road was failing was dangerous to motorist and to pedestrians walking the streets.

Fred Lewis, Utilities Supervisor, discusses what had happened – We had a main storm pipe that crossed Maple Street which had collapsed and caused a big void underneath the road. What we'd like to do is replace the curb inlets, storm drain piping, as well as an 8 inch sewer main that crosses Maple Street.

Mayor relies – how long will this take?

Fred Lewis replies – I had spoken with the contractor, the holdup was to get the boxes because he is replacing three basins and a conjunction box and he said he will start on it in the middle of next week.

Councilman Heine responds – is this an estimated bid - \$54,868.00?

Fred Lewis responds – yes, that's his final bid.

Council man Heine makes motion to move forward.

Deputy Fink seconds it. Motion carries 5-0.

Agenda Item 8 Airport Lease Modification Agreement

City Attorney gives background of Mr. Frierson's father who was given a lease back in 1976 by the City for a portion of the airport to use as a hanger. In 1986, the council voted to sign the rights to lease to his son, Gary Frierson. The only way this lease would be terminated is 1) if Mr. Frierson passed away or, 2) if Mr. Frierson ceased using the property to storage an aircraft. It does not require this to be Mr. Frierson's personal aircraft. It just states as long as he is storing an aircraft there.

We would like to modify the lease and put a definite term on the lease. We agreed twenty years. Only those individuals executing this agreement and their spouses and lineal descendants shall have the right to make use of the land described herein as Parcel No. _____. That in the event the person or persons executing this agreement, their spouses or lineal descendants, being parties of the first part, cease to have any heir to locate, situate and store an aircraft in the said parcel, then at the option of the City of Arcadia, the property covered under this agreement shall revert to and become the property of the City of Arcadia.

Deputy Fink responds – I have not seen any meets or bounds and have not seen a piece of paper where this actually resides or exists. How can we extend what we not know exists and the boundaries. I do understand that it was rebuilt in 2005, but at that point, was a survey done and issued before the building was reconstructed? Without a survey, how do we know if it was put in the same exact spot?

City Attorney responds – the lease does describe a definite property.

Deputy Fink replies – it describes meets and bounds.

City Attorney responds – no, you don't use a meets and bounds description for property that is plated.

Deputy Fink responds – it doesn't give a description of the location where the 50 x 40 piece is.

City Attorney responds – the plat tells you that it's a 50 x 40 foot property described as parcel 3 as for plat filed with the city recorder.

Deputy Fink responds – but, we don't have it. You assume that it exists and we are supposed to change something without physically seeing it.

City Attorney responds – we are not changing the location.

Deputy Fink responds – we are not changing the location. However, we are adding to an existing agreement.

Deputy Fink reviews the description in paragraph 5.

City Attorney responds – none of the language has changed at all per verbatim.

Deputy Fink responds – I understand that it's not lineal descendants who are storing aircraft in that particular spot.

Deputy Fink responds – there was no compensation for this for over 37 years.

City Attorney responds – there was some compensation for the structure. They did ratify this on September 4, 1986.

Deputy Fink responds – if we terminate this agreement, it would be Gary Frierson to sue the City for damages.

City Attorney responds – I think this can benefit the _____ on this, if we enter this modification for another twenty years. There are no other changes of the terms in the lease. All other provisions stay the same, only paragraph five.

Councilman Keene makes motion to approve the modification agreement from August 26, 1976.

Councilman Heine seconds the motion. Mayor sustained from voting. Motion 3-1

Deputy Fink opposes

Agenda Item 9 Creating a City Administrator Search Committee

City Attorney – last meeting we had discussed bringing a resolution to establish a search committee for the City Administrator. A lot of terms we had discussed at the last meeting, each council member would appoint one person for the search committee. Search committee would be provided an outline and procedures and timelines to what the City Council is looking for. The committee would submit their top five candidates for the position.

Councilman Keene responds – I thought we did not want to restrict ourselves to the people on the search committee to be residents of the City of Arcadia.

City Attorney responds – I recall we discussed that concern. I don't think it's a legal issue.

Councilman Keene replies – If we are going to commit ourselves to find the best qualified candidate to serve as the Administrator for the City of Arcadia, we need people on the committee that have the experience and the history of making these decisions. I would like to broaden this opportunity and make sure they find the right candidate.

City Attorney – are there any specific deadlines we need to meet as far as getting advertisements and making the initial interviews?

Councilman Heine responds – I think each council member should choose one candidate for the committee.

Mayor replies – I think between six to eight weeks will be good. Once the committee is established, I think a timeline would be a good thing.

Deputy Fink responds – I hope Mr. Slaughter would be considered a finalist if he chooses to apply for the position.

Councilman Keene replies – I think at a minimum they need to have experience. I am looking for someone who has the qualifications to get the City moving forward.

City Administrator – When are we doing the list? Do we want to do an alternate two candidates in case there are duplicates?

City Attorney responds – what I was thinking, when submitting the names, if City Clerk can determine to pick someone else if there is a duplicate.

Council members nominate their candidates for the City Administrator Committee:

Councilman Keene nominates Mary Kay Burns

Councilman Heine nominates Marsha Brown

Mayor nominates Beth Carsten

Deputy Fink nominates Mitchell Watson

Bob Allen nominates Dick Fazzone

City Administrator responds – I will have a staff member notify them and thoughts can be presented to the committee group and develop. If we have a recommendation from the committee, we will e-mail the City Attorney.

City Attorney responds – I will be available by telephone.

Agenda Item 10 Ordinance Regulating Solicitation

City Attorney responds – In the proposed ordinance I have drafted, in the first paragraph, I wanted to bring to your attention the issue of solicitation is protected from freedom of speech. However, you cannot prevent someone for asking for money. If you look at Section ____, as it deals with aggressive solicitation, you can regulate that which would be an individual making aggressive threats to the public. The standard solicitation, a simple request, you cannot completely outlaw that in the city due to it being protected by the freedom of speech. I would like to get some input from the council as to areas in the downtown Arcadia prohibited zone mainly focusing on areas that may become a less desirable zone than other areas.

City Marshal replies – The parade area is down the east side of Hillsborough to the west side of Manatee and Pine Street. This area would be considered the parade area.

Deputy Fink responds – I have read through this. I had thought we were going to have a workshop on this item and I think we need to get together with local churches and the County on this topic. They need to be involved. I think the shelter needs to be in a resolution as well. I want the homeless to have a place to go. We don't want to appear mean spirited.

City Attorney responds – Let's focus on the zone that the City Marshal and I had discussed.

Mayor replies – I think it's much defined within reasons.

Councilman Keene agrees.

City Attorney responds – I will have Code Enforcement e-mail the proposed boundaries that are identified by street names. I will have it ready for first reading next week.

Agenda Item 11 Ordinance Regulating Behavior in Public Places

City Attorney explains the issue of public camping and sleeping in the right of ways, etc. You cannot regulate someone for not having a place to sleep. The potential solution I have put in this is that you can have law enforcement identify the person and have the deputy take them to a shelter.

Deputy Fink responds - There has been a large discussion on facebook on December 16th. There will be a meeting on this subject at Saint Edmunds church/ The City cannot afford to do a shelter.

Valerie Gilchrist responds – I was contacted by Robert Bon. He is a social worker and is licensed to Baker Act. He would like to see a representative to discuss the situation. We don't feel that throwing them in jail is going to be the solution. We have been operating as a homeless coalition that is still operating as a resource center, which is run by dedicated volunteers. Also on Tuesday, Wednesday and Thursday of every month, the food distribution also provides a meal from 10:00 a.m. – 2:00 p.m. The Arcadia

Housing Authority and DeSoto County Homeless Coalition partner up to build housing units on Baldwin and Joy. The units were confirmed in 2005 to have black mold and lead paint. The projected cost of this demo was \$480,000.00. At that time, the economy had crashed. In 2012, the Housing Authority and the DeSoto County Homeless Coalition got together to attempt to apply for a grant. In addition, we were informed that they had received it and in 2013, they were going to start Phase 1 which is an environmental review and a structure study. In August this year, a company came out and gathered samples for the study. In November, the same company received the same results. The final phase of environmental review will be completed sometime in the first quarter of 2014.

The Pastor of Heritage Baptist Church replies – We have a set number of priorities. One of them is homeless people. Right now for public housing, we are 95-100% full. The Heritage Baptist Church has been allowing them to camp on the property. We can save money by having a shelter. We would like to address this issue with the housing hoard and Valerie Gilchrist.

Deputy Fink responds – I urge that we find a solution and ask the county for support on this and come up with a resolution.

The Marshal replies – I had tried to take two individuals, the one individual stated someone as taking her. The other individual refused to go. He said he is not spending any money.

Mayor responds – I feel by charging, the fee isn't going to do much.

Councilman Keene replies – We need to have a community meeting. Deputy Fink can you attend this?

Deputy Fink responds – If you want me to be a representative, I do plan on attending this.

Councilman Keene responds – I think we need to postpone this issue. I would like to get feedback from Deputy Fink so I can see how it went.

Deputy Fink responds – I will have a report for our next council meeting.

The City Marshal responds – If they refuse to go to a shelter, we can give them a trespass warning.

Councilman Heine responds – I think this time of year, we are going to have several people.

Charley Conklin replies – What about the people that give them food?

Deputy Fink responds – We have several business owners. Let's see if they had a chance to review it and have any suggestions on this topic.

Agenda Item 12 Marshal Matt Anderson Police Report November 2013

Felony Arrest Total 7	Misdemeanor Arrest Total 30
Juvenile Arrest Total 8	Traffic Arrest Total 2
Warrant Arrest Total 8	Accident Reports Total 20
Complaints Total 682	City Ordinance Violations Total 26
Traffic Citations Total 40	Warning Citations Total 25
Criminal Case Inv. Total 16	Cases under Inv. Total 25

Cases closed Total 7

Discussion

City Administrator – We finished up on the City Clerk search. We are still continuing on the Finance Director search, working with staff and the job description. I think it's very important that the staff has an input on making the decision.

