

**AGENDA  
ARCADIA CITY COUNCIL  
CITY COUNCIL CHAMBERS  
23 N. POLK AVE., ARCADIA, FL  
TUESDAY, SEPTEMBER 3, 2013  
6:00 PM**

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

**PUBLIC HEARING – (Open Public Hearing)**

**RESOLUTION NO. 2013-19; A RESOLUTION  
ADOPTING THE MILLAGE RATE TO BE LEVIED  
BY THE CITY OF ARCADIA, FLORIDA FOR  
FISCAL YEAR 2013-2014 (Finance Director)**

**RESOLUTION NO. 2013-20; A RESOLUTION  
ADOPTING THE TENTATIVE BUDGET FOR THE  
CITY OF ARCADIA, FLORIDA FOR FISCAL YEAR  
2013-2014 (Finance Director)**

**CLOSE PUBLIC HEARING**

**OPEN REGULAR CITY COUNCIL MEETING**

**PRESENTATION**

Kevin Joens, 5 years of service - Presentation by Mayor

**CONSENT AGENDA**

1. August 6, 2013 City Council Minutes
2. Check Warrant Reports: 08/19/13, 08/20/13, 08/27/13
3. Amendment 5 to Specific Authorization No. 11 (co-document to Change Order 3 approved last meeting)

**DISCUSSION ITEMS**

4. Request for use of Speer Center – Toys for Tots, Marine Corps Reserve (Administrator)
5. Lease of Former Police Station (Administrator)
6. Airport Lighting Grant (Administrator)
7. Prayer Policy (Attorney)
8. Health Insurance (Administrator)
9. Oak Ridge Cemetery (Public Works Director)
10. Antique Association 4<sup>th</sup> Saturday Fair and 1<sup>st</sup> Saturday Farmer's Market (Marshal Anderson)
11. Revised Personnel Policy Manual (Human Resources)

**ORDINANCES**

12. **ORDINANCE NO. 992: FIRST READING OF AN  
ORDINANCE AMENDING THE CITY OF ARCADIA  
CODE OF ORDINANCES TO REPEAL CHAPTER 58;**

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

Please TURN OFF or SILENCE all cell phones

TO ADOPT A NEW CHAPTER 58; TO ADOPT FLOOD HAZARD MAPS, TO DESIGNATE A FLOODPLAIN ADMINISTRATOR, TO ADOPT PROCEDURES AND CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS, AND FOR OTHER PURPOSES; TO ADOPT LOCAL ADMINISTRATIVE AMENDMENTS TO THE FLORIDA BUILDING CODE; PROVIDING FOR APPLICABILITY; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE. (City Planner)

13. ORDINANCE NO. 993; FIRST READING OF AN ORDINANCE OF THE CITY OF ARCADIA, AMENDING CHAPTER 2, ARTICLE VII, DIVISION 3, SECTION 2, OF THE CODE OF ORDINANCES OF THE CITY OF ARCADIA, AMENDING THE CITY OF ARCADIA POLICE OFFICERS' AND FIREFIGHTERS' RETIREMENT SYSTEM; AMENDING SECTION 1, DEFINITIONS; AMENDING SECTION 15, MAXIMUM PENSION; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE. (Attorney)

#### **COMMENTS FROM DEPARTMENTS**

14. City Marshal – August 2013 Report Included in Packet
15. Attorney
16. City Administrator

**PUBLIC** (PLEASE LIMIT PRESENTATIONS TO FIVE MINUTES)

#### **MAYOR AND COUNCIL MATTERS**

#### **ADJOURN**

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

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RESOLUTION NO. 2013-19

A RESOLUTION ADOPTING THE  
MILLAGE RATE TO BE LEVIED BY  
THE CITY OF ARCADIA, FLORIDA  
FOR FISCAL YEAR 2013-2014

*WHEREAS*, Florida Statutes 200.065(2)(d) requires that the City of Arcadia, Florida adopt a Resolution stating the millage rate to be levied for Fiscal year 2013-2014, and

*WHEREAS*, the Resolution shall state the percent, if any, by which the millage rate to be levied exceeds the rolled-back rate.

*NOW THEREFORE BE IT RESOLVED*, by the City Council of the City of Arcadia that:

1. The City of Arcadia does hereby adopt its Tentative Millage Rate of **8.6694 mills** to be levied for the General Fund upon all real and tangible personal property located within the boundaries of the City of Arcadia to fund the fiscal Year 2013-2014 budget, and

2. The percentage by which this millage rate to be levied is less than the rolled back rate of 8.7867 mills, computed pursuant to Florida law, is -1.33 per cent.

*PASSED AND ADOPTED by the City Council this 3th day of September 2013.*

By:

\_\_\_\_\_  
Keith Keene, Mayor

ATTEST:

\_\_\_\_\_  
Gia S. Lancaster, CMC  
City Clerk

The foregoing has been reviewed and  
Approved for legal sufficiency by:

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

RESOLUTION NO. 2013-20

A RESOLUTION ADOPTING THE  
TENTATIVE BUDGET FOR THE  
CITY OF ARCADIA, FLORIDA FOR  
FISCAL YEAR 2013-2014

WHEREAS, The City council of the City of Arcadia, Florida has followed the procedures for budget preparation, public notices, and public hearings as prescribed by Florida Statutes, and

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Arcadia that the following funds be adopted as the City of Arcadia's Final Budget For Fiscal Year 2013-2014.

GENERAL FUND	\$ 4,779,659
WATER AND SEWER FUND	2,692,937
AIRPORT FUND	563,578
SMALL COUNTY SURTAX/CAPITAL IMPROVEMENT FUND	456,529
SOLID WASTE FUND	742,575
COMMUNITY DEVELOPMENT BLOCK GRANT	<u>700,000</u>
TOTAL ALL FUNDS	<u>\$9,935,278</u>

PASSED AND ADOPTED by the City Council this 3th day of September 2013.

By:

\_\_\_\_\_  
Keith Keene, Mayor

ATTEST:

\_\_\_\_\_  
Gia S. Lancaster, CMC  
City Clerk

The foregoing has been reviewed and  
Approved for legal sufficiency by:

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

**MINUTES  
CITY COUNCIL  
CITY OF ARCADIA  
TUESDAY, August 6, 2013  
6:00 PM**

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

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

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

Mr. Willie Jones gave the invocation which was followed by Deputy Mayor Heine beginning the Pledge of Allegiance.

**Arcadia City Council**

Mayor Keith Keene

Deputy Mayor Robert Heine

Councilman Robert R. Allen

Councilwoman Alice Frierson

Councilman Joseph E. Fink

**Arcadia City Staff**

City Administrator Judi Jankosky

City Attorney Thomas J. Wohl

Planning Specialist Christi Pence

Marshal Matt Anderson

Mayor Keene recognized County Commissioner Buddy Mansfield.

**CONSENT AGENDA**

1. July 16, 2013 City Council Minutes
2. Check Warrants Reports 07/12/13, 07/17/13, 07/24/13, 7/30/13
3. Tourist and Development Council Report

**A motion was made by Deputy Mayor Heine to approve consent agenda items 1 through 3 as presented.** Attorney Wohl replied that the Minutes of July 16, 2013 contained an error in the last paragraph under Item 6, which reflects the discussions to make annual payments to the County for fire services. The correct year should reflect 2020 rather than 2030. Mrs. Jankosky stated that change would be corrected.

**The motion was made by Deputy Mayor Heine to approve items 1 through 3 as amended. The motion was seconded by Councilman Fink and carried 5-0.**

## **DISCUSSION ITEMS**

### **Item 4. Mutual Aid Agreement**

Marshal Anderson discussed the Mutual Aid agreement with Hardee County Sheriff's office. This agreement is for our protection and their protection in case they have to come down to Desoto County. This will help our officers and to the jurisdiction agreement. This will also help serve the Narcotics Investigations and any other. Mayor Keene questioned if the mutual agreement was annually reinstated. Marshal Anderson replied that typically this agreement is executed annually however due to changes made in the Administration regarding former Marshal Charles Lee's resignation.

**A motion was made by Deputy Mayor Heine and seconded by Councilman Fink to approve the Mutual Aid agreement with Hardee County Sheriff's Office as presented. Motion carried 5-0.**

### **Item # 5 – Rodeo Weekend Update**

Mr. George Chase, President, Friends of Arcadia Airport, reported on an event at the Arcadia Airport consisting of 15 planes for a three day weekend. The event would include camping under the wing, pancake breakfast, potluck dinners and the Rodeo Parade plus attendance to the Rodeo. The Rodeo Association is willing to provide discount tickets. There will be approximately 50 people involved in this event. However Mr. Chase was told by the City Administrator that the Friends of the Airport must provide Rider's Insurance which costs \$700.00. Mr. Chase stated that Friends of the Airport are not financially able to cover this expense. He continued that should this be required in the future, it will severely affect efforts to promote the Airport and other Florida Airports do not require Rider's Insurance. He finalized that the Friends of the Airport may have to go elsewhere.

Mayor Keene questioned what activity is occurring that requires extra Rider's Insurance. Mrs. Jankosky explained that it is an organizational event that the City is not involved in the safety and security plans. It's the additional activities taking place like the pancake breakfast and dinners. The event is not just flying in and out.

Councilwoman Frierson questioned that if the City is going to allow overnight camping after the Airport is on security lockdown would the FFA have something to say about that even if it's within the perimeter of the Airport.

**Mr. George Chase** explained that Page Field allows overnight camping and they do not require Riders Insurance. He asked if there was any way the City can get involved so they can have this event. Mrs. Jankosky relayed that City Insurance will not cover this event.

**Councilman Fink** stated that he would like to see everyone work together to make this happen.

**Item # 6 – Historical Marker Grant.**

Ms. Carol Mahler, Historical Society, was not present. Council spoke briefly on the Historical Marker request. The Proposal is a one sided marker that costs \$1,900.00 and the two sided marker costs is \$2,110.00. The Marker would be placed in the Arcadia Historic District. Councilman Fink suggested the item would be better to discuss following the Budget completion in October. Council Members all agreed.

**Item # 7 – Award Lighting Project – Airport.**

Ms. Jankosky reported that the City received three bids. Two bids were correctly filled out. The lowest, responsible bid was Owens-Ames & Kimball Company in the amount of \$501,834.70. She added that there were separate additives that were bid as well and the Florida Department of Transportation (FDOT) will fund additional additives with 100% reimbursement as well.

