



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

TUESDAY, AUGUST 2, 2016  
6:00 P.M.

**INVOCATION, PLEDGE, CALL TO ORDER AND ROLL CALL**

**CONSENT AGENDA**

1. City Council Minutes for July 19, 2016 (Penny Delaney – City Clerk)
2. Special Event Permit – Fourth Saturday Market Place (Terry Stewart – City Administrator)

**ACTION ITEMS**

3. Request for Certificate of Appropriateness to Paint the Building at the Property Located at 132 W. Oak Street and 134 W. Oak Street (Terry Stewart – City Administrator)
4. Request for Certificate of Appropriateness for Phase 1 of The Yellow Deli Located at 24 N. Polk Avenue (Terry Stewart – City Administrator)
5. Ordinance No. 1016 – Request for Rezoning of Property Located at 1001 East Oak Street - **Second and Final Reading** (Jeff Schmucker - Central Florida Regional Planning Council)
6. Ordinance No. 1017 – Request for Future Land Use Map Amendment – Parcel Numbers 30-37-25-0A00-1240-0000 and 30-37-25-0A00-1270-0000 – **Second and Final Reading** (Jeff Schmucker - Central Florida Regional Planning Council)
7. Ordinance No. 1018 – Request for Rezoning - Parcel Numbers 30-37-25-0A00-1240-0000 and 30-37-25-0A00-1270-0000 – **Second and Final Reading** (Jeff Schmucker - Central Florida Regional Planning Council)
8. Revisions to Chapter 15 (Professional Services – Financial Auditor) and Selection Committee Guidelines (Appendix Form) of the City of Arcadia Purchasing Manual (T.J. Wohl – City Attorney)
9. Resolution 2016-10 – Amending Resolution 2014-11 Regarding the Airport Advisory Committee (T.J. Wohl – City Attorney)
10. Request for Police Department Vehicles (Matt Anderson – City Marshal)

**COMMENTS FROM DEPARTMENTS**

11. City Marshal
12. City Attorney
13. 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: August 2, 2016

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DEPARTMENT: Administration

SUBJECT: Minutes from Regular Meeting on July 19, 2016

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**RECOMMENDED MOTION: Approval of July 19, 2016 Meeting Minutes as presented.**

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SUMMARY:

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FISCAL IMPACT: \_\_\_\_\_ ( ) Capital Budget  
( ) Operating  
( ) Other

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

Department Head: Penny Delaney

Date: 07/21/16

Finance Director (As to Budget Requirements)

Date:

City Attorney (As to Form and Legality)

Date:

City Administrator: Terry Stewart 

Date: 7-21-16

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

**AGENDA MINUTES  
CITY COUNCIL  
CITY OF ARCADIA  
TUESDAY, JULY 19, 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**

Dr. Sharon Goodman 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 S. Delshay Turner

Councilmember Joseph E. Fink  
Councilmember Judy Wertz-Strickland

**Arcadia City Staff**

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

Finance Director Beth Carsten  
Marshal Matt Anderson  
Jennifer Codo-Salisbury - CFRPC

**PRESENTATION**

**Agenda Item 1 – Presentation to Lee Scarborough – Fifteen (15) Years of Service to the City of Arcadia**

**Agenda Item 2 – Presentation to Merton Snow – Five (5) Years of Service to the City of Arcadia**

Mr. Scarborough and Mr. Snow were not in attendance; however, Mayor Coker read the certificates aloud and advised the certificates would be provided to them.

**Agenda Item 3 – Audit Report**

Daniel Anderson, Lead Auditor for Mauldin & Jenkins, provided a presentation regarding the 2015 Financial Audit (material covered in this presentation is on file in the City Clerk's office). He advised the engagement team consisted of himself as the engagement manager, Wade Sansbury as the lead partner and Meredith Lipson as the quality assurance partner with the audit being served from the Bradenton, Florida office. He stated that Mauldin & Jenkins had

issued an unmodified audit report which is the highest form of assurance that they can provide and was something to be very commendable about. He further stated that this was the first time in the last four (4) years that the audit has been completed by the state's required deadline of June 30<sup>th</sup> which is a testament to the Finance Director, the City Administrator and staff. Mr. Anderson advised that the audit consisted of three (3) components: government-wide financial statements, fund financial statements and notes to the financial statements. He advised regarding the government-wide financial statements, the net position of the City was Twenty-Eight Million Four Hundred Thousand and 00/100 Dollars (\$28,400,000.00) which was very good and of that, Nineteen Million Five Hundred Thousand and 00/100 Dollars (\$19,500,000.00) was considered investment in capital assets and an additional Two Million Five Hundred Thousand and 00/100 Dollars (\$2,500,000.00) in restricted net position so that the actual unrestricted net position is Six Million Five Hundred Thousand and 00/100 Dollars (\$6,500,000.00).

Regarding the general fund, Mr. Anderson advised the tax revenue was a little over Two Million Five Hundred Thousand and 00/100 Dollars (\$2,500,000.00) which was a slight increase from the FY2014, mainly due to an increase in property values and no other significant changes were noted. Regarding expenditures, he advised the public safety expenditures accounted for approximately half of the general fund expenditures which is very common in all local governments and again, no other significant changes were noted. When viewing the general fund revenues and expenditures, he pointed out that for the last three (3) years; the revenues have slightly exceeded the expenditures which is a very positive sign for the City. Mr. Anderson informed the Council that the fund balance for 2015 was approximately thirty-four percent (34%) of the expenditures which will cover four (4) plus months of expenditures which is another very positive sign. He advised that at the end of each audit, they perform a financial condition assessment and the financial condition came back as favorable and the City should be commended for such. He further advised that the combined cash flow (which was a combination of business type funds for water and sewer, solid waste and the airport) was One Million One Hundred Thousand and 00/100 Dollars (\$1,100,000.00) which is also very positive. Mr. Anderson advised Mauldin & Jenkins had no difficulties in dealing with management, had no disagreements with management, obtained representation from management that everything they said was true and was not aware of any consultations with other accountants. He stated that the Finance Director and her staff were great to work with throughout the whole process.

He informed the Council of two (2) findings that were identified relating to bank reconciliations and the accounts and grants receivable. He stated that he felt the issue with the bank reconciliation was as a result of the City trying to catch up over the past few years being done so late with the audit. He further stated that with the timing of when it was completed and working with Beth Carsten, he felt there was a plan in place to have the bank accounts reconciled in a much more timely and accurate fashion. He advised that he felt this one would go away for the 2016 audit based on the timing and the progress that Ms. Carsten has made with her staff. Regarding the accounts and grants receivable, he advised there was grant activity related to the airport fund that was not recorded in the general ledger and an adjustment had to be made relating to the account for that, but he pointed out that it brought in receivables and revenues which was a positive adjustment made for the City.

Mr. Anderson then addressed GASB 68 which was a new pronouncement that was implemented during the current year that basically changed the way the net pension liability of the City was presented in the financial statements and it put the full liability on the face of the statements. He advised it had no impact on the governmental funds. After more discussion regarding GASB, Mr. Anderson advised no significant pronouncements for FY2016 are expected to affect the City and he advised of other upcoming changes.

City Administrator Stewart thanked Mr. Anderson for the work provided through the year and stated that he was pleased for the position the City is in. He also thanked the Finance Director and staff and recognized the City Council for the hard decisions made to build the reserves. He stated the City had gone from a position of almost no reserve to a position that many communities would love to be in. Councilmember Wertz-Strickland credited Ms. Carsten, the Finance Department and Mr. Stewart for his guidance in getting it all done.

### **CONSENT AGENDA**

**Agenda Item 4 – City Council Minutes for Meeting on July 5, 2016**

**Agenda Item 5 – City of Arcadia Municipal Airport May Report**

Councilmember Fink made a motion to accept the Consent Agenda as presented and Councilmember Wertz-Strickland seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

### **ACTION ITEMS**

**Agenda Item 6 – Application of Ernest J. Hewett, III Regarding the Airport Advisory Committee**

**Agenda Item 7 – Application of Glenn Walker Regarding the Airport Advisory Committee**

City Administrator advised Council that there were two (2) members whose terms had expired and they had submitted their applications. He stated the applications were within Council's packets and it was a policy matter for their discretion.

Councilmember Wertz-Strickland referred to a resolution that was enacted before three (3) of the current Council Members were on Council. She pointed out that the committee was to be comprised of at least three (3) and no more than seven (7) members. Due to the fact that the board had met once at the beginning of last year and then again only last week, she suggested redoing the resolution to change the number of members to three (3) members, to set specific dates that they meet and to be more specific of their duties. She further suggested rotating the three (3) members at the end of a timeframe and stated she felt the committee could serve the Council greatly with just three (3) members.

Councilmember Fink stated they had not had a report from the committee and the airport seemed to be running rather smoothly. He suggested rather than having a committee of three (3) and having to have the Clerk dedicate her time to attend the meeting and to do the staff work, he thought perhaps they should make it an inactive committee at this time and bring it back if the need arises. Mayor Coker stated she felt that since they have an airport manager, Shelley Peacock, and since some of the things that the committee was formed for such as the minimum standards and other issues were taken care of, she did not have a problem with that either. She stated she was not sure if, at this time, they needed the committee.

City Attorney Wohl stated that regardless of what the motion is, if it is not to appoint the two (2) individuals who submitted their applications or to alter or abolish the committee, it would need to be done by a subsequent resolution at the next meeting. Councilmember Wertz-Strickland restated her thought to drop the membership down to three (3), set specific dates they meet, if there is an item that needs to be presented to them for input, such can be done and reported back to Council or disband it temporarily until the need arises and then call them back up.

In an attempt to keep Council informed as to the status, City Administrator Stewart stated that it is routine when there are expired terms, advertisements are published and an advertisement was published last week and again this week. He wanted Council to know that if they should hear staff was advertising for members of the committee, it is because it was already in the process of taking place. He stated if Council moves forward with a decision, he did not want them thinking staff was doing something opposing their decision.

Deputy Mayor Frierson stated she felt they should give it a lot of consideration before disbanding the committee. She advised that the Council has no airport or flying experience, but committee members have years of both and do provide vital input. Discussion then turned to what an advisory board does.

Gary Frierson, a member of the Airport Advisory Committee, stated the board meets when the chairman calls the meeting and other members are not allowed to go to him to express the need for a meeting to discuss something. He stated the chairman had not called a meeting in fourteen (14) months and finally called one and resigned as chairman. Mr. Frierson stated that only three (3) members would not provide a wide divergent range of opinions or ideas, but felt five (5) was a good number. He explained the work that had been provided by the committee which included working on the Master Plan providing the Minimum Standards. Committee Member Smith, a member of the Airport Advisory Committee, agreed with possible quarterly meetings and stated that he felt three (3) members would be too few and suggested five (5) members. Beverly Berry, Faxed Base Operator (FBO) at the airport, suggested a five (5) member board as well. George Chase of Friends of Arcadia Airport stated that the committee was formed when the airport was in trouble, but now grants are flowing; there is an Airport Manager and a City Administrator who have a direct line to the FAA and the DOT, and grant assurance in place to give direction. He advised the committee should be advisory with the Council setting the agenda. He stated that at this time, things are going great and he did not feel there was a need for a committee. Rickey Hilton, a member of the Airport Advisory Committee,

stated he could not add much to Mr. Chase's comments, but restated that a lot had changed since the last meeting and pointed out that there is an Airport Manager, a new Administrator who take charge of the airport and run it quite well. He felt it was important that the committee act upon the City's requests and not just have a meeting to express their opinions that the City did not ask for and felt direction should come from the City. His opinion was to do away with the board until the need arises for it later.

City Attorney Wohl stated that regarding the sunshine issue, if Council chose to abolish the Airport Advisory Committee, there would not be an issue of discussing something and utilizing the experience of the members who are on the committee if Council had questions on an individual basis. Councilmember Fink suggested putting the committee on a hiatus and if needed, he felt the committee would come back at any time the Council requested an opinion such as an ad hoc committee. City Attorney Wohl advised that the Council could establish a resolution which stated that the committee would meet upon the request of City Council when the Council has an issue they want the committee to weigh in on.

After further discussion, Councilmember Fink made a motion to rescind Resolution 2014-11 and have the City Attorney come back with a resolution dealing with an ad hoc committee for the airport advisory committee, that it be a committee that meets at behest and for specific items stated by Council, membership to be of five (5) members and Councilmember Wertz-Strickland seconded the motion with discussion. Councilmember Wertz-Strickland asked why a new resolution was needed when they could amend the present resolution and City Attorney Wohl advised that when Councilmember Fink said "rescind", he (the City Attorney) had said "amend". She stated she felt the duties of the advisory committee should be spelled out a little differently that it is solely at the discretion of the Council as to whatever they are meeting on for discussion and for recommendations to Council. Councilmember Fink stated that he would be happy to amend his motion to that and Councilmember Wertz-Strickland seconded the amended motion. Mayor Coker asked the City Attorney for clarification of if the resolution is amended as such, then would the committee members remain, and she also pointed out the fifth member would still need to be selected and the advertisement for the position is still being run, so all applications were not yet received. Therefore, she stated she would like to hold off on approving anyone else until the advertisement has run so they have everyone to pick from, but they will be on-call and the City Attorney confirmed.

City Administrator Stewart stated he was reluctant to speak on it because it was a Council driven issue but asked for the City Attorney to make clear to City Council what happens with the current members if the resolution is amended, all current members remain as members except for those whose terms have expired and it could require the Council to act on whether or not one (1) or any of those would be retained or someone else would be brought in from the outside. The City Attorney agreed and stated he was not sure what Councilmember Fink was referencing, but he felt they needed to have an established set of members with set terms simply due to it being a sunshine committee. He stated that once an issue is raised and you begin identifying members of that committee, a sunshine issue may be created because they might not have known. Because it is a sunshine committee, he felt they needed to establish the five (5), who they are, and have set terms and once terms expire, advertise and solicit applications for membership on the committee.

City Attorney Wohl stated that if Council does not act on Items 6 and 7 on the agenda, there are four (4) members and still satisfy the membership requirements of the committee, but pointed out the importance of having an odd number of members.

Councilmember Wertz-Strickland stated that she would like to amend what she had said to state that because this is an airport committee and there may be things coming up and they want to make sure they have members that are asked to meet once a year to know that everyone is still on the board and that it will facilitate the Council as the Council feels is necessary. Mayor Coker asked Councilmember Fink if he agreed with that and he stated only to select a Chairperson because otherwise they were defeating the purpose of it being Council driven.

Gary Frierson stated that with it being ad hoc, if a member comes up with something that may need to be addressed, it would be hard to go through the entire process to get it done. He suggested if they met three (3) or four (4) times a year, it would qualify that the process is still happening and things are moving along. He asked if it could require for the Chairman to meet with the City Administrator to come up with ideas or alternatives which could be addressed at the meetings and with a report provided to Council.

Councilmember Fink called for question. Mayor Coker began reviewing the motion and Councilmember Wertz-Strickland asked if the Chairman could contact the City Administrator with recommendations to bring to Council and Council could approve the meeting over and above the one initial meeting and Councilmember Fink stated as long as they do not discuss it at that time before they get approval. The City Attorney stated any member of the committee could come before Council. Councilmember Fink stated he was happy with that and setting a Chairman. City Administrator Stewart made it clear that no one, not a private citizen nor a committee member, ever has to come through him to ask their elected officials to accomplish something. Councilmember Wertz-Strickland felt they would need to be on the agenda and City Attorney Wohl advised it could be brought up during public comment at a City Council meeting and the Council could weigh in and possibly make a motion for a meeting to be set. City Administrator Stewart advised that from a technical standpoint, the City Attorney was correct and he (Mr. Stewart) did not mean any disrespect to him, but from a practical perspective, he highly suggested that coming to a Council meeting to tell Council of a need to address an issue isn't always the best way to begin. He felt going to a Councilmember and having a conversation so they are not blind-sided at a meeting is probably the preferred methodology.

Councilmember Fink pointed out that was the whole point of having an ad hoc committee and not having a need for a meeting unless it is driven by Council because there is no sunshine violation if Mr. Frierson speaks to any one Councilmember.

Mayor Coker advised there had been a motion and second and Councilmember Fink suggested having the City Clerk read the motion back. City Attorney Wohl stated that he felt the motion should be clarified and Mayor Coker asked the City Clerk to clarify the motion. The City Clerk stated that Councilmember Fink made a motion to rescind Resolution 2014-11 and have the City Attorney come back with a resolution dealing with an ad hoc committee that would meet for

specific items stated by City Council and to reduce it to five (5) members; then the motion was amended to replace “rescind” with “amend”; then there was a request to add one meeting a year, but it was not accepted by the original motion maker. No discussion followed and it was approved with a 3/2 vote with Mayor Coker and Deputy Mayor Frierson casting the dissenting votes. City Administrator Stewart stated that a comment was made that only the chairperson of the committee could call a meeting and it would be a violation of the sunshine law for someone to speak to the chairperson and ask for a meeting. He advised that it would not be a violation of the sunshine law and any committee member can contact the chairperson of a committee and ask for a meeting. He advised they would not be able to talk about specifics at that time, but a meeting could be requested.

Councilmember Fink made a motion to table Items 6 and 7 until such time as there were more applicants and Councilmember Wertz-Strickland seconded the motion. Councilmember Wertz-Strickland asked the City Administrator if there were other applications and Mr. Stewart advised that there were other applications, but they had just been received and staff was not able to provide them to Council on such short notice. No discussion followed and it was unanimously, 5/0, approved.

**Agenda Item 8 – Ordinance No. 1016 – Request for Rezoning of Property Located at 1001 East Oak Street – First Reading**

Jennifer Codo-Salisbury of the Central Florida Regional Planning Council advised Council that this item was a City-initiated re-zoning for a property located at the northeast intersection of S.R. 70 (or Oak Street) and Rogers Avenue. She advised the rezoning from B-3 to Planned Unit Development-Commercial would recognize an existing heavy automotive or major automotive use. She advised there are conditions of approval which allow for the use, but also limit the number of inoperable vehicles that must be screened from site and can’t be more than three (3). She also advised that any vehicle cannot obstruct any traffic circulation on the property and if the use discontinues for more than one hundred eighty (180) days, it reverts back to the commercial zoning. City Administrator Stewart reminded Council that staff had brought it to Council’s attention while doing the business tax receipt process and code enforcement discovered the property was operating improperly in a zoning area that did not cover it. He stated that at that time, staff recommended a change, but since the business had been operating at the location for a number of years, he (Mr. Stewart) had recommended that it be handled as a City-initiated rezoning in order not to cost the property owner. He advised it all came about due to a code enforcement violation and that violation still exists. Mr. Stewart stated that staff had been having difficulty in getting the property owner and the tenant to come into compliance. He advised the property was scheduled to go before the hearing officer relatively soon. He stated that since this is City-initiated and they are trying to do this on behalf of the business to allow them to continue operating and not be put out of business, he felt they needed to cooperate with the City on the code enforcement matter. He advised he would be watching it and would advise Council as to the circumstances and conditions with it as Council makes their decision at the next vote on this matter. Mr. Stewart further advised Council that the tenant also is renting a separate site with a similar type of problem, but it is a different land owner. He advised he spoke with that particular land owner today and he was quite concerned that he had received a violation and

had been informed that the business that is operating does not meet zoning and once again it is a business that has been operating for a number of years. Mr. Stewart stated he needed to look at the circumstances and if the circumstances are substantially similar, and the property owner and the same tenant cooperates and cleans that property up as well, then he (Mr. Stewart) would recommend that Council handle that situation in a similar fashion. Councilmember Fink asked the City Attorney, since this is a land use change, if it would be quasi judicial and the City Attorney advised that it would be at the next meeting.

Councilmember Fink made a motion for the clerk to read Ordinance 1016 by title only and Councilmember Wertz-Strickland seconded the motion. No discussion followed and it was unanimously, 5/0, approved. Mayor Coker instructed the City Clerk to read the ordinance by title only and the City Clerk did so. Councilmember Fink made a motion to move Ordinance 1016 to second reading and Councilmember Wertz-Strickland seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

**Agenda Item 9 – Ordinance No. 1017 – Request for Future Land Use Map Amendment – Parcel Numbers 30-37-25-0A00-1240-0000 and 30-37-25-0A00-1270-0000 – First Reading**

Jennifer Codo-Salisbury of the Central Florida Regional Planning Council advised Council that Ordinance 1017 would be a future land use amendment for a little over five (5) acres on property located on the west side of U.S. 17 south of Frankfort Street. She advised it would be changing the future land use from low density residential to business which would be consistent with the heavily used corridor that the property fronts directly onto.

Councilmember Fink made a motion for the ordinance to be read by title only and Councilmember Wertz-Strickland seconded the motion. No discussion followed and it was unanimously, 5/0, approved. (This vote was later changed to 4/0 with Deputy Mayor Frierson abstaining from the vote.) Mayor Coker instructed the City Clerk to read the ordinance by title only and the City Clerk did so. Councilmember Fink made a motion to move the ordinance to second reading and Councilmember Wertz-Strickland seconded the motion. No discussion followed and it was 4/0 approved with Deputy Mayor Frierson abstaining from the vote.

**Agenda Item 10- Ordinance No. 1018 – Request for Rezoning - Parcel Numbers 30-37-25-0A00-1240-0000 and 30-37-25-0A00-1270-0000 – First Reading**

Jennifer Codo-Salisbury of the Central Florida Regional Planning Council advised Council that Ordinance 1018 was a companion to Ordinance 1017 which is a request for rezoning of approximately five (5) acres located on the west side of U.S. 17 just south of Frankfort Street. She advised this rezoning would change the zoning from Residential, R-3, to the City Business zoning of B-3 and it would be consistent with the proposed future land use amendment in Ordinance 1017. She advised this was first reading and a public hearing will be at the next meeting.

Councilmember Fink made a motion for Ordinance 1018 to be read by title only and Councilmember Wertz-Strickland seconded the motion. Mayor Coker advised Ms. Codo-Salisbury that on page three (3) of six (6) within the paragraph titled "Consistency with the Comprehensive Plan", it stated City C-1 (Commercial) and asked if it should be B-3. Ms. Codo-Salisbury acknowledged she was correct and advised that it would be changed. Ms. Codo-Salisbury advised that at the Planning and Zoning Board hearing, it was recognized that the B-3 would be more consistent and compatible with the surrounding area. She further advised it was public noticed in the Ordinance and will be revised in the staff report. Mayor Coker asked what type of businesses qualify under the B-3 zoning and Mrs. Codo-Salisbury provided examples of such. No discussion followed and it was unanimously, 5/0, approved. Mayor Coker instructed the City Clerk to read the ordinance by title only and the City Clerk did so. Councilmember Fink addressed the City Attorney and stated that the vote to read by title only was 5/0. To protect the Deputy Mayor, he asked if she should have abstained in that one and the previous title only as well. City Attorney Wohl stated that technically the reading of title only doesn't really (inaudible). He then recommended that she abstain to be better safe than sorry, but the only thing done by that was avoid having to read the entire ordinance; it was just read by title only. He stated that the actual approval of the ordinance is where she would abstain. No discussion followed and the vote tally was amended to reflect 4/0 with Deputy Mayor Frierson abstaining from the vote. Councilmember Fink made a motion to approve the ordinance on first reading and move it to second and Councilmember Wertz-Strickland seconded the motion. No discussion followed and it was 4/0 approved with Deputy Mayor Frierson abstaining from the vote.

#### **Agenda Item 11 – Declare T-33 Aircraft at Lake Katherine as Excess**

City Administrator Stewart advised the Council that he had formerly had communication with the program manager regarding this and had asked if it was possible to get another aircraft and if it was possible to return this aircraft. He stated it would have required declaring the current one as excess so it was placed on the agenda. He advised that since then, he had received a reply and while it is possible to get another aircraft, it is not likely. He further advised he also learned the other cannot be scrapped and salvaged, but it has to be returned to their location. Whether or not that is a cost to the City is whether or not they can convince another community to take it. He did not recommend that be done. He advised the City can, given the right amount of effort and resources, get this one into the shape that they will continue to work with us. He then recommended Council to not declare this as excess and that Council allow him to begin gathering information to bring back to them regarding costs to get it reconditioned back into acceptable shape. He stated this does not exclude the possibility of getting assistance from members of the public in funding it and getting the work accomplished.

Councilmember Wertz-Strickland made a motion to not declare the T-33 aircraft at Lake Katherine in excess and to instruct Mr. Stewart to research the costs, get estimates and whatever he has to do to repair it and Councilmember Fink seconded the motion. Mayor Coker stated she knew there were a lot of people in Arcadia will be happy not to lose that landmark. Mr. Stewart advised there were quite a few retired members of the Air Force in the community who were

really interested in making sure the aircraft is returned to a reasonable semblance of its former glory. No discussion followed and it was unanimously, 5/0, approved.

### **Agenda Item 12 – City Administrator Performance Evaluation**

Mayor Coker asked for input from Council. She advised that Human Resource Manager Lowe was out of town. She asked if Council wanted her to review his performance evaluation or did they wish for it to wait until Mrs. Lowe returns. Councilmember Wertz-Strickland recommended each Councilmember schedule an appointment with Mr. Stewart to review their evaluation on a one-to-one basis. She then suggested coming back as a Council when Mrs. Lowe is back to discuss the evaluation document then. Councilmember Fink agreed, but stated he would like to see everyone else's sheets since they are public record to determine if he was in the ballpark or if they were. Councilmember Fink suggested the City Administrator contact the Councilmembers. City Administrator Stewart advised he would have his administrative assistant to work together with Council to do so. He pointed out that he had had no influence on the process and had not participated in anything other than placing it on the agenda at Council's discretion. Councilmember Wertz-Strickland stated she appreciated Mr. Stewart's handling of the evaluation process.

### **Agenda Item 13 - Tentative Millage Rates**

Finance Director Carsten advised the property tax values had been certified by the Property Appraiser on July 1<sup>st</sup>. She further advised that the next steps were to certify the tentative millage rate and schedule the first public hearing. She then provided a presentation regarding the tentative millage rates which reflected the rolled back rate of 8.8310% with the estimated ad valorem as \$1,574,714.00 and the adopted 2015-16 millage rate of 8.8195% with the estimated ad valorem as \$1,572,663.00. She pointed out that there was a very small difference between the two and stated that staff was recommending adopting the rolled back rate. She advised the City received the state revenues in a much more timely manner and the numbers reflected in the presentation were pretty solid. She advised the rolled back rate figure was \$1,495,978.00 which is figured at 95% to ensure it is not overestimated. With those contemplations and without figuring any fund balance or any transfer from other funds at this point, she advised they were at \$4.8 million which is very close to where they were last year. She then reviewed the expenses and stated that without using any fund balance at this point, they have been able to balance it. She advised the draft general fund revenues and expenses were \$4,874,104.00 and staff was recommending the rolled back rate of 8.8310% which will garner the \$1,495,978.00. Councilmember Fink stated that no matter how slight the increase, it was still an increase to go with the rolled back rate, and he could not vote for an increase. Councilmember Wertz-Strickland made a motion to accept the rolled back rate of 8.8310% because they could always go lower and Deputy Mayor Frierson seconded the motion. Councilmember Fink stated that in five (5) years, they had only gone lower than the adopted rate once and thanked Mr. Stewart and again stated that he could not support the current rolled back rate. No discussion followed and it was 4/1 approved with Councilmember Fink casting the dissenting vote.

Ms. Carsten presented dates for the tentative budget hearing and the final budget hearing and advised she had cleared those dates with DeSoto County and the School Board (as required by the State) and said dates would meet the advertising requirements as well. Mr. Stewart pointed out that this has to be wrapped up by September 30, 2016. Councilmember Fink made a motion to schedule the budget hearing #1 be held September 6<sup>th</sup> at 5:01 p.m. and second public hearing on September 20<sup>th</sup> at 5:01 p.m. and Councilmember Wertz-Strickland seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

Staff presented dates to Council regarding the budget workshop and Councilmember Fink made a motion to schedule the budget workshop on August 9<sup>th</sup> at 5:00 p.m. and Councilmember Wertz-Strickland seconded the motion. No discussion followed and it was unanimously, 5/0, approved. Councilmember Fink made a motion to schedule August 23<sup>rd</sup> at 5:00 p.m. for a second budget workshop if needed and Councilmember Wertz-Strickland seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

City Administrator Stewart shared an observation regarding property values. He advised he had spoken with the County Administrator and learned that the County's property value rates went up this year and the City's went down. He stated he found it curious because the legislature passed a law that exempted agricultural properties from taxes and only those properties with a structure can be taxed. He advised the City limits do not include agricultural properties to any extent so it did not affect the City, but he felt it should have a significant effect on the County's budget. He stated he did not know the solution, but wanted Council to be aware of it. Councilmember Wertz-Strickland suggested directing a letter to the Property Appraiser to supply Council with how he does it or why the City's property values have gone down and City Administrator Stewart suggested the letter be signed by the Mayor. City Administrator Stewart stated his comments were not a criticism of the agricultural exemption but was an observation about the effect it should have had on the County and the fact that the City's property values went down.

## **COMMENTS FROM DEPARTMENTS**

Marshal Anderson asked if Council or the general public had any questions or concerns and there were none. He advised he had met with the City Administrator and the Finance Director regarding the police department's budget. He asked Council to consider the purchase of a vehicle and advised there were enough line items in which there were savings to do so with enough funds to finish out the budget. He advised that a fully equipped new car is approximately \$27,000.00 - \$28,000.00 and restated there was enough within the police department budget to absorb it. He then advised that through means of the police department doing the same thing, all of the road patrol division now have body cameras and provided the benefits and uses of such. Councilmember Turner directed the discussion back to the purchase of the vehicle and asked if the Marshal was looking into a patrol car or SUV. Marshal Anderson advised there was only approximately One Thousand and 00/100 Dollars (\$1,000.00) difference in price and it would depend on if he could trade in a couple of vehicles, but he preferred an SUV because of the trunk space and all the officer's gear. After some discussion, it was decided that City Administrator

Stewart would schedule it on an agenda. Marshal Anderson advised he would gather the information and provide such to Council.

