

RESOLUTION NO. 2013-08

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA, REGARDING THE AIRPORT; AMENDING AND RESTATING IN ITS ENTIRETY RESOLUTION NO. 2009-8 AND AMENDING AND RESTATING IN ITS ENTIRETY RESOLUTION NO. 2009-20; ESTABLISHING THE AIRPORT ADVISORY COMMITTEE AND THE PROCEDURES AND RULES GOVERNING SAME; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on May 5, 2009, the City Council of the City of Arcadia adopted Resolution No. 2009-8 which established the Airport Advisory Committee; and

WHEREAS, it came to the attention of the City that the Committee's efforts and the City's day-to-day operations are hampered by the inclusion of the City Administrator as an ex officio member of the Committee as the state's Government-in-the-Sunshine Law prevents the Administrator from discussing many airport-related matters with other members of the Committee except at noticed meetings of the Committee; and

WHEREAS, it was never the intent of the City Council for such problems to arise; and

WHEREAS, the City Council amended and restated in its entirety Resolution No. 2009-8 by Resolution No. 2009-20.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA, AS FOLLOWS:

Section 1. Establishment of the Airport Advisory Committee. The Airport Advisory Committee is hereby established as follows:

(1) This Committee shall be advisory only and may be abolished, disbanded, or reorganized at any time by the Council pursuant to an amendment to this resolution. The Committee's purpose is to advise the City Administrator regarding the development of the airport and adjacent property. All findings and recommendations of the Airport Advisory Committee will be directed to the City Administrator for consideration. The board's authority is limited to such as provided by the City Administrator.

(2) The City Council shall appoint members to the Committee by motion made at a public meeting. The motion may provide for the term of office of each member, and the terms of office may be staggered, all in the sole discretion of the City Council. All Committee members serve without pay.

(3) Open positions for members of the Committee shall be announced at a City Council meeting and may be advertised in a manner determined by the City Administrator. Applicants for such positions shall follow the procedures set by the City Council and the City Administrator regarding advisory board applications and shall provide assurances to the Council of the lack of conflicts and potential conflicts of interest.

(4) The Committee should be comprised of at least three (3) and no more than five (5) members. At least two (2) members shall be residents or business owners in the City, and at least one (1) other member shall be a resident or business owner in the unincorporated area of De Soto County.

(5) The duties of the advisory committee are:

1. Study the Airport Master Plan and make recommendations, when necessary, of methods to accomplish said plan over the next five years.
2. Study the Airport Minimum Standards and make recommendations, when necessary, of methods to improve or implement the standards.

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3. Study and make recommendations regarding future leases, business agreements and event proposals.
4. Study the economic feasibility of various land uses of adjacent property and, in particular, the use of said land for aeronautical, industrial or commercial use.
5. Study and make recommendations in the preparation of the annual budget in order to understand the financial condition of the airport.

(5) The City Administrator shall act as a liaison between the Board and the Council. (6) The Committee shall follow any meeting procedures adopted by the City Council, or in absence of same or where same are silent by the most recent edition of Robert's Rules of Order. Unless a quorum of members is present, the Committee shall not take formal action but may meet to hear presentations. Meetings shall be scheduled in the discretion of the Committee or at the request of the City Council or the City Administrator.

(7) Staff, administrative, and facility support for the Committee shall be provided by a city department designated by the City Administrator. Minutes of the meetings of the Committee shall be kept by the City Recorder. The City Attorney shall provide all legal services to the Committee but only as specifically directed, from time to time, by the Council or City Administrator; provided, however, the City Attorney shall not be required to undertake or continue representation of the Committee where to do so would, in the opinion of the Attorney, conflict with his representation of the City Council or constitute a violation of the Rules Regulating the Florida Bar.

(8) A member of the Committee may resign at will or be removed at any time by the City Council. Should any member of the Committee resign or be removed before completion of his/her term, the City Council shall appoint a new member for the remainder of such member's term following the procedure included herein above.