Mike is from the golf course. He had sent me an e-mail. I know there have been some concerns with the golf course. Our staff takes pride in the golf course and is trying to make the improvements. We have had an increase in revenue as well as increase of %70,000.00 in just one month. Regarding operating supplies, we have found that we are buying less which is a good thing.

Christmas Party – We are allowing Mike from the golf course to host our Christmas party this year. Last year, we had money from the prior year, \$500.00 left to go towards the Christmas party. Last year, from my understanding, not all staff was invited. I would like to close out this year on a good note. I was thinking benefits on Friday or Saturday. I would like to ask council if you would prefer Friday or Saturday before Christmas, starting at 6:00 p.m. until whenever. One of our staff members volunteered to fill. I was thinking to have the rsvp by staff placed in the paychecks.

Dennis Tyson responds – For the Christmas party, we would like to donate scallop potatoes for the event.

Jerry Cordes responds – On October 17th, I went through the appeal process and the next step was to meet with the Administrator. Till this day, there has been no discussion.

City Administrator responds – I need to put together a correspondence and present the City Attorney on the findings. What discussions are made, I need to get with the City Attorney.

Bob from Toys for Tots would like to thank Mike. We had our first golf tournament the first week in October and I would like to thank him and his staff for an outstanding event. The golf course was in great shape. In addition, I believe I was skipped on the Agenda for Item 1.

City Administrator responds Items 1-5 were approved.

Sam Morgan –I would like to have your support for a martin Luther King Parade for next month. I would appreciate you giving me the same support as last year.

Councilman Keene - Are we meeting on December 17th?

Deputy Fink – During our last meeting, we had talked about our personnel policy. What had occurred recently will not reoccur.

City Administrator – We were able to locate the digital file. I will send it over to the City Attorney for review. I don't know if I'll be ready yet for December 17th yet, but I will try. I will keep you informed of the progress.

Mayor responds – I thought we were going to make some changes on the termination of the employees. I'm not sure if Council was aware of it.

Deputy Fink responds – My concerns, seems to me, we need to change the policy and pass another resolution to where we need to think about it and my suggestions is we need to just do it as a voice vote again and have it changed by the resolution.

Mayor responds – We need to put it together before we pass the resolution.

Dick Fazzone questions – Are we going to revisit the prisoners?

Councilman Keene responds – It's my understanding that it wasn't in the budget. Can we look into this and see what they were budgeted for? Tom, can you look into this and confirm this?

City Administrator responds – I will look into this and have it ready for the next agenda.

Councilman Heine replies – I think most of the money went to the guard.

County Meeting adjourned.

Approved ____ day of _____, 2014.

BY:

Alice Frierson, Mayor

ATTEST:

Christi Pence

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Alice Frierson, hereby disclose that on December 3, 20 13 ;

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____;
- inured to the special gain or loss of my relative, _____;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Abstained from vote on Airport Lease Modification Agreement due to husband, Gary Frierson, serving on the Airport Committee.

Date Filed

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

AGENDA No. 4

**AGENDA MINUTES
CITY COUNCIL
CITY OF ARCADIA
TUESDAY, JANUARY 7, 2014
6:00 P.M.**

CALL TO ORDER, INVOCATION, PLEDGE OF ALLEGIANCE & 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 Robert R. Allen
Councilmember Robert W. Heine

Deputy Mayor Joseph E. Fink
Councilmember Keith Keene

Arcadia City Staff

City Administrator Tom Slaughter
City Marshall Matt A. Anderson
Finance Director Beth Carsten
Code Enforcement Officer Carl McQuay

City Recorder Penny Delaney
City Attorney Thomas J. Wohl
Deputy Finance Director Ashley Killmon

Councilmember Heine gave the invocation, which was followed by the Pledge of Allegiance and roll call.

SPECIAL PRESENTATIONS

1. 30 YEAR EMPLOYMENT ANNIVERSARY – PATROLMAN ANGIE ALLRED, ARCADIA POLICE DEPARTMENT

Mayor Frierson asked Marshal Matt Anderson to make the presentation. Marshal Anderson advised that Patrolman Allred has been with the Arcadia Police Department for over 30 years now. He advised that she started out in the Records Department, then Dispatch. She put herself through school and got on auxiliary of which she was a part of for many years. In 2005, she became a full-time law enforcement officer. Since then, she's done road patrol, code enforcement, evidence and crime scene and now back to road patrol. She's done an excellent job.

2. PROCLAMATION FOR MARTIN LUTHER KING DAY.

Upon request of Mayor Frierson, City Clerk read said proclamation establishing January 20, 2014 as Martin Luther King Day, a federal legal holiday, established by Public Law 94-144.

CONSENT AGENDA

Mayor Frierson advised that under the Consent Agenda, Item 6 would be pulled and placed under the discussion items. She asked for a motion for Items 1-5 and 7-10. Councilman Keene made a motion to approve Items 3-5 and Items 7-10. Councilman Heine seconded the motion. No discussion followed and it was unanimously, 5-0, approved.

Agenda Item 11 – Fair Housing Workshop / CDBG Update to include Invitation to Bid – Bridle Path Subdivision Revitalization Project (Hazen & Sawyer/Alday)

Corbett Alday with Guardian Community Resource Management, Inc. introduced himself and stated they are pleased to be the City's grant consultants. He stated that a brief update of the CDBG project is in council's packets. It's a neighborhood project for water and sewer replacement. The summary budget was included in the packets for council's reference. It is a \$700,000.00 grant and there's \$23,000.00 program income from the resale of a house. That includes engineering during construction and also grants administration. The bid has been monitored once with no findings and no concerns by the state. The environmental review has been completed, the release of funds have been approved by the state, and the bid documents have been approved by the State of Florida. An invitation to bid was included in the packets and he stated they were ready to advertise for bids for construction. The bids will be open bid and they will also solicit minority and other small business vendors. Bids will be due in February, giving 30 days for that bid opening. The award would come back to the City and the State would review the award before signing the contract. This project could very well be done by September so it's time thought is given to the next project. Other areas that need sewer lining has been discussed, one being East Maple and the adjoining streets (Cypress, Hickory, Maple).

Gary Frierson asked if any road repairs would be made and if so, how would it affect lift stations under the road. Mr. Alday explained that there's some lining involved and some replacement, so some pavement will be disturbed and put back. Gary Frierson also asked about some homes not being connected to the sewer system. He asked if they would be connected. Mr. Alday stated that that's not part of the grant project, but they could be. There will be no new lines. It will be a rehabilitation or replacement of what's there already. Fred Lewis of the Systems Department stated that they will be extending those lines to catch some of those houses not included. Once they put the main in, the city will follow through to make them connect. Nothing is being done to the lift station.

Councilman Keene asked when would be a good time for the City to come forward with another project. Mr. Alday stated it would be good to start thinking and talking about it now so that there is no rush. Deputy Fink asked the City Attorney if it would be appropriate to take action in that regard to point staff to come back with an additional project for the next time. The City Attorney had no issue with it. Councilman Keene made a motion to direct the City Administrator to work with Mr. Alday to come back to us with a recommended project. Deputy Mayor Fink seconded the motion. No discussion followed and it was unanimously, 5-0, approved.

Mr. Alday stated that the grant program requires them to do a Fair Housing activity on a quarterly basis, so he presented a Fair Housing Activity that explained in more detail what they offer. He explained what was protected as far as race, religion, gender, age, national origin, disability. Some areas are not protected marital status, sources of income, criminal history and drug abuse. This applies if you're applying to rent or to buy a home. Fair Housing Act is a law that is protected by a Fair Housing Ordinance that you have locally, also state requirements and then the Fair Housing Act. It's illegal to be discriminated against due to a disability or children. This applies to financing or threatening or coercion.

Agenda Item 6 – FAA Pre-Application Grant to Request Funding for Taxiway B Design

Michael Moon stated that the first thing to be discussed was a pre-application for federal assistance for construction of a taxiway from the Butler Building which will follow parallel to the grass runway and tie in at your existing taxiway 8 thus we think provide a better access to the Butler Building and make it more rentable and more business oriented. The first phase would be to design permit and bidding project and would get bids about this time next year. Once bids are received, then we would ask you for permission to submit an application for the funding for the construction and construction management of the project. The project, if awarded by the FAA, would be funded 90% by the FAA, 10% by FDOT, with no City funding would be required. The application deadline is next Monday so that's why it's here before you tonight. With your approval, we are ready to submit the pre-application for federal assistance.

The Interim City Administrator stated that the resolution was not included in the agenda due to a staff error on our part. The project had been approved, but the state also likes to have that final sign off by council being in resolution form. This is pre-application for federal assistance for design permitting bidding of the taxiway bravo. The resolution that Tom is referring to is for the lighting project. FDOT has now issued a supplemental joint participation agreement that will cover those additional expenditures in that grant and Tom needs you to approve the resolution for him to execute the supplemental joint participation agreement. So we need a motion to submit the pre-application to allow Tom to sign the pre-application for the federal assistance for the taxiway B bidding and permitting. Councilman Heine made a motion to approve and said motion was seconded by Councilman Keene. Mayor stated she was going to abstain from voting on this. No discussion followed and it was unanimously, 4-0, approved.

Michael Moon stated that the second action we would need would be for you to approve a resolution approving a supplemental joint participation agreement with the Florida Department of Transportation for the lighting project to cover the entire cost of the bid you have already authorized to be awarded. Again, it is a 100% funded project and all the paperwork is ready for your signature if you approve. Councilman Heine made a motion to approve and said motion was seconded by Councilman Keene. The City Clerk then read title only of the resolution.

Mayor Frierson stated that it should be pointed out to the public that this is in addition to the grants that we have for the lighting. Michael Moon stated this was an additional \$242,000.00. The Interim City Administrator wanted to thank the Gary Frierson for bringing this issue forward a few days ago. Mayor Frierson stated she was going to abstain from voting on this. No discussion followed and it was unanimously, 4-0, approved.

COMMENTS FROM DEPARTMENTS

3. CITY MARSHALL ACTIVITY REPORT FOR DECEMBER 2013

Marshal Anderson wanted to refer to some high points. For the whole year of 2013 we had:

Felony Arrest Total 124
Juvenile Arrest Total 28
Warrant Arrest Total 86
Misdemeanor Arrest Total 218
Traffic Arrest Total 101

Accident Reports Total 355
Citations Total 1170
Issued Warrants Total 926
Complaints Total 10,043

He wanted to point out that the department is being more proactive. Code Enforcement pulled 739 complaints for the year. The criminal investigation division received 101 cases to investigate of which almost 50 of them were closed out. The state averages a little less than 30% on closure rates for cases.

