

**AGENDA
ARCADIA CITY COUNCIL
CITY COUNCIL CHAMBERS
23 N. POLK AVE., ARCADIA, FL
TUESDAY MAY 15, 2012
6:00 PM**

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

PRESENTATIONS

- Aviation Day 2012 Certificates of Appreciation
- Civility Proclamation for the month of May
- McSwain Park

CONSENT AGENDA

1. Minutes of April 24, 2012 Special Meeting.
2. Minutes of May 1, 2012 Workshop Meeting.
3. Minutes of May 1, 2012 Regular Meeting.
4. Check warrants from 04/25/12, 04/27/12, 05/01/12 and 05/02/12.

DISCUSSION ITEMS

5. Swaine & Harris, P.A. Agreement for Representation and Fees. (Attorney Gladfelter)
6. Acting City Administrator out of title pay. (Councilman Fink)
7. Special Approval for DeSoto Plaza, 1307 E. Oak Street, Internet Café, applicant Mr. Dwayne Waltrip. (Acting City Administrator Judi Jankosky)
8. Special Approval for DeSoto Plaza, Automotive Preventative Maintenance Facility, applicant Mr. William Harvey. (Acting City Administrator Judi Jankosky)
9. City Recorder Position. (City Recorder)
10. Code Enforcement at 143 South Orange Avenue and other areas. (Councilman Fink)

RESOLUTION

11. **RESOLUTION NO. 2012-03; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA, GRANTING A VARIANCE TO REDUCE THE FRONT YARD BUILDING SETBACK FROM 25 FEET TO 20 FEET AND THE REAR YARD BUILDING SETBACK FROM 20 FEET TO 6 FEET TO FACILITATE THE CONSTRUCTION OF A SINGLE FAMILY DWELLING ON PROPERTY LOCATED AT 514 BOND STREET, ARCADIA, FLORIDA. (Jeff Schmucker, CFRPC)**

If a person decides to appeal any decision made by the board, agency, or council with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she 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.

Please TURN OFF or SILENCE all cell phones

COMMENTS FROM DEPARTMENTS

12. City Marshal

13. Attorney

14. Administrator

- a. Update on request for Barbara Petersen to speak
- b. Upcoming Budget Workshops
- c. Safety Inspections Update

PUBLIC (PLEASE LIMIT PRESENTATIONS TO FIVE MINUTES)

MAYOR AND COUNCIL MATTERS

ADJOURN

If a person decides to appeal any decision made by the board, agency, or council with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she 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.

Please TURN OFF or SILENCE all cell phones



CITY, COUNTY AND LOCAL GOVERNMENT LAW SECTION

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Terms Expiring 2012

At-Large Members:

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Mark CS Moriarty
Ft. Myers
(239) 321-7056

Nancy Stuparich
Tampa
(786) 246-0835

Ex-Officio Members:

All Past Chairs

PROGRAM ADMINISTRATOR:

Ricky D. Libbert
The Florida Bar
rlibbert@flabar.or

April 13, 2012

Re: Proclamation and Pledge of Civility for the Month of May

Dear Madam/Sir:

The attorneys of the City, County and Local Government Law Section of The Florida Bar ask your local government to join with other cities and counties throughout the State of Florida in proclaiming May as "Civility Month."

Civil discourse is a cornerstone of American democracy and is a vital ingredient to successful local governance. The attorneys of the City, County and Local Government Law Section of The Florida Bar ask you to renew the pledge of public conduct that your local government may have adopted in prior years.

A sample proclamation is enclosed for your use. We are asking all local governments in Florida to adopt such a proclamation to help to uplift the tone and conduct in public meetings throughout the State. We join with our public officials in urging all citizens to exercise civility toward each other throughout the year as they participate in Florida's democratic process.

If you choose to adopt the proclamation, please send us a copy to: Ricky Libbert, The Florida Bar, 651, E. Jefferson St., Tallahassee, Florida 32399-2300, rlibbert@floridabar.org

Thank you for your attention to this important matter and for your dedicated public service.

Sincerely,

Kenneth A. Tinkler
Chair

Enclosure

KLCThI.doc

PROCLAMATION

Whereas, the open exchange of public discourse is essential to the democratic system of government; and

Whereas, as a cornerstone of democracy Americans have observed certain rules of behavior generally known as civility;

Whereas, civility, derived from the Latin words "civitas" meaning city and "civis" meaning citizen, is behavior worthy of citizens living in a community or in common with others; and

Whereas, displays of anger, rudeness, ridicule, impatience, and a lack of respect and personal attacks detract from the open exchange of ideas, prevent fair discussion of the issues, and can discourage individuals from participation in government; and

Whereas, civility can assist in reaching consensus on diverse issues and allow for mutually respectful ongoing relationships; and

Whereas, civility can uplift our daily life and make it more pleasant to live in an organized society; and

Whereas, the City, County and Local Government Law Section of The Florida Bar urges the adoption of a pledge of civility by all citizens in the State of Florida.

Now, therefore, be it resolved, by the County Commission of the County of _____ that the month of May is proclaimed as Civility Month, and calls upon all citizens to exercise civility toward each other.

Passed and adopted this _____ day of _____, 2010.

ATTEST:

CLERK

Virginia Haas

From: Mary_Kay_Burns@doh.state.fl.us
Sent: Wednesday, May 09, 2012 11:14 AM
To: Virginia Haas
Cc: Mary_Kay_Burns@doh.state.fl.us
Subject: City Council Presentation re McSwain Park

Thank you so much for adding us onto the agenda for next weeks meeting. We will bring a brief presentation to share with the Council. Our goal is to set a ground breaking day for the project.

mk

Mary Kay Burns, R.N., B.S.N., M.B.A.

Administrator / Health Officer
DeSoto County Health Department
34 South Baldwin Avenue
Arcadia, FL 34266
P: (863) 993-4601 ext. 118
C: (863) 990-5043
F: (863) 491-7598

Interim Administrator
Charlotte County Health Department
1100 Loveland Boulevard
Port Charlotte, FL 33980
P: (941) 624-7200
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Please note: Florida has a very broad public records law. Most written communications to or from state officials regarding state business are public records available to the public and media upon request. Your email communication may therefore be subject to public disclosure.

**MINUTES
CITY COUNCIL
SPECIAL MEETING
CITY OF ARCADIA
TUESDAY, APRIL 24, 2012
5:00 PM**

CALL TO ORDER, INVOCATION PLEDGE OF ALLEGIANCE & ROLL CALL

The meeting was called to order at approximately 5:00 p.m.

Councilman Heine gave the invocation followed by the Pledge of Allegiance.

Arcadia City Council

Mayor Keith Keene
Councilman Robert Heine
Councilman Robert R. Allen

Deputy Mayor Alice Frierson
Councilman Joseph E. Fink

Arcadia City Staff

Asst. City Administrator Judi Jankosky
City Attorney Leslie Gladfelter

City Recorder Virginia S. Haas

Mayor Keene reviewed the ground rules and noted that no decisions would be made tonight and discussions will be open along with any questions from the City Council.

1. 5:00 p.m. – 5:30 p.m. Blalock Walters - Mr. Mark Patrick Barnebey

5:10 p.m. Mr. Mark Barnebey, Mr. Scott Russo and Ms. Rachel Layton introduced themselves and gave general background on the Blalock Walters firm. The firm has been in business since the 1920's and employs 20 attorneys most certified in local government law. Mr. Barnebey reviewed the firms experience with other cities and associations they are involved in. He noted that Mr. Russo specializes in sunshine law and public records. He explained that the City would have access to all the firms' attorneys especially Will Robinson, Fred Moore, and Matt Westerson. He stated that the firm takes a proactive approach in that they like to address issues before they become problems. He reviewed the key points as to why the City should choose Blalock Walters: 1) Proactive approach 2) Legal and practical common sense 3) Expertise in unique issues (Mobile Home Park and Airport 4) Firm enjoys serving the public 5) Cost effective and 6) No conflicts of interest. Mr. Barnebey responded to Mayor Keene that any Council Member may call him directly on his cell phone. Mr. Barnebey responded to Councilman Fink that travel expenses were included in the retainer fee.

2. 5:30 p.m. – 6:00 p.m. Dye, Deitrich, Petruff & St. Paul – Ms. Patricia A. Petruff and Mr. James D. Dye.

Mr. James Dye and Ms. Patricia Petruff introduced themselves and the firm of Dye, Deitrich, Petruff & St. Paul. Mr. Dye reported their firm has been in business for over 80 years in Bradenton and they are board certified in local government. Mr. Dye noted that he was the first to be certified in local government and rated as a specialist. The firm approaches each entity taking into consideration that the City is unique with its own character and the elected officials are the policy makers while the Attorney provides the Council with legal advice. Mr. Dye responded to Deputy Mayor Frierson that there would be no conflict in meeting nights and while they are a small firm they are very accessible to clients. Mr. Dye responded to Councilman Fink that they would consider monthly rates rather than hourly rates and travel expenses could be built into the monthly retainer. He noted that the key is to be fair to both sides. Interview ended at 5:40 p.m.

3. 6:00 p.m. – 6:30 p.m. Hankin, Persson, Davis, McClenathen & Darnell – Mrs. Kelly Martinson Fernandez.

Mrs. Kelly Martinson Fernandez introduced herself and the firm Hankin, Persson, Davis, McClenathen & Darnell noting that it was a small firm however they do currently work with the Town of Long Boat Key and North Port. She explained she has been with the firm for three years and previously worked in Tallahassee with the Department of Environmental Protection Agency dealing with growth management issues. Councilman Fink noted her extensive experience in planning however she responded that she was not board certified in local government. Interview ended at 5:50.

The City Council requested if they could now interview Mr. Paul Seussy via telephone because the interviews were progressing faster than expected.

4. 6:30 p.m. – 7:00 p.m. Morrell, Watson & Southwell – Mr. J. Steven Southwell

Interview began at 6:10 p.m. Mr. Steven Southwell introduced himself and the firm of Morrell, Watson and Southwell. He explained that he is a native Arcadian and recently moved to the Wauchula Office. He previously worked in Tampa as a land use attorney. Mr. Southwell responded that he was not currently municipal government certified but he had that on his list to complete. He responded to Deputy Mayor Frierson that he could cover meetings easily because the travel is not far and he is always accessible by phone. Mr. Southwell responded to Councilman Fink that the travel was included in the \$2,500 monthly retainer. Mr. Southwell responded to Mayor Keene that he has a personal connection to Arcadia and every City is unique and feels he would fit in here.

5. 7:00 p.m. – 7:30 p.m. Mr. Paul Bennett Seusy (Via Telephone)

Begin interview with Mr. Paul Seusy at 5:55 p.m. Mr. Seusy introduced himself and thanked Council for allowing his interview by phone. Councilman Fink stated that he was leery of being billed hourly. Councilman Fink asked Mr. Seusy about potential conflicts of interest. Mr. Seusy responded if there were a conflict of interest he would have to let that client go. He noted that he felt Attorney Galvano performed well in not inserting himself into the politics and he would strive to maintain that. He responded to Councilman Fink that he was not certified in local government law. He also stated that he no longer represented the housing authority. Mr. Seusy responded to Councilman Allen that he has represented clients and is familiar with the City codes and noted that it is easy to perform a search now that the codes are online. Mr. Seusy responded to Deputy Mayor Frierson that he does not see an issue with attending every meeting as he does not travel very often however if there were a conflict he could call in another firm for help. He explained that he has no problem with Council dropping by his office. Mayor Keene asked Mr. Seusy what sets him apart from the other attorneys. Mr. Seusy responded that he is a good neighbor, honest and fair. He noted he graduated from Vanderbilt and he feels his job is more about assisting individuals and that the City is responsive to the needs of the public. Interview ended at 6:10 p.m.

6. 7:30 p.m. – 8:00 p.m. Swain & Harris – Mr. Thomas J. Wohl

Mr. Thomas J. Wohl introduced himself and the firm of Swain and Harris. He stated he was born in Highlands County and graduated from Stetson. He continued that Swain and Harris has practiced in Tampa and has worked for the City of Sebring for 38 years as their Airport Attorney and for the Town of Lake Placid as well as Hillsborough County. He stated the members of the firm as Bob Swain, Bert Harris and Mike Swain. Councilman Fink noted that it was Bert Harris who has a Florida State Statute named after him. Mr. Wohl stated the firm is not municipally certified and travel is included in the noted retainer. The firm stated even if they are not chosen as the Attorney of record they would be glad to help the City in any way.

7. 8:00 p.m. – 8:30 p.m. Saxon, Gilmore – Mr. Michael Rosen

Due to the meeting running ahead of schedule Mr. Michael Rosen was interviewed by phone. Mr. Rosen of Saxon, Gilmore stated the firm is mid-sized with 14 attorneys and he reviewed the rates of the different staff. Councilman Fink questioned if the firm would consider a flat rate rather than hourly to which Mr. Rosen affirmed yes. Mr. Rosen replied to Councilman Fink that he doesn't believe there will be a conflict due to the firm representing the City of Zolfo Springs Housing Authority. Interview ended at 7:30 p.m.

Councilman Heine suggested scheduling the Attorney selection for the May 1, 2012 meeting. Mayor Keene agreed. Mrs. Jankosky noted that the firm from Sebring (Swain and Harris) has a good insight regarding airports. Mayor Keene stated that all firms appear to be qualified. Deputy Mayor Frierson stated the Council should consider a local firm.

MAYOR AND COUNCIL MATTERS

ADJOURN

There being no further business, the meeting was adjourned at 7:40 p.m.

APPROVED THIS __ DAY OF _____, 2012.

By:

Keith Keene, Mayor

ATTEST:

Virginia S. Haas, City Recorder

**MINUTES
CITY COUNCIL WORKSHOP
CITY OF ARCADIA
TUESDAY, MAY 1, 2012
5:00 PM**

ITEM # 2

CALL TO ORDER, ROLL CALL

The workshop session was called to order at approximately 5:00 PM.

Arcadia City Council

Mayor Keith Keene
Deputy Mayor Alice Frierson
Councilman Robert Heine

Councilman Joseph E. Fink
Councilman Robert Allen

Arcadia City Staff

Assistant City Administrator Judi Jankosky
City Recorder Virginia S. Haas
Finance Director, Jorge Santana
City Attorney Bill Galvano
City Attorney Leslie Gladfelter

DISCUSSION:

1. Revenue and expenditure summary as it compares to 2010/2011 and 2011/2012.

Mayor opened the meeting commenting that it would be helpful for Mr. Santana to give the Council a snapshot of where we are financial and whether there may be any adjustments needed. Mr. Santana reported that adjustments were made to the March financials and the \$450,000 settlement was removed and book in the 2010/2011 budget per the Auditor's recommendation. Attorney Galvano noted that the settlement occurred this year when the appeal was lost. Mr. Santana responded that the Auditor received documents prior to September 30, 2011 expressing an amount of \$309,000 plus attorney fees. Attorney Galvano responded that at that time there was a potential liability. Mr. Santa stated that the Auditor booked the liability at the time it was received as written by the Attorney's audit letter. There was additional discussion in which budget year the settlement should be booked. Mr. Santana replied to Deputy Mayor Frierson that the settlement was paid from the Seacoast operating account. Councilman Fink interjected that the Council should ask the Auditor directly. Mr. Santana passed into the record the email from the Auditor stating that the \$450,000 was booked to the 2010/2011 budget.

Mr. Santana continued that \$32,000 was spent in the Water/Sewer renewal and replacement fund which will require amendments as well as amendments to the retirement fund. Deputy Mayor Frierson noted that according to the minutes she reviewed the increase in the water rates was to be only used for water projects and once the fund built up the City could consider giving the citizens some relief. Mrs. Jankosky stated there are standing bills for sidewalks installed on Polk and Oak which were requested to be paid out of the Water/Sewer renewal and replacement fund; however the Auditor told her that these improvements could not be taken from that fund. Deputy Mayor Frierson interjected that the engineer for the bicycle/pedestrian master

plan told her there will be money available for these type projects (sidewalks and road paving). On the other she stated the improvements could be paid out of the capital improvement fund. Mr. Santana responded that there is \$1,068,489 in the capital improvement fund and there is \$375,000 in the Water/Sewer renewal and replacement fund. Mayor Keene stated that the city needs a priority list. Councilman Heine suggested that the Department Heads attend each Council Meeting. Mr. Santana responded to Deputy Mayor Frierson that when questions arise he contacts the Comptroller's Office.

Councilman Heine stated that the fire hydrants throughout the City need replacing. Mr. Santana responded that the hydrant replacements are coming out the System's budget as they budget \$40,000 each year to replace hydrants systematically. Mr. Santana noted that the Council could expedite the hydrant replacements and pull from the capital improvements fund or water/sewer renewal and replacement fund. Mayor Keene reiterated the need for a priority list and plan of action. Deputy Mayor Frierson stated that Council needs to know where the City stands in the budget and the negativity she received at the last meeting regarding the budget was overwhelming. Mayor Keene suggested that the Deputy Mayor may want to bring forward any suggestions. Deputy Mayor Frierson pointed out that the City needs someone who has in depth experience with local government budgets. Mr. Santana explained that at this point in time our revenues are coming in higher and our expenditures are low and we are showing a \$526,000 profit however we are unable to be certain where we might be in the next six months. He stated that reserves on March 30, 2011 were 3.72 million and March 30, 2012 they were 3.74 which is an increase of \$20,000. Mr. Santana responded to Deputy Mayor Frierson that the General Fund spent approximately 2.4 million therefore over the next 6 months we may spend 3 million which totals the 5.5 million dollar budget approved in September. Deputy Mayor asked where the savings are found in the budget. Mr. Santana responded that the revenues minus the expenditures show a savings of \$526,000.

Councilman Fink inputted that he and three of the other Council Members did not approve this budget and the Council would have to work with the budget currently in place. He explained that he took offense to statements that indicate he is not concerned about the budget and he doesn't feel the Council should count paper clips and pens. Deputy Mayor Frierson agreed and pointed out that the Council needs to whittle down the expected deficit. Councilman Fink responded that the Council needs to set priority issues so that the City Administrator knows what to accomplish.

Mr. Santana explained that typically the budget preparation begins in the Middle of May and payroll is completed first and then the operating costs are prepared through analyzing a five year trend.

Councilman Fink apologized to Deputy Mayor Frierson and stated that she cares about the City as much as he does. Deputy Mayor Frierson explained that she had to step back from the budget as they were told to keep their mouths closed and threatened legally.