Lastly, Marshal Anderson advised Pastor Alexander had agreed to represent the police department as the department pastor. The Marshal advised Pastor Alexander had also agreed to allow the police department to use the church property (Elizabeth Baptist) for a Bridge the Gap Town hall meeting on July 26, 2016 at 6:00 p.m. and he invited the public to attend.

City Attorney Wohl advised that all the ordinances (Items 8, 9 and 10 of the current meeting) will be quasi judicial public hearings at the next meeting. He reminded Council of the ordinance that was implemented which regulated ex parte communications and provided that as long as they were disclosed, they would not be prejudicial for anyone that appeals Council's decision at a quasi judicial public hearing. Regarding public hearings, he advised that the City was lacking any type of hearing procedure. He advised that during his tenure as City Attorney, there had not been any contested public hearings, but that is not to say it won't happen in the future. He suggested the Council consider adopting an ordinance that would include hearing procedures for the quasi judicial hearings. He stated that if Council was amendable to such, he would begin working on it. It was the general consensus for City Attorney Wohl to begin working on the ordinance.

The City Attorney then provided a map regarding the Health Department and the surrounding properties. He stated that he felt the property on the west was included in a previous deed. He recommended a quit claim deed to the County with no restrictions for the middle property due to an error on the title work. Regarding the property to the east, City Attorney Wohl advised he had spoken with Penny Kurtz of the Health Department and he understands there will not be any improvements constructed on the property, but they are currently using it for green space (possibly minimum playground equipment). He advised that should the county not wish to use it in the future, the City may wish to utilize it for something so he asked Council if they would want it to revert back to the City within a specific time frame. He also asked if the Council wanted to place any use restrictions on the property. Mr. Wohl advised he had spoken with the City Administrator regarding an inspection as to whether there are any utility lines that could be affected by any new construction and if so, any removal or relocation of such would be done at the County's expense and not the City's. After further discussion, Council agreed to a reverter clause with ten (10) years to be re-visited at that time with usage restrictions placed on it. City Attorney Wohl advised the deed would provide that it would revert if a new health department facility is not constructed on any portion of that property. He then advised he would submit the deeds to the County Attorney for approval and hoped to have them on the next agenda. He asked for confirmation that Council was agreeable to a quit claim deed on the piece that goes through the building and Council agreed.

Finance Director Carsten presented the monthly financial report and advised that seventy-seven percent (77%) of the revenues had been collected and fifty-seven percent (57%) of the expenditures had been spent. She stated they were doing very well and they had already exceeded where they had budgeted for the ad valorem taxes. She then apologized and advised that the online pay for the utility billing did not go online July 1<sup>st</sup> as hoped due to an issue with

the Munis financial software version, but it has been upgraded at no cost to the City. She advised it would be tested and should go live next Thursday and hopefully go online the first of August. Councilmember Fink asked if this was part of the costly agreement from a few years back and Ms. Carsten advised that it was a part of it.

City Administrator Stewart stated that Ms. Carsten was being humble because they were actually getting a functionality piece (at no cost) out of it that the City would not normally have gotten. He advised that in order to get to the place where this could be done, the internet broadband speed had to be improved so the access to the website should be better for the public.

City Administrator Stewart informed City Council of an issue that had been brought to his attention. He stated that there is a substantial business that has been operating on City property because their building encroached on City property. During a title search due to lack of payment of taxes, the Property Appraiser's office learned that it was City property, but did not do anything because they did not want to create an issue. Mr. Stewart advised that he had asked for copies of the documents related to the title search and had received such, but had not had an opportunity to review them. He suggested the situation needed to be resolved and it is reasonable for the property owner who has had use of City property for all these years should perhaps compensate the City for the use of that property in some way. He advised he had more research to do on the matter and wanted to do so before he created an issue for a local business owner. After further discussion regarding recourse, Mr. Stewart advised Council that he would review the file; if facts remain the same then he will provide a copy of the file to the City Attorney and recommend to Council to contact the property owner and insist on a negotiation to deal with compensation for prior use and how to move forward. If the information is as suspected, he asked that he and the attorney be empowered by the Council to contact the property owner and begin discussions. It was Council's general consensus to do so. City Attorney Wohl advised the property was somewhat an irregular shape and potentially not buildable, but it has highway frontage. He suggested the preferred resolution would be to convey it to them for fair market value and recoup some of (inaudible) for them using it for free. He then stated if that is not done, then it would become an injunctive action and the City would seek to have all their equipment removed from the property. He then expressed his concern that when it was indicated that it was a public park, it indicated to him that title companies are seeing it on prior deeds. He further explained that unless the park is platted reserved for public use, typically the parks come about by a benefactor conveying land to a local government and putting in a use restriction that it be maintained as a park. Deputy Mayor Frierson asked if it was possible the City deeded it to the people and Mr. Stewart advised he did not discover any conveyance through the title searches.

## **PUBLIC**

Jasmine Gordon and Peter Anthony, City residents, of Equally United addressed Council regarding the recent events of deaths, injustice and senseless violence; they wanted to stand up for this cause and make a difference in the community. Mr. Anthony then read their mission statement. Ms. Gordon stated that they would like to address neighborhood clean-ups, ensure constitutional rights are followed and to prevent discrimination in the justice system. She

advised of a United 365 Peace Rally scheduled for July 30, 2016 at noon at the Arcadia Women's Club and invited everyone to attend.

**MAYOR AND COUNCIL REPORTS**

Councilmember Fink advised that one of the oldest restaurants in town, the Clock Restaurant, had closed and Mayor Coker reported that Publix had opened.

**ADJOURN**

Councilmember Wertz-Strickland made a motion to adjourn and Councilmember Fink seconded the motion. No discussion followed and it was unanimously, 5/0, approved. Having no further business at this time, the meeting was adjourned at approximately 8:47 P.M.

ADOPTED THIS \_\_\_ DAY OF \_\_\_\_\_, 2016.

ATEST:

By:

\_\_\_\_\_  
Susan Coker, Mayor

\_\_\_\_\_  
Penny Delaney, City Clerk

# AGENDA No. 2



CITY COUNCIL AGENDA ITEM  
Requested Council Meeting Date: August 2, 2016

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DEPARTMENT: Code Enforcement  
SUBJECT: Fourth Saturday Market Place

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RECOMMENDED MOTION:

**Motion to approve the special event permit for Fourth Saturday Market Place in the Trinity United Methodist Church Parking Lot.**

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SUMMARY: Trinity United Methodist Church is requesting to hold the monthly Market Place every fourth Saturday of the month from 8 am-2 pm starting September 24, 2016 and ending on Saturday, April 22, 2017. They will be holding the event in the parking lot on the North East corner of Oak Ave. and Orange Ave. (Parking lot is private property owned by Trinity United Methodist Church.)

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FISCAL IMPACT: \_\_\_\_\_  
 Capital Budget  
 Operating  
 Other

ATTACHMENTS:  Ordinance  Resolution  Budget  Other

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Department Head: Carl A. McQuay *CAm* Date: 7/21/16

Finance Director (As to Budget Requirements) Date:

City Attorney (As to Form and Legality) Date:

City Administrator: Terry Stewart *[Signature]* Date: *7-21-16*

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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:

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

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.

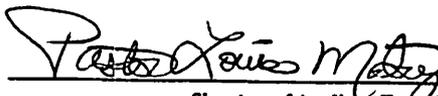
**FOOD** - ALL food and beverage vendors shall provide copies of their State of Florida Health Department license. All food vendors whose cooking creates grease-laden vapors shall have a mounted certified fire extinguisher.

**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](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

Pastor Louie Mabrey  
\_\_\_\_\_  
PRINTED Name of Above

07/21/2016  
\_\_\_\_\_  
Date

(863) 494-2543  
\_\_\_\_\_  
Contact Phone #



City of Arcadia
SPECIAL EVENT PERMIT APPLICATION

Date Submitted: 7-21-2016

Event Name Fourth Saturday Market Place

Event Location Parking lot on NE Corner of Oak St. + Orange Ave - Privately Owned

Date(s) of Event See Attached Hours of Event 8am to 2am

Expected Attendance

Event Sponsor Trinity United Methodist Church Non-Profit? [X] YES [ ] NO

Description of Event

Up to 23 Vendors with various items for sale: Crafts, Collectables, Antiques, Tools, Jellies + jams, Candles, etc.

Contact Person Bob and Kathy Lakey Telephone (863) 494-2543

Fax # 863-993-0038 Email trinity.umc.arcadia@embargo.mail.com

Insurance Carrier AON Risk Services, Inc. of Florida

Insurance Agent Agent's Phone 866-283-7122

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

If Yes, please specify locations:

Other Pertinent Information:

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

Received by: [Signature]
City Marshal [X] Approved
City Administrator [ ] Approved
City Council [ ] Approved

Date: 7/21/16
[Signature] Disapproved for Marshal Anderson
[ ] Disapproved
[ ] Disapproved

INDEMNIFICATION & HOLD HARMLESS

I, Robert + Kathy Lahey, as Liaisons of Trinity United Methodist Church do hereby agree to hold the City of Arcadia, (Club, organization, group, etc)

its agents and employees, harmless and indemnify same from any civil actions or claims of any nature made in connection with the event known as the 4th Saturday Market (Name of Event)

be held at Trinity Orange St. Parking Lot on See Attached (Location) (Date)

By: [Signature] (Signature)

Printed Name: Robert + Kathy Lahey

Entity Name: Trinity United Methodist Church

Its: Liaisons

Date: July 21, 2016

STATE OF FLORIDA

COUNTY OF DeSoto

Sworn to and subscribed before me this 21 day of July, 2016, by Robert & Kathy Lahey as Liaisons of Trinity United Methodist Church who  is personally known to me or  has produced \_\_\_\_\_ as identification.

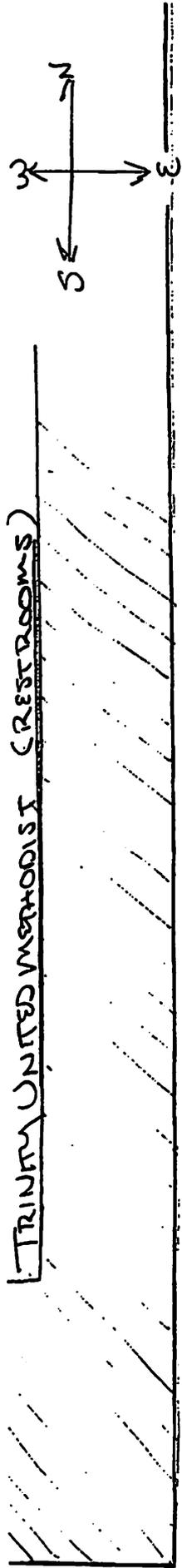
[Signature]  
NOTARY PUBLIC

(SEAL)

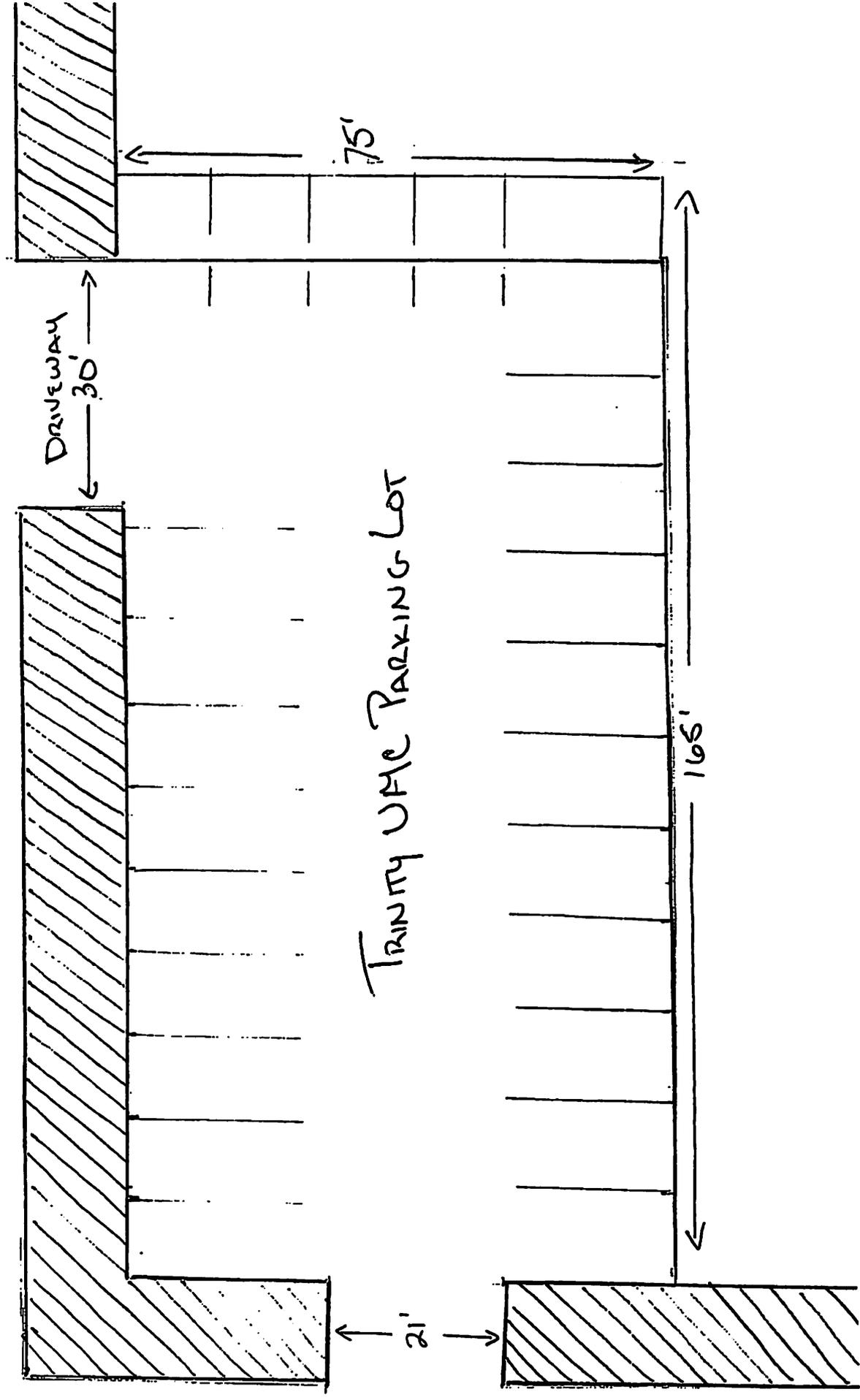




TRINITY UNITED METHODIST (RESTROOMS)



ORANGE AVENUE



TRINITY UMC PARKING LOT

OAK STREET

**Pastor Louie Mabrey**  
304 West Oak Street  
Arcadia, Florida



**Office: 863-494-2543**  
**Home: 863-494-2022**  
**Fax: 863-993-0038**

July 21, 2016

City of Arcadia  
23 N. Polk Ave.  
Arcadia FL 34266

To Whom It May Concern,

Trinity United Methodist Church has been holding the Fourth Saturday Marketplace within its Orange St. parking lot since September, 2012. During the September 4, 2012 meeting, Trinity United Methodist was granted a blanket Special Event Permit, with fees waived, by this Council led by Councilman Joe Fink and the City Attorney. Trinity United Methodist Church, 304 W. Oak St., Arcadia, respectfully asks to continue holding a parking lot marketplace on the fourth Saturday of each month from September through April.

- The market would take place from 8:00 am to 2:00 pm on the scheduled Saturdays and would be held entirely on Trinity's private property—in the parking lot on the corner of Oak and Orange Streets.
- No city property would be used. The market would be entirely contained on private property owned by the church.
- Trinity United Methodist, including the Orange St parking lot, is fully insured through the Florida Conference of the United Methodist Church.
- All code requirements will be met as mandated by the City Planner/Code Department.

Trinity United Methodist Church has been an active member of the Arcadia community for many years. In 2004, after Hurricane Charlie's devastating effects, this church was opened as a supply distribution center, then was instrumental in drying-in or reroofing hundreds of houses within DeSoto County. Since 2009, Trinity has opened its doors to the community with free lunches for anyone desiring a hot meal in a safe and welcoming place. So far, over 80,000 meals have been served to our community. Trinity also maintains a food pantry that provides a three-day emergency food supply to over 750 families per year. All of this is staffed by volunteers and funded entirely by Trinity United Methodist Church.

The money raised during the Fourth Saturday Marketplace from September through April, helps pay the electric, water and propane used to feed all those hungry people.

Trinity United Methodist strives to be a good citizen and a blessing to the City of Arcadia and respectfully asks to be allowed to continue to use its private property to help further its ability to be an asset to this community.

May God bless,

A handwritten signature in black ink that reads "Louie Mabrey".

Louie Mabrey, Pastor

A handwritten signature in black ink that reads "Bob Lakey".

Bob Lakey, Marketplace Coordinator

**2016/2017 Dates for Trinity United Methodist Church  
Fourth Saturday Marketplace**

Saturday, September 24, 2016

Saturday, October 22, 2016

Saturday, November 26, 2016

Saturday, December 17, 2016

Saturday, January 28, 2017

Saturday, February 25, 2017

Saturday, March 25, 2017

Saturday, April 22, 2017

Pastor Jim Wade  
304 W. Oak Street  
Arcadia, FL 34266



Office: 863-494-2543  
Home: 863-494-2022  
Fax: 863-993-0038

July 21, 2016

City of Arcadia  
23 N. Polk Ave.  
Arcadia FL 34266

To Whom It May Concern:

Trinity United Methodist Church of Arcadia has carried liability insurance with Aon Risk Services, Inc. of Florida through the Florida Conference of the United Methodist Church since 1996. The policy is effective from 12/31 to 12/31 of each year.

We fully expect to have an identical policy renewed with Aon Risk Services, Inc. on December 31, 2016 for the calendar year of 2017.

Sincerely,

A handwritten signature in black ink that reads "Louie Mabrey". The signature is written in a cursive style with a large initial "L" and "M".

Louie Mabrey  
Pastor, Trinity United Methodist Church

CC: LM/sl



# AGENDA No. 3



CITY COUNCIL AGENDA ITEM  
Requested Council Meeting Date: August 2, 2016

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DEPARTMENT: Planning and Zoning  
SUBJECT: Historic Preservation Commission – Certificate of Appropriateness for Barbara Drill to Paint the Building at the property located at 132 W. Oak Street and 134 W. Oak Street

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**RECOMMENDED MOTION: Motion to approve the Certificate of Appropriateness for Barbara Drill to paint the building at the property located at 132 W. Oak Street and 134 W. Oak Street**

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SUMMARY: The Historic Preservation Commission met on July 13, 2016 to review the Certificate of Appropriateness for Barbara Drill to paint the building at the property located at 132 W. Oak Street and 134 W. Oak Street. The Historic Preservation Commission recommended approval of the application with a vote of 4/0.

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FISCAL IMPACT: None  Capital Budget  
 Operating  
 Other

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ATTACHMENTS:  Ordinance  Resolution  Budget  Other

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Department Head: \_\_\_\_\_ Date: \_\_\_\_\_

Finance Director (As to Budget Requirements) \_\_\_\_\_ Date: \_\_\_\_\_

City Attorney (As to Form and Legality) \_\_\_\_\_ Date: \_\_\_\_\_

City Administrator: <sup>BC for</sup> Terry Stewart \_\_\_\_\_ Date: \_\_\_\_\_

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

APPLICATION FOR CERTIFICATE OF APPROPRIATENESS  
HISTORIC PRESERVATION

ACTION BY HISTORIC PRESERVATION COMMISSION

The Historic Preservation Commission shall review the application for conformity with the following criteria and shall recommend issuance of the Certificate of Appropriateness to the City of Arcadia City Council unless:

1. 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;
2. In the case of the construction of a new improvement upon a 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;
3. 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 this chapter and/or to the objectives and design criteria of any historic preservation plan approved for said district;
4. The building or structure is of such architectural or historical significance that its demolition would be detrimental to the public interest and contract to the general welfare of the people of the city and state; or
5. In the case of a request for a 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.

The Historic Preservation Commission has voted to recommend X or not recommend \_\_\_\_\_ issuance of the Certificate of Appropriateness by a vote of 4 to 0 at their regular meeting on the 13th day of July, 2016.

Special notes or requirements recommended by the Historic Preservation Commission:

**CERTIFICATE OF APPROPRIATENESS**  
**CHAPTER 69, HISTORIC PRESERVATION**

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, archaeological, or historic interest or value are a public necessity and is required in the interest of the health, prosperity, safety, and welfare of the people of the City of Arcadia.

The purpose of this Chapter 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 aesthetic character of the city.
4. Protect and enhance the city's attractions to residents, tourists, and visitors, and serve as a support and stimulus to business and industry.

It is hereby declared that the owner Barbara Drill of parcel ID/street address 132 and 134 W. Oak St of Arcadia, FL has come before the City Council today to request a Certificate of Appropriateness for the described demolition/rehabilitation/reconstruction/alteration/new construction that is attached. It has been found by the City of Arcadia City Council that the owner has met all of the requirements of Chapter 69 and hereby issue this Certificate of Appropriateness dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

CITY OF ARCADIA, FLORIDA

\_\_\_\_\_  
Susan Coker  
Mayor

ATTEST:

\_\_\_\_\_  
Penny Delaney  
City Clerk

re-application / submitted 10/1/16



# CERTIFICATE OF APPROPRIATENESS (Historic Preservation Commission)

Date Stamp

City of Arcadia Florida  
Community Development  
23 Polk Avenue North  
Arcadia, FL 34266  
(863) 494-4114

Fee: \$165.<sup>00</sup>

Submitted  
1-19-16

R# \_\_\_\_\_

City Website: [arcadia-fl.gov](http://arcadia-fl.gov)

File No.: 15 - \_\_\_\_\_ CA

The City's Historic Preservation Ordinance (No. 955) requires all proposed development activity within Arcadia's Historic Preservation District be controlled through a Certificate of Appropriateness application. The Historic Preservation Ordinance can be found under Chapter 60 of the Arcadia Code of Ordinances. Please note an application approved by the City of Arcadia is required for submittal along with your Building Permit application materials administered by the DeSoto County Building Department.

APPLICANT'S INFORMATION	PROPERTY OWNER'S INFORMATION
(Agent or Contractor)	(Leave Blank if Same as Applicant)
Name: <u>Barbara Drill</u>	Name: _____
Organization: _____	Organization: _____
Address: <u>PO Box 511418</u>	Address: _____
City: <u>Bunla Gorda</u>	City: _____
State: <u>FL</u> Zip Code: <u>33951</u>	State: _____ Zip Code: _____
Telephone No.: ( <u>941</u> ) <u>916-2692</u>	Telephone No.: ( ) _____
Email: <u>bjdrill@comcast.net</u>	Email: _____

- I. Type of Building Structure and Development Activity Proposed -Painting
- New Construction
  - Manufactured
  - Mobile
  - Addition
  - Demolition
  - Shed
  - Ground Sign
  - Fence
  - Deck
  - Re-roofing

II. Property Information

Parcel Address (if assigned): 132 W. Oak, Arcadia

Parcel Identification Number: 25-37-24-0012-0280-0055

Subdivision, Block and Lot Nos.: Block 28, Lots 546

**III. Zoning Information and Development Standards (for New Building Structures only)**

Zoning Map Designation: \_\_\_\_\_

Lot Size (sq. ft.): \_\_\_\_\_ Lot Length: \_\_\_\_\_ Lot Width: \_\_\_\_\_

Zoning Code Yard Setbacks:

Proposed Accessory Structure Setbacks:

_____ Front Yard	_____ Front Yard
(if corner lot) _____ Secondary Front Yard	(if corner lot) _____ secondary Front Yard
_____ Side Yard	_____ Side Yard
_____ Side Yard	_____ Side Yard
_____ Rear Yard	_____ Rear Yard
_____ 10' _____ Between Buildings (Per Code 110-631)	_____ Between Buildings

**IV. Site Plan and Property Improvement Materials** – Please provide a copy of any property survey, site development plans, drawings, renderings, engineered plans, photos, vender specification sheets for prefabricated materials.

- Yes, please list attached exhibits: Soil samples, explanation
- None, I intend to utilize City provided site plan sheet. I understand that I am required to include ALL property information, proposed improvements, and other such project delineations that may be necessary to confirm code compliance and to ensure there are no utility services conflicts.

**I understand that an incomplete application will be returned and will delay permit review.**

Planning and Zoning Review: <input type="radio"/> Approved <input type="radio"/> Denied _____ Zoning Inspector Signature Date: _____	Utility Systems Review: <input type="radio"/> Approved <input type="radio"/> Denied _____ Utility Inspector Signature Date: _____	Notes, Restrictions, and Permit Coordination: _____ _____ _____ _____
---	--	---

May 17, 2016 --- 2<sup>nd</sup> application -

Attachment to "Certificate of Appropriateness" Historic Preservations Commission

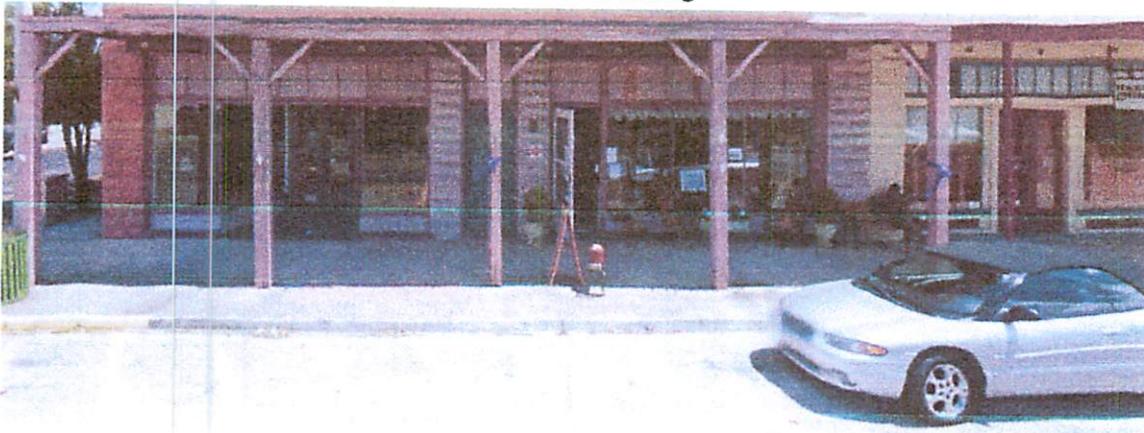
(See also the painted color swatches attached as samples.)

Using colors from **Valspar**, based on a discussion with Ms. Carol Mahler about possible acceptable colors and pallettes, the following is proposed. Rationale: In our discussion, it was mentioned that the Ames building adjacent to mine at 132 W. Oak is going to soon be repainted using the same current colors. With that inspiration, the thought is that the following color pallettes will be in tune with the Ames building, with the same or very similar colors but using them in different locations on the 132 W. Oak building.

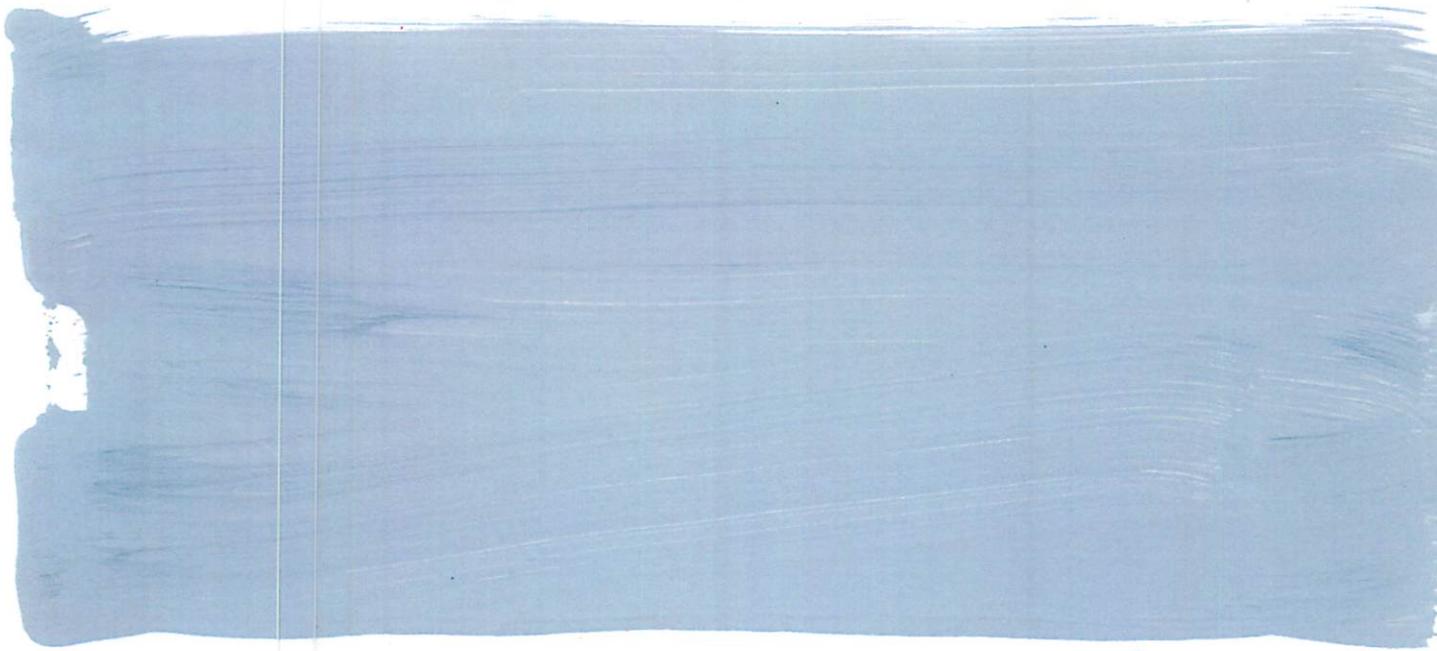
- 1) Thus, the white/ivory color on the walls of the Ames building is used as inspiration for this color, **Polar White**, on the 132 W. Oak building to be used as **trim around all windows and doors, accenting them.**
- 2) The grey-blue on the Ames building is used as accent above the windows. Using this Ames color as inspiration, **Retro-Colonial Blue** will be used on the **flat trim boards underneath and above the shop windows, around the rectangular (below the shop windows) and square areas (above the windows), and on the overhang support posts.** Note that in our discussions, Ms. Mahler and I agreed that a light color on the posts would be problematic due to the dust and dirt that accumulates on this corner.
- 3) The **largest areas** will be painted in a much lighter grey-blue using **Palisade Blue**. This will be painted on the **flat wall/façade areas** in the rectangles below all the shop windows, and in the squares above the shop windows. This lighter blue will also be used **on the cement blocks areas that form "columns"**, starting at the corner to the left of the shops, on the "columns" left and right of the center door, and on the far right of the right shop area.