**A motion was made by Councilman Heine which was seconded by Councilman Fink to approve Bid No. 2013-03 Airport Lighting Project as presented. The motion carried 5-0.**

**Item # 8 – Award Airport Pavement Conditioning and Marking runway Contract.**

Mrs. Jankosky reported that this project was awarded to Hi-Light Marking being the lowest responsible bidder in the amount of \$102,250.00. The project is 100% paid through FDOT. The lowest bid was Highlight Marking the bid amount of \$102,250.00 which include administrative costs.

**A motion was made by Deputy Mayor Heine and seconded by Councilman Fink to approve Bid No. 2013-12 - Airport Pavement and Marking Contract as presented. The motion carried 5-0.**

**Item # 9 – Ordinance No. 990 – Business Tax License Fees.**

Mrs. Jankosky explained the changes to Ordinance 990. This Ordinance originally was referred to as an Occupational Tax License which is now Business Tax license which now includes a penalty for delinquency. This Ordinance would allow us to change the fees in Ordinance 990 referenced through Resolution 2013-13.

**A motion was made by Deputy Mayor Heine and seconded by Councilman Fink approve the amended Ordinance 990 at first reading. The motion carried 5-0**

**Item # 10 – Ordinance 991 – Public Records Requests.**

Attorney Wohl explains that this is an Ordinance pertaining to Public Records Requests as per Florida Statutes 119. “Extensive use of time” for Highlands County was 15 minutes to produce public records. Ordinance 991 would allow the City to recoup money for public records copying and staff time. Councilman Fink responds that he believes 30 minutes would be sufficient time to complete a public records request.

**A motion was made by Deputy Mayor which was seconded by Councilman Fink to approve Ordinance 991 at first reading and setting extensive use of time at 30 minutes. The motion carried 5-0.**

**Item #11 – Resolution No. 2013-13**

Attorney Wohl explained that Resolution 2013-13 establishes fee increases for certain business classifications or types; providing for the amendments to be depicted in a strike through and underlined legislative format in conjunction with Ordinance 990. It is in tonight's packet for information purposes only. It will need to be considered at the second reading of Ordinance 990.

**Item # 12**

Marshall Matt Anderson included the report for July 2013.

31 arrests

29 accident report

1,100 complaints

Tracie Hobbble, Arcadia resident for 10 years supports the Police Department and would volunteer in any way to keep the Police Department running.

Marshall Anderson thanked everyone for their support of the City Police Department.

**Council set the next Budget workshop for August 13, 2013 at 5:30 p.m.**

**City Attorney Items:**

**Item #13a – Prayer Policy**

**Attorney Wohl** explains the Prayer Policy which is similar to the city of Lakeland. Attorney Wohl will return with a proposed Resolution for Council and public feedback.

Mrs. Jankosky reviews Community Events. She would like to have a City sponsored 1<sup>st</sup> and 3<sup>rd</sup> Saturday of each month for community events. She noted the example such as the Farmers Market in Punta Gorda. The City would like to close a few streets down like Oak Street and use the parallel parking spaces to rent out to vendors.

**Mayor Keene** would like to reconstruct Jim Space. He would like the opportunity to look at the project and discuss at a subsequent meeting.

Mrs. Jankosky updated Council on Smith brown gym. The Summer Camp request should be delayed until next year as we only have one week left of summer. She suggested in the meantime reviewing applications to process for the following year.

The next City Council meeting is scheduled for Tuesday, August 13th at 5:30 p.m.

**PUBLIC**

**(PLEASE LIMIT PRESENTATION TO FIVE MINUTES)**

**Ernest Morgan** provided a wide range of community comments.

**Dave Matheson** commented on concerns regarding the Oak Ridge Cemetery. He lives between Gibson Street and the Corner of Wilson Street. He helps maintain eight (8) plot spaces in the Oak Ridge Cemetery. He requested the log removed from the back entrance of the cemetery so he can mow the eight (8) plot spaces.

**A motion was made by Deputy Mayor Heine and seconded by Councilwoman Frierson to remove the log from the back maintenance area of the Oak Ridge Cemetery. The motion carried 5-0.**

**Mr. George Chase** comments that the Airport looks great.

**Ms. Valerie Gilchrest** commented on the Smith Brown Gym and potential school programs. She commented on the Prayer Policy.

**Mr. Carl Whaley** spoke in favor of retaining the Police Department.

**Ms. Leona Wicks, PD employee,** stresses that the Police Department works very hard in every situation.

**Mr. Cliff Brown** stated that the Police Department is here to serve the City and what would happen to the safety of our schools.

**Barbara Efferson** states that she believes the City is making a wrong decision regarding the Police Department.

**Robert Woods,** Sergeant, City Police Department stated he has been a resident in Desoto County for sixteen years and representing the Police Department for eleven years. Please reconsider your decision regarding the Police Department disbandment.

**Officer James Vitteli, APD,** advised the City Council to reconsider other options.

**Mr. Kevin Joens, APD,** expressed his concerns for the City and asked Council to think of other ways to make cut backs. He suggested starting fines for arrests, red light cameras, license plate readers all of which could bring income to the City.

**Beth Carson** expressed her concerns about loosing the City Police Department.

**Mike Waller** resident of the City is very concerned for the outcome of the Police Department.

**MAYOR AND COUNCIL MATTERS** – No Reports

**ADJOURN**

There being no further business the meeting adjourned at 8:00 P.M.

**APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2013.**

By:

\_\_\_\_\_  
Keith Keene, Mayor

ATTEST:

\_\_\_\_\_  
Christi D. Pence, Planning Specialist



08/19/2013 15:09  
elarson

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

PG 12  
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WARRANT: 20130806 08/19/2013

DUE DATE: 08/19/2013

VOUCHER	VENDOR	VENDOR NAME	INVOICE	PO	TYPE	DUE DATE	AMOUNT	COMMENT
93766	40060	DESOTO COUNTY BOARD OF COMM	JULY 2013_L	100	INV	08/16/2013	20,464.58	JULY PAYMENT LANDFILL
93767	1963	BV OIL COMPANY, INC	ARCASAN7	100	INV	08/16/2013	4,104.90	ARCADIA SANITATION
93768	1963	BV OIL COMPANY, INC	ARCAPAR	100	INV	08/16/2013	1,132.95	ARCADIA PARKS/RECREATI
93769	1963	BV OIL COMPANY, INC	ARCAWWT7	100	INV	08/16/2013	744.08	ARCADIA WWTP
93770	1963	BV OIL COMPANY, INC	ARCAWAT	100	INV	08/16/2013	577.26	ARCADIA WTP
93771	1963	BV OIL COMPANY, INC	ARCASYS	100	INV	08/16/2013	1,997.29	ARCADIA SYSTEM
93772	1963	BV OIL COMPANY, INC	ARCASTR7	100	INV	08/16/2013	615.18	ARCADIA STREET
93773	1963	BV OIL COMPANY, INC	ARCAINM	100	INV	08/16/2013	149.70	ARCADIA INMATE GUARD
93774	1963	BV OIL COMPANY, INC	ARCAGAR7	100	INV	08/16/2013	838.58	ARCADIA GARAGE
93775	1963	BV OIL COMPANY, INC	ARCACEM7	100	INV	08/16/2013	411.05	ARCADIA CEMETERY
93776	190070	SHORT ENVIRONMENTAL	13-2260	100	INV	08/16/2013	170.00	ICP METAL (ALL); SULFA
93777	130020	MAASSEN OIL CO., INC.	183295	100	INV	08/16/2013	54.86	2 CAM2 DEF 3/2GAL
93778	2052	HD SUPPLY WATERWORKS, LTD	B198825	100	INV	08/16/2013	275.00	HYDROGUARD HANDHELD; 8
93779	1780	EDWARD CARDONA	1025	100	INV	08/16/2013	2,850.00	TEST MONITORS, TEST EX
93780	291	ENVIRO-TECH	125350	100	INV	08/31/2013	4,546.75	PX-700 BIOSTIMULANT
93781	2682	SIMPLIFILE, LLC	201324529	100	INV	08/31/2013	20.50	COUNT RECORDING FEES
93782	2662	THOMPSON TRACTOR CO	103556	100	INV	08/31/2013	148.28	SOLENOID FUL SHUT OFF
93783	2662	THOMPSON TRACTOR CO	103603	100	INV	09/01/2013	283.85	VALVE-SOLENOID
93784	2687	TYLER TECHNOLOGIES, INC	201307	100	INV	09/04/2013	268.20	COMPUTER UPGRADE
93785	10030	W & S ENTERPRISE ACCOUNT	117748	100	INV	08/27/2013	52.92	ACCT # 1070554200
93786	10030	W & S ENTERPRISE ACCOUNT	117747	100	INV	08/27/2013	45.36	ACCT # 1070554000
93787	10030	W & S ENTERPRISE ACCOUNT	117617	100	INV	08/27/2013	24.90	ACCT # 1050589700
93788	10030	W & S ENTERPRISE ACCOUNT	117598	100	INV	08/27/2013	25.00	ACCT # 1050583500
93789	10030	W & S ENTERPRISE ACCOUNT	117037	100	INV	08/27/2013	144.36	ACCT # 1010000100
93790	10030	W & S ENTERPRISE ACCOUNT	117597	100	INV	08/27/2013	25.00	ACCT # 1050582900



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

PG 13  
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WARRANT: 20130806 08/19/2013