Mrs. Jankosky suggested having each Department come before Council and explain

what expenses are in the requested budget. Councilman Heine stated that if a Council Member feels that something needs to be said they should be able to express themselves. Mayor Keene echoed Councilman Heine's statement and asked Deputy Mayor Frierson to share with the Council what she has. Deputy Mayor Frierson responded that she would gladly give copies to the Council provided they study the materials. She reiterated that the deficit needs to be addressed.

Mr. Santana stated that at this point in time he is comfortable with the budget however he feels the numbers will come in extremely close. Deputy Mayor Frierson responded that if the deficit is not eliminated the reserves will be depleted within three to five years.

Mayor Keene stated the Council may need to consider reduction in services. Councilman Heine concurred with having meetings with each department Head. Councilman Allen indicated that he preferred to see the full budget. Mr. Santana responded to Mayor Keene that typically the budget process begins in May with the Department Heads creating their respective projected budgets.

Councilman Fink requested a personnel services log of position titles and salary information.

Council, by consensus, agreed that each Department Head would present their budget at a subsequent Workshop Meeting.

PUBLIC COMMENTS

COUNCIL MEMBER COMMENTS

ADJOURN

Having no further business, the workshop was adjourned at 6:00 PM.

APPROVED THIS ____ DAY OF _____ 2012

By:

Keith Keene, Mayor

ATTEST:

Virginia S. Haas, CMC
City Recorder

**MINUTES
CITY COUNCIL
CITY OF ARCADIA
TUESDAY, MAY 1, 2012
6:00 PM**

CALL TO ORDER, INVOCATION PLEDGE OF ALLEGIANCE & ROLL CALL

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

Mr. Ryan Burns gave the invocation followed by the Pledge of Allegiance.

Arcadia City Council

Mayor Keith Keene
Councilman Robert Heine
Councilman Robert R. Allen

Deputy Mayor Alice Frierson
Councilman Joseph E. Fink

Arcadia City Staff

Asst. City Administrator Judi Jankosky
City Attorney William Galvano
City Attorney Leslie Gladfelter

City Recorder Virginia S. Haas
Marshal Charles Lee

PRESENTATIONS

- April Employee of the Month – Gordon Cogswell

Mrs. Jankosky reported that Mr. Gordon Cogswell was awarded the April Employee of the month however he was unable to attend the meeting.

- Presentation of certificates of appreciation to those who assisted in the water main break.

Mayor Keene presented certificates of appreciation to: AJ Berndt, Larry Bullion, Judi Jankosky, Carol Jones, Fred Lewis, John Ristau, John Salo, Lee Snyder and Brian Stewart.

Mayor Keene read and presented a Proclamation for Youth Week to Brian Burns, Elk's Lodge.

CONSENT AGENDA

1. Minutes of April 17, 2012 Regular Meeting.
2. Check warrants from 04/16/12, 04/20/12 and 04/23/12.
3. Air-Cadia flowage and hanger report for March 2012.
4. Request for Special Event Permit and street closure - Independence Day Parade on July 4, 2012 – Applicant Arcadia Elks Lodge 1524 and Five Star Youth of America.

A motion was made by Councilman Fink and seconded by Councilman Heine to approve consent agenda items 1 through 4. The motion carried 5-0.

DISCUSSION ITEMS

5. City Attorney Selection. (City Council)

Councilman Allen stated that the City Attorney selection is a big step and he hopes that the Council selects a firm that represents the City's rural community.

A motion was made by Councilman Allen and seconded by Councilman Fink to begin contract negotiations with the firm Swaine and Harris.

Councilman Heine stated that all seven firms were well qualified and the City would be happy with any selection. He noted Swain and Harris' Airport experience and he thanked Attorney Galvano for serving as the City's Attorney. Councilman Fink thanked all the Attorney applicants and noted his choice was a hard decision. He stated that Paul Bennett Seusy and the Blalock and Walters firms offered much in terms of experience. Deputy Mayor Frierson agreed and stated that all candidates were great and she had a tough decision also. Mayor Keene concurred with all and that the quality of applicants was outstanding.

The vote on the main motion carried 5-0. Attorney Galvano stated he would contact Swaine and Harris and begin contract negotiations as soon as possible.

6. City Administrator Update. (Councilman Fink)

Councilman Fink stated that if Mrs. Jankosky is currently filling in as City Administrator he would hope that the Council might consider out of title pay. Councilman Heine asked if the Council needed to officially appoint her Acting City Administrator. Mrs. Jankosky updated the Council on Dr. Miller's status in that he would return in two to three weeks part time.

A motion was made by Councilman Fink and seconded by Councilman Heine officially naming Mrs. Judi Jankosky as Acting City Administrator with full authorization to act on the City Administrator's behalf. Councilman Fink asked staff to review out of title pay for Mrs. Jankosky and asked that item be placed on the next Council Agenda.

7. Appointment of a Board of Adjustment. (City Recorder)

A motion was made by Councilman Fink and seconded by Councilman Heine to appoint the Planning and Zoning Board as the Board of Adjustment. The motion carried 5-0.

8. Historic Preservation Ordinance. (Asst. City Administrator)

Mrs. Jankosky explained that the Historic Preservation Ordinance may require reviewing as it appears many temporary structures not affecting the actual historic structures are being reviewed by the Historic Commission and recommended to the City Council for issuance of a Certificate of Appropriateness. Mayor Keene inputted that if the Ordinance is changed the City Council will no longer be notified that someone may be installing an eye soar. Mr. Jankosky responded that she is working with the Planning Council on the Land Development Regulations

that may address some needs. Attorney Galvano agreed that the requests could be placed under consent agenda for approval and the Ordinance was most likely created for a reason and should remain.

9. Air-Cadia Response and Recommendations (Asst. City Administrator)

Mrs. Jankosky reported responses she received from Air-Cadia may indicate possible changes may have to be made to the Agreement. Mayor Keene noted there are improvements being made at the Airport. Councilman Fink noted that Air-Cadia is lacking in insurance coverage and the City is at risk contractually. He asked if under the current agreement would the Council issue a notice and cure period. Mrs. Becky Minnear responded that at the time that is all the insurance company wanted to write for the policy. Attorney Galvano responded to Councilman Fink that Air-Cadia would be noticed along with the time period to comply.

A motion was made by Councilman Fink and seconded by Councilman Heine to direct the City Attorney to issue a notice and cure period for Air-Cadia to increase their liability insurance to contractual standards. The motion carried 5-0.

10. Florida League of Cities Telecommunications Audit Agreement. (Asst. City Administrator)

Attorney Galvano stated he reviewed the Agreement and all is in order. A motion was made by Councilman Fink and seconded by Councilman Heine to approve the agreement with the FLC and continue the telecommunications audit. The motion carried 5-0.

11. Procedure for fulfilling public records requests. (Asst. City Administrator)

Mrs. Jankosky pointed out there have been several questions to the City Attorney in the last month regarding records requests. Attorney Galvano agreed and stated that it may be beneficial to the City to schedule a training regarding public records requests. Councilman Fink noted that the City may want to ask Mrs. Barbara Peterson, First Amendment Foundation, to come speak with Council and staff. **The Council gave consensus for staff to contact Barbara Peterson to find out the program and cost.**

RESOLUTIONS

12. RESOLUTION NO. 2012-02; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA, ADOPTING A FEE SCHEDULE, AND PROVIDING AN EFFECTIVE DATE.
(Asst. City Administrator)

A motion was made by Councilman Fink and seconded by Deputy Mayor Frierson to adopt Resolution No. 2012-02 as presented. The motion carried 5-0.

ORDINANCES - SECOND READING

13. ORDINANCE NO. 973; SECOND READING OF AN ORDINANCE TO AMEND THE CITY OF ARCADIA COMPREHENSIVE PLAN BASED ON THE CITY'S

EVALUATION AND APPRAISAL REPORT (EAR); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Jennifer Codo-Salisbury, CFRPC)

Mrs. Codo-Salisbury provided an update on the Comprehensive Plan based on the 2009 Evaluation and Appraisal Report. She noted that each objection from the State was addressed in the Ordinance. The City Recorder read Ordinance No. 973 by Title. At this time the Mayor opened the public hearing for comment.

A motion was made by Councilman Fink and seconded by Deputy Mayor Frierson to open the public hearing. The motion carried 5-0. There was no public comment. A motion was made by Councilman Fink and seconded by Councilman Heine to close the public hearing. The motion carried 5-0.

A motion was made by Councilman Fink and seconded by Deputy Mayor Frierson to adopt Ordinance No. 973 at second and final reading as presented. The motion carried 5-0.

14. ORDINANCE NO. 974; SECOND READING OF AN ORDINANCE ESTABLISHING CITY ZONING FOR TWO PARCELS OF LAND KNOWN AS THE TREMRON GROUP, INC. PARCELS IDENTIFIED AS 30-37-25-0176-00E0-0010 (10.51 ACRES) AND 19-37-25-0000-0280-0000 (3.55 ACRES) TOTALING 14.06 ACRES FROM THE DESOTO COUNTY ZONING DISTRICTS OF COMMERCIAL GENERAL (CG) AND INDUSTRIAL LIGHT (IL) TO CITY ZONING OF PLANNED UNIT DEVELOPMENT – INDUSTRIAL (PUD-I) LOCATED AT 3144 N.E. HIGHWAY 17, ARCADIA, FLORIDA; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (Jennifer Codo-Salisbury, CFRPC)

A motion was made by Councilman Fink and seconded by Deputy Mayor Frierson to read Ordinance No. 974 by title. The motion carried 5-0. The City Recorder read Ordinance No. 974 by title.

Councilman Fink disclosed the Marshal Lee spoke to him regarding this Ordinance. Mayor Keene disclosed that he spoke with Mr. and Mrs. Pepper regarding this ordinance.

Mr. Jeff Schmucker, CFRPC, presented a powerpoint and described the details of the Ordinance and exhibits. Specifically the following conditions were outlined: All previous conditions as approved by the County plus 1) a wall of pavers, minimum 8 feet and a maximum of 20 feet in height, shall be installed along the portion of the property line fronting US 17 within six (6) months of the effective date of the rezoning. The paver wall shall not contain any pallets or plastic wrapping. 2) Tremron shall work to reduce debris along US 17, including but not limited to paver debris originating from the Tremron property. 3) Tremron shall communicate with its truck drivers to not park along US 17 at anytime, prior to entering or exiting the property. 4) All bay doors on the north face of the main manufacturing building shall be closed between the hours of 6 p.m. and 8 a.m. daily. 5) An insulated connection shall be constructed between the two manufacturing buildings. The construction of this connection will require a development

permit approved by the City of Arcadia and DeSoto County Building Department. The connection shall be completed prior to May 31, 2012. 6) A detailed Master Development Plan in conformance with the City of Arcadia Code of Ordinances shall be submitted and reviewed by the Planning and Zoning Board and approved by the City Council prior to any additional site development or modifications to the current approvals. 7) The tumbler machine, located inside the maintenance shed on the southeast corner of the property, shall be limited to operating between the hours of 8 a.m. and 6 p.m. daily, provided it does not produce any unnecessary noise or vibrations, or other undesirable effects that may be detrimental to the surrounding properties as a result of its operation. 8) All manufacturing, processing, and fabricating activity, with the exception of the use of the tumbler machine, shall be conducted within an enclosed building. 9) An additional insulated enclosure shall be added onto the existing "cage" enclosure which covers the main paver-block manufacturing machine within six (6) months of the effective date of rezoning. 10) Sound dampening panels shall be hung throughout the main manufacturing building to assist in the reduction of manufacturing noise and vibration within six (6) months of the effective date of rezoning and 11) Baffle enclosures shall be installed to cover opening at the rear (east side) of the main manufacturing building within six (6) months of the effective date of rezoning.

Councilman Fink questioned what occurs if the requirements are not met within six (6) months? Mrs. Codo-Salisbury stated that once under City zoning the Code Enforcement Officer steps in and cites them as per the code and adopted PUD-I zoning regulations. Councilman Fink stated he does not want the City to loose jobs however he was told that Marshal Lee was running into problems at Tremron. Attorney Galvano stated that the City now has control over all specific stipulations plus enhanced conditions and if Tremron does not meet these conditions they are in violation of the City's laws. Mayor Keene stated that he was satisfied with the conditions however he wants to ensure that the conditions are enforceable by Code Enforcement.

Mrs. Ann Pepper, N. Arcadia, questioned 1) completely enclosed building and outdoor storage yards as well as the requirement for the 8' opaque fence. She referenced the previous pictures given to Council and the requirements for a type D buffer. She questioned the 4th whereas clause in the Ordinance "the proposed zoning assignment will not adversely affect the public interest so long as conditions set forth hereafter are complied with." Attorney Galvano noted that citizens may file their own civil lawsuit as well. Mrs. Pepper continued that exhibit B, site plan, on the East and South side there is no buffer and indicated on the South side is the City's old Livestock Market and on the East side the area is platted for a subdivision and further there is no type D buffer on the West side fronting US 17. She continued that item G referred to disposal of debris that should occur biweekly and this requirement should be added to site plan to detail that once the debris is removed that it not return per Tremron statements at the last meeting. She asked if the bay doors on the north side are open 8 a.m. to 6 p.m. daily and asked if that was in compliance. She asked who determines the unnecessary noise from the tumbler machine and that the word "completely" has been left out when addressing bay doors being "completely" enclosed. She explained that the noise does not emanate from the mixing machine but rather from the compressor that makes the pavers and that machine is not enclosed.

Mr. Elmer Butts, Contractor, stated that Tremron paid him \$30,000 to install an insulated room around the machine and an additional double dry wall later to mitigate the noise and vibration. He explained that several times he went to various locations to check the noise decibel levels

and nothing registered. In addition, he stated that all conditions were met and approved by the County.

Marshal Lee reported that he conducted preliminary inspections on April 11, 2012 and requested that FDOT install no parking signs on US 17. He continued that on April 12, 2012 they were given an inside tour of the facility. On April 13, 2012 when Code Enforcement called for additional information they were told Tremron would not be giving out any more information until the Ordinance is executed. Mayor Keene asked if Tremron would have difficulty meeting the conditions. Mr. Ken Barns, Plant Manager, stated that Tremron needs six (6) months to gather the material. Mayor Keene stated he likes the conditions and thanked Tremron for working with the City.

Mr. Vaughn Aiken stated his issue is the noise and there is no certain time the noise is heard. He stated that he installed insulated windows which have helped but it appears on a cold night you may hear it more and during the day the road noise drowns out the Tremron noise and vibrations.

Dr. Lorenzo Dixon concurred with the noise problem and stated that it would be better to pass the Ordinance and have the Code in place for enforcement rather than having nothing.

A motion was made by Councilman Fink and seconded by Councilman Heine to close the Public Hearing. The motion carried 5-0.

A motion was made by Councilman Fink and seconded by Councilman Allen to adopt Ordinance No. 974 at second and final reading as presented. The motion carried 5-0.

COMMENTS FROM DEPARTMENTS

15. City Marshal – April Report Included

Marshal Lee reported on the status of 509 W. Effie Street. A lien was placed on the property under the nuisance code and the City is maintaining the property.

Marshal Lee reported on 500 W. Oak Street. A lot of action has been taken on this property and current permits have expired.

Marshal Lee reported on the Youth Academy picking up trash in the City.

16. Attorney

Attorney Galvano asked for a motion and second to close the Craig Smith case. A motion was made by Councilman Heine and seconded by Councilman Fink to settle and close the Craig Smith case in the amount of \$450,000. The motion carried 5-0.

Attorney Galvano stated that settlement was reached in the South case in the amount of \$25,000 to be paid for through insurance and the deductible would be \$2,500. A motion was made by Councilman Allen and seconded by Deputy Mayor Frierson to settle and close the South case in the amount of \$25,000 with the City deductible of \$2,500. The motion carried 5-0.

Attorney Galvano reported that he would be working with the new firm to reach an agreed upon contract. A motion was made by Councilman Fink and seconded by Councilman Heine for Mayor Keene and Attorney Galvano to work together in contract negotiations with Swaine and Harris.

17. Administrator

- Mrs. Jankosky updated Council on the paving of Baldwin. Councilman Fink asked about working with the County because they are Local Area Planning Agency (LAP) certified in regards to street paving.
- Mrs. Jankosky reported on the RFQ with Kimley Horne and noted the firm would be creating street paving priority lists.
- Mrs. Jankosky reported that there would be a fire inspection at the airport on May 17, 2012.
- Mrs. Jankosky updated Council on the Ricky Hilton request for a business at the Airport. She explained that FDOT had no comment and they are still awaiting a response from the FAA.

PUBLIC (PLEASE LIMIT PRESENTATIONS TO FIVE MINUTES)

Former Mayor and Councilman Eugene Hickson, Sr. echoed the article in the newspaper where a citizen stated that the City Council should seek local attorneys.

Mr. Paul Bennett Seusy thanked Council for his interview and time. He asked that the Council keep him in mind for other boards and activities.

Mrs. Ann Pepper thanked Council, Marshal Lee, Jennifer and Jeff of the CFRPC for their help with the Tremron rezoning.

MAYOR AND COUNCIL MATTERS

Attorney Galvano stated it was an honor to serve the City as Attorney and he would be running for Senate district which does include DeSoto County.

A motion was made by Councilman Fink and seconded by Councilman Heine to present Attorney Galvano a Proclamation and Key to the City. The motion carried 5-0.

Mayor Keene stated that he valued the opinions from Deputy Mayor Frierson and Gary Frierson and valued their friendship. He stated if anyone thinks otherwise then they would be missing the point.

Mayor Keene stated that the Council does need to set another Vision Session however Reverend Land is currently out of town.

Mayor Keene reported that he would not be able to attend the County meeting on May 3, 2012 at 10:00 a.m. Councilman Fink agreed to attend on the Mayor's behalf.

Mayor Keene thanked Attorney Galvano for his service as City Attorney.

ADJOURN

There being no further business, the meeting was adjourned at 8:20 p.m.

APPROVED THIS __ DAY OF _____, 2012.