4. CITY ATTORNEY

NONE

5. CITY ADMINISTRATOR

The Interim City Administrator identified five different projects that we have out there that from his understanding it's the desire of council to not deal with these items initially under regular agenda items, but to deal with them separately as workshop items. He had put a list together for their review. He stated that he had put this in a pretty good order to start with, but if council wanted to rearrange it, it could be changed.

- i. Annual budget and MUNIS municipal software upgrades. Council has had questions regarding this. The Finance Director and Deputy Finance Director should be coming forward with an agenda item that will walk through what the budget and the spending specifically through the MUNIS software system.
- ii. Strategic plan and community engagement. It's probably going to take half a year in duration. It will involve large scale community input sessions, but also to include smaller stakeholder where we could meet with different folks to engage their ideas. This one the state provided \$25,000.00 through the Department of Economic Development through a grant that required no matching funds.
- iii. Special events and use of public lands and facilities. Obviously we're halfway through the season, but we still want to work with the Police Department and the shopowners along the downtown area to discuss what's the best strategy for the 1st, 3rd and 4th Saturday of each month. We also have other needs, issues and buildings regarding the city strategy of use of these buildings by the public. We need to make some policy decisions regarding this.
- iv. City staffing, management team, amendment to City Personnel Policy Manual. We've talked about a number of policies that need to be revisited. Staff should be presented with an organizational chart, but also what's the strategy of the structure behind a management approach.
- v. Budget audit and revenue stream creation including stormwater, streets, solid waste, and potable water rates. There's going to be talks and strategies that are going to be more specific that deal with the budget, the audit system and revenue streams that could be captured. We need to reevaluate some of our practices.

Arrests Total 1170
 Districts Total 1170
 Licensed Weapons Total 438
 Complaints Total 10443

Police Arrest Total 104
 Juvenile Arrest Total 25
 Weapons Arrest Total 80
 Investigations Total 118
 Traffic Arrest Total 101

It is noted to point out that the department is being more proactive. Code Enforcement pulled 239 complaints for the year. If a criminal investigation division received 101 cases or investigations of which almost 50 of them were closed out. The same averages a little less than 50% on closure rates for cases.

4. CITY ATTORNEY

None

2. CITY ADMINISTRATION

The Finance City Administrator identified five different projects that we have on hand that from his understanding it's the desire of council to not deal with these items initially under regular agenda items, but to deal with them separately as workshop items. He had put a list together for their review. He stated that he had put this in a pretty good order to start with, but if council wanted to rearrange it, it could be changed.

- i. Annual budget and MUIS municipal software agencies. Council has had discussions regarding this. The Finance Director and Deputy Finance Director should be coming forward with an agenda item that will walk through what the budget and the spending specifically through the MUIS software system.
- ii. Strategic plan and community engagement. It's probably going to take half a year in duration. It will involve large scale community input sessions, but also to include smaller stakeholder where we could meet with different folks to engage their ideas. This one the state provided \$25,000 through the Department of Economic Development through a grant that required no matching funds.
- iii. Special events and use of public lands and facilities. Obviously we're halfway through the season, but we still want to work with the Police Department and the department along the downtown area to discuss what's the best strategy for the 3rd and 4th Saturday of each month. We also have other needs, issues and bidding regarding the city strategy of use of these buildings by the public. We need to make some policy decisions regarding this.
- iv. City staff management team membership to City Personnel Policy Manager. He's talked about a number of policies that need to be revisited. Staff should be presented with an organizational chart, but also what's the strategy of the structure behind a management approach.
- v. Budget audit and revenue stream creation including strategies, audit, audit and possible revenue items. There's going to be talks and strategies that are going to be more specific than deal with the budget, the audit system and revenue streams that could be captured. We need to evaluate some of our practices.

One example – had a meeting with interim director of public works at a shopping center. We are servicing five dumpster, but there's ten out there. We're not recouping our full costs for those. Part of that is poor management, but there's also a culture that "it's not that big of a deal". This is significant. Strategies are being placed on how to remedy this.

Is there an agreement that the order that these have been placed in reflects the importance from your standpoint? Mayor Frierson asked for comments. Comment from public, Rob Herron, if there are budgetary revenue streams that aren't being brought into our budget, maybe that's something that we can move to a higher priority. The Interim City Administrator stated that was an excellent point, but the reason it's put there because the budget with the initial review of the budget and then for me, the strategic plan is the most important, then the next ones fall into place from that. He stated when we can have a finely tuned team, then we can deal with number five.

The Interim City Administration asked if they can try to set dates. Councilman Keene stated that he would make every effort to try to make the meetings when they're set, favoring meetings starting at 4:00 p.m. or 5:00 p.m. and not opposed to Saturdays, but that the dates that he would not be available would be January 15th – 17th. Mayor Frierson stated that she would not be available January 17th – 20th. Councilman Heine was open to any time. Councilman Allen was also open to any time. Councilman Fink indicated that it would be difficult for him to attend day meetings and Saturdays are usually days that he's not available during the day. He would prefer meetings starting at 4:00 p.m. or 5:00 p.m. Councilman Heine suggested the days be the second and fourth Tuesdays. Councilman Keene also suggested the second and fourth Thursdays or Wednesdays.

Mayor Frierson suggested that since it sounds like the strategic plan is going to require so many meetings, maybe it should be last. Councilman Keene commented that the meetings may move along faster than we think and maybe then when they're settled, we can move right into the next one. He felt the strategic plan should have a higher priority.

Dick Fazzone spoke from the public suggesting the personnel policy should be toward the top because it's gotten the City into a lot of trouble. Mayor Frierson suggested that there were other items within the policy that needed to be addressed immediately. Dick Fazzone though the first one should be moved to number two and then move everything else down. Council seemed to agree. The Interim City Administrator stated that they would move item 4 to item 1. Mayor Frierson asked if there were any objection to said change. Deputy Mayor Fink stated that it was brought to them and changed by them. He wondered if it would be dealt with through a resolution because that was probably all they needed to consider. He stated if he was reading the board correctly, the mindset is to put it back the way it was, and if that's the case, then how much do we need to discuss and is a workshop necessary since it seems to be already settled from what he was hearing. Mayor Frierson asked for comments. Councilmen Heine, Allen and Keene felt it should be made a workshop. Mayor Frierson asked if it should be made number one. Councilman Keene stated he had no objection to it and Councilman Heine felt it should be made number one.

PUBLIC

Charles Conklin stated that he had a concern about whether City Council had gone after the embezzlement that had been done against the City of Arcadia within the Police Department. The City Attorney stated that the City Council had not made any decision to do that. He had spoken with the current Marshal and spoke with the State Attorney who is prosecuting the case and looked into whether there was a potential to go against the former Marshal civilly. Of course, that's money that the City would have to spend doing that and potentially not being able to get anything but a judgment against the former Marshal and not being able to collect against that judgment. He stated that the City could allow the State to prosecute this and hopefully gain a restitution order for free or we can pursue a civil judgment against him and attempt to enforce that. Marshal Anderson spoke us and said to answer his question, yes the ball is rolling. Mr. Conklin asked if the money would go back to the Police Department and Marshal Anderson stated it was up to City Council, that a portion of it would have to because it was taken out of drug confiscation money. The City Attorney advised City Council that they could pursue a civil action against the former City Marshall. Deputy Mayor Fink asked if there was a timeframe that we have to deal with if the State decides to do some sort of plea bargain? The City Attorney advised that there is a 4 year statute of limitations from the time it was discovered. He stated that the issue is we can either wait to see how a potential restitution order comes out which you are getting for free on the criminal side or we can pursue the civil side, but again it will cost attorney's fees, costs, prosecuting against the former Marshal. You can get a judgment, but whether you will ever see the money is a whole different story. A decision does not have to be made now. Mayor Frierson thought it would be wise to see what happens in the criminal case. The City Attorney advised that would be his recommendation.

MAYOR AND COUNCIL MATTERS

NONE

ADJOURN

Having no further business at this time, the meeting was adjourned at 7:10 P.M.

ADOPTED THIS ___ DAY OF JANUARY, 2013

By:

Alice Frierson, Mayor

ATTEST:

Penny Delaney, City Recorded

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Alice Frierson, hereby disclose that on January 7, 20 14 :

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____;
- inured to the special gain or loss of my relative, _____;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Abstained from vote on FAA Pre-Applicatin Grant to Request Funding for Taxiway B Design due to husband, Gary Frierson, serving on the Airport Committee.

Date Filed

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

AGENDA No. 5



CITY COUNCIL AGENDA ITEM

Requested Council Meeting Date: January 21, 2014

DEPARTMENT: Administration

SUBJECT: 2014 Holiday Schedule

RECOMMENDED MOTION: Council Approval

SUMMARY: Christmas Eve falls on Wednesday this year with Christmas Day falling on Thursday. Would council approve the employee holidays be Thursday the 25th and Friday the 26th instead of Christmas Eve and Christmas Day? This would allow staff to have a long weekend instead of coming back for one day.

This occurred in 2008 and the same request was made of council at that time of which it was approved.

FISCAL IMPACT: _____ () Capital Budget
() Operating
() Other

ATTACHMENTS: () Ordinance () Resolution () Budget (x) Other

Department Head: _____ Date: _____

Finance Director (As to Budget Requirements) _____ Date: _____

City Attorney (As to Form and Legality) _____ Date: _____

City Administrator: Tom Slaughter _____ Date: _____

COUNCIL ACTION: () Approved as Recommended () Disapproved
() Tabled Indefinitely () Tabled to Date Certain _____ () Approved with Modifications

City of Arcadia
Inter-office Memorandum

To: All Departments

Date: January 3, 2014

From: Tom Slaughter
Interim City Administrator

Subject: 2014 Holiday Schedule

All full time employees of the City of Arcadia are given eleven (11) paid holidays per year.