DUE DATE: 08/19/2013

VOUCHER	VENDOR	VENDOR NAME	INVOICE	PO	TYPE	DUE DATE	AMOUNT	COMMENT
93791	10030	W & S ENTERPRISE ACCOUNT	117827	100	INV	08/27/2013	35.26	ACCT # 1070622400
93792	10030	W & S ENTERPRISE ACCOUNT	117828	100	INV	08/27/2013	219.58	ACCT # 1070622600
93793	10030	W & S ENTERPRISE ACCOUNT	117829	100	INV	08/27/2013	470.44	ACCT # 1070625900
93794	10030	W & S ENTERPRISE ACCOUNT	117833	100	INV	08/27/2013	215.98	ACCT # 1070631500
93795	80075	HOME OWNERS SUPPLY	240401	100	INV	08/16/2013	25.30	2X4X8 WOOD, PENCIL, BL
93796	80075	HOME OWNERS SUPPLY	240415	100	INV	08/16/2013	11.49	2X4X8 AND 2X4X10 WOOD
93797	80075	HOME OWNERS SUPPLY	240154	100	INV	08/16/2013	8.00	BLUEPRINT COPY
93798	80075	HOME OWNERS SUPPLY	240693	100	INV	08/16/2013	92.31	SPRUCE, SHEET METAL SC
93799	80075	HOME OWNERS SUPPLY	240377	100	INV	08/16/2013	11.53	CONCRETE MIX, CEMENT
93800	80075	HOME OWNERS SUPPLY	240376	100	INV	08/16/2013	3.46	CONCRETE MIX
93801	10160	ARCADIA AMOCO	4281903	100	INV	08/16/2013	7.00	LABOR N/T
93802	3018	CASCADE SUBSCRIPTION SERVIC	1246913	100	INV	08/08/2013	271.71	GOLF WORLD, GOLF DIGES
93803	2152	TEXAS LIFE INSURANCE	20130816	100	INV	08/16/2013	114.60	FRANCHISE # SM8063
93804	60090	FLORIDA POWER & LIGHT	06970-399497	100	INV	08/22/2013	431.66	1612 E CYPRESS ST # WE
93805	60090	FLORIDA POWER & LIGHT	26050-369837	100	INV	09/03/2013	202.22	1312 E CYPRESS ST # LI
93806	60090	FLORIDA POWER & LIGHT	36020-30979	100	INV	09/03/2013	62.29	320 N 10TH AVE # SLS 5
93807	60090	FLORIDA POWER & LIGHT	77069-389127	100	INV	09/03/2013	136.00	1301 E OAK ST # SHPPG
93808	60090	FLORIDA POWER & LIGHT	97419-389647	100	INV	08/22/2013	299.71	1422 NE OAK ST # WELL
93809	60090	FLORIDA POWER & LIGHT	97449-309437	100	INV	08/22/2013	371.09	1704 NE OAK ST # WELL
93810	60090	FLORIDA POWER & LIGHT	80428-963686	100	INV	07/24/2013	343.34	721 N BREVARD AVE # DR
93811	60090	FLORIDA POWER & LIGHT	51929-541957	100	INV	08/23/2013	9.67	185 NE TURNER AVE
93812	60090	FLORIDA POWER & LIGHT	40006-944737	100	INV	08/23/2013	7.69	607 E OAKST #SCHOOL CR
93813	60090	FLORIDA POWER & LIGHT	16279-339617	100	INV	08/29/2013	54.99	1769 NE LIVINGSTON ST
93814	60090	FLORIDA POWER & LIGHT	26059-379587	100	INV	08/29/2013	32.38	1769 NE LIVINGSTON AR
93815	60090	FLORIDA POWER & LIGHT	26069-359857	100	INV	08/29/2013	702.22	1769 NE LIVINGSTON ST



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

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WARRANT: 20130806 08/19/2013

DUE DATE: 08/19/2013

VOUCHER	VENDOR	VENDOR NAME	INVOICE	PO	TYPE	DUE DATE	AMOUNT	COMMENT
93816	60090	FLORIDA POWER & LIGHT	53062-540377	100	INV	08/29/2013	10.70	1769 NE LIVINGSTON ST
93817	60090	FLORIDA POWER & LIGHT	86546-90547/7	100	INV	08/29/2013	7.69	518 E OAK ST #SCHOOL C
93818	60090	FLORIDA POWER & LIGHT	86639-39968/7	100	INV	08/29/2013	12.03	16 S VOLUSIA AVE # PAR
93819	2511	BLUECROSS & BLUESHIELD OF F	94054036	100	INV	09/30/2013	463.40	FOR CLIFFORD G LONG`
93820	2455	CENTURYLINK	3113678118	100	INV	08/14/2013	30.94	ACCT #311367811
93821	2455	CENTURYLINK	3121193258	100	INV	08/14/2013	40.94	ACCT # 312119325
93822	2455	CENTURYLINK	3110327958	100	INV	08/14/2013	150.97	ACCT # 311032795
93823	2455	CENTURYLINK	3122846848	100	INV	08/14/2013	260.00	ACCT # 312284684
93824	1429	SUN STATE INTERNATIONAL TRU	X100106506:01	100	INV	08/23/2013	132.63	TIE ROD END
93825	1429	SUN STATE INTERNATIONAL TRU	X400026286:01	100	INV	08/23/2013	165.77	TIE ROD END, ABSORBER
93826	1963	BV OIL COMPANY, INC	03-588240	100	INV	08/24/2013	512.68	OIL
93827	120120	LOU'S PAINT SPOT	201307	100	INV	08/10/2013	424.53	JULY STATEMENT
93828	1970	FLORIDA SPRING AND AXLE SER	374881	100	INV	08/11/2013	357.27	BOLT KIT, F SPR
93829	200075	TOTAL PEST CONTROL OF FLA I	846137	100	INV	09/04/2013	65.00	COMMERCILA PEST CONTRO
93832	1600	MCNEILUS TRUCK & MFG	569505	100	INV	07/03/2013	282.05	VALVE; HARNESS
93833	2771	UNITED HEALTHCARE INSURANCE	6140537B	100	INV	08/23/2013	2,477.88	PAST DUE BALANCE
93834	10030	W & S ENTERPRISE ACCOUNT	117918	100	INV	09/03/2013	30.24	ACCT # 2090708000
93835	10030	W & S ENTERPRISE ACCOUNT	117901	100	INV	09/03/2013	79.40	ACCT # 2090697500
93836	10030	W & S ENTERPRISE ACCOUNT	117920	100	INV	09/03/2013	30.24	ACCT # 2090708200
93837	10030	W & S ENTERPRISE ACCOUNT	118326	100	INV	09/03/2013	30.24	ACCT # 2110915600
93838	130145	MUNICIPAL CODE CORP	232030	100	INV	09/05/2013	700.00	ANNUAL BILLING AUG 201
93841	2151	PEACE RIVER SHOPPER	201306 PD	100	INV	08/23/2013	219.90	JUNE STATEMENT- PD (IN
93844	2151	PEACE RIVER SHOPPER	201307 ARC	100	INV	08/23/2013	38.70	SPRAY TECH GOLF COURSE
93845	3022	SITBETTER.COM	4186R9A	100	INV	06/27/2013	158.00	BOSS- ARMLESS MESH BAC
93847	70010	GALL'S INC	753075	100	INV	07/29/2013	19.02	NAMPLATES



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

PG 15  
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WARRANT: 20130806 08/19/2013

DUE DATE: 08/19/2013

VOUCHER	VENDOR	VENDOR NAME	INVOICE	PO	TYPE	DUE DATE	AMOUNT	COMMENT
93848	2638	TOSHIBA	2403628	100	INV	08/11/2013	272.51	725 N BREVARD AVE; 5/3
93849	2638	TOSHIBA	2429038	100	INV	09/14/2013	263.88	725 N BREVARD AVE, 6/3
93850	40072	DESOTO CNTY SHERIFF'S OFFIC	JUNE 2013	100	INV	07/31/2013	850.17	JUNE 2013 RADIO AND TO
93852	3024	MOOTS, NANCY	20130819	100	INV	08/23/2013	260.67	CREDIT FOR WATER CUSTO
93853	393	SRT SUPPLY INC	786700	100	INV	08/23/2013	399.98	RIFLE, FIRST AID PACK,
93854	2603	B & B TELEPHONE SYSTEMS INC	7301307	100	INV	08/09/2013	95.00	TROUBLE REPORT
93855	1679	ARCADIA PRINTING, LLC	12006	100	INV	08/09/2013	17.00	ENGRAVED METAL SIGNS (
93856	2658	CINTAS DOCUMENT MANAGEMENT	DD69088232	100	INV	08/10/2013	77.70	OFFSITE SERVICE
93857	914	PITNEY BOWES, INC	201307	100	INV	08/23/2013	258.52	ACCT # 2359985
93858	2596	MAULDIN & JENKINS	544476	100	INV	08/23/2013	13,702.50	AUDIT PROFESSIONAL SER
93859	1424	SUNCOAST MEDIA GROUP, INC	274343	100	INV	08/23/2013	177.65	AD FOR THE ASE CERTIFI
93860	1405	THE SUN	2926032	100	INV	08/23/2013	105.69	LEGAL ADVERTISING
93861	2455	CENTURYLINK	3121596808	100	INV	08/23/2013	155.94	ACCT # 312159680
93862	2988	SPECIAL PRODUCTS GROUP	207607	100	INV	08/06/2013	810.00	MORE SHIRTS
93863	1515	HELENA CHEMICAL CO.	23746176	100	INV	09/15/2013	326.04	FERTILIZERS
93864	2674	CARDINAL CONTRACTORS INC	DW140107	100	INV	08/23/2013	191,103.19	CONTRACT FOR WTP AND W
WARRANT TOTAL							259,687.13	

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

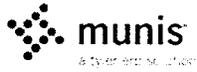
PG 4  
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WARRANT: 20130807 08/20/2013

DUE DATE: 08/20/2013

VOUCHER	VENDOR	VENDOR NAME	INVOICE	PO	TYPE	DUE DATE	AMOUNT	COMMENT
93866	2612	HANSON PROFESSIONAL SERVICE	1039786	100	INV	08/23/2013	16,050.87	DESIGN SERVICES
93867	2612	HANSON PROFESSIONAL SERVICE	1039787	100	INV	08/23/2013	1,942.28	DESIGN SERVICES
93868	60090	FLORIDA POWER & LIGHT	03160-30915/7	100	INV	08/20/2013	164.79	SE AIRPORT RD # HANGAR
93869	60090	FLORIDA POWER & LIGHT	03130-38937/7	100	INV	08/20/2013	140.83	SE AIRPORT RD #OL
93870	60090	FLORIDA POWER & LIGHT	57004-27361/7	100	INV	08/20/2013	26.65	2101 SE AC POL JR DR H
93871	60090	FLORIDA POWER & LIGHT	03080-31905/7	100	INV	08/20/2013	7.72	SE AIRPORT RD
93872	60090	FLORIDA POWER & LIGHT	32291-29311/7	100	INV	08/20/2013	45.19	2268 SE AC POL JR DR #
93873	274	FIELDS EQUIPMENT COMPANY, IN	Z15429	100	INV	07/05/2013	71.16	WASHER, SEAL
WARRANT TOTAL							18,449.49	