By:

Keith Keene, Mayor

ATTEST:

Virginia S. Haas, City Recorder



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City of Arcadia, FL - ** LIVE **
WARRANT LIST BY VOUCHER

PG 4
apwarnt

WARRANT: 20120407 04/25/2012

DUE DATE: 04/25/2012

VOUCHER	VENDOR	VENDOR NAME	INVOICE	PO	TYPE	DUE DATE	AMOUNT	COMMENT
86848	1484	ADVANCE COMMERCIAL CHARGE A	912721007 9290	100	INV	04/25/2012	43.98	HYDRAULIC FLUID/BRAKE
86849	246	COX PEST CONTROL	198358	100	INV	04/25/2012	225.00	LAWN PLUS
86850	60020	FENDER AUTO PARTS	2110	100	INV	04/25/2012	8.95	BRAKE BOOT
86851	60090	FLORIDA POWER & LIGHT	FEB/MAR '12 HANGAR 3	100	INV	04/25/2012	27.73	57004-27361: 2101 SE A
86852	60090	FLORIDA POWER & LIGHT	FEB/MAR '12 AIRPORT	100	INV	04/25/2012	27.53	03080-31905: SE AIRPOR
86853	60090	FLORIDA POWER & LIGHT	FEB/MAR '12 HANGAR	100	INV	04/25/2012	142.26	03160-30915: SE AIRPOR
86854	60090	FLORIDA POWER & LIGHT	FEB/MAR '12 BEACON L	100	INV	04/25/2012	20.14	32291-29311: 2268 SE A
86855	60090	FLORIDA POWER & LIGHT	FEB/MAR '12 AIR OL	100	INV	04/25/2012	106.32	03130-38937: SE AIRPOR
86856	700880	HEARTLAND BROADCASTING CORP	12030106	100	INV	04/25/2012	150.00	AVIATION DAY
WARRANT TOTAL							751.91	

** END OF REPORT - Generated by Amanda Albritton-Horkey **



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City of Arcadia, FL - ** LIVE **
WARRANT LIST BY VOUCHER

PG 11
apwarrnt

WARRANT: 20120406 04/25/2012

DUE DATE: 04/25/2012

VOUCHER	VENDOR	VENDOR NAME	INVOICE	PO	TYPE	DUE DATE	AMOUNT	COMMENT
86764	60090	FLORIDA POWER & LIGHT	MAR/APR '12 CITY HAL	100	INV	04/27/2012	628.90	26417-31993: 123 W HIC
86765	2580	J J TAYLOR COMPANIES INC	9207128	100	INV	04/27/2012	99.50	BEVERAGES PURCHASED FO
86766	1957	FLORIDA DOOR CONTROL INC	316606	100	INV	04/27/2012	233.00	BEA TRANSMITTER/LABOR/
86767	10030	W & S ENTERPRISE ACCOUNT	66238	100	INV	04/27/2012	50.70	ACCT NO. 3150252900
86768	10030	W & S ENTERPRISE ACCOUNT	65448	100	INV	04/27/2012	109.84	ACCT NO. 2090697500
86769	40130	DESOTO MACHINE, INC.	158556	100	INV	04/27/2012	34.10	1" 2 BOLT FLANGE
86770	60090	FLORIDA POWER & LIGHT	MAR/APR '12 WAY BLDG	100	INV	04/27/2012	815.73	16067-36906: 23 N POLK
86771	60090	FLORIDA POWER & LIGHT	MAR/APR '12 IOWA	100	INV	04/27/2012	6.35	05933-10170: 41 IOWA S
86772	60090	FLORIDA POWER & LIGHT	MAR/APR '12 ARIZ RV	100	INV	04/27/2012	27.36	06358-74332: 67 ARIZON
86773	60090	FLORIDA POWER & LIGHT	MAR/APR '12 MICHIGAN	100	INV	04/27/2012	6.35	07924-93496: 13 MICHIG
86774	60090	FLORIDA POWER & LIGHT	MAR/APR '12 OHIO	100	INV	04/27/2012	91.36	12673-22145: 59 OHIO A
86775	60090	FLORIDA POWER & LIGHT	MAR/APR '12 DELAWARE	100	INV	04/27/2012	6.35	13741-18592: 4 DELAWAR
86776	60090	FLORIDA POWER & LIGHT	MAR/APR '12 90 ARIZ	100	INV	04/27/2012	63.06	14354-94271: 90 ARIZON
86778	60090	FLORIDA POWER & LIGHT	MAR/APR '12 KENTUCKY	100	INV	04/27/2012	6.35	16338-95519: 92 KENTUC
86779	60090	FLORIDA POWER & LIGHT	MAR/APR '12 57 OHIO	100	INV	04/27/2012	37.15	19191-09098: 57 OHIO A
86780	60090	FLORIDA POWER & LIGHT	MAR/APR '12 75 COLOR	100	INV	04/27/2012	31.91	24707-30355: 75 COLORA
86781	60090	FLORIDA POWER & LIGHT	MAR/APR '12 58 OHIO	100	INV	04/27/2012	31.37	63047-74554: 58 OHIO A
86782	60090	FLORIDA POWER & LIGHT	MAR/APR '12 80 KENTU	100	INV	04/27/2012	58.98	01963-45235: 80 KENTUC
86783	60090	FLORIDA POWER & LIGHT	MAR/APR '12 6 DELAWA	100	INV	04/27/2012	6.35	98723-26062: 6 DELAWAR
86784	60090	FLORIDA POWER & LIGHT	MAR/APR '12 ARIZ A1	100	INV	04/27/2012	7.42	98398-30024: 92 ARIZON
86785	60090	FLORIDA POWER & LIGHT	MAR/APR '12 69 ARIZ	100	INV	04/27/2012	21.69	98121-92558: 69 ARIZON
86786	60090	FLORIDA POWER & LIGHT	MAR/APR '12 42 MAINE	100	INV	04/27/2012	6.35	84938-29595: 42 MAINE
86787	60090	FLORIDA POWER & LIGHT	MAR/APR '12 KENT A	100	INV	04/27/2012	49.43	80570-77599: 82 KENTUC
86788	60090	FLORIDA POWER & LIGHT	MAR/APR '12 10 MICH	100	INV	04/27/2012	6.35	77909-46177: 10 MICHIG
86789	60090	FLORIDA POWER & LIGHT	MAR/APR '12 3 DELAWA	100	INV	04/27/2012	6.35	77666-24402: 3 DELAWAR



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City of Arcadia, FL - ** LIVE **
WARRANT LIST BY VOUCHER

PG 12
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WARRANT: 20120406 04/25/2012

DUE DATE: 04/25/2012

VOUCHER	VENDOR	VENDOR NAME	INVOICE	PO	TYPE	DUE DATE	AMOUNT	COMMENT
86790	60090	FLORIDA POWER & LIGHT	MAR/APR '12 33 IOWA	100	INV	04/27/2012	52.01	68624-24436: 33 IOWA S
86791	60090	FLORIDA POWER & LIGHT	MAR/APR '12 7 MAINE	100	INV	04/27/2012	6.35	65052-36940: 7 MAINE S
86792	60090	FLORIDA POWER & LIGHT	MAR/APR '12 6 MAINE	100	INV	04/27/2012	15.19	65042-38913: 6 MAINE S
86793	60090	FLORIDA POWER & LIGHT	MAR/APR '12 5 MAINE	100	INV	04/27/2012	38.98	55952-31928: 5 MAINE S
86794	60090	FLORIDA POWER & LIGHT	MAR/APR '12 87 ARIZO	100	INV	04/27/2012	6.35	55862-36993: 87 ARIZON
86795	60090	FLORIDA POWER & LIGHT	MAR/APR '12 92 ARIZ	100	INV	04/27/2012	95.01	55852-38966: 92 ARIZON
86796	60090	FLORIDA POWER & LIGHT	MAR/APR '12 55 OHIO	100	INV	04/27/2012	13.13	55772-39956: 55 OHIO A
86797	60090	FLORIDA POWER & LIGHT	MAR/APR '12 48 OREGO	100	INV	04/27/2012	24.49	55492-33921: 48 OREGON
86798	60090	FLORIDA POWER & LIGHT	MAR/APR '12 35 IOWA	100	INV	04/27/2012	6.35	55472-39979: 35 IOWA S
86799	60090	FLORIDA POWER & LIGHT	MAR/APR '12 47 OREGO	100	INV	04/27/2012	6.35	55422-32946: 47 OREGON
86800	60090	FLORIDA POWER & LIGHT	MAR/APR '12 40 IOWA	100	INV	04/27/2012	19.58	55192-33943: 40 IOWA S
86801	60090	FLORIDA POWER & LIGHT	MAR/APR '12 REC BLDG	100	INV	04/27/2012	50.65	55132-30994: 1 MAINE S
86802	60090	FLORIDA POWER & LIGHT	MAR/APR '12 82 KENTU	100	INV	04/27/2012	31.09	46992-76590: 82 KENTUC
86803	60090	FLORIDA POWER & LIGHT	MAR/APR '12 ENT LTS	100	INV	04/27/2012	10.27	45462-36987: 705 S BRE
86804	60090	FLORIDA POWER & LIGHT	MAR/APR '12 6 TEXAS	100	INV	04/27/2012	7.42	45452-38950: 6 TEXAS S
86805	60090	FLORIDA POWER & LIGHT	MAR/APR '12 14 MICHI	100	INV	04/27/2012	6.35	44658-19037: 14 MICHIG
86806	60090	FLORIDA POWER & LIGHT	MAR/APR '12 26 IOWA	100	INV	04/27/2012	63.83	41941-53187: 26 IOWA S
86807	60090	FLORIDA POWER & LIGHT	MAR/APR '12 4 MAINE	100	INV	04/27/2012	80.17	35822-34955: 4 MAINE S
86808	60090	FLORIDA POWER & LIGHT	MAR/APR '12 3 MAINE	100	INV	04/27/2012	17.33	35812-36928: 3 MAINE S
86809	60090	FLORIDA POWER & LIGHT	MAR/APR '12 2 MAINE	100	INV	04/27/2012	6.35	35752-33972: 2 MAINE S
86810	60090	FLORIDA POWER & LIGHT	MAR/APR '12 79 KENTU	100	INV	04/27/2012	28.58	30483-57549: 79 KENTUC
86811	60090	FLORIDA POWER & LIGHT	MAR/APR '12 53 OREGO	100	INV	04/27/2012	14.34	30175-97505: 53 OREGON
86812	60090	FLORIDA POWER & LIGHT	MAR/APR '12 18 MICHI	100	INV	04/27/2012	6.35	29527-71240: 18 MICHIG
86813	60090	FLORIDA POWER & LIGHT	MAR/APR '12 LIGHTS M	100	INV	04/27/2012	15.87	25662-31979: 86 ARIZON
86816	1535	NAPA AUTO PARTS	185969	100	INV	04/27/2012	240.00	1 TON ENGINE HOL



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City of Arcadia, FL - ** LIVE **
WARRANT LIST BY VOUCHER

PG 13
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WARRANT: 20120406 04/25/2012

DUE DATE: 04/25/2012

VOUCHER	VENDOR	VENDOR NAME	INVOICE	PO	TYPE	DUE DATE	AMOUNT	COMMENT
86817	1535	NAPA AUTO PARTS	185981	100	INV	04/27/2012	7.69	FUEL FILTER
86818	2353	RED E SERVICES INC	3022	100	INV	04/27/2012	910.00	SERVICE TO FORD TRACTO
86819	190090	SMITH'S RANCH & GARDEN, INC	101032024	100	INV	04/27/2012	61.97	HARDWARE/PADLOCK/DEADL
86820	190090	SMITH'S RANCH & GARDEN, INC	102041576	100	INV	04/27/2012	77.96	SHOVELS
86821	2679	INTERSTATE BILLING SERVICE	13337	100	INV	04/27/2012	188.96	EYE LEAF/LEAF/CENTER C
86822	230015	WALMART COMMUNITY BRC	APRIL 2012	100	INV	04/27/2012	627.44	ACCT NO. 6032 2020 005
86823	20021	BARNEY'S PUMPS INC	1033400	100	INV	04/27/2012	326.00	FLOWERVE SEAL KIT
86824	10030	W & S ENTERPRISE ACCOUNT	66710	100	INV	04/27/2012	25.20	ACCT NO. 3190623500
86825	10030	W & S ENTERPRISE ACCOUNT	66709	100	INV	04/27/2012	97.23	ACCT NO. 3190623300
86826	40110	DESOTO MEMORIAL HOSPITAL	D00009984345	100	INV	04/27/2012	548.80	EMPLOYMENT SCREENING
86827	2228	THE DUMONT COMPANY, INC.	246874	100	INV	04/27/2012	462.00	AMMONIUM SULFATE
86828	60090	FLORIDA POWER & LIGHT	MAR/APR '12 TRF LGTS	100	INV	04/27/2012	166.05	75897-38967: TRF LGTS
86829	60090	FLORIDA POWER & LIGHT	MAR/APR '12 OAK SCL	100	INV	04/27/2012	8.44	24800-91236: 324 W OAK
86830	60090	FLORIDA POWER & LIGHT	MAR/APR '12 415 OAK	100	INV	04/27/2012	8.13	54755-19517: 415 W OAK
86831	2128	ODYSSEY MANUFACTURING CO.	163043	100	INV	04/27/2012	525.00	HYPOCHLORITE SOLUTIONS
86832	2128	ODYSSEY MANUFACTURING CO.	162679	100	INV	04/27/2012	431.25	HYPOCHLORITE SOLUTIONS
86833	2128	ODYSSEY MANUFACTURING CO.	163042	100	INV	04/27/2012	642.00	HYPOCHLORITE SOLUTIONS
86834	2128	ODYSSEY MANUFACTURING CO.	162678	100	INV	04/27/2012	644.25	HYPOCHLORITE SOLUTIONS
86835	160045	LYNN PEAVEY COMPANY	256324	100	INV	04/27/2012	108.55	TAPE/BAG/MASK
86836	170025	QUILL CORPORATION	2555086	100	INV	04/27/2012	305.71	OFFICE SUPPLIES
86838	190073	SIRCHIE FINGERPRINT LAB	0077780-IN	100	INV	04/27/2012	221.30	FINGERPRINTING SUPPLIE
86839	105	SPRINT	APRIL 2012	100	INV	04/27/2012	7.03	CUSTOMER NO. 440301620
86840	940	NEXTEL COMMUNICATIONS	782695414-121	100	INV	04/27/2012	939.00	ACCT 782695414
86841	1666	STAPLES BUSINESS ADVANTAGE	8021597641	100	INV	04/27/2012	179.97	SUMMARY INVOICE 802159
86842	2510	DEPT OF MANAGEMENT SERVICES	2190490001	100	INV	04/27/2012	12.20	CUST ID 2198



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City of Arcadia, FL - ** LIVE **
WARRANT LIST BY VOUCHER

PG 14
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WARRANT: 20120406 04/25/2012

DUE DATE: 04/25/2012

VOUCHER	VENDOR	VENDOR NAME	INVOICE	PO	TYPE	DUE DATE	AMOUNT	COMMENT
86843	2219	UNITED AMERICAN INSURANCE C	APRIL 2012	100	INV	04/27/2012	439.00	POLICY 8004420
86844	248	USA BLUEBOOK	602309	100	INV	04/27/2012	260.33	UNIFORMS
86845	248	USA BLUEBOOK	602308	100	INV	04/27/2012	37.77	UNIFORMS
86846	60090	FLORIDA POWER & LIGHT	MAR/APR '12 89 ARIZO	100	INV	04/27/2012	6.35	14741-99153: 89 ARIZON
86847	1535	NAPA AUTO PARTS	186237	100	INV	04/27/2012	201.88	BEARINGS/BRAKE PADS/BR
WARRANT TOTAL							11,782.15	

** END OF REPORT - Generated by Amanda Albritton-Horkey **



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City of Arcadia, FL - ** LIVE **
WARRANT LIST BY VOUCHER

PG 4
apwarrnt

WARRANT: 20120409 04/27/2012

DUE DATE: 04/27/2012

VOUCHER	VENDOR	VENDOR NAME	INVOICE	PO	TYPE	DUE DATE	AMOUNT	COMMENT
86861	2680	COMMERCIAL FENCE CONTRACTOR APPLICATION 1		100	INV	04/27/2012	66,974.00	APPLICATION 1 - AIRPOR
					WARRANT TOTAL		66,974.00	

** END OF REPORT - Generated by Amanda Albritton-Horkey **



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City of Arcadia, FL - ** LIVE **
WARRANT LIST BY VOUCHER

PG 6
apwarrrt

WARRANT: 20120501 05/01/2012

DUE DATE: 05/01/2012

VOUCHER	VENDOR	VENDOR NAME	INVOICE	PO	TYPE	DUE DATE	AMOUNT	COMMENT
86890	2455	CENTURYLINK	MAY '12_311035269	100	INV	05/04/2012	186.38	ACCT #311035269
86920	2102	BLUE CROSS BLUESHIELD OF FL	20338594	100	INV	05/04/2012	40.00	H52918390 - DOYLE EDWA
86921	2102	BLUE CROSS BLUESHIELD OF FL	20338363	100	INV	05/04/2012	40.00	H53962976 - MARGARET W
86923	2102	BLUE CROSS BLUESHIELD OF FL	20334831	100	INV	05/04/2012	40.00	H41887225 - CLIFFORD L
86924	2102	BLUE CROSS BLUESHIELD OF FL	20335578	100	INV	05/04/2012	40.00	H44805259 - BARBARA NI
86989	2455	CENTURYLINK	MAY '12_311741457	100	INV	05/04/2012	130.00	ACCT NO. 311741457
86990	2455	CENTURYLINK	MAY '12_3120791008	100	INV	05/04/2012	342.84	ACCT NO. 312079108
86991	2455	CENTURYLINK	MAY '12_311285108	100	INV	05/04/2012	44.72	ACCT NO. 311285108
86992	2455	CENTURYLINK	MAY '12_311035396	100	INV	05/04/2012	34.22	ACCT NO. 311035396
86993	2455	CENTURYLINK	MAY '12_311156985	100	INV	05/04/2012	130.00	ACCT NO. 311156985
86994	2455	CENTURYLINK	MAY '12_311283718	100	INV	05/04/2012	34.22	ACCT NO. 311283718
86995	2455	CENTURYLINK	MAY '12_311531065	100	INV	05/04/2012	49.22	ACCT NO. 311531065
86996	2455	CENTURYLINK	MAY '12_311745767	100	INV	05/04/2012	105.71	ACCT NO. 311745767
86997	2455	CENTURYLINK	MAY '12_312162858	100	INV	05/04/2012	34.96	ACCT NO. 312162858
86998	2455	CENTURYLINK	MAY '12_312077636	100	INV	05/04/2012	620.97	ACCT NO. 312077636
86999	2455	CENTURYLINK	MAY '12_311530374	100	INV	05/04/2012	408.90	ACCT NO. 311530374
87000	2455	CENTURYLINK	MAY '12_312202177	100	INV	05/04/2012	133.78	ACCT NO. 312202177
87001	2455	CENTURYLINK	MAY '12_312327915	100	INV	05/04/2012	85.90	ACCT NO. 312327915
87002	2580	J J TAYLOR COMPANIES INC	00050520	100	INV	05/04/2012	33.00	BEVERAGE PURCHASE FOR
87003	2257	PEACE RIVER DISTRIBUTING CO	9210742	100	INV	05/04/2012	179.90	BEVERAGE PURCHASE FOR
87004	176	PREFERRED GOVERNMENT INSURA	COM#34846-8-05/2012	100	INV	05/04/2012	8,475.08	ACCT ID #WC FL1 014200
WARRANT TOTAL							11,189.80	

** END OF REPORT - Generated by Amanda Albritton-Horkey **



05/02/2012 09:44
aahorkey

City of Arcadia, FL - ** LIVE **
WARRANT LIST BY VOUCHER

PG 4
apwarrnt

WARRANT: 20120502 05/02/2012

DUE DATE: 05/02/2012

VOUCHER	VENDOR	VENDOR NAME	INVOICE	PO	TYPE	DUE DATE	AMOUNT	COMMENT
87013	2257	PEACE RIVER DISTRIBUTING CO	00050520_PEACERIVER	100	INV	05/02/2012	33.00	BEVERAGES PURCHASED FO
87014	2580	J J TAYLOR COMPANIES INC	9210742_JJTAYLOR	100	INV	05/02/2012	179.90	BEVERAGES PURCHASED FO
WARRANT TOTAL							212.90	

** END OF REPORT - Generated by Amanda Albritton-Horkey **



05/02/2012 10:24
aahorkey

City of Arcadia, FL - ** LIVE **
WARRANT LIST BY VOUCHER

PG 5
apwarrnt

WARRANT: 20120501 05/02/2012

DUE DATE: 05/02/2012

VOUCHER	VENDOR	VENDOR NAME	INVOICE	PO	TYPE	DUE DATE	AMOUNT	COMMENT
87013	2257	PEACE RIVER DISTRIBUTING CO	00050520_PEACERIVER	100	INV	05/02/2012	179.90	BEVERAGES PURCHASED FO
WARRANT TOTAL							179.90	

** END OF REPORT - Generated by Amanda Albritton-Horkey **

ITEM # 5

AGREEMENT FOR REPRESENTATION AND FEES

THIS IS AN AGREEMENT between the **CITY OF ARCADIA**, a Florida municipal corporation, whose mailing address is P.O. Box 351, Arcadia, FL 34265 (herein called "City") and **SWAINE & HARRIS, P.A.**, Attorneys at Law, 425 South Commerce Avenue, Sebring, Florida 33870 (herein called "Attorneys").