Below is a list of days each holiday will be observed in 2014.

New Year's Day – observed Wednesday, January 1, 2014

Martin Luther King, Jr. Day- observed Monday, January 20, 2014

Good Friday- observed Friday, April 18, 2014

Memorial Day- observed Monday, May 26, 2014

Independence Day – observed Friday, July 4, 2014

Labor Day- observed Monday, September 1, 2014

Veterans Day- observed Tuesday, November 11, 2014

Thanksgiving Holidays- observed Thursday, November 27, and Friday, November 28, 2014

Christmas Holidays- observed Christmas Eve, Wednesday, December 24th and Christmas Day,

Thursday, December 25, 2014



Calendar for December 2008 (United States)

December						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

Phases of the moon: 5: ☉ 12: ○ 19: ☾ 27: ●

Holidays and Observances: 24: Christmas Eve, 25: Christmas Day, 31: New Year's Eve



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**CITY OF ARCADIA
INTER-OFFICE MEMORANDUM**

To: ALL DEPARTMENT Date: Nov. 10, 2008 File: CA08M-115

From: EDWARD J. STRUBE
CITY ADMINISTRATOR

Subject: Christmas Holiday

Please post for your staff to see that we will be observing the Christmas Holiday on Thursday, December 25th and Friday, December 26th for City Employee's on a regular five day a week, eight hours a day schedule.

By exchanging Christmas Eve for the day after Christmas, it will allow employees to have four consecutive days off. These employees will be expected to work Christmas Eve unless proper procedure is followed to request a vacation day.

Departments with irregular schedules will follow the schedule prepared by each Department Supervisor.



CITY COUNCIL AGENDA ITEM

Requested Council Meeting Date: January 21, 2014

DEPARTMENT: Administration
SUBJECT: City Admin

AGENDA No. 6

RECOMMENDED ACTION:

Summary discussion update from the City Administrator or Search Committee Chairman Jones Super regarding budget and plan schedule.

FISCAL IMPACT: Capital Budget Operating Other

ATTACHMENTS: Ordinance Resolution Budget Other

Department Head: _____ Date: _____

Finance Director (As to Budget Requirements): _____ Date: _____

City Attorney (As to Form and Legality): _____ Date: _____

City Councilman Tom Slaughter _____ Date: _____

COUNCIL ACTION: Approved as Recommended Disapproved
 Tabled indefinitely Tabled to Date Certain _____ Approved with Modification



CITY COUNCIL AGENDA ITEM
Requested Council Meeting Date: January 21, 2014

DEPARTMENT: Administration
SUBJECT: City Administrator Search Committee

RECOMMENDED MOTION:

SUMMARY: Discussion Update from the City Administrator Search Committee Chairman John Super regarding budget and plan schedule.

FISCAL IMPACT: _____ () Capital Budget
() Operating
() Other

ATTACHMENTS: () Ordinance () Resolution () Budget (x) Other

Department Head: _____ Date: _____
Finance Director (As to Budget Requirements) _____ Date: _____
City Attorney (As to Form and Legality) _____ Date: _____
City Administrator: Tom Slaughter _____ Date: _____

COUNCIL ACTION: () Approved as Recommended () Disapproved
() Tabled Indefinitely () Tabled to Date Certain _____ () Approved with Modifications

AGENDA No. 7



CITY COUNCIL AGENDA ITEM
Requested Council Meeting Date: January 21, 2014

DEPARTMENT: Legal
SUBJECT: Ordinance Regulating Solicitation

RECOMMENDED MOTION: Approve Second Reading of the Ordinance of the City of Arcadia, Florida; Creating Section 70-7 of the City of Arcadia Code of Ordinances entitled, "Solicitation Regulation".

SUMMARY:

Pursuant to discussion at the December 3, 2013 City Council meeting, staff has determined what shall be defined as the "Downtown Area Prohibited Zone" as regulated in subsection (b)(1) of the proposed ordinance and defined in subsection (c)(2).

FISCAL IMPACT: None Capital Budget
 Operating
 Other

ATTACHMENTS: Ordinance Resolution Budget Other

Department Head: _____ Date: _____
Finance Director (As to Budget Requirements) _____ Date: _____
City Attorney (As to Form and Legality) _____ Date: _____
City Administrator: Tom Slaughter _____ Date: _____

COUNCIL ACTION: Approved as Recommended Disapproved
 Tabled Indefinitely Tabled to Date Certain _____ Approved with Modifications

ORDINANCE NO. 2014- 001

AN ORDINANCE OF THE CITY OF ARCADIA, FLORIDA; CREATING SECTION 70-7 OF THE CITY OF ARCADIA CODE OF ORDINANCES; REGULATING SOLICITATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Arcadia recognizes that solicitation is an activity that is protected by the First Amendment; and

WHEREAS, the City of Arcadia may enforce regulations of behavior that implicate First Amendment activity when the regulations affect the time, place and manner of expression, are content neutral, are narrowly tailored to serve a significant government interest, and leave open ample alternative channels of communication; and

WHEREAS, the City of Arcadia has a significant interest in providing a safe and pleasant environment and eliminating nuisance activity, *Smith v. City of Fort Lauderdale*, Fla. 177 F.3d 954, 956 (11th Cir. 1999) ; and

WHEREAS, the City of Arcadia's downtown area is home to businesses, restaurants, bars, shops, bed and breakfast establishments and inns and is also an area that attracts visitors and locals alike; and

WHEREAS, the City of Arcadia has determined that limited bans on solicitation based on the time, place or manner of the solicitation are a content neutral and narrowly tailored way to promote public safety, protect its citizens and visitors and promote the general downtown area as tourist destinations and economic engines for the City; and

WHEREAS, the City of Arcadia has determined that limited bans on solicitation based on the time, place or manner of the solicitation is a content neutral and narrowly tailored way to promote public safety, and protect its citizens and visitors in areas where they may be or perceive themselves to be vulnerable and/or unable to leave; and

WHEREAS, the City of Arcadia has determined that limited bans on solicitation in the general downtown area and listed other limited places where people feel particularly vulnerable and/or unable to leave still provides ample alternative avenues of communication and are drawn narrowly to address the City's substantial interests; and

WHEREAS, the City Council of the City of Arcadia has determined that the following amendment promotes and protects the general health, safety, and welfare of the residents of the City of Arcadia; and

WHEREAS, a duly noticed public hearing as required by law was held by the City Council of the City of Arcadia, at which public hearing all residents and interested persons were given an opportunity to be heard; and

WHEREAS, it appears to be in the best interest of the citizens of the City of Arcadia that Chapter 70 the Code of Ordinances be amended as set forth herein,

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Arcadia, Florida:

SECTION 1. Findings. The Council hereby adopts and incorporates by reference herein all of the findings set forth above as findings of the Council.

SECTION 2. Amendment of the Code of Ordinances. The Code of Ordinances of the City of Arcadia is hereby amended to create Section 70-7 of Chapter 70 as follows:

“Sec. 70-7. - Solicitation regulation.

(a) It shall be unlawful for any person in the City of Arcadia to solicit donations or payment, or to exhibit oneself for such purpose, by:

- (1) Any act or language constituting an express or implied threat of injury to any person or of damage to or loss of any property owned by or in lawful possession of the solicited person;
- (2) Endeavoring to maintain contact with the solicited person and continuing to verbally demand, ask or beg for, or to solicit donations or payment from any person after the solicited person has made a negative response to an initial demand or solicitation; or
- (3) Any act intended to impede the passage or free movement of the solicited person. Passage or free movement applies to persons on foot or bicycles, in wheelchairs or operating motor vehicles or persons attempting to enter or exit motor vehicles.

(b) It shall be unlawful in the City of Arcadia for any person to solicit donations or payment when either the solicitor or the person being solicited is located in, on or at any of the following locations or premises thereof:

- (1) Downtown Area Prohibited Zone;
- (2) Bus stop;
- (3) Sidewalk cafe; or
- (4) Area within fifteen (15) feet (in any direction) of an automatic teller machine or entrance to a financial institution.

(c) The following words and phrases, when used in this section, shall have the following meanings:

- (1) *Solicit* means attempts in person to obtain charitable contributions, or attempts to sell any good or service, for the benefit of the solicitor or on behalf of an individual or organization.
- (2) *Downtown Area Prohibited Zone* means that land area within the following described boundary:

Beginning at a point where the Hillsborough Avenue right-of-way centerline intersects the East Oak Street right-of-way centerline, go South along the Hillsborough Avenue right-of-way centerline to a point where the Hillsborough Avenue right-of-way centerline intersects the Pine Street right-of-way centerline; then go West along the Pine Street right-of-way centerline to a point where the Pine Street right-of-way centerline intersects the Manatee Avenue right-of-way centerline; then go North along the Manatee Avenue right-of-way centerline to a point where the Manatee Avenue right-of-way centerline intersects the Whidden Street right-of-way centerline; then go East along the Whidden Street right-of-way centerline to a point where the Whidden Street right-of-way centerline intersects the Polk Avenue right-of-way centerline; then go South on the Polk Avenue right-of-way centerline to a point where the Polk Avenue right-of-way centerline intersects the Cypress Street right-of-way centerline; then go East on the Cypress Street right-of-way centerline to a point where the Cypress Street right-of-way centerline intersects the Hillsborough Avenue right-of-way centerline; then go South on the Hillsborough Avenue right-of-way centerline to the Point of Beginning where the Hillsborough Avenue right-of-way centerline intersects the East Oak Street right-of-way centerline.

- (d) This section shall not apply to persons operating under franchises, concessions or pursuant to temporary license agreements or concessions for special events, or business operations conducted entirely within an enclosed building or in a permanent structure for which a building permit is required, or operating on private property.
- (e) Violations of this section shall be punishable as provided in Arcadia Code section 1-12.”

SECTION 3. Codification. The publisher of the City’s Code of Laws, the Municipal Code Corporation, is directed to incorporate the amendments included in Section 2 above into the Code of Ordinances.

SECTION 4. Severability. If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such section, sentence, clause, or provision shall be deemed severable, and such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance.

SECTION 5. Effective Date. This ordinance shall be effective immediately upon final passage by the City Council.