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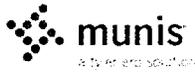
City of Arcadia, FL - \*\* LIVE \*\*  
WARRANT LIST BY VOUCHER

PG 15  
apwarrrt

WARRANT: 20130810 08/27/2013

DUE DATE: 08/27/2013

VOUCHER	VENDOR	VENDOR NAME	INVOICE	PO	TYPE	DUE DATE	AMOUNT	COMMENT
92118	2844	ADVANCE AUTO PARTS	9127309274600	100	INV	04/19/2013	99.99	BALL JOINT REMOVER
92119	2844	ADVANCE AUTO PARTS	9127309287760	100	CRM	04/19/2013	-99.99	BALL JOINT REMOVER RET
93876	1679	ARCADIA PRINTING,LLC	12124	100	INV	09/15/2013	233.00	AUDIT
93881	230015	WALMART COMMUNITY BRC	JUL/AUG 2013	100	INV	09/11/2013	206.98	UTILITY UPC, LATE CHAR
93882	700837	ARCADIA CHEVROLET GEO	CTCS170626	100	INV	08/23/2013	106.26	FRONT-END ALIGNMENT
93883	1535	NAPA AUTO PARTS	JULY 2013	100	INV	08/23/2013	2,268.96	JULY STATEMENT ACCT #
93884	1963	BV OIL COMPANY,INC	PD 7/30,8/12	100	INV	08/23/2013	85.17	2 MISSED PD INVOICES
93885	2477	STATE OF FLORIDA	3G-7355	100	INV	08/23/2013	817.10	TELEPHONE
93886	1515	HELENA CHEMICAL CO.	23745968	100	INV	09/15/2013	498.15	FERTILIZER FOR GREEN R
93887	1515	HELENA CHEMICAL CO.	23746080	100	INV	09/15/2013	275.00	TOPCHOICE FOR GREENS R
93888	1963	BV OIL COMPANY,INC	03-589680	100	INV	09/05/2013	861.84	FUEL
93889	2823	CHANCEY BOHANNAN SEPTIC & P	1451	100	INV	07/31/2013	140.00	PORT-A-JON AND SERVICE
93890	1424	SUNCOAST MEDIA GROUP,INC	082013155159	100	INV	08/23/2013	103.00	GOLF DIRECTORY
93891	60090	FLORIDA POWER & LIGHT	98315-85519/7	100	INV	09/05/2013	7.69	948 N ARCADIA AVE # LT
93892	60090	FLORIDA POWER & LIGHT	11873-76494/7	100	INV	09/05/2013	11.54	400 VIRGINIA ST # STOR
93893	60090	FLORIDA POWER & LIGHT	13266-99236/7	100	INV	09/05/2013	20.10	400 VIRGINIA ST # EAST
93894	60090	FLORIDA POWER & LIGHT	16944-36948/7	100	INV	09/05/2013	163.14	231 PROVIDENCE ST # SL
93895	60090	FLORIDA POWER & LIGHT	59153-15104/7	100	INV	09/05/2013	52.40	948 N ARCADIA AVE # LL
93896	60090	FLORIDA POWER & LIGHT	79406-08874/7	100	INV	09/05/2013	20.10	400 VIRGINIA ST # WEST
93897	60090	FLORIDA POWER & LIGHT	79812-41180/7	100	INV	09/05/2013	20.10	948 N ARCADIA AVE #LL
93898	60090	FLORIDA POWER & LIGHT	86753-33960/7	100	INV	09/05/2013	10.15	400 VIRGINIA ST # SPEE
93899	60090	FLORIDA POWER & LIGHT	86833-32970/7	100	INV	09/05/2013	20.22	400 VIRGINIA ST # TENN
93900	60090	FLORIDA POWER & LIGHT	86763-319997/7	100	INV	09/05/2013	40.45	400 VIRGINIA ST # CONC
93901	60090	FLORIDA POWER & LIGHT	86893-35928/7	100	INV	09/05/2013	479.84	948 N ARCADIA AVE # NE
93902	60090	FLORIDA POWER & LIGHT	86903-33953/7	100	INV	09/05/2013	22.69	948 N ARCADIA AVE # PK



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

PG 16  
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WARRANT: 20130810 08/27/2013

DUE DATE: 08/27/2013

VOUCHER	VENDOR	VENDOR NAME	INVOICE	PO	TYPE	DUE DATE	AMOUNT	COMMENT
93903	60090	FLORIDA POWER & LIGHT	86913-31980/7	100	INV	09/05/2013	23.89	948 N ARCADIA AVE # CO
93904	60090	FLORIDA POWER & LIGHT	16289-31998/7	100	INV	09/10/2013	270.12	1769 NE LIVINGSTON ST
93905	701	RML SERVICES	10543	100	INV	08/23/2013	89.00	2 COMPRESSOR HIGH PRES
93906	701	RML SERVICES	10544	100	INV	08/23/2013	2,061.14	5 TON COMPRESSOR
93907	2455	CENTURYLINK	312161469/8	100	INV	08/14/2013	.99	AUGUST ACCT #312161469
93910	2606	FLC, INC	16	100	INV	08/30/2013	417.08	NILLING MONTH 7, 8, 9,
93911	2606	FLC, INC	17	100	INV	08/30/2013	330.26	BILLINGS MONTHS 4, 5,
93912	2606	FLC, INC	14	100	INV	08/30/2013	1,491.75	BILLING MONTHS 10, 11,
93913	2606	FLC, INC	15	100	INV	08/30/2013	284.85	MONTHS 7, 8, AND 9 OF
93914	2219	UNITED AMERICAN INSURANCE C	AUGUST 2013	100	INV	08/20/2013	479.00	POLICY # 8004420
93915	40060	DESOTO COUNTY BOARD OF COMM	642	100	INV	08/30/2013	50.00	FIRE INSPECTION 725 N.
93916	2455	CENTURYLINK	312077636/8	100	INV	08/14/2013	59.84	ACCT # 312077636
93917	60090	FLORIDA POWER & LIGHT	54755-19517/7	100	INV	09/05/2013	7.69	415 W OAK ST #SCHOOL C
93918	60090	FLORIDA POWER & LIGHT	38815-93564/7	100	INV	09/05/2013	189.78	1 ORANGE AVE # ST LT S
93919	60090	FLORIDA POWER & LIGHT	37213-04404/7	100	INV	09/05/2013	27.52	1 N DESOTO AVE # TREE
93920	60090	FLORIDA POWER & LIGHT	26417-31993/7	100	INV	09/05/2013	403.53	123 W HICKORY ST # CIT
93921	60090	FLORIDA POWER & LIGHT	24800-91236/7	100	INV	09/05/2013	7.69	324 W OAK ST #SCHOOL C
93922	60090	FLORIDA POWER & LIGHT	16067-36906/7	100	INV	09/05/2013	1,117.62	23 N POL AVE # WAY BLD
93923	60090	FLORIDA POWER & LIGHT	11635-82172/7	100	INV	09/05/2013	22.50	34 W HICKORY ST # OL
93924	60090	FLORIDA POWER & LIGHT	15106-36952/7	100	INV	09/05/2013	119.11	1180 SW GOLDEN AVE # L
93925	60090	FLORIDA POWER & LIGHT	75897-38967/7	100	INV	09/06/2013	158.69	TRF LGTS
93926	60090	FLORIDA POWER & LIGHT	75847-31934/7	100	INV	09/06/2013	7,059.58	STREET LIGHTS
93927	106	BOWLING GREEN SMALL ENGINE	34600	100	INV	09/05/2013	29.43	THROTTLE CABLE
93928	30040	CHENANGO SUPPLY CO INC	191936	100	INV	09/01/2013	43.50	CARBERATOR
93929	1429	SUN STATE INTERNATIONAL TRU	X400026326:01	100	INV	08/30/2013	135.63	TIE ROD



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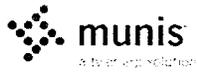
City of Arcadia, FL - \*\* LIVE \*\*  
WARRANT LIST BY VOUCHER

PG 17  
apwarrnt

WARRANT: 20130810 08/27/2013

DUE DATE: 08/27/2013

VOUCHER	VENDOR	VENDOR NAME	INVOICE	PO	TYPE	DUE DATE	AMOUNT	COMMENT
93930	2128	ODYSSEY MANUFACTURING CO.	185790	100	INV	08/25/2013	510.75	HYPOCHLORITE SOLUTIONS
93931	2128	ODYSSEY MANUFACTURING CO.	186144	100	INV	09/01/2013	516.75	HYPOCHLORITE SOLUTIONS
93932	2128	ODYSSEY MANUFACTURING CO.	185791	100	INV	09/01/2013	515.25	HYPOCHLORITE SOLUTIONS
93933	2128	ODYSSEY MANUFACTURING CO.	186143	100	INV	09/01/2013	281.25	HYPOCHLORITE SOLUTIONS
93934	1866	BRENNTAG MID-SOUTH, INC.	BMS511774	100	INV	08/29/2013	1,530.00	SULFUR DIOXIDE
93935	20021	BARNEY'S PUMPS INC	00007069	100	INV	08/29/2013	2,450.00	MOTOR REASSEMBLY
93936	222	JEAN-PIERRE LACROIX	WEB000256	100	INV	08/21/2013	130.00	REPAIR TRAFFIC LIGHT,
93937	222	JEAN-PIERRE LACROIX	WEB000257	100	INV	08/21/2013	65.00	REPAIR TRAFFI LIGHT, R
93938	60090	FLORIDA POWER & LIGHT	45975-18598/7	100	INV	08/29/2013	44.36	1769 NE LIVINGSTON ST
93939	1666	STAPLES BUSINESS ADVANTAGE	8026548709	100	INV	09/08/2013	106.46	BELL CALL, INK, CORREC
93941	2102	BLUE CROSS BLUESHIELD OF FL	27096645	100	INV	09/01/2013	43.10	MEMBER # H53962976
93942	2102	BLUE CROSS BLUESHIELD OF FL	27089895	100	INV	09/01/2013	43.10	MEMBER # H44805259
93943	2102	BLUE CROSS BLUESHIELD OF FL	27116952	100	INV	09/01/2013	43.10	MEMBER # H41887225
93944	909155	ROOSEVELT JOHNSON	SEPTEMBER 2013	100	INV	09/01/2013	250.00	SEPTEMBER 2013
93945	1629	EUGENE HICKSON	SEPTEMBER 2013	100	INV	09/01/2013	150.00	SEPTEMBER 2013
93946	2388	STRUBE, EDWARD J	AUGUST 2013_REIMB	100	INV	09/01/2013	104.90	AUGUST 2013 MEDICARE R
93947	2388	STRUBE, EDWARD J	SEPTEMBER 2013_REIMB	100	INV	09/01/2013	104.90	SEPTEMBER 2013 MEDICAR
93948	2808	AARP MEDICARE RX PREFERRED	SEPT 2013_STRUBE	100	INV	09/01/2013	41.40	MEMBER # 0115493301
93949	2811	UNITED HEALTHCARE INSURANCE	SEPT 2013_STRUBE	100	INV	09/01/2013	179.25	MEBER # 301466001-1
93950	2811	UNITED HEALTHCARE INSURANCE	SEPT 2013_WATERS	100	INV	09/01/2013	194.00	MEMBER # 035111883-1
93951	2811	UNITED HEALTHCARE INSURANCE	SEPT 2013_WARTHEN	100	INV	09/01/2013	213.40	MEMBER # 399334630-1
93952	2808	AARP MEDICARE RX PREFERRED	SEPT 2013_WARTHEN	100	INV	09/01/2013	41.40	MEMBER # 0115487191
93953	110005	KANSAS CITY LIFE INS	02536/9	100	INV	09/01/2013	291.84	GROUP # 02536
93954	2844	ADVANCE AUTO PARTS	9127228383671	100	INV	08/30/2013	2.28	FUSE
93955	2844	ADVANCE AUTO PARTS	9127228479107	100	INV	08/30/2013	22.38	RAD HOSE, SPARK PLUG