This will present a clean fresh look, using color pallettes of historic and/or Victorian era, and to relate to the neighboring building colors.

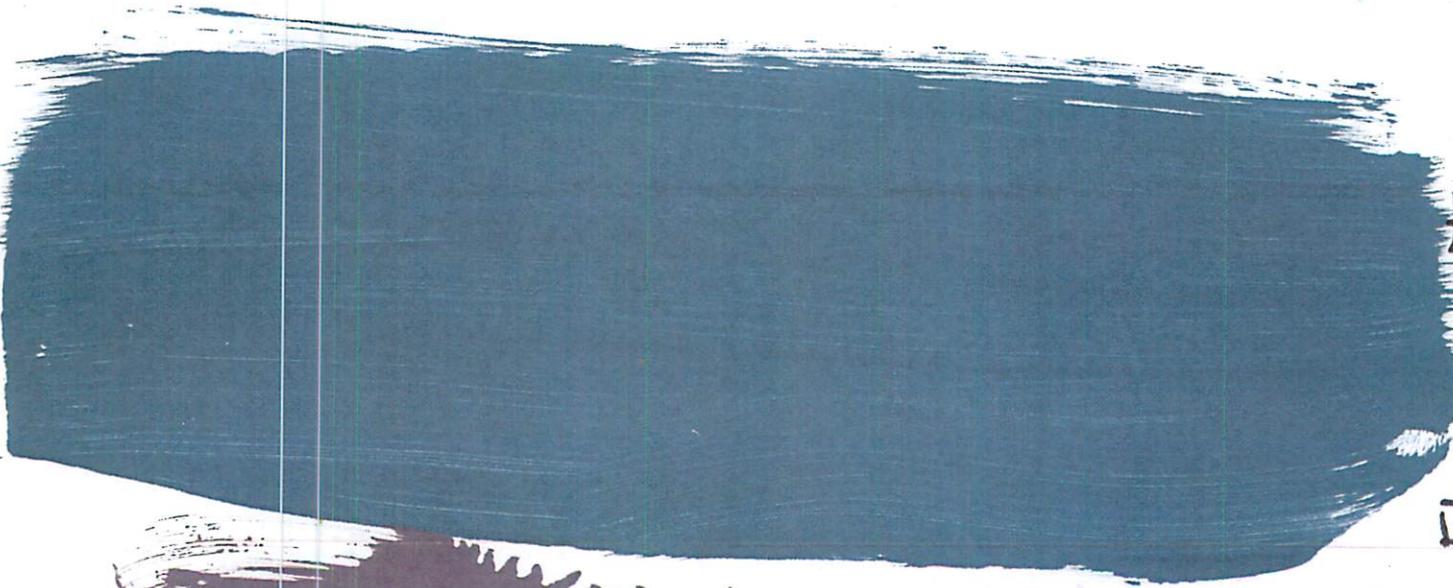
Thank you Barbara Drill, Owner, 132-134 W. Oak Building



Wingspan  
Trim



largest areas - flat  
and block columns



Flight-trim  
posts



center  
door

# AGENDA No. 4



CITY COUNCIL AGENDA ITEM  
Requested Council Meeting Date: August 2, 2016

DEPARTMENT: Planning and Zoning  
SUBJECT: Historic Preservation Commission – Certificate of Appropriateness for Bruce A. Carver to Complete Phase 1 of Renovation to Property Located at 24 N. Polk Avenue

**RECOMMENDED MOTION: Motion to approve the Certificate of Appropriateness for Bruce A. Carver to complete Phase 1 of the renovation to the property located at 24 N. Polk Avenue.**

SUMMARY: The Historic Preservation Commission met on July 13, 2016 to review the Certificate of Appropriateness for Bruce A. Carver to complete Phase 1 of the renovation to the property located at 24 N. Polk Avenue. The Historic Preservation Commission recommended approval of Phase 1 of the application with a vote of 4/0. Mr. Carver is renovating the building for use as a restaurant (The Yellow Deli).

FISCAL IMPACT: None  Capital Budget  
 Operating  
 Other

ATTACHMENTS:  Ordinance  Resolution  Budget  Other

Department Head: \_\_\_\_\_ Date: \_\_\_\_\_

Finance Director (As to Budget Requirements) \_\_\_\_\_ Date: \_\_\_\_\_

City Attorney (As to Form and Legality) \_\_\_\_\_ Date: \_\_\_\_\_

City Administrator: <sup>BC for</sup> Terry Stewart \_\_\_\_\_ Date: \_\_\_\_\_

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

APPLICATION FOR CERTIFICATE OF APPROPRIATENESS  
HISTORIC PRESERVATION

ACTION BY HISTORIC PRESERVATION COMMISSION

The Historic Preservation Commission shall review the application for conformity with the following criteria and shall recommend issuance of the Certificate of Appropriateness to the City of Arcadia City Council unless:

1. 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;
2. In the case of the construction of a new improvement upon a 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;
3. 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 this chapter and/or to the objectives and design criteria of any historic preservation plan approved for said district;
4. The building or structure is of such architectural or historical significance that its demolition would be detrimental to the public interest and contract to the general welfare of the people of the city and state; or
5. In the case of a request for a 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.

The Historic Preservation Commission has voted to recommend X or not recommend \_\_\_\_\_ issuance of the Certificate of Appropriateness by a vote of 4 to 0 at their regular meeting on the 13<sup>th</sup> day of July, 2016.

Special notes or requirements recommended by the Historic Preservation Commission:

**CERTIFICATE OF APPROPRIATENESS**  
**CHAPTER 69, HISTORIC PRESERVATION**

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, archaeological, or historic interest or value are a public necessity and is required in the interest of the health, prosperity, safety, and welfare of the people of the City of Arcadia.

The purpose of this Chapter 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 aesthetic character of the city.
4. Protect and enhance the city's attractions to residents, tourists, and visitors, and serve as a support and stimulus to business and industry.

It is hereby declared that the owner Rick & Paulette Kendrick of parcel ID/street address 24 N. Polk Street of Arcadia, FL has come before the City Council today to request a Certificate of Appropriateness for the described demolition/rehabilitation/reconstruction/alteration/new construction that is attached. It has been found by the City of Arcadia City Council that the owner has met all of the requirements of Chapter 69 and hereby issue this Certificate of Appropriateness dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

CITY OF ARCADIA, FLORIDA

\_\_\_\_\_  
Susan Coker  
Mayor

ATTEST:

\_\_\_\_\_  
Penny Delaney  
City Clerk



CERTIFICATE OF APPROPRIATENESS  
(Historic Preservation Commission)

City of Arcadia Florida  
Community Development  
23 Polk Avenue North  
Arcadia, FL 34266  
(863) 494-4114



Fee: \$165.<sup>00</sup>

R# 522950

City Website: [arcadia-fl.gov](http://arcadia-fl.gov)

File No.: 16 - 15 - 06 CA

The City's Historic Preservation Ordinance (No. 955) requires all proposed development activity within Arcadia's Historic Preservation District be controlled through a Certificate of Appropriateness application. The Historic Preservation Ordinance can be found under Chapter 60 of the Arcadia Code of Ordinances. Please note an application approved by the City of Arcadia is required for submittal along with your Building Permit application materials administered by the DeSoto County Building Department.

APPLICANT'S INFORMATION	PROPERTY OWNER'S INFORMATION
(Agent or Contractor)	(Leave Blank if Same as Applicant)
Name: <u>Bruce A. Carver</u>	Name: <u>Rick + Paulette Kindacker</u>
Organization: <u>The Yellow Deli LLC</u>	Organization: <u>The Yellow Deli LLC</u>
Address: <u>24 N Polk St</u>	Address: <u>601 W. Oak St</u>
City: <u>Arcadia FL 34266</u>	City: <u>Arcadia</u>
State: <u>FL</u> Zip Code: <u>34266</u>	State: <u>FL</u> Zip Code: <u>34266</u>
Telephone No.: <u>(863) 458-0315</u>	Telephone No.: <u>(863) 458-0315</u>
Email: <u>BruceACarver@gmail.com</u>	Email: <u>prisca@yellowdeli.com</u>

I. Type of Building Structure and Development Activity Proposed - Painting, plus

- New Construction
- Manufactured
- Mobile
- Addition
- Demolition
- Shed
- Ground Sign
- Fence
- Deck
- Re-roofing

II. Property Information

Parcel Address (if assigned): 24 N Polk St

Parcel Identification Number: 25-37-24-0012-0030-0140

Subdivision, Block and Lot Nos.: BEG AT NW COR OF BLOCK 3 TH RUN  
S WITH POLK AV 100 FT to POB  
TH S 32 FT TH E 142 FT TO

**III. Zoning Information and Development Standards (for New Building Structures only)**

Zoning Map Designation: \_\_\_\_\_

Lot Size (sq. ft.): \_\_\_\_\_ Lot Length: \_\_\_\_\_ Lot Width: \_\_\_\_\_

Zoning Code Yard Setbacks:

Proposed Accessory Structure Setbacks:

	_____ Front Yard		_____ Front Yard
(if corner lot)	_____ Secondary Front Yard	(if corner lot)	_____ secondary Front Yard
	_____ Side Yard		_____ Side Yard
	_____ Side Yard		_____ Side Yard
	_____ Rear Yard		_____ Rear Yard
	_____ 10' _____ Between Buildings (Per Code 110-631)		_____ Between Buildings

**IV. Site Plan and Property Improvement Materials – Please provide a copy of any property survey, site development plans, drawings, renderings, engineered plans, photos, vender specification sheets for prefabricated materials.**

Yes, please list attached exhibits: \_\_\_\_\_

None, I intend to utilize City provided site plan sheet. I understand that I am required to include ALL property information, proposed improvements, and other such project delineations that may be necessary to confirm code compliance and to ensure there are no utility services conflicts.

**I understand that an incomplete application will be returned and will delay permit review.**

<p>Planning and Zoning Review:</p> <p><input type="radio"/> Approved</p> <p><input type="radio"/> Denied</p> <p>_____</p> <p>Zoning Inspector Signature</p> <p>Date: _____</p>	<p>Utility Systems Review:</p> <p><input type="radio"/> Approved</p> <p><input type="radio"/> Denied</p> <p>_____</p> <p>Utility Inspector Signature</p> <p>Date: _____</p>	<p>Notes, Restrictions, and Permit Coordination:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>
--	---	--

# RECEIPT

DATE 6/29/16No. 5225RECEIVED FROM Bruce A. Carver\$165<sup>00</sup>One Hundred sixty five and 00/100 DOLLARS FOR RENT Yellow Deli LLC - 24 N Park St

ACCOUNT	<u>165<sup>00</sup></u>
PAYMENT	<u>165<sup>00</sup></u>
BAL. DUE	

- CASH
- CHECK
- MONEY ORDER
- CREDIT CARD

FROM \_\_\_\_\_ TO \_\_\_\_\_

BY Bruce A. Carver

TO: HISTORICAL COMMITTEE,  
CITY OF ARCADIA, FL

PURPOSE: OUR INTENT TO REMODEL THE OLD  
DRY CLEANERS INTO A YELLOW DELI.

A YELLOW DELI IS A BUSINESS RUN BY OUR TWELVE TRIBE  
COMMUNITIES IN MANY PLACES AROUND THE WORLD. [Yellowdeli.com](http://Yellowdeli.com).

THE EXTENT OF THE WORK WE HOPE TO DO ON OUR  
BUILDING ON POLK ST IS AS FOLLOWS.

PHASE 1, INCLUDING OPENING

- 1) DECK EXTENDING OVER SIDEWALK IN FRONT  
WITH DOOR FROM INSIDE MEZZANINE. DECK WILL  
BE A WROUGHT IRON LOOK STEEL FRAMING AND  
POSTS WITH 2" TONGUE & GROOVE DECKING. POSTS  
WILL BE ANCHORED TO A CONCRETE FOOTER IN BRICK  
SECTION NEXT TO THE SIDEWALK. DECK WILL BE  
ANCHORED TO BUILDING PER ENGINEERED SPECS.
- 2) CONCRETE BLOCK W/ STUCCO KITCHEN ADDITION, RUBBER  
ROOF WITH SCUPPERS W/ DRAINAGE TO PARKING LOT.

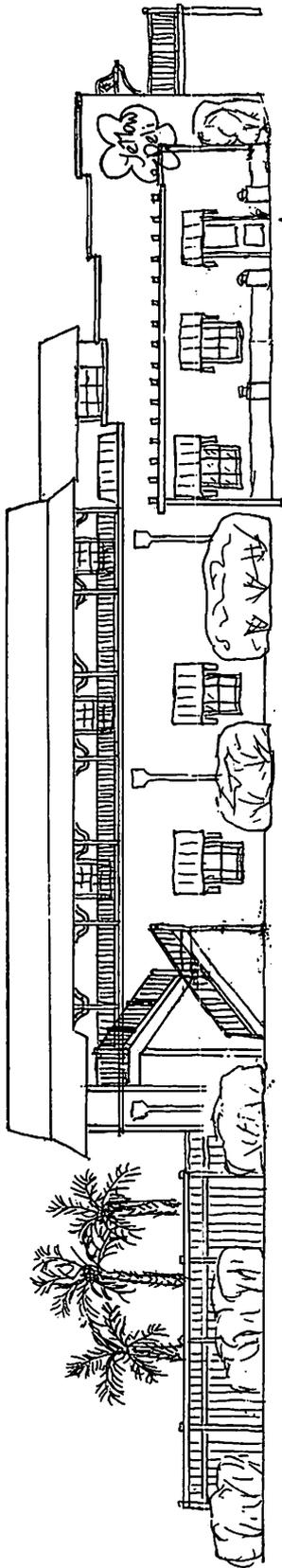
## LETTER OF INTENT . 2

- 3) WOOD FENCE ALONG PARKING LOT FOR DUMPSTER AND DELIVERY ENCLOSURE, SHRUBS AND TREES
- 4) CURVED COPPER AWNINGS OVER SIDE WINDOWS EXISTING AND NEW IN ADDITIONS. NEW WINDOWS WILL MATCH SIZE AND APPEARANCE OF SINGLE EXISTING, WITHOUT SECURITY BARS. SECURITY BARS REMOVED FROM EXISTING
- 5) SIGNAGE. 8' DIA. YELLOW DELI LOGO, TRIM COLOR BROWN, PAINTED ON SIDE FRONT.  
WORDS YELLOW DELI TRIM COLOR BROWN PAINTED INSIDE EXISTING FRONT INSETS.  
4' SANDWICH BOARD WITH HOURS, MOVABLE IN FRONT.
- 6 Mullions IN FRONT WINDOWS

## PHASE 2.

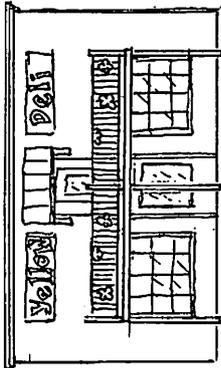
WE WILL RESUBMIT FOR PHASE 2, AFTER OPENING OF PHASE 1 BUILT WITH PHASE 2 IN MIND. IT WILL INCLUDE:

- 1) ENCLOSED 2ND FLOOR, BACK, FOR SEATING AND BATHROOMS
- 2) ENCLOSED 2ND FLOOR, FRONT, FOR EGRESS TO FRONT FIRST FLOOR AND WAIT STAFF SERVICE AREA
- 3) OPEN DECK SEATING, COVERED, ALONG PARKING LOT SIDE.
- 4) OUTSIDE EGRESS FROM 2ND FLOOR
- 5) SIDE FRONT ENTRANCE TO SIDE PATIO PARTIALLY COVERED WITH BEAMWORK + SHADE CLOTH.



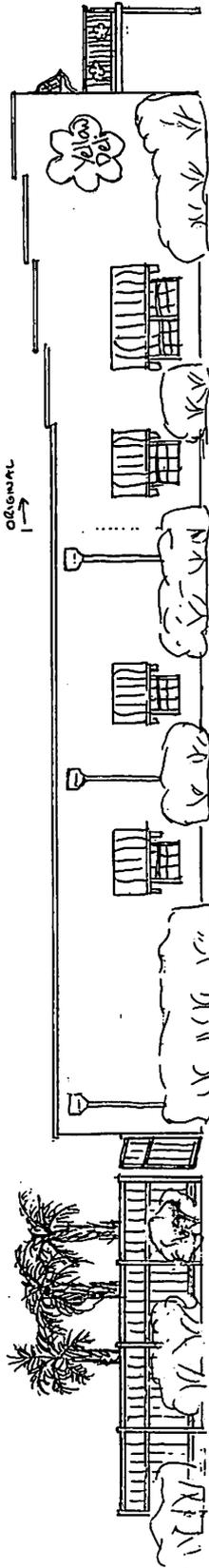
PHASE II

- ENCLOSE 2ND FLOOR AND 2ND FLOOR FRONT OUTSIDE SEATING
- OUTSIDE EDGES
- HANDICAP ELEVATOR
- COURTYARD INTO PARKING LOT, BEAMWORK w/ SHADE CLOTH
- DOUBLE SET OF WINDOWS BECOME A SINGLE
- BROW TWO RAISED SEAM ROOF
- IRON RAILING
- NEW SIDE ENTRANCE w/ SANG RAINING



PHASE I

NO CHANGE IN PHASE II



ORIGINAL

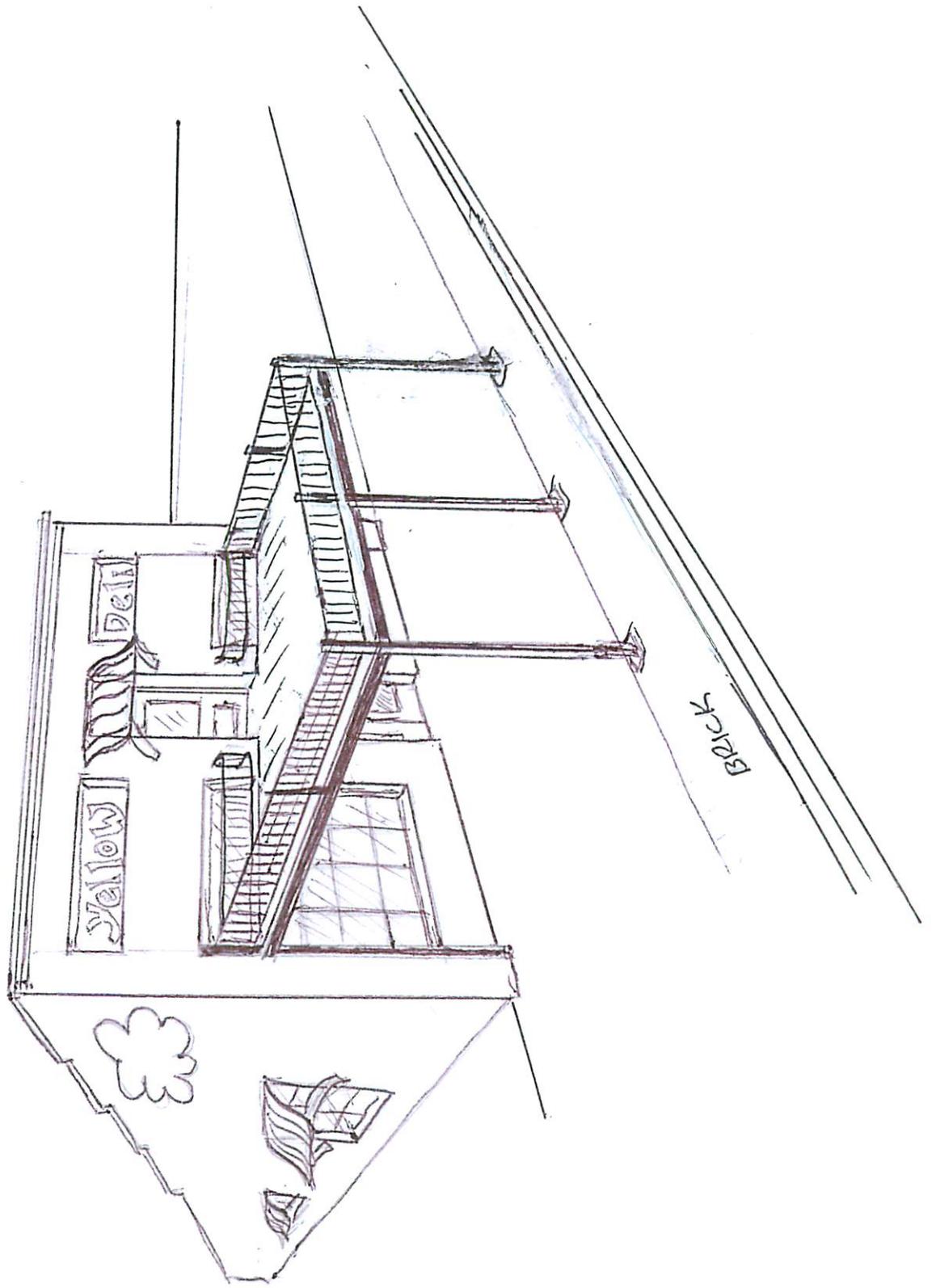
STAINED PT WOOD FENCE

PHASE I

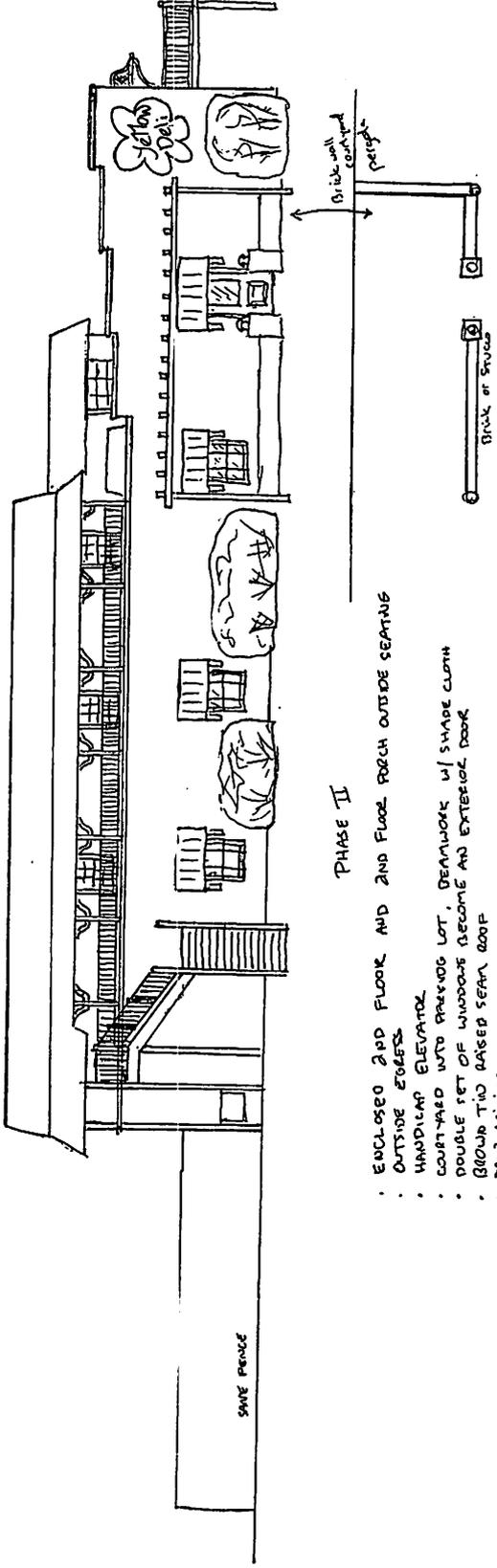
• GRAB IN FRONT WINDOWS

- ADDITION = KITCHEN
- FENCE, DUMPSTER ETC...
- AWNINGS, OLD & NEW WINDOWS
- DECK SEATING OVER FRONT SIDEWALK, 2ND FLOOR DOORWAY
- SIGNAGE SIDE & FRONT PAINTED ON
- METAL RAILING
- CURVED COPPER AWNINGS

ADDITION - BLOCK w/ STUCCO

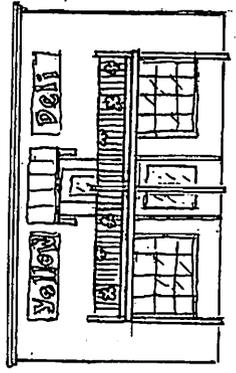






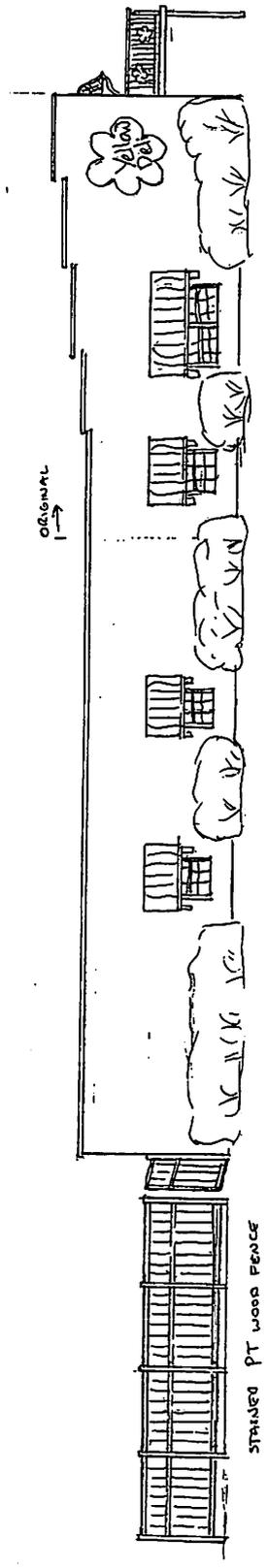
PHASE II

- ENCLOSED 2ND FLOOR AND 2ND FLOOR REAR OUTSIDE SEATING
- OUTSIDE ESCERS
- HANDICAP ELEVATOR
- COURTYARD INTO PARKING LOT, DECKWORK w/ SHADE CLOTH
- DOUBLE SET OF WINDOWS BECOME AN EXTERIOR DOOR
- BROW TID RAISED SEAM ROOF
- IRON RAILING



PHASE I

NO CHANGE IN PHASE II



PHASE I

- ADDITION = KITCHEN
- FENCE, DUMPER, ETC..
- AWNINGS, OLD & NEW WINDOWS
- DECK SEATING OVER FRONT SIDEWALK, 2ND FLOOR DOORWAY
- SIGNAGE SIDE & FRONT PAINTED ON
- METAL RAILING
- CURVED COPPER AWNINGS

• GRAB IN FRONT WINDOWS

Colors: Circled in Red in Addition - Block of Stucco  
 Block Walls / Revestimiento Exterior ... 3005-60  
 Trim / Cabin Plank ... 2011-10  
 Accent / Terra Cotta ... 2002-5C

TOWN OF ARCADIA O S  
 BEG AT NW COR OF BLK 3 TH RUN  
 S WITH POLK AV 100 FT TO POB  
 TH S 32 FT TH E 142 FT TO

KENDRICK RICK & PAULETTE  
 601 W OAK ST  
 ARCADIA, FL 34266-0000

25-37-24-0012-0030-0140

DESOTO COUNTY 2015 R  
 CARD 001 of 001  
 BY DW

PRINTED 10/21/2015 11:07  
 APPR 8/01/2011 KD

AE?	N	1612 HTD AREA	97.011 INDEX	400000.00 CITY/SUB B	PUSE	002500 REPAIR SERVICE
MOD 4		1612 EFF AREA	39.532 E-RATE	100.000 INDX	STR 25- 37- 24	
EXW 18		63,726 RCN		1931 AYW	MKT AREA 04	31,863 BLDG
%		50.00 %GOOD	31,863 B BLDG VAL	1970 EYB	(PUD1	775 XFOB
RSTR 04					AC	17,040 LAND
RCVR 04					NTCD	0 CLK
%					APPR CD	0 MKTUSE
INTW 03					CNDO	49,678 JUST
%					SUBD	49,678 APPR
FLOR 03					BLK	
%					LOT	0 SOHD
HTTP 01					MAP#	49,678 ASSD
A/C 01						0 EXPT*
QUAL 03					TXDT 001	49,678 COTXBL
FNDN						49,678 OTTXBL
SIZE					49,678 CITXBL	
CEIL						BLDG TRAVERSE
ARCH						BAS1993=W31 S20 BAS1993=S32 E31 N32W31\$
FRME 03						E31 N20\$.
KTCH						
WNDO						
CLAS						
OCC						
COND						
SUB						
BAS93						

AE BN	CODE	DESC	LEN	WID	HGHT	QTY	QL	YR	ADJ	UNITS	UT	PRICE	ADJ	UT	PR	SPCD	%	%GOOD	XFOB	VALUE
Y	0850	CONCR SLAB	31	40		1		1940	1.00	1240.000	SF	2.500			2.500			25.00		775

LAND	DESC	ZONE	ROAD	DENS	CTRA	FRONT	DEPTH	FIELD CK:	UNITS	UT	PRICE	ADJ	UT	PR	LAND	VALUE
N 002500	SRVC SHOPS	B-2						1.00 1.00 1.00 1.00	4544.000	SF	3.750			3.75	17,040	

B001 - ODORLESS DRY CLEANERS

# DeSoto County Property Appraiser

## 2015 Certified Values

updated: 6/23/2016

Parcel: 25-37-24-0012-0030-0140

Tax Collector	Property Card	Interactive GIS Map
Parcel List Generator		Print

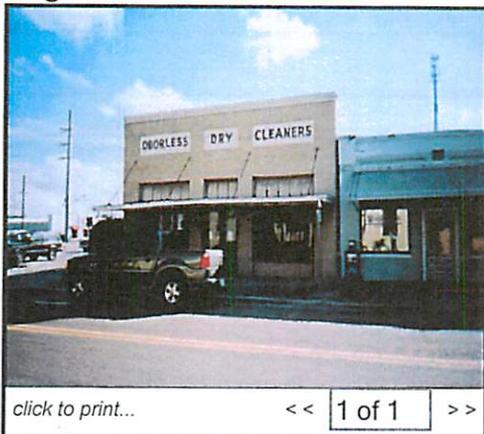
<< Next Lower Parcel    Next Higher Parcel >>

### Owner & Property Info

Search Result: 1 of 1

<b>Owner's Name</b>	KENDRICK RICK & PAULETTE
<b>Site Address</b>	24 N POLK AVE
<b>Mailing Address</b>	601 W OAK ST ARCADIA, FL 34266-0000
<b>Use Desc. (code)</b>	REPAIR SER (002500)
<b>Tax District</b>	1 (Within City Limits)
<b>Neighborhood</b>	400000
<b>Land Area</b>	0.104 ACRES
<b>Market Area</b>	04
<b>Description</b>	NOTE: This description is not to be used as the Legal Description for this parcel in any legal transaction.
TOWN OF ARCADIA O S BEG AT NW COR OF BLK 3 TH RUN S WITH POLK AV 100 FT TO POB TH S 32 FT TH E 142 FT TO ALLEY TH N ALG ALLEY 32 FT TH W// WITH OAK ST 142 FT FOR POB IN SEC 36 OR 568/4	

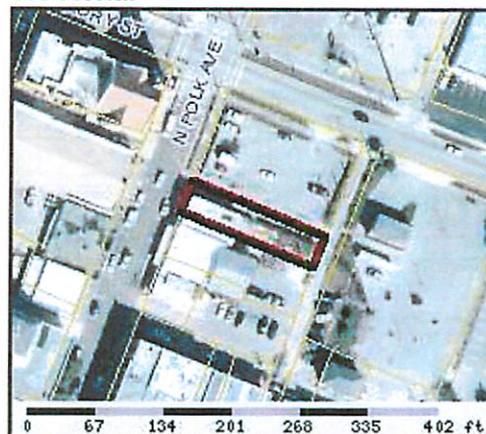
Bldg Photo



click to print...