PASSED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA, on this
__ day of January, 2014.

CITY OF ARCADIA, FLORIDA

ALICE FRIERSON, MAYOR

ATTEST:

By: _____
CITY CLERK

PASSED ON FIRST READING: December 17, 2013.

PASSED ON SECOND READING: January __, 2014

APPROVED AS TO FORM:

THOMAS J. WOHL, CITY ATTORNEY

AGENDA No. 8



CITY COUNCIL AGENDA ITEM
Requested Council Meeting Date: January 21, 2014

DEPARTMENT: Legal
SUBJECT: Ordinance Regulating Behavior in Public Places

RECOMMENDED MOTION: **Approve Second Reading of the Ordinance of the City of Arcadia, Florida; Creating Section 70-8 through 70-11 for the Regulation of Behavior in Public Places.**

SUMMARY:

Pursuant to discussion at the December 3, 2013 City Council meeting, staff has revised the proposed Ordinance.

FISCAL IMPACT: None Capital Budget
 Operating
 Other

ATTACHMENTS: Ordinance Resolution Budget Other

Department Head:

Date:

Finance Director (As to Budget Requirements)

Date:

City Attorney (As to Form and Legality)

Date:

City Administrator: Tom Slaughter

Date:

COUNCIL ACTION: Approved as Recommended Disapproved
 Tabled Indefinitely Tabled to Date Certain _____ Approved with Modifications

ORDINANCE NO. 2014- 002

AN ORDINANCE OF THE CITY OF ARCADIA, FLORIDA; CREATING SECTIONS 70-8 THROUGH 70-11 OF THE CITY OF ARCADIA CODE OF ORDINANCES; REGULATING BEHAVIOR IN PUBLIC SPACES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Arcadia has a substantial interest in the aesthetics of its parks and a prohibition against camping in areas without adequate resources is a reasonable means of achieving that goal; and

WHEREAS, the City of Arcadia has a substantial interest in keeping its parks open and retaining the use of its parks for all of its citizens and a prohibition against camping in parks is a reasonable means of achieving that goal; and

WHEREAS, the City of Arcadia has a substantial interest in protecting against sanitation and safety issues and promoting public health and prohibiting camping in areas without adequate resources is a reasonable means of achieving that goal; and

WHEREAS, the City of Arcadia has a substantial interest in keeping its parks open and retaining the use of its parks for all of its citizens and a prohibition against camping in parks is a reasonable means of achieving that goal; and

WHEREAS, the City of Arcadia has a substantial interest in aesthetics, sanitation, public health, and safety and a prohibition against sleeping in rights of way is a reasonable means of achieving that goal; and

WHEREAS, the City of Arcadia has a substantial interest in public health and a prohibition against urinating and defecating in public areas is a reasonable means of achieving that goal; and

WHEREAS, the City Council of the City of Arcadia has determined that the following amendments promote and protect the general health, safety, and welfare of the residents of the City of Arcadia; and

WHEREAS, the City of Arcadia has a substantial interest in aesthetics, sanitation, public health, and safety, as well as keeping public spaces open and available for public use, and a prohibition against storage of property on public spaces is a reasonable means of achieving that goal; and

WHEREAS, a duly noticed public hearing as required by law was held by the City Council of the City of Arcadia, at which public hearings all residents and interested persons were given an opportunity to be heard; and

WHEREAS, it appears to be in the best interest of the citizens of the City of Arcadia that Chapter 70 the Code of Ordinances be amended as set forth herein,

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Arcadia, Florida:

SECTION 1. Findings. The Council hereby adopts and incorporates by reference herein all of the findings set forth above as findings of the Council.

SECTION 2. Amendment of the Code of Ordinances. The Code of Ordinances of the City of Arcadia is hereby amended to create Sections 70-8 through 70-11 of Chapter 70 as follows:

“Sec. 70-8. - Camping Prohibited; exemptions.

(a) It shall be unlawful in the City of Arcadia to engage in camping on all public property including rights of way, except as may be specifically authorized by the appropriate governmental authority.

(b) The following words and phrases, when used in this section, shall have the following meanings:

(1) *Camping* means using property for living accommodation purposes by the erection, use or occupation of any tent, hut, lean-to, shack or temporary shelter for sleeping purposes or the laying down of bedding, such as a mat, blanket, sleeping bag or similar material for the purpose of sleeping.

(2) *Officer* means a sworn law enforcement officer.

(c) Being in a tent, hut, lean-to, shack or in a temporary shelter or being asleep atop or covered by materials in a public place may be evidence of camping, but is not alone sufficient to constitute a violation of this section. One (1) or more of the following shall also exist to determine whether the camping was for living accommodation purposes:

- (1) Numerous items of personal belongings are present;
- (2) The person is engaged in cooking activities;
- (3) The person has built or is maintaining a fire;
- (4) The person has engaged in digging or earth breaking activities;
- (5) The person is asleep and he or she has no other permanent place to live.

(d) Any person who is observed engaged in camping in an unauthorized area shall vacate the public place upon request of an officer. If the person refuses to vacate the area, then such person may be charged with a violation of this section.

(e) The officer shall advise the person that all of his or her personal property which is not vacated with the person, except that which is of no apparent utility or which is in an unsanitary

condition, may be inventoried and stored by the city police department for a maximum of sixty (60) days, until reclaimed.

(f) Any personal property that was inventoried and stored by the city police department for a person under the provisions of this section which has not been reclaimed within sixty (60) days of the date the personal property was inventoried and stored, shall be deemed abandoned and disposed of according to F.S. ch. 705.

(g) Violations of this section shall be punishable as provided in Arcadia Code section 1-12.

Sec. 70-9. - Sleeping in or on the rights-of-way.

(a) It shall be unlawful in the City of Arcadia for any person to sleep in or on any part of the City right-of-way, which shall include any public sidewalk.

(b) The following words and phrases, when used in this section, shall have the following meanings:

(1) *Right-of-way* means the same as street, as street is defined in Arcadia Code section 1-2.

(2) *Officer* means sworn law enforcement officer.

(c) A sworn law enforcement officer observing a violation of subsection (a) of this section shall inquire of any person violating this section if the person has a legally existing available accommodation, which can include shelter space, either owned or available for use by the individual.

(1) If the person has such available accommodation and agrees to travel, begins to travel immediately, and continues to travel until reaching such accommodation, the person shall not be charged with a violation of this section.

(2) If the person does not have available accommodations or refuses to travel, and shelter space is available at a shelter within the city or within three miles of the borders of the city and such shelter space is known to be available by a sworn law enforcement officer observing a violation of subsection (a), the officer shall advise the person of the violation and may afford the person the opportunity to be transported to the shelter with any personal items requested to be removed by the individual, provided the shelter will accept the person. The person shall not be charged with a violation of this section if the person agrees to be transported to the shelter.

(d) If the officer is not aware of available shelter space within the city or within three miles of the borders of the city or if the officer does not provide the opportunity for transportation to the shelter, the person shall not be charged with a violation of this section.

(e) It shall not be a violation of this section for a passenger to be asleep while in the right-of-way if he or she is legally transported by another in the part of the right-of-way intended for transport.

(f) Violations of this section shall be punishable as provided in Arcadia Code section 1-12.

Sec. 70-10. - Prohibition on public urination or defecation.

(a) It shall be unlawful for any person in the City of Arcadia to urinate or defecate in or on any public place unless such urination or defecation:

- (1) is made into a receptacle that has been provided for that purpose;
- (2) that receptacle stores or disposes of the wastes in a sanitary manner; and
- (3) that receptacle is enclosed from the view of the general public.

(b) It shall be unlawful for any person to dump, throw, discard, place, deposit, spill, leak or otherwise dispose of urine or feces in or on any public place in the City of Arcadia unless such disposal:

- (1) is made into a receptacle that has been provided for that purpose;
- (2) that receptacle stores or disposes of the wastes in a sanitary manner; and
- (3) that receptacle is enclosed from the view of the general public.

(c) This section shall not apply to children under six (6) years old, or to persons with impairments who lack the physical or mental ability to control their bodily functions; except that such a person's parent, guardian, or custodian shall be responsible for the immediate cleanup and sanitary disposal of any waste expelled by the child or person with impairment. Failure of the parent, guardian, or custodian of the child or person with impairment to immediately cleanup and dispose of any waste in a sanitary manner shall constitute a violation of this section.

(d) For the purposes of this section, a person with impairment does not include intoxicated individuals or individuals who are impaired due to the taking of illegal substances or substances not legally prescribed to them.

(e) Violations of this section shall be punishable as provided in Arcadia Code section 1-12.

Sec. 70-11. - Outdoor storage on public property.

(a) Purpose and findings.

- (1) The city has a compelling interest in promoting the health and safety of citizens and visitors by regulating potentially hazardous conditions on private and public property including public rights-of-way.
- (2) Personal property stored on public property, including public rights-of-way may pose a health, safety or security threat to pedestrians.
- (3) Unattended, abandoned or disabled refrigerators and freezers pose a grave danger to the lives of children and warrant immediate removal.
- (4) The city has an interest in ensuring that pedestrians have unobstructed access to public rights-of-way.