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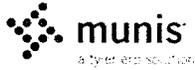
City of Arcadia, FL - \*\* LIVE \*\*  
WARRANT LIST BY VOUCHER

PG 18  
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WARRANT: 20130810 08/27/2013

DUE DATE: 08/27/2013

VOUCHER	VENDOR	VENDOR NAME	INVOICE	PO	TYPE	DUE DATE	AMOUNT	COMMENT
93956	2844	ADVANCE AUTO PARTS	9127228683768	100	INV	08/30/2013	39.99	EXPANSION VALVE
93957	2844	ADVANCE AUTO PARTS	9127231284273	100	INV	08/30/2013	15.98	TAILT LIGHT FLUSH
93958	2844	ADVANCE AUTO PARTS	9127233835751	100	INV	08/30/2013	7.78	OIL SEAL
93959	2844	ADVANCE AUTO PARTS	9127318989642	100	INV	08/30/2013	2.99	FREEZE PLUG-RBR
93960	40060	DESOTO COUNTY BOARD OF COMM	SEPTEMBER 2013	100	INV	09/01/2013	33,030.01	SEPTEMBER 2013 FIRE ME
93961	50005	E-Z-GO DIV OF TEXTRON	90124652	100	INV	08/30/2013	35.45	SV012 / LABOR
93962	50005	E-Z-GO DIV OF TEXTRON	90133091	100	INV	09/08/2013	471.66	STARTER-GENERATOR AMD;
93963	2687	TYLER TECHNOLOGIES, INC	045-94068	100	INV	09/14/2013	587.50	ERIX MAXTED TRAINING
93964	2638	TOSHIBA	2429128	100	INV	09/15/2013	311.52	CUT PO # 24022
93965	701	RML SERVICES	10597	100	INV	08/30/2013	128.00	5 MFO FAN CAPACITOR
93966	701	RML SERVICES	10518	100	INV	08/30/2013	79.00	MONTHLY A/C FILTER SER
93967	2823	CHANCEY BOHANNAN SEPTIC & P	1486	100	INV	08/28/2013	140.00	PORT-A-JON AND SERVICE
93968	180003	R & R PRODUCTS, INC.	CD1693062	100	INV	07/20/2013	280.76	BUSHINGS, BRACKETS, RE
93969	2523	PNC EQUIPMENT FINANCE, LLC	139552000/9	100	INV	09/08/2013	123.74	LEASE # 139552000
93970	2128	ODYSSEY MANUFACTURING CO.	186532	100	INV	09/08/2013	522.00	HYPOCHLORITE
93972	2839	MORTON SALT INC	5400228095	100	INV	09/13/2013	2,625.00	BULK ISCO CRYSTALS
93973	1429	SUN STATE INTERNATIONAL TRU	X400026642:01	100	INV	08/30/2013	28.98	SEAL
93974	40060	DESOTO COUNTY BOARD OF COMM	393	100	INV	08/30/2013	50.00	FIRE INSPECTION FOR 21
93975	40060	DESOTO COUNTY BOARD OF COMM	394	100	INV	08/30/2013	50.00	FIRE INSPECTION FOR 22
93976	2250	THE DUMONT COMPANY, INC.	285094	100	INV	08/30/2013	180.75	DUMONT AS4000 GL
93977	222	JEAN-PIERRE LACROIX	WEB000262	100	INV	08/30/2013	177.00	SERVICE CALL; DISCONNE
93978	230045	WESTERN AUTO ASSOC STORE	10070536	100	INV	08/30/2013	27.38	ULTRALAST 9V BATTERY
93979	10030	W & S ENTERPRISE ACCOUNT	3190623300/7	100	INV	09/10/2013	41.39	ACCT # 3190623300
93980	10030	W & S ENTERPRISE ACCOUNT	3190623500/7	100	INV	09/10/2013	35.26	ACCT # 3190623500
93981	10030	W & S ENTERPRISE ACCOUNT	3150252900/7	100	INV	09/10/2013	636.20	ACCT # 3150252900



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

PG 19  
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WARRANT: 20130810 08/27/2013

DUE DATE: 08/27/2013

VOUCHER	VENDOR	VENDOR NAME	INVOICE	PO	TYPE	DUE DATE	AMOUNT	COMMENT
93983	10015	DISBURSEMENT ACCT PETTY CAS	20130815	100	INV	08/30/2013	7.97	FIRST-CLASS MAIL LARGE
93984	200075	TOTAL PEST CONTROL OF FLA I	846223	100	INV	09/11/2013	45.00	COMMERICAL PEST CONTR
93985	2792	SOUTHERN OXYGEN & WELDING S	20130808	100	INV	09/07/2013	28.09	CARBON DIOXIDE
93986	3028	BOB'S LOCK & KEY	20130816	100	INV	08/30/2013	260.00	7 REKEY LOCKS, 1 CHANG
93987	439	SECURITY ALARM CORPORATION	121460	100	INV	08/17/2013	133.75	COMMERCIAL SECURITY IN
93988	60090	FLORIDA POWER & LIGHT	24443-30944/7	100	INV	09/04/2013	375.43	ACCT # 24443-30944
93989	60090	FLORIDA POWER & LIGHT	24483-39941/7	100	INV	09/04/2013	9,953.63	ACCT # 24483-39941
93990	60090	FLORIDA POWER & LIGHT	25213-93492/7	100	INV	09/04/2013	7.69	ACCT # 25213-93492
93991	60090	FLORIDA POWER & LIGHT	25256-87261/7	100	INV	09/04/2013	629.26	ACCT # 25256-87261
93992	60090	FLORIDA POWER & LIGHT	35352-38921/7	100	INV	09/04/2013	50.53	ACCT # 35352-38921
93993	60090	FLORIDA POWER & LIGHT	82700-62345/7	100	INV	09/04/2013	219.98	ACCT # 82700-62345
93994	3029	VISCOM	157285	100	INV	09/20/2013	130.00	INTERPRETER FOR CITY C
93995	1679	ARCADIA PRINTING,LLC	12106	100	INV	08/30/2013	41.00	2 CITY OF ARCADIA ADDR
93996	2128	ODYSSEY MANUFACTURING CO.	186533	100	INV	09/08/2013	487.50	HYPOCHLORITE SOLUTIONS
93997	2776	VERIZON WIRELESS	9709461420	100	INV	08/30/2013	174.33	ACCT # 323656740-00001
93998	60015	FEDERAL EXPRESS CORP	2-358-62711	100	INV	08/21/2013	28.18	ACCT # 2-358-62711
93999	2102	BLUE CROSS BLUESHIELD OF FL	SEPT 2013_EDWARDS	100	INV	09/01/2013	43.10	MEMBER # H52918390
WARRANT TOTAL							81,462.72	

\*\* END OF REPORT - Generated by Erika Larson \*\*

# AMENDMENT 5 TO SPECIFIC AUTHORIZATION NO. 11

## City of Arcadia Water Treatment Plant Additional Construction Phase and Technical Services

THIS DOCUMENT, executed this \_\_\_\_\_ day of \_\_\_\_\_, 2013, is the fifth amendment to Specific Authorization No. 11 (SA 11) for Final Design and Construction Services which was initially approved by the Arcadia City Council on July 6, 2010. This Specific Authorization was issued under the Agreement for Professional Services dated September 21, 2010 (hereinafter called the "AGREEMENT"), between the City of Arcadia, a Florida municipal corporation (hereinafter called "OWNER") and Hazen and Sawyer, P.C. (hereinafter called "ENGINEER").

WHEREAS, the AGREEMENT provides that the OWNER may authorize the ENGINEER, by Specific Authorization, to perform professional services; and

WHEREAS, the ENGINEER has completed the final design services and is currently providing ongoing construction and administrative services associated with the construction of a 1.5 million gallon per day (mgd) ion exchange water treatment facility to take the place of the City's existing lime softening water treatment facility; and

WHEREAS, the OWNER has requested additional funding for \$275,000 for additional construction contingencies and for technical services in addition to 150 day time extension from FDEP. WHEREAS, the OWNER has requested additional engineering and construction services associated with this Change Order to complete the project;

NOW, THEREFORE, in consideration of the mutual understandings and covenants set forth herein, OWNER and ENGINEER agree as follows:

### BACKGROUND

This amendment will provide additional Technical Services associated with the work included in Change Order No. 2 and 3 to Cardinal Contractors. The agreement with FDEP for the SRF funding originally included an amount of 715,906 for Technical Services associated with a construction and demolition amount of \$5,669,000. Although, the construction amount has now been revised to 7,086,643, an increase in Technical Services has not been requested until this time in order to complete the project. Therefore the ENGINEER is requesting an additional 100,000 for Technical Services which has also been approved by FDEP in order to provide these services based on the additional work and time requested for this project. The specific tasks associated with this amendment are described below:

## **SCOPE OF SERVICES**

The ENGINEER agrees to continue to provide technical services necessary for the completion of this project which is anticipated to include the following task as described below:

### **Project Administration**

The Engineer will provide continued project administration and management services associated with the additional time extensions and completion of the project in order to assist City with project close-out.

