



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

TUESDAY, JULY 5, 2016
6:00 P.M.

INVOCATION, PLEDGE, CALL TO ORDER AND ROLL CALL

PRESENTATION

1. Special Event Rules (Carl McQuay – Code Enforcement Officer)

CONSENT AGENDA

2. City Council Minutes for June 21, 2016 (Penny Delaney – City Clerk)
3. Special Event Permit – Florida Sport Aviation Antique and Classic Association (FSAACA) Fly-In – Friends of Arcadia Airport (Terry Stewart – City Administrator)
4. Special Event Permit – Millennial Wings Fly-In - Friends of Arcadia Airport (Terry Stewart – City Administrator)
5. Special Event Permit – Annual Rodeo Weekend Fly-In Camp-Out - Friends of Arcadia Airport (Terry Stewart – City Administrator)
6. Special Event Permit – Politics in the Park – Chamber of Commerce and The Arcadian (Terry Stewart – City Administrator)

ACTION ITEMS

7. Ordinance No. 1014 amending Sections 11.14.00 and 13.06.00 of the Land Development Code to include the necessary processes and procedures to obtain Certified Local Government status from the Florida Department of State, Division of Historical Resources – Second and Final Reading (T.J. Wohl – City Attorney)
8. First Amendment to Operating/Building Lease Agreement for Fixed Base Operator and First Amendment to Airport Commercial Lease (Butler Building) (T.J. Wohl – City Attorney)

COMMENTS FROM DEPARTMENTS

9. City Marshal
10. City Attorney
11. City Administrator

PUBLIC (Please limit presentation to three minutes)

MAYOR AND COUNCIL REPORTS

ADJOURN

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

PLEASE TURN OFF OR SILENCE ALL CELL PHONES

AGENDA No. 1



CITY COUNCIL AGENDA ITEM
Requested Council Meeting Date: July 5, 2016

DEPARTMENT: Code Enforcement

SUBJECT: Special Event Slide Show

RECOMMENDED MOTION: **Motion to authorize staff to move forward with changes to the special event ordinance.**

SUMMARY: Overview of suggested changes for special event permits

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

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

Department Head: Carl A. McQuay  Date: 06/21/16

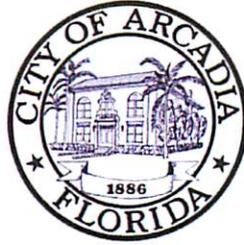
Finance Director (As to Budget Requirements) Date:

City Attorney (As to Form and Legality) Date:

City Administrator: Terry Stewart  Date: 6-24-16

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

AGENDA No. 2



CITY COUNCIL AGENDA ITEM
Requested Council Meeting Date: July 5, 2016

DEPARTMENT: Administration

SUBJECT: Minutes from Regular Meeting on June 21, 2016

RECOMMENDED MOTION: Approval of June 21, 2016 Meeting Minutes as presented.

SUMMARY:

FISCAL IMPACT: _____
 Capital Budget
 Operating
 Other

ATTACHMENTS: Ordinance Resolution Budget Other

Department Head: Penny Delaney

Date: 06/24/16

Finance Director (As to Budget Requirements)

Date:

City Attorney (As to Form and Legality)

Date:

City Administrator: Terry Stewart

Date: 6-24-16

COUNCIL ACTION: Approved as Recommended

Disapproved

Tabled Indefinitely Tabled to Date Certain _____

Approved with Modifications

**AGENDA MINUTES
CITY COUNCIL
CITY OF ARCADIA
TUESDAY, JUNE 21, 2016
6:00 P.M.**

The following minutes reflect action items of the City Council of the City of Arcadia. For a verbatim copy of the minutes, you may contact City Administration to obtain a copy of the recorded meeting.

INVOCATION, PLEDGE CALL TO ORDER AND ROLL CALL

Pastor Thomas Simmons gave the invocation which was followed by the pledge of allegiance. The Mayor called the meeting to order at approximately 6:00 p.m. and the following members and staff were present:

Arcadia City Council

Mayor Susan Coker
Deputy Mayor Frierson

Councilmember Joseph E. Fink
Councilmember Judy Wertz-Strickland

Councilmember S. Delshay Turner was not in attendance due to illness.

Arcadia City Staff

City Administrator Terry Stewart
City Clerk Penny Delaney
City Attorney T.J. Wohl

Finance Director Beth Carsten
Jeff Schmucker, CFRPC
Marshal Matt Anderson

PRESENTATION

Agenda Item 1 – Desoto County Fire Assessment Consultant – Burton & Associates

City Administrator Stewart advised that each Council Member had an opportunity to meet with County personnel and the consultant from Burton & Associates. He advised the purpose of the presentation is so the public can see the information that Council had already received and to begin a discussion. He further advised that the County had come to the City and advised they were doing this study and asked Council's permission to include the City within their study. Mr. Stewart stated the County paid for the study and Council authorized the County to include the City to see what the outcome would be. He explained that the County was now in the process of deciding what it is going to do based upon the results of this study. He stated that in January of next year, the City would need to be in a place where a decision can be made whether to send a resolution but there is plenty of time for the public to discuss and debate this.

At this time, Erick van Malssen of Burton & Associates provided a brief background and stated that fire rescue and EMS services for the City of Arcadia are provided through the County

City Council Meeting Minutes

June 21, 2016

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which happened through a merger agreement with the County in 2006. The services are funded to the County via an annual contractual obligation, plus a City adopted fire assessment. Mr. van Malssen advised any context with the fire assessment today will be comparing the City's rates to the new calculated rates which are different than the County's rates. He stated that DeSoto County had retained Burton & Associates to update the fire assessment calculations primarily because they were based off of a 2003 study and it is recommended to update the studies every five (5) years or so as demographics, property values and costs for services change. He then reviewed the City's partially adopted FY2016 fire rescue assessment rate schedule. Mr. van Malssen addressed the fire rescue assessment update which included: 1) calls for service methodology, (a) traditional methodology of fire rescue assessments, (b) tested and verified in the Florida Court system, and (c) allocates costs of fire service to property classes based upon historical demand for services; 2) rate structure adjustments, (a) City non-residential properties will be charged based upon building size per equivalent billing unit (EBU), (b) non-residential properties separated into two classes (i) commercial/institutional and (ii) industrial/warehouse; 3) retaining of existing exemptions, (a) required exemptions – government and agricultural properties and (b) optional exemptions – church and non-profit properties. He then reviewed the non-residential property rate structure and advised that any building under 2,000 square feet is assigned one (1) EBU, between 2,000 and 3,500 square feet is 2 EBUs and so on and the maximum building size that can be assessed is 100,000 square footage. Regarding FY2017, the projection of fire rescue net revenue requirement was reviewed and he advised that there were approximately 2.7 million dollars of actual costs in the fire rescue service itself and that was arrived at by allocating the full budget between fire services and EMS services. Mr. van Malssen then went over various costs (a copy of the slide show presentation is available for review at the City Clerk's office), along with the full cost recovery accessible rate and a revenue neutral calculation. Next, he reviewed the FY2017 assessment revenue estimates both for full cost recovery and revenue neutral which included both County and City properties.

Mr. van Malssen then addressed the EMS assessment calculation which included: 1) it maintains all features of the fire rescue assessment rate structure, (a) calls for service methodology, (b) property classes are maintained, (i) the exception being there was no vacant property charge, and (c) exemptions are maintained; 2) EMS specific calculations using (a) allocated EMS costs and (b) EMS call data. He addressed the FY2017 EMS net revenue requirement calculation which showed 1.4 million dollars and stated that a large offsetting revenue for these services are the charges for services for transportation and ambulances which are actually billed either to insurance or to those who receive the service. He then reviewed the calculation for same, along with the assessment revenue distribution.

Mr. van Malssen advised Burton & Associates will be presenting the same presentation to the County next week and from what he understands, the City and County are in talks to figure out where to go from here. He stated the next steps are to finalize some of the decision alternatives such as whether the City would adopt the fire assessment as it is re-calculated (the county has not made a decision yet) and whether the City and County would adopt the EMS assessment. He advised the EMS MSTU is the alternative funding for such and at the contract period for the City, the funding for the MSTU would impact the City's millage rate so the assessment would allow the City to retain the millage cap of ten (10) and not approach it due to

the tax on MSTU. He then reviewed the milestones for adoption and the necessary steps to be taken. City Administrator Stewart advised he was very comfortable with the methodology, but the political decision rests with Council. He stated that the County was gracious to include the City into it early on.

Gary Frierson, a City resident, asked for confirmation that the full cost recovery for the City would be approximately Two Hundred Eighty-Six Thousand and 00/100 Dollars (\$286,000.00) and full cost recovery for the fire would be approximately Four Hundred Eighty-Nine Thousand and 00/100 Dollars (\$489,000.00) making the cost for the City approximately Seven Hundred Seventy-Five Thousand and 00/100 Dollars (\$775,000.00). Mr. van Malssen replied that figure would be for EMS and fire. Mr. Frierson asked what the City was paying this year as it relates to the contract they are under and Mr. van Malssen replied that for FY2016 the assessment for fire was Two Hundred Forty-Eight Thousand and 00/100 Dollars (\$248,000.00) as billed and the actual contract amount was One Hundred Eighty Thousand and 00/100 Dollars (\$180,000.00) allocated to fire and approximately Seventy Thousand and 00/100 Dollars (\$70,000.00) allocated to EMS with a total of approximately Five Hundred Thirty Thousand and 00/100 Dollars (\$530,000.00). Mr. Frierson stated that under the current contract, the City owes the County Five Hundred Thirty Thousand and 00/100 Dollars (\$530,000.00) and it is going down Fifty Thousand and 00/100 Dollars (\$50,000.00) a year and if they went with the assessment, it would be Seven Hundred Seventy Thousand and 00/100 Dollars (\$770,000.00). He then asked if the Council adopted with the full amount and kept the contract, with the City collecting Seven Hundred Seventy Thousand and 00/100 Dollars (\$770,000.00) and if they owed half of it, could the Council adjust it yearly by a percentage at the same ratio so that it only collected what was needed to pay the County. Mr. van Malssen stated that the assessment in the amount calculated as owed from the City is a nature of the allocated costs which is different than what the current contract is set up as and the allocated properties between City and County properties so the approximate amount of Seven Hundred Seventy Thousand and 00/100 Dollars (\$770,000.00) is over what the existing assessment and contract amounts are, but it would be the properly allocated amount so to speak. He then stated that if the City were to adopt the assessment, there would be changes to the way that contract is handled. City Administrator Stewart stated that whether the City decided to redeem the contract or not was a separate decision and once the information about the study is known, the Council has the latitude to make a decision to impose an assessment or not, to impose it at the full rate or not, or any percentage amount of that or not as long as it is applied equally across the spectrum. In response to a question raised by Mr. Frierson, City Administrator Stewart stated that they could not have both a MSTU and a MSBU to collect the same revenue. After further discussion, Council was asked if there were any further questions and there were none. Mr. van Malssen thanked Council and City Administrator Stewart and stated that he had been invaluable through the process and he had learned a lot from him.

CONSENT AGENDA

Agenda Item 2 – City Council Minutes for Meeting on June 7, 2016

Agenda Item 3 – City of Arcadia Municipal Airport April Report

Agenda Item 4 - Special Event Permit – Tent Sale for Badcock

City Council Meeting Minutes

June 21, 2016

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Councilmember Wertz-Strickland made a motion to accept the Consent Agenda 2, 3 and 4 and Deputy Mayor Frierson seconded the motion. No discussion followed and it was unanimously, 4/0, approved.

ACTION ITEMS

Agenda Item 5 – Award / Rejection of Golf Course Driving Range Netting Replacement Bid No. 2016-03

Finance Director Beth Carsten advised that Bid No. 2016-03 Golf Course Driving Range Netting went out to replace the netting at the golf course. She stated that on May 24, 2016, staff opened the two (2) responses to said bid and both were higher than it had been budgeted for at Twenty-Five Thousand and 00/100 Dollars (\$25,000.00) with one (1) being Fifty-Nine Thousand and 00/100 Dollars (\$59,000.00) and the other being Sixty-Two Thousand Four Hundred Twenty-Two and 50/100 Dollars (\$62,422.50). She informed Council that at this time staff is recommending not going any further with replacing the netting and to possibly re-visit it at budget time. City Administrator Stewart advised that it was imperative that City Council either accept or reject the bids. He stated that while Council had been gracious in providing additional funding to turn the golf course around, he could not in good conscience ask them to provide more funds for this year. Councilmember Wertz-Strickland made a motion to reject both bids and Councilmember Fink seconded the motion. Councilmember Wertz-Strickland added to possibly revisit it just before they get into the budget and to look at the budget to see if the budget could handle it and Councilmember Fink seconded the amendment to the motion. No discussion followed and it was unanimously, 4/0, approved.

Agenda Item 6 – Ordinance No. 1015 – Proposed Text Amendment to the City’s Unified Land Development Code and Code of Ordinances – Second Reading

Councilmember Fink made a motion to have it read by title only and Councilmember Wertz-Strickland seconded the motion. No discussion followed and it was unanimously, 4/0, approved. City Clerk then read Ordinance No. 1015 by title only. Councilmember Fink expressed his pleasure with the amendment. Councilmember Wertz-Strickland made a motion to approve Ordinance 1015 and Councilmember Fink seconded the motion. Jeff Schmucker of the Central Florida Regional Planning Council explained that at the end of the first reading a couple of weeks ago and prior to tonight’s hearing, they had asked Council for consideration to add another amendment to the short title which was Section 6.01.04 which was an amendment to existing language in the code that would provide consideration for the exemption of parking and landscaping requirements in the downtown. Councilmember Fink asked the City Attorney if the change in the title changed anything for Council and City Attorney Wohl advised that it did not. City Administrator Stewart reminded Council that he had previously explained to them that there were a number of apartments in the downtown area that were being rented out as living quarters which had not undergone the requirements to get a special exemption. He had recommended at that time that the City could either require everyone to meet the requirement that existed or it could be changed and made a use-by-right which does not require a special exception. He

explained that an apartment could be in the downtown area above the ground floor only if it had a legal nonconforming use. He further explained that if there was currently a building in the downtown zoning that has a legal nonconforming use of an apartment on the ground floor, it would be able to continue as such if it had had a long continued use before any changes were made to the zoning and could continue to do so until the building is destroyed by more than fifty percent (50%) of its value by a natural disaster and at which time it would be required to conform to its current zoning or if that property stopped being used for that purpose for one hundred eighty (180) days. He explained if it is not used for that same existing purpose for six (6) months, then it can no longer be used for that purpose and has to meet the current zoning. He advised there are currently existing ground floor apartments in the downtown corridor. City Administrator Stewart advised that once Council passes this, it would be incumbent on Code Enforcement to identify such places to ensure they are meeting the requirements and if not, there may be some push back. Mayor Coker instructed the City Clerk to take a roll call vote and the following are the results of said roll call vote: Deputy Mayor Frierson voted in the affirmative, Mayor Coker voted in the affirmative, Councilmember Fink voted in the affirmative and Councilmember Wertz-Strickland voted in the affirmative. No discussion followed and it was unanimously, 4/0, approved.