<< 1 of 1 >>

GIS Aerial



### Property & Assessment Values

### 2015 Certified Values

<b>Mkt Land Value</b>	cnt: (1)	\$17,040.00
<b>Ag Land Value</b>	cnt: (0)	\$0.00
<b>Building Value</b>	cnt: (1)	\$31,863.00
<b>XFOB Value</b>	cnt: (1)	\$775.00
<b>Total Appraised Value</b>		\$49,678.00

<b>Just Value</b>	\$49,678.00
<b>Class Value</b>	\$0.00
<b>Assessed Value</b>	\$49,678.00
<b>Exempt Value</b>	\$0.00
<b>Total Taxable Value</b>	County: \$49,678.00   City: \$49,678.00 Other: \$49,678.00   School: \$49,678.00

### Sales History

Show Similar Sales within 1/2 mile

Sale Date	OR Book/Page	OR Code	Vacant / Improved	Qualified Sale	Sale RCode	Sale Price
8/24/2005	568/4	WD	I	Q		\$115,000.00
3/1/1982	181/353	WD	I	U	01	\$40,000.00
6/1/1978	141/1059	WD	I	U	01	\$50,000.00

### Building Characteristics

Bldg Sketch	Bldg Item	Bldg Desc	Year Blt	Ext. Walls	Heated S.F.	Actual S.F.
<a href="#">Show Sketch</a>	1	STORE RETL (003500)	1931	CEMENT BRK (18)	1612	1612
<b>Note:</b> All S.F. calculations are based on <u>exterior</u> building dimensions.						

#### Extra Features & Out Buildings

Code	Desc	Year Blt	Units	Dims	Condition (% Good)
0850	CONCR SLAB	1940	0001240.000	31 x 40 x 0	(000.00)

#### Land Breakdown

Lnd Code	Desc	Units	Zoning *
002500	SRVC SHOPS (MKT)	4544 SF - (0000000.104AC)	B-2

\* NOTE: The Property Appraiser's Office is NOT responsible for the accuracy of the zoning. To verify the zoning, please call the Planning & Zoning Department at 863-993-4896.

DeSoto County Property Appraiser

updated: 6/23/2016

1 of 1

#### DISCLAIMER

This information was derived from data which was compiled by the DeSoto County Property Appraiser Office solely for the purpose of property assessment. This information should not be relied upon by anyone as a determination of the ownersh or market value. No warranties, expressed or implied, are provided for the accuracy of the data herein, it's use, or it's inter Although it is periodically updated, this information may not reflect the data currently on file in the Property Appraiser's offi assessed values are NOT certified values and therefore are subject to change before being finalized for ad valorem asses purposes.

# Make the most of your home's heritage

## Aproveche al máximo la herencia de su hogar

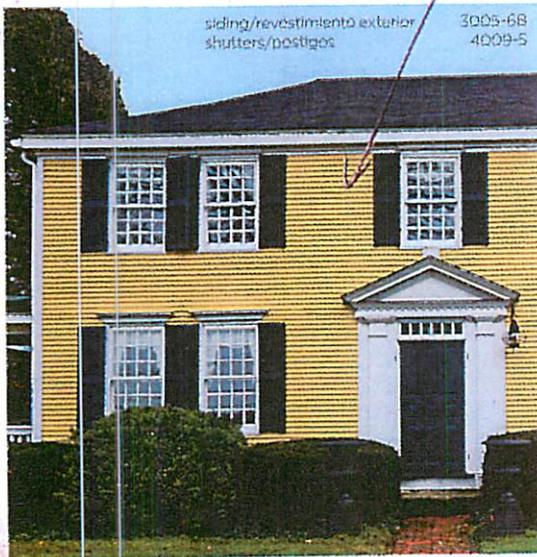
Selecting a color scheme that complements your home's architectural style is one of the best ways to restore, accentuate and preserve its beauty for years to come.

Whether you're passionate about historical accuracy and preservation or simply seeking guidance about what colors fit the style of your home, it's easy to find a look you'll love with these expertly selected exterior palettes.

### Block walls

#### Traditional heritage

Herencia tradicional



#### Victorian

Victoriano

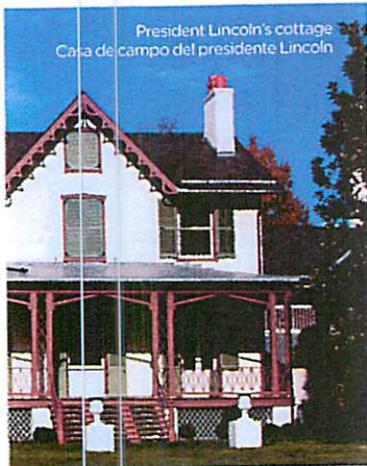


#### American classic

Clásico estadounidense



National Trust for  
Historic Preservation  
*Save the past. Enrich the future.*



#### Protecting National Treasures

Nationwide, thousands of important historic places are threatened by neglect, lack of funding, development and demolition. The National Trust for Historic Preservation, a privately funded nonprofit organization, helps save these irreplaceable and endangered National Treasures through a long-term, deep organizational investment.

#### Preserving Historic Sites

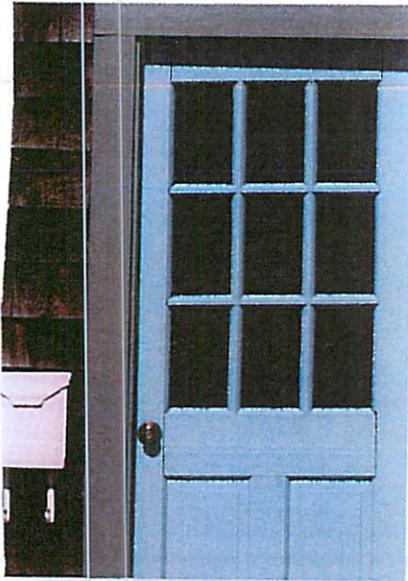
The National Trust also represents America's vast architectural, social and cultural history through its 27 Historic Sites, including President Lincoln's Cottage, La Fonda Hotel, Mark Twain House, The Grand Hotel and James Madison's Montpelier.

#### Partnering for the Future

Valspar is a proud paint supplier for the National Trust and has developed an exclusive, inspirational palette of more than 250 historical colors, spanning a range of historical periods and architectural styles. Find the National Trust paint palette at Lowe's and bring America's colorful history to your home.

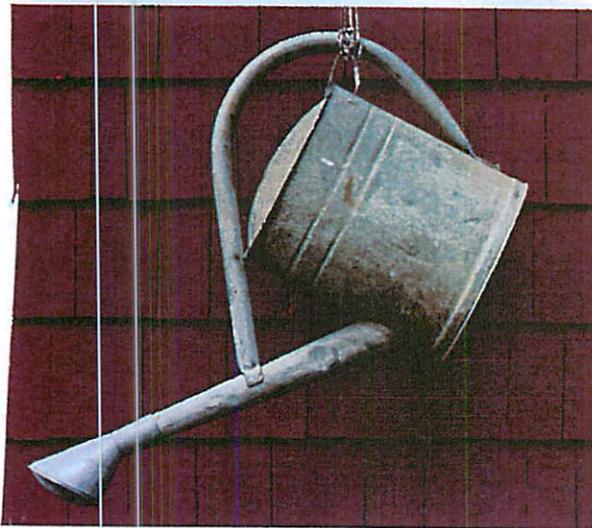
Includes Craftsman, Prairie, American Foursquare, Bungalow, Cape Cod styles

Incluye los estilos Craftsman, Prairie, American Foursquare, Bungalow y Cape Cod



Unify your home with the surrounding plantings and hardscape elements — consider matching trim and accents with colorful plants from your garden.

Unifique su hogar con las plantas y los elementos macizos que la rodean: considere hacer corresponder los rebordes y las decoraciones con las plantas coloridas de su jardín.



*Door & Window Casings*

### Natural harmony

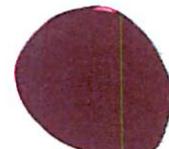
Colors reflecting earth, sky and water help turn your American classic into a charming and tranquil retreat.

### Armonía natural

Los colores que reflejan la Tierra, el cielo y el agua ayudan a convertir su clásico estadounidense en un refugio sereno y encantador.



CINCINNATI HOTEL  
ASHLEY ATRIUM\*  
4007-5C



DEL CORONADO  
TEQUILA\*  
3008-10C



MONTPELIER  
RED VELVET\*  
1009-6

LYNDHURST  
GALLERY BEIGE\*  
2006-10B



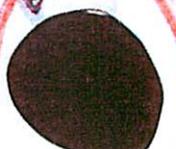
NOTRE DAME  
5006-1B



CLIVEDEN  
FOREST\*  
5006-4C



MARK TWAIN  
HOUSE OMBRA GRAY\*  
4004-2A



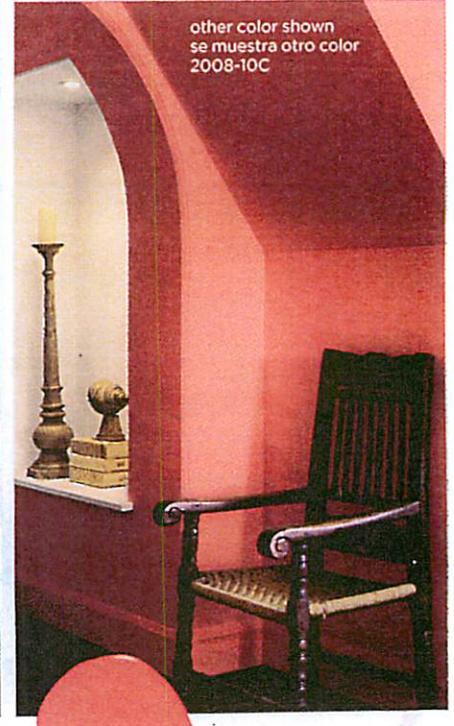
CABIN PLANK  
2011-10

\*From the Valspar National Trust for Historic Preservation color palette.  
De la paleta de colores Valspar National Trust for Historic Preservation.

Modern dwelling  
Vivienda moderna



Mediterranean eclectic  
Ecléctico mediterráneo



HIGH-SPEED STEEL  
4005-2B



JEKYLL CLUBHOUSE  
TERRA COTTA\*  
2002-5C

Strong color adds personality to a modern room — use it sparingly on an accent wall or significant architectural detail.

El color fuerte agrega personalidad a una habitación moderna: úselo con moderación en una pared decorativa o en un detalle arquitectónico significativo.

Blend indoor and outdoor seamlessly by transitioning colors from a courtyard, veranda or balcony into inside living spaces.

Mezcle el interior y el exterior sin interrupciones haciendo pasar los colores de un patio, veranda o balcón hacia los espacios interiores.

*Accent Color*

\*From the Valspar National Trust for Historic Preservation color palette.  
De la paleta de colores Valspar National Trust for Historic Preservation.

# AGENDA No. 5



CITY COUNCIL AGENDA ITEM  
Requested Council Meeting Date: August 2, 2016

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DEPARTMENT: Planning and Zoning

SUBJECT: **Second Reading of Ordinance 1016**: Request for Rezoning

---

RECOMMENDED MOTION:

Approval

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SUMMARY: City-initiated amendment to the Official Zoning Map of the City of Arcadia, Florida, amending one (1) parcel of land (Parcel Number 31-37-25-0224-00L0-0010) totaling 0.42 acres located at 1001 East Oak Street from the zoning of City B-3 (General Business Commercial District) to PUD-C (Planned Unit Development-Commercial).

FISCAL IMPACT: \_\_\_\_\_

Capital Budget

Operating

Other

ATTACHMENTS:  Ordinance  Resolution  Budget  Other – Staff Report

---

Department Head:

Date:

Finance Director (As to Budget Requirements)

Date:

City Attorney (As to Form and Legality)

Date:

Interim City Administrator: Terry Stewart

Date: 7-21-16

COUNCIL ACTION:  Approved as Recommended

Disapproved

Tabled Indefinitely  Tabled to Date Certain \_\_\_\_\_

Approved with Modifications

## ORDINANCE 1016

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ARCADIA, FLORIDA, AMENDING ONE (1) PARCEL OF LAND (PARCEL NUMBER: 31-37-25-0224-00L0-0010) TOTALING 0.42 ACRES LOCATED AT 1001 EAST OAK STREET FROM THE ZONING OF CITY B-3 (GENERAL BUSINESS COMMERCIAL DISTRICT) TO PUD-C (PLANNED UNIT DEVELOPMENT-COMMERCIAL); PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Arcadia held meetings and hearings regarding the parcels shown in Exhibit "A", with due public notice having been provided, to obtain public comment, and considered all written and oral comments received during public hearings, including supporting documents; and

**WHEREAS**, in exercise of its authority the City Council has determined that the property, as shown in Exhibit "A", consists of approximately 0.42 acres and is the subject of this ordinance and represents a change to the Official Zoning Map by changing the zoning classification assigned to this property from City B-3 (General Business Commercial) to City PUD-C (Planned Unit Development – Commercial).

**NOW, THEREFORE BE IT ENACTED** by the City Council of the City of Arcadia, Florida,

**Section 1.** The official zoning map of the City of Arcadia is amended so as to assign the City zoning classification of City PUD-C (Planned Unit Development - Commercial) to the property located 1001 East Oak Street, identified by Parcel Number: 31-37-25-0224-00L0-0010 having a total of 0.42 acres, as shown in Exhibit "A" which is attached and made a part hereof.

**Section 2.** **Conditions:** Conditions of the PUD-C zoning for the property outlined in Exhibit "A" are set forth in Exhibit "B."

**Section 3.** **Site Development Plan:** The Site Development Plan for the property is provided as Exhibit "C."

**Section 4.** **Severability:** If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

**Section 5.** **Certified Copy:** This Ordinance shall be codified in the Code of Ordinances of the City of Arcadia, Florida. A certified copy of this enacting ordinance shall be located in the Office of the City Clerk of Arcadia. The City Clerk shall also make copies available to the public for a reasonable publication charge.

**Section 6.** **Effective Date:** The effective date of this ordinance shall be the date of its adoption.

**INTRODUCED AND PASSED** on First Reading the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

**PASSED AND DULY ADOPTED**, on Second Reading with a quorum present and voting, by the City Council of Arcadia, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

**CITY OF ARCADIA, FLORIDA**

\_\_\_\_\_  
**Susan Coker, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Penny Delaney, City Clerk**

**Approved as to form:**

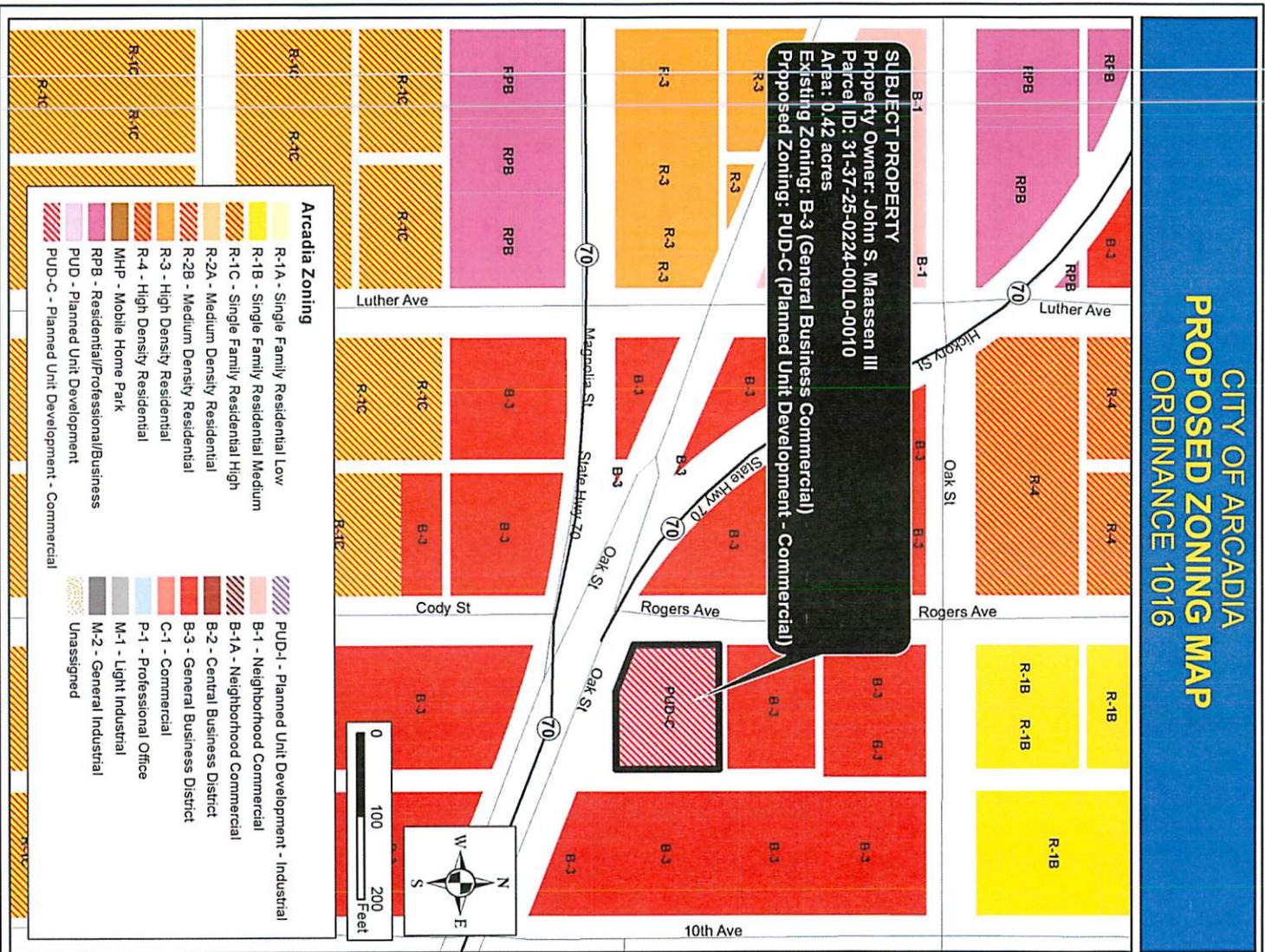
\_\_\_\_\_  
**Thomas J. Wohl, City Attorney**

Motion made by \_\_\_\_\_, seconded by \_\_\_\_\_.

The vote was \_\_\_\_ for \_\_\_\_ against with \_\_\_\_ abstentions and \_\_\_\_ absent

EXHIBIT "A"

**CITY OF ARCADIA  
PROPOSED ZONING MAP  
ORDINANCE 1016**



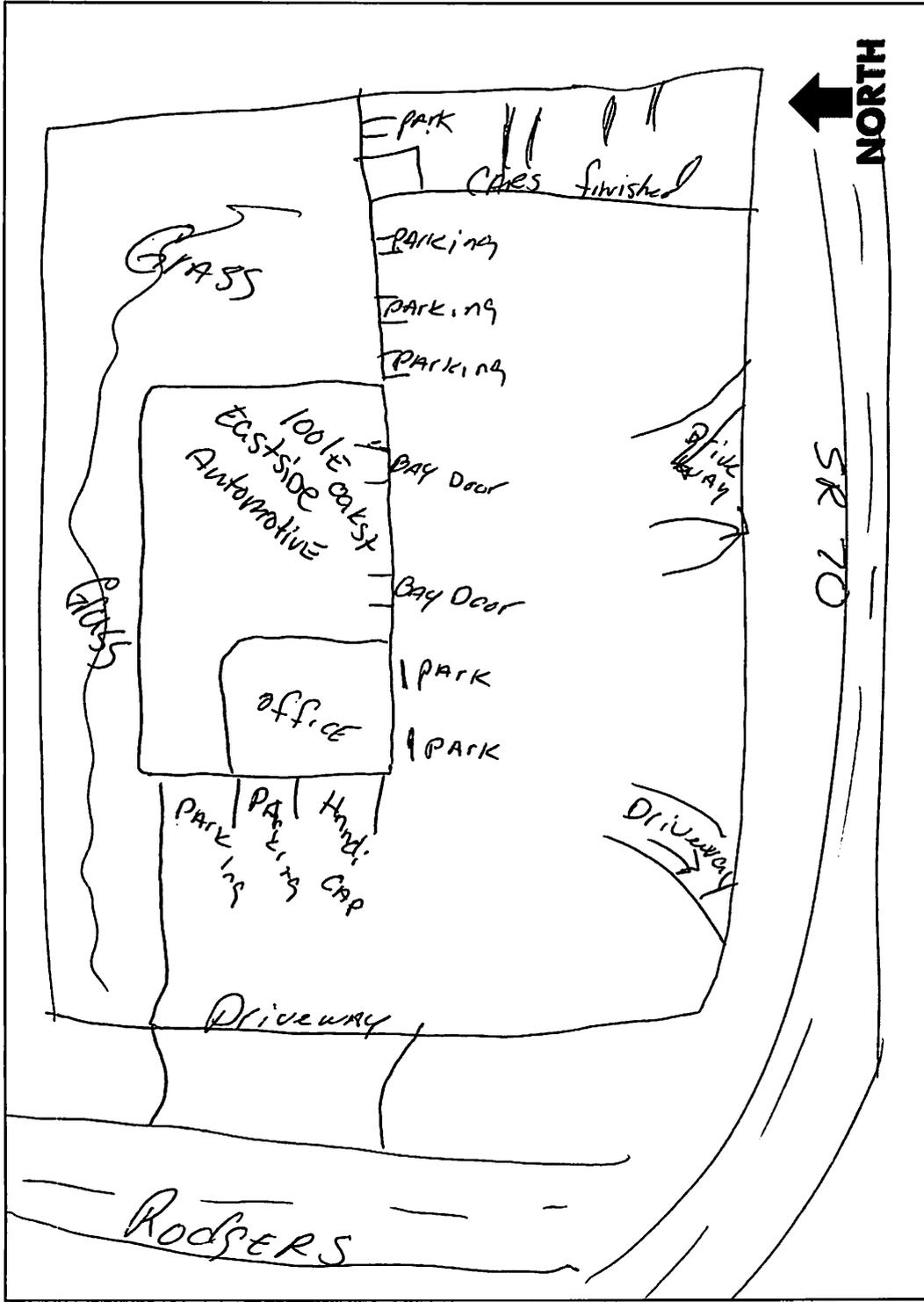
**EXHIBIT "B"**

**PUD Conditions of Approval**

1. The existing automotive repair business (which conducts major automotive repair work) may continue to operate. Ownership of the automotive repair business may change, but so long as the character and conditions of the PUD-C do not change, the business may continue to operate.
2. Any use requested to be established on the site in addition to the automotive repair business (which conducts major automotive repair work), shall require review and approval by the City under the requirements of Section 7.09.00 of the City's Land Development Code, which governs amendments of a PUD. Only uses permitted in the B-3 zoning district shall be considered to operate on the site.
3. Should the automotive repair business (which conducts major automotive repair work) be abandoned for a period of 180-days, the use shall no longer be permitted to operate on the site, nor shall the reestablishment of an automotive repair business (which conducts major automotive repair work) be permitted on the site. Only uses permitted in the B-3 zoning district shall be considered to operate on the site following abandonment.
4. Should the use on the site change to a use permitted in the B-3 zoning district, the automotive repair business (which conducts major automotive repair work) shall no longer be permitted to operate on the site, nor shall the reestablishment of an automotive repair business (which conducts major automotive repair work) be permitted on the site.
5. No more than three (3) inoperable vehicles (as defined in Article 2 of the City's Land Development Code) may be stored on the property at any given time. Any inoperable vehicle shall be stored within the interior rear/side yard of the property and enclosed with a 6-foot opaque fence, as to not be visible from any public street, in accordance with Section 62-131 of the City's Code of Ordinances. This shall commence within 90-days following the effective date of this ordinance.
6. Operable vehicles (see definition of *inoperable vehicle* in Article 2 of the City's Land Development Code) needing repair may be stored on the property so long as such vehicles do not impede on the safe access, required parking spaces and circulation of emergency vehicles and pedestrians on the site.

EXHIBIT "C"

Site Development Plan





**CITY OF ARCADIA  
REZONING  
OVERVIEW REPORT  
August 2, 2016**

---

**TO:** City of Arcadia, City Council

**FROM:** Jeff Schmucker, Senior Planner, Central Florida Regional Planning Council

**SUBJECT:** **Ordinance 1016 – Rezoning:**

City-initiated amendment to the Official Zoning Map of the City of Arcadia, Florida, amending one (1) parcel of land (Parcel Number 31-37-25-0224-00L0-0010) totaling 0.42 acres located at 1001 East Oak Street from the zoning of City B-3 (General Business Commercial District) to PUD-C (Planned Unit Development-Commercial).

**AGENDA DATES:**

June 28, 2016, 4:00 PM: Planning and Zoning Board Meeting (Public Hearing)  
July 19, 2016, 6:00 PM: City Council (First Reading)  
**August 2, 2016, 6:00 PM: City Council (Adoption, Public Hearing)**

**ATTACHMENTS:**

- Aerial Photo Map
- Existing Future Land Use Map
- Existing Zoning Map
- Proposed Zoning Map
- Site Plan

**PLANNING & ZONING BOARD ACTION:**

On Tuesday, June 28, 2016, the City of Arcadia Planning & Zoning Board voted unanimously to forward the proposed rezoning to the City Council **with a recommendation of approval.**

**CITY COUNCIL ACTION (FIRST READING):**

On Tuesday, July 19, 2016, the City of Arcadia City Council voted unanimously to **approve** the **First Reading of Ordinance 1016**.

**CITY COUNCIL MOTION OPTIONS (SECOND READING):**

Options for motions are listed below.

1. I move the City Council **approve** Ordinance 1016.
2. I move the City Council **approve with changes** Ordinance 1016.
3. I move the City Council **deny** Ordinance 1016.

**OVERVIEW:**

<b>Applicant</b>	City of Arcadia
<b>Property Owner</b>	John S. Maassen III
<b>Parcel IDs</b>	31-37-25-0224-00L0-0010
<b>Subject Area</b>	0.42 acres
<b>Existing Future Land Use</b>	Business
<b>Existing Zoning</b>	B-3 (General Business Commercial District)
<b>Proposed Zoning</b>	PUD-C (Planned Unit Development - Commercial)
<b>Previous Hearings</b>	None

The City of Arcadia ('applicant') on behalf of John S Maassen III ('property owner') is requesting a zoning amendment to change the zoning of one (1) parcel of land totaling 0.42 acres from the zoning of B-3 (General Business Commercial District) to PUD-C (Planned Unit Development - Commercial). The subject parcel is located at 1001 East Oak Street (see attached Aerial Photo Map).