Section 2. Amendment and Restatement of Resolution No. 2009-8. Resolutions No. 2009-8 and 2009-20 are hereby amended and restated in its entirety by this Resolution.

Section 3. Effective Date. This Resolution shall be take effect immediately upon adoption.

PASSED AND DULY ADOPTED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA, with a quorum present and voting this 2nd day of April, 2013.

CITY OF ARCADIA, FLORIDA

By Mayor: _____
Keith Keene

ATTEST: _____
Gia Lancaster, City Clerk

APPROVED AS TO FORM: Thomas J. Wohl, City Attorney

Deleted: and should express an interest in improving the airport for current and future users as well as attracting more clientele to the Airport and increasing its profitability. At least two (2) members shall be residents or business owners in the City, and at least two (2) other members shall be residents or business owners in the unincorporated area of De Soto County. ¶

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**CITY OF ARCADIA, FLORIDA
ORDINANCE NO. 988**

**AN ORDINANCE OF THE CITY OF ACADIA, FLORIDA;
CREATING SECTION 102-47 OF THE CITY OF ARCADIA CODE
OF ORDINANCES; PROVIDING FOR THE IMPOSITION OF
LIENS FOR DELINQUENT UTILITY ACCOUNTS; PROVIDING
FOR CODIFICATION; PROVIDING FOR SEVERABILITY AND
PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the City of Arcadia supplies utilities to account holders at charges established by the City Council of the City of Arcadia; and

WHEREAS, some account holders fail to pay the charges and the City needs a remedy to be able to recoup those monies; and

WHEREAS, the City Council wishes to establish authority to impose liens for delinquent utility accounts.

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 a new section 102-47 to read in its entirety as follows:

“Sec. 102-47. Security for Non-Payment of Utility Bills.

- (a) Except as otherwise provided by law, on all premises the owner shall be held liable and responsible for charges for all utilities supplied thereto if the owner is/was the city's account holder when the usage occurred. Failure to pay such charges when they become due shall constitute grounds to terminate services to those premises, including but not limited to removal of water meter and disconnection of piping.
- (b) The city shall have as additional security for the collection of any charges for water, sewer, sanitation and/or reclaimed water service supplied to any building or to any premises, lot, piece or parcel of land, a lien upon such building and upon any premises, lot, piece or parcel of land upon which such building shall be situated or to which such utilities are supplied when the bill for the utilities remains unpaid for a period of 30 days after they become due and payable and shall remain a lien until paid in full. When recorded in the public records such lien shall be prior to and superior to all other liens

except taxes and shall be on parity with the lien of such taxes. Neither discontinuance of service nor any attempt to collect such utility bills, assessments or charges by any process shall in any way invalidate or waive the lien upon the premises. The city may proceed to foreclose such lien or liens pursuant to the manner prescribed by law.

- (c) The lien provided for herein may be recorded in the public records of the county. The amount of any lien so recorded shall include all unpaid utility charges and all costs incurred in recording the lien including but not limited to the filing fees, and administrative costs incurred by the city which administrative costs shall be established by the city council. Such costs shall have the same priority as provided for the public utility charges so recorded. Upon payment of such lien, a release or satisfaction of lien will be provided to the owner for filing or will be filed for the owner upon receipt from the owner of the filing fees charged by the county.
- (d) The principal amount of all utility liens levied pursuant to this section shall bear interest at the rate provided for in F.S. § 687.01, as such section may be amended from time to time, from the date of recording such lien; and such interest as provided in this section shall also constitute a lien against the property assessed of equal dignity to that of the underlying lien.”

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 _____, 2013.

CITY OF ARCADIA, FLORIDA

KEITH KEENE, MAYOR

ATTEST:

By: _____
VIRGINIA HAAS
CITY RECORDER

PASSED ON FIRST READING: _____, 2013.

PASSED ON SECOND READING: _____, 2013.

APPROVED AS TO FORM:

THOMAS J. WOHL, CITY ATTORNEY