WITNESSETH

In consideration of the services agreed to be performed by Attorneys and the fees to be paid by the City, the parties agree as follows:

1. The City hereby retains Attorneys to perform all necessary legal work for the City, except for certain limited legal matters in which the City will be represented by an attorney specializing in that area of law.

2. Attorneys hereby accept such employment and agree to render and perform such legal services and furnish all advice relevant to such legal matters for the City. The services will be performed by attorneys licensed to practice in the State of Florida, and by paralegals or legal assistants (non-lawyers working under the direct supervision of an attorney) with specialized training or experience in such legal matters.

3. City hereby agrees to pay Attorneys, as compensation for the services to be performed, the professional time spent by attorneys, paralegals and legal assistants at the rate of \$3,000.00 per month (hereinafter "Retainer"). Attorneys will provide legal consultation and advice to the City and its principals under the Retainer, which will include:

- A. Serve as the legal advisor to the Mayor and City Council during the conduct of City Council meetings;
- B. Serve as legal advisor to the City's several Boards, Committees and Commissions during the conduct of these meetings;
- C. Advise the Mayor, City Council, Boards, Committees and Commissions, City Marshall, City Administrator, City Recorder and other officers of the City in regard to all legal matters arising in the performance of their several duties which will include, but not be limited to, Special Master Code Enforcement proceedings;
- D. Prepare and/or review all Ordinances, Resolutions, Contracts and other documents as requested;
- E. Perform such other duties in accordance with City Ordinances or as may be required by the City Council; and
- F. Coordinate and provide direction and oversight with regard to the legal affairs of the City including, but not limited to, recommending and coordinating the engagement of special counsel when needed as determined by the City Council.

This Agreement does not include lobbying before the State of Florida or its Agencies. In addition, duties outside the Retainer include:

- A. Representing the City in all cases in the several courts to which the City may be a party, whether as a plaintiff or defendant including, but not limited to, court proceedings related to code enforcement;
- B. Employing additional legal counsel;
- C. Preparation for anticipated and conduct of all civil litigation and appeals beyond City hearings;
- D. Preparation for the issuance and sale of City bonds;
- E. Assignments as mutually agreed as outside the Retainer;
- F. Addressing issues regarding employment disputes; and
- G. Addressing issues regarding pension plans.

Nothing in this Agreement shall prevent the City from contracting with Attorneys for duties outside the Retainer. Compensation for such services outside of the Retainer shall be at the rate of \$175.00 per hour for attorneys and \$85.00 per hour for paralegals and legal assistants.

4. In addition to fees for services, the City shall pay Attorneys all sums in the nature of costs which Attorneys have paid or will be required to pay during their representation of City. These expenses may include, but shall not be limited to, court costs, computer research time, deposition costs, reproduction costs, service of process, cost of publication, witness fees, expert witnesses fees, and all other expenses Attorneys consider reasonably necessary for the proper representation of the City. These sums shall not be a part of the fees herein agreed to be paid, but shall be in addition thereto.

5. The term of this contract shall begin _____, 2012 and end _____, 20__, unless terminated earlier by either party. Either party may terminate this agreement by giving ninety (90) days written notice to the other party. This agreement may be extended, from year to year, by a majority of the City Council.

6. All papers, records, documents, exhibits, or other items delivered to Attorneys by City shall be returned to City at the conclusion of representation in each particular matter, at the request of City. All papers produced by Attorneys and all research and other work done by Attorneys shall remain the property of Attorneys.

7. The parties hereby acknowledge that two identical complete agreements are being executed, one to be retained in the possession of each party, either of which shall constitute and be considered an original for all purposes.

DATED this ____ day of _____, 2012.

SWAINE & HARRIS, P.A.

By: _____
Thomas J. Wohl

CITY OF ARCADIA

By: _____
Keith Keene, City Mayor

ATTEST:

Virginia S. Haas, City Recorder
(corporate seal)



MEMORANDUM

TO: Arcadia City Council

FROM: Judi Jankosky, Assistant City Administrator 

DATE: May 10, 2012

SUBJECT: Out of Title Pay Policy

DISCUSSION: Staff sent a request to local and similar size city clerks and ICMA regarding policy on "out of title pay." Attached are three responses that we received. We took an average of the three policies and prepared a policy for Arcadia.

As you can see the starting time of the pay ranged from two (2) days to ten (10) days. Reasoning that most employees take one week of vacation at a time we did opt to make the more than five (5) days the starting point for out of title pay. That way department heads and the administrator can take a week vacation without having to worry about paperwork for out of title pay.

The three responses also suggested a 5% increase or comparable pay grade of the position, whichever is higher so that was cut and dry.

The retroactive back to day one was a copy of two responses, the other response did not directly address retroactive as they provide out of title pay after two (2) days so it virtually starts from the beginning of the assignment also.



CITY OF ARCADIA

OUT OF TITLE PAY

Policy Statement:

It shall be the policy of the City of Arcadia to compensate employees who take on the majority of the responsibilities of a higher level position for an interim or temporary period in a full or part-time capacity.

1. When an employee is required to assume the majority of the responsibilities for a higher classification or pay grade for more than five (5) days, the employee shall receive a 5% pay increase or the comparable pay grade for the job classification they are performing, whichever is higher.
2. The Department Director shall notify Human Resources when an employee has assumed the additional responsibilities for more than five (5) days and the additional compensation shall be determined by the Director of Human Resources/designee.
3. All interim or temporary assignments of this nature shall not last more than six (6) months. Interim or temporary assignments extending beyond the six (6) months must be approved by City Council.
4. The supplemental salary increase will be retroactive to when the employee assumed the additional duties and shall cease when the employee no longer provides the majority of the responsibilities of the higher level position in a full or part-time capacity.
5. When an employee is required to perform work in a lower classification or pay grade for a period of time, he/she shall receive his/her regular rate of pay for all such lower rated work performed.

J Jankosky

From: do-not-reply@GovKnowledgeNetwork.org

Sent: Wednesday, May 09, 2012 11:47 PM

To: J Jankosky

Subject: Knowledge Network Daily Digest

from
ICMA

Sam Anselm answered the question: 'Out of title pay'

Sam Anselm answered the question: [Out of title pay](#)

"A full time regular employee who is temporarily assigned by the City Manager, a department head or his/her designee to fully perform the normal, ongoing duties of and accept the responsibilities of a position in a higher classification for a qualifying period of at least three (3) consecutive work shifts or longer for 56-hour Fire Department employees or at least six (6) consecutive work shifts or longer for all other employees shall be paid five (5) percent over his/her current pay rate or the minimum of the higher position's pay range, whichever is higher, retroactive to the first day of the assignment. In no instance shall the out of classification exceed the maximum of the pay range for the higher classification. Out of classification pay shall cease immediately upon the return to full- or part-time duty of the incumbent in the higher classification or the appointment of a new incumbent in the higher classification. No employee may be compensated for moer than six (6) months of out-of-class work for any one assignment."

[View the question and answers](#) and add your comments

Did you know that the Knowledge Network offers a library of more than 7,000 local government resources? [Learn more about the Knowledge Network features](#) that help you to share and access information and connect with colleagues.

The Knowledge Network is a partnership between ICMA and the Alliance for Innovation. [Learn more.](#)

You received this message because you are subscribed to email notifications from Knowledge Network questions or discussions. Change your settings or unsubscribe in the [preferences tab of your profile](#).

No virus found in this message.

Checked by AVG - www.avg.com

Version: 10.0.1424 / Virus Database: 2411/4988 - Release Date: 05/09/12

5/10/2012

VILLAGE OF TEQUESTA

PERSONNEL POLICY

TITLE: WORKING OUT OF CLASSIFICATION

POLICY: 4.7

EFFECTIVE: July 1, 2004

REVISED: 3.01 (March 2001)

PAGES: 1

CONTENTS: This policy consists of the following numbered sections:

I. Policy Statement

PURPOSE: To define and delineate circumstances when an employee will receive compensation for the performance of duties in a higher classification than he/she normally performs.

SCOPE: The provisions of this policy apply to all employees of the Village unless existing labor contracts specifically provide for a Working Out of Classification procedure.

I. POLICY STATEMENT:

1. Compensation for working out of classification is provided as monetary recognition to an employee for the assumption and performance of duties normally performed by an employee of higher classification.

2. The assumption and performance of the duties of the higher classification must encompass the full range of responsibilities of the higher classification. This shall not apply to temporary assignments which are made pursuant to prior mutual agreement between the employee and his or her immediate supervisor for the purpose of providing a training opportunity to the employee, for a mutually agreed upon period of time.

3. The performance of such duties must be for an extended period of time, wherein a need exists to fulfill the duties and responsibilities of the vacant position. An extended period of time is generally considered as an assumption of duties and responsibilities that will last in excess of two (2) work days.

4. Working out of classification compensation shall be allowed only after written recommendation of the Department Head and concurrence by the Human Resource Director. Recommendation and designation shall be accomplished prior to the assumption of higher classification responsibilities.

5. The employee's compensation will be increased to the starting salary of the higher classification in which the employee is substituting, or five percent (5%), whichever is higher.

6. When the temporary assignment is completed, the employee's salary will be readjusted to its previous level on the level where it would have attained, including general salary adjustment and within range increases, if the out-of-classification pay had not been made. The employee's date of hire and anniversary date will remain unchanged throughout the temporary assignment.

DRAFTED: RLG/Mar 15, 2004/**Filed:** Working out of Classification 4.7

APPROVAL:


**MICHAEL COUZZO, MANAGER
TEQUESTA, FLORIDA**

7.01 TEMPORARY TRANSFERS/WORK OUT OF CLASSIFICATION

A. Employees who are assigned all the responsibilities of a higher classified job for more than ten (10) consecutive working days shall be paid his regular rate plus five percent (5%) or the minimum of the paygrade, whichever is higher, beginning the eleventh (11) consecutive day retroactive to the first day.

B. When an employee temporarily works in a lower paid job classification, he shall receive the rate of pay for his regular job classification.

Sheri Stewart, CMC ツ
Deputy City Clerk
City of Punta Gorda
sstew...@pgorda.us
(941) 575-3369



MEMORANDUM

TO: City of Arcadia Council

FROM: Judi Jankosky, Assistant City Administrator 

DATE: May 9, 2012

SUBJECT: Special Approval for DeSoto Plaza (PUD)

Mr. Dwayne Waltrip has submitted a proposal to operate an internet café at 1307 E. Oak Street (DeSoto Plaza). Attached is the application for a business tax receipt which initiated this special approval.

In researching legislative intent and conferring with city legal counsel it was found the same wording regarding "internet cafes" was used by the Florida Legislature over and over, referring to such proposals as adult arcade amusement, senior arcade amusement, and arcade amusement centers. Seeing the city codes does not specifically allow, prohibit nor define "internet cafes" relying on legislative language was the best way to classify an "internet café" as an amusement establishment. We used the same underlying principle for the Internet Café on S. Monroe.

Also attached are the zoning code that outlines the permitted uses and special approval uses and procedure for special approvals. Commercial amusement establishments require a special approval in the General Business PUD. Such requests for special approvals shall be referred to the planning & zoning board for investigation, study and report back to the city council. The city council shall not act on a request for a special approval without a report and recommendation thereon from the city planning & zoning board.

A special approval does not authorize any site improvements or construction until any necessary occupational and building permits are obtained.

The Planning & Zoning Board recommended approval with a 3-1 vote.



MEMORANDUM

TO: City of Arcadia Planning & Zoning

FROM: Judi Jankosky, Acting City Administrator 

DATE: May 3, 2012

SUBJECT: Special Approval for DeSoto Plaza (PUD)

Mr. Dwayne Waltrip has submitted a proposal to operate an internet café at 1307 E. Oak Street (DeSoto Plaza). Attached is the application for a business tax receipt which initiated this special approval.

In researching legislative intent and conferring with city legal counsel it was found the same wording regarding "internet cafes" was used by the Florida Legislature over and over, referring to such proposals as adult arcade amusement, senior arcade amusement, and arcade amusement centers. Seeing the city codes does not specifically allow, prohibit nor define "internet cafes" relying on legislative language was the best way to classify an "internet café" as an amusement establishment.

Also attached are the zoning code that outlines the permitted uses and special approval uses and procedure for special approvals. Commercial amusement establishments require a special approval in the General Business PUD. Such requests for special approvals shall be referred to the planning & zoning board for investigation, study and report back to the city council. The city council shall not act on a request for a special approval without a report and recommendation thereon from the city planning & zoning board.

A special approval does not authorize any site improvements or construction until any necessary occupational and building permits are obtained.

CITY OF ARCADIA
OCCUPATIONAL LICENSE
TRANSMITTAL LETTER

Review Process:

1. Director of Finance: Approve _____ Disapprove _____

Signature: _____

2. Asst. City Admin. Planning & Zoning: Approve _____ Disapprove _____

Signature: _____

3. Director Utilities: Approve _____ Disapprove _____

Signature: *Fred* _____

4. City Administrator: Approve _____ Disapprove _____

Signature: _____

Comments: *PUD - requires special approval*
Use by Council - 

**water service shall be re-connected to proper meter, water sewer
tap application will be required. f.z.*



**CITY OF ARCADIA
BUSINESS TAX RECEIPT
(Formerly Occupational License)
APPLICATION**

Filing this application does NOT allow applicant to operate or engage in any type of business until the City issues a Business Tax Certificate to the applicant. More than one business at a location will result in a minimum utility charge for each business. Any person, firm, or corporation who shall engage in any occupation, business or profession without an occupation license shall be punished in accordance with the City Code. All businesses within the City must also obtain a County Business Tax Certificate.

Date: 4/3/2012
 Applicant D. DUBYNE Walthrip Title OWNER
 Address 1302 Riverfield Court Phone 386-299-2007
 Business Name 007 Sweeps-TAKES Business Address ~~1307~~ E. Oak St.
Fig. U Lucky Dog
 Type of Occupation Interview Cafe Sales Tax # _____
 Property Owner VICK McCLUNE Address ~~1307~~ E OAK STREET
1307
 Mail Renewal Notice to: _____
 Manager's Name/Address: 1302 Riverfield Court Valrico Florida
(Fictitious Names, if required, must be recorded and proof attached to this application).

Fill in all applicable items below:

Merchants: Beginning stock value (your cost) \$ No Stock

() Restaurant Number of Seating _____
 () Hotel () Motel () Apartments # of Rental Units _____

Name and address of person holding State Certificate: D. DUBYNE Walthrip
(A copy of the Hotel & Restaurant Commission Certificate must be attached)

() Registered Number _____ Expiration Date: _____

Coin Operated Machines: () Washers # _____ () Dryers # _____ () Vending Machines # _____
 () Video Games # _____ () Pool Tables # _____ () Juke Box # _____
(A list of addresses for the location(s) of each machine must be attached)

Property owners or their authorized agent shall submit a separate application with applicable fees for review and approval of all business signage in accordance with the City of Arcadia's sign code. The undersigned understands that the business, profession, or occupation for which a City of Arcadia Business Tax Certificate is being applied for requires State and/or County certification, and registration of a fictitious name; and that such certification and/or registration, if any, are obligations of the applicant.

[Signature] (Applicant's signature) Dubey/RCS (Title)

Systems Dept: Date _____ Comments: _____ Signature: _____
 City Code: Date _____ Comments: _____ Administrator: _____

The applicant has preliminarily met the zoning requirements of the City of Arcadia and is now eligible to apply for a DeSoto County Business Tax Receipt. Assist. City Admin. _____

A City of Arcadia Business Tax Certificate will be issued upon bringing the DeSoto County Business Tax Certificate to Arcadia City Hall.

FLORIDA DEPARTMENT OF STATE
DIVISION OF CORPORATIONS



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[Officer/RA Name Search](#)

No Events

No Name History

Detail by Officer/Registered Agent Name

Florida Limited Liability Company

007 SWEEPSTAKES, LLC

Filing Information

Document Number L08000093587
FEI/EIN Number 263484592
Date Filed 10/01/2008
State FL
Status ACTIVE

Principal Address

263 SEAVIEW AVENUE
DAYTONA BEACH FL 32118

Mailing Address

126 SUNDANCE TRAIL
ORMOND FL 32176

Changed 04/15/2009

*10 N. Ravensfield Ln
O.B. 32174*

Registered Agent Name & Address

WALTRIP, DWAYNE
263 SEAVIEW AVENUE
DAYTONA BEACH FL 32118 US

Manager/Member Detail

Name & Address

Title MGRM

WALTRIP, DWAYNE
263 SEAVIEW AVENUE
DAYTONA BEACH FL 32118

Annual Reports

Report Year Filed Date
2009 04/15/2009
2010 03/23/2010

Sec. 110-542. - General business planned development projects.