- (5) The city has a compelling interest in complying with requirements of the Americans With Disabilities Act which include minimum unobstructed sidewalk access for those with disabilities.
 - (6) The city is willing to assist, on a limited basis, in providing storage facilities to those who do not have a location to store personal property.
- (b) It shall be unlawful for any person in the City of Arcadia to store on any public property outside of a legally constructed fully enclosed structure:
- (1) Any materials, equipment, furnishings, furniture, appliances, construction materials or any items which are not designed to be used outdoors; or
 - (2) Any item of personal property including clothing and bedding.
- (c) Removal required on public property.
- (1) If an individual fails to remove any item, as described in subsection (b) of this section, which is unlawfully stored on public property within twenty-four (24) hours after having been served with written notice, as described in subsection (d) of this section, which requires such removal, the city may cause the removal of such unlawfully stored items.
 - (2) In the event a Code Enforcement Officer or sworn law enforcement officer determines the unlawfully stored items located on public property are a threat to the health, safety or welfare of the public, a Code Enforcement Officer or sworn law enforcement officer may immediately remove such unlawfully stored items. A threat to the health, safety or welfare of the public shall include, but not be limited to, a fire hazard, an explosive hazard, noxious odors, or an infestation of vermin, including rodents, lice, roaches and fleas, to which the public would be exposed to due to the unlawful storage. If items are removed without prior notice, a written notice shall be posted at the location which identified the location to which the items have been removed.
 - (3) Moving the unlawfully stored items to another location on public property shall not be considered to be removing the item from public property.
 - (4) If an item, as described in subsection (b) of this section, is unlawfully stored on public property which public property is posted with a sign stating that unattended items may be removed immediately, then no additional notice shall be required and the item may be removed immediately. Such signs may only be placed in the right-of-way under the following conditions:
 - a. In the interest of security and safety, temporary signs warning of immediate removal of items from public property may be posted in public rights-of-way at least thirty-six (36) hours in advance of special events, including, but not limited to, parades and festivals which are likely to draw large crowds to the city.
 - b. In the interest of security and safety, permanent signs warning of the immediate removal of items from public property may be posted in public rights-of-way around public buildings which are likely targets for the placement of explosive devices by terrorists or dissidents.
 - c. In the event the city determines the need for an area-wide clean-up, the city may post notice of the clean-up in the area to be cleaned at least thirty-six (36) hours in

advance of the cleaning. Any items left when the clean-up commences may be immediately removed and stored according to the procedures set forth in this section.

(5) The city may dispose of the items thirty (30) days after the removal from the public property or after seven (7) days if the items are deemed to be a threat to the health, safety or welfare of the public pursuant to this subsection. If the owner of the items wishes to retrieve the items, adequate proof of ownership and payment to the city of reasonable charges for storage and removal of the items are required. If the owner demonstrates he or she does not have the ability to pay the reasonable charges, such charges will not be required to retrieve the items. The removal and disposal of such items may be accomplished either by a Code Enforcement Officer or sworn law enforcement officer or by private contract.

(d) Notice.

(1) The written notice required by this section shall be deemed to have been served if:

- a. A copy is personally delivered to the party to be notified;
- b. A copy is left at the party's usual place of abode with some person of the family above fifteen (15) years of age and informing such person of the contents thereof;
- c. A copy is mailed by either registered or certified United States mail with return receipt requested;
- d. If the name of such party or the place of residence or post office address cannot be ascertained after diligent search and inquiry or in the event a notice sent by either registered or certified mail shall be returned undelivered, a copy of such notice is posted in a conspicuous place on the property upon which the items described in this section are or were located
- e. A copy is attached to the item, if the item is located on public property; or
- f. A copy is personally delivered to the person with custody of the items stored on public property which items may belong to someone else, and a copy is attached to the item.

(2) The notice required by this section shall contain the following:

- a. A complete description of the item to be removed (such description may refer to an attached photograph);
- b. The location of the property;
- c. The section of the Code in violation;
- d. The location to which the item will be removed;
- e. The date and time by which the item must be removed from the private or public property; and
- f. The date by which the item must be claimed from the location where they are being stored.

(e) Definitions. For the purposes of this section:

Occupant means any person in apparent control or possession of the property upon which an item is located.

Officer means sworn law enforcement officer.

Public property includes, but is not limited to, public rights-of-way, public places, streets and sidewalks.

Reasonable charges mean actual costs and that the city shall take into consideration the owner's ability to pay the charges.

Store or *stored*, when referring to an item on public or private property, shall be broadly interpreted to include any action to place, store, park, display, locate or set an item upon the property.

(f) Violations of this section shall be punishable as provided in the Arcadia Code section 1-12. Before enforcement, whenever a sworn law enforcement officer has probable cause to believe that a violation of this section has occurred, he or she shall advise the person of the violation and afford the person an opportunity to remove the items from public property, as well as advise the person of an alternative location, within the City of Arcadia, for storage of the property. If the person elects to remove the items from public property, the person making such election shall not be charged with a violation of this section. If the person refuses to remove the items from public property, then such person may be charged with a violation of this section.

(g) Abandoned and lost property is regulated and may be removed pursuant to F.S. § 705.101 *et seq.*”

SECTION 3. Codification. The publisher of the City's Code of Laws, the Municipal Code Corporation, is directed to incorporate the amendments included in Section 2 above into the Code of Ordinances.

SECTION 4. Severability. If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such section, sentence, clause, or provision shall be deemed severable, and such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance.

SECTION 5. Effective Date. This ordinance shall be effective immediately upon final passage by the City Council.

PASSED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA, on this
___ day of January, 2014.

CITY OF ARCADIA, FLORIDA

ALICE FRIERSON, MAYOR

ATTEST:

By: _____
CITY CLERK

PASSED ON FIRST READING: December 17, 2013

PASSED ON SECOND READING: January ___, 2014

APPROVED AS TO FORM:

THOMAS J. WOHL, CITY ATTORNEY

AGENDA No. 9



CITY COUNCIL AGENDA ITEM
Requested Council Meeting Date: January 21, 2014

DEPARTMENT: Planning and Zoning
SUBJECT: LDR Update Public Hearing (Ordinance 994)

RECOMMENDED MOTION:
Second reading, Pass and Adopt

SUMMARY:

The City of Arcadia is undertaking an update to the City's Land Development Regulations (LDRs). The LDRs are the mechanism by which the City implements the goals, objectives, and policies of the Comprehensive Plan, through local zoning, subdivision regulations, building construction, signs, and other regulations controlling the use and development of land. This update will incorporate required changes as a result of the City's adopted 2030 Comprehensive Plan as well as text changes to language that is either out of date or in need of adjustment based on the current vision of the City.

FISCAL IMPACT: _____ () Capital Budget
() Operating
() Other

ATTACHMENTS: () Ordinance (x) Resolution () Budget () Other

Department Head: Carl A. McQuay Date: 01/14/14

Finance Director (As to Budget Requirements) Date:

City Attorney (As to Form and Legality) Date:

City Administrator: Tom Slaughter Date:

COUNCIL ACTION: () Approved as Recommended () Disapproved
() Tabled Indefinitely () Tabled to Date Certain _____ () Approved with Modifications



Agenda Item

To: City of Arcadia City Council
From: Central Florida Regional Planning Council
Subject: LDR Update Public Hearing (Ordinance 994)
Meeting Date: January 21, 2014

INTRODUCTION:

The City of Arcadia is undertaking an update to the City's Land Development Regulations (LDRs). The LDRs are the mechanism by which the City implements the goals, objectives, and policies of the Comprehensive Plan, through local zoning, subdivision regulations, building construction, signs, and other regulations controlling the use and development of land.

This update will incorporate required changes as a result of the City's adopted 2030 Comprehensive Plan as well as text changes to language that is either out of date or in need of adjustment based on the current vision of the City.

Currently, regulations for zoning and land development activities are found within various Chapters of the City's Code of Ordinances and other adopted Ordinances. The proposed LDRs will be compiled into a single document referred to as the City of Arcadia Unified Land Development Code (ULDC). The LDRs are primarily a carry-over of the existing regulations. However, additional language and updates have also been provided to ensure consistency with the City's Comprehensive Plan and to reflect current design standards and development trends. Upon completion of the LDR update, the ULDC will be housed under a new Part (Part III, Unified Land Development Code) within the City's Code of Ordinances. The proposed City of Arcadia ULDC will be comprised of the following 13 Articles:

- Article 1: Preamble
- Article 2: Definitions
- Article 3: General Requirements and Nonconformities
- Article 4: Zoning Districts and Land Uses
- Article 5: Density, Dimension and Setbacks
- Article 6: Development Design and Improvement Standards
- Article 7: Planned Unit Developments
- Article 8: Signs
- Article 9: Natural Resources
- Article 10: Site Development Plans
- Article 11: Development Review Process
- Article 12: Subdivisions
- Article 13: Administration and Enforcement



PREVIOUS MEETING HISTORY:

The following meetings have occurred:

- March 12, 2013: Planning & Zoning Board Public Workshop of Articles 1, 2, and 13
- April 9, 2013: Planning & Zoning Board Public Workshop of Articles 3, 7, and 13
- June 25, 2013: Planning & Zoning Board Public Workshop of Articles 3 & 4
- August 27, 2013: Planning & Zoning Board Public Workshop of Articles 5 & 6
- December 10, 2013: Planning & Zoning Board Public Hearing

ARTICLE DESCRIPTIONS:

The following section provides a description of each of the Articles of the proposed ULDC:

- Article 1 – Preamble**
Article 1 is the introductory Article of the City’s Unified Land Development Regulations (LDRs). This Article provides language regarding the general purpose and intent of the LDRs as well as the authority upon which the City shall provide such regulations.
- Article 2 – Definitions**
Article 2 provides definitions, including interpretations of the terms and words that are used throughout the LDRs.
- Article 3 – General Requirements and Nonconformities**
Article 3 provides language regarding the general use of land and buildings within the City, including regulations for nonconforming uses and structures.
- Article 4 – Zoning Districts and Land Uses**
Article 4 sets forth the general provisions concerning the use of land, buildings, and structures, including the establishment of zoning districts and the Official Zoning Map for the City of Arcadia.
- Article 5 – Density, Dimensions, and Setbacks**
Article 5 sets forth the general provisions which regulate land use density and intensity, lot and setback requirements, and principal and accessory building, structure height and bulk regulations.
- Article 6 – Development Design and Improvement Standards**
Article 6 provides the development design and improvement standards which are established to ensure functional and attractive development within the City of Arcadia.
- Article 7 – Planned Unit Developments**
Article 7 outlines the regulations for Planned Unit Development (PUD) zoning districts, including the procedures for obtaining a PUD designation and the process for approval of a PUD zoning district.
- Article 8 – Signs**
Article 8 establishes the regulations which govern the placement and size of temporary and permanent signs within the City, application procedures, and the procedures for appeals of sign regulations.

❑ **Article 9 – Natural Resources**

Article 9 provides regulations for developments in flood prone areas in the City of Arcadia, including flood resistant development standards, permit application processes, and procedures for variances and appeals.