### **Permitting**

The Engineer will assist with final permit close-outs necessary for completion of the project.

### **Construction Services**

The Engineer will provide ongoing construction services associated with the Change Order items necessary to complete the project as previously described in the original agreement.

### **Resident Project Representative (RPR) Services**

The Engineer will continue to provide "as-needed" RPR services associated with the change order items necessary to complete the project based on the time extension requested.

### **Subconsultant Services**

This Engineer will continue to retain subconsultants and oversee additional laboratory analysis that may be necessary in order to complete the project including the services of an hydrogeologist for additional well work requested as part of Change Order 2 and 3.

## **TIME SCHEDULE**

Services described herein will commence upon receipt of this executed Specific Authorization by Hazen and Sawyer which shall constitute ENGINEER's Notice to Proceed. The services described above are anticipated to be completed by April, 2014 based on updated schedules provided by the Contractor which is now anticipated to complete all work by March 2013.

## **COMPENSATION**

The ENGINEER shall be paid in accordance with the Direct Labor Costs Times a Factor as set forth in Article 4.01 of the AGREEMENT. A budget of \$100,000 for the additional services under this amendment to Specific Authorization 11, is provided below. The total amount shown in this table will not be exceeded without the OWNER's written approval.

**Amendment 5 Summary**

Project Management	\$25,000
Permitting	\$5,000
Construction Services	\$25,000
Resident Project Representative Services	\$25,000
Subconsultant Services	<u>\$20,000</u>
Estimated Total	\$100,000

This amendment will result in a total budget of \$1,315,580 for Specific Authorization 11 for the design and construction services associated with the new water treatment plant as shown below.

**Specific Authorization Summary**

Specific Authorization 11: Engineering Design	355,000
Amend. 1 to SA 11: Bidding and Construction Services (corrected)	595,000
Amend. 2 to SA11: Subconsultant Services	122,580
Amend. 3 to SA 11: Engineering/Construction Services associated with CO1	85,000
Amend. 4 to SA 11: Engineering/Construction Services associated with CO 2	58,000
Amend. 5 to SA 11 Engineering/Construction Services associated with CO 3	<u>100,000</u>
<b>Total Revised Amount for SA 11</b>	<b>1,315,580</b>

Services to be rendered under this Specific Authorization are provided in accordance with Articles 3 and 4 of the AGREEMENT. Payment of invoices rendered pursuant to this Specific Authorization shall constitute OWNER's acceptance of the services provided.

**OTHER PROVISIONS**

All applicable portions of Sections 3 through 6 of the AGREEMENT, not specifically modified herein, shall remain in full force and effect and are incorporated by reference herein.

IN WITNESS WHEREOF the parties hereto have made and executed this Specific Authorization as of the day and year entered by the last party executing this Specific Authorization written below.

**WITNESS:**

**ENGINEER**  
**Hazen and Sawyer, P.C.**

By: \_\_\_\_\_  
Julie Karleskint, PE  
Senior Associate

By: \_\_\_\_\_  
Damann Anderson, PE  
Vice President

**APPROVED AS TO FORM AND  
CORRECTNESS:**

**OWNER**  
**CITY OF ARCADIA**  
(Approved by City Council at  
\_\_\_\_\_ meeting)

\_\_\_\_\_

**ATTEST:**

By: \_\_\_\_\_  
Virginia Haas  
City Recorder

By: \_\_\_\_\_  
Keith Keene,  
Mayor

SECTION 00635 - CHANGE ORDER

(Instructions on reverse side)

No. 3

PROJECT: WATER TREATMENT PLANT IMPROVEMENTS

DATE OF ISSUANCE: August 13, 2013

OWNER: CITY OF ARCADIA  
 (Name, P.O. DRAWER 351  
 Address) ARCADIA, FLORIDA 34265

CONTRACTOR: Cardinal Contractors

OWNER's Project No. DW14010

ENGINEER: Julie Karleskint, PE  
 Hazen and Sawyer, P.C.  
 2201 Cantu Ct. Suite109  
 Sarasota, FL 34232

CONTRACT FOR: City of Arcadia

ENGINEER's Project No. 41070-011

You are directed to make the following changes in the Contract Documents.

Description: Additional time and increase in contract allowance for items described

Purpose of Change Order: See attached.

Attachments: (List documents supporting change) August 6, 2013 memorandum to FDEP

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIME
Original Contract Price \$ <u>5,964,300</u>	Original Contract Time <u>425</u> days or date
Previous Change Orders No. <u>1</u> to No. <u>2</u> \$ <u>847,343</u>	Net change from previous Change Orders <u>215</u> Days
Contract Price prior to this Change Order \$ <u>6,811,643</u>	Contract Time Prior to this Change Order <u>640</u> days or date
Net Increase (decrease) of this Change Order \$ <u>175,000</u>	Net Increase (decrease) of this Change Order <u>150</u> Days
Contract Price with all approved Change Orders \$ <u>6,986,643</u>	Contract Time with all approved Change Orders <u>790</u> days or date

RECOMMENDED: Julie Karleskint by Keith Keene APPROVED: Keith Keene APPROVED:  
 by Julie Karleskint Engineer by Keith Keene Owner by Keith Keene Contractor

EJCDC No. 1910-8-B (1983 Edition)  
 Prepared by the Engineers' Joint Contract Documents Committee and endorsed by the Associated General Contractors of America

## **City of Arcadia Water Treatment Plant Improvements and New Water Supply Well**

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The additional work and time for Change Order No. 3 are associated with incorporating improvements are described below.

Cost of work for all items under this Change Order will be paid on a lump sum basis. Since the exact cost of each item is not known, an allowance will be provided for work as described below. The contractor must obtain prior approval by the Engineer and Owner with detailed invoices submitted by the Contractor that includes cost for permits, materials, subcontractors, and percent markup on subcontractors and for overhead, profit, taxes and insurance, as applicable for each item. If all the allowance is not approved by the City and Engineer, a deductive change order will be provided to the city. The City may also request additional work associated with the WTP and wells provided prior approval is obtained by FDEP in lieu of a deductive change order. All work performed on a lump sum basis shall have back-up supporting the cost are to be provided by the contractor. These costs may include overhead associated with extending the contract period an additional one hundred and fifty days which shall include bonds, insurance, jobsite overhead and associated time required for project superintendent and project manager for project oversight during active construction.

Cost of work for any item in this Change Order shall not exceed the noted limit without prior written approval of the Owner and Engineer. Amount left over from the allowance may be used for other work provided approval from FDEP is obtained and Engineer and Owner are in agreement with cost. If all allowances are not utilized, the amount shall be deducted from the contract in the final contract adjustment prior to final payment. It is anticipated this work will include the following:

**Well No. 3 Meter-** The meter at Well No. 3 will not work with new telemetry and needs to be replaced.

**Existing Well Nos. 1, 3, 4 and 5 Evaluation and Rehabilitation** - Iron bacteria is suspected at the wells which can cause fouling of the new ion exchange plant. Therefore in order to assure the existing wells and casings are not the source of the iron bacteria; geologging of the remaining wells is recommended to verify the condition of the casings followed by as-needed rehabilitation and disinfection of the wells.

**Continuous On-line Analyzer** - Continuous on-line meters are located at the chlorine contact chamber but the City does not have a way to monitor the water coming out of the ground storage tank which may also be used to blend flush water from DeSoto County; therefore in order to assure the water quality leaving the tank consistently meets water quality standards, an additional on-line meter is requested to monitor water at the point of entry. In addition to the analyzer, additional funding for reagents and lab equipment is requested to assure that water quality can be monitored that were not included with the lab

**Remobilization for Water Storage Tank Demolition** - The elevated storage tank demolition was delayed since the telemetry system was not in place and water pressure could not be monitored. Therefore, additional remobilization is required to have storage tank demolished.

# HAZEN AND SAWYER

Environmental Engineers & Scientists

## MEMORANDUM

To: Gregg Caro, P.E.  
From: Julie Karleskint, P.E.   
Date: August 6, 2013

Re: Change Order No. 3 Eligibility Determination  
Arcadia DW14010

CC: Judi Jankosky, City of Arcadia  
Paul Brandl, P.E. FDEP

Attachment: Change Order No. 3 (proposed)

In follow-up to our July 26, 2013 telephone conversation, on behalf of the City of Arcadia, Hazen and Sawyer is requesting an eligibility determination associated with a proposed Change Order No. 3 which is attached. The purpose of this change order will be to provide additional time and funding for additional construction and technical services needed for completing work as described in the attached change order.

In reviewing the most recent Amendment 3 to referenced project, the following cost and allowances are included in the agreement.

<u>CATEGORY</u>	<u>COST(\$)</u>
Administrative Allowance	40,769
Planning Allowance	66,300
Engineering Allowance	434,871
Construction and Demolition	6,511,643
Contingencies	283,215
Technical Services After Bid Opening	715,906
SUBTOTAL (Disbursable Amount)	8,052,704
Less Principal Forgiveness	(3,620,000)
SUBTOTAL (Loan Amount)	4,432,704
Capitalized Interest	144,600
<b>TOTAL (Loan Principal Amount)</b>	<b>4,577,304</b>

As shown above, the revised construction amount does not include all the change orders and field change orders processed by the City which to date total \$6,792,478. It also does not include any additional funding for Technical Services. At the time of acceptance, it was believed that the amendment would be acceptable and additional funding would not be required. However, due to unforeseen events and delays beyond the control of the City,

August 6, 2013

contractor and engineer; additional time, funding for technical services and construction is being requested in order to complete the project.