All general business planned unit development projects shall be subject to the following regulations:

- (1) *Permitted uses.* Permitted uses are as follows:
 - a. Comparison goods stores.
 - b. Convenience goods stores.
 - c. Antique stores.
 - d. Personal service establishments.
 - e. Business, professional and nonprofit organization offices.
 - f. Public offices.
 - g. Restaurants.
 - h. Indoor motion picture theaters.
- (2) *Special approval uses.* Special approval uses are as follows:
 - a. Domestic rental establishments.
 - b. Business training schools.
 - c. Nonhazardous research, development and testing laboratories.
 - d. Drive-in restaurants.
 - e. Commercial amusement establishments.
 - f. Motels.
 - g. Hotels.
 - h. Tire and automotive accessory establishments.
 - i. Automobile service establishments.
 - j. Gasoline service stations.
 - k. Marine establishments.
 - l. Dwelling unit occupying the same building in which is conducted the principal use of the premises on which it is situated.
- (3) *Parking facilities.* At least 2½ square feet of automobile parking and circulation area shall be provided for each square foot of building floor area. Additional automobile off-street parking space shall be provided as required by the city council based on article VI, division 5 of this chapter.
- (4) *Projects divided by street.* For the purpose of calculating the minimum required land area, dimensions, standards and regulations for general business planned unit development projects and buildings, a single general business planned unit development project cannot lie on two sides of a street, excluding alleys. Any area proposed as a general business planned development project and lying on both sides of a street, excluding alleys, shall be required to meet the minimum requirements for a general business planned unit development project on each such side.

(Code 1986, § 31-355(3)e)

Sec. 110-84. - Procedure for special approvals.

Requests for special approvals under the provisions of this chapter shall be addressed to the city council and shall be filed with the city recorder. Such requests shall be referred to the city planning and zoning board for investigation, study and report back to the city council. The city council shall not act on a request for a special approval without a report and recommendation thereon from the city planning and zoning board.

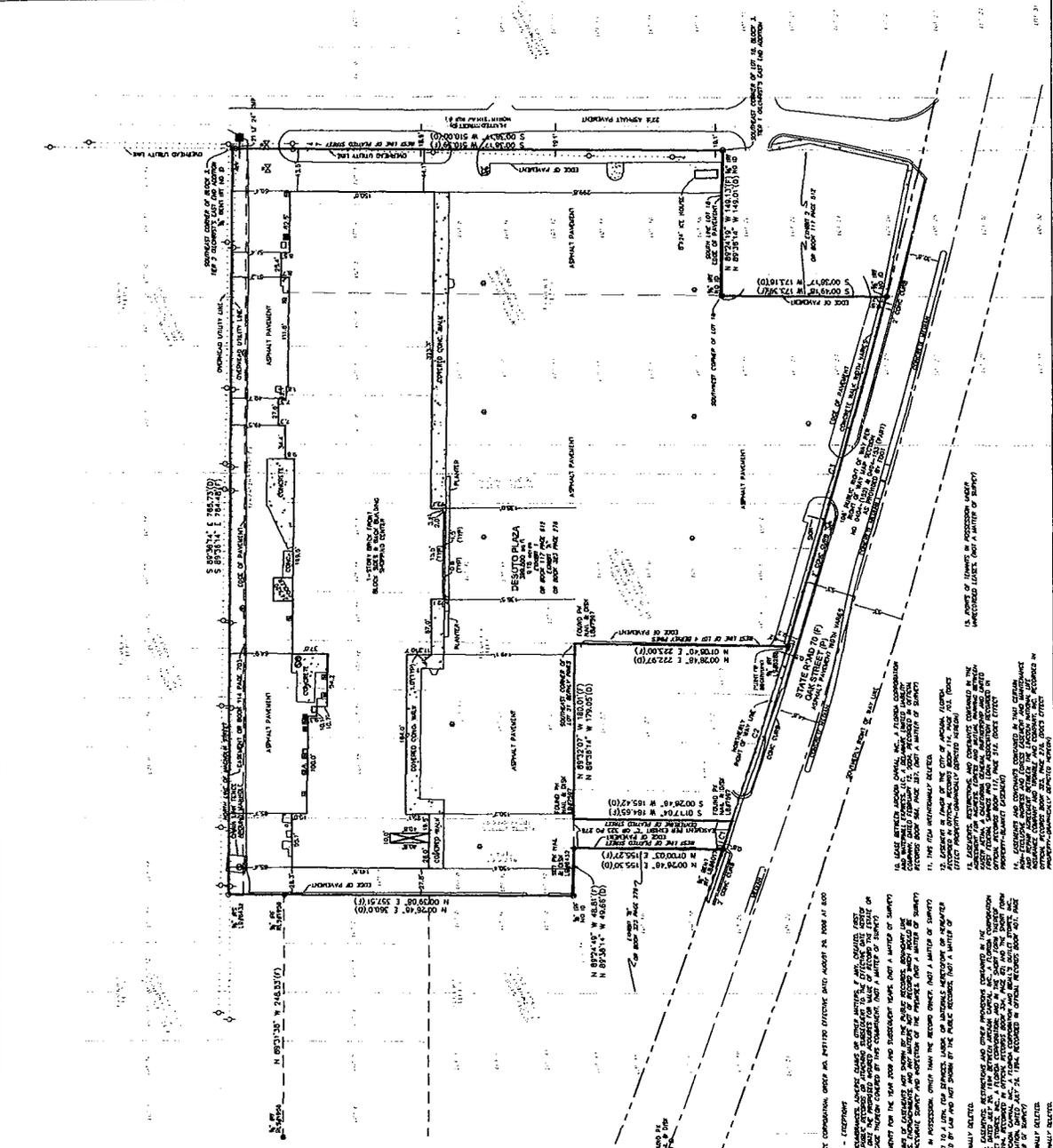
(Code 1986, § 31-415)

Sec. 110-85. - Conditions on special approvals.

In making any finding or granting any special approval under the terms of this chapter, the city council may include in its approval such limitations, requirements and conditions as may be found necessary to carry out the spirit and purpose of this chapter.

(Code 1986, § 31-416)

BOUNDARY SURVEY OF DESOTO PLAZA
 IN SECTION 31, TOWNSHIP 37 SOUTH, RANGE 25 EAST,
 DESOTO COUNTY, FLORIDA.



NOTES

1. BEARINGS AND DISTANCES ON THIS SURVEY WERE MEASURED BY THE SURVEYOR USING A TOTAL STATION.
2. THE SURVEY WAS CONDUCTED ON THE DATE INDICATED ON THE TITLE SHEET.
3. THE SURVEYOR HAS REVIEWED THE RECORDS OF THE COUNTY AND HAS FOUND NO RECORDS THAT WOULD AFFECT THIS SURVEY.
4. THE SURVEYOR HAS REVIEWED THE RECORDS OF THE COUNTY AND HAS FOUND NO RECORDS THAT WOULD AFFECT THIS SURVEY.
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15. THE SURVEYOR HAS REVIEWED THE RECORDS OF THE COUNTY AND HAS FOUND NO RECORDS THAT WOULD AFFECT THIS SURVEY.
16. THE SURVEYOR HAS REVIEWED THE RECORDS OF THE COUNTY AND HAS FOUND NO RECORDS THAT WOULD AFFECT THIS SURVEY.
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18. THE SURVEYOR HAS REVIEWED THE RECORDS OF THE COUNTY AND HAS FOUND NO RECORDS THAT WOULD AFFECT THIS SURVEY.
19. THE SURVEYOR HAS REVIEWED THE RECORDS OF THE COUNTY AND HAS FOUND NO RECORDS THAT WOULD AFFECT THIS SURVEY.
20. THE SURVEYOR HAS REVIEWED THE RECORDS OF THE COUNTY AND HAS FOUND NO RECORDS THAT WOULD AFFECT THIS SURVEY.

WHAT IS AN "INTERNET CAFÉ?"

Misconceptions abound as to what exactly an "internet café" is. In the many discussions before this Commission, the nature of an internet café has never been discussed, merely presupposed. Few, if any, of the Commissioners have ever been to one. At the November 16, 2011 Board of County Commissioners Regular Meeting, County Attorney Paul Johnston even admitted that he is "not that familiar with them."

What exactly is an "internet café?"

An "internet café" is nothing more than a legitimate business that sells internet access and provides the ability to use on-site desktop computers with internet capabilities to consumers who lack access to computers, the internet, or both.

How does it work?

A consumer purchases the right to use the café's computers for set lengths of time, similar to when a consumer formerly would purchase the right to use a pay telephone with an open line after insertion of a quarter.

Upon purchase, the consumer is provided a card with a magnetic strip that contains electronically encoded information regarding the length of time the customer purchased for use of the internet-enabled computers or a pin number to type in that conveys the same information.

When a customer swipes the card or inputs his/her pin number at one of the on-site computers, the information is transmitted to a central server.

The server then "responds" by "opening" the computer for the length of time the customer purchased.

At that point, the customer is free to browse the World Wide Web, check email, or engage in any other legal conduct that requires internet access.

SELLING USE OF THE INTERNET AND PROVIDING COMPUTERS TO DO SO IS LEGAL

WHY ALL THE FUSS?

To promote the sale of its consumer goods and services (internet access and computers upon which to use that access), the Cafés offer promotional sweepstakes games (the "Game Promotions"). One common Game Promotion is that utilized by Coca-Cola.

As an inducement for consumers to purchase Coca-Cola Products, it often utilizes "under-the-cap" sweepstakes games. In an "under-the-cap" sweepstakes game, the consumer purchases bottles of Coca-Cola products that are marked as containing "entries" in the game. The "entry" is a specially-marked bottle cap which has information printed inside. Thus, if a consumer purchased a six-pack, he or she is entitled to six (6) "entries" in the sweepstakes game; a twelve-pack entitles the consumer to twelve (12) entries; and so on. Once the consumer opens the bottle cap, whether the "entry" is a winner is revealed to the consumer by the consumer being able to read the sweepstakes results that are printed inside the bottle cap. If the inside of the bottle cap reveals that the particular "entry" is a "winner," the consumer may then redeem the bottle cap (entry) for cash or other prizes. The consumer is then free to drink the product contained inside the bottle, or if he or she pleases, pour it out or use the liquid and bottle for any other purpose.

Coca-Cola also permits persons to enter the sweepstakes game promotion without having to purchase any Coca-Cola products. Typically, one may request a free entry from Coca-Cola in writing. Coca-Cola in turn sends the requesting person some device whereby the player can determine whether he or she won a prize (a bottle cap).

There is a set number of "winners" with each "under-the-cap" sweepstakes game. For example, if there are ten-thousand (10,000) "entries," Coca-Cola will print ten-thousand (10,000) specially-marked bottle caps. If the particular game was to garner fifty (50) "winners," fifty (50) of those bottle caps would have the winning information printed inside of them. Each bottle cap entry has been pre-determined to be a winner or not prior to being presented to the consumer.

Internet Cafés' Game Promotions are inherently identical to Coca-Cola's "under-the-cap" sweepstakes games. As with the "under-the-cap" sweepstakes games, no purchase is necessary—anyone who asks is commonly provided one-hundred (100) "entries" in each Game Promotion free of charge. If the consumer wishes to obtain additional "entries" the Game Promotion, instead of purchasing soda or juice, customers purchase licenses to use one of the on-site computers with internet capabilities for various lengths of time. The number of "entries" in the Game Promotion is dependent upon the total amount of internet time purchased rather than the number of bottles of Coca-Cola. Here, instead of having to unscrew a bottle cap to determine whether "entry" is a "winner," Internet Cafés employ two different methods of revealing sweepstakes game promotion results.

Quick Reveal

In the "Quick Reveal" or "Instant Reveal" scenario, whether the customer won a Game Promotion is revealed in two different manners. The customer can ask the cashier at one of the Internet Cafés whether any of the "entries" the consumer has obtained is a "winner." The cashier has the ministerial ability to then input a pin or serial number into the main computer server, which will inform the cashier of the Game Promotion results. Similarly, the customer can click on an "Instant Reveal" icon displayed on the computer screen at any time while he or she is "logged on" to the computer. Upon clicking on the "Instant Reveal" icon, the computer will display the Game Promotion results using alpha-numeric text without fanfare.

Game Display

In the revelation other scenario known as "Game Display," the Internet Café attempts to replicate the anticipation McDonald's consumers experience when they peel back the "Monopoly Game" pieces from a cup or box of French fries, or when they untwist a cap of Coca-Cola in anticipation of finding out whether they won an "under-the-cap" sweepstakes game promotion. To do so, the "Game Display" scenario utilizes interactive artwork, story lines, symbols, and text to create anticipation when communicating the results of each Game Promotion "entry." The computer terminal transmits the "entries" to a main computer to determine if any are "winners" (similar to the cashier in the "Instant Reveal" scenario). "Game Display" reveals whether each "entry" is a winner of a Game Promotion by mimicking games. If an "entry" is a "winner," the simulated game

will end in the consumer winning the game. If an "entry" is not a "winner," the simulated game will end in the consumer losing the game.

Important Similarities

Utilizing the "Game Display" option does not affect whether an "entry" is a "winner," just as untwisting a bottle cap will not. It is simply a method of communicating the results of an independent Game Promotion. The sole difference is that the "Game Display" method of revelation is electronic rather than manual. There is, accordingly, no chance inherent in the computer machines.



MEMORANDUM

TO: City of Arcadia Council

FROM: Judi Jankosky, Assistant City Administrator 

DATE: May 9, 2012

SUBJECT: Special Approval for DeSoto Plaza (PUD)

Mr. William Harvey representing Arcadia Capital has submitted a proposal to construct a 2,000 sq. ft. building to accommodate an automotive preventative maintenance facility. Attached are a sketch and photograph of the proposal.

Also attached are the zoning code that outlines the permitted uses and special approval uses and procedure for special approvals. Tire and automotive accessory and/or automobile service establishments require a special approval in the General Business PUD. Such requests for special approvals shall be referred to the planning & zoning board for investigation, study and report back to the city council. The city council shall not act on a request for a special approval without a report and recommendation thereon from the city planning & zoning board.

A special approval does not authorize any site improvements or construction. A properly reviewed and approved site plan meeting the City of Arcadia codes and regulations is still required.

The Planning & Zoning Board recommended approval with a 4-0 vote.



MEMORANDUM

TO: City of Arcadia Planning & Zoning

FROM: Judi Jankosky, Acting City Administrator 

DATE: May 3, 2012

SUBJECT: Special Approval for DeSoto Plaza (PUD)

Mr. William Harvey representing Arcadia Capital has submitted a proposal to construct a 2,000 sq. ft. building to accommodate an automotive preventative maintenance facility. Attached are a sketch and photograph of the proposal.

Also attached are the zoning code that outlines the permitted uses and special approval uses and procedure for special approvals. Tire and automotive accessory and/or automobile service establishments require a special approval in the General Business PUD. Such requests for special approvals shall be referred to the planning & zoning board for investigation, study and report back to the city council. The city council shall not act on a request for a special approval without a report and recommendation thereon from the city planning & zoning board.

A special approval does not authorize any site improvements or construction. A properly reviewed and approved site plan meeting the City of Arcadia codes and regulations is still required.

May 1, 2012

VIA EMAIL ONLY; jjankosky@arcadia-fl.gov

Ms. Judi Jankosky
Assistant City Administrator, City of Arcadia
P.O. Box 351
Arcadia, FL 34265

RE: Proposed Retail Building at Desoto Plaza

Dear Judi;

Pursuant to our recent meeting, please accept this letter along with the attached "preliminary site plan" as our application to both the P&Z Board, and the Arcadia City Council for approval to construct a new 2,000+/- sq. ft. building within the Desoto Plaza PUD.

Property Location; In the Desoto Plaza PUD adjacent to the existing Circle K Gasoline and Convenience Store.

Proposed Building & Use; Approximately 2,000 sq. ft. size Bldg. to accommodate an automotive preventative maintenance facility occupied by "Grease Monkey", a National retail chain with more than 250 locations.

Building Details; Details on both the site plan and building construction details would meet all applicable jurisdictional codes and requirements.

Kindly let me know if you require any additional information in order to have this issue placed on the next Agenda. I thank you for your time and input on this matter.

Regards,



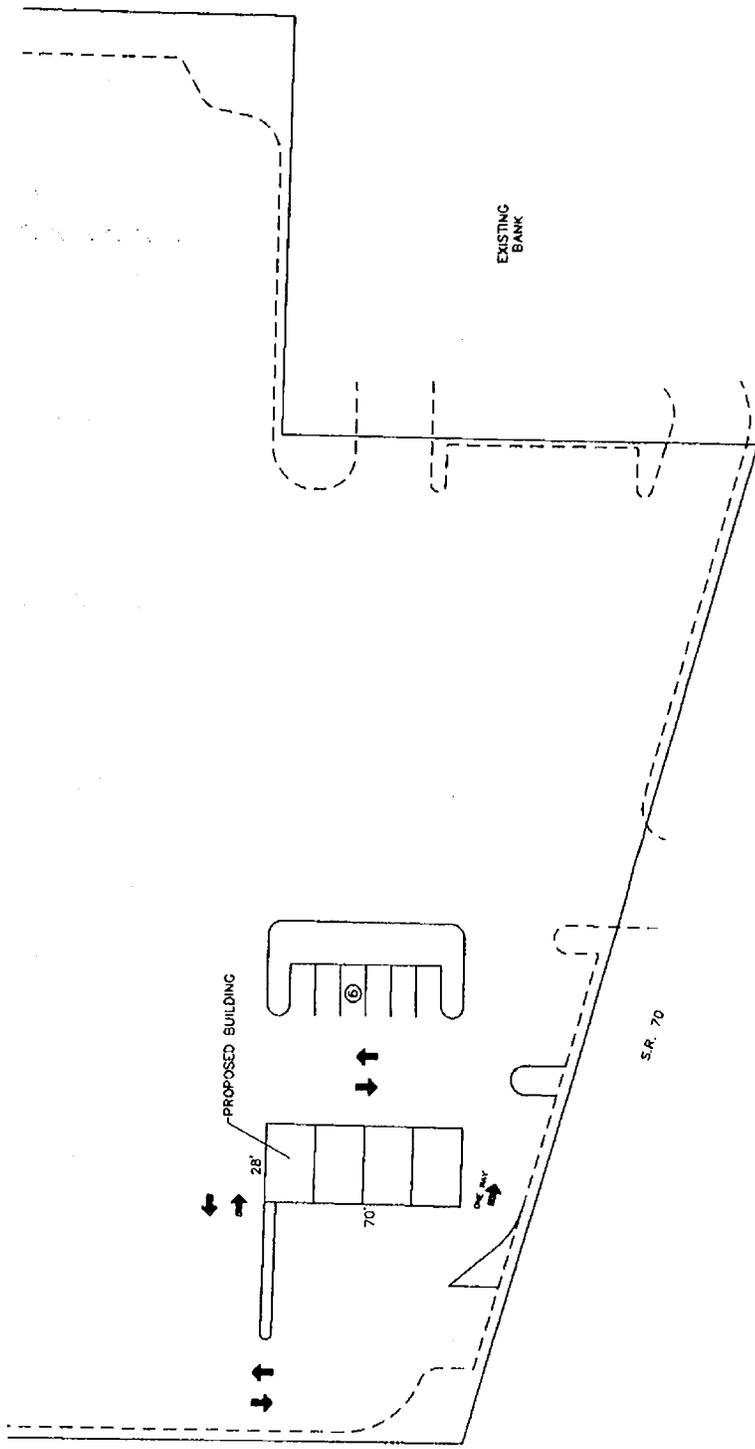
William H. Harvey
For Arcadia Capital, Inc.