❑ **Article 10 – Site Development Plans**

Article 10 establishes the requirements for preparing site development plans and traffic study reports in order for land development activities to be reviewed for compliance with City Land Development Code requirements.

❑ **Article 11 – Development Review Process**

Article 11 provides a clear and comprehensive development review process. The intent of this Article is to identify the required procedures and requirements for processing and reviewing Comprehensive Plan, Zoning, and Land Development actions.

❑ **Article 12 – Subdivisions**

Article 12 establishes the uniform standards for the design of subdivisions, including the minimum requirements for subdivision improvements. Regulations for the preparation, review, and approval procedures are also established in this Article.

❑ **Article 13 – Administration and Enforcement**

Article 13 sets forth the duties, powers and limitations of Enforcing Officials, Boards, Committees, Commissions, and the City Council as they relate to the administration and enforcement of the City's LDRs.

LANGUAGE:

Text that is underlined is text to be added.

Text that is shown as ~~strikeout~~ is text to be removed.

COMMENTS:

A Cross-reference Matrix has been provided for each Article of the proposed ULDC. Each Matrix identifies the following three items: 1) Existing City Code Reference – Identifying where language under the City's current regulations exists; 2) Proposed LDR Reference – Identifying where the proposed language will be located in the proposed ULDC; and 3) Comments – Identifying any changes that have occurred.

Additionally, comments have been provided under proposed changes throughout the draft LDR amendments, indicating why certain language is being updated.

Please note: Proposed non-substantive changes such as organization name changes and grammatical revisions are shown without comments.

PLANNING & ZONING BOARD ACTION:

At the December 10, 2013 Planning & Zoning Board public hearing, the Planning & Zoning Board voted unanimously to recommend approval of the proposed changes to the Unified Land Development Code to the City Council for their consideration.

CITY COUNCIL MOTION OPTIONS:

1. I move the City Council **approve** Ordinance 994 on First Reading.
2. I move the City Council **approve with changes** Ordinance 994 on First Reading.

ATTACHMENTS:

- Ordinance 994
- Draft Land Development Regulation Amendments (Binder)

ORDINANCE 994

AN ORDINANCE AMENDING THE CITY OF ARCADIA CODE OF ORDINANCES SPECIFICALLY ADDING A NEW PART (PART III – UNIFIED LAND DEVELOPMENT CODE); REPEALING CHAPTER 58 – FLOODS, REPEALING CHAPTER 60 – HISTORIC PRESERVATION, REPEALING CHAPTER 66, ARTICLE II – RECREATION VEHICLES AND ARTICLE III (DIVISION 1) – MOBILE HOME PARKS, REPEALING CHAPTER 78 – PLANNING, REPEALING CHAPTER 86, ARTICLE II – VACATION OF ROADS, ALLEYS, STREETS AND EASEMENTS, REPEALING CHAPTER 90 – SUBDIVISIONS, AND REPEALING CHAPTER 110 – ZONING; REVISING AND ADDING VARIOUS LAND DEVELOPMENT REGULATIONS AND ASSOCIATED DEVELOPMENT STANDARDS; CERTIFYING THAT THE AMENDMENTS ARE READY FOR IMPLEMENTATION; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Arcadia City Council adopted the "2030 Comprehensive Plan" on May 1, 2012; and

WHEREAS, the City's Land Development Regulations require updating to be consistent with the 2030 Comprehensive Plan as well as for other general updates; and

WHEREAS, the City of Arcadia conducted a thorough review of the City of Arcadia Land Development Regulations; and

WHEREAS, the City of Arcadia City Council and the City of Arcadia Planning and Zoning Board reviewed and discussed recommendations to revise and add provisions to the City of Arcadia Land Development Regulations at workshops and meetings held with the Central Florida Regional Planning Council between February 2013 and October 2013, and

WHEREAS, the City of Arcadia Planning and Zoning Board has reviewed the proposed revisions and amendments at a public hearing on December 10, 2013, and has recommended approval; and

WHEREAS, the City of Arcadia City Council, after taking into consideration the recommendations of the Planning and Zoning Board and the City Staff, and the comments received during the public hearing process, finds that the proposed revisions and amendments are appropriate, desirable, and in the best interests of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ARCADIA, FLORIDA, THAT:

Section 1. The provisions set forth in the recitals to this Ordinance (whereas clauses) are hereby adopted by the City Council as the legislative findings and intent pertaining to this Ordinance.

Section 2. The City of Arcadia Code of Ordinances is amended to provide a new part (Part III – Unified Land Development Code); Repealing Chapter 58 – Floods; Repealing Chapter 60 – Historic Preservation; Repealing Chapter 66, Article II – Recreation Vehicles and Article III (Division 1) – Mobile Home Parks; Repealing Chapter 78 – Planning; Repealing Chapter 86, Article II – Vacation of Roads, Alleys, Streets and Easements; Repealing Chapter 90 – Subdivisions; and Repealing Chapter 110 – Zoning, a copy of which is attached to this ordinance, which is hereby adopted.

Section 3. The City of Arcadia City Council does hereby certify that the Arcadia Code of Ordinances – Part III – Unified Land Development Code is ready for implementation.

Section 4. Transition.

- (1) Any use of land, structure, or other condition which violated any provision of the Unified Land Development Code prior to the effective date of this Ordinance, and which is a violation of a provision of the updated Unified Land Development Code adopted by this Ordinance, shall continue to be deemed a violation, unless the use, development, construction, other activity, or violation issue complies with the provisions of this updated Unified Land Development Code.
- (2) Any use of land, structure, or other condition which violated any provision of the Unified Land Development Code prior to the effective date of this Ordinance, but which is not in violation of the updated Unified Land Development Code adopted by this Ordinance because the provision has been amended or removed, shall be deemed conforming with the updated Unified Land Development Code adopted by this Ordinance.
- (3) Notwithstanding the generality of Subsection (2) of this section, nothing herein shall be deemed to impair or affect any order made by City of Arcadia Code Enforcement, the Code Enforcement Special Master, or any court, entered prior to the effective date of this Ordinance.
- (4) Any use of land, structure, or other condition which was lawful before the effective date of this Ordinance but which is rendered nonconforming (or “grandfathered”) by the adoption of this Ordinance shall be governed by the provisions of the updated Unified Land Development Code adopted by this Ordinance applicable to nonconforming uses.
- (5) Any Resolution of the City of Arcadia City Council which conflicts with these regulations upon the effective date of this Ordinance is hereby superseded to the extent of the conflict.

Section 5. Applications which are submitted and determined to be complete prior to 5:00 P.M. on Tuesday, February 4, 2014 shall be reviewed using the regulations in effect at that time unless the applicant chooses to have the application reviewed under the Updated Land Development Regulations. Any applicant may, at their option, have their application governed by the Updated Land Development Regulations prior to the effective date of this Ordinance.

Section 6. If any provision of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such provision and such holding shall not affect the validity of any other provision, and to that end, the provisions of this Ordinance are hereby declared severable.

Section 7. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 8. This Ordinance shall take effect on February 4, 2014.

This Ordinance shall be codified in the Code of Ordinances of the City of Arcadia, Florida. A certified copy of this enacting Ordinance shall be located in the Office of the City Clerk of Arcadia. The City Clerk shall also make copies available to the public for a reasonable publication charge.

PASSED ON FIRST READING at the regular meeting of the City of Arcadia City Council held on the 21st day of January, 2014.

READ, PASSED AND ADOPTED on second reading at the meeting of the Arcadia City Council duly assembled on the _____ day of _____, 2014.

CITY OF ARCADIA, FLORIDA

Alice Frierson, Mayor

ATTEST:

Penny Delaney, City Clerk

Approved as to form:

Thomas J. Wohl, City Attorney

Motion made by _____ **seconded by** _____.

The vote was ____ **for** ____ **against with** ____ **abstentions and** ____ **absent**

AGENDA No. 10



City of Arcadia, Florida
Community Development

MEMORANDUM

TO: City Council
FROM: Carl McQuay, City Planner
DATE: January 21, 2013
SUBJECT: Vacation of an Unimproved Public Right-of-Way
FILE NO.: 13-02VR

I. Project Information

Petitioner: Roy and Judy Kilpatrick, Desoto Land Surveying

Business Address: 3300 NW Coker Street, Arcadia, FL 34266

Parcel. ID No.: 25-3724-0012-0390-0010 25-3724-0012-0390-0040 25-3724-0012-0390-0070
25-3724-0012-0390-0080 25-3724-0012-0390-0090

Request: Petition for resolution closing and vacating in accordance with the notice to be heard by City Council.

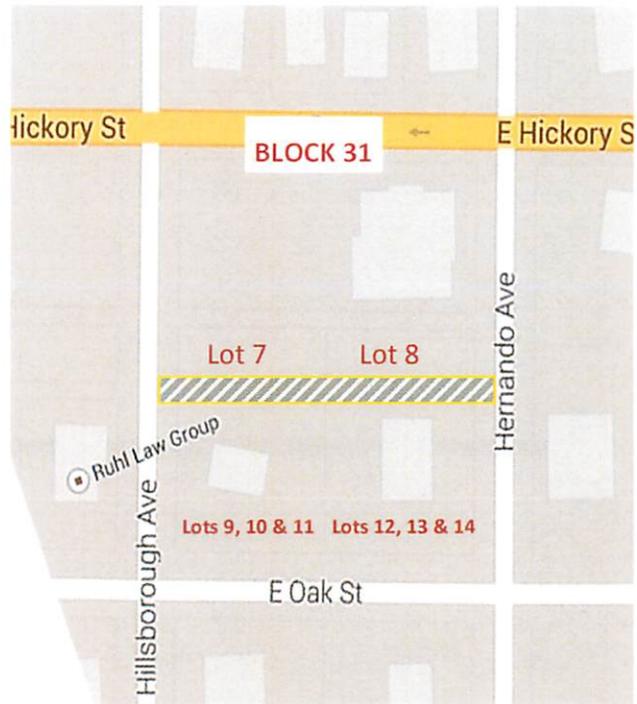
DESCRIPTION OF ALLEYS TO BE VACATED: ALL THAT PART OF A 16.00 FEET WIDE PLATTED ALLEY LYING SOUTH OF LOTS 7 AND 8 AND NORTH OF LOTS 9, 10, 11, 12, 13 AND 14, BLOCK 31, ORIGINAL SURVEY OF THE TOWN OF ARCADIA, FLORIDA, AS RECORDED IN PLAT BOOK 1, PAGE 67, DESOTO COUNTY, FLORIDA.