**REASON FOR REQUEST:**

The purpose of the request is to rezone the property to PUD-C to accommodate the continued operation of an automotive repair shop that conducts major automotive repair work on the subject site, in-lieu of rezoning the property to a more intensive zoning designation that would permit the automotive repair use, but not be compatible with the surrounding area.

**BACKGROUND:**

In 2012, the property owner was issued a business tax license to operate an automotive repair business on the subject site. However, issuance of a business tax license, in of itself, does not constitute approval by the planning and zoning authority to conduct business, when the use does not meet zoning regulations. At that time, the City's Land Development Code (LDC) permitted "automobile and truck repair establishments" in the B-3 zoning district, by special approval only. However, the City does not have record of a special approval having been granted nor can the

applicant furnish proof of a special approval, thus the current operation of the automotive repair business on the site is in violation of the City's LDC.

Per the current LDC, adopted in February of 2014, automotive repair businesses, that conduct major automotive repair work, are not a permitted use in the B-3 zoning district, neither by-right or by special approval. Such use would only be permitted in C-1 (Commercial) and M-2 (Heavy Industrial), which are more intensive land use zoning districts. Considering the location of the subject site and the characteristics of the surrounding area, a rezoning of C-1 or M-2 would not be compatible with the surrounding area.

In order to allow the business to continue to operate, the City is proposing the property be rezoned to PUD-C. Planned Unit Development (PUD) zoning districts are specialized districts intended for specific zoning and land use purposes. PUD districts are designated by land use type, which in this case is Commercial, which is consistent with the intended use of the property.

### **STANDARDS FOR EVALUATION OF PROPOSED ZONING CHANGES**

The City of Arcadia Planning & Zoning Board will provide recommendation, and the City Council will make a final motion to accept, reject, modify, return, or continue to seek additional information on all proposed zoning changes. The review of all zoning changes shall be considered and evaluated against the following standards:

- *Consistency with the Comprehensive Plan.*
- *Land Use Analysis.*
- *Public Facilities and Services Analysis.*

#### **Consistency with the Comprehensive Plan:**

The request is to change the zoning designation of the subject parcels from B-3 (General Business Commercial District) to PUD-C (Planned Unit Development-Commercial). Descriptions for both the existing and proposed zoning designations, including the description of the existing Future Land Use are provided as follows:

#### ***Existing – Future Land Use***

**Comprehensive Plan, Future Land Use Element, Policy 1.6 – Business:** The Business designation shall meet Arcadia's demand for retail goods and services, and shall promote efficient use of infrastructure. Arcadia shall direct commercial development to areas which are well integrated with transportation facilities and surrounding land uses. Residential uses, such as above-ground-floor apartments, are permissible, provided that they are compatible and appropriately integrated with the surrounding area. Schools are permitted in this classification. The floor area ratio in the Business designation shall not exceed 3.0.

### ***Existing – Zoning***

**City Land Development Code, Section 4.06.04.04 – B-3 (General Business Commercial District):** The B-3, General Business Commercial district, is intended to apply to business establishments, primarily not of a neighborhood or community service type, which may properly be located to serve large regions of the city and metropolitan area. Such businesses generally require considerable ground area, do not cater directly to pedestrians and need a conspicuous and accessible location convenient for motorists.

### ***Proposed –Zoning***

**City Land Development Code, Section 4.06.06 – PUD (Planned Unit Development):** Planned Unit Development (PUD) districts are intended for specialized purposes, where a proposed project warrants greater flexibility than a standard district provides; when the Comprehensive Plan requires a Planned Unit Development review process; or when the ability to attach conditions to a site plan is warranted. The PUD district is established to provide for well-planned and/or orderly mixed-use development in any area of the City, except Conservation districts. The process for obtaining PUD zoning, and PUD development requirements, are provided in Article 7 of this Code.

Section 7.04.03 of the City’s Land Development Code describes the purpose, location, and permitted uses for properties designated as Planned Unit Development – Commercial (PUD-C).

- *Purpose:* It is the intent of these regulations to provide for commercial development in scale with surrounding market areas, at appropriate locations, in conformance with the goals, objectives, and policies of the Comprehensive Plan and the standards set forth herein. It is further the intent to permit such districts where Master Site Plan design will allow for internal convenience and ease of use, as well as external compatibility. PUD-C districts may provide a broad range of commercial facilities and services appropriate to the general need of the area served.
- *Location:* PUD-C districts shall be located to facilitate ease and convenience of use. Negative impacts on the surrounding transportation systems, public services, and surrounding land uses shall be minimized; the use shall be compatible with surrounding land uses; the intensity of the project shall be consistent with the use it provides; and the development shall not encourage the expansion of office or commercial strip development along adjacent streets.
- *Permitted Uses:* Uses in PUD-C districts shall be consistent with Comprehensive Plan requirements. Uses and structures which are customarily and clearly incidental to permitted principal uses and structures shall be also permitted.

The PUD-C zoning is compatible with the Business Future Land Use designation, consistent with the goals, objectives, and policies of the City’s Comprehensive Plan and will provide the necessary flexibility to recognize the continued use of the automotive repair business on the property, without compromising the character of the surrounding area.

**Land Use Analysis**

The subject property has a Future Land Use of Business and zoning of B-3, and is completely surrounded by lands with the same designations. Nearby uses on adjacent B-3 properties include strip retail, a restaurant and vacant properties. The existing building on the site is an old service station with two (2) service repair bays. According to the DeSoto County Property Appraiser the building, including the service bays was originally constructed in 1960.

A *Land Use Matrix* is provided below outlining the existing and proposed zoning of the subject property and the existing zoning of adjacent properties. Existing Future Land Use and Existing and Proposed Zoning Maps are also attached to provide visual reference.

**Land Use Matrix**

Northwest (across N Rogers Ave)	North	Northeast
<b>Future Land Use:</b> Business  <b>Zoning:</b> B-3 (General Business Commercial)	<b>Future Land Use:</b> Business  <b>Zoning:</b> B-3 (General Business Commercial)	<b>Future Land Use:</b> Business  <b>Zoning:</b> B-3 (General Business Commercial)
West (across N Rogers Ave)	Subject Parcels	East
<b>Future Land Use:</b> Business  <b>Zoning:</b> B-3 (General Business Commercial)	<b>Future Land Use:</b> Business  <b>Zoning:</b> <u>Existing:</u> B-3 (Professional Office)  <u>Proposed:</u> PUD-C (Planned Unit Development - Commercial)	<b>Future Land Use:</b> Business  <b>Zoning:</b> B-3 (General Business Commercial)
Southwest (across E. Oak St./SR 70)	South (across E. Oak St./SR 70)	Southeast (across E. Oak St./SR 70)
<b>Future Land Use:</b> Business  <b>Zoning:</b> B-3 (General Business Commercial)	<b>Future Land Use:</b> Business  <b>Zoning:</b> B-3 (General Business Commercial)	<b>Future Land Use:</b> Business  <b>Zoning:</b> B-3 (General Business Commercial)

Although the existing automotive repair business is not a permitted use in the B-3 district, the building serving the use clearly facilitates the operation of an automotive repair business. Currently, the business does not pose any negative impacts on surrounding properties and as such the City is considering a rezoning of the property to allow the continued operation of the business on the site. The PUD-C designation is being proposed in-lieu of rezoning the property to a higher intensity zoning (e.g., C-1 or M-2), which will prevent higher intensity uses from establishing on the property in the future. Conditions to address the current use and future use of the site are provided for consideration in the section “Conditions of Planned Unit Development Approval” below.

### **Public Facilities and Services Analysis:**

The following is a summary analysis of the potential impacts on existing public facilities and services:

***Potable Water, Sanitary Sewer and Solid Waste:*** Considering the site is already developed and no new development is proposed as part of the request, and public facilities and services are already being utilized on the site, no additional impacts are anticipated.

***Traffic/Transportation:*** The primary roadways serving the subject property are East Oak Street (SR 70) and North Rogers Avenue. The proposed zoning and continued use of the subject property are not anticipated to have any negative impacts on traffic and transportation systems beyond the impacts currently experienced under the current B-3 zoning.

***Public School and Recreational Facilities:*** There is no public school or recreational facility impacts, as the proposed zoning does not provide for residential development on the property.

### **CONDITIONS OF PLANNED UNIT DEVELOPMENT APPROVAL:**

Under the PUD-C zoning, conditions may be established on the property specific to the permitted types of uses on the site, the expiration of uses on the site and any other reasonable conditions as may be necessary to ensure compliance with the City's LDC. Conditions for consideration, specific to this request are provided below:

1. The existing automotive repair business (which conducts major automotive repair work) may continue to operate. Ownership of the automotive repair business may change, but so long as the character and conditions of the PUD-C do not change, the business may continue to operate.
2. Any use requested to be established on the site in addition to the automotive repair business (which conducts major automotive repair work), shall require review and approval by the City under the requirements of Section 7.09.00 of the City's Land Development Code, which governs amendments of a PUD. Only uses permitted in the B-3 zoning district shall be considered to operate on the site.
3. Should the automotive repair business (which conducts major automotive repair work) be abandoned for a period of 180-days, the use shall no longer be permitted to operate on the site, nor shall the reestablishment of an automotive repair business (which conducts major automotive repair work) be permitted on the site. Only uses permitted in the B-3 zoning district shall be considered to operate on the site following abandonment.
4. Should the use on the site change to a use permitted in the B-3 zoning district, the automotive repair business (which conducts major automotive repair work) shall no longer be permitted to operate on the site, nor shall the reestablishment of an automotive repair business (which conducts major automotive repair work) be permitted on the site.
5. No more than three (3) inoperable vehicles (as defined in Article 2 of the City's Land Development Code) may be stored on the property at any given time. Any inoperable vehicle

shall be stored within the interior rear/side yard of the property and enclosed with a 6-foot opaque fence, as to not be visible from any public street, in accordance with Section 62-131 of the City's Code of Ordinances. This shall commence within 90-days following the effective date of this ordinance.

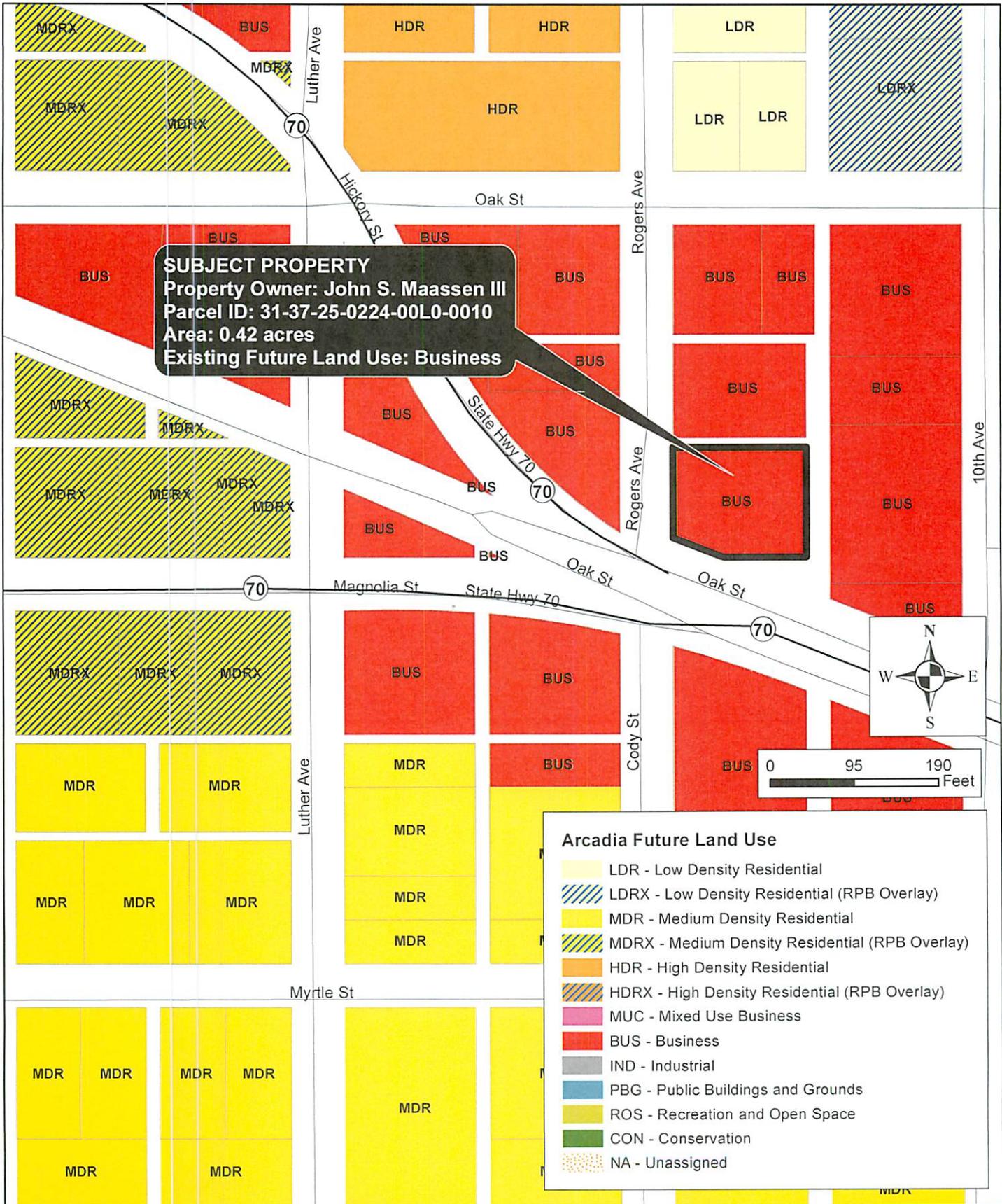
6. Operable vehicles (see definition of *inoperable vehicle* in Article 2 of the City's Land Development Code) needing repair may be stored on the property so long as such vehicles do not impede on the safe access, required parking spaces and circulation of emergency vehicles and pedestrians on the site.

# CITY OF ARCADIA AERIAL PHOTO MAP



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, IGP, swisstopo, and the GIS User Community

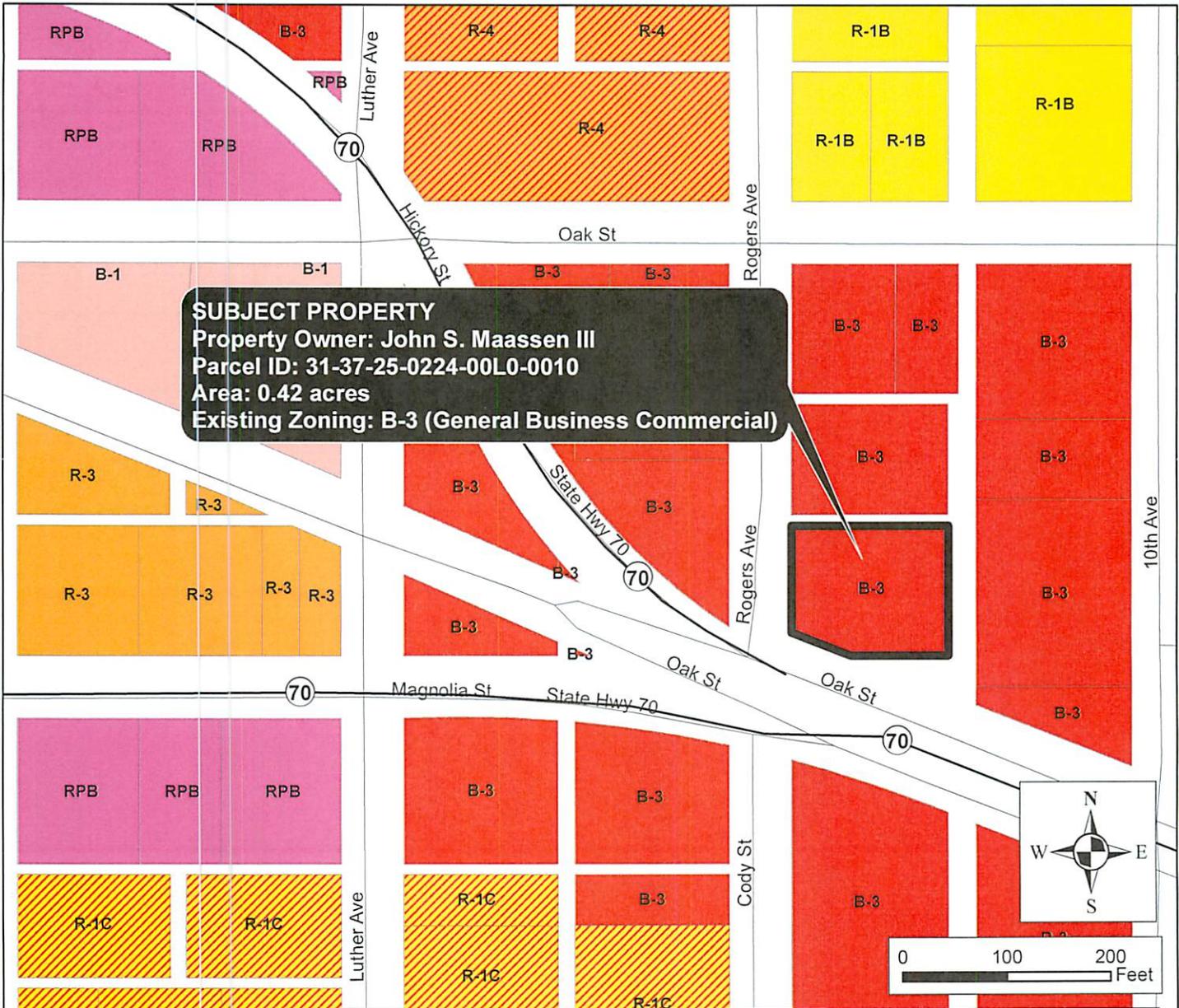
# CITY OF ARCADIA FUTURE LAND USE MAP



**SUBJECT PROPERTY**  
 Property Owner: John S. Maassen III  
 Parcel ID: 31-37-25-0224-00L0-0010  
 Area: 0.42 acres  
 Existing Future Land Use: Business

- Arcadia Future Land Use**
- LDR - Low Density Residential
  - LDRX - Low Density Residential (RPB Overlay)
  - MDR - Medium Density Residential
  - MDRX - Medium Density Residential (RPB Overlay)
  - HDR - High Density Residential
  - HDRX - High Density Residential (RPB Overlay)
  - MUC - Mixed Use Business
  - BUS - Business
  - IND - Industrial
  - PBG - Public Buildings and Grounds
  - ROS - Recreation and Open Space
  - CON - Conservation
  - NA - Unassigned

# CITY OF ARCADIA EXISTING ZONING MAP



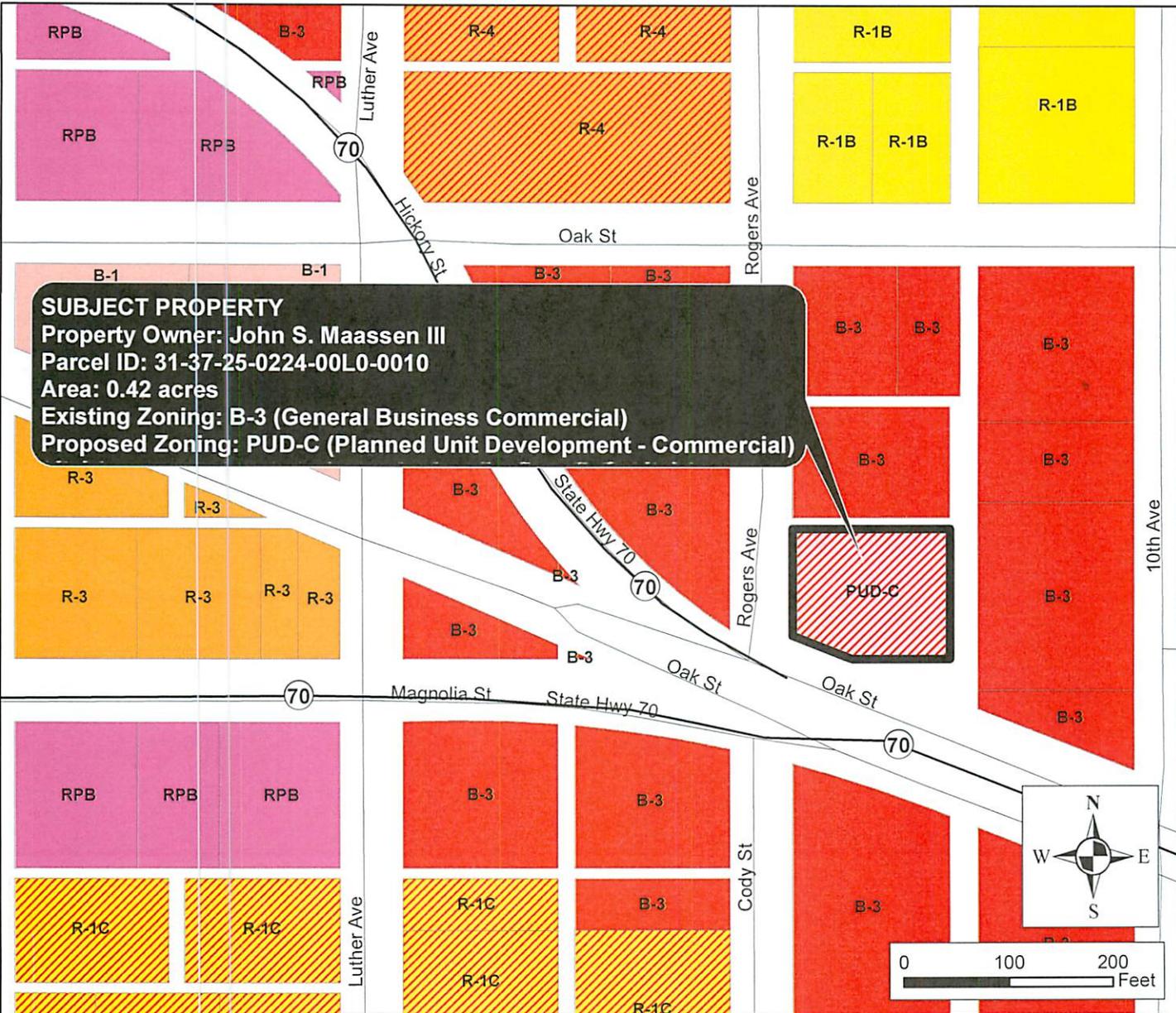
**SUBJECT PROPERTY**  
 Property Owner: John S. Maassen III  
 Parcel ID: 31-37-25-0224-00L0-0010  
 Area: 0.42 acres  
 Existing Zoning: B-3 (General Business Commercial)

### Arcadia Zoning

- |   |  |
|---|--|
|  R-1A - Single Family Residential Low          |  PUD-I - Planned Unit Development - Industrial |
|  R-1B - Single Family Residential Medium       |  B-1 - Neighborhood Commercial                 |
|  R-1C - Single Family Residential High         |  B-2 - Central Business District               |
|  R-2A - Medium Density Residential             |  B-3 - General Business District               |
|  R-2B - Medium Density Residential             |  C-1 - Commercial                              |
|  R-3 - High Density Residential                |  P-1 - Professional Office                     |
|  R-4 - High Density Residential                |  M-1 - Light Industrial                        |
|  MHP - Mobile Home Park                        |  M-2 - General Industrial                      |
|  RPB - Residential/Professional/Business       |  Unassigned                                    |
|  PUD - Planned Unit Development                |  |
|  PUD-C - Planned Unit Development - Commercial |  |

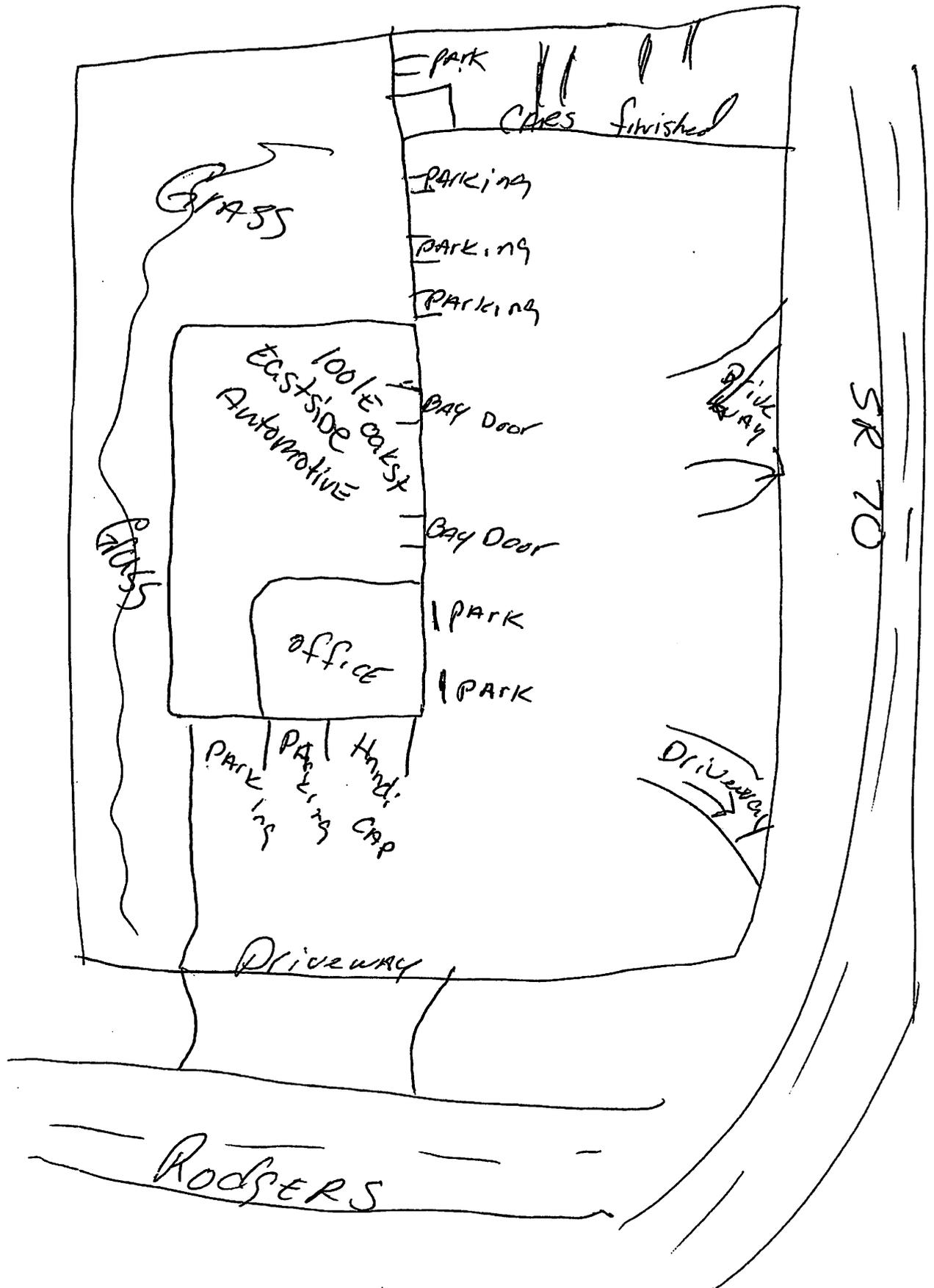
# CITY OF ARCADIA PROPOSED ZONING MAP ORDINANCE 1016

**SUBJECT PROPERTY**  
 Property Owner: John S. Maassen III  
 Parcel ID: 31-37-25-0224-00L0-0010  
 Area: 0.42 acres  
 Existing Zoning: B-3 (General Business Commercial)  
 Proposed Zoning: PUD-C (Planned Unit Development - Commercial)



**Arcadia Zoning**

- |   |   |
|---|---|
| R-1A - Single Family Residential Low          | PUD-I - Planned Unit Development - Industrial |
| R-1B - Single Family Residential Medium       | B-1 - Neighborhood Commercial                 |
| R-1C - Single Family Residential High         | B-1A - Neighborhood Commercial                |
| R-2A - Medium Density Residential             | B-2 - Central Business District               |
| R-2B - Medium Density Residential             | B-3 - General Business District               |
| R-3 - High Density Residential                | C-1 - Commercial                              |
| R-4 - High Density Residential                | P-1 - Professional Office                     |
| MHP - Mobile Home Park                        | M-1 - Light Industrial                        |
| RPB - Residential/Professional/Business       | M-2 - General Industrial                      |
| PUD - Planned Unit Development                | Unassigned                                    |
| PUD-C - Planned Unit Development - Commercial |   |



# AGENDA No. 6



CITY COUNCIL AGENDA ITEM  
Requested Council Meeting Date: August 2, 2016

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DEPARTMENT: Planning and Zoning

SUBJECT: **Second Reading of Ordinance 1017:** Request for Future Land Use Map Amendment

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RECOMMENDED MOTION:

Approval

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SUMMARY: Applicant-initiated request to amend the Future Land Use and zoning maps of the City of Arcadia, Florida, amending two (2) parcels of land (Parcel Numbers 30-37-25-0A00-1240-0000 and 30-37-25-0A00-1270-0000) totaling 5.3 acres, generally located to the west of North DeSoto Avenue (US 17) and south of unimproved right-of-way (Frankfort Street) from the Future Land Use of City Low Density Residential to City Business.