Attachments;

1. Proposed Site Plan
2. Prototype Grease Monkey Building



0 40 80
GRAPHIC SCALE 1" = 40'



PRELIMINARY SITE PLAN
GREASE MONKEY
DESOTO COUNTY, FLORIDA

BANKS ENGINEERING
Professional Engineers, Architects & Landscape Architects
10000 W. US Highway 90, Suite 100
Tampa, FL 33613
Phone: (813) 834-1111
Fax: (813) 834-1112
www.banks-engineering.com

DATE	4/11/12
PROJECT	
DESIGNER	JLP
CHECKER	JLP
SCALE	1" = 40'
SHEET	1



Sec. 110-542. - General business planned development projects.

All general business planned unit development projects shall be subject to the following regulations:

- (1) *Permitted uses.* Permitted uses are as follows:
 - a. Comparison goods stores.
 - b. Convenience goods stores.
 - c. Antique stores.
 - d. Personal service establishments.
 - e. Business, professional and nonprofit organization offices.
 - f. Public offices.
 - g. Restaurants.
 - h. Indoor motion picture theaters.
- (2) *Special approval uses.* Special approval uses are as follows:
 - a. Domestic rental establishments.
 - b. Business training schools.
 - c. Nonhazardous research, development and testing laboratories.
 - d. Drive-in restaurants.
 - e. Commercial amusement establishments.
 - f. Motels.
 - g. Hotels.
 - h. Tire and automotive accessory establishments.
 - i. Automobile service establishments.
 - j. Gasoline service stations.
 - k. Marine establishments.
 - l. Dwelling unit occupying the same building in which is conducted the principal use of the premises on which it is situated.
- (3) *Parking facilities.* At least 2½ square feet of automobile parking and circulation area shall be provided for each square foot of building floor area. Additional automobile off-street parking space shall be provided as required by the city council based on article VI, division 5 of this chapter.
- (4) *Projects divided by street.* For the purpose of calculating the minimum required land area, dimensions, standards and regulations for general business planned unit development projects and buildings, a single general business planned unit development project cannot lie on two sides of a street, excluding alleys. Any area proposed as a general business planned development project and lying on both sides of a street, excluding alleys, shall be required to meet the minimum requirements for a general business planned unit development project on each such side.

(Code 1986, § 31-355(3)e)

Sec. 110-84. - Procedure for special approvals.

Requests for special approvals under the provisions of this chapter shall be addressed to the city council and shall be filed with the city recorder. Such requests shall be referred to the city planning and zoning board for investigation, study and report back to the city council. The city council shall not act on a request for a special approval without a report and recommendation thereon from the city planning and zoning board.

(Code 1986, § 31-415)

Sec. 110-85. - Conditions on special approvals.

In making any finding or granting any special approval under the terms of this chapter, the city council may include in its approval such limitations, requirements and conditions as may be found necessary to carry out the spirit and purpose of this chapter.

(Code 1986, § 31-416)



MEMO

To: Honorable Mayor and City Council
From: Virginia Haas, City Recorder *USH*
Date: April 24, 2012
Subject: City Recorder Position

I spoke with Dr. Miller regarding this request on April 17, 2012. He stated that he is currently administering under the code and personnel regulations that exist for the position of City Recorder which places it in an exempt position.

I respectfully request that the City Council review the actual job duties of the City Recorder and find that position non-exempt. I spoke with the Wage and Hour Division of the Florida Department of Labor on April 24, 2012. After several direct questions, the City Recorder position, as an executive, was deemed to be non-exempt per the Wage and Hour Division because the City Recorder does not supervise two or more other employees, the City Recorder does not have management as the primary duty of the position and the City Recorder does not have any input into the job status of other employees such as hiring, firing, promotions or assignments. Furthermore, the City Recorder's administrative duties do not fit the tests for an exempt position either in that 1) work is not directly related to management, 2) does not exercise independent judgment and 3) does not handle matters of significance because all actions of this office must seek prior approval from the City Administrator.

Thank you for your time addressing this matter.



MEMO

To: Dr. Lawrence Miller, City Administrator

From: Virginia Haas, City Recorder *254*

~~Date: April 20, 2012~~ *4/18/12*

Subject: City Recorder position

In light of our recent conversations on April 17, 2012, I would like to respectfully ask that you review the attached paperwork and consider the following requests.

- 1) I respectfully request that the position of City Recorder be amended to reflect a non-exempt position or that the position be afforded an opportunity of "flex" scheduling or compensatory time as suggested by the Florida Association of City Clerks.
- 2) I would request that the City Recorder position be appointed solely by the City Council.

Chapter X: Miscellaneous – Boards, Committees, Employee Organizations, Auctions, Oaths

The city clerk's office generally performs a number of miscellaneous duties such as certifications, the administration of oaths, auctions, employee elections, and board and committee support. Some of these procedures must be done in accordance with state statutes, while others can be flexible and carried out in accordance with policies established in your city.

Boards and Committees

In every city there will be a number of boards and committees active in city affairs; some may be organized for a temporary purpose, while others are permanent and function alongside the regular city government. Most permanent boards and committees require the services of personnel from various city departments; however, many committees and boards will require secretarial and office services from the office of the city clerk. The duties associated with such work might be:

1. Attending meetings
2. Taking minutes and keeping records
3. Preparing agendas and distributing minutes
4. Filing and preserving material
5. Preparing correspondence and notices
6. Performing other work as directed by the board or committee chairperson.

The city clerk should be aware that board and committee support may require an irregular work schedule involving evening meetings. Whether the clerk attends such meetings, or directs a staff member to attend, such issues as "flex" scheduling, overtime pay or compensatory time must be considered.

The city clerk may find it helpful to keep a list of all appointed or elected boards, with the members' dates of appointment and length of their terms. In this way, the clerk can keep track of the expiration of terms so that the members may be contacted as to their interest in serving an additional term, if allowed, or the clerk can follow the appropriate procedure to solicit new applicants so that seats on the boards are not left vacant.

In many cities, the city clerk sends a packet of informational material to new board members with an explanation of appointment procedures,



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Coverage under the FLSA

Most jobs are governed by the FLSA. Some are not. Some jobs are excluded from FLSA coverage by statute. Other jobs, while governed by the FLSA, are considered "exempt" from the FLSA overtime rules.

Exclusions from FLSA coverage.

Particular jobs may be completely excluded from coverage under the FLSA overtime rules. There are two general types of complete exclusion. Some jobs are specifically excluded in the statute itself. For example, employees of movie theaters and many agricultural workers are not governed by the FLSA overtime rules. Another type of exclusion is for jobs which are governed by some other specific federal labor law. As a general rule, if a job is governed by some other federal labor law, the FLSA does not apply. For example, most railroad workers are governed by the Railway Labor Act, and many truck drivers are governed by the Motor Carriers Act, and not the FLSA. Many of FLSA exclusions are found in §213 of the FLSA.

Exempt or Nonexempt.

Employees whose jobs are governed by the FLSA are either "exempt" or "nonexempt." Nonexempt employees are entitled to overtime pay. Exempt employees are not. Most employees covered by the FLSA are nonexempt. Some are not.

Some jobs are classified as exempt by definition. For example, "outside sales" employees are exempt ("inside sales" employees are nonexempt). For most employees, however, whether they are exempt or nonexempt depends on (a) how much they are paid, (b) how they are paid, and (c) what kind of work they do.

With few exceptions, to be exempt an employee must (a) be paid at least \$23,600 per year (\$455 per week), and (b) be paid on a salary basis, and also (c) perform exempt job duties. These requirements are outlined in the FLSA Regulations (promulgated by the U.S. Department of Labor). Most employees must meet all three "tests" to be exempt.

Salary level test.

Employees who are paid less than \$23,600 per year (\$455 per week) are nonexempt. (Employees who earn more than \$100,000 per year are almost certainly exempt.)

Salary basis test.

Generally, an employee is paid on a salary basis if s/he has a "guaranteed minimum" amount of money s/he can count on receiving for any work week in which s/he performs "any" work. This amount need not be the entire compensation received, but there must be some amount of pay the employee can count on receiving in any work week in which s/he performs any work. Some "rules of thumb" indicating that an employee is paid on a salary basis include whether an employee's base pay is computed from an annual figure divided by the number of paydays in a year, or whether an employee's actual pay is lower in work periods when s/he works fewer than the normal number of hours. However, whether an employee is paid on a salary basis is a "fact," and thus specific evaluation of particular circumstances is necessary. Whether an employee is paid on a salary basis is not affected by whether pay is expressed in hourly terms (as this is a fairly common requirement of many payroll computer programs), but whether the employee in fact has a "guaranteed minimum" amount of pay s/he can count on.

The FLSA salary basis test applies only to reductions in monetary amounts. Requiring an employee to charge absences from work to leave accruals is not a reduction in "pay," because the monetary amount of the employee's paycheck remains the same. Similarly, paying an employee more than the guaranteed salary amount is not normally inconsistent with salary basis status, because this does not result in any reduction in the base pay.

With some exceptions, the base pay of a salary basis employee may not be reduced based on the "quality or quantity" of work performed (provided that the employee does "some" work in the work period). This usually means that the base pay of a salary basis employee may not be reduced if s/he performs less work than normal, if the reason for that is determined by the employer. For example, a salary basis pay employee's base pay may not be reduced if there is "no work" to be performed (such as for a plant closing or slow period), and a salary basis employee's base pay may not be reduced for partial day absences. However, employers may "dock" the base pay of salary basis employees in full day increments, for disciplinary suspensions, or for personal leave, or for sickness under a bona fide sick leave plan (as for example if the employee has run out of accrued sick leave).

Thus, there can be "permissible" and "impermissible" reductions in salary basis pay. Permissible reductions have no effect on the employee's exempt status. Impermissible reductions may, in that the general rule is that an employee who is subjected to impermissible reductions in salary is no longer paid on a salary basis, and is therefore nonexempt. However, employers have several avenues by which they can "cure" impermissible reductions in salary basis pay, and as a practical matter these make it unlikely that an otherwise exempt employee would become nonexempt because of salary basis pay problems. The salary basis requirement for exempt status does not apply to some jobs (for example, doctors, lawyers and schoolteachers are exempt even if the employees are paid hourly).

The duties tests.

An employee who meets the salary level tests and also the salary basis tests is exempt only if s/he also performs exempt job duties. These FLSA exemptions are limited to employees who perform relatively high-level work. Whether the duties of a particular job qualify as exempt depends on what they are. Job titles or position descriptions are of limited usefulness in this determination. (A secretary is still a secretary even if s/he is called an "administrative assistant," and the chief executive officer is still the CEO even if s/he is called a janitor.) It is the actual job tasks that must be evaluated, along with how the particular job tasks "fit" into the employer's overall operations.

There are three typical categories of exempt job duties, called "executive," "professional," and "administrative."

Exempt executive job duties.

Job duties are exempt executive job duties if the employee

- 1. regularly supervises two or more other employees, and also *NO*
- 2. has management as the primary duty of the position, and also, *NO*
- 3. has some genuine input into the job status of other employees (such as hiring, firing, promotions, or assignments). *NO*

Supervision means what it implies. The supervision must be a regular part of the employee's job, and must be of other employees. Supervision of non-employees does not meet the standard. The "two employees" requirement may be met by supervising two full-time employees or the equivalent number of part-time employees. (Two half-time employees equal one full-time employee.)

"Mere supervision" is not sufficient. In addition, the supervisory employee must have "management" as the "primary duty" of the job. The FLSA Regulations contain a list of typical management duties. These include (in addition to supervision):

- interviewing, selecting, and training employees;
 - setting rates of pay and hours of work;
 - maintaining production or sales records (beyond the merely clerical);
 - appraising productivity; handling employee grievances or complaints, or disciplining employees;
 - determining work techniques;
 - planning the work;
 - apportioning work among employees;
 - determining the types of equipment to be used in performing work, or materials needed;
 - planning budgets for work;
 - monitoring work for legal or regulatory compliance;
 - providing for safety and security of the workplace.
- NO* }

Determining whether an employee has management as the primary duty of the position requires case-by-case evaluation. A "rule of thumb" is to determine if the employee is "in charge" of a department or subdivision of the enterprise (such as a shift). One handy clue might be to ask who a telephone inquiry would be directed to if the called asked for "the boss." Typically, only one employee is "in charge" at any particular time. Thus, for example, if a "sergeant" and a "lieutenant" are each at work at the same time (in the same unit or subunit of the organization), only the lieutenant is "in charge" during that time.

An employee may qualify as performing executive job duties even if s/he performs a variety of "regular" job duties as well. For example, the night manager at a fast food restaurant may in reality spend most of the shift preparing food and serving customers. S/he is, however, still "the boss" even when not actually engaged in "active" bossing duties. In the event that some "executive" decisions are required, s/he is there to make them, and this is sufficient.

The final requirement for the executive exemption is that the employee have genuine input into personnel matters. This does not require that the employee be the final decision maker on such matters, but rather that the employee's input is given "particular weight." Usually, it will mean that making personnel recommendations is part of the employee's normal job duties, that the employee makes these kinds of recommendations frequently enough to be a "real" part of the job, and that higher management takes the employee's personnel suggestions or recommendations seriously.

Exempt professional job duties.

The job duties of the traditional "learned professions" are exempt. These include lawyers, doctors, dentists, teachers, architects, clergy. Also included are registered nurses (but not LPNs), accountants (but not bookkeepers), engineers (who have engineering degrees or the equivalent and perform work of the sort usually performed by licensed professional engineers), actuaries, scientists (but not technicians), pharmacists, and other employees who perform work requiring "advanced knowledge" similar to that historically associated with the traditional learned professions.

Professionally exempt work means work which is predominantly intellectual, requires specialized education, and involves the exercise of discretion and judgment. Professionally exempt workers must have education beyond high school, and usually beyond college, in fields that are distinguished from (more "academic" than) the mechanical arts or skilled trades. Advanced degrees are the most common measure of this, but are not absolutely necessary if an employee has attained a similar level of advanced education through other means (and perform essentially the same kind of work as similar employees who do have advanced degrees).

Some employees may also perform "creative professional" job duties which are exempt. This classification applies to jobs such as actors, musicians, composers, writers, cartoonists, and some journalists. It is meant to cover employees in these kinds of jobs whose work requires invention, imagination, originality or talent; who contribute a unique interpretation or analysis.

Identifying most professionally exempt employees is usually pretty straightforward and uncontroversial, but this is not always the case. Whether a journalist is professionally exempt, for example, or a commercial artist, will likely require careful analysis of just what the employee actually does.

Exempt Administrative job duties.

The most elusive and imprecise of the definitions of exempt job duties is for exempt "administrative" job duties.

The Regulatory definition provides that exempt administrative job duties are

- (a) office or nonmanual work, which is
- (b) directly related to management or general business operations of the employer or the employer's customers, and
- (c) a primary component of which involves the exercise of independent judgment and discretion about
- (d) matters of significance.

The administrative exemption is designed for relatively high-level employees whose main job is to "keep the business running." A useful rule of thumb is to distinguish administrative employees

from "operational" or "production" employees. Employees who make what the business sells are not administrative employees. Administrative employees provide "support" to the operational or production employees. They are "staff" rather than "line" employees. Examples of administrative functions include labor relations and personnel (human resources employees), payroll and finance (including budgeting and benefits management), records maintenance, accounting and tax, marketing and advertising (as differentiated from direct sales), quality control, public relations (including shareholder or investment relations, and government relations), legal and regulatory compliance, and some computer-related jobs (such as network, internet and database administration). (See Computer employees.)

To be exempt under the administrative exemption, the "staff" or "support" work must be office or nonmanual, and must be for matters of significance. Clerical employees perform office or nonmanual support work but are not administratively exempt. Nor is administrative work exempt just because it is financially important, in the sense that the employer would experience financial losses if the employee fails to perform competently. Administratively exempt work typically involves the exercise of discretion and judgment, with the authority to make independent decisions on matters which affect the business as a whole or a significant part of it.

Questions to ask might include whether the employee has the authority to formulate or interpret company policies; how major the employee's assignments are in relation to the overall business operations of the enterprise (buying paper clips versus buying a fleet of delivery vehicles, for example); whether the employee has the authority to commit the employer in matters which have significant financial impact; whether the employee has the authority to deviate from company policy without prior approval.

An example of administratively exempt work could be the buyer for a department store. S/he performs office or nonmanual work and is not engaged in production or sales. The job involves work which is necessary to the overall operation of the store -- selecting merchandise to be ordered as inventory. It is important work, since having the right inventory (and the right amount of inventory) is crucial to the overall well-being of the store's business. It involves the exercise of a good deal of important judgment and discretion, since it is up to the buyer to select items which will sell in sufficient quantity and at sufficient margins to be profitable. Other examples of administratively exempt employees might be planners and true administrative assistants (as differentiated from secretaries with fancy titles). Bookkeepers, "gal Fridays," and most employees who operate machines are not administratively exempt.

Merely clerical work may be administrative, but it is not exempt. Most secretaries, for example, may accurately be said to be performing administrative work, but their jobs are not usually exempt. Similarly, filing, filling out forms and preparing routine reports, answering telephones, making travel arrangements, working on customer "help desks," and similar jobs are not likely to be high-level enough to be administratively exempt. Many clerical workers do in fact exercise some discretion and judgment in their jobs. However, to "count" the exercise of judgment and discretion must be about matters of considerable importance to the operation of the enterprise as a whole.