The Contractor is currently requesting additional time for the rehabilitation of Well No. 2 which was included in Change Order No. 2. This Change Order included geologging the well, extending the casing, replacing the pump along with an allowance for performing additional rehabilitation deemed necessary. The well casing was logged on April 26, 2013 which revealed the casing had significant deterioration due to corrosion. Therefore, discussions with local regulatory authorities, the well driller, city and hydrogeologist were held to develop options for rehabilitating the well. As a result of these consultations, it was determined the best option would be to insert an 8" casing inside the existing 10" casing and extend new casing approximately 5 ft. As a result of the actual conditions which were not known initially, the contractor will need to install a new casing within the existing casing, utilize a smaller pump than originally planned and install a new drop pipe for pump within the new liner. The proposed pump has a 14 to 16 week delivery time which will delay installation. Therefore, the new pump installation and testing is not anticipated to be complete until the end of January, 2014. In order to assure sufficient time for the well pump installation and testing and to perform additional contingency work that may be required as discussed in the table below, an additional 150 days is requested for construction completion.

In addition, we now believe there are issues with the other existing wells that require rehabilitation in order to provide a safe, continuous water supply source for the City. Based upon the most recent contract amendment, the contract does not have any remaining funding for contingencies. Therefore in order to assure sufficient funding is available to address the items described below and other issues that may arise; the City is hereby requesting a grant/loan increase of \$275,000.00. This increase will include \$175,000 for construction contingencies and \$100,000 for technical services, resulting in an overall total grant/loan amount 8,327,704 for the referenced project.

Arcadia Water Treatment Plant and Water Supply Well  
DW 14010  
Change Order No. 3 (proposed)

Item	Purpose	Amount
Well No. 3 Meter	The meter at Well No. 3 will not work with new telemetry and needs to be replaced.	\$5,000
Additional Well Rehabilitation	Iron bacteria is suspected at the wells which can cause fouling of the new ion exchange plant. Therefore in order to assure the existing wells and casings are not the source of the iron bacteria; geologging of the remaining wells is recommended to verify the condition of the casings followed by as-needed rehabilitation and disinfection of the wells.	\$150,000
Analytical Equipment	Continuous on-line meters are located at the chlorine contact chamber but the City does not have a way to monitor the water coming out of the ground storage tank which may also be used to blend flush water from DeSoto County; therefore in order to assure the water quality leaving the tank consistently meets water quality standards, an additional on-line meter is requested to monitor water at the point of entry. In addition to the analyzer, additional funding for reagents and lab equipment is requested to assure that water quality can be monitored that were not included with the lab equipment in the original contract contingency.	\$15,000
Tank Demolition Remobilization	The elevated storage tank demolition was delayed since the telemetry system was not in place and there was no way to monitor water pressure. Therefore, additional remobilization is required to have storage tank demolished.	\$5,000
<b>Total Estimated Construction Contingency Requested</b>		<b>\$175,000</b>
Technical Services	Additional technical services are required to provide continuing project administration, "as-needed" RPR services, analytical testing, geotechnical evaluation and hydrogeological assistance for the wells.	\$100,000
<b>Total Estimated Grant/Loan Increase Requested</b>		<b>\$275,000</b>



DeSoto County, Florida

SPOKE TO MR. GRINIS ON 8/28/13 WILLING TO USE SPEER CENTER - GSK.

RECEIVED

AUG 26 2013

CITY OF ARCADIA

August 27, 2013

Mayor Keene, Deputy Mayor Heine, Councilmen and women,

My name is Robert Grinis, and I am the DeSoto County Coordinator for Toys for Tots. As I am sure you are aware, Toys for Tots has done many fine things for the children of DeSoto County during many past years. Last year, in particular, as the local coordinator, I oversaw the collection and distribution of toys for over 2500 needy children. Over 7,000 toys were given away during the Christmas holiday. After that, many of our excess books and toys were donated to the local schools and early learning centers to benefit the teachers and children in those facilities.

We all agree there is a great need for this service in our community. Our problem always stems from lack of space for our volunteers to work out of, and collect, assemble and distribute the toys for the season. As you can imagine, our donations are small, and barely cover the costs of the toys. As a result, we are unable to rent a suitable space from a commercial owner for the various tasks associated with putting this effort together in time for the holiday season.

Last year, we used the old fire station on 11<sup>th</sup> Ave. The fire station was a wonderful location, and we were happy to have it, but the amount of space in the building proved to be inadequate. This year I am requesting that you would allow us to use the old Police Station building for our coordination efforts from October 1<sup>st</sup>, through January 15<sup>th</sup>. We had the use of this space two years ago, while we were "Toys for Children," and had not yet gotten our charter from the Marine Corps for Toys for Tots.

I would like to thank you for the continuing support we have been given by the city. Through the years in our efforts in making the holiday season a better time for many of our community's unfortunate children, our wonderful city leaders and others have helped in more ways than I can even count to help make our toy drives successful.

Thank you for your consideration of my request.

Respectfully,

Robert Grinis  
DeSoto County Coordinator, Toys for Tots

agape3322@gmail.com

SPEER CENTER

**RESOLUTION 2013 – \_\_\_\_**

**A RESOLUTION OF THE CITY OF ARCADIA, FLORIDA  
RELATED TO CITY COUNCIL MEETINGS; CODIFYING ITS  
POLICY REGARDING INVOCATIONS BEFORE MEETINGS OF  
THE ARCADIA CITY COUNCIL; MAKING FINDINGS;  
PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Arcadia (“the Council”) is an elected legislative and deliberative public body, serving the citizens of Arcadia Florida; and

**WHEREAS**, the Council wishes to maintain a tradition of solemnizing its proceedings by allowing for an opening invocation before each meeting, for the benefit and blessing of the Council; and

**WHEREAS**, the Council now desires to adopt this formal, written policy to clarify and codify its invocation practices; and

**WHEREAS**, our country’s Founders recognized that we possess certain rights that cannot be awarded, surrendered, nor corrupted by human power, and the Founders explicitly attributed the origin of these, our inalienable rights, to a Creator. These rights ultimately ensure the self-government manifest in our Council, upon which we desire to invoke divine guidance and blessing; and

**WHEREAS**, such invocation before deliberative public bodies has been consistently upheld as constitutional by American courts, including the United States Supreme Court; and

**WHEREAS**, in *Marsh v. Chambers*, 463 U.S. 783 (1983), the United States Supreme Court rejected a challenge to the Nebraska Legislature’s practice of opening each day of its sessions with a prayer by a chaplain paid with taxpayer dollars, and specifically concluded, “The opening of sessions of legislative and other deliberative public bodies with prayer is deeply embedded in the history and tradition of this country. From colonial times through the founding of the Republic and ever since, the practice of legislative prayer has coexisted with the principles of disestablishment and religious freedom.” *Id.*, at 786; and

**WHEREAS**, the Council desires to avail itself of the Supreme Court’s recognition that it is constitutionally permissible for a public body to “invoke divine guidance” on its work. *Id.*, at 792. Such invocation “is not, in these circumstances, an ‘establishment’ of religion or a step toward establishment; it is simply a tolerable acknowledgment of beliefs widely held among the people of this country.” *Id.*; and

**WHEREAS**, the Supreme Court affirmed in *Lynch v. Donnelly*, 465 U.S. 668 (1984), “Our history is replete with official references to the value and invocation of

Divine guidance in deliberations and pronouncements of the Founding Fathers and contemporary leaders.” *Id.*, at 675; and

**WHEREAS**, the Supreme Court further stated, that “government acknowledgments of religion serve, in the only ways reasonably possible in our culture, the legitimate secular purposes of solemnizing public occasions, expressing confidence in the future, and encouraging the recognition of what is worthy of appreciation in society. For that reason, and because of their history and ubiquity, those practices are not understood as conveying government approval of particular religious beliefs.” *Id.*, at 693 (O’Connor, J., concurring); and

**WHEREAS**, the Supreme Court also famously observed in *Zorach v. Clauson*, 343 U.S. 306, (1952), “We are a religious people whose institutions presuppose a Supreme Being.” *Id.*, at 313-14; and

**WHEREAS**, the Supreme Court acknowledged in *Holy Trinity Church v. United States*, 143 U.S. 457 (1892), that the American people have long followed a “custom of opening sessions of all deliberative bodies and most conventions with prayer...,” *Id.*, at 471; and

**WHEREAS**, the Supreme Court has determined, “The content of [such] prayer is not of concern to judges where . . . there is no indication that the prayer opportunity has been exploited to proselytize or advance any one, or to disparage any other, faith or belief.” *Marsh*, 463 U.S. at 794-795; and

**WHEREAS**, the Supreme Court also proclaimed that it should not be the job of the courts or deliberative public bodies “to embark on a sensitive evaluation or to parse the content of a particular prayer” offered before a deliberative public body. *Id.*; and

**WHEREAS**, the Supreme Court has counseled against the efforts of government officials to affirmatively screen, censor, prescribe and/or proscribe the specific content of public prayers offered by private speakers, as such government efforts would violate the First Amendment rights of those speakers. *See, e.g., Lee v. Weisman*, 505 U.S. 577, 588-589 (1992); and

**WHEREAS**, in *Pelphrey, et al v. Cobb County, Georgia, et al*, 547 F.3d 1263 (11th Cir., Oct. 28, 2008), the United States Court of Appeals for the Eleventh Circuit, which includes Florida, held that the practice of allowing clergy to offer uncensored religious invocations at the beginning of sessions of a county Council and county planning Council did not violate the Establishment Clause, as long as the invocations did not advance or disparage a belief or affiliate government with specific faith; and

**WHEREAS**, the Council intends, and has intended in past practice, to adopt a policy that does not proselytize or advance any faith, or show any purposeful preference of one religious view to the exclusion of others; and

**WHEREAS**, the Council recognizes its constitutional duty to interpret, construe, and amend its policies and ordinances to comply with constitutional requirements as they are announced; and

**WHEREAS**, the Council accepts as binding the applicability of general principles of law and all the rights and obligations afforded under the United States and Florida Constitutions and statutes.

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

**SECTION 1.** The foregoing findings are incorporated herein by reference and made a part hereof.

**SECTION 2.** In order to solemnize proceedings of the Council, it is the policy of the Council to allow for an invocation or prayer to be offered before its meetings for the benefit of the Council.

**SECTION 3.** The invocation shall not be listed or recognized as an agenda item for the meeting or as part of the public business.

**SECTION 4.** No member or employee of the Council or any other person in attendance at the meeting shall be required to participate in any invocation that is offered.

**SECTION 5.** The invocation shall be voluntarily delivered by an eligible member of the clergy, as specified below. To ensure that such person (the “invocation speaker”) is selected from among a wide pool of local clergy, on a rotating basis, the invocation speaker shall be selected according to the following procedure:

- a. The City Clerk (the “Clerk”) shall compile and maintain a database (the “Congregations List”) of the religious congregations with an established presence in the local community of Arcadia and DeSoto County.
- b. The Congregations List shall be compiled by referencing the listing for “churches,” “congregations,” or other religious assemblies in the annual Yellow Pages phone book(s) published for the Arcadia and DeSoto County area, research from the Internet, and consultation with local chambers of commerce. All religious congregations with an established presence in the local community of Arcadia and DeSoto County are eligible to be, and shall be, included in the Congregations List. Any such congregation not otherwise identified for participation may request its inclusion by specific written communication to the Clerk.
- c. This policy is intended to be and shall be applied in a way that is all-inclusive of every diverse religious congregation in the Arcadia and

DeSoto County area. The Congregations List is compiled and used for purposes of logistics, efficiency and equal opportunity for all of the community's religious leaders, who may themselves choose whether to respond to the Council's invitation and participate. Should a question arise as to the authenticity of a religious congregation, the Clerk shall refer to criteria used by the Internal Revenue Service in its determination of those religious organizations that would legitimately qualify for Section 501(c)(3) tax-exempt status.

- d. The Congregations List shall also include the name and contact information of any chaplain who may serve any fire department or law enforcement agency of Arcadia and DeSoto County.
- e. The Congregations List shall also include the name and contact information of any religious congregation located outside the Arcadia and DeSoto County area, if such religious congregation is attended by a resident or residents of Arcadia and DeSoto County, and if such resident requests the inclusion of said religious congregation by specific written communication to the Clerk.
- f. The Congregations List shall be updated, by reasonable efforts of the Clerk, on or about the month of November of each calendar year.
- g. Within thirty (30) days of the effective date of this policy, and on or about December 1 of each calendar year thereafter, the Clerk shall mail an invitation addressed to the "religious leader" of each congregation listed on the Congregations List, as well as to the individual chaplains included on the Congregations List.
- h. The invitation shall be dated at the top of the page, signed by the Clerk at the bottom of the page, and read as follows:

*Dear Religious Leader,*

*The Arcadia City Council makes it a policy to invite members of the clergy in Arcadia and DeSoto County to voluntarily offer an invocation before the beginning of its meetings, for the benefit and blessing of the Council. As the leader of one of the religious congregations with an established presence in the local community, or in your capacity as a chaplain for a local fire department or law enforcement agency, or as the religious leader of one or more Arcadia and DeSoto County residents, you are eligible to offer this important service at an upcoming meeting of the Council.*

*If you are willing to assist the Council in this regard, please send a written reply at your earliest convenience to the Council Clerk at the*

*address included on this letterhead. Clergy are scheduled on a first-come, first-serve basis. The dates of the Council's scheduled meetings for the upcoming year are listed on the following, attached page. If you have a preference among the dates, please state that request in your written reply.*

*This opportunity is voluntary, and you are free to offer the invocation according to the dictates of your own conscience. To maintain a spirit of respect and ecumenism, the Council requests only that the invocation opportunity not be exploited as an effort to convert others to the particular faith of the invocation speaker; nor to disparage any faith or belief different than that of the invocation speaker.*

*On behalf of the City Council of City of Arcadia, I thank you in advance for considering this invitation.*

*Sincerely,  
City Clerk*

**SECTION 6.** As the invitation letter indicates, the respondents to the invitation shall be scheduled on a first-come, first-serve basis to deliver the invocations.

**SECTION 7.** No invocation speaker shall receive compensation for his or her service.

**SECTION 8.** The Clerk shall make every reasonable effort to ensure that a variety of eligible invocation speakers are scheduled for the Council meetings. In any event, no invocation speaker shall be scheduled to offer a invocation at consecutive meetings of the Council, or at more than \_\_\_\_\_ ( ) Council meetings in any calendar year.

**SECTION 9.** Neither the Council nor the Clerk shall engage in any prior inquiry, review of, or involvement in, the content of any invocation to be offered by an invocation speaker.

**SECTION 10.** Shortly before the opening gavel that officially begins the meeting and the agenda/business of the public, the Mayor shall introduce the invocation speaker and the person selected to recite the Pledge of Allegiance following the invocation, and invite only those who wish to do so to stand for those observances of and for the Council.

**SECTION 11.** This policy is not intended, and shall not be implemented or construed in any way, to affiliate the Council with, nor express the Council's preference for or against, any faith or religious denomination. Rather, this policy is intended to acknowledge and express the Council's respect for the diversity of religious denominations and faiths represented and practiced among the citizens of Arcadia and DeSoto County.

**SECTION 12.** To clarify the Council’s intentions, as stated herein above, the following disclaimer shall be included in at least 10 point font at the bottom of any printed Council meeting agenda: “Any invocation that may be offered before the official start of the Council meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Council, and the Council is not allowed by law to endorse the religious beliefs or views of this, or any other speaker.”

PASSED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA  
in regular session this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

ATTEST:

CITY OF ARCADIA, FLORIDA

\_\_\_\_\_  
GIA LANCASTER  
CITY CLERK

\_\_\_\_\_  
KEITH KEENE  
MAYOR

APPROVED AS TO FORM:  
THOMAS J. WOHL  
CITY ATTORNEY



CITY COUNCIL AGENDA ITEM

Requested Council Meeting Date: September 3, 2013

DEPARTMENT: Public Works - Cemetery

SUBJECT: Maintenance Entrance at Cemetery

RECOMMENDED MOTION: See attached options

SUMMARY: Public Works has received complaints about citizens requesting access to the Oak Ridge Cemetery from the maintenance gate located at the end of Wilson Ave. Many years ago the gate was padlocked shut to prevent vandals from accessing the cemetery. Public Works was directed to come back with a cost estimate to repair the gate and extend the chain link fence to the top of the swale bank to prevent access after cemetery hours.

FISCAL IMPACT: See Attached  Capital Budget

Operating  
 Other

ATTACHMENTS:  Ordinance  Resolution  Budget  Other

Department Head: *Cecilia Moran*

Date: *8/28/13*

Finance Director (As to Budget Requirements)

Date:

City Attorney (As to Form and Legality)

Date:

City Administrator:

Date:

COUNCIL ACTION:  Approved as Recommended

Disapproved

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

Approved with Modifications



Existing Maintenance gate at the Oak Ridge Cemetery is 19.2 feet long, made of thick steel piping with no grease fittings in the hinges. The gate is difficult to open/close due to the weight of the gate and improper mechanics. Per the recommendation from Public Works staff the gate should be replaced and proper reflective signage installed on the gate for safety and visibility.

<b>Gate Assembly</b>		<b>Fence Extension</b>		<b>Gate Signage</b>	
Gate	\$180.00	Fence material	\$57.00	Reflective tape	\$15.00
Posts	\$90.00	posts and rails	\$52.00	30"x30" sign	\$37.00
Concrete	\$10.50	Concrete	\$10.50	Total signage Cost	<b>\$52.00</b>
<b>Total Gate Cost</b>	<b>\$280.50</b>	<b>Total Fence Cost</b>	<b>\$119.50</b>		

Option One: Replace the existing gate in the same location and extend the chain link fence to top of swale bank to secure entrance after hours of operation. Total Cost for Option One: \$452.00

Option Two: Install the gate adjacent to the bridge and remove the fence material for it won't be needed. Total Cost for Option Two: \$332.50.

Option Three: Leave the gate closed and extend the chain link fence to top of swale bank to secure entrance after hours of operation. Total cost for Option Three: \$171.50

Option Four: Leave the gate closed and the chain link fence as it exists, and install gate signage. Total Cost for Option Four: \$52.00

\*\* Option Two is recommended



CITY COUNCIL AGENDA ITEM

Requested Council Meeting Date: September 03, 2013

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DEPARTMENT: Arcadia Police Department

SUBJECT: Downtown events

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RECOMMENDED MOTION:

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SUMMARY: Would like to receive clarification from Council on downtown events including street vendors; to allow Code Enforcement to equally enforce codes fairly throughout the community. There have been several different view points on who is and is not allowed to set up vending stands during downtown events.

These view points have varied through different reasons such as "insurance coverage" and mandated state regulations (EXP: ADA spacing, hot food sales and where vendors are allowed to set up are just a few).

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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:

City Administrator:

Date:

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COUNCIL ACTION:  Approved as Recommended

Disapproved



**ORDINANCE NO. 992**

**AN ORDINANCE BY THE CITY COUNCIL AMENDING THE CITY OF ARCADIA CODE OF ORDINANCES TO REPEAL CHAPTER 58; TO ADOPT A NEW CHAPTER 58; TO ADOPT FLOOD HAZARD MAPS, TO DESIGNATE A FLOODPLAIN ADMINISTRATOR, TO ADOPT PROCEDURES AND CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS, AND FOR OTHER PURPOSES; TO ADOPT LOCAL ADMINISTRATIVE AMENDMENTS TO THE FLORIDA BUILDING CODE; PROVIDING FOR APPLICABILITY; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.**

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**WHEREAS**, the Legislature of the State of Florida has, in Chapter 166 , Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

**WHEREAS**, the Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of the City of Arcadia and such areas may be subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare, and

**WHEREAS**, the City of Arcadia was accepted for participation in the National Flood Insurance Program on June 3, 1988 and the City Council desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such participation; and

**WHEREAS**, Chapter 553, Florida Statutes, was adopted by the Florida Legislature to provide a mechanism for the uniform adoption, updating, amendment, interpretation and enforcement of a state building code, called the *Florida Building Code*; and

**WHEREAS**, section 553.73(5), Florida Statutes, allows adoption of local administrative amendments to the *Florida Building Code* to implement the National Flood Insurance Program; and

**WHEREAS**, the City Council has determined that it is in the public interest to adopt the proposed floodplain management regulations that are coordinated with the *Florida Building Code*.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Arcadia that the following floodplain management regulations, and the following local administrative amendments to the 2010 *Florida Building Code*, are hereby adopted.

**SECTION 1. RECITALS.**

The foregoing whereas clauses are incorporated herein by reference and made a part hereof.

**SECTION 2.** This ordinance specifically repeals and replaces the following ordinance(s) and regulation(s): Code of Ordinances, Chapter 58, Floods, Article II, Flood Damage Prevention.