COMMENTS FROM DEPARTMENTS

Marshal Anderson asked if Council or the general public had any concerns and there were none. He advised that seven (7) burglaries had been cleared up with a couple of arrests. He also announced that his oldest son had graduated with a BA in Accounting, has started working on his MBA, and in the meantime, he had finished his last year of college eligibility in baseball. He explained that his son had received a telephone call from the Minnesota Twins who offered him a professional contract to play professional baseball for their organization.

City Attorney Wohl advised that he had nothing to report.

Finance Director Carsten provided the monthly finance report. She advised that revenues were at sixty-nine point eight percent (69.8%) and expenses were at fifty point three percent (50.3%). She also advised that the City was one (1) week away from the final date with the audit. She felt it would be certified late this week or early next week which would meet the deadline of June 30th and they should have the draft financials by tomorrow. Ms. Carsten also advised that the City was one (1) week away from having credit card payments as an available payment option and explained the program. Mayor Coker asked if there would be charges to offset the costs and Ms. Carsten stated there would not be any charges. City Administrator Stewart advised that everyone pays that way today and costs are figured into the rates. Councilmember Wertz-Strickland spoke of credit card holding houses and Ms. Carsten stated there were such charges, but with the type of service the City is using, there are different tiers and the amount is more reasonable than what they had been looking at. Ms. Carsten also stated that this would allow other payments to be made down the line in other areas.

City Administrator Stewart informed City Council that the airport fuel system had been damaged due to lightning. He stated that a portion of the costs will be covered by insurance, but

there is a deductible and the costs are approximately Five Thousand and 00/100 Dollars \$5,000.00 worth of damage.

He then informed City Council that the mower at the airport was worn out and needed to be repaired again. He advised that he had spoken with Shelley Peacock about checking with FAA and FDOT regarding a possible grant and she had learned that it is possible to cover the cost of a new mower through a grant and they will fund between Ninety Thousand and 00/100 Dollars (\$90,000.00) and One Hundred Thousand and 00/100 Dollars (\$100,000.00). Mr. Stewart stated that should give the City the opportunity to get a nice tractor and a batwing mower that needs to go with it. He also stated that they were still required to follow all the appropriate purchasing requirements to get the best price possible.

City Administrator Stewart then addressed the need for an audit committee. He stated it was time for the City to do an RFQ for an auditor as it had been a number of years since the last selection. Ms. Carsten advised that Florida Statute 218.391 requires that an auditing committee be used and that such committee can be made up of professional experts, outside of the City, and it should be made up of 5-7 people. She stated that the City had one before which would be beneficial for drawing from. She also advised that the purchasing manual provides language on how to put together an auditing committee. Mr. Stewart recommended putting out a notice that the City would be selecting an audit committee, indicate general qualifications, ask individuals to submit their name for consideration and in most communities the Council makes the decision regarding who will sit on the committee. He stated that staff would put together the RFQ, have the committee review it, and then put it out on the street. He then explained that the audit committee would review the proposals and make a recommendation to Council. He then recommended keeping the number of committee members to five (5). City Attorney Wohl advised that he and Ms. Carsten had reviewed the auditing committee language in the purchasing manual and had discussed deleting some language which was restrictive and then bringing it back to Council and revising it accordingly. Mr. Stewart advised that Mr. Wohl would make the necessary changes and it would be brought back to Council. Councilmember Wertz-Strickland asked if this committee would be meeting once a month and City Administrator Stewart advised that it would not be a standing committee and it would have a specific purpose. Deputy Mayor Frierson stated that she felt it would be difficult to get five (5) professionals that the Council would want to do this. City Administrator Stewart advised that the Council can make the decision about whether or not they want all the members to be City residents and could go outside to the County if they chose to do so. He highly recommended going outside of the City limits only if they cannot get qualified applicants from within the City.

Mr. Stewart then announced that last week was his one (1) year anniversary and thanked Council for bringing him to the City of Arcadia. Council expressed their pleasure of having him as the City Administrator.

PUBLIC

None

MAYOR AND COUNCIL REPORTS

Regarding the City Administrator evaluation forms which were provided to Council for their determination regarding which one to use, Councilmember Wertz-Strickland asked which one had been decided on. After some discussion, it was the general consensus of Council to use the evaluation that used the methodology of letters rather than the other two (2). The City Clerk was instructed to inform Councilmember Turner of the decision made.

Mayor Coker reminded all in attendance of the Fourth of July Parade and asked that anyone interested in participating to let Ms. Carsten know. She then advised Council that she and the City Administrator had attended a brownfield symposium and received a lot of good information that would be beneficial in the future.

ADJOURN

Councilmember Wertz-Strickland made a motion to adjourn and Councilmember Fink seconded the motion. No discussion followed and it was unanimously, 4/0, approved. Having no further business at this time, the meeting was adjourned at approximately 7:25 P.M.

ADOPTED THIS ___ DAY OF _____, 2016.

ATEST:

By:

Susan Coker, Mayor

Penny Delaney, City Clerk

AGENDA No. 3



CITY COUNCIL AGENDA ITEM
Requested Council Meeting Date: July 5, 2016

DEPARTMENT: Code Enforcement

SUBJECT: Florida Sport Aviation Antique and Classic Association Fly In

RECOMMENDED MOTION: **Motion to approve Friends of Arcadia Florida Sport Aviation Antique and Classic Association Fly In.**

SUMMARY: The Friends of Arcadia Airport is requesting to hold a fly-in were pilots fly into Arcadia Municipal Air Port on November 11, 2016 and camp over night until November 13, 2016 and then fly out.

Expected attendance: 50 people

The insurance policies that have been provided for this event will expire prior to the event taking place. A current insurance policy will be required before event can be held.

FISCAL IMPACT: _____

- Capital Budget
- Operating
- Other

ATTACHMENTS: Ordinance Resolution Budget Other

Department Head: Carl A. McQuay

Date: 07/05/17

Finance Director (As to Budget Requirements)

Date:

City Attorney (As to Form and Legality)

Date:

City Administrator: Terry Stewart

Date: 6-29-16

COUNCIL ACTION: Approved as Recommended

Disapproved

Tabled Indefinitely Tabled to Date Certain _____

Approved with Modifications

SPECIAL EVENTS

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

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

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

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

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

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

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

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

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

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

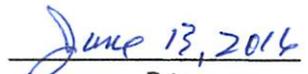
USE OF CITY PERSONNEL - If city personnel are used for set-up or clean-up, or for security, outside of normal work hours, it will be the responsibility of the event sponsor to pay the salary of those personnel for the time they spend on the event.

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

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



Signature of Applicant/Event Sponsor



Date



PRINTED Name of Above



Contact Phone #

Event #1



City of Arcadia
SPECIAL EVENT PERMIT APPLICATION

Date Submitted: June 13, 2016

Event Name: FSAA CA 74-IN

Event Location: Arcadia Airport

Date(s) of Event: Nov 11-13, 2016 Hours of Event: 24

Expected Attendance: 50

Event Sponsor: Friends Non-Profit? YES NO

Description of Event: Pilots 74-IN & camp out Friday and Saturday then 74-out Sunday

Contact Person: George Christ Telephone: 993 0391

Fax #: Email: Friends@foad.ca.us

Insurance Carrier: Auto Owners Ins.

Insurance Agent: DeSoto Ins Agency Agent's Phone: 494 2242

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

If Yes, please specify locations:

Other Pertinent Information:

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

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

INDEMNIFICATION & HOLD HARMLESS

I, George Chase, as President of Friends of Arcadia Airport, do hereby agree to hold the City of Arcadia, its agents and employees, harmless and indemnify same from any civil actions or claims of any nature made in connection with the event known as the 75AACA 714-EN to be held at Arcadia Airport on Nov. 11-13, 2016.

By: [Signature]
Printed Name: George Chase
Entity Name: Friends of Arcadia Airport
Its: President
Date: 10-13-16

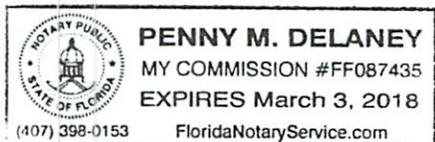
STATE OF FLORIDA

COUNTY OF DeSoto

Sworn to and subscribed before me this 13th day of June, 2016 by George Chase, as President of Friends of Arcadia Airport who is personally known to me or [] has produced n/a as identification.

[Signature]
NOTARY PUBLIC

(SEAL)



June 13, 2016

To: Penny Delany, City Clerk

From: Friends of Arcadia Airport, Inc.

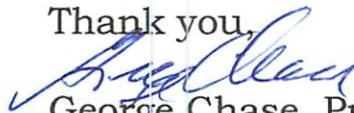
Insurance for 3 Special events with different dates.

1. FSAACA fly in on Nov. 11-13, 2016
2. Millennial Wings on Feb. 17-19, 2017
3. Rodeo on March 10-12, 2017

Friends insurance expires on August 6 of 2016 which is prior to the events listed today. I assure the City of Arcadia that our insurance will be renewed by us on the due date and will not laps.

Copy of insurance attached

Thank you,



George Chase, Pres.

Friends of Arcadia Airport, Inc.

AGENCY 12-0507-00

POLICY 142312-20953311

13563 (8-03)

EXPIRES
8-06-2016

DESOTO INSURANCE AGENCY
PO BOX 880
ARCADIA, FL 34265

08-20-2014

Your agency's phone number is (863) 494-2242



P.O. BOX 30660, LANSING, MICHIGAN 48909-8160 • 517-323-1200
AUTO-OWNERS INSURANCE COMPANY
AUTO-OWNERS LIFE INSURANCE COMPANY
HOME-OWNERS INSURANCE COMPANY
OWNERS INSURANCE COMPANY
PROPERTY-OWNERS INSURANCE COMPANY
SOUTHERN-OWNERS INSURANCE COMPANY

FRIENDS OF ARCADIA AIRPORT INC
2692 NE HIGHWAY 70 LOT 757
ARCADIA, FL 34266-6300

You may view your policy online at www.auto-owners.com.
To enroll, use the policy number 20953311 and
Personal ID code 6C7 P67 T7P . Once enrolled, you may
choose to stop receiving the paper policy in the mail.

Thank you for allowing Auto-Owners to handle your insurance needs.

Auto-Owners Insurance Group is financially sound with sufficient reserves to be ranked among the leaders in the industry for financial security. Our A+ + (Superior) rating by the A.M. Best Company signifies that we have the financial strength to provide the insurance protection you need.

If your policy is an audited policy, the billing of the audit premium will be included in your regular premium billing account. This premium is due in full upon billing and failure to pay as billed may result in the cancellation of all policies on the billing account. If you have questions on your audit or about your insurance needs, please contact your agent at the telephone number shown at the top of this letter.

Auto-Owners Insurance - The "No Problem" People ®

***** THIS IS NOT A BILL. *****

IF ADDITIONAL PREMIUM IS OWED, A BILL WILL BE MAILED SEPARATELY. PLEASE PAY ANY UNPAID BILLS.

~ Serving Our Policyholders and Agents for More Than 90 Years ~



Southern-Owners

Page 1

55039 (11-87)
Issued 06-23-2015

INSURANCE COMPANY
6101 ANACAPRI BLVD., LANSING, MI 48917-3999

TAILORED PROTECTION POLICY DECLARATIONS

AGENCY DESOTO INSURANCE AGENCY
12-0507-00 MKT TERR 068 (863) 494-2242
INSURED FRIENDS OF ARCADIA AIRPORT INC

Renewal Effective 08-06-2015

POLICY NUMBER 142312-20953311-15

ADDRESS 2692 NE HIGHWAY 70 LOT 757
ARCADIA, FL 34266-6300

Company
Bill

POLICY TERM	
12:01 a.m.	12:01 a.m.
08-06-2015	to 08-06-2016

In consideration of payment of the premium shown below, this policy is renewed. Please attach this
Declarations and attachments to your policy. If you have any questions, please consult with your agent.

COMMON POLICY INFORMATION

BUSINESS DESCRIPTION: Non Profit Club

ENTITY: Corporation

THIS POLICY CONSISTS OF THE FOLLOWING COVERAGE PART(S).	PREMIUM
THIS PREMIUM MAY BE SUBJECT TO ADJUSTMENT.	
COMMERCIAL GENERAL LIABILITY COVERAGE	\$129.00
MINIMUM PREMIUM ADJUSTMENT (GL)	172.00
TOTAL	\$301.00

FORMS THAT APPLY TO ALL COVERAGE PART SHOWN ABOVE (EXCEPT GARAGE LIABILITY, DEALER'S
BLANKET, COMMERCIAL AUTOMOBILE, IF APPLICABLE)
55156 (03-95)

A Merit Rating Plan Factor of 0.95 Applies.

Countersigned By: DESOTO INSURANCE AGENCY



SOUTHERN-OWNERS INS. CO.

Page 2

55040 (11/87)
Issued 06-23-2015

AGENCY DESOTO INSURANCE AGENCY
12-0507-00 MKT TERR 068

Company POLICY NUMBER 142312-20953311-15
Bill

INSURED FRIENDS OF ARCADIA AIRPORT INC

Term 08-06-2015 to 08-06-2016

COMMERCIAL GENERAL LIABILITY COVERAGE

LIMITS OF INSURANCE

General Aggregate (Other Than Products-Completed Operations)	\$2,000,000
Products-Completed Operations Aggregate	2,000,000
Personal Injury And Advertising Injury	1,000,000
Each Occurrence	1,000,000
Damage to Premises Rented to You (Fire Damage)	50,000 Any One Premises
Medical Payments	5,000 Any One Person

Twice the "General Aggregate Limit", shown above, is provided at no additional charge for each 12 month period in accordance with form 55300.

AUDIT TYPE: Non-Audited

FORMS THAT APPLY TO THIS COVERAGE: 59350 (01-15) 55146 (06-04) 55160 (12-04)
IL0021 (07-02) 55296 (09-09) 55300 (07-05) CG0220 (03-12) IL0017 (11-85)
55513 (11-11) 55181 (12-04)

LOCATION OF PREMISES YOU OWN, RENT OR OCCUPY

LOC 001 BLDG 001 1067 Se A C Polk Dr
Arcadia, FL 34266

TERRITORY: 006 COUNTY: De Soto

Classification	Subline	Premium Basis	Rates	Premium
CODE 41670				
Clubs - Civic, Service Or Social - No Buildings Or Premises Owned Or Leased Except For Office Purposes (Not-For Profit)	Prem/Op	Members	Each 1	\$77.00
	Prod/Comp Op	60	1.278	\$1.00
CODE 49950				
Additional Interests Designated Per/Organization L City Of Arcadia	Prem/Op	Flat Charge		\$25.00
	Prod/Comp Op	Flat Charge		\$25.00
TERRORISM - CERTIFIED ACTS	SEE FORM	59350		\$1.00

LOCATION 001 PREMIUM \$129.00

COMMERCIAL GENERAL LIABILITY
55181 (12-04)

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED - DESIGNATED PERSON OR ORGANIZATION

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART.

SCHEDULE

Name Of Additional Insured Person(s) Or Organization(s)
CITY OF ARCADIA
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

A. SECTION II - WHO IS AN INSURED is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule but only with respect to liability for "bodily injury", "property damage", "personal injury" or "advertising injury" caused, in whole or in part, by your acts or omissions or the acts or omissions of those acting on your behalf.

1. In the performance of your ongoing operations;
or

2. In connection with your premises owned by or rented to you.

B. The following is added to SECTION III - LIMITS OF INSURANCE:

The limits of liability for the additional insured are those specified in the written contract or agreement between the insured and the designated person or organization, not to exceed the limits provided in this policy. These limits are inclusive of and not in addition to the limits of insurance shown in the Declarations.



AGENDA No. 4



CITY COUNCIL AGENDA ITEM
Requested Council Meeting Date: July 5, 2016

DEPARTMENT: Code Enforcement
SUBJECT: Millennial Wing Fly In

RECOMMENDED MOTION: Motion to approve Friends of Arcadia Millennial Wing Fly In

SUMMARY: The Friends of Arcadia Airport is requesting to hold a Fly-in were pilots fly into Arcadia Municipal Air Port on February 17, 2017 and camp over night until February 19, 2017 and then fly out.

Expected attendance: 50 people

The insurance policies that have been provided for this event will expire prior to the event taking place. A current insurance policy will be required before event can be held.

FISCAL IMPACT: _____

- Capital Budget
- Operating
- Other

ATTACHMENTS: Ordinance Resolution Budget Other

Department Head: Carl A. McQuay

Date: 07/05/17

Finance Director (As to Budget Requirements)

Date:

City Attorney (As to Form and Legality)

Date:

City Administrator: Terry Stewart

Date: 6-24-16

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

SPECIAL EVENTS

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

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

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

- a. A narrative describing the approximate number of people expected to attend,
- b. Whether signs will be placed in the city rights-of-way,
- c. Any special or unusual circumstances (cooking, alcoholic beverages, wildlife, fireworks, carnival type rides, outdoor music, etc.)
- d. Indicate whether additional electric service will be required, and if so where.
- e. Whether streets will be closed, or barricades erected.
- f. Include details of traffic control, emergency access and parking arrangements.
- g. Describe the provisions made for collection of trash, garbage & recycling.
- h. If applicable, specify the location and indicate whether or not you have the owner's permission to hold the event at that location and provide owner's contact information.

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

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

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

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

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

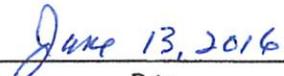
USE OF CITY PERSONNEL - If city personnel are used for set-up or clean-up, or for security, outside of normal work hours, it will be the responsibility of the event sponsor to pay the salary of those personnel for the time they spend on the event.

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

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



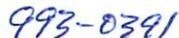
Signature of Applicant/Event Sponsor



Date



PRINTED Name of Above



Contact Phone #

Event # 2



City of Arcadia
SPECIAL EVENT PERMIT APPLICATION

Date Submitted: June 13, 2016
Event Name: Millennial Wings Fly-In
Event Location: Arcadia Airport
Date(s) of Event: Feb 17-19, 2017 Hours of Event: 24
Expected Attendance: 50
Event Sponsor: Friends Non-Profit? YES
Description of Event: Pilots fly-in and camp out Friday and Saturday then fly out Sunday

Contact Person: George Chase Telephone: 993-0391
Fax #: Email: Friends@FOAA.us
Insurance Carrier: Auto Owners Ins.
Insurance Agent: Dosets Ins. Agency Agent's Phone: 494 2242

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

If Yes, please specify locations:
Other Pertinent Information:

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

Received by: Date:
City Marshal Approved Disapproved
City Administrator Approved Disapproved
City Council Approved Disapproved

INDEMNIFICATION & HOLD HARMLESS

I, George Chase as President of Friends of Arcadia Airport do hereby agree to hold the City of Arcadia, its agents and employees, harmless and indemnify same from any civil actions or claims of any nature made in connection with the event known as the Millennia/Wings Fly-In to be held at Arcadia Airport on Feb 17-19, 2017

By: [Signature]
Printed Name: George Chase
Entity Name: Friends of Arcadia Airport
Its: President
Date: 10-13-16

STATE OF FLORIDA

COUNTY OF DeSoto

Sworn to and subscribed before me this 13th day of June, 2016 by George Chase, as President of Friends of Arcadia Airport who is personally known to me or [] has produced n/a as identification.

[Signature]
NOTARY PUBLIC

(SEAL)



June 13, 2016

To: Penny Delany, City Clerk

From: Friends of Arcadia Airport, Inc.

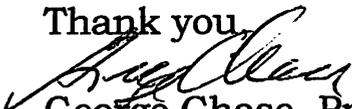
Insurance for 3 Special events with different dates.

1. FSAACA fly in on Nov. 11-13, 2016
2. Millennial Wings on Feb. 17-19, 2017
3. Rodeo on March 10-12, 2017

Friends insurance expires on August 6 of 2016 which is prior to the events listed today. I assure the City of Arcadia that our insurance will be renewed by us on the due date and will not laps.

Copy of insurance attached

Thank you


George Chase, Pres.

Friends of Arcadia Airport, Inc.

AGENCY 12-0507-00

POLICY 142312-20953311

13563 (8-03)

EXPIRES
8-66-2016

DESOTO INSURANCE AGENCY
PO BOX 880
ARCADIA, FL 34265

08-20-2014

Your agency's phone number is (863) 494-2242



P.O. BOX 30660, LANSING, MICHIGAN 48909-8160 • 517-323-1200
 AUTO-OWNERS INSURANCE COMPANY
 AUTO-OWNERS LIFE INSURANCE COMPANY
 HOME-OWNERS INSURANCE COMPANY
 OWNERS INSURANCE COMPANY
 PROPERTY-OWNERS INSURANCE COMPANY
 SOUTHERN-OWNERS INSURANCE COMPANY

FRIENDS OF ARCADIA AIRPORT INC
 2692 NE HIGHWAY 70 LOT 757
 ARCADIA, FL 34266-6300

You may view your policy online at www.auto-owners.com.
 To enroll, use the policy number 20953311 and
 Personal ID code 6C7 P67 T7P . Once enrolled, you may
 choose to stop receiving the paper policy in the mail.

Thank you for allowing Auto-Owners to handle your insurance needs.

Auto-Owners Insurance Group is financially sound with sufficient reserves to be ranked among the leaders in the industry for financial security. Our A++ (Superior) rating by the A.M. Best Company signifies that we have the financial strength to provide the insurance protection you need.

If your policy is an audited policy, the billing of the audit premium will be included in your regular premium billing account. This premium is due in full upon billing and failure to pay as billed may result in the cancellation of all policies on the billing account. If you have questions on your audit or about your insurance needs, please contact your agent at the telephone number shown at the top of this letter.

Auto-Owners Insurance - The "No Problem" People ®

***** THIS IS NOT A BILL. *****
**IF ADDITIONAL PREMIUM IS OWED, A BILL WILL BE MAILED SEPARATELY. PLEASE
 PAY ANY UNPAID BILLS.**

~ Serving Our Policyholders and Agents for More Than 90 Years ~



INSURANCE COMPANY
6101 ANACAPRI BLVD., LANSING, MI 48917-3999

TAILORED PROTECTION POLICY DECLARATIONS

AGENCY DESOTO INSURANCE AGENCY
12-0507-00 MKT TERR 068 (863) 494-2242
INSURED FRIENDS OF ARCADIA AIRPORT INC

Renewal Effective 08-06-2015

POLICY NUMBER 142312-20953311-15

ADDRESS 2692 NE HIGHWAY 70 LOT 757
ARCADIA, FL 34266-6300

Company
Bill

POLICY TERM	
12:01 a.m.	12:01 a.m.
08-06-2015 ^{to}	08-06-2016

In consideration of payment of the premium shown below, this policy is renewed. Please attach this
Declarations and attachments to your policy. If you have any questions, please consult with your agent.

COMMON POLICY INFORMATION

BUSINESS DESCRIPTION: Non Profit Club

ENTITY: Corporation

THIS POLICY CONSISTS OF THE FOLLOWING COVERAGE PART(S).	PREMIUM
THIS PREMIUM MAY BE SUBJECT TO ADJUSTMENT.	
COMMERCIAL GENERAL LIABILITY COVERAGE	\$129.00
MINIMUM PREMIUM ADJUSTMENT (GL)	172.00
TOTAL	\$301.00

FORMS THAT APPLY TO ALL COVERAGE PART SHOWN ABOVE (EXCEPT GARAGE LIABILITY, DEALER'S
BLANKET, COMMERCIAL AUTOMOBILE, IF APPLICABLE)
55156 (03-95)

A Merit Rating Plan Factor of 0.95 Applies.

Countersigned By: DESOTO INSURANCE AGENCY



SOUTHERN-OWNERS INS. CO.

Page 2

55040 (11/87)
Issued 06-23-2015

AGENCY DESOTO INSURANCE AGENCY
12-0507-00 MKT TERR 068

Company POLICY NUMBER 142312-20953311-15
Bill

INSURED FRIENDS OF ARCADIA AIRPORT INC

Term 08-06-2015 to 08-06-2016

COMMERCIAL GENERAL LIABILITY COVERAGE

LIMITS OF INSURANCE

General Aggregate (Other Than Products-Completed Operations)	\$2,000,000
Products-Completed Operations Aggregate	2,000,000
Personal Injury And Advertising Injury	1,000,000
Each Occurrence	1,000,000
Damage to Premises Rented to You (Fire Damage)	50,000 Any One Premises
Medical Payments	5,000 Any One Person

Twice the "General Aggregate Limit", shown above, is provided at no additional charge for each 12 month period in accordance with form 55300.

AUDIT TYPE: Non-Audited

FORMS THAT APPLY TO THIS COVERAGE: 59350 (01-15) 55146 (06-04) 55160 (12-04)
IL0021 (07-02) 55296 (09-09) 55300 (07-05) CG0220 (03-12) IL0017 (11-85)
55513 (11-11) 55181 (12-04)

LOCATION OF PREMISES YOU OWN, RENT OR OCCUPY

LOC 001 BLDG 001 1067 Se A C Polk Dr
Arcadia, FL 34266

TERRITORY: 006 COUNTY: De Soto

Classification	Subline	Premium Basis	Rates	Premium
CODE 41670				
Clubs - Civic, Service Or Social - No Buildings Or Premises Owned Or Leased Except For Office Purposes (Not-For Profit)	Prem/Op	Members	Each 1	\$77.00
	Prod/Comp Op	60	1.278	\$1.00
CODE 49950				
Additional Interests Designated Per/Organization L City Of Arcadia	Prem/Op	Flat Charge		\$25.00
	Prod/Comp Op	Flat Charge		\$25.00
TERRORISM - CERTIFIED ACTS	SEE FORM	59350		\$1.00

LOCATION 001 PREMIUM \$129.00

COMMERCIAL GENERAL LIABILITY
55181 (12-04)

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED - DESIGNATED PERSON OR ORGANIZATION

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART.

SCHEDULE

Name Of Additional Insured Person(s) Or Organization(s)
CITY OF ARCADIA
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

A. **SECTION II - WHO IS AN INSURED** is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule but only with respect to liability for "bodily injury", "property damage", "personal injury" or "advertising injury" caused, in whole or in part, by your acts or omissions or the acts or omissions of those acting on your behalf:

- 1. In the performance of your ongoing operations; or

- 2. In connection with your premises owned by or rented to you.

B. The following is added to **SECTION III - LIMITS OF INSURANCE**:

The limits of liability for the additional insured are those specified in the written contract or agreement between the insured and the designated person or organization, not to exceed the limits provided in this policy. These limits are inclusive of and not in addition to the limits of insurance shown in the Declarations.



AGENDA No. 5



CITY COUNCIL AGENDA ITEM
Requested Council Meeting Date: July 5, 2016

DEPARTMENT: Code Enforcement

SUBJECT: Annual Rodeo weekend Fly In camp-out

RECOMMENDED MOTION: **Motion to approve Friends of Arcadia Annual Rodeo weekend Fly In camp-out.**

SUMMARY: The Friends of Arcadia Airport is requesting to hold a fly-in, were pilots fly into Arcadia Municipal Air Port on March 10 thru March 12, 2017 and camp over night and then attend the Annual Arcadia Rodeo.

Expected attendance: 50 people

The insurance policies that have been provided for this event will expire prior to the event taking place. A current insurance policy will be required before event can be held.

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

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

Department Head: Carl A. McQuay

Date: 07/05/16

Finance Director (As to Budget Requirements)

Date:

City Attorney (As to Form and Legality)

Date:

City Administrator: Terry Stewart

Date: 6-24-16

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

SPECIAL EVENTS

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

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

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

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

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

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

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

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

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

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

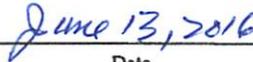
USE OF CITY PERSONNEL - If city personnel are used for set-up or clean-up, or for security, outside of normal work hours, it will be the responsibility of the event sponsor to pay the salary of those personnel for the time they spend on the event.

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

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



Signature of Applicant/Event Sponsor



Date



PRINTED Name of Above



Contact Phone #



City of Arcadia
SPECIAL EVENT PERMIT APPLICATION

Date Submitted: June 13, 2016
Event Name: Rodeo Fly-In
Event Location: Arcadia Airport
Date(s) of Event: March 10-12, 2017 Hours of Event: 24
Expected Attendance: 50
Event Sponsor: FRIENDS Non-Profit? YES NO
Description of Event: Pilots Fly-in on Friday - Camp out
Friday night + Saturday night then fly
out on Sunday

Contact Person: George Chase Telephone: 993-0391
Fax #: Email: FRIENDS@FOAA.us
Insurance Carrier: Auto Owners Ins.
Insurance Agent: DeSoto Ins. Agent's Phone: 991-2242

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

If Yes, please specify locations:

Other Pertinent Information:

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

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

INDEMNIFICATION & HOLD HARMLESS

I, George Chase, as President of FRIENDS of Arcadia Airport, do hereby agree to hold the City of Arcadia, its agents and employees, harmless and indemnify same from any civil actions or claims of any nature made in connection with the event known as the Rodco Fly-IN to be held at Arcadia AIRPORT on March 10-11-12, 2017

By: [Signature]
Printed Name: George Chase
Entity Name: Friends of Arcadia Airport
Its: President
Date: 6-13-10

STATE OF FLORIDA
COUNTY OF Desoto

Sworn to and subscribed before me this 13th day of June, 2010, by George Chase, as President of Friends of Arcadia Airport who is personally known to me or has produced nila as identification.

Penny M. Delaney
NOTARY PUBLIC

(SEAL)



June 13, 2016

To: Penny Delany, City Clerk

From: Friends of Arcadia Airport, Inc.

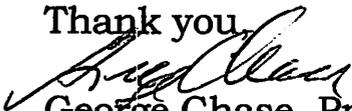
Insurance for 3 Special events with different dates.

1. FSAACA fly in on Nov. 11-13, 2016
2. Millennial Wings on Feb. 17-19, 2017
3. Rodeo on March 10-12, 2017

Friends insurance expires on August 6 of 2016 which is prior to the events listed today. I assure the City of Arcadia that our insurance will be renewed by us on the due date and will not laps.

Copy of insurance attached

Thank you


George Chase, Pres.

Friends of Arcadia Airport, Inc.

AGENCY 12-0507-00 POLICY 142312-20953311

13563 (8-03)

EXPIRES
8-26-2016

DESOTO INSURANCE AGENCY
PO BOX 880
ARCADIA, FL 34265

08-20-2014

Your agency's phone number is (863) 494-2242



P.O. BOX 30660, LANSING, MICHIGAN 48909-8160 • 517-323-1200
AUTO-OWNERS INSURANCE COMPANY
AUTO-OWNERS LIFE INSURANCE COMPANY
HOME-OWNERS INSURANCE COMPANY
OWNERS INSURANCE COMPANY
PROPERTY-OWNERS INSURANCE COMPANY
SOUTHERN-OWNERS INSURANCE COMPANY

FRIENDS OF ARCADIA AIRPORT INC
2692 NE HIGHWAY 70 LOT 757
ARCADIA, FL 34266-6300

You may view your policy online at www.auto-owners.com.
To enroll, use the policy number 20953311 and
Personal ID code 6C7 P67 T7P . Once enrolled, you may
choose to stop receiving the paper policy in the mail.

Thank you for allowing Auto-Owners to handle your insurance needs.

Auto-Owners Insurance Group is financially sound with sufficient reserves to be ranked among the leaders in the industry for financial security. Our A++ (Superior) rating by the A.M. Best Company signifies that we have the financial strength to provide the insurance protection you need.

If your policy is an audited policy, the billing of the audit premium will be included in your regular premium billing account. This premium is due in full upon billing and failure to pay as billed may result in the cancellation of all policies on the billing account. If you have questions on your audit or about your insurance needs, please contact your agent at the telephone number shown at the top of this letter.

Auto-Owners Insurance - The "No Problem" People ®

***** THIS IS NOT A BILL. *****

IF ADDITIONAL PREMIUM IS OWED, A BILL WILL BE MAILED SEPARATELY. PLEASE
PAY ANY UNPAID BILLS.

~ Serving Our Policyholders and Agents for More Than 90 Years ~



INSURANCE COMPANY
6101 ANACAPRI BLVD., LANSING, MI 48917-3999

TAILORED PROTECTION POLICY DECLARATIONS

AGENCY DESOTO INSURANCE AGENCY
12-0507-00 MKT TERR 068 (863) 494-2242
INSURED FRIENDS OF ARCADIA AIRPORT INC

Renewal Effective 08-06-2015

POLICY NUMBER 142312-20953311-15

ADDRESS 2692 NE HIGHWAY 70 LOT 757
ARCADIA, FL 34266-6300

Company
Bill

POLICY TERM	
12:01 a.m.	12:01 a.m.
08-06-2015	to 08-06-2016

In consideration of payment of the premium shown below, this policy is renewed. Please attach this Declarations and attachments to your policy. If you have any questions, please consult with your agent.

COMMON POLICY INFORMATION

BUSINESS DESCRIPTION: Non Profit Club

ENTITY: Corporation

THIS POLICY CONSISTS OF THE FOLLOWING COVERAGE PART(S).	PREMIUM
THIS PREMIUM MAY BE SUBJECT TO ADJUSTMENT.	
COMMERCIAL GENERAL LIABILITY COVERAGE	\$129.00
MINIMUM PREMIUM ADJUSTMENT (GL)	172.00
TOTAL	\$301.00

FORMS THAT APPLY TO ALL COVERAGE PART SHOWN ABOVE (EXCEPT GARAGE LIABILITY, DEALER'S BLANKET, COMMERCIAL AUTOMOBILE, IF APPLICABLE)
55156 (03-95)

A Merit Rating Plan Factor of 0.95 Applies.

Countersigned By: DESOTO INSURANCE AGENCY



SOUTHERN-OWNERS INS. CO.

55040 (11/87)
Issued 06-23-2015

AGENCY DESOTO INSURANCE AGENCY
12-0507-00 MKT TERR 068

Company POLICY NUMBER 142312-20953311-15
Bill

INSURED FRIENDS OF ARCADIA AIRPORT INC

Term 08-06-2015 to 08-06-2016

COMMERCIAL GENERAL LIABILITY COVERAGE

LIMITS OF INSURANCE

General Aggregate (Other Than Products-Completed Operations)	\$2,000,000
Products-Completed Operations Aggregate	2,000,000
Personal Injury And Advertising Injury	1,000,000
Each Occurrence	1,000,000
Damage to Premises Rented to You (Fire Damage)	50,000 Any One Premises
Medical Payments	5,000 Any One Person

Twice the "General Aggregate Limit", shown above, is provided at no additional charge for each 12 month period in accordance with form 55300.

AUDIT TYPE: Non-Audited

FORMS THAT APPLY TO THIS COVERAGE: 59350 (01-15) 55146 (06-04) 55160 (12-04)
IL0021 (07-02) 55296 (09-09) 55300 (07-05) CG0220 (03-12) IL0017 (11-85)
55513 (11-11) 55181 (12-04)

LOCATION OF PREMISES YOU OWN, RENT OR OCCUPY

LOC 001 BLDG 001 1067 Se A C Polk Dr
Arcadia, FL 34266

TERRITORY: 006 COUNTY: De Soto

Classification	Subline	Premium Basis	Rates	Premium
CODE 41670				
Clubs - Civic, Service Or Social - No Buildings Or Premises Owned Or Leased Except For Office Purposes (Not-For Profit)	Prem/Op	Members	Each 1	\$77.00
	Prod/Comp Op	60	1.278	\$1.00
CODE 49950				
Additional Interests Designated Per/Organization L City Of Arcadia	Prem/Op	Flat Charge		\$25.00
	Prod/Comp Op	Flat Charge		\$25.00
TERRORISM - CERTIFIED ACTS	SEE FORM	59350		\$1.00

LOCATION 001 PREMIUM \$129.00

COMMERCIAL GENERAL LIABILITY
55181 (12-04)

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED - DESIGNATED PERSON OR ORGANIZATION

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART.

SCHEDULE

Name Of Additional Insured Person(s) Or Organization(s)
CITY OF ARCADIA
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

- A. SECTION II - WHO IS AN INSURED** is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule but only with respect to liability for "bodily injury", "property damage", "personal injury" or "advertising injury" caused, in whole or in part, by your acts or omissions or the acts or omissions of those acting on your behalf:
1. In the performance of your ongoing operations;
or

2. In connection with your premises owned by or rented to you.
- B. The following is added to SECTION III - LIMITS OF INSURANCE:**
- The limits of liability for the additional insured are those specified in the written contract or agreement between the insured and the designated person or organization, not to exceed the limits provided in this policy. These limits are inclusive of and not in addition to the limits of insurance shown in the Declarations.



AGENDA No. 6



CITY COUNCIL AGENDA ITEM
Requested Council Meeting Date: July 5, 2016

DEPARTMENT: Code Enforcement

SUBJECT: Politics' in the Park sponsored by the DeSoto Chamber of Commerce and The Arcadian Newspaper.

RECOMMENDED MOTION: **Motion to approve Politics' in the Park**

SUMMARY: A political event for local candidates to meet and greet the public at McSwain Park on August 18, 2016 from 1 p.m. to 9 p.m. Candidates will have 3 minutes to address the public. Food and beverages will be served.

They are also requesting that East Oak Street in front of the DeSoto County Courthouse and South Volusia Avenue in front of the Desoto County Chamber of Commerce be closed.

Expected attendance: 400

FISCAL IMPACT: _____
 Capital Budget
 Operating
 Other

ATTACHMENTS: Ordinance Resolution Budget Other

Department Head: Carl A. McQuay

Date: 07/05/16

Finance Director (As to Budget Requirements)

Date:

City Attorney (As to Form and Legality)

Date:

City Administrator: Terry Stewart

Date: 6-24-16

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

SPECIAL EVENTS

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

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

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

- a. A narrative describing the approximate number of people expected to attend,
- b. Whether signs will be placed in the city rights-of-way,
- c. Any special or unusual circumstances (cooking, alcoholic beverages, wildlife, fireworks, carnival type rides, outdoor music, etc.)
- d. Indicate whether additional electric service will be required, and if so where.
- e. Whether streets will be closed, or barricades erected.
- f. Include details of traffic control, emergency access and parking arrangements.
- g. Describe the provisions made for collection of trash, garbage & recycling.
- h. If applicable, specify the location and indicate whether or not you have the owner's permission to hold the event at that location and provide owner's contact information.

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

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

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

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

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

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

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

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



Signature of Applicant/Event Sponsor

Jennifer Trace

PRINTED Name of Above

06/17/16

Date

(863) 263-7228

Contact Phone #



City of Arcadia
SPECIAL EVENT PERMIT APPLICATION

Date Submitted: 06/17/16
Event Name: Politic's in the Park
Event Location: Mc.Surin Park
Date(s) of Event: 8/18/16 Hours of Event: 3 Rd. Closure 1pm-9pm
Expected Attendance: 400
Event Sponsor: Chamber of Arcadian Non-Profit? YES
Description of Event: Political event, meet & greet food/beverage distributed, 3 min. Speech each politic.

Contact Person: Jennifer Trace Telephone: (813) 263-7228
Fax #: (813) 494-3312 Email: jtrace@desotochamberfl.com
Insurance Carrier: Desoto Insurance
Insurance Agent: Mildred DeLuca Agent's Phone: 494-2242(x)205

- Alcoholic Beverages? YES NO
Tents? YES NO
Cooking? YES NO Possible Nothing for sale
Outdoor Music? YES NO
Additional Electric? YES NO
Carnival Rides? YES NO
Wildlife? YES NO
Fireworks? YES NO
Signs Displayed? YES NO
Set-up/Clean-up by City? YES NO
City Police required? YES NO
Road Closures? YES NO

If Yes, please specify locations: E. Oak in front of Court house and S. Volusia in front of Chamber.

Other Pertinent Information:

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

Received by: [Signature] Date: ___/___/___
City Marshal Approved Disapproved
City Administrator Approved Disapproved
City Council Approved Disapproved

INDEMNIFICATION & HOLD HARMLESS

I, Jennifer Trace, as Director of programs & Services of The Desoto County Chamber, do hereby agree to hold the City of Arcadia, its agents and employees, harmless and indemnify same from any civil actions or claims of any nature made in connection with the event known as the Politicians in the Park to be held at McSwain Park on August 18, 2016

(Printed Name) (Title or Office Held) (Club, organization, group, etc) (Name of Event) (Location) (Date)

By: [Signature] (Signature)

Printed Name: Jennifer Trace

Entity Name: Desoto County Chamber

Its: Director of programs

Date: 6/17/16

STATE OF FLORIDA

COUNTY OF Desoto

Sworn to and subscribed before me this 17th day of June, 2016, by Jennifer Trace, as Director of Programs of Desoto Co. Chamber, who is personally known to me or [] has produced n/a as identification.

Penny M. Delaney
NOTARY PUBLIC

(SEAL)





CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
6/20/2016

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

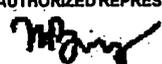
PRODUCER DeSoto Insurance Agency 243 N. Brevard Ave. P. O. Box 880 Arcadia, Florida 34265-0880	Phone: (863)494-2242 Fax: (863)494-1991	CONTACT NAME: Mildred DeLuca PHONE (A/C, No, Ext): (863)494-2242 E-MAIL ADDRESS: mad@desotoinsurance.com FAX (A/C, No): (863)494-1991
	INSURER(S) AFFORDING COVERAGE	
INSURED DeSoto County Chamber of Commerce, Inc. 16 S. Volusia Avenue Arcadia, FL 34266	INSURER A : Southern-Owners Insurance Company	NAIC # 10190
	INSURER B :	
	INSURER C :	
	INSURER D :	
	INSURER E :	
	INSURER F :	

COVERAGES **CERTIFICATE NUMBER:** 1596 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GENL AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			20220044	7/15/2016	7/15/2017	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 50,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		N/A				<input type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Event to be Held 8/18/2016 - Politics in the Park

CERTIFICATE HOLDER Holder's Nature of Interest : Certificate Holder City of Arcadia PO Box 1000 Arcadia, FL 34265-0351	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
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AGENDA No. 7



CITY COUNCIL AGENDA ITEM
Requested Council Meeting Date: June 21, 2016

DEPARTMENT: Legal

SUBJECT: Ordinance Number 1014 amending Sections 11.14.00 and 13.06.00 of the Land Development Code to include the necessary processes and procedures to obtain Certified Local Government status from the Florida Department of State, Division of Historical Resources.