Routinely ordering supplies (and even selecting which vendor to buy supplies from) is not likely to be considered high- enough to qualify the employee for administratively exempt status. There is no "bright line." Some secretaries may indeed be high-level, administratively exempt employees (for example, the secretary to the CEO who really does "run his life"), while some employees with fancy titles (e.g., "administrative assistant") may really be performing nonexempt clerical duties.

Rights of exempt employees.

An exempt employee has virtually "no rights at all" under the FLSA overtime rules. About all an exempt employee is entitled to under the FLSA is to receive the full amount of the base salary in any work period during which s/he performs any work (less any permissible deductions). Nothing in the FLSA prohibits an employer from requiring exempt employees to "punch a clock," or work a particular schedule, or "make up" time lost due to absences. Nor does the FLSA limit the amount of work time an employer may require or expect from any employee, on any schedule. ("Mandatory overtime" is not restricted by the FLSA.)

Keep in mind that this discussion is limited to rights under the FLSA. Exempt employees may have rights under other laws or by way of employment policies or contracts.

Rights of nonexempt employees.

Nonexempt employees are entitled under the FLSA to time and one-half their "regular rate" of pay for each hour they actually work over the applicable FLSA overtime threshold in the applicable FLSA work period. (See, "[FLSA Overtime](#)")

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Virginia Haas

From: Lynn Tipton [LTipton@flicities.com]
Sent: Wednesday, March 21, 2012 4:46 PM
To: Virginia Haas
Subject: RE: arcadia charter 2011.ppt

Hi Virginia,

I'm so glad my information was helpful.

In the council-manager forms of government the appointment of the clerk is fairly evenly split at 50/50. The rationale varies with the history of the city: was it originally a stronger-mayor format where the clerk was also a 'secretary' to the council? If yes, then the clerk usually stayed as a council appointee when the manager position was created. If the clerk hadn't been 'secretary' to the council, the position was usually put under the manager along with every other hire/fire decision to make it uniform.

The *Model City Charter* recognizes that clerks often have varied job descriptions and that the city needs to decide who is the most appropriate supervisor of the clerk's many functions: if those responsibilities are mostly administrative, the manager is a better supervisor; however, if the clerk does act as some kind of staff to the council, then the council may be the better supervisor. It really depends upon the exact nature of the clerk's job. I hope that helps; there is no 'one size fits all' answer for this one.

Best regards,

Lynn

Lynn Tipton
Director of Membership Development
Florida League of Cities, Inc.
Direct: (850) 701-3637
Toll-free: 800. 616-1513, ext. 3637
ltipton@flicities.com

From: Virginia Haas [mailto:vhaas@arcadia-fl.gov]
Sent: Wednesday, March 21, 2012 1:23 PM
To: Lynn Tipton
Subject: RE: arcadia charter 2011.ppt

Lynn,
One last thing (or maybe not) do you know typically how most other Clerk's are appointed? By the City Manager or their City Council. If no time I can ask via the clerk forum.
thanks,
Virginia

From: Lynn Tipton [LTipton@flicities.com]
Sent: Monday, December 12, 2011 12:14 PM
To: Virginia Haas

4/17/2012



City of Arcadia

www.arcadia-fl.gov

City Recorder - City of Arcadia

(pop. 6,600) Serves as clerk of the City Council and is responsible for directing the publication, filing and safekeeping of all Council proceedings including preparation of the agenda packet. Duties include recording and certification of all ordinances and resolutions, serving as custodian of the city seal and official records, secretary to the Planning and Zoning Board, and secretary to the Airport Advisory Board. Hired by and under the administrative direction of the City Administrator, duties will also include updating and maintaining a policy & procedures manual, administering workers compensation and liability insurance claims and files, tracking employee training, and monitoring employee evaluations. Position requires knowledge of municipal codes, city charter, intergovernmental relations, election laws and procedures, Florida sunshine Law, the Fair Labor Standards Act, HIPPA laws, FMLA regulations, as well as state regulations for public records management, retention and disposition. Must demonstrate skill in the use of the English language, including proper use of words and sentence structure. Must be skilled in the use of personal computers; typewriters, recording, transcribing and dictation equipment, with ability to prepare accurate, concise minutes and to summarize verbatim discussions accurately. Qualifications should include graduation from an accredited college or university with a related bachelor's degree or four years of advanced experience in related administrative/ government work that includes the use of personal computers, recording and transcribing equipment. Must possess or attain within a reasonable time, certified municipal clerk credentials. Salary range \$32,500-\$47,500 negotiable depending on qualifications. Applicants should submit a cover letter and resume by mail to: City Administrator, 23 N. Polk Avenue, Arcadia, FL 34266; fax: 863-494-4712. **Open Until Filled.** EOE/Veterans' Preference.

COMMENTS FROM DEPARTMENTS**11. CITY MARSHAL**

The City Marshal wished to reserve his comments for later in the meeting.

12. ATTORNEY

The City Attorney reported that his office had received the release documentation in connection with the settlement offer to former administrator, Markae Rupp, as previously approved. However, he added that a component of the document requested the release of liability be mutual, and that he felt the City should have been made aware of this request beforehand. The City Attorney wanted to bring this to the attention of the Council and further, requested authorization to address the issue with the insurance provider prior to signing. It was the consensus of the Council to provide that authorization to the City Attorney.

13. ADMINISTRATOR**A) CLEAN CITY CAMPAIGN AND PERMITTING ISSUES**

The City Administrator noted that Arcadia has embarked on a clean city campaign and has made strides to clean up the city with regard to a special trash pick-up initiative. As part of that initiative, the City has begun removing trash from vacant and/or abandon properties under the jurisdictional authority of the Nuisance Ordinance which specifies if the "City Administrator, City Marshal or any designee of either finds and determines that nuisance exists which presents an immediate danger or threat to the health or life of an individual, he shall provide the record owner or owners of the property or upon an occupant of the property...and demand that owner cause the condition to be immediately remedied." The City Administrator continued that if the situation is not remedied within twenty four hours of the notice, it can be "remedied by the City at the expense of the property owner."

He then discussed the controversy surrounding a property at 437 S. Orange Avenue that had been cleared, saying his contention is the debris from that property did not constitute a building or structure under the definition of such from the Florida Building Code. The Administrator then showed a slide presentation of other, similar properties in various stages of disrepair which had been slated for demolition by the Marshal's office. Ranging from a pile of rubble on the ground to a minimal outline of what was once habitable, the Administrator pointed out the potential for life, health, and safety issues along with those for vermin harborage.

The City Administrator then discussed the permitting process along with the fact there currently is no Interlocal Agreement with DeSoto County in place for building or permitting services which therefore does not authorize the County jurisdictionally to grant building (or demolition) permits or to conduct inspections within the City limits. He went on to say that as an incorporated municipality under home rule, the City is within its rights to establish its own building department and permit process.

Councilmember Craven asked if the tax office listed a building on the property that was torn down. Discussion on the need for a protocol in permitting followed, including reference

to a State Statute requiring the need for a (demolition) permit. Mrs. Craven also believed there was a verbal agreement or on-going understanding that the County provided inspections and permitting on behalf of the City. The City Administrator also pointed out there would be no way to recover any money from the owner since there was already a \$31,000 lien on property by another party.

The Deputy Mayor agreed with the Mrs. Craven that the City needs to do what is right, but also understood what the Administrator was saying; adding the city had beefed up the nuisance ordinance to provide the vehicle for Arcadia's clean city initiative and had agreed to bear the cost for such; but that piles of rubble are a "bad scene" and a reflection on the community.

The Marshal also agreed with the City Administrator that those buildings needed to be taken down, but contended there was a protocol and procedure to do so. He read from a statute on altering or demolishing properties, admitting his method was slower. The Marshal stated his believe all were trying to get to the same destination, though they may be taking different routes to do so. He then talked about the lapse of the Interlocal Agreement with DeSoto County, saying he brought it to the attention of the Council on the advice of the Attorney several years ago, and that it was extended via a verbal commitment while the County attorney worked on a new agreement. He likened it to the permits required for the CDBG housing renovations, rhetorically asking why those were needed but not required for other properties.

The City Attorney pointed out a court would apply a "reasonableness standard" and offered to reach out to the County in order to make progress on a long overdue written agreement for building and permitting. It was the consensus of Council to direct the City Attorney to do so and to include the City Administrator as part of that process. Dr. Goodman also requested animal control be included in discussions and forthcoming agreement.

B) SMALL BUSINESS CONFERENCE

The City Administrator stated he had coordinated with Congressman Buchanan's office to conduct a Small Business Conference in Arcadia which will include the Small Business Administration, Department of Commerce and Department of Agriculture. The conference is tentatively scheduled for Tuesday, May 10th from 2:30 - 4:00 PM at the Family Service Center.

C) DEPARTMENT OF COMMUNITY AFFAIRS

As an update to the CDBG request for time extension, the City Administrator reported representatives from Guardian had informed him of the DCA's verbal approval to a one-year extension. He also addressed the five properties in line to be constructed with five additional properties to follow although the grant will not utilize the County's SHIP funds.

D) FIDUCIARY INSURANCE POLICY FOR POLICE AND FIREFIGHTER'S RETIREMENT PENSION BOARD

Referring to the letter of request included in the packet, the City Administrator briefed the Council on the Pension Board's request for the City to pay the fiduciary insurance policy

RESOLUTION NO. 2012-03

A RESOLUTION OF THE CITY OF ARCADIA, GRANTING A VARIANCE TO REDUCE THE FRONT YARD BUILDING SETBACK FROM 25 FEET TO 20 FEET AND THE REAR YARD BUILDING SETBACK FROM 20 FEET TO 6 FEET TO FACILITATE THE CONSTRUCTION OF A SINGLE-FAMILY DWELLING ON PROPERTY LOCATED AT 514 BOND STREET, ARCADIA, FLORIDA.

WHEREAS, Earl Hill, (hereinafter referred to as the ‘Applicant’) has requested a variance to reduce the front and rear yard building setbacks to facilitate the construction of a single-family dwelling on property located at 514 Bond Street (see Exhibit A); and

WHEREAS, the Applicant represents Mr. Roosevelt Brady, the owner of said property (parcel ID# 36-37-24-0015-0080-0070); and

WHEREAS, the subject property is located within an R-1C zoning district which requires a minimum lot width of 50 feet and a minimum lot area of 5,000 square foot, and setbacks of 25 feet as a front yard setback, 20 feet as a rear yard setback, and 5 feet as a side yard setback; and

WHEREAS, the subject property has a minimum lot width of 50 feet and an approximate lot area of 2,500 square feet, whereby the lot area does not meet the required 5,000 square foot minimum lot area; and

WHEREAS, the subject property was once part of a larger parcel which had a lot size of 150 feet by 50 feet, and which at a period in history was subdivided into three individual parcels; and

WHEREAS, the current dimensions of the subject property do not meet the minimum lot area requirements of the zoning designation resulting from the subdivision of the original land parcel; and

WHEREAS, to facilitate the construction of a new single-family dwelling on the subject property, the required 25 foot front yard setback will have to be reduced to a 20 foot setback, and the required 20 foot rear yard setback will have to be reduced to a 6 foot setback; and

WHEREAS, notice of the Public Hearing was advertised in the Arcadian, public notice was mailed to all parcels located within 300 feet of 514 Bond Street, and a notification sign was posted on the affected property; and

WHEREAS, the Board of Adjustment conducted a public hearing on the request for variance on Tuesday, May 8, 2012, after due consideration and necessary findings did make a favorable and unanimous motion of approval to recommend to the City Council granting the variance; and

WHEREAS, based on the evidence, testimony, exhibits, comments of the City of Arcadia City Council, and comments from all interested parties, this Council finds as follows:

1. That the proposed posting and public notice of this hearing was provided as required by law.
2. That the hearing before the City Council was extensive and complete, that all pertinent facts, matters, and issues were submitted and that all interested parties were heard at said hearing.
3. That the special conditions and circumstances do not result from the actions of the applicant.
4. That literal interpretation of the provisions of this code would deprive the applicant of rights commonly enjoyed by other properties in the identical land use classification and will constitute an unnecessary and undue hardship on the applicant.
5. That the variance granted is the minimum variance that will make possible a reasonable use of the land or structure.
6. That the granting of the variance will be in harmony with the general intent of this code, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

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

Section 1. The variance request to reduce the front yard building setback from 25 feet to 20 feet and the rear yard building setback from 20 feet to 6 feet is hereby granted for the property located at 514 Bond Street allowing the property owner to construct a single-family dwelling on said property.

Section 2. **Effective Date.** This Resolution shall become effective immediately upon its passage.

Section 3. A certified copy of this Resolution shall be duly recorded in the public records of DeSoto County, Florida

INTRODUCED AND PASSED by the City Council of the City of Arcadia, Florida, in regular session, this _____th day of May, 2012.

CITY OF ARACDIA

By:

Keith Keene, Mayor

ATTEST:

Virginia S. Haas, City Recorder

Approved as to form:

Thomas J. Wohl, City Attorney



**CITY OF ARCADIA
VARIANCE REQUEST
OVERVIEW REPORT**
May 15, 2012

TO: City of Arcadia City Council

PREPARED BY: Jeff Schmucker, Planner, Central Florida Regional Planning Council

SUBJECT: **Resolution 2012-03:** Variance request to reduce the front yard building setback from 25 feet to 20 feet and the rear yard building setback from 20 feet to 6 feet to facilitate the construction of a single-family dwelling on property located at 514 Bond Street, Arcadia, Florida.

AGENDA & HEARING DATES:

May 8, 2012, 4:00 PM: Board of Adjustment Hearing
May 15, 2012, 6:00 PM: City Council Meeting (Adoption Hearing)

BOARD OF ADJUSTMENT ACTION:

On May 8, 2012, the City of Arcadia Board of Adjustment held a public hearing on the variance request and unanimously voted to forward the Resolution to the City Council with a recommendation of approval.

ATTACHMENTS:

Resolution 2012-03
Overview Report
Exhibit "A" – Location Map and Aerial Photo of Property
Exhibit "B" – Variance Application

BACKGROUND:

The CFRPC has reviewed a variance request submitted by Earl Hill (applicant) for property located at 514 Bond Street. The applicant is requesting a variance from 25 feet to 20 feet for the front yard building setback and a variance from 20 feet to 6 feet for the rear yard building setback. The variance is requested in order to facilitate the construction of a new single-family home on the lot. The property is approximately 0.06 acres and is located within an R-1C zoning district (see Exhibit "A"). The parcel is unique in that it is part of a subdivided lot which was originally 150 feet by 50 feet. The lot was subdivided into three individual lots each with a lot width of approximately 50 feet and a lot area of 2,500 square feet.

The review of this request is provided below:

FINDINGS OF FACT:

The City's Code of Ordinances specifies the following as they pertain to this request:

- **Section 110-242(a)(3).** *R-1C districts:* Plot width of 50 feet and a plot area of 5,000 square feet.
- Minimum building setbacks for all residential uses in an R-1C zoning district:
 - Section 110-245. *Front yard: 25 feet*
 - Section 110-246(a)(3). *Side yard: 5 feet*
 - Section 110-247(1). *Rear yard: 20 feet*
- **Section 110-248.** *Minimum floor area for dwellings:* In R-1C districts, a one-family dwelling which is the principal use of a plot shall have a floor area not less than 600 square feet.
- **Section 110-122. Limitations on Variances:** No variance from the terms of this chapter shall be recommended unless the Board finds that all of the following facts and conditions exist:
 - There are unique and special circumstances or conditions applying to the property in question that do not apply generally to other properties in the same district.
 - Any alleged hardship is not self-created by any person having an interest in the property and is not the result of mere disregard for or ignorance of the provisions of this chapter.
 - Strict application of the provisions of this chapter would deprive the applicant of reasonable use of the property for which the variance is proposed, and the proposed variance is the minimum variance which makes possible the reasonable use of the property.

SUMMARY OF FINDINGS:

Below is a summary of findings:

- Applicant's property is located at 514 Bond Street
- Property is approximately 0.06 acres
- Property is located within an R-1C zoning district
- Property has an approximate lot width of 50 feet and lot area of 2,500 square feet.
- Applicant is requesting a variance from the front and rear yard setbacks in order to construct a single-family home on the lot.
- Property meets the minimum lot width requirement for R-1C zoning districts, but does not meet the minimum lot area requirement (5,000 square feet).
- The minimum building setbacks for front and rear yards in the R-1C zoning district are 25 feet and 20 feet respectively.
- The proposed single-family home to be constructed on the property has a proposed floor area of approximately 1,008 square feet (24ft. x 42ft.).
- The home is to be constructed using funding from a Community Development Block Grant (CDBG).
- The variance requested of the front and rear building setbacks is the minimum requested in order to facilitate the proposed single-family home on the lot.

Exhibit "A"

514 Bond Street – Location Map



Exhibit "A"

514 B Bond Street – Aerial Photo Map



Exhibit "B"

Variance Application



APPLICATION FOR VARIANCE REQUIREMENTS

Requests for variances from the requirements of the City of Arcadia Code of Ordinances shall generally be considered for those provisions that regulate site development and the requirements applicable to existing development. Requests for variances to permit a use, which is not allowed as a permitted use or by special exception within the specific zoning district, shall not be considered. In addition, request for variances to permit the nonconforming use of any land or structure, or the continuance of any nonconforming use shall not be considered.

When reviewing an application for a variance, the Board of Adjustment and City Council shall consider the following requirements and criteria:

1. No diminution in value of surrounding properties would be suffered.
2. Granting the permit would be of benefit to the public interest.
3. Denial of the permit would result in unnecessary hardship to the owner seeking it.
4. The use must not be contrary to the spirit of the City Code.
5. Financial disadvantages and/or inconveniences to the applicant shall not of themselves constitute conclusive evidence of unnecessary and undue hardship and be grounds to justify granting of a variance.
6. Physical hardships such as disabilities of any applicant may be considered grounds to justify granting a variance at the discretion of the City Council.

Application for a variance shall be made on the appropriate form provided by the City and shall be accompanied by the appropriate fee and additional attachments or information as required. The review process for the application is as follows:

- 1) The completed variance application shall be submitted to the City Recorder no later than thirty (30) days prior to the second Wednesday of the month in order to be considered for the next available meeting. The applicant will be informed of the date of and time of the meeting.
- 2) The variance application must include the legal description of the property, sketch or survey of the property, proof of ownership, and authorization from the owner if represented by an agent or contract purchaser.
- 3) In addition to the application, the applicant shall provide a written statement which explains:
 - The nature and reason for the request
 - The Code section number, nature and extend of the limitation which is presenting the problem sought to be addressed by the variance,
 - the conditions and circumstances of the alleged hardship,

- the hardship is not self-created by any person having an interest in the property and is not the result of mere disregard for or ignorance of the provisions of the zoning ordinances
- strict application of the provisions of the zoning ordinances would deprive the applicant of reasonable use of the property for which the variance is proposed, and the variance proposed is the minimum variance which makes possible the reasonable use of the property, and
- the necessity of the action.

The written statement shall clearly justify the granting of relief from requirements of the Code, and satisfactorily address the review criteria below in this section.

4) Following are the requirements for notification of public hearing of the variance request:

- a) The city shall send notice of the request for variance to the owners of all adjoining properties within three hundred (300') feet of the subject property at least one (1) week prior to the Board of Adjustment hearing.
- b) At least one (1) week prior to the Board of Adjustment hearing, signs will be posted on the property to notify the public of the proposed variance, date of public hearings and the department to contact for further information. The signs shall be spaced, at a minimum, along all public road frontages, with a minimum, of one (1) sign per five hundred (500') feet along any one (1) frontage.
- c) The City shall have the notice of public hearing published in a newspaper of general circulation within the city at least (1) week prior to the Board of Adjustment. Notice shall also be posted in a conspicuous location in the Administrative Office Building and may be posted at other public locations at the discretion of the City.

5) Following is the Review Process for Variance Requests:

- a) All submittals shall be received by the City Recorder and reviewed for completeness, preparation of ad, signs and notifications and scheduling for public hearing dates.
- b) The Board of Adjustment shall consider every variance request at a public hearing and make recommendations to the City Council. The variance shall specify in what manner the modification is to be made, the conditions upon which it is to be made and the reasons therefore.

If the variance is granted, the City Council may impose appropriate conditions and safeguards to ensure compliance with the requirements of the variance section and the Code in general. These conditions may include time limits for initiation of the variance, specific minimum or maximum limits to regular Code requirements or any other conditions reasonably related to the requirements and criteria of the variance section of the Code. Variances run with the property and the use of a variance may be transferred to another party for use on the same property. If a

variance is not utilized within one (1) year of being granted, it shall not be utilized without a new public hearing in accordance with the variance procedure.

The above requirements are intended to provide a general overview of the variance application process. Variance requirements are specified in City Code, as may be amended from time to time.

(Remainder of page is blank)



CITY OF ARCADIA
VARIANCE APPLICATION

PLEASE PRINT

OWNER'S NAME Roosevelt Brady

MAILING ADDRESS 514 Bond St Arcadia Fl 34266

EMAIL ADDRESS _____ TELEPHONE 941-875-1006

APPLICANT'S NAME (IF DIFFERENT FROM OWNER) Earl Hill

MAILING ADDRESS PO Box 1381 Arcadia Fl 34265

EMAIL ADDRESS ehill881@yahoo.com TELEPHONE 863-990-5171

APPLICANT IS: OWNER AGENT PURCHASER LESSEE

PROPERTY ADDRESS/LOCATION: 514 Bond St Arcadia Fl. 34266

ADDITIONAL INFORMATION MAY BE ATTACHED ON A SEPARATE SHEET,
BUT MUST INCLUDE THE QUESTION NUMBER TO WHICH IT REFERENCES.

1) LEGAL DESCRIPTION As Watson SW Add
E 52.34 Ft. of lot 7 B1K 8

2) THE VARIANCE REQUESTED IS AS FOLLOWS: 20' Front Setback and
5' Foot on Back and Sides

3) THE VARIANCE IS NECESSARY FOR THE FOLLOWING REASONS: House won't fit
ON lot

4) IS YOUR SITUATION DUE TO UNIQUE CIRCUMSTANCES NOT CREATED BY YOU OR YOUR PREDECESSOR IN
TITLE? YES NO IF YES, EXPLAIN THE CIRCUMSTANCES: Lot was split 3 ways
with Houses on Each 50x50 lots

5) DO SPECIAL CONDITIONS AND CIRCUMSTANCES EXIST WHICH ARE PECULIAR TO YOUR LAND OR
STRUCTURE AND WHICH ARE NOT APPLICABLE TO OTHER LANDS OR STRUCTURES IN THE SAME DISTRICT?
EXPLAIN SUCH CONDITIONS OR CIRCUMSTANCES. _____

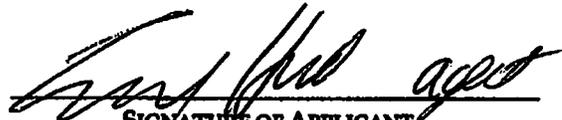
6) WOULD LITERAL INTERPRETATION OF THE PROVISIONS OF THE CODE DEPRIVE YOU OF RIGHTS COMMONLY ENJOYED BY OTHER PROPERTY OWNERS IN THE SAME DISTRICT? IF YES, EXPLAIN SUCH RIGHTS _____

7) A VARIANCE, AS REQUESTED, WILL NOT PERMIT, ESTABLISH OR ENLARGE ANY USE OR STRUCTURE WHICH IS NOT PERMITTED IN THE DISTRICT. DOES YOUR REQUEST MEET THIS CRITERION? YES NO IF NO, EXPLAIN. _____

8) HAVE ANY LAND USE APPLICATIONS BEEN FILED WITHIN THE LAST YEAR IN CONNECTION WITH THIS PROPERTY? YES NO? IF YES, BRIEFLY DESCRIBE THE NATURE OF THE REQUEST AND THE DATE IT WAS DONE? _____

THIS APPLICATION MUST BE ACCOMPANIED BY PROOF OF OWNERSHIP AND AUTHORIZATION FROM THE OWNER IF REPRESENTED BY AN AGENT OR CONTRACT PURCHASER. IT MUST ALSO INCLUDE A DRAWING SHOWING THE EXACT LOCATIONS AND DIMENSIONS OF ALL EXISTING AND PROPOSED BUILDINGS AND ADDITIONS, REQUIRED SETBACKS, EXISTING EASEMENTS AND CLEARLY DELINEATE THE SPECIFIC VARIANCE REQUESTED.

I CERTIFY THAT THE STATEMENTS IN THIS APPLICATION ARE TRUE TO THE BEST OF MY KNOWLEDGE.


SIGNATURE OF APPLICANT

***** FOR CITY USE ONLY - DO NOT WRITE BELOW THIS LINE *****

DATE RECEIVED _____ AMOUNT RECEIVED \$ _____ CHECK # _____

RECEIVED BY: _____

BOA PH DATE: _____ CC PH DATE: _____

NEWSPAPER AD: _____ PROP. SIGN POSTED: _____ LTRS MAILED: _____

BOA ACTION: _____ DATE: _____

CC ACTION: _____ DATE: _____

OWNER'S AFFIDAVIT

STATE OF FLORIDA
COUNTY OF DESOTO

Before me, the undersigned authority, personally appeared Roosevelt Brady
who being by me first duly sworn on oath, deposes and says:

- (1) That he/she is the fee-simple owner of the property legally described on page one of this application.
- (2) That he/she desires approval for: Set Back VARIANCE
20' Front + 5' sides + Back
- (3) That he/she has appointed Earl Hill to act as agent in his/her behalf to accomplish the above. The Owner is required to complete the Applicant's Affidavit of this application if no agent is appointed to act in his/her stead.

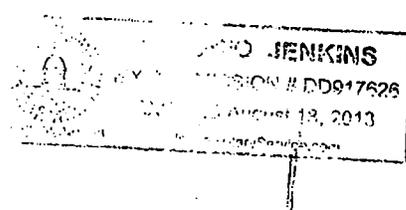
Roosevelt Brady
Affiant (Owner's Signature)

The foregoing instrument was acknowledged before me this 20th day of Nov?
20 12, by Roosevelt Brady, who is personally known to me or who has produced
_____ as identification and who did (did not) take an oath.

(SEAL)

(Notary Public)

NOTE: All applications shall be signed by the owner of the property, or some person duly authorized by the owner to sign on his/her behalf. This authority authorizing a person other than the owner to sign must be attached.



APPLICANT'S AFFIDAVIT

STATE OF FLORIDA
COUNTY OF DESOTO

Before me, the undersigned authority, personally appeared EARL Hill
who being by me first duly sworn on oath, deposes and says:

- (1) That he/she affirms and certifies that he/she understands and will comply with all ordinances, regulations, and provisions of the City of Arcadia, Florida, and that all statements and diagrams submitted herewith are true and accurate to the best of his/her knowledge and belief, and further, that this application and its attachments shall become part of the Official records of the City of Arcadia, Florida and are not returnable.
- (2) That he/she desires approval for: Set Back Variance
20' Front + 5' Sides + Back
- (3) that the submittal requirements for the application have been completed and attached hereto as part of this application.

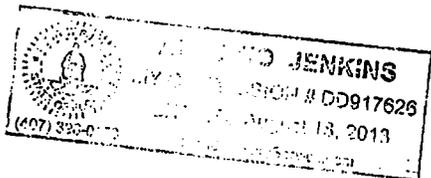
[Handwritten Signature]

Affiant (Applicant's Signature)

The foregoing instrument was acknowledged before me this 25th day of April
2012, by Earl Hill, who is personally known to me or who has produced
as identification and who did (did not) take an oath.

(SEAL)

[Handwritten Signature]
Notary Public



DeSoto County Property Appraiser

2011 Certified Values

CAMA updated: 4/4/2012

Parcel: 36-37-24-0015-0080-0070

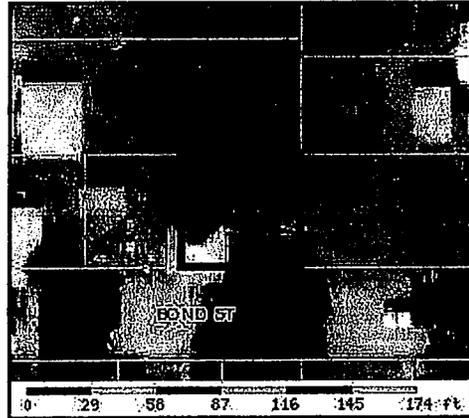
<< Next Lower Parcel Next Higher Parcel >>

<< Prev Search Result: 19 of 37 Next >>

Owner & Property Info

Owner's Name	BRADY ROOSEVELT
Site Address	514 BOND ST
Mailing Address	514 BOND ST ARCADIA, FL 34266-0000
Use Desc. (code)	SINGLE FAM (000100)
Tax District	1 (Within City Limits)
Neighborhood	400100
Land Area	0.060 ACRES
Market Area	04
Description	NOTE: This description is not to be used as the Legal Description for this parcel in any legal transaction.
A S WATSONS SW ADD E 52.34 FT OF LOT 7 BLK 8 OR 382/611 INST:200814010583	

GIS Aerial



Property & Assessment Values

Mkt Land Value	cnt: (1)	\$1,000.00
Ag Land Value	cnt: (0)	\$0.00
Building Value	cnt: (1)	\$9,873.00
XFOB Value	cnt: (1)	\$192.00
Total Appraised Value		\$11,065.00

2011 Certified Values

Just Value	\$11,065.00
Class Value	\$0.00
Assessed Value	\$11,065.00
Exempt Value	(code: HX WR DX)\$11,065.00
Total Taxable Value	County: \$0.00 City: \$0.00 Other: \$0.00 School: \$0.00

Sales History

Sale Date	OR Book/Page	OR Code	Vacant / Improved	Qualified Sale	Sale RCode	Sale Price
11/19/2008	200814010583	SA	I	U	01	\$100.00
4/10/1997	382/611	WD	I	U	01	\$100.00
10/6/1989	263/1199	WD	I	U		\$4,500.00

Building Characteristics

Bldg Item	Bldg Desc	Year Blt	Ext. Walls	Heated S.F.	Actual S.F.
1	SINGLE FAM (000100)	1930	WD FR STUC (16)	606	738
Note: All S.F. calculations are based on exterior building dimensions.					

Extra Features & Out Buildings

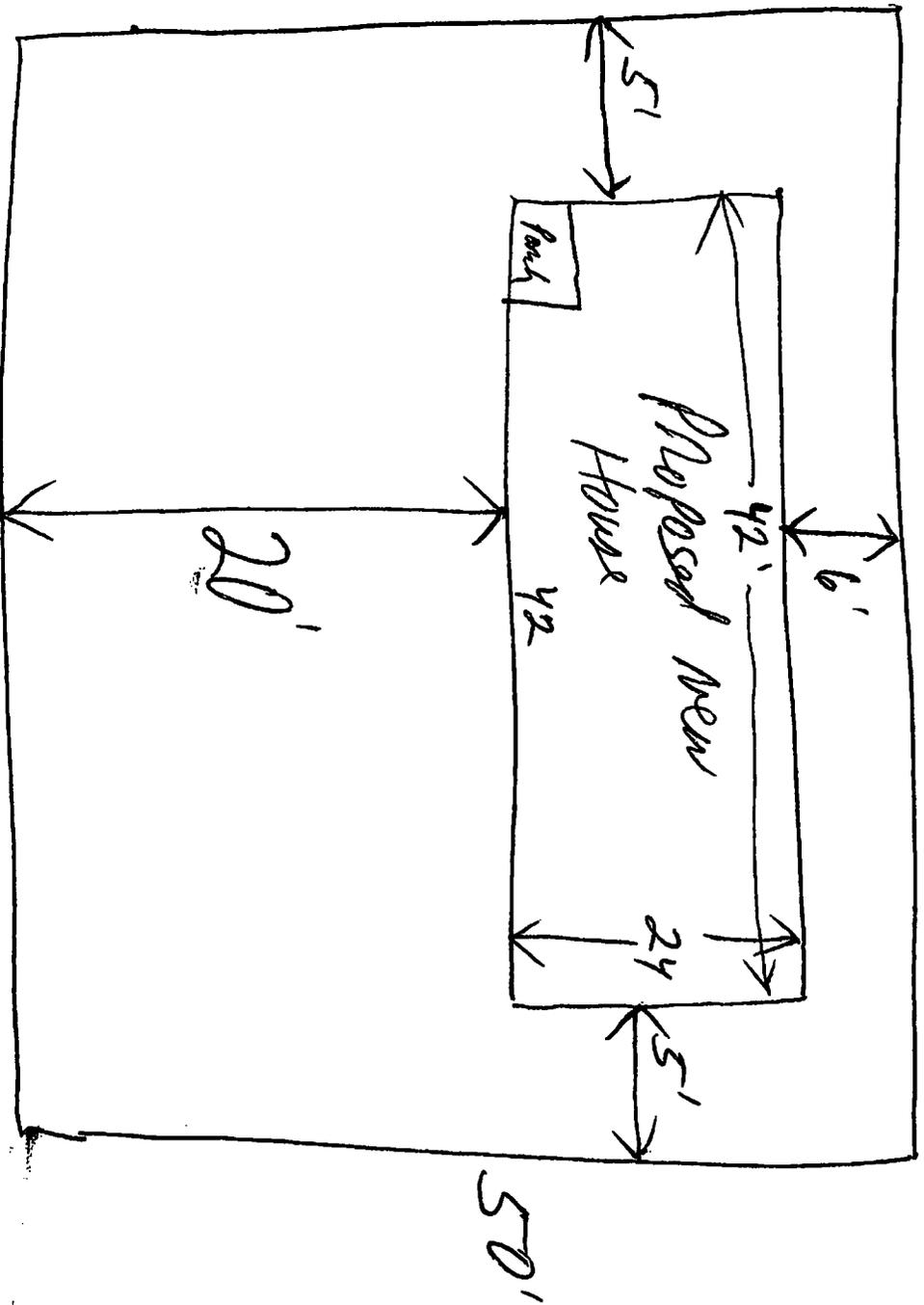
Code	Desc	Year Blt	Units	Dims	Condition (% Good)
1400	FNC CH L3/	1999	0000036.000	0 x 0 x 0	(000.00)

Land Breakdown

Lnd Code	Desc	Units	Zoning *
000100	SFR (MKT)	1 UT - (0000000.060AC)	R-1C

* NOTE: The Property Appraiser's Office is NOT responsible for the accuracy of the zoning. To verify the zoning, please call the Planning &

52'-4"



574 Bond St.

Roosevelt Brady

05-01-12 CITY COUNCIL DIRECTIVES

1. Budget meetings with Department Heads. Next meeting in two weeks – Council to meet with Department Head to review Legislative and Executive Departments budgets. Here is the tentative schedules for each department:

GENERAL GOVERNMENT	05/22/12 AT 5:30 P.M.
PUBLIC SAFETY	05/29/12 AT 5:30 P.M.
PHYSICAL ENVIRONMENT	06/12/12 AT 5:30 P.M.
CULTURE/RECREATION	06/26/12 AT 5:30 P.M.
ENTERPRISE FUNDS	07/10/12 AT 5:30 P.M.

2. Finance - Councilman Fink requested personal services log – list of positions and pay grades.
3. City Council unanimously approved the firm of Swaine and Harris for City Attorney position. Mayor Keene and Attorney Galvano will meet with the chosen firm and finalize a contract for presentation to the City Council. City Recorder will create letters for Council to sign to advise firms of Council action.
4. ~~City Council unanimously approved Judi Jankosky to act in full authority of the City Administrator position until Dr. Miller is able to return to work and Consensus from Council to construct a policy for “out of title pay”.~~
5. ~~City Council appointed the Planning and Zoning Board to serve in the capacity of the Board of Adjustment to hear two variances. City Recorder to advise board members.~~
6. HPC applications on future agendas will be heard under consent agenda items.
7. City Attorney is to draft a notice letter to Air-Cadia, stating they are out of contractual compliance concerning liability insurance and have 60 days to correct.
8. ~~FLC Telecommunications audit agreement signed and sent to Ken to begin audit.~~
9. Council requested ACM to contact Barbara Peterson to inquire if she could speak to staff and Council regarding proper procedures for public records requests. Report to council next meeting.
10. ~~Resolution 2012-02 passed and adopted by Council on new rate schedule. Copies distributed via email and at staff meeting 05-02-12.~~
11. ~~Ordinance No. 973 passed at second reading regarding amending comp plan. Signed copies sent to CFRPC. Ordinance No. 974 passed at second reading regarding Tremron rezoning. Copy sent to CFRPC and Marshal Lee/Code Enforcement.~~
12. Kimley Horne creating priority lists of streets and water/sewer issues within the city.
13. 05/17/12 Fire inspection at airport.
14. City Recorder prepare Proclamation and key to city for presentation to Attorney Galvano at June 5, 2012 Council Meeting.
15. City to schedule 2nd visioning session with Rev. Land facilitating upon his return.
16. ~~Councilman Fink to attend County meeting on 05/03/12 in Mayor’s absence.~~