FISCAL IMPACT: \_\_\_\_\_

Capital Budget

Operating

Other

ATTACHMENTS:  Ordinance  Resolution  Budget  Other – Staff Report

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Department Head:

Date:

Finance Director (As to Budget Requirements)

Date:

City Attorney (As to Form and Legality)

Date:

Interim City Administrator: Terry Stewart

Date: 7-21-16

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COUNCIL ACTION:  Approved as Recommended

Disapproved

Tabled Indefinitely  Tabled to Date Certain \_\_\_\_\_

Approved with Modifications

## ORDINANCE 1017

**AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF ARCADIA, FLORIDA, AMENDING TWO (2) PARCELS OF LAND (PARCEL NUMBERS: 30-37-25-0A00-1240-0000 AND 30-37-25-0A00-1270-0000) TOTALING 5.3 ACRES GENERALLY LOCATED TO THE WEST OF NORTH DESOTO AVENUE (US 17) AND SOUTH OF UNIMPROVED RIGHT-OF-WAY (FRANKFORT STREET) FROM THE FUTURE LAND USE OF CITY LOW DENSITY RESIDENTIAL TO CITY BUSINESS; TRANSMITTING SAID AMENDMENT TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY FOR NOTIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Chapter 163, Part II, Florida Statutes, the Community Planning Act, empowers and mandates the City of Arcadia, Florida, to plan for future development and growth and to adopt and amend comprehensive plans, or elements, or portions thereof, to guide the future growth and development of the City; and

**WHEREAS**, pursuant to Section 163.3187, Florida Statutes, the City Council held meetings and hearings on Future Land Use Map Amendment as shown in Exhibit "A", with due public notice having been provided, to obtain public comment, and considered all written and oral comments received during public hearings, including support documents; and

**WHEREAS**, in exercise of its authority the City Council has determined it necessary to adopt this Map Amendment to the Comprehensive Plan, which is marked as Exhibit "A" and attached and made a part hereof, to ensure that the Plan is in full compliance with the Laws of the State of Florida; to preserve and enhance present advantages; encourage the most appropriate use of land, water and resources consistent with the public interest; and deal effectively with future problems that may result from the use and development of land within the City of Arcadia; and

**NOW, THEREFORE BE IT ENACTED** by the City Council of the City of Arcadia, Florida,

**Section 1.** The Future Land Use Map is amended so as to assign the Future Land Use classification of "City Business" to the parcels generally located to the west of North DeSoto Avenue (US 17) and south of unimproved right-of-way (Frankfort Street), identified by Parcel Numbers: 30-37-25-0A00-1240-0000 and 30-37-25-0A00-1270-0000 having a cumulative total of 5.3 acres, as shown in Exhibit "A" which is attached and made a part hereof.

**Section 2.** **Severability:** If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

**Section 3.** **Certified Copy:** A certified copy of this enacting ordinance and certified copy of the City of Arcadia Comprehensive Plan shall be located in the Office of the City Clerk of Arcadia. The City Clerk shall also make copies available to the public for a reasonable publication charge.

**Section 4. Effective Date:** This plan amendment shall be effective in accordance with Section 163.3187(5)(c), Florida Statutes.

**INTRODUCED AND PASSED** on First Reading the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

**PASSED AND DULY ADOPTED**, on Second Reading with a quorum present and voting, by the City Council of Arcadia, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

**CITY OF ARCADIA, FLORIDA**

\_\_\_\_\_  
**Susan Coker, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Penny Delaney, City Clerk**

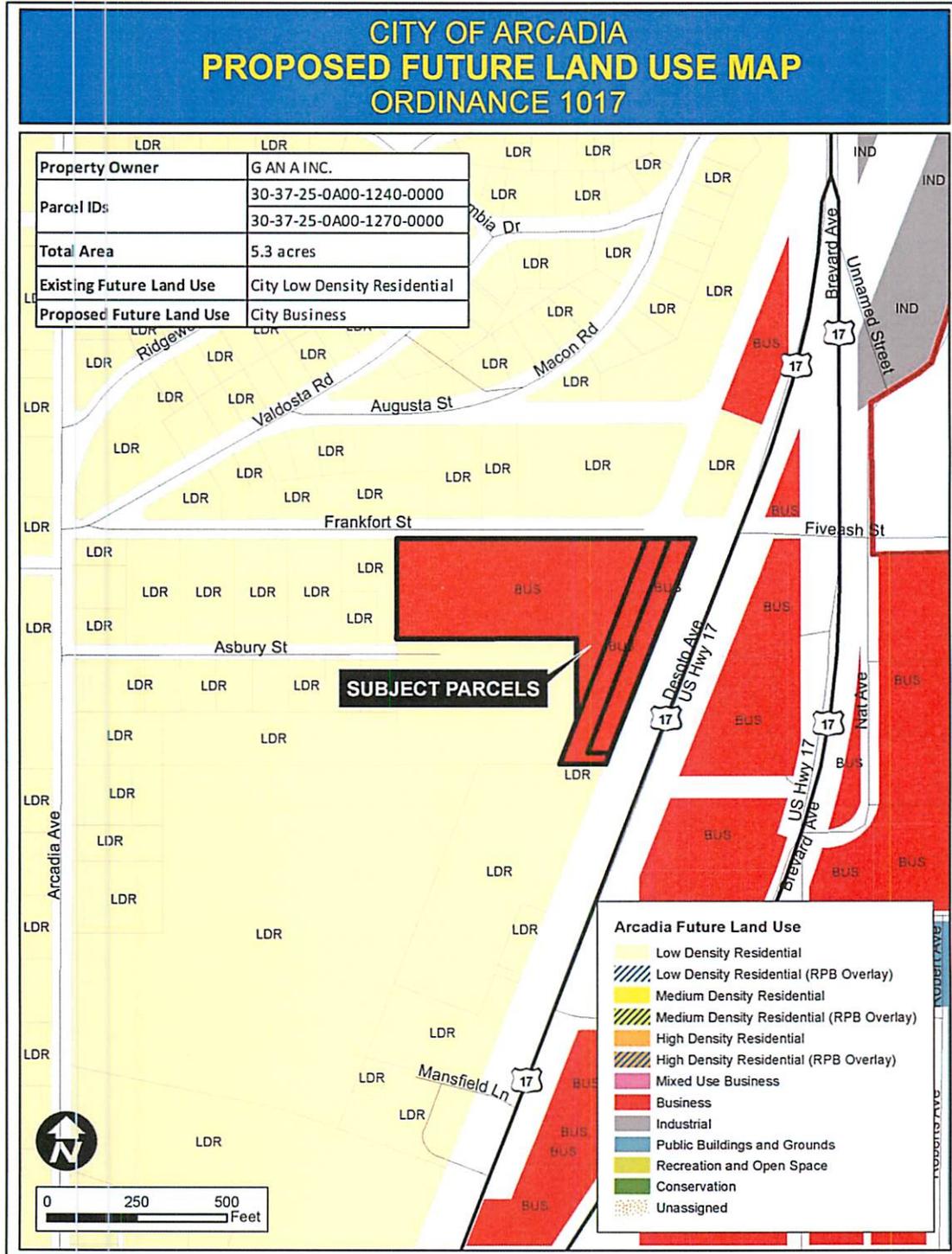
**Approved as to form:**

\_\_\_\_\_  
**Thomas J. Wohl, City Attorney**

**Motion made by \_\_\_\_\_, seconded by \_\_\_\_\_.**

**The vote was \_\_\_\_ for \_\_\_\_ against with \_\_\_\_ abstentions and \_\_\_\_ absent**

**EXHIBIT "A"**



# AGENDA No. 7



CITY COUNCIL AGENDA ITEM  
Requested Council Meeting Date: August 2, 2016

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DEPARTMENT: Planning and Zoning

SUBJECT: **Second Reading of Ordinance 1018:** Request for Rezoning

---

RECOMMENDED MOTION:

Approval

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SUMMARY: Applicant-initiated request to amend the Future Land Use and zoning maps of the City of Arcadia, Florida, amending two (2) parcels of land (Parcel Numbers 30-37-25-0A00-1240-0000 and 30-37-25-0A00-1270-0000) totaling 5.3 acres, generally located to the west of North DeSoto Avenue (US 17) and south of unimproved right-of-way (Frankfort Street) from the zoning of County Unassigned and City R-3 (Single Family, Two Family, and Multiple Family Residential) to City B-3 (General Business Commercial).

FISCAL IMPACT: \_\_\_\_\_

Capital Budget

Operating

Other

ATTACHMENTS:  Ordinance  Resolution  Budget  Other – Staff Report

---

Department Head:

Date:

Finance Director (As to Budget Requirements)

Date:

City Attorney (As to Form and Legality)

Date:

Interim City Administrator: Terry Stewart

Date: 7-21-16

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COUNCIL ACTION:  Approved as Recommended

Disapproved

Tabled Indefinitely  Tabled to Date Certain \_\_\_\_\_

Approved with Modifications

## ORDINANCE 1018

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ARCADIA, FLORIDA, AMENDING TWO (2) PARCELS OF LAND (PARCEL NUMBERS: 30-37-25-0A00-1240-0000 AND 30-37-25-0A00-1270-0000) TOTALING 5.3 ACRES GENERALLY LOCATED TO THE WEST OF NORTH DESOTO AVENUE (US 17) AND SOUTH OF UNIMPROVED RIGHT-OF-WAY (FRANKFORT STREET) FROM THE ZONING OF COUNTY UNASSIGNED AND CITY R-3 (SINGLE FAMILY, TWO FAMILY, AND MULTIPLE FAMILY RESIDENTIAL) TO CITY B-3 (GENERAL BUSINESS COMMERCIAL); PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Arcadia held meetings and hearings regarding the parcels shown in Exhibit "A", with due public notice having been provided, to obtain public comment, and considered all written and oral comments received during public hearings, including supporting documents; and

**WHEREAS**, in exercise of its authority, the City Council of the City of Arcadia has determined it necessary to amend the Official Zoning Map to change the City zoning classification assigned to this parcel.

**NOW, THEREFORE BE IT ENACTED** by the City Council of the City of Arcadia, Florida,

**Section 1.** The official zoning map of the City of Arcadia is amended so as to assign the City zoning classification of City B-3 (General Business Commercial District) to the parcels generally located to the west of North DeSoto Avenue (US 17) and south of unimproved right-of-way (Frankfort Street), identified by Parcel Numbers: 30-37-25-0A00-1240-0000 and 30-37-25-0A00-1270-0000 having a cumulative total of 5.3 acres, as shown in Exhibit "A" which is attached and made a part hereof.

**Section 2.** **Severability:** If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

**Section 3.** **Certified Copy:** This Ordinance shall be codified in the Code of Ordinances of the City of Arcadia, Florida. A certified copy of this enacting ordinance shall be located in the Office of the City Clerk of Arcadia. The City Clerk shall also make copies available to the public for a reasonable publication charge.

**Section 4.** **Effective Date:** The effective date of this ordinance shall be the date of its adoption.

**INTRODUCED AND PASSED** on First Reading the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

**PASSED AND DULY ADOPTED**, on Second Reading with a quorum present and voting, by the City Council of Arcadia, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

**CITY OF ARCADIA, FLORIDA**

\_\_\_\_\_  
**Susan Coker, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Penny Delaney, City Clerk**

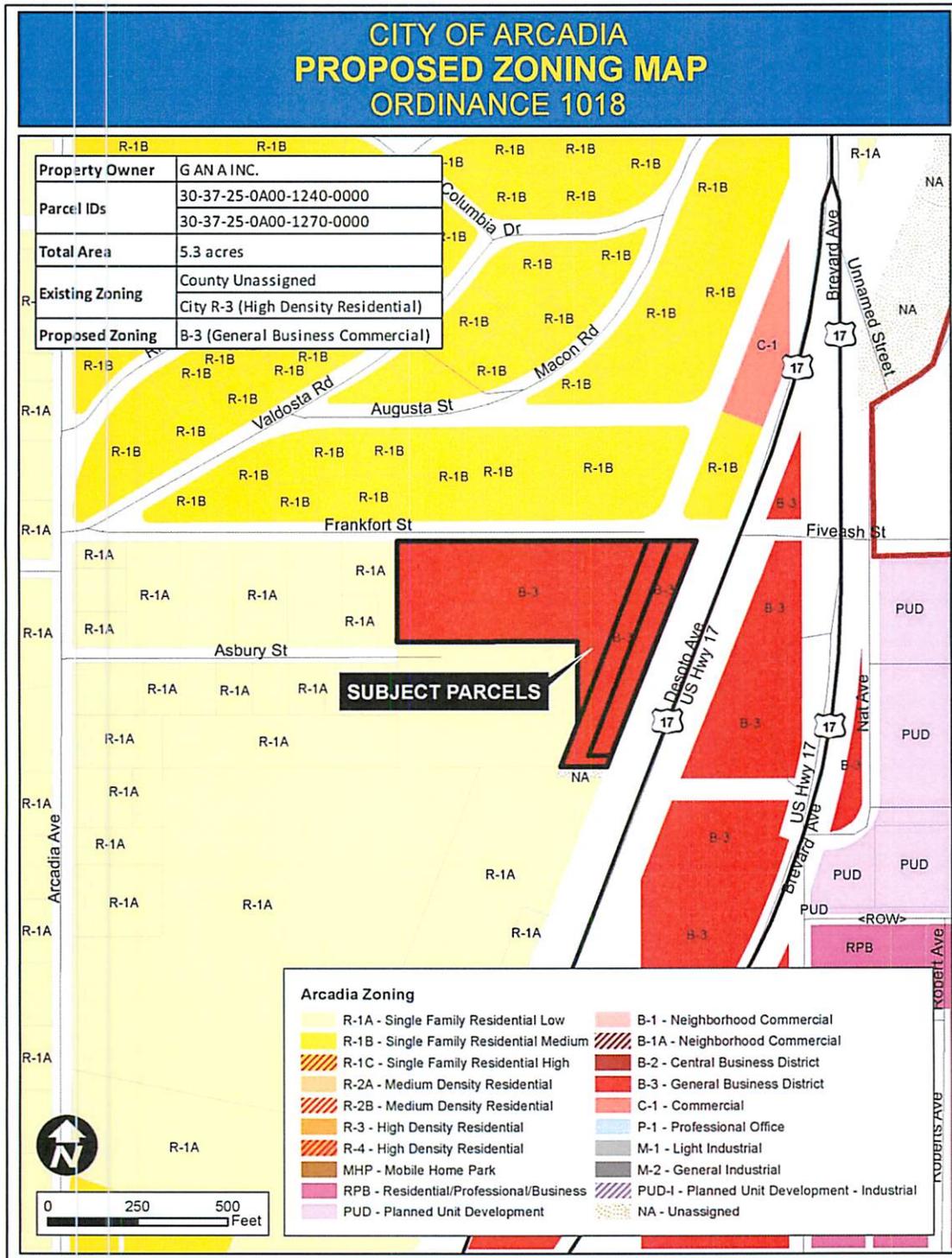
**Approved as to form:**

\_\_\_\_\_  
**Thomas J. Wohl, City Attorney**

**Motion made by \_\_\_\_\_, seconded by \_\_\_\_\_.**

**The vote was \_\_\_ for \_\_\_ against with \_\_\_ abstentions and \_\_\_ absent**

**EXHIBIT "A"**





**CITY OF ARCADIA  
FUTURE LAND USE MAP AMENDMENT AND REZONING  
OVERVIEW REPORT  
August 2, 2016**

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**TO:** City of Arcadia, City Council

**FROM:** Jeff Schmucker, Senior Planner, Central Florida Regional Planning Council

**SUBJECT:** **Ordinance 1017 – Future Land Use Map Amendment:**  
**Ordinance 1018 – Rezoning:**  
Applicant-initiated request to amend the Future Land Use and zoning maps of the City of Arcadia, Florida, amending two (2) parcels of land (Parcel Numbers 30-37-25-0A00-1240-0000 and 30-37-25-0A00-1270-0000) totaling 5.3 acres, generally located to the west of North DeSoto Avenue (US 17) and south of unimproved right-of-way (Frankfort Street) from the Future Land Use of City Low Density Residential to City Business and from the zoning of County Unassigned and City R-3 (Single Family, Two Family, and Multiple Family Residential) to City B-3 (General Business Commercial).

**AGENDA DATES:**

June 28, 2016, 4:00 PM: Planning and Zoning Board Meeting (Public Hearing)  
July 19, 2016, 6:00 PM: City Council (First Reading)  
August 2, 2016, 6:00 PM: City Council (Adoption, Public Hearing)

**PLANNING & ZONING BOARD ACTION:**

On Tuesday, June 28, 2016, the City of Arcadia Planning & Zoning Board voted unanimously to forward the proposed Future Land Use Map Amendment and rezoning to the City Council **with a recommendation of approval.**

The recommendation included a change of the proposed zoning from C-1 (Commercial) to a proposed zoning of B-3 (General Business Commercial). The proposed B-3 zoning is consistent with the proposed Business Future Land Use.

**CITY COUNCIL ACTION (FIRST READING):**

**Ordinance 1017 – Future Land Use Map Amendment:**

On Tuesday, July 19, 2016, the City of Arcadia City Council voted unanimously to approve the First Reading of Ordinance 1017.

**Ordinance 1018 – Rezoning:**

On Tuesday, July 19, 2016, the City of Arcadia City Council voted unanimously to approve the First Reading of Ordinance 1018.

**CITY COUNCIL MOTION OPTIONS (SECOND READING):**

Options for motions are listed below.

**Ordinance 1017 – Future Land Use Map Amendment:**

1. I move the City Council **approve** Ordinance 1017.
2. I move the City Council **approve with changes** Ordinance 1017.
3. I move the City Council **deny** Ordinance 1017.

**Ordinance 1018 – Rezoning:**

1. I move the City Council **approve** Ordinance 1018.
2. I move the City Council **approve with changes** Ordinance 1018.
3. I move the City Council **deny** Ordinance 1018.

**ATTACHMENTS:**

- Aerial Photo Map
- Existing Future Land Use Map
- Proposed Future Land Use Map
- Existing Zoning Map
- Proposed Zoning Map
- Application

**OVERVIEW:**

<b>Applicant</b>	Gary Frierson
<b>Property Owner</b>	G AN A INC.
<b>Parcel IDs</b>	30-37-25-0A00-1240-0000
	30-37-25-0A00-1270-0000
<b>Subject Area</b>	5.3 acres
<b>Existing Future Land Use</b>	Low Density Residential
<b>Proposed Future Land Use</b>	Business
<b>Existing Zoning</b>	R-3 (Single Family, Two Family, and Multiple Family Residential)
<b>Proposed Zoning</b>	B-3 (General Business Commercial)
<b>Previous Hearings</b>	None

Gary Frierson ('applicant') is requesting a Future Land Use and zoning map amendment to change the Future Land Use and zoning of two (2) parcels of land totaling 5.3 acres from the Future Land Use of City Low Density Residential to City Business and from the zoning of County Unassigned and City R-3 (Single Family, Two Family, and Multiple Family Residential) to City B-3 (General Business Commercial). The subject parcels are generally located to the west of North DeSoto Avenue (US 17) and south of unimproved right-of-way (Frankfort Street). See attached Aerial Photo Map.

**REASON FOR REQUEST:**

The purpose of the request is to update the City's Future Land Use and zoning maps to assign the appropriate designations to allow for future commercial development on the subject parcels.

The applicant's initial request was for a rezoning to C-1 (Commercial). Following review by planning staff it was suggested that the applicant consider a rezoning to B-3 (General Business Commercial) due to certain uses that are permitted under the C-1 that would be incompatible with the surrounding area. The B-3 zoning is consistent with the proposed Business Future Land Use. The change was discussed and agreed upon with the applicant prior to the Planning and Zoning Board meeting on June 28, 2016. The Planning and Zoning Board provided a recommendation of approval to the City Council to rezone the property to B-3.

**STANDARDS FOR EVALUATION OF PROPOSED ZONING CHANGES**

The City of Arcadia Planning & Zoning Board will provide recommendation, and the City Council will make a final motion to accept, reject, modify, return, or continue to seek additional information on all proposed zoning changes. The review of all zoning changes shall be considered and evaluated against the following standards:

- *Consistency with the Comprehensive Plan.*
- *Land Use Analysis.*
- *Public Facilities and Services Analysis.*

**Consistency with the Comprehensive Plan:**

The request is to change the Future Land Use and zoning of the subject parcels from City Low Density Residential to City Business and from the zoning of County Unassigned and City R-3 (Single Family, Two Family, and Multiple Family Residential) to City B-3 (General Business). Descriptions for both the existing and proposed Future Land Use and zoning designations are provided as follows:

***Existing – Future Land Use***

**Comprehensive Plan, Future Land Use Element, Policy 1.3 – Low Density Residential:** The Low Density Residential designation shall meet Arcadia's housing demands for this range of density, promote efficient use of infrastructure, protect existing single family neighborhoods and promote compatible land uses. Single family detached housing units are permissible to a maximum density of 6 units per gross acre; and schools are permitted in this classification. Development of areas designated as wetlands are restricted to only residential development at not more than 1 dwelling unit per 5 acres, and provided all requirements of Policy 3.1 of the Conservation Element are met.

***Proposed – Future Land Use***

**Comprehensive Plan, Future Land Use Element, Policy 1.6 – Business:** The Business designation shall meet Arcadia's demand for retail goods and services, and shall promote efficient use of infrastructure. Arcadia shall direct commercial development to areas which are well integrated with transportation facilities and surrounding land uses. Residential uses, such as above-ground-floor apartments, are permissible, provided that they are compatible and appropriately integrated with the surrounding area. Schools are permitted in this classification. The floor area ratio in the Business designation shall not exceed 3.0.

***Existing – Zoning***

**City Land Development Code, Section 4.06.01.05 – R-3 (Single Family, Two Family, and Multiple Family Residential District):** The purpose of this district is to provide areas for single-lot principal building residential development consisting of single family, two family, and multiple family dwellings. Minimum lot area is determined by housing type; such standards are provided in Article 5.

***Proposed –Zoning***

**City Land Development Code, Section 4.06.04.04 – B-3 (General Business Commercial):** The B-3, General Business Commercial district, is intended to apply to business establishments, primarily not of a neighborhood or community service type, which may properly be located to serve large regions of the city and metropolitan area. Such businesses generally require considerable ground area, do not cater directly to pedestrians and need a conspicuous and accessible location convenient for motorists.

The subject parcels are located along the US 17 corridor which is a transitioning corridor from single-family residential uses to commercial and business uses. The proposed Future Land Use and zoning target the City's goals, objectives, and policies of the Future Land Use element of the City's Comprehensive Plan, specifically Policy 1.6, by providing opportunities to direct future commercial development to areas which are well integrated with transportation facilities and surrounding land uses.

### **Land Use Analysis**

The subject parcels are located along the transitioning US 17 corridor. Properties abutting the subject parcels are primarily residentially-zoned properties that include some developed residential properties, vacant undeveloped properties, pasture land, a property with a broadcasting communication tower. There are also several City-owned properties nearby which facilitate City Park & Recreation uses. Properties located along the east side of the southbound lanes of US 17 and along both sides of the northbound lanes of US 17 are primarily businesses and commercial uses, typical of the general character of the area.

The *Land Use Matrix* below outlines the existing and proposed Future Land Use and zoning of the subject parcels and the existing Future Land Use and zoning of adjacent properties. Descriptions of the existing land uses are also provided. Existing and Proposed Future Land Use and Zoning Maps are attached for reference.

### Land Use Matrix

Northwest (Across Unimproved ROW – Frankfort Street)	North (Across Unimproved ROW – Frankfort Street)	Northeast (Across Unimproved ROW – Frankfort Street)
<b>Future Land Use:</b> Low Density Residential  <b>Zoning:</b> R-1B  <b>Existing Land Use:</b> Vacant lands	<b>Future Land Use:</b> Low Density Residential  <b>Zoning:</b> R-1B  <b>Existing Land Use:</b> Vacant lands & one (1) single-family home	<b>Future Land Use:</b> Low Density Residential  <b>Zoning:</b> R-1B  <b>Existing Land Use:</b> Vacant lands
West	Subject Parcels	East (Across US 17)
<b>Future Land Use:</b> Low Density Residential  <b>Zoning:</b> R-1A  <b>Existing Land Use:</b> Single-family residential and vacant lands	<b>Future Land Use:</b> <u>Existing:</u> Low Density Residential  <u>Proposed:</u> Business  <b>Zoning:</b> <u>Existing:</u> County Unassigned & City R-3  <u>Proposed:</u> City B-3  <b>Existing Land Use:</b> Vacant	<b>Future Land Use:</b> Business  <b>Zoning:</b> B-3  <b>Existing Land Use:</b> Hotel/motel
Southwest	South	Southeast (Across US 17)
<b>Future Land Use:</b> Low Density Residential  <b>Zoning:</b> R-1A  <b>Existing Land Use:</b> Communication tower & municipal uses	<b>Future Land Use:</b> Low Density Residential  <b>Zoning:</b> R-1A  <b>Existing Land Use:</b> Communication tower, pasture land, & municipal uses	<b>Future Land Use:</b> Business  <b>Zoning:</b> B-3  <b>Existing Land Use:</b> Building supply store

The proposed Business Future Land Use and B-3 zoning are consistent with the character and transitioning nature of the area and would provide future business and commercial opportunities supporting economic development within the City.

Further review of land use impacts will be evaluated at the time that site development is initiated. The additional review would serve to ensure compatibility and concurrency of public facilities and services with any proposed development.

#### **Public Facilities and Services Analysis:**

The following is a summary analysis of potential impacts on existing public facilities and services:

**Potable Water:** City water is available nearby to serve the subject property. The City's adopted level of service for supply of potable water is 102 gallons per person per day. Based on the City's public supply annual report submitted to the Southwest Florida Water Management District for reporting period January 1 through December 31, 2015, the City is currently operating at 83 gallons per day per person which is below the adopted level of service standard. The proposed Future Land Use and zoning changes do not pose any negative impacts on the City's current water system. Connection(s) for potable water will be reviewed at the time that site development is initiated.

**Sanitary Sewer:** City sewer is not currently available on the site. However, the City's adopted level of service for wastewater generation is 171 gallons per person per day. Based on the per person average daily consumption of potable water, wastewater processing is estimated to be well below the adopted level of service. The proposed Future Land Use and zoning changes do not pose any negative impacts on the City's current wastewater system. Connection(s) for wastewater will be reviewed at the time that site development is initiated.

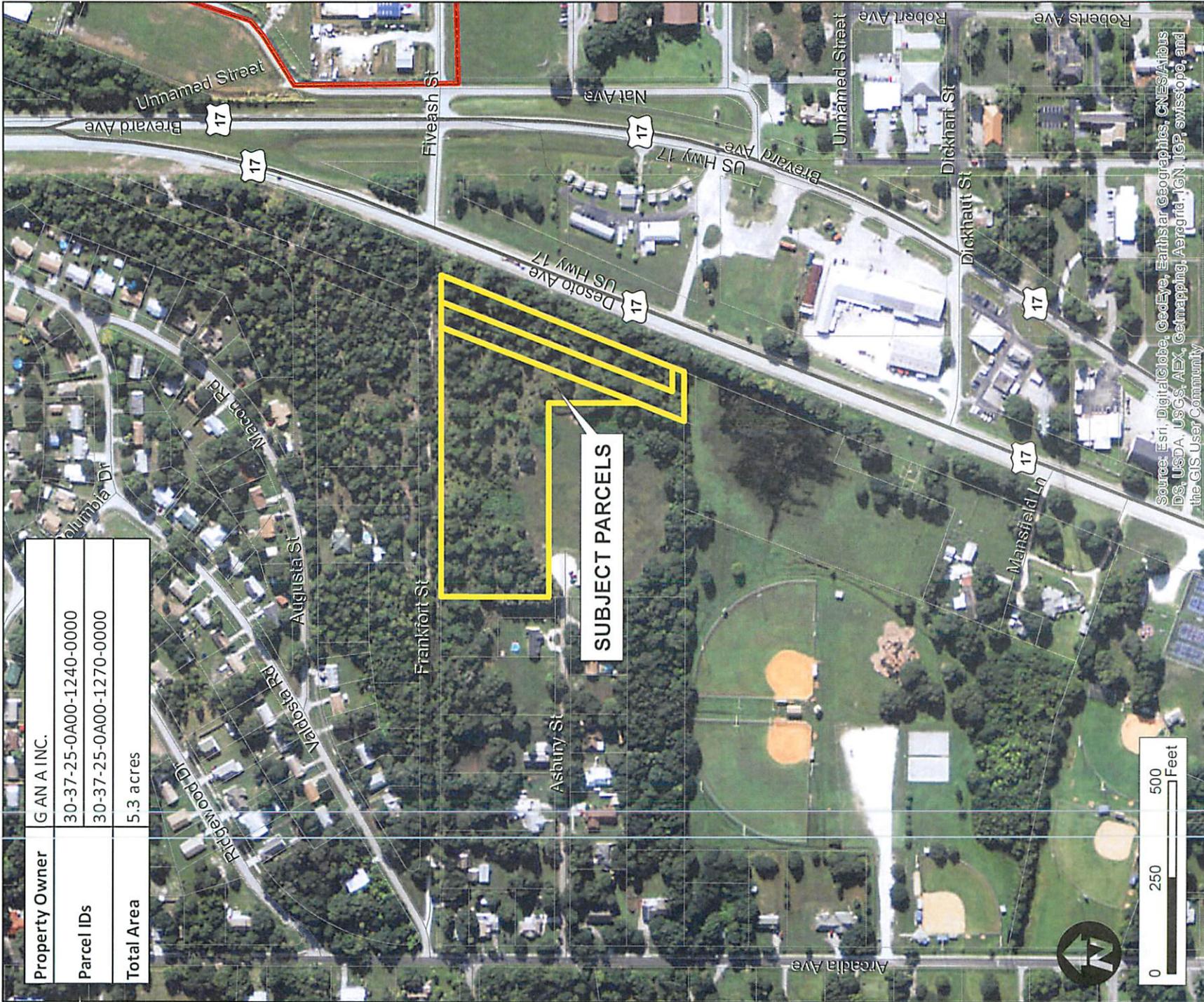
**Solid Waste:** Solid waste collection in the City of Arcadia amounts to approximately 2.23 pounds per person per day, which is below the City's adopted level of service standard of 4.8 pounds per person per day. The proposed Future Land Use and zoning changes do not pose any negative impacts on the City's solid waste collection services.