RECOMMENDED MOTION: Motion to approve second and final reading of Ordinance Number 1014 amending Sections 11.14.00 and 13.06.00 of the Land Development Code to include the necessary processes and procedures to obtain Certified Local Government status from the Florida Department of State, Division of Historic Resources.

SUMMARY:

Upon recommendation of Carol Mahler and the Historic Preservation Commission, City Council directed staff to draft a proposed Historic Preservation Ordinance to obtain Certified Local Government status from the Florida Department of State, Division of Historical Resources.

In addition to proposed Ordinance Number 1014, enclosed please also find a May 19, 2016 e-mail from Mr. Michael Zimny, from the Division of Historical Resources, to the City Attorney advising that the proposed Ordinance meets the state and federal guidelines for the Certified Local Government (CLG) Program.

If and when adopted after second reading, the Ordinance Number 1014 will be included in the City's formal application for the CLG program.

FISCAL IMPACT: Capital Budget
 Operating
 Other

ATTACHMENTS: Ordinance Resolution Budget Other

Department Head: _____ Date: _____

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

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

City Administrator: Terry Stewart  Date: 6-24-16

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

TJ Wohl

From: Zimny, Michael F. [Michael.Zimny@DOS.MyFlorida.com]
Sent: Thursday, May 19, 2016 11:05 AM
To: TJ Wohl
Subject: RE: City of Arcadia - Ordinance for CLG

Dear Mr. Wohl,

Thank you for sending me the historic preservation ordinance for the City of Arcadia. I am pleased to say that the ordinance meets state and federal guidelines for the Certified Local Government (CLG) Program. Congratulations!

I am looking forward to working with the City of Arcadia in the next part of the city's application for the CLG program. It has been a pleasure working with you in this part of the CLG application process!

Regards,

Michael Zimny

Historic Sites Specialist | Bureau of Historic Preservation | Division of Historical Resources | Florida Department of State | 500 South Bronough Street | Tallahassee, Florida 32399 | 850.245.6333 | 1.800.847.7278 | Fax: 850.245.6439 | Michael.Zimny@Dos.MyFlorida.com | www.flheritage.com



From: TJ Wohl [<mailto:tj@heartlandlaw.com>]
Sent: Tuesday, April 26, 2016 11:59 AM
To: Zimny, Michael F.
Cc: 'Carol Mahler'
Subject: City of Arcadia - Ordinance for CLG

Mr. Zimny,

Attached please find the following for your review:

1. City of Arcadia's proposed Ordinance (in legislative format) to obtain CLG status.
2. CLG requirements checklist.

Once you have had an opportunity to review the Ordinance, please advise of any revisions necessary to satisfy the CLG requirements.

Thank you for your assistance,

TJ

Thomas J. Wohl
Swaine & Harris, P.A.

425 S. Commerce Ave.
Sebring, FL 33870
Office: (863) 385-1549
Fax: (863) 471-0008
tj@heartlandlaw.com

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ORDINANCE NO. 1014

AN ORDINANCE OF THE CITY OF ARCADIA, FLORIDA; AMENDING SECTIONS 11.14.00 AND 13.06.00 OF THE CITY OF ARCADIA LAND DEVELOPMENT CODE TO PROVIDE CLARITY, IMPROVE THE FUNCTIONALITY, AND REVISE THE PROCESS AND PROCEDURES FOR THE HISTORIC PRESERVATION COMMISSION AND STAFF, THE DESIGNATION OF HISTORIC LANDMARKS, HISTORIC RESOURCES AND HISTORIC DISTRICTS, THE REGULATION, ADMINISTRATION AND ENFORCEMENT CONCERNING SUCH DESIGNATED LANDMARKS, RESOURCES AND DISTRICTS, AND THE CERTIFICATE OF REVIEW PROCESS; CREATING PROCEDURES FOR THE DEMOLITION OF PROPERTIES IDENTIFIED IN THE FLORIDA MASTER SITE FILE AND HISTORIC SURVEY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Arcadia, Florida ("City") recognizes that the City has within its jurisdiction a significant number of historic resources, structures and properties; and

WHEREAS, the City Council recognizes that the identification, protection, enhancement and use of such resources provides a public purpose; and

WHEREAS, the City Council recognizes that these historic resources, structures and properties constitute valuable assets that contribute to the charm and appeal of the City and create a unique environment for both residential and commercial pursuits, thereby providing significant and substantial economic benefit to the City; and

WHEREAS, the City Council wishes to take advantage of all state and federal policies and programs for assistance and grants for the study, preservation, rehabilitation or restoration of historic buildings, districts and sites for the benefit of the public; and

WHEREAS, the City Council desire that more property owners seek voluntary designation of their properties as historic landmarks or historic resources; and

WHEREAS, the City Council desire that more property owners in areas with a concentration of historic landmarks or historic resources, seek designation of their areas as historic districts, through the use of the procedures set forth herein; and

WHEREAS, the City Council desires to implement additional economic incentives to encourage owners of historic structures to seek voluntary designation of such structures as

historic landmarks or historic properties, or designation of their neighborhoods as historic districts; and

WHEREAS, the regulations herein are consistent with the City's Comprehensive Plan; and

WHEREAS, the City Council desires to encourage the preservation and restoration of the City's historic resources, structures and properties for the benefit of the public; and

WHEREAS, it appears to be in the best interest of the citizens of the City of Arcadia that the City's Land Development Code as set forth herein,

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

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

SECTION 2. Amendment of the Unified Land Development Code of the City of Arcadia. Section 11.14.00 "Historic Preservation" of the Unified Land Development Code of the City of Arcadia is hereby amended as follows:

"Section 11.14.00 Historic Preservation

Section 11.14.01. Purpose and Intent.

- A. It is hereby declared a matter of public policy that the protection, enhancement, perpetuation, and use of improvements, or sites of special character or special architectural, archeological, or historic interest or value, is a public necessity and is required in the interest of the health, prosperity, safety, and welfare of the people of the City or Arcadia.
- B. The purpose of this Section is to:
 1. Effect and accomplish the protection, enhancement, and preservation of such improvements, sites, and districts which represent or reflect elements of the City's cultural, social, economic, political, and architectural history.
 2. Safeguard the City's historic, prehistoric, and cultural heritage, as embodied and reflected in such historic structures, sites, and districts.
 3. Stabilize and improve property values, and enhance the visual and aesthetic character of the City.
 4. Protect and enhance the City's historic, cultural, and architectural attractions to residents, tourists, and visitors, and serve as a support and stimulus to business and industry.

5. Ensure the harmonious, orderly, and efficient growth, prosperity and development of the City through retention and reuse of its historic and cultural Resources;
6. Strengthen civic pride and cultural stability through neighborhood conservation;
7. Promote the use of Resources for the education, pleasure, and welfare of the people of the City;
8. Provide a review process for the continued preservation and appropriate, compatible and sensitive development of new construction and additions within the city's historic districts and neighborhoods;
9. Protect and enhance the scale, character and stability of existing neighborhoods, and protect against destruction of or encroachment upon areas which contribute to the character of the City;
10. Facilitate the creation of a convenient, harmonious and attractive community, and protect the architectural beauty, special architectural features, and special landscape features of the City;
11. Avoid demolition, or other adverse effect on historic properties (Properties) and Districts, which would cause an irreparable loss to the City;
12. Assist neighborhoods to achieve a positive neighborhood identity and sense of place.

In addition, these provisions are designed to implement, be consistent with, and assist in the achievement of the goals, objectives and policies, as specifically required by the City's Comprehensive Plan, with respect to historic, conservation, and neighborhood Resources.

Section 11.14.02. Historic Structure, Historic Site, and Historic District Designation Criteria.

For purposes of this Code, a historic structure, historic site, or historic district designation may be placed on any site, natural or improved, including any building, improvement or structure located thereon, or any area of particular historic, architectural, archeological, or cultural significance to the City such as historic structures, sites, or districts which:

- A. Exemplify or reflect the broad cultural, political, economic or social history of the nation, state or community; or
- B. Are identified with historic personages or with important events in national, state or local history; or

- C. Embody the distinguishing characteristics of an architectural type or specimen inherently valuable for a study of a period, style, method of construction, or of indigenous materials or craftsmanship; or
 - D. Are representative of the notable work of a master builder, designer or architect who influenced his age; or
 - E. Have yielded, or may be likely to yield, information important to prehistory or history.
- ~~A. The Commission shall adopt specific operating guidelines for historic structure, historic site, and historic district designations providing such are in conformance with the provisions of Section 11.14.00 and its subsections.~~

Section 11.14.03. Recognition ~~and Regulation~~ of Historic Structures, Sites and Districts.

At such time as a historic structure, site, or district has been properly designated, the City, in cooperation with the property owner, may cause to be prepared and erected on such property a suitable plaque declaring that such property is a historic structure, site, or district. The failure to prepare and erect any such marker, or the subsequent removal thereof, shall in no way affect the designation of the historic structure, site, or district, and shall have no impact upon the implementation of the provisions of Section 11.14.00 and its subsections.

Section 11.14.04. ~~Procedures.~~ Regulation of Historic Structures, Sites and Districts.

- A. Certificate of Appropriateness. Unless and until a Certificate of Appropriateness has been granted by the Commission ~~City Council~~, no owner or person in charge of a historic structure, a historic site, or a structure within a historic district shall (1) reconstruct, alter, or demolish, or cause or allow any reconstruction, alteration, or demolition to occur to, all or any part of the exterior of such property; or (2) Construct, or cause or allow any construction of, any improvement upon such designated property or properties.; or (3) relocate, or cause or allow the relocation of any such property or properties.
1. Condition for Issuance of Permit. Further, unless and until a Certificate of Appropriateness has been granted by the Commission ~~City Council~~, the Building Official shall not issue a permit for any such work.
 2. Applications. Requests for Certificates of Appropriateness shall be made only on application forms approved by the Commission or City Council. Submittal of the application must be made with the appropriate site plans, drawings, photographs, descriptions, and other documentation needed to provide staff and the Commission with a clear understanding of the proposed action. Application fees

and other applicable charges shall be established by resolution adopted by the City Council.

3. Historic Preservation Commission Review Criteria. Upon filing of a complete application for a Certificate of Appropriateness with the City, the Commission, utilizing the Design Guidelines Handbook, shall review the application for conformity with the following criteria set forth in this Section, and shall issue recommend-issuance or deny of the Certificate of Appropriateness unless based on such criteria.
 - a. ~~In the case of a designated historic structure or historic site, the proposed work would detrimentally change, destroy, or adversely affect any exterior feature of the improvement or site upon which said work is to be done;~~
 - b. ~~In the case of the construction of a new improvement upon an historic site, or within an historic district, the exterior of such improvement would adversely affect or not harmonize with the external appearance of other neighboring improvements on such site or within such district;~~
 - c. ~~In the case of any property located in a historic district, the proposed construction, reconstruction, exterior alteration, or demolition does not conform to the purpose and intent of Section 11.14.00 and its subsections and/or to the objectives and design criteria of any historic preservation plan approved for said district;~~
 - d. ~~The building or structure is of such architectural or historical significance that its demolition would be detrimental to the public interest and contrary to the general welfare of the people of the City and state; or~~
 - e. ~~In the case of a request for the demolition of a deteriorated building or structure, any economic hardship or difficulty claimed by the owner is self-created or is the result of any failure to maintain the property in good repair.~~
4. Historic Preservation Commission Decision-making Period. The Commission shall render its decision ~~make its recommendation~~ within sixty forty-five (6045) days of the filing of the application. If the Commission fails to make a decision recommendation within that period, the application shall be deemed approved, and the City Administrator shall issue the Certificate of Appropriateness forwarded to the City Council for action without any recommendation.
5. ~~The final decision shall rest with the City Council. The City Council shall render the final decision within sixty (60) days of the filing of the application. If no decision is made within such time period, the application shall be deemed approved, and the City Administrator shall issue the Certificate of Appropriateness.~~

5. *No Exemption from Required Permits.* The issuance of a Certificate of Appropriateness shall not relieve the applicant from obtaining other permits and approvals required by the City. A building permit or other municipal permit shall be invalid if it is obtained without the presentation of the Certificate of Appropriateness required for the proposed work.
6. *Ordinary Maintenance and Repairs.* Ordinary maintenance and repairs may be undertaken without a Certificate of Appropriateness provided that the work involves repairs to existing features of a historic structure or site or the replacement of elements of a structure with pieces identical in appearance and provided that the work does not change the exterior appearance of the structure or site and does not require the issuance of a building permit.
7. *Affirmative Maintenance Required.* The owner of a property designated pursuant to this Section, either individually or as part of a district or zone, shall comply with all applicable codes, laws and regulations governing the maintenance of property. It is the intent of this section to preserve from deliberate or inadvertent neglect the exterior features of such properties and the interior portions thereof when maintenance is necessary to prevent deterioration and decay of the property. All such properties shall be preserved against decay and deterioration and shall be free from structural defects though prompt corrections of any of the following defects:
 - a. Facades that fall and injure the subject property, adjoining property or members of the public;
 - b. Deteriorated or inadequate foundations, defective or deteriorated flooring or floor supports, deteriorated walls or other vertical structural supports;
 - c. Members of ceilings, roofs ceiling and roof supports or other structural members that may rot, sag, split or buckle due to defective material or deterioration;
 - d. Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken, unsecured or missing windows or doors.
 - e. Any fault or defect in the property that renders it structurally unsafe, insufficiently protected from weathering, or not properly watertight.
8. *Secretary of the Interior's Standards for Rehabilitation.* In reviewing an application, the Secretary of the Interior's Standards for Rehabilitation (as may be amended from time to time) shall be applied.
9. *Additional Criteria.* The Secretary of the Interior's Standards for Rehabilitation shall be supplemented by the following criteria specific to certain types of requests:

- a. *New Construction and Alterations.* All new construction and Alterations to existing buildings within a designated historic district or on an individually designated property shall be visually compatible, and meet the following guidelines:
- i. *Setting, Orientation and Setbacks.* The Building should be situated approximately the same distance from the street as adjacent Buildings, to create a continuous street edge. The orientation of the Building should be visually compatible with that of the buildings in the Historic District. The Setting should be designed with the overall environment in mind. It should take into account the compatibility of landscaping, parking, service areas, walkways, and accessory structures.
 - ii. *Building Height.* The height of the Building at street level should be visually compatible in comparison or relation to the height of the existing contributing buildings in the Historic District.
 - iii. *Design Styles.* New Buildings should take their design cues from the prevailing architectural styles within the Historic District. Traditional or contemporary design standards and elements should relate to the existing styles.
 - iv. *Proportion of Openings.* The openings of any building within a Historic District should be visually compatible with the openings in existing contributing buildings within the Historic District. The relationship of the width of windows and doors to the height of windows and doors should be visually compatible with the existing contributing buildings within the Historic District.
 - v. *Rhythm of Solids to Voids.* The relationship between solids (walls) and voids (windows and doors) of a Building should be visually compatible with the Surrounding Buildings.
 - vi. *Rhythm of Spacing along the Street.* The relationship of Buildings to the open space between them should be compatible with the other Buildings on each side of the street in that block.
 - vii. *Relationship of Materials and Textures.* The materials and textures of a Building should be chosen with the predominant materials of the Historic District in mind. Simplicity in such use is preferable.
 - viii. *Roof Shapes.* The roof shape of a Building is a major distinguishing feature. The roof shape of a Building should be compatible with the roof shape of existing contributing buildings within the Historic

District. The roof shape shall be consistent with the architectural style of the Building.

ix. Size, Scale, Bulk, Mass and Volume. The physical size, scale, bulk, mass and volume should be compatible with the existing contributing buildings within the Historic District without overwhelming them.

b. Additions. All additions to historic structures or structures within a Historic District shall meet the following guidelines:

i. Locate an addition to the rear or least visible sides of historic structures. Locating an addition on the front elevation should be avoided.

ii. Minimize the loss of historic materials from the historic structure and protect character-defining features.

iii. Design the addition to be compatible in terms of massing, size, scale, relationship of solids to voids, and architectural features. An addition should be subordinate to the historic building.

iv. Differentiate the addition from the historic structure.

v. If permitted, rooftop additions should generally be limited to one story in height, should be set back from the wall plane and should be as inconspicuous as possible.

vi. Continue the design elements on all elevations of the new construction, not only those elevations that can be viewed from the street.

vii. Design and construct the addition so that, if removed in the future, the essential form and integrity of the historic structure will be unimpaired.

viii. Limit the size and number of openings between the old and new building by utilizing existing doors or by enlarging existing windows.

c. Demolition. All demolitions of historic structures within a Historic District shall comply with the following:

i. Simultaneous certificates required. No Building or Structure on a Property located within a District shall be demolished without first receiving a Certificate of Appropriateness for new construction. The applications for demolition and new construction shall be reviewed by the Commission simultaneously. The requirement of a Certificate of

Appropriateness for new construction may be waived by the Commission upon a good cause showing that such requirement would be unduly harsh or would result in a substantial hardship to the Property owner.

A showing of good cause may include, but is not limited to, evidence that the Property owner is unable to comply with the requirement for simultaneous new construction due to advanced age, infirmity, physical or other debilitating handicap, or financial hardship.

If an application for Certificate of Appropriateness for Demolition is approved, the owner shall, at his/her expense, fully record the building prior to Demolition. At a minimum, the owner shall provide an architectural description, floor plan with interior and exterior dimensions, interior and exterior photographs, and any other information requested by the Commission. Said record shall be deposited in the local archives, where it will be made available to the public.

Upon approval by the Commission of a Certificate of Appropriateness for Demolition, the demolition permit shall not be issued until all demolition and new construction plans for the Property have received all other required governmental approvals.

The existence of one or more of the following conditions may be the basis for denial of a demolition application:

- (A) The Resource contributes significantly to the historic character of a designated Property or District.
- (B) The Resource is listed on the National Register.
- (C) The Resource is one of the last remaining examples of its kind in the neighborhood or City.
- (D) The Resource is capable of being repaired and reused in a practical and feasible manner.
- (E) Retention of the Resource would promote the general welfare of the City by providing an opportunity to study local history, architecture and design, or by developing an understanding of the importance and value of a particular culture or heritage.
- (F) Granting a Certificate of Appropriateness for the Demolition would result in an irreparable loss to the City of a significant Resource.

- (G) The plans for the simultaneous new construction (if the Demolition is granted) are not compatible with the Property or District.
- ii. *Demolition Delay Period.* The Commission may grant a Certificate of Appropriateness for Demolition which may contain a delayed effective date. The effective date will be determined by the Commission based on the relative significance of the Resource and the probable time required to arrange a possible alternative to demolition. The Commission may delay demolition for up to three (3) months. During the demolition delay period, the Commission may take such steps as it deems necessary to preserve the Resource. Such steps may include, but are not limited to: consultations with community groups, public agencies and interested citizens; recommendations for acquisition of the Property by public or private bodies, or agencies; an exploration of the possibility of moving the Resource.
- iii. *Salvage and Preservation of Specific Features.* The Commission may require the Property owner to salvage and preserve specified classes of building materials, architectural details, ornaments, fixtures and the like.
- iv. *Authority to Initiate Designation.* If an undesignated property warrants it and it is otherwise authorized under this ordinance, the Commission initiate the designation application and review process. The Commission may require that the issuance of a demolition permit be stayed pending the Commission's review of the application and the City Council's decision to designate or deny designation of the property. However, the maximum period during which the issuance of a demolition permit may be stayed pursuant to this paragraph is one hundred twenty (120) days, unless extended by the City Council. If for any reason the designation process is not completed and the demolition application is approved, the owner shall, at his/her expense, fully record the building prior to Demolition and attempt to salvage and preserve specified classes of building materials, architectural details, ornaments, fixtures and the like.
- d. *Relocation.* The existence of one or more of the following conditions may be the basis for denial of a relocation application:
- i. *The historic character or aesthetic interest of the Resource contributes to its present setting in such a manner that relocation would result in a substantial loss to the setting or District.*
- ii. *There are no definite plans for the area to be vacated.*

- iii. There are definite plans for the area to be vacated that may adversely affect the character of the District.
- iv. The Resource cannot be moved without significant damage to its physical integrity.
- v. The proposed relocation area is not compatible with the historic, cultural, and architectural character of the Resource.
- vi. Little or no effort has been made to consider relocation within the same District or within another District with compatible historic, aesthetic, cultural, or design qualities with the relocated Resource.

10. Decisions. Decisions regarding application for Certificates of Appropriateness shall be based on the application, the application's compliance with this Ordinance, and the evidence and testimony presented in connection with the application.

In reviewing an application, staff and the Commission shall be aware of the importance of finding a way to meet the current needs of the property owner. The Staff and the Commission shall also recognize the importance of recommending approval of plans that will be reasonable for the property owner to carry out. Any conditions or requirements imposed shall be reasonably related to the Certificate of Appropriateness sought by the applicant.

11. Notice of Decision on Application. The Commission or staff shall notify the applicant in writing of any decision on the application within five (5) working days from the date of the decision.

12. Changes in Approved Work. Any change in the proposed work following the issuance of a Certificate of Appropriateness shall be reviewed by staff. If the proposed change does not materially affect the historic character or the proposed change is in accordance with the Commission's decision, staff may administratively approve the change. If the proposed change is not in accordance with the Commission's decision, a new Certificate of Appropriateness application for such change must be submitted for review.

B. Certificate of Economic Hardship. Prior to taking an appeal of a decision to the City Council on an application for Certificate of Appropriateness, an applicant may file an application for a Certificate of Economic Hardship.

1. Application. A Certificate of Economic Hardship application must be submitted within 30 days of the date of the hearing at which the Commission's decision on the application is announced.

2. Commission Agenda and Notice. The Commission shall schedule a public hearing within 60 working days from the receipt of the application and shall provide notice of such hearing in the same manner as for the Certificate of Appropriateness application.
3. Negotiations Prior to Certificate of Economic Hardship Hearing. During the period between receipt of the Certificate of Economic Hardship application and the Commission's public hearing, the applicant shall discuss the proposed action with staff, other City officials and local preservation organizations to consider alternatives that will avoid an economic hardship and have the least adverse effect to the Property and/or the District. Staff may request information from various City departments and other agencies in order to negotiate an alternative resolution that is in the best interest of the applicant and the City. If negotiations are successful, staff shall make written recommendations to the Commission regarding such alternatives.
4. Determination of Economic Hardship. The applicant has the burden of proving by competent substantial evidence that the Commission's decision regarding the Certificate of Appropriateness application has caused or will cause an unreasonable economic hardship. To determine economic hardship, the Commission may request the following:

 - a. Proposed construction, alteration, demolition and removal costs;
 - b. Structural and condition reports from a licensed professional with experience in assessing historic buildings;
 - c. Estimates as to the economic feasibility of rehabilitation or reuse;
 - d. Purchase price of the property, recent appraisals, assessments, and real estate taxes;
 - e. Details of any income obtained from the property and cash flows;
 - f. Status of any leases or rentals; and
 - g. All other information considered necessary by the Commission to determine whether the property does or may yield a reasonable return to the owner.
5. Effect of Decision on Economic Hardship. The effect of denial of the application for Certificate of Economic Hardship is that the decision regarding the Certificate of Appropriateness is upheld. If the application for Certificate of Economic Hardship is granted, the Commission may issue the Certificate of Economic Hardship without conditions. Alternatively, the Commission may issue the

Certificate with conditions that will avoid the economic hardship and have the least adverse effect to the Property and the District.

C. Appeal of Certificate of Appropriateness and Certificate of Economic Hardship Decisions. Any applicant may appeal a decision of the Commission to the City Council regarding an application for Certificate of Appropriateness and/or an application for Certificate of Economic Hardship. The applicant shall file a written notice of the appeal with staff within 30 days of the date of the hearing at which the Commission's decision on the application is announced. The City Council shall place the matter on the Commission's agenda within 45 working days from the date of the written notice of appeal. The meeting at which the appeal is placed on the agenda shall be no later than 60 working days from the date of the written notice of appeal.

Consideration of the appeal by the City Council shall be de novo review. The City Council shall be required to apply the applicable standards and criteria set forth in this Code.

A decision of the City Council may be appealed to a court of competent jurisdiction within thirty (30) days after the hearing at which the decision is announced.

D. Miscellaneous.

1. Certified Local Government Review. The City Council is a Certified Local Government (CLG) approved by the Florida Department of State, Division of Historical Resources. The City Council as a CLG is required to participate in the Florida National Register of Historic Places nomination process, be involved in the Section 106 process, and is eligible to receive grants from the Certified Local Government Section of the Florida Department of State, Historical Resources Grants-In-Aid program.

2. Unsafe Buildings and Structures. Should the Building Official determine that a Historic Property or a Property within a Historic District is unsafe, the Planning and Zoning staff and Historic Resources Preservation Commission shall be notified of such findings. Within applicable laws and regulation, the Building Official shall endeavor to have the Resource repaired rather than demolished and shall take into account any comments and recommendation by the Commission. The Commission may take appropriate actions to Effect and accomplish the preservation of the Resource, including, but not limited to, negotiations with the owner and other Interested Parties, provided that such actions do not interfere with the Florida Building Codes.

In the case where the Building Official determines that there are emergency conditions dangerous to the life, health or property affecting a Historic Property or a Property within a Historic District and timely Demolition is the only course of action, the Building Official may order the Demolition and notify the Planning and Zoning Division of the impending action. In this instance, a Certificate of

Appropriateness will not be required and the Historic Resources Preservation Commission will promptly be notified of the action being taken.

3. *Waiver of Technical Requirements.* The provisions of the technical codes relating to the construction, alteration, repair, enlargement, restoration or moving of Buildings may not be mandatory for those Resources listed in the Arcadia Register of Historic Places and the National Register of Historic Places, when evaluated by a Florida registered architect or engineer and demonstrated to the Building Official to be safe and in the public interest of health, safety and welfare.

Resources or portions thereof that do not strictly comply with the Florida Building Code may be considered to be in compliance, if it can be shown to the satisfaction of the Building Official that equivalent protection has been provided or that no hazard will be created or continued through noncompliance. (Life safety and property conservation shall be provided in accordance with Chapter 11, Sections 1105 and 1106 of the 2007 Florida Building Code, or as subsequently amended).

Alterations to Resources listed in the Arcadia Register of Historic Places and the National Register of Historic Places may receive exemption from accessibility requirements. (Pursuant to Chapter 11, Section 11-4.1.7 of the 2007 Florida Building Code, or as subsequently amended, the Building Official may determine that compliance for accessible routes (exterior and interior), ramps, entrances, or toilets would threaten or destroy the historic significance of the Building, in which case the alternative requirements in Chapter 11, Section 11-4.1.7(3) may be utilized).

4. *Administrative and Commission Approval of Zoning Code Variances.* Alterations to Resources listed in the Arcadia Register of Historic Places and the National Register of Historic Places may receive variances to zoning code regulations, if such regulations would adversely impact or threaten the historic significance of the Resource. The responsibility for review and approval of an application for a variance in association for a Certificate of Appropriateness for Alterations of Resources listed in the Arcadia Register of Historic Places and the National Register of Historic Places will rest with staff, unless the corresponding Certificate of Appropriateness requires Commission action, in which case the Commission will have review and approval responsibility. Such requests for variance shall be made on a separate application, approved by the Commission. Said application fee and other applicable charges shall be established by resolution adopted by the City Council.

5. *Sustainable Building Practices.* The application of sustainable, energy efficient and green building practices to improvements associated with historic properties is encouraged whenever they are compatible with best historic preservation practices. Whenever possible, equipment such as solar panels, wind generation devices, mechanical equipment etc., should not be affixed to the building, but sited in the rear or side yard locations and fully screened with landscaping, fence

or wall. When placement upon the building is unavoidable, such equipment as well as skylights, shall be located on a non-character defining elevation or roof slope that is not visible from the street. In no instance, shall the equipment be allowed to be placed upon any character defining feature. Expedited review shall be afforded to those applicants who propose the placement of such equipment on other than the building facades or roof.

Section 11.14.05. ~~Interim Control Procedures.~~

A. ~~Applications~~ Eligible Applicants. Applications for historic designation may be initiated by only the following:

1. Application for designation of any property as a historic structure or a historic site, or rescission of any such prior designation, may be made ~~only~~ by the owner(s) of such property.
2. Application for designation of any area as a historic district, or rescission of any such prior designation, may be made only by the owner(s) of at least fifty percent (50%) of the land area to be included in such historic district. Any application for designation as a historic district shall be accompanied by a draft historic preservation plan, which shall be reviewed concurrently with the application for designation.
3. The City Council may, upon its own motion, apply for any property to be designated as a historic structure or historic site, for any area to be designated as a historic district, or for the rescission of any previously made designations. Any City-initiated application for designation as a historic district may be accompanied by a draft historic preservation plan or such plan may be prepared by the City after final designation has been approved by the council.
4. All applications shall be made to the City Administrator, or his or her designee, who shall forward same to the Commission for hearing.
5. Only the Commission or the City Council may initiate designation of a property or district owned by the City, County, State or by an entity created by state law. For District designations, each Property shall be allotted one vote. The identity of the property owners shall be determined by the most current DeSoto County Property Tax Rolls.

B. Designation of Historic Structures, Sites, and Districts.

1. First Public Hearing. Upon receipt of an application, the Commission shall hold a public hearing to review the application and make its recommendation based upon a review of the criteria in Section 11.14.02, above. At such public hearing, the Commission shall hear all proffered testimony of interested persons and any expert witnesses and shall review any written records submitted to it. Within ten

(10) days after the close of the public hearing, the Commission shall make its recommendation, which shall be reduced to writing for formal presentation to the City Council.

2. *Second Public Hearing.* The City Council, upon receipt of a recommendation from the Commission, shall hold a public hearing, shall hear all proffered testimony of interested persons and any expert witnesses, and shall review any written records submitted to it. Within ten (10) days after the close of the public hearing, the Council shall make the final determination regarding designation or rescission, as the case may be. The Council's decision shall be in the form of a City Resolution and shall include findings of fact related to the specific criteria contained in Section 11.14.02.
3. *Public Notice.* At least ten (10) days prior to both the Commission and the Council hearings, the City shall notify the owners of record, as listed in the Office of the County Property Assessor, who are owners of property in whole or in part situated within three hundred (300) feet of the boundaries of the property or properties affected. Such notice shall include the address or general location (where no specific address is assigned) of, and a location map showing, the property(ies) or area(s) which will be discussed at the hearing. Such notice shall further include the time and place at which such public hearing shall occur.
4. *Arcadia Register of Historic Places.* A Resource designated by the City Council as historic shall be listed in the Arcadia Register of Historic Places. The Register shall be updated periodically and the inventory material will be open to the public. Inventory materials shall be compatible with the Florida Master Site File and duplicates of all inventory materials will be provided to the State Historic Preservation Office. Resources listed in, or eligible for listing in the National Register or on the Arcadia Register of Historic Places, either as a Property or as a Contributing Property within a District, may be entitled to modified enforcement of the City's applicable building and zoning codes, if in accord with the Design Guidelines Handbook.
5. *Designation Recorded.* The City Resolution making the historic designation shall be recorded in the Official Records of DeSoto County. Boundaries for historic districts and individual properties identified in the resolution shall be clearly established. The designation shall be noted in the official records of the City's Planning & Zoning and Building Departments to ensure that all City actions taken in connection with the subject property or district are taken subject to the designation.
6. *Removal of Designation.* A designation may be removed by the City Council based upon the Commission's recommendation. Such recommendation shall be based upon new and compelling evidence and evaluation of work or natural cause producing an adverse effect to a Property or District. The same guidelines and the

same procedures established for designation shall be considered for a removal of designation.

7. Designation of County, State or Other Political Subdivision Properties. County, state or political subdivision entity-owned Properties may be designated as a Property or District if such designation is not prohibited or preempted by law, or otherwise provided for in the Intergovernmental Coordination Element of the Comprehensive Plan. In the absence of prohibition, preemption, or other agreement, such other government may only avoid designation of its Property by bearing the burden of proof that public interests, on balance, are best served by avoiding such designation. Such determination shall be established by the process as set forth in this Code. Once designated, unless reversed upon appeal, such designated Property or District shall comply with and be regulated by all regulations contained in this Code.
8. Nominations to the National Register of Historic Places. As part of the duties under the Certified Local Government program, the Historic Preservation Commission shall review all nominations of local property to the National Register of Historic Places following the regulations of the State Historic Preservation Office.
 - a. Appropriate local officials, owners of record, and applicants shall be given a minimum of thirty calendar days and not more than seventy-five calendar days prior notice to Historic Preservation Commission meetings in which to comment on or object to the listing of a property in the National Register.
 - b. Objections to being listed in the National Register by property owners must be notarized and filed with the State Historic Preservation Officer. Within thirty (30) days after its meeting, the Historic Preservation Commission shall forward to the State Historic Preservation Officer its action on the nomination and the recommendations of the local officials. Appropriate local officials, the owner and the applicant shall be notified of the Commission's action.
 - c. The State Historic Preservation Officer will take further steps on the nomination in accordance with federal and state regulations. If either the Commission or the local officials or both support the nomination, the State Historic Preservation Officer will schedule the nomination for consideration by the state review board for the National Register at its next regular meeting. If both the Commission and the local officials recommend that a property not be nominated to the National Register, the State Historic Preservation Officer will take no further action on the nomination unless an appeal is filed with the State Historic Preservation Officer.

C. Adoption of and Revisions to Historic Preservation Plans.

1. Each historic preservation plan shall include a cultural and architectural analysis supporting the historic significance of the area, the specific guidelines for development within the area, and a statement of preservation objectives.
2. Concurrent with the review of any private or City-initiated application for designation of a historic district, or subsequent to the approval of such any City-initiated application, the Commission shall hold a public hearing to review and recommend action on a historic preservation plan for the area. At such public hearing, the Commission shall hear all proffered testimony of interested persons and any expert witnesses and shall review any written records submitted to it. Within ten (10) days after the close of the public hearing, the Commission shall make its recommendation, which shall be reduced to writing for formal presentation to the City Council.
3. The City Council, upon receipt of a recommendation from the Commission, shall hold a public hearing, shall hear all proffered testimony of interested persons and any expert witnesses, and shall review any written records submitted to it. Within thirty ten (~~30~~) days after the close of the public hearing, the Council shall make the final determination regarding approval of the plan. The Council's decision shall be in the form of a City Resolution and shall include findings of fact related to the specific criteria contained in subparagraph (1), above.
4. If a historic preservation plan is being reviewed concurrent with the application for designation, the notices for the public hearings for consideration of such application shall indicate as much. Otherwise, if a historic preservation plan is being reviewed separately, said notices shall be provided in the same manner as indicated in subparagraph (B)(2), above.

Section 11.14.06. Interim Control. ~~Penalties for Violations.~~

No building permit shall be issued by the Building Official for alteration, construction, demolition, or removal of a nominated historic structure, a nominated historic site, or any property or structure within a nominated historic district from the date of the meeting of the Commission at which a nomination form is first presented until the final disposition of the nomination by the City Council unless such alteration, removal, or demolition is authorized by formal Resolution of the City Council as necessary for public health, welfare, or safety. In no event shall the delay be for more than one hundred eighty (180) days.

Section 11.14.07. Penalties for Violations. ~~Recognition of Vested Rights.~~

A. General Penalties. It shall be unlawful for any person to violate or fail to comply with any provision of this Code or other ordinance of the city and where no specific penalty is provided therefore, the maximum penalty which may be imposed upon any person who shall be adjudged to have violated any provision of this Regulation or other ordinance of the city shall be a fine not exceeding five hundred dollars (\$500.00) or a term of imprisonment not in excess of sixty (60) days, or by both such

fine and imprisonment; provided, however, that this section shall not conflict with any penalties imposed for any offense under the laws of the State of Florida, and no penalty for violation of these Regulations or any ordinance of the city shall exceed the maximum penalty provided for the violation of a comparable state law. Each day any violation of any provision of this Code or any other ordinance of the city shall constitute a separate offense. In addition to any penalty provided herein, the person or organization may be subject to any other penalty as provided in the city's Code of Ordinances, or as otherwise provided by Florida law.

B. Time. Whenever the judgment of a court of appropriate jurisdiction shall, under any of the ordinances of the city, adjudge a person to pay a fine, or a fine and costs of prosecution, such judgment shall also provide a period of time for which such person shall be imprisoned in default of the payment of the same.

C. Imprisonment. Whenever the sentence shall be one of both fine and imprisonment, it shall also provide for an additional period of imprisonment, for which such person shall be held in default of payment of the fine and/or costs of prosecution imposed. Such additional period shall commence to run from the expiration of the other period of imprisonment fixed by the sentence, provided that in no case shall the imprisonment for failure to pay a fine, or fine and costs, together with any other imprisonment in the same case, exceed the period of six (6) months. Nothing in this section shall exempt a prisoner from being put to labor during the period of such additional imprisonment.

D. Civil Enforcement. In case any building or structure is erected, constructed, reconstructed, altered, repaired, or maintained, or any building, structure, land, or water is used in violation of this Code or any ordinance or other regulation made under authority conferred hereby, the authorized city official, in addition to other remedies, may institute any appropriate action or proceedings in a civil action in the circuit court to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use and to restrain, correct, or abate such violation to prevent the occupancy of said building, structure, land or water, and to prevent any illegal act, conduct of business, or use in or about such premises.

E. Stoppage of Work. Failure to comply with any city approved development order or development permit, or any applicable city ordinance or land development code may result in an order to stop work from the authorized city official. Damage to public property resulting from work performed may result in a stop work order if a threat exists to the health and safety of the public.

~~Any person or persons violating any provision of Section 11.14.00, and its subsections, shall be fined up to two hundred fifty dollars (\$250) for each separate violation. Each and every day during which a violation continues shall be deemed to be a separate offense. Notice of violations shall be issued by the City Administrator, the Building Official, or any Code Enforcement Officer of the City.~~

Section 11.14.08. Definitions, Severability.

Any definition set forth in 36 C.F.R. Part 60 (the then-current Code of Federal Regulation, as may be amended from time to time) shall be included in the definition for such term (and shall control to the extent there is a conflict of meaning), or as an additional definition, if such term is not otherwise defined:

Alteration - Any construction or change of a resource.

Arcadia Register of Historic Places - An official listing maintained by the city of all historic properties and historic districts so designated by these Regulations.

Building(s) - A construction designed to stand permanently and created principally to shelter any form of human activity.

Certificate of Appropriateness - A document evidencing approval by the Arcadia Historic Preservation Commission for work proposed by an applicant.

Certificate of Economic Hardship - A document evidencing approval by the City Council of an application for economic hardship as that term is defined in this Code.

Certified Local Government (CLG) - A local government approved by the Florida Department of State, Division of Historical Resources, to perform certain historic preservation functions.

Commission - The Arcadia Historic Preservation Commission (HPC).

Contributing Property - A property that contributes to the historic significance of a historic district by location, design, setting, materials, workmanship, feeling, and association and thus adds to the district's sense of time, place, and historical development.

Demolition - Any act or process that partially or totally destroys a resource.

Design Guidelines Handbook - Document utilized by the city which illustrates examples of design features, historic styles and treatment options which preserve the historical, cultural and architectural character of a historic district or property.

District - see "Historic District" below.

Economic Hardship - An onerous, extreme and exceptional economic burden that would be placed upon a property owner by the denial of an application for a certificate of appropriateness or by the imposition of conditions placed on the granting of such certificate.

Effect - A change in the quality of the historical, architectural, archeological or cultural significance of a property or district, or in the characteristics that qualify the property or district as historically important.

Florida Master Site File - An archive and database of all known archaeological and historical sites and districts recorded within the State of Florida that is maintained by the Florida Department of State Division of Historical Resources and is organized alphabetically by county and numerically, as recorded.

Historic District - A geographically definable area designated by the City Council as possessing a significant concentration, linkage, or continuity of properties united historically or aesthetically by plan or physical development.

Historic Properties - Those properties designated by the City Council as being of historical, cultural, architectural or archaeological importance.

National Register of Historic Places - The official federal list of historic districts, sites, buildings, structures, and objects significant in American history, architecture, landscape architecture, engineering, archaeology, and culture. Authorized under the National Historic Preservation Act of 1966, and by 36 C.F.R. 60 as each may be amended from time to time, and maintained by the U.S. Department of the Interior.

HPC - see "Commission" above.

Non-Contributing Property - A classification applied to a property within a historic district signifying that it does not contribute to the qualities that give the historic district cultural, historical, architectural, or archaeological significance as embodied in the criteria for designation of a district, but which because of its location within a district should follow the review procedures required by these Regulations.

Object - A primarily artistic item closely linked to the history of the property. Said item is typically relatively small in scale and simply constructed, such as a statue, milepost, statuary, or fountain.

Property - Area of land containing a single historic resource or a group of resources, which may include any part of a building, site, structure, object, or district.

Reconstruction - The process of reproducing by new construction the exact form and detail of a demolished property as it appeared at a certain point in time.

Rehabilitation - The process of repairing or altering a property so that an efficient, sustainable and appropriate contemporary use is achieved, while preserving those significant historical, architectural, or cultural features which establish the character of the property.

Relocation - Any change of the location of a building, structure or object from its present setting to another setting.

Resource - A building, site, structure, object, or district that reflects historical, archaeological, or cultural significance.

Restoration - The process of accurately recovering the form and details of a property as it appeared at a particular period of time, which may involve the removal of later additions or alterations, or the replacement of missing features.

Secretary of the Interior's Standards for Rehabilitation - A federal document set forth in 36 C.F.R. 67, as amended from time to time, which provides guidance on the sensitive rehabilitation of a historic property.

Setting - The physical environment of a property, including all landscape elements.

Site - The location of an event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historic, cultural, or archaeological value regardless of the value of any existing structure.

Structure(s) - A combination of materials to form a construction, generally used to distinguish from buildings those functional constructions made for purposes other than creating human shelter. (For example, a bridge, wall, fence, pond).

Section 11.14.09. Ordinances Not Affected by Regulation.

Nothing in this Code or the ordinance adopting this Code shall be construed to repeal or otherwise affect the validity of any of the following when not inconsistent with this Code:

- A. Any ordinance promising or guaranteeing the payment of money for the city, or authorizing the issuance of any bonds of the city or any evidence of the city's indebtedness;
- B. Any appropriation ordinance or ordinance providing for the levy of taxes or for a budget;
- C. Any ordinance annexing territory to the city or excluding territory as a part of the city;
- D. Any ordinance granting any franchise, permit or other right;
- E. Any ordinance approving, authorizing, or otherwise relating to any contract, agreement, easement, deed or other instrument;
- F. Any administrative ordinance not inconsistent with this Regulation;

G. Any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating or repairing any street or public way or lawfully established bulkheads or bulkhead lines;

H. Any ordinance regulating, restricting or prohibiting traffic on particular streets or in particular localities;

I. Any ordinance prescribing the street grades of any street in the city;

J. Any ordinance providing for local improvements or making assessments therefore;

K. Any ordinance dedicating or accepting any plat or subdivision in the city;

L. Any ordinance zoning or rezoning specific property;

M. Any ordinance providing for the compensation of officers and employees; and

N. Any temporary or special ordinance.

All such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length herein.

Section 11.14.10. Recognition of Vested Rights.

Nothing in Section 11.14.00, and its subsections, shall be deemed as an attempt to abrogate any vested right any property owner may have acquired prior to the effective date of the Ordinance by which these provisions were adopted. Any property owner who believes these provisions infringe upon any vested right shall indicate same upon the first application for any permit or approval (including without implied limitation any building permit or Certificate of Appropriateness) for any construction, reconstruction, alteration, or demolition to occur on any property regulated hereunder.

Section 11.14.11. Severability.

If any provision of Section 11.14.00, and its subsections, or the application thereof, to any person or circumstances is held invalid, the remainder of this Code and the application of such provisions to other persons or circumstances shall not be affected thereby."

SECTION 3. Amendment of the Unified Land Development Code of the City of Arcadia. Section 13.06.00 "Historic Preservation Commission" of the Unified Land Development Code of the City of Arcadia is hereby amended as follows:

"Section 13.06.00. Historic Preservation Commission.

A. *Terms and Definitions.* See Section 11.14.08 for all applicable terms and definitions which pertain to the regulations and standards contained herein.

B. *Establishment, Composition and Terms.* The Historic Preservation Commission shall consist of seven (7) members who shall be appointed by the City Council. Members need not be residents or owners of businesses that are within the city, but preference shall be given to individuals who reside or have a principal place of business in the city. Where possible, a minimum of two (2) members shall be chosen from among the disciplines of architecture, history, architectural history, archaeology, landscape architecture or planning. A minimum of three (3) additional members of the Commission shall be experienced in the areas of commercial development, real estate, banking or law. The two (2) remaining members shall be citizen members at large. The two (2) alternate members shall be from any of the foregoing professions or citizen members at large. All members shall have demonstrated a special interest, experience or knowledge in historic preservation or closely related disciplines.

Members of the Commission shall serve three (3) year terms. Of the initial appointments, four (4) members shall be appointed for a term of three (3) years and three (3) members shall be appointed for a term of two (2) years. Vacancies on the Commission, including expired terms, shall be filled within sixty (60) days by persons with the same background as the original appointee, or related field, in order to maintain the desired Commission makeup.

The Commission shall hold a minimum of four (4) meetings per year at regular intervals. All meetings of the Commission shall be publicly announced and will have a previously advertised agenda. The meetings shall be open to the public.

Persons serving on the Commission are encouraged to attend educational meetings or workshops to develop a special interest, expertise, experience or knowledge in preservation, architecture, or quasi-judicial boards.

C. *Procedures and Quorum.* The Commission shall conduct itself in accordance with the State of Florida's Government in the Sunshine Law, section 286.011, *Florida Statutes*, and adopt rules of procedures, subject to any limitations prescribed by law. The rules of procedures shall be available for public inspection upon request. Four (4) members shall constitute a quorum for the transaction of business.

The Commission shall select a chairman and other officers and shall prescribe their duties and powers. Planning and Zoning staff shall attend all meetings, acting in an advisory capacity and participating fully in Commission discussions, but having no right to vote. The Commission shall keep minutes of its proceedings, record the vote on each question and keep records of its discussions, recommendations and other official actions. Summary minutes will be prepared and made available to the public after adoption by the Commission.

D. Removal. Any member of the Commission may be removed by majority vote of the City Council.

E. Powers and Duties of the Commission. The Commission shall have the following powers and duties within the incorporated city limits of Arcadia, Florida:

1. To recommend to the City Council the following:
 - a. Nomination of properties and districts to the National Register of Historic Places, as a required duty of being a certified local government.
 - b. Nominations of properties and districts to the Arcadia Register of Historic Places.
 - c. Adoption, modification, or replacement of a Design Guidelines Handbook.
2. To hold public hearings and to approve or deny applications for certificates of appropriateness or certificates of economic hardship affecting proposed or designated properties or properties within districts;
3. To advise and assist owners of properties on physical and financial aspects of preservation, renovation, rehabilitation and reuse, and on procedures for inclusion in the National Register of Historic Places;
4. To call upon available city staff members as well as other experts for assistance and/or technical advice;
5. To authorize a member of the Commission to testify before a board or commission on any matter affecting historically, culturally, archaeologically, and architecturally significant properties and resources;
6. To confer recognition upon the owners of properties and districts by means of certificates, plaques or markers;
7. To recommend amendments or changes to this Code;
8. To inform and educate the citizens of the city concerning the historic, cultural, archaeological, and architectural heritage of the city; and
9. To participate in survey and planning activities of the Certified Local Government;
10. To coordinate with the State of Florida's Division of Historical Resources Certified Local Government program by satisfying the following requirements:

- a. The State Historic Preservation Officer shall be given thirty (30) calendar days prior notice of all meetings and within thirty (30) days following such meetings shall be provided with the minutes and record of attendance of the Commission and the public.
- b. The State Historic Preservation Officer shall be notified of any change of Commission members within thirty (30) days of their appointment.
- c. Notify the State Historic Preservation Officer immediately of all new historic designations or alterations to existing designations.
- d. Submit amendments to this Code to the State Historic Preservation Officer for review and comment at least thirty (30) days prior to adoption.
- e. Submit an annual report by November 1 covering activities of the previous October 1 through September 30 and shall include the following information:
 - i. A copy of the Rules of Procedure;
 - ii. A copy of the Historic Preservation Ordinance;
 - iii. Resumes of the Historic Resources Preservation Commission members;
 - iv. Changes to the Historic Resources Preservation Commission membership;
 - v. New local designations and National Register listings;
 - vi. A review of survey and inventory activity with a description of the system used;
 - vii. A program report on each grant-assisted activity; and
 - viii. Number of projects reviewed.

11. To undertake any other actions or activity necessary or appropriate to the implementation of its powers and duties or to implementation of the purpose of this Code.

12. To undertake any responsibilities complementary to those of the State Historic Preservation Office.

~~A Historic Preservation Commission is hereby created. The City Council, in its discretion, may constitute a separate Commission to sit in this capacity or may appoint the Local Planning Agency for the City to serve in this capacity. If a separate body is~~

PASSED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA, on this
__ day of _____, 2016.

CITY OF ARCADIA, FLORIDA

Susan Coker, Mayor

ATTEST:

By: _____
Penny Delaney, City Clerk

Passed on First Reading the ____ day of _____, 2016

Passed on Second Reading the ____ day of _____, 2016

Approved as to Form:

Thomas J. Wohl, City Attorney

AGENDA No. 8



CITY COUNCIL AGENDA ITEM
Requested Council Meeting Date: July 5, 2016

DEPARTMENT: Legal

SUBJECT: First Amendment to Operating/Building Lease Agreement for Fixed Base Operator & First Amendment to Airport Commercial Lease (Butler Building)

RECOMMENDED MOTION: Approve the *proposed* First Amendment to Operating/Building Lease Agreement for Fixed Base Operator & *proposed* First Amendment to Airport Commercial Lease (Butler Building)

SUMMARY:

The current "Notice" provision of the Operating/Building Lease Agreement for Fixed Base Operator & Airport Commercial Lease (Butler Building) requires any notices be sent by registered mail, return receipt requested, with postage and registration fees prepaid. Both staff and Eagle Vistas, LLC believe it will be beneficial to permit such notices be sent via electronic mail. The proposed First Amendment to Operating/Building Lease Agreement for Fixed Base Operator & proposed First Amendment to Airport Commercial Lease (Butler Building) will effectuate such change.

Additionally, the proposed First Amendment to Operating/Building Lease Agreement for Fixed Base Operator will also change the title of the manager who carries out the FBO Day-to-Day Operations from "Airport Manager" to "FBO manager." Both staff and Eagle Vistas, LLC believe "Airport Manager" is a title that should be reserved for the appropriate member of City staff charged with overseeing the airport's operations.

FISCAL IMPACT: Capital Budget
 Operating
 Other

ATTACHMENTS: Ordinance Resolution Budget Other: **Proposed First Amendment to Operating/Building Lease Agreement for Fixed Base Operator & proposed First Amendment to Airport Commercial Lease (Butler Building)**

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

Date:
Date:
Date: 6/20/16
Date: 6-24-16

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

ARCADIA MUNICIPAL AIRPORT
FIRST AMENDMENT TO
OPERATING / BUILDING LEASE AGREEMENT
FOR FIXED BASE OPERATOR

THIS FIRST AMENDMENT OF THE OPERATING/BUILDING LEASE AGREEMENT is made and entered into this ___ day of _____, 2016, by and between the **CITY OF ARCADIA**, a Florida municipal corporation, (hereinafter called the "Lessor") and **EAGLE VISTAS LLC**, a Florida limited liability company, (hereinafter called the "Lessee/Operator").

WHEREAS, the parties entered into an Operating / Building Lease Agreement dated July 31, 2015 (herein the "Agreement"); and

WHEREAS, the parties wish to amend the Notice provision of the Agreement,

NOW THEREFORE, the parties hereby agree that the Agreement is hereby amended as follows:

1. The first bullet point in subparagraph 6.A. is hereby amended as to read as follows:

- An FBO manager to manage the day-to-day Airport operations as set forth in the FBO Day-to-Day Management/Operations Summary attached hereto as Exhibit "A."

2. Paragraph 27 is hereby amended as to read as follows:

27. **NOTICE**. Any notice given by one party to the other in connection with this Agreement shall be in writing and shall be sent either by (a) registered mail, return receipt requested, with postage and registration fees prepaid, in which case such notice shall be deemed to have been received on the date of receipt as shown on the return receipt, or (b) via electronic mail, in which case such notice shall be deemed given and received upon transmission of such electronic mail. Notices shall be addressed as follows:

If to Lessor, addressed to:

City Administrator
City of Arcadia
23 North Polk Avenue
Arcadia, FL 34266
Emergency Phone: 863.494.4114
E-Mail: tstewart@arcadia-fl.gov and
speacock@arcadia-fl.gov

If to Lessee/Operator, addressed to:

Manager
Eagle Vistas LLC
2269 SE AC Polk Jr. Drive
Arcadia, Florida 34266
Emergency Phone: 772.285.5506
E-Mail: bevsons@gmail.com

4. **MULTIPLE ORIGINALS.** This Amendment is executed in multiple copies, each copy of which shall be deemed an original.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals.

WITNESSES:

CITY OF ARCADIA, a Florida municipal corporation

Printed Name: _____

By: _____
Susan Coker, Mayor

Attest:

Printed Name: _____

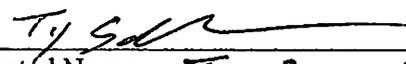
By: _____
Penny Delaney, City Clerk

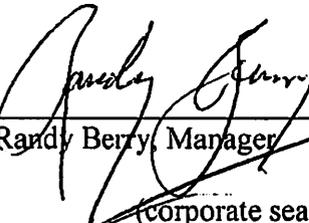
(corporate seal)

EAGLE VISTAS LLC a limited liability company


Printed Name: HANS HAUPT

By: 
Beverly Berry, Manager


Printed Name: Ty Sabate

By: 
Randy Berry, Manager
(corporate seal)

**FIRST AMENDMENT TO
CITY OF ARCADIA
AIRPORT COMMERCIAL LEASE (BUTLER BUILDING)
EAGLE VISTAS, LLC**

THIS FIRST AMENDMENT OF LEASE AGREEMENT is made and entered into this ___ day of _____, 2016, by and between the **CITY OF ARCADIA**, a Florida municipal corporation, (herein called "LANDLORD") and **EAGLE VISTAS LLC**, a Florida limited liability company (herein called "TENANT").

WHEREAS, the parties entered into a Commercial Lease dated July 31, 2015 (herein the "Lease"); and

WHEREAS, the parties wish to amend the Notice provision of the Lease,

NOW THEREFORE, the parties hereby agree that the Lease is hereby amended as follows:

1. Paragraph 24 is hereby amended as to read as follows:

24. **NOTICE**. Any notice given by one party to the other in connection with this Agreement shall be in writing and shall be sent either by (a) registered mail, return receipt requested, with postage and registration fees prepaid, in which case such notice shall be deemed to have been received on the date of receipt as shown on the return receipt, or (b) via electronic mail, in which case such notice shall be deemed given and received upon transmission of such electronic mail. Notices shall be addressed as follows:

If to LANDLORD, addressed to:

City Administrator
City of Arcadia
23 North Polk Avenue
Arcadia, FL 34266
Emergency Phone: 863.494.4114
E-Mail: tstewart@arcadia-fl.gov and
speacock@arcadia-fl.gov

If to TENANT, addressed to:

Manager
Eagle Vistas LLC
2269 SE AC Polk Jr. Drive
Arcadia, Florida 34266
Emergency Phone: 772.285.5506
E-Mail: bevsons@gmail.com

2. **CONTINUATION**. All other provisions of the Lease shall remain in full force and effect.

3. **MULTIPLE ORIGINALS**. This Amendment is executed in multiple copies, each copy of which shall be deemed an original.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals.

WITNESSES:

CITY OF ARCADIA, a Florida municipal corporation

Printed Name: _____

By: _____
Susan Coker, Mayor

Attest:

Printed Name: _____

By: _____
Penny Delaney, City Clerk

(corporate seal)

EAGLE VISTAS LLC a limited liability company

Printed Name: HANS HAUPT

By: Beverly Berry
Beverly Berry, Manager

Printed Name: Ty Sabuta

By: Randy Berry
Randy Berry, Manager

(corporate seal)