If any person decides to appeal any decision made by the Council with respect to any matter considered at this meeting or hearing, he will need a record of the proceedings and, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Aerial:



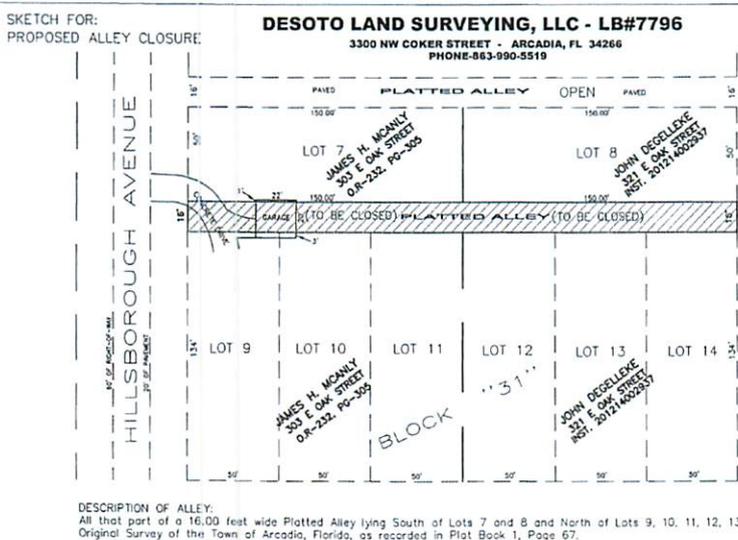
Subdivision Plat Map:



II. Petition Overview:

Roy and Judy Kilpatrick, Desoto Land Surveying, on behalf of the two property owners request consideration of a vacation of two platted alleyways which bisect a single-family residential block. The property owners represent the entire ownership group of Block 31 of the Original Survey of the Town of Arcadia, a subdivision plat recorded in the Public Records of Desoto County.

The subject property proposed for vacating (see Figure below) from the subdivision plat is a unimproved right-of-way which is 16 feet wide by approximately 300' in length. While included in the original plat of the City, the companion right-of-way was never improved for vehicular use as an alleyway or utilized by the City for potable water and sanitary sewer utility systems.



The property owner's agents have provided application materials in support of the vacation request. These include application (No. 13-02VR), project narrative and code consistency analysis, listing of property owners and agent authorization letters, legal description depicting existing ownership patterns, property survey depicting ownership and all existing private building structures and other private improvements, and proposed subdivision plat (re-plat with new ownership lines) plan that may be used in recording City approval with the Desoto

County Property Appraisers Office. The applicant has also included letters of “no objection” from all private utility providers which currently service this subdivision.

The City has reviewed the vacation petition through its Development Review Committee for technical compliance with code requirements, and to confirm that there are no utilities within the right-of-way. City staff has also evaluated the need for future use of the unimproved public areas for access and utility needs. The City’s management team representing water, sewer and street systems have no objection to the release of the public right-of-way to private property owners listed on Block 31 of the Original Town of Arcadia Plat.

III. Legal Description of Right-of-Ways to be Vacated

Description of alleys to be vacated:

All that part of a 16.00 feet wide platted alley lying south of lots 9, 10, 11, 12, 13 and 14 and north lots 7 and 8 , block 31, original survey of the town of Arcadia, Florida as recorded in plat book 1, page 67.

IV. Code Requirements and Standards of Review:

ARTICLE II. - VACATION OF ROADS, ALLEYS, STREETS AND EASEMENTS

Sec. 86-41. - Authority of city council.

The city council, with respect to property under its control within the territorial limits of the city, may, in its own discretion, and at its own motion, or upon the request of any agency of the state or of the federal government, or upon petition of any person:

- (1) Vacate, abandon, discontinue and close any existing public or private street, alleyway, road, easement or other place used for travel, or any portion thereof, other than a state, county or federal highway, and renounce and disclaim any right of the city and the public in and to any land in connection therewith;*
- (2) Renounce and disclaim any right of the city and the public in and to any land or interest therein acquired by purchase, gift, devise, dedication or prescription for streets, alleyways, roads or easements other than lands acquired for state, county or federal highways; and*
- (3) Renounce and disclaim any right of the city and the public in and to any land, other than land constituting or required for state, county or federal highways, delineated on any recorded map or plat as a street, alleyway, road or easement.*

Sec. 86-42. - Filing of petition.

Before any request for vacation is placed on the city council agenda, a petition for vacation shall be filed with the city recorder, along with payment of the filing fee to be established, but subject to modification from time to time by resolution of the city council and completion of appropriate staff review.

Sec. 86-43. - Contents of petition; payment of costs.

(a) The petition required by section 86-42 shall be signed by the petitioner or his attorney and shall include the following:

- (1) A legal description of the street, road, alleyway or easement to be vacated, along with a map or plat indicating the street, road, alleyway or easement thereon.*
- (2) A list of the names and addresses of all property owners abutting upon the described lands and a statement of what effect, if any, the vacation of such street, alleyway, easement or road may have upon other property owners in the area.*

(3) Letters from appropriate officials of each utility company and cable TV company operating in the general area, stating their objections, if any, to the vacation. If there are no objections, the letter shall so state.

(4) Letters of objection or no objection from all owners of record of lots or parcels of land that would be affected by the vacation, including the legal description of the properties owned by such abutting property owners or other affected property owners.

(b) In addition to the filing fee, all costs and expenses of surveys and preparation of plats, costs of publication, mailing expenses, recording costs, legal expenses and other costs and expenses incurred in the processing of the petition to vacate by the petitioner and/or the city shall be paid by petitioner prior to setting the public hearing and placing the petition on the city council agenda.

Sec. 86-44. - Determination of sufficiency of petition.

Upon the filing of a petition pursuant to this article, the city recorder shall furnish a copy thereof to the city attorney, who shall examine the petition for completeness and notify the city recorder in writing as to his opinion thereon. If the petition is found incomplete by the city attorney, the city recorder shall notify the petitioner in writing, and the petitioner shall be given a reasonable time to make the petition complete.

Sec. 86-45. - Review of petition.

Upon the filing of a petition and a determination of sufficiency in accordance with section 86-44, or upon motion of the city council, the city recorder shall furnish a copy to the city engineer, the city building official and the planning and zoning board of the city, which shall, within a 90-day period of time, review the petition and file their recommendations with regard thereto. If the petition is rejected by the persons or board named in this section, the objections shall be outlined and the reasons given to the petitioner.

Sec. 86-46. - Mailing of copy of petition to owners of affected properties.

Upon the filing of a petition pursuant to this article, the petitioner shall also mail a copy of the petition to each abutting property owner or other owner of record of lots or parcels that may be affected by the vacation, or as directed from preliminary staff review or from council action, by certified mail with return receipt requested. The return receipts shall be filed with the city recorder prior to the setting of the public hearing to be held upon the petition.

Sec. 86-47. - Hearing.

After the filing of all information and required recommendations and opinions as outlined in this article, and the payment by the petitioner of the incurred and projected public hearing costs, the city recorder shall place the petition, motion of the city council or request of agency of the state or federal government made pursuant to section 86-41(1) through (3) upon the agenda of the city council for the purpose of holding a public hearing thereon. The city recorder shall publish notice of the public hearing one time in a newspaper of general circulation in the county at least two weeks prior to the date stated therein for such public hearing, and the recorder shall also mail notice of the public hearing to all affected property owners.

Sec. 86-48. - Adoption of resolution; recording of resolution and proof of publication.

(a) During or after the public hearing provided for in section 86-47, any action of the city council vacating any road, street, alleyway or easement shall be evidenced by a resolution duly adopted and entered upon the minutes of the city council.

(b) Notice of the adoption of such resolution of the city council shall be published one time within 30 days following its adoption in one issue of a newspaper of general circulation published in the county.

(c) The proof of publication of notice of the public hearing, the resolution as adopted, and the proof of publication of the notice of the adoption of such resolution shall be recorded in the deed records of the county by the city recorder.

Sec. 86-49. - Refund of unexpended funds advanced by petitioners.

Any unexpended funds advanced by petitioners under this article, excluding filing fees, shall be refunded to petitioners.

Sec. 86-50. - Previous actions of council ratified.

The actions by the city council heretofore taken closing, vacating or abandoning any road, street, alleyway or easement as described in this article and appearing in the minutes of the city are hereby ratified, approved and confirmed in all respects, and such roads, alleyways, streets and easements are declared closed, vacated and abandoned, consistent with the provisions of the resolution or other action of such city council as shown by its minutes.

Sec. 86-51. - Title to vacated space.

The act of the city council in closing or abandoning any road, street, alleyway or easement or in renouncing or disclaiming any rights in any land delineated on any recorded map as a road, street, alleyway, or easement shall abrogate the easement, alleyway, street or road theretofore owned, held, claimed or used by or on behalf of the public and the title of the fee owner shall be freed and released therefrom; and if the fee or road, street, alleyway or easement space has been vested in the city, it will be thereby surrendered and will vest in the abutting fee owners in accordance with the laws of the state.

V. Findings:

Planning and Zoning Board confirms that there are no inconsistencies in the petitioner's application with regulatory standards found within the City's Comprehensive Plan, Land Development Code, and capital improvement plan programming which would conflict with the applicant's vacation request (No. 13-02VR). Staff also confirms that no public or private utility provider has made known as to future need or objection to the release of the two right-of-ways to the adjacent property owners consist with plat drawings provided by Desoto Land Surveying.

VI. Planning and Zoning Board Recommendation:

Planning and Zoning Board provided a unanimous and favorable recommendation to the City Council in support of the petitioner's request to vacate the two public alley right-of-ways on Block 31. There were no members of the public who spoke on behalf of the petition. The Planning and Zoning Board advisory recommendation included a recommendation to provide legal notice as required by Chapter 86, Code of Ordinances, and prepare resolution for City Council action of the petition request.