**Traffic/Transportation:** The primary roadway that would serve the subject parcels is North DeSoto Avenue (US 17) to the east. Frankfort Street which also abuts the subject properties on the north is an unimproved right-of-way that runs between US 17 to the east and North Arcadia Avenue to the west. Any future development on the site will likely develop access directly onto US 17 or through an access driveway off of Frankfort Street via an intersection improvement at US 17 and Frankfort Street. It's not anticipated that the full length of Frankfort Street would be improved as part of any future development of this site. The limit of such improvement of Frankfort Street would reduce any negative impacts on residential uses to the west near the Frankfort Street/North Arcadia Avenue intersection.

At the time that site development is initiated, detailed traffic and access management conditions will be required to be reviewed prior to any site development approvals and issuance of building permits.

**Public School and Recreational Facilities:** There are no public school or recreational facility impacts, as the proposed Future Land Use and zoning do not provide for residential development.

# CITY OF ARCADIA AERIAL PHOTO MAP



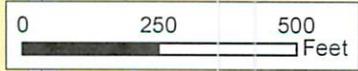
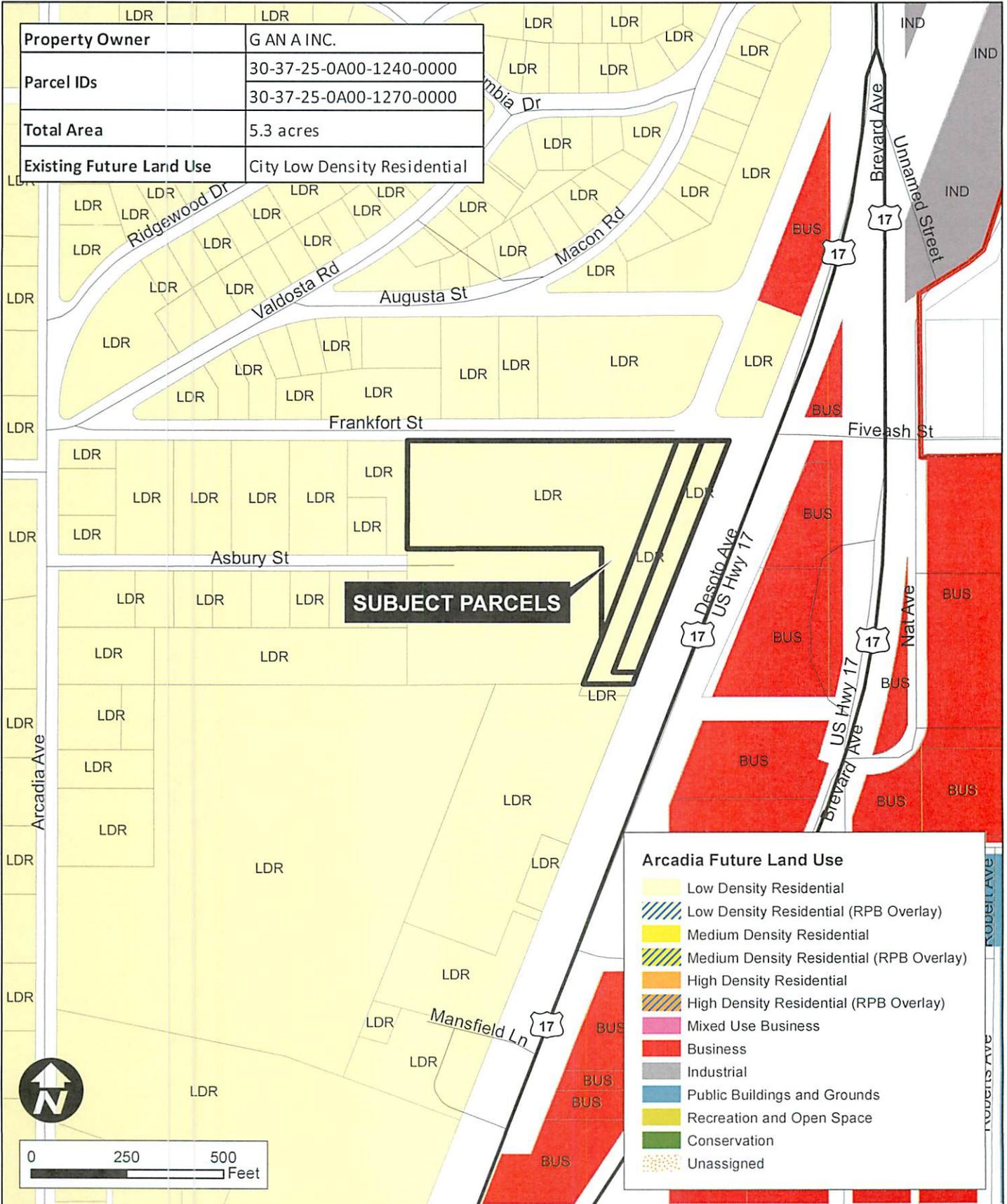
Property Owner	G AN A INC.
Parcel IDs	30-37-25-0A00-1240-0000 30-37-25-0A00-1270-0000
Total Area	5.3 acres

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aergrid, IGN, IGP, swisstopo, and the GIS User Community



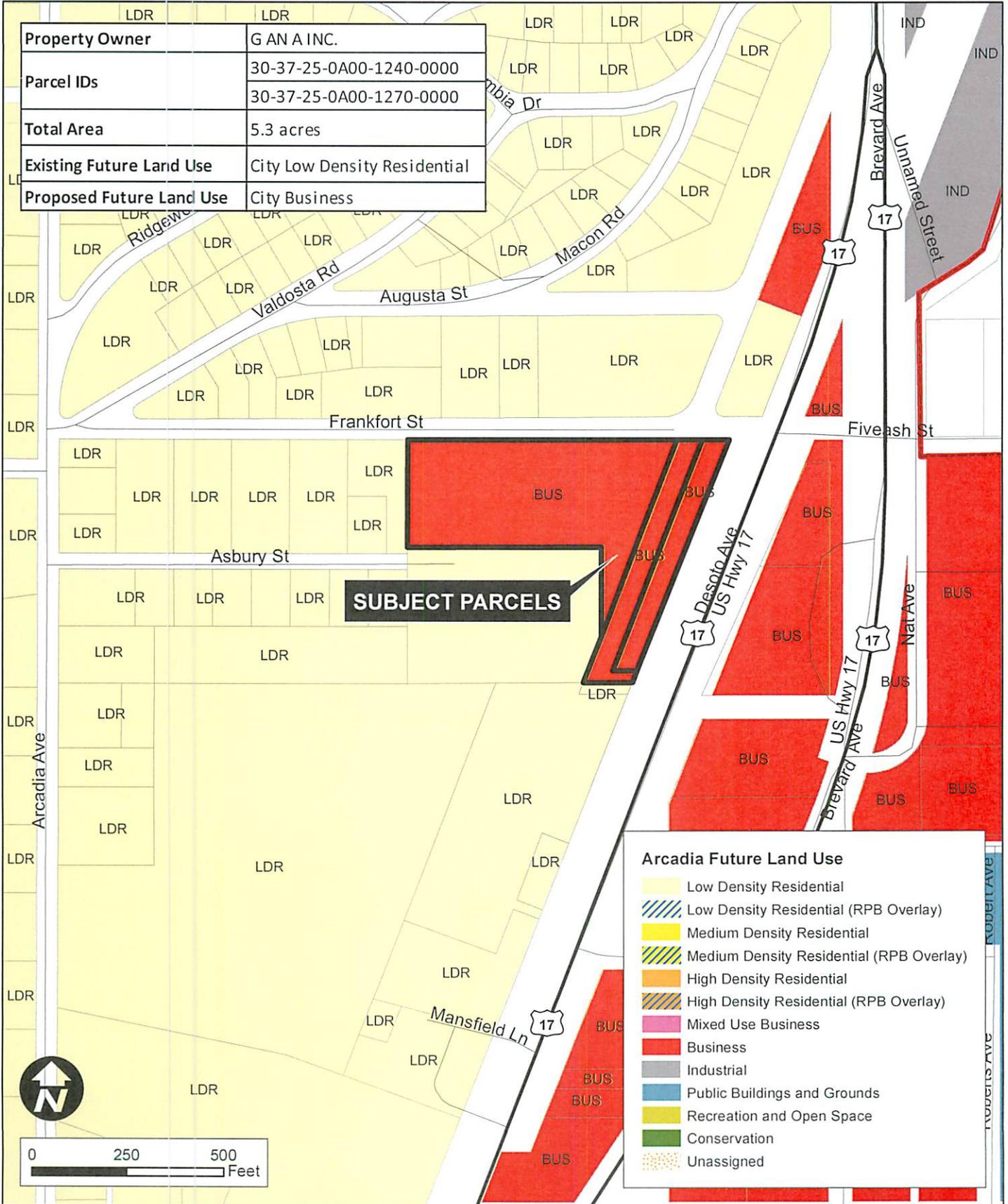
# CITY OF ARCADIA EXISTING FUTURE LAND USE MAP

Property Owner	G AN A INC.
Parcel IDs	30-37-25-0A00-1240-0000 30-37-25-0A00-1270-0000
Total Area	5.3 acres
Existing Future Land Use	City Low Density Residential



# CITY OF ARCADIA PROPOSED FUTURE LAND USE MAP ORDINANCE 1017

Property Owner	G AN A INC.
Parcel IDs	30-37-25-0A00-1240-0000 30-37-25-0A00-1270-0000
Total Area	5.3 acres
Existing Future Land Use	City Low Density Residential
Proposed Future Land Use	City Business



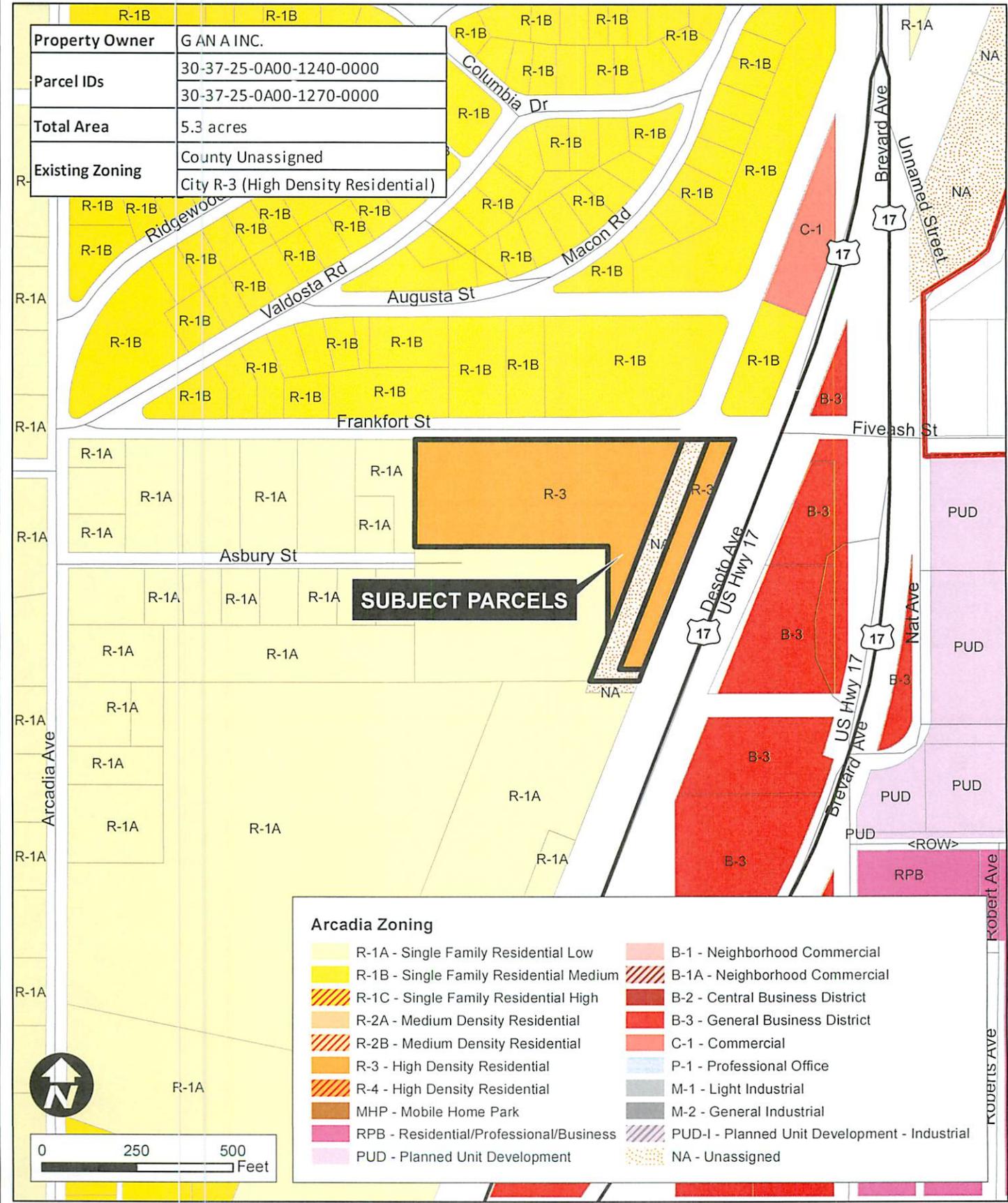
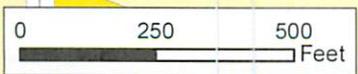
# CITY OF ARCADIA EXISTING ZONING MAP

<b>Property Owner</b>	G AN A INC.
<b>Parcel IDs</b>	30-37-25-0A00-1240-0000 30-37-25-0A00-1270-0000
<b>Total Area</b>	5.3 acres
<b>Existing Zoning</b>	County Unassigned City R-3 (High Density Residential)

**SUBJECT PARCELS**

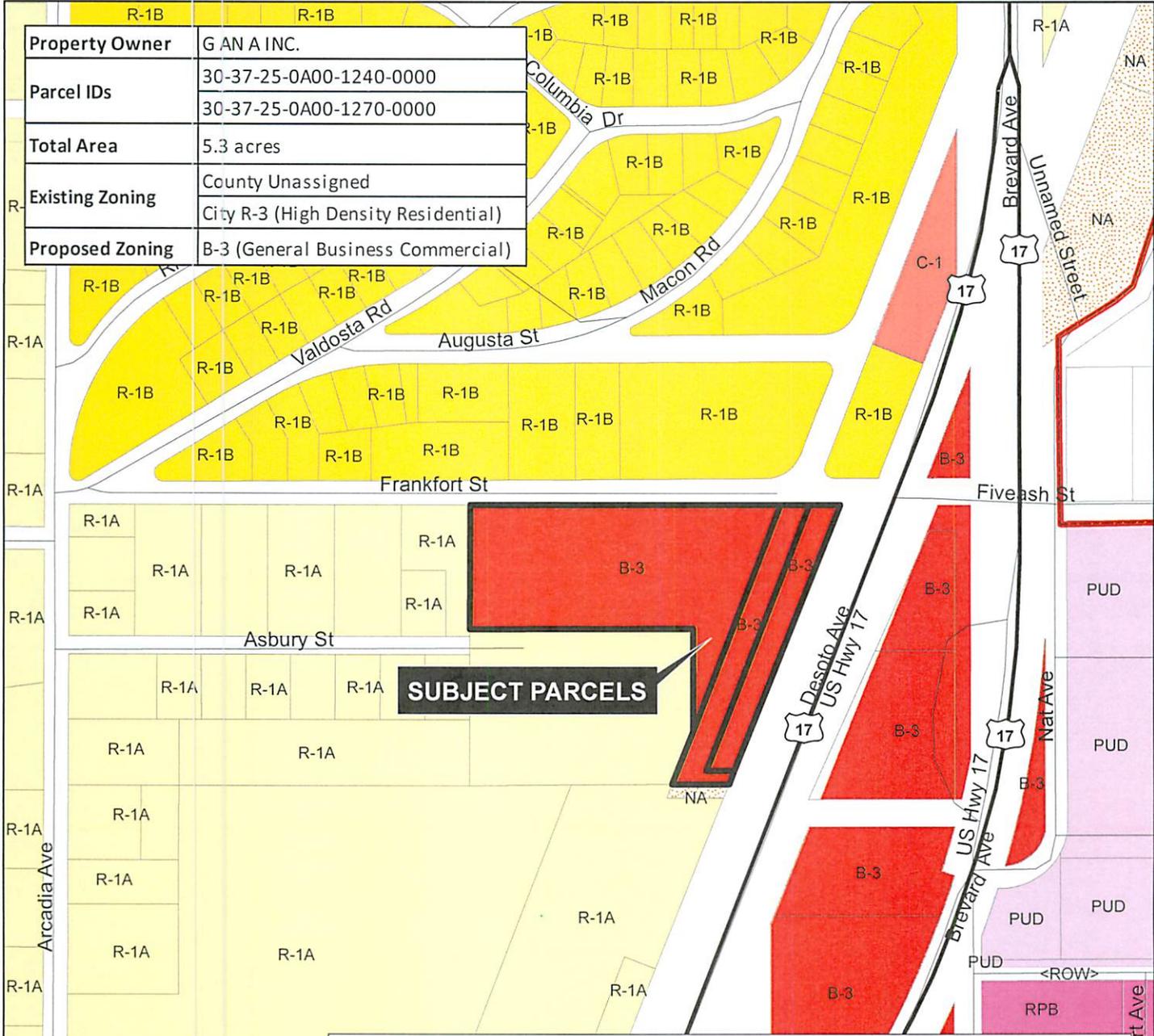
### Arcadia Zoning

- |   |  |
|---|--|
|  R-1A - Single Family Residential Low    |  B-1 - Neighborhood Commercial                 |
|  R-1B - Single Family Residential Medium |  B-1A - Neighborhood Commercial                |
|  R-1C - Single Family Residential High   |  B-2 - Central Business District               |
|  R-2A - Medium Density Residential       |  B-3 - General Business District               |
|  R-2B - Medium Density Residential       |  C-1 - Commercial                              |
|  R-3 - High Density Residential          |  P-1 - Professional Office                     |
|  R-4 - High Density Residential          |  M-1 - Light Industrial                        |
|  MHP - Mobile Home Park                  |  M-2 - General Industrial                      |
|  RPB - Residential/Professional/Business |  PUD-I - Planned Unit Development - Industrial |
|  PUD - Planned Unit Development          |  NA - Unassigned                               |



# CITY OF ARCADIA PROPOSED ZONING MAP ORDINANCE 1018

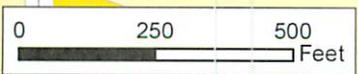
Property Owner	G AN A INC.
Parcel IDs	30-37-25-0A00-1240-0000 30-37-25-0A00-1270-0000
Total Area	5.3 acres
Existing Zoning	County Unassigned City R-3 (High Density Residential)
Proposed Zoning	B-3 (General Business Commercial)



**SUBJECT PARCELS**

### Arcadia Zoning

- |   |   |
|---|---|
| R-1A - Single Family Residential Low    | B-1 - Neighborhood Commercial                 |
| R-1B - Single Family Residential Medium | B-1A - Neighborhood Commercial                |
| R-1C - Single Family Residential High   | B-2 - Central Business District               |
| R-2A - Medium Density Residential       | B-3 - General Business District               |
| R-2B - Medium Density Residential       | C-1 - Commercial                              |
| R-3 - High Density Residential          | P-1 - Professional Office                     |
| R-4 - High Density Residential          | M-1 - Light Industrial                        |
| MHP - Mobile Home Park                  | M-2 - General Industrial                      |
| RPB - Residential/Professional/Business | PUD-I - Planned Unit Development - Industrial |
| PUD - Planned Unit Development          | NA - Unassigned                               |





# COMPREHENSIVE PLAN AMENDMENT APPLICATION

Date Stamp



Fees: Large scale - \$1,450.<sup>00</sup>  
Small scale - \$1,025.<sup>00</sup>

City of Arcadia Florida  
Community Development  
23 Polk Avenue North  
Arcadia, FL 34266  
(863) 494-4114

R# \_\_\_\_\_

City Website: [arcadia-fl.gov](http://arcadia-fl.gov)

File No.: 16 - 01 CP

The Arcadia Comprehensive Plan is a long-range regulatory document that helps determine community goals and aspirations for managing growth in terms of land use, utilities, transportation, recreation, and housing. The Future Land Use Map (FLUM) is a regulatory map included as part of the plan. The plan and FLUM delineates the allowable categories of land uses, including what uses, intensity or density may be established on each parcel within the city.

### APPLICANT'S INFORMATION (Agent or Contractor)

Name: GARY FRIERSON  
Organization: \_\_\_\_\_  
Address: 1 NORTH LUTHER AVE  
City: ARCADIA  
State: FL Zip Code: 34266  
Telephone No.: (863) 558 0345  
Email: FRIERSON141@GMAIL.COM

### PROPERTY OWNER'S INFORMATION (Leave Blank if Same as Applicant)

Name: G A A inc  
Organization: \_\_\_\_\_  
Address: 1 NORTH LUTHER AVE  
City: ARCADIA  
State: FL Zip Code: 34266  
Telephone No.: (863) 558 0345  
Email: FRIERSON141@GMAIL.COM

### I. Type of Plan Amendment Proposed:

- Small Scale. Any change in the Future Land Use Map that involves land areas of 10 acres or less OR densities of 10 dwelling units per acre or less.
- Large Scale. Any change in the text of the Comprehensive Plan, or any change in the Future Land Use Map that involves land areas greater than 10 acres OR more than 10 dwelling units per acre.

### II. Property Information

Parcel Address (if assigned): NONE ASSIGNED  
Parcel Identification Number: ① 30-37-25-0A00-1270-0000  
② 30-37-25-0A00-1240-0000  
Subdivision, Block and Lot Nos.: LANDS NOT DIVIDED  
Property Size (in acres): ① 1.00 ACRES  
② 4.29 ACRES > TOTAL = 5.3 ACRES

III. Regulatory and Land Use Information

Adopted Future Land Use Map Designation: ~~B3~~ LOW DENSITY RESIDENTIAL

Proposed Future Land Use Map Designation: ~~C1~~ BUSINESS

For Large Scale Text Amendments, please include proposed text changes in legislative format (strike through-underlined) and indicate chapter and policy numbers.

IV. Development Activity Proposed

- Residential Commercial Office/Professional Industrial

Other

Expected Total Residential Units: -0-

Residential Density: Dwellings Units / Per Acre = -0-

Expected Total Square Footage of All Non-Residential Structures (retail, office, warehouse): 2-4,000

V. Transportation Access Information

Roadways that serve the property: N. DeSoto Ave (Hwy 17 South Bound Lane)

Identify proposed curb cuts (connection of new roads, driveways, turn-lanes) that are anticipated to the following roadways:

Driveway connection to North DeSoto Ave (Hwy 17)

VI. Projected Impact to Public Facilities and Services

In an effort to better anticipate utility service usage and project level of service impacts, please indicate expected service volumes and infrastructure needs based upon any predevelopment plans or expectations:

Potable Water: NONE

Sanitary Sewer: NONE

Reclaimed Irrigation or Grey Water: NONE

Public School and Enrollment Projections: NONE

Known Wellhead or Environmental Protection Zones: NONE

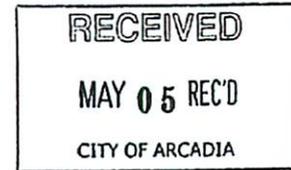
Any Special Needs Population: NONE



# REZONING APPLICATION (ZONING MAP AMENDMENT)

City of Arcadia Florida  
Community Development  
23 Polk Avenue North  
Arcadia, FL 34266  
(863) 494-4114

Date Stamp



Fee \$1,250.<sup>00</sup>

R# \_\_\_\_\_

City Website: [arcadia-fl.gov](http://arcadia-fl.gov)

File No.: 16 - 02 RZ

The purpose of zoning is to locate particular land uses where they are most appropriate, considering public utilities, road access, and the established development pattern. The Zoning Map regulates allowable land uses within the City through the creation of land use districts or zones, and then assigns individual parcels to a particular zoning district. A rezoning is a change in the zoning district designation for a property. The rezoning process exists to allow property owners to change the zoning district designation of their property to another zoning classification or land development regulations which may impact property use standards.

### APPLICANT'S INFORMATION

(Agent or Contractor)

Name: GARY FRIERSON

Organization: \_\_\_\_\_

Address: 1 NORTH LUTHER AVE

City: ARCADIA

State: FL Zip Code: 34266

Telephone No.: (863) 558-0345

Email: FRIERSON141@Gmail.COM

### PROPERTY OWNER'S INFORMATION

(Leave Blank if Same as Applicant)

Name: G A A INC.

Organization: \_\_\_\_\_

Address: 1 NORTH LUTHER AVE

City: ARCADIA

State: FL Zip Code: 34266

Telephone No.: (863) 558 0345

Email: FRIERSON141@GMAIL.COM

### I. Property Information

Parcel Address (if assigned): NONE ASSIGNED

Parcel Identification Number: ① 30-37-25-0A00-1270-0000  
② 30-37-25-0A00-1240-0000

Subdivision, Block and Lot Nos.: LANDS NOT DIVIDED

Property Size (in acres): ① 1.00 ACRES  
② 4.29 ACRES > TOTAL = 5.3 ACRES

Existing land use of subject property: NONE UNDEVELOPED PROPERTY

**II. Regulatory and Land Use Information of Subject Property**

<sup>PROPOSED</sup>  
Future Land Use Map Designation: ~~B-3~~ BUSINESS

Adopted Zoning Map Designation: R-3 & COUNTY UNASSIGNED

Proposed Zoning Map Designation: C-1

Is the subject property adjacent to or nearby other similar zoned districts to the district being sought?

No       Yes, please list zoning districts: \_\_\_\_\_

**III. Proposed Development Activity**

Residential       Commercial       Office/Professional       Other \_\_\_\_\_

Expected Total Residential Units: - 0 -      Residential Density: Dwellings Units / Per Acre = 0 -

Expected Total Square Footage of All Non-Residential (retail, office, warehouse) Structures: 2,000 - 4,000

**IV. Transportation Access Information**

Identify primary roadways that serve the subject property: NORTH DeSoto Ave ( Hwy 17)

Has a recent transportation and parking demand study been performed:       No       Yes

How many existing parking spaces are dedicated to the project site: 0 - currently undeveloped

Identify roadways that are anticipated to be impacted through project site plan improvements:

Driveways: N. DeSoto Ave      Turn lanes: NONE PLANNED

Intersection Improvements: NONE - NO OPEN ROADS ADJACENT PROPERTIES

**V. Projected Impacts to Public Facilities and Services**

In an effort to better anticipate utility service usage and project level of service impacts, please indicate expected service volumes and infrastructure needs based upon any predevelopment plans or expectations:

Potable Water, change in ERUs: NONE

Sanitary Sewer, change in ERUs: NONE

Public School and Enrollment Projections: NONE

Known Environmental or Wellhead Protection Zones: NONE



# AGENDA No. 8



CITY COUNCIL AGENDA ITEM  
Requested Council Meeting Date: August 2, 2016

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**DEPARTMENT:** Legal

**SUBJECT:** Revisions to Chapter 15 (Professional Services – Financial Auditor) and Selection Committee Guidelines (Appendix Form) of the City of Arcadia Purchasing Manual.

**RECOMMENDED MOTION:** Motion to Approve the attached revisions to Chapter 15 (Professional Services – Financial Auditor) and Selection Committee Guidelines (Appendix Form) of the City of Arcadia Purchasing Manual.

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**SUMMARY:**

Attached please find proposed revisions to Chapter 15 (Professional Services – Financial Auditor) and Selection Committee Guidelines (Appendix Form) of the City of Arcadia Purchasing Manual. The existing policy is extremely restrictive, and dictates guidelines that will prove cumbersome for the Audit Selection Committee.

The deletion of these provisions does not prohibit the City from incorporating some of them in the enabling resolution (creating the Audit Selection Committee). Nor does it preclude the actual Audit Selection Committee from adopting them as part of their processes. It just isn't necessary to restrict the Council, staff, and Audit Selection Committee with such requirements.

Beginning on page 5 of the attachment, you will see that I added language to the scope of the Selection Committee Guidelines (an Appendix Form to the Purchasing Manual). Again, due to the specific statutory requirements of F.S. 218.391, some of the Selection Committee Guidelines are not applicable to the selection of an auditor. However, I did include the language, "to the extent permitted by law", to ensure that any statutory requirements must still be maintained, i.e. no conflict of interest, cone of silence, etc.

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

**ATTACHMENTS:** ( ) Ordinance ( ) Resolution ( ) Budget (X) Other:

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

Date:  
Date:  
Date: 7/14/16  
Date: 7-21-16

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

# PROFESSIONAL SERVICES – FINANCIAL AUDITOR

Contracts for the performance of auditing services in connection with annual financial audits shall be procured in accordance with the provisions of Florida Statutes, Section 218.391.

The City shall establish an audit committee. The primary purpose of the audit committee is to assist the City in selecting an auditor to conduct the annual financial audit required in F.S. Section 218.39. The public shall not be excluded from the proceedings under this section.

A. The audit committee shall:

1. Establish factors to use for the evaluation of audit services to be provided by a certified public accounting firm duly licensed under F.S. Chapter 473 and qualified to conduct audits in accordance with government auditing standards as adopted by the Florida Board of Accountancy. Such factors shall include, but are not limited to, ability of personnel, experience, ability to furnish the required services, and such other factors as may be determined by the committee to be applicable to its particular requirements.
2. Publicly announce Request for Proposals. Public announcements must include, at a minimum, a brief description of the audit and indicate how interested firms can apply for consideration.
3. Provide interested firms with the Request for Proposal document. The RFP shall include information on how proposals are to be evaluated and such other information the committee determines is necessary for the firm to prepare a proposal.
4. Evaluate proposals provided by qualified firms. If compensation is one of the factors established, it shall not be the sole or predominant factor used to evaluate proposals.
5. Rank and recommend in order of preference no fewer than three firms deemed to be the most highly qualified to perform the required services after considering the factors established. If fewer than three firms respond to the RFP, the committee shall recommend such firms as it deems to be the most highly qualified.

The method used by the City to select a firm recommended by the audit committee must ensure that the agreed upon compensation is reasonable to satisfy the requirements of F.S. 218.39 and the needs of the governing body.

## 15.01 Audit Committee

Members of the Audit Committee are to be selected in accordance with F.S. 218.391 ~~and should include representatives from the User Department and other department/division(s) involved, as well as any other individual(s) with specialized expertise. A representative of the Finance Department shall chair the committee as a non-voting member. The Audit Committee will consist of not less than three City employees, consisting of an odd amount of members, not to exceed seven (7) members, except in special circumstances pre-approved by the City~~

~~Administrator. The members of the Audit Committee shall be identified prior to the solicitation issuance and a list sent to the Finance Director for review. Final approval of Audit Committee members rests with the City Administrator.~~

~~Once the members of the Audit Committee have been identified, they are to be educated regarding both the role of the Audit Committee and their personal responsibility as members, including their duty to exercise an appropriate degree of professional skepticism, review the Selection Committee Guidelines (See Exhibits), to gain a clear understanding of their responsibilities while serving on the Committee for the duration of the bid process.~~

~~The evaluation process is a key function in the selection of an auditor-quality contractor/consultant. It is very important that this process be conducted in a professional and consistent manner. Therefore, Audit Committee members need to be flexible and available for all meetings during the evaluation process, including demonstrations and presentations.~~

~~Audit Committee meetings and all other meetings during the evaluation period prior to final selections must comply with the State of Florida Sunshine and Public Record Laws. Reasonable notice of the date, time and place of the meeting must be given. The meeting shall be recorded, but not transcribed. The meeting recordings shall be available for public review by appointment with the City Clerk.~~

~~On the date of RFP issuance, a copy of the document shall be provided to each member of the Selection Committee.~~

#### 15.02 Procedure

~~Once the specifications have been approved by all parties, the department will submit a Solicitation Approval Form to the City Administrator detailing the solicitation. Upon signed approval by the City Administrator the formal solicitation will be issued.~~

~~Once the formal solicitation has been issued, communication is prohibited, whether direct or indirect, regarding the subject matter or the specifications by any means whatsoever (whether oral or written), with any City employee, elected official, selection committee member, or representative of the City of Arcadia, from the issuance of the specifications until the Commission makes the award. Communications initiated by a bidder may be grounds for disqualifying the offending bidder from consideration for award of the bid or any future bid. The only exceptions to the foregoing rule are as follows: (1) an invitation to give an oral presentation to the selection committee is received; (2) any questions relative to interpretation of specifications or the formal solicitation process shall be addressed to the Bid Designee, in writing, via fax (863-494-4712) or by email ([purchasing@arcadia-fl.gov](mailto:purchasing@arcadia-fl.gov)). No questions will be answered seven (7) or fewer business days from the date and time of the public opening.~~

~~The Department through the City Clerk shall issue the RFP. A pre-proposal conference will be held which may or may not be mandatory. Prospective proposers will have an opportunity to request clarification and ask questions. Answers to inquiries will be compiled in the form of an addendum which will be posted on the City's website for download. Proposals will be received by the City Clerk's office and date/time stamped in until the date and time specified in the RFP document. Proposals received after the deadline will be returned and not considered for further evaluation.~~

~~Once the public acknowledgement of responses received has occurred, the City Clerk will review the responses to ensure compliance with the requirements detailed within the RFP document. Responsive proposals will be distributed to each of the selection committee members upon receipt of signed Evaluator's Statement of Independence and Non-Conflict of Interest form, located within the Audit Committee Guidelines.~~

~~The City Clerk will provide the committee members with all the necessary forms for the evaluation process. The Finance Department will monitor the evaluation process and provide guidance at the start of each formal evaluation. If requested, training on the evaluation process can be provided to the members with little or no previous evaluation experience. The City Clerk will review forms for completeness and compliance with the policy. Any forms that are not properly completed or which lack appropriate comments or documentation to support the award recommendation may result in the delay of the award recommendation.~~

~~Audit Committee members shall review the responsive proposals and independently score each proposal for each criteria. These scores will be used to individually rank the responses. Then each member's rankings will be accumulated to determine the group rankings.~~

~~A summary of total scores for all vendors shall be prepared after all members of the Audit Committee have reviewed and evaluated the written proposals. This will occur during a publicly noticed Audit Committee meeting. A copy of all evaluation forms and notes (and the committee's consensus score) shall be maintained by the City Clerk as part of the official file.~~

~~In conjunction with the initiating Department, the City Administrator shall have the right to cancel a solicitation and/or reject all proposals and authorize the entire transaction to be re-solicited.~~

#### 15.03 Oral Presentations

~~Unless otherwise noted, all RFP processes should include oral presentations as part of the evaluation process. Oral presentations shall be conducted in accordance with Florida Statute 286.0113. Once the short listed firms have been identified, Department staff must ensure compliance with the following process:~~

~~Notify the contractors/consultants by mail, fax or e-mail of the City's determination. The notification shall include details of the oral presentations including but not limited to the following:~~

- ~~1. Date and time of the oral presentations~~
- ~~2. Location of the meeting~~
- ~~3. Time allotted for each firm~~
- ~~4. Additional information if requested by the Selection Committee~~

~~Purchasing staff will coordinate the schedule of the oral presentations with the Selection Committee and confirm attendance of members.~~

~~Once the oral presentations are completed, the Selection Committee will conduct a post-presentation ranking and determine the overall top ranked firm.~~

~~Other options that may be considered by the Selection Committee are to reject all proposals, and/or reissue the formal solicitation with revised specifications.~~

#### 15.04 Award Recommendation

The User Department shall complete of the **Agenda Template Form (See Exhibits)** for award recommendation. Award recommendations for which the award to each vendor exceeds the Council approval limit shall be submitted to the City Administrator for review. The City Administration shall submit to the City Clerk for inclusion on the Consent Agenda. Award shall not be final until execution of a contract is complete.

Every purchase of audit services shall be evidenced by a written contract embodying all provisions and conditions of the purchasing of such services. For purposes of this section, an engagement letter signed and executed by both parties shall constitute a written contract. The written contract shall, at a minimum, include the following:

1. A provision specifying the services to be provided and fees or other compensation for such services.
2. A provision requiring that invoices for fees or other compensation be submitted in sufficient detail to demonstrate compliance with the terms of the contract.
3. A provision specifying the contract period, including renewals, and conditions under which the contract may be terminated or renewed.
4. Written contracts entered into may be renewed. Such renewals may be done without the use of the auditor selection procedures provided in this section. Renewal of a contract shall be in writing.

SELECTION COMMITTEE GUIDELINES  
REQUEST FOR PROPOSALS (RFP) AND  
REQUESTS FOR QUALIFICATIONS (RFQ)

The City of Arcadia has established the following Selection Committee Guidelines to provide a selection process that is fair and equitable for all responders to the City of Arcadia's RFP/RFQs. If situations arise that deviate from these procedures, the Finance Director and City Administrator should be contacted for resolution. Due to the specific nature regarding the process for selecting an auditor to conduct the annual financial audit required in F.S. 218.39, these guidelines shall not apply to the Audit Selection Committee, to the extent permitted by law. However, this shall not preclude the Audit Selection Committee from adopting certain of these guidelines for its selection process.

Intent:

These guidelines provide a summary of the expectations, rules, processes and procedures applicable to the evaluation of all City issued RFP/RFQs.

Committee Task:

To evaluate written responses to a duly advertised and solicited RFP/RFQ and rank the respondents and determine whether or not presentations should be held with the top short listed firms or individuals.

Conflict of Interest:

Selection Committee members must have no personal interest in any vendor submitting proposals/responses. Each evaluator will be provided with a list of the Offerors to the solicitation. A Statement of Independent and Non-Conflict of Interest Form must be signed by each member of the committee prior to beginning his or her evaluation of the responses. A conflict of interest is defined as a situation in which a selection committee member has, or appears to have, a financial or familial relationship to the Offeror. In the event an evaluator feels he or she has a conflict of interest with any organization submitting a response and cannot sign the statement, they must excuse themselves from serving as an evaluator.

You must agree that if you currently have, or later discover, a conflict of interest, you will declare the circumstances immediately to the Chairperson and remove yourself from the committee.

Failure to keep the process free of influences will result in the rescindment of the RFP/RFQ and committee member discipline.

Responsibilities:

Each member of the Selection Committee has the responsibility to read, understand and comply with the provisions of this document.

All proposals/responses submitted to the City for consideration will be accepted by the City Clerk's Office until a pre-advertised date and time. All proposals/responses will be opened and acknowledged in a scheduled public meeting.

The Committee will include the City Clerk. The City Clerk will facilitate the evaluation process and act as the Committee Chairperson. The Chairperson will be a non-voting member. The Chairperson duties shall include the following:

1. Responsibility for maintaining the integrity of the overall evaluation process;
2. Scheduling and posting in accordance with Florida Statutes, all committee meeting dates and locations;
3. Audio recording and storing of all committee actions (note: during the evaluation meeting the audio tape is always on);
4. Documenting members' scoring and ranking information; and
5. Communicating the Committee's recommendation(s) to the City Council.

The Selection Committee meetings must follow the requirements of the Florida Statutes 286.011 for Public Meetings and post meetings at least 72 hours in advance. These meetings are open to the general public, which can include proposers who have submitted responses to the City's solicitations. All audio recordings are available for the general public to listen upon scheduling an appointment with the City Clerk or purchasing a copy of the recording.

Attendance of all committee members at all scheduled meetings is crucial to the quality of the evaluation process. It is essential to the progress of the committee's work that committee members attend all scheduled meetings, including oral presentations, and adhere to any set timelines.

Under no circumstances will individual Selection Committee members communicate, either verbally or in writing, regarding the RFP/RFW outside of the scheduled and publically posted Selection Committee meetings. To do so is a violation of Florida Statute 286.011. The City Clerk shall make all communications about the response evaluations. If you are contacted by anyone regarding the RFP/RFQ at anytime during the process, notify the City Clerk immediately.

The following items will be provided by the City Clerk to each committee member in advance of the first meeting:

- a. Copy of the Selection Committee Guidelines
- b. Copy of the RFP/RFQ and all Addendums
- c. One copy of each proposer's submittal
- d. Copy of the Evaluation Criteria

Evaluation:

Each Selection Committee member will initially review the written proposals and evaluate them individually. There shall be no discussion with anyone (including

The City Clerk will draft a recommendation for award for processing through the City Administrator and/or City Council.

After City Council action, the City Clerk will send notice to the top-ranked proposers. All others will be notified by posting the final results on the City's website.

Contract negotiations, if required, will take place at this point in the process. No further action will be required by the Selection Committee.

Questions regarding any of the above procedures shall be directed to the City Clerk.

**The City Council shall make the final determination on all matters related to the award and contracting of the RFP/RGQ.**

committee members) regarding individual evaluations. Any question regarding the material or evaluation criteria will be submitted to the City Clerk for clarification.

Evaluations shall be based on the predetermined set of criteria only. No other criteria or additional information may be used. All criteria must be scored. If an evaluator chooses to evaluate and score only some of the responses or criteria, the evaluations completed by this committee member will be thrown out in order to eliminate any skewing of the final score.

Scoring should be both qualitative and quantitative in comparison to the evaluation criteria outlined in the solicitation document. If scoring "0" in any category, deficiencies needs to be identified and comments provided as to the reason for a "0" score. Keep in mind that all scores and comments become part of the solicitation file and are considered public record. Committee members should always have a reasonable, rational and consistent basis for their scores, and be prepared to explain them to the City Clerk, City Council or judge in event of a protest.

Scoring sheets shall be filled out prior to the committee meeting where ranking will be determined. After the Selection Committee has individually completed the initial review and scoring of all written proposals, the Selection Committee will come together at a publicly posted meeting to determine a short-list and decide if presentations should be scheduled.

Each member is required to sign his/her "Evaluation Form" and any note pages, and turn them in to the City Clerk as part of the public record.

After the short-list ranking is determined, the City Clerk will check as many references as possible for the short-listed proposers as recommended by the Committee.

If presentations are determined to be necessary, the Selection Committee will identify which proposers will be asked to give an oral presentation. The Selection Committee may request presentation from as many proposers as necessary; however, it is recommended that the group come to a consensus and request presentations from only those proposers who have provides submittals deemed to be in the best interest of the City. All proposers scheduled for an oral presentation will be notified in writing by the City Clerk and in sufficient time (approximately 7 days) with regards to the date, time and location.

- This is a required step for all Professional Service RFQ's for the selection of Architect, Engineer, Landscape Architect and Land Surveying services in accordance with Florida Statute 287.055 for Consultant's Competitive Negotiations Act (CCNA).
- This is an optional step for selection of Professional Auditing Services RFQ's in accordance with Florida Statute 218.391
- This is an optional step for RFP's.

The Selection Committee after all proposals have been reviewed, evaluated, ranked, oral presentations (if necessary) and re-ranked, will determine the final ranking of proposers considered to be most capable of performing the required project, in the best interest of the City. NOTE: the initial scoring of written proposals is used to determine the short-list, where the second round of scoring is used to determine the "final ranking".

# AGENDA No. 9



CITY COUNCIL AGENDA ITEM  
Requested Council Meeting Date: August 2, 2016

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DEPARTMENT: Legal

SUBJECT: Resolution 2016-10 – Amending Resolution 2014-11 regarding the Airport Advisory Committee.

RECOMMENDED MOTION: Motion to (Approve or Deny) Resolution 2016-10.

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SUMMARY:

In accordance with City Council's direction at the July 19 Meeting, attached please find *proposed* Resolution 2016-10, amending Resolution 2014-11 regarding the Airport Advisory Committee.

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FISCAL IMPACT:  Capital Budget  
 Operating  
 Other

ATTACHMENTS:  Ordinance  Resolution  Budget  Other:

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Department Head: \_\_\_\_\_ Date: \_\_\_\_\_

Finance Director (As to Budget Requirements) \_\_\_\_\_ Date: \_\_\_\_\_

City Attorney (As to Form and Legality) \_\_\_\_\_ Date: 7/21/16

City Administrator:  \_\_\_\_\_ Date: 7-21-16

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

**RESOLUTION NO. 2016-10**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA, REGARDING THE ARCADIA MUNICIPAL AIRPORT; AMENDING RESOLUTION NO. 2014-11; AMENDING THE DUTIES OF THE AIRPORT ADVISORY COMMITTEE; ALTERING THE NUMBER OF AIRPORT ADVISORY COMMITTEE MEMBERS; AND PROVIDING AN EFFECTIVE DATE.**

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

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

**WHEREAS**, the City Council amended and restated in their entirety Resolution No. 2009-8 and Resolution No. 2009-20, by adopting Resolution No. 2013-08; and

**WHEREAS**, the City Council amended and restated in their entirety Resolution No. 2009-8, Resolution No. 2009-20, and Resolution No. 2013-08, by adopting Resolution 2014-11; and

**WHEREAS**, the City Council desires that the Airport Advisory Committee be comprised of five (5) members; and

**WHEREAS**, the City Council desires that the Airport Advisory Committee meet only to address specific issues expressly assigned it by the City Council; and

**WHEREAS**, the City Council of the City of Arcadia, Florida desires to amend Resolution No. 2014-11.

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

**Section 1. Amendment to Section (1) of Resolution 2014-11.** Section (1) of Resolution 2014-11 is hereby amended as follows:

“(1) The Airport Advisory Committee (hereinafter, "Committee") shall be advisory only and may be abolished, disbanded, or reorganized at any time by the City Council pursuant to an amendment to this resolution. The Committee’s purpose is to advise the City Council regarding any Arcadia Municipal Airport (hereinafter, "Airport") related issues on which the City Council requests the Committee’s recommendation. All findings and recommendations of the Committee will be directed to the City Council for consideration.”

**Section 2. Amendment to Section (4) of Resolution 2014-11.** Section (4) of Resolution 2014-11 is hereby amended as follows:

“(4) The Committee shall be comprised of five (5) members. At least three (3) members shall be residents of the City of Arcadia or own a business located within the corporate limits of the City of Arcadia. At least one (1) member shall be a resident in the unincorporated area of Desoto County.”

**Section 3. Amendment to Section (5) of Resolution 2014-11.** Section (5) of Resolution 2014-11 is hereby amended as follows:

“(5) The Committee shall meet for the purpose of organization within thirty (30) days after any appointments have been made. Further meetings of the Committee shall be held within thirty (30) days of being assigned an issue by the City Council. Upon assignment from the City Council of a specific issue or issues for the Committee’s recommendation, the Committee shall study such issue(s), then make its recommendations and reveal its findings to the City Council as soon as reasonably practicable. No recommendation shall be submitted to the City Council for consideration unless favorably voted upon by a majority of the Committee.”

**Section 4. Amendment to Section (6) of Resolution 2014-11.** Section (6) of Resolution 2014-11 is hereby amended as follows:

“(6) The Committee shall follow any meeting procedures adopted by the City Council, or in absence of same or where same are silent, by the most recent edition of Robert's Rules of Order. Without the necessary quorum, the Committee shall not take formal action but may meet to hear presentations. Nothing herein shall preclude the Committee from holding multiple meetings on a specific issue or issues, if deemed necessary by a majority vote of the Committee.”

**Section 5. Amendment of Resolution No. 2014-11.** Resolution No. 2014-11 is hereby amended by this Resolution.

**Section 6. Effective Date.** This Resolution shall be take effect immediately upon adoption.

**PASSED AND DULY ADOPTED BY THE CITY COUNCIL OF THE CITY OF  
ARCADIA, FLORIDA, with a quorum present and voting this \_\_\_\_\_ day of August, 2016.**

**CITY OF ARCADIA, FLORIDA**

\_\_\_\_\_  
Susan Coker, Mayor

**ATTEST:**

\_\_\_\_\_  
Penny Delaney, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Thomas J. Wohl, City Attorney

**RESOLUTION NO. 2014-11**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA, REGARDING THE ARCADIA MUNICIPAL AIRPORT; AMENDING AND RESTATING IN THEIR ENTIRETY RESOLUTION NO. 2009-8, RESOLUTION NO. 2009-20 AND RESOLUTION 2013-08; ESTABLISHING THE AIRPORT ADVISORY COMMITTEE AND THE PROCEDURES AND RULES GOVERNING SAME; AND PROVIDING AN EFFECTIVE DATE.**

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

**WHEREAS**, the City Council of the City of Arcadia, Florida amended and restated in its entirety Resolution No. 2009-8 by adopting Resolution No. 2009-20; and

**WHEREAS**, the City Council of the City of Arcadia, Florida amended and restated in their entirety Resolution No. 2009-8 and Resolution No. 2009-20 by adopting Resolution No. 2013-08; and

**WHEREAS**, the City Council of the City of Arcadia, Florida desires that the Airport Advisory Committee advise the City Council of the City of Arcadia, Florida directly; and

**WHEREAS**, the City Council of the City of Arcadia, Florida desires that the Airport Advisory Committee address its findings and recommendations directly to the City Council of the City of Arcadia, Florida; and

**WHEREAS**, members of the public have demonstrated an increased desire to serve on the Airport Advisory Committee and City Council of the City of Arcadia, Florida desires to increase the maximum number of members that will comprise the Airport Advisory Committee; and

**WHEREAS**, the City Council of the City of Arcadia, Florida desires to amend and restate in their entirety Resolution No. 2009-8, Resolution No. 2009-20 and Resolution No. 2013-08.

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

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

(1) The Airport Advisory Committee (hereinafter, "Committee") shall be advisory only and may be abolished, disbanded, or reorganized at any time by the City Council of the City of Arcadia, Florida (hereinafter, "City Council") pursuant to an amendment to this resolution. The Committee's purpose is to advise the City Council regarding the development of the Arcadia

Municipal Airport (hereinafter, "Airport") and property adjacent thereto. All findings and recommendations of the Committee will be directed to the City Council for consideration.

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

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

(4) The Committee should be comprised of at least three (3) and no more than seven (7) members. At least three (3) members shall be residents of the City of Arcadia or own a business located within the corporate limits of the City of Arcadia. At least one (1) member shall be a resident in the unincorporated area of Desoto County.

(5) The duties of the advisory committee are:

1. Study the Airport Master Plan and make recommendations, when necessary, of methods to accomplish the Airport Master Plan over the next five years.
2. Study the Airport Minimum Standards and make recommendations, when necessary, of methods to improve or implement the Airport Minimum Standards.
3. Study and make recommendations regarding future leases, business agreements and event proposals regarding the Airport.
4. Study the economic feasibility of land uses of property adjacent to the Airport and, in particular, the use of said lands for aeronautical, industrial or commercial use.
5. Study and make recommendations in the preparation of the Airport's annual budget in order to understand the financial condition of the Airport.

(6) The Committee shall follow any meeting procedures adopted by the City Council, or in absence of same or where same are silent, by the most recent edition of Robert's Rules of Order. Without the necessary quorum, the Committee shall not take formal action but may meet to hear presentations. Meetings shall be scheduled in the discretion of the Committee or at the request of the City Council or the City Administrator.

(7) Staff, administrative, and facility support for the Committee shall be provided by a city department designated by the City Administrator. Minutes of the meetings of the Committee shall be kept by the City Clerk. The City Attorney shall provide all legal services to the Committee but only as specifically directed, from time to time, by the City Council or City Administrator; provided, however, the City Attorney shall not be required to undertake or

continue representation of the Committee where to do so would, in the opinion of the Attorney, conflict with his representation of the City Council or constitute a violation of the Rules Regulating the Florida Bar.

(8) A member of the Committee may resign at will or be removed at any time by the City Council. Should any member of the Committee resign or be removed before completion of his/her term, the City Council may appoint a new member for the remainder of such member's term following the procedure included herein above. Notwithstanding the foregoing, the Committee must comply with the requirements of paragraph 4 herein.

**Section 2. Amendment and Restatement of Resolution No. 2009-8, Resolution No. 2009-20 and Resolution No. 2013-08.** Resolution No. 2009-8, Resolution No. 2009-20 and Resolution No. 2013-08 are hereby amended and restated in their entirety by this Resolution.

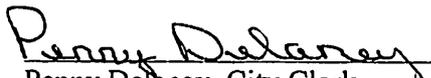
**Section 3. Effective Date.** This Resolution shall be take effect immediately upon adoption.

**PASSED AND DULY ADOPTED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA,** with a quorum present and voting this 11<sup>th</sup> day of September, 2014.

**CITY OF ARCADIA, FLORIDA**

  
\_\_\_\_\_  
Alice Frierson, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Penny Delaney, City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Thomas J. Wohl, City Attorney

# AGENDA No. 10



CITY COUNCIL AGENDA ITEM  
Requested Council Meeting Date: August 2, 2016

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DEPARTMENT: Police Department  
SUBJECT: Purchase two police interceptors (explorers)

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RECOMMENDED MOTION: Motion to approve the purchase of two police interceptors by piggy-backing on Charlotte County's Annual Vehicle Contract #2015000418.

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SUMMARY: The cost of each Police Interceptor is \$28,262 for a total of \$56,524. The APD received an anonymous donation in the amount of \$40,000, specifically earmarked for the purchase of new police vehicle(s). We are asking to purchase two interceptors using this donated \$40,000 and paying the difference of \$16,524 from the APD's Fuel Expense which to date has \$39,835.47 remaining. On an average APD has been spending \$2,500 a month on fuel, so using \$16,524 will leave \$23,317.47 in fuel expense.

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FISCAL IMPACT:  Capital Budget  
 Operating  
 Other

ATTACHMENTS:  Ordinance  Resolution  Budget  Other

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Department Head: Marshal Matt Anderson *[Signature]* Date: 7-22-16  
Finance Director (As to Budget Requirements) *[Signature]* Date: 7-22-16  
City Attorney (As to Form and Legality) Date:  
City Administrator: Date:

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



**July 19, 2016**

**Arcadia Police  
Marshal Matt Anderson**

**2017 Ford Police Interceptor Utility All Wheel Drive**

3.7L Flex Fuel V-6  
Automatic Transmission  
Dark Car Feature  
Headlight Prep Package  
Driver Side Factory Installed Spotlight  
Speed Control  
Grill, Lamp, Siren Wiring Package  
SYNC Voice Activated Bluetooth  
Keyless Entry (Fob Only)  
Reverse Sensing System  
Taillight Prep Package  
4 Corner LED Lights  
Santa Cruz Weapons Mount - Shipped Loose  
Exterior Color: White Code  
Interior Color: Charcoal

**TOTAL PER UNIT \$28,262.00**

**If you have any questions or need any additional information please to contact me anytime.**

Sincerely Yours,  
Richard Weissinger  
Commercial Fleet Sales  
Direct Line (813) 477-0052  
Fax (863) 533-8485

**2800 US Hwy North  
Bartow, Florida 33830**



# Charlotte County Government

"To exceed expectations in the delivery of public services."

[www.CharlotteCountyFL.gov](http://www.CharlotteCountyFL.gov)

January 19, 2016

City of Arcadia  
23 North Polk Avenue  
Arcadia, Florida 34266  
Attn: Amanda Albritton-Horkey

Dear Ms. Albritton-Horkey:

Per your request, please accept this letter as authorization from Charlotte County for the City of Arcadia to "piggyback" Bid #2015000418, Vehicles – Annual Contract. It is understood that the City of Arcadia will establish its own contract with the successful bidder, place its own orders, be invoiced therefrom and make its own payments to the successful bidder in accordance with the terms of the contract established between the City of Arcadia and the successful bidder. It is also hereby mutually understood and agreed that Charlotte County is not a legally bound party to any contractual agreement made between a successful bidder and any local entity other than Charlotte County Board of County Commissioners.

If you have any questions, please feel free to contact the Charlotte County Purchasing Division at 941-743-1370.

Sincerely,

Kimberly A. Corbett, C.P.M., CPPB  
Senior Division Manager – Purchasing

**PURCHASING DIVISION**  
BUDGET & ADMINISTRATIVE | SERVICE DEPARTMENT  
18500 Murdock Circle, Suite 344 | Port Charlotte, FL 33948-1068  
Phone: 941.743.1378 | Fax: 941.743.1384



**CITY OF ARCADIA, FL PIGGYBACK CONTRACT**

The City of Arcadia ("City") enters into this "Piggyback" Contract with Bartow Ford (hereinafter referred to as the "Vendor") under the terms and conditions hereinafter provided. The City and the Vendor agree as follows:

1. The Purchasing Manual for the City of Arcadia allows for "piggybacking" contracts. Pursuant to this procedure, the City is allowed to piggyback as existing government contract, and there is no need to obtain formal or informal quotations, proposals or bids. The parties agrees that the Vendor has entered a contract with Charlotte Co. Board of Commissioners, said contract being identified as: Vehicles - Annual Contract Bid 2015000418 (said original contract being referred to as the "original government contract").
2. The original government contract is incorporated herein by reference and is attached as exhibit "A" to this contract. All the terms and conditions set out in the original government contract (Exhibit "A") are fully binding on the parties and said terms and conditions are incorporated herein.
3. Notwithstanding the requirement that the original government contract is fully binding on the parties, the parties have agreed to modify certain technical provisions of the original government contract as applied to this contract between the Vendor and the City of Arcadia, as follows:
  - a. Time Period ("Term") of the Agreement: \_\_\_\_\_
  - b. Insurance Requirements: \_\_\_\_\_
  - c. Any other provisions that will be modified: \_\_\_\_\_
- d. Address Change for the City of Arcadia: Notwithstanding the address and contact information for the government entity set out in Exhibit "A", the Vendor agrees that he/she/it will send notices, invoices and will conduct all business with the City of Arcadia, attention of FINANCE, at 23 N. Polk Ave., Arcadia, FL 34266, telephone number 863-494-4114, fax number 863-494-4712.
- e. Notwithstanding anything in Exhibit "A" to the contrary, the venue of any dispute will be in Desoto County, Florida. Litigation between the parties arising out of this contract must be in Desoto County, Florida in a court of appropriate jurisdiction. The laws of Florida will control any disputes between the parties arising out of or related to the Piggyback Contract, the performance thereof or any products and services delivered pursuant to such contract.
- f. Notwithstanding any other provision in Exhibit "A" to the contrary, there shall be no arbitration with respect to any disputes between the parties arising out of this contract. Dispute resolution shall be through voluntary and non-binding mediation, negotiation or litigation in the Court of appropriate jurisdiction in Desoto County, Florida, with the parties bearing the costs of their own legal fees with respect to any dispute resolution, including litigation.
- g. All other provisions in the original government contract (Exhibit "A") are fully binding on the parties and will represent the agreement between the City of Arcadia and the Vendor.

Entered this 8th day of February, 2016  
BARTOW FORD \_\_\_\_\_ Susan Coker

Vendor  
By: RICHARD WEISSINGER  
Title: COMMERCIAL FLEET SALES  
Date: 2/8/16  
Attested by: [Signature]

By: Susan Coker  
Title: MAYOR  
Date: 2-2-16  
Attested by: [Signature]  
City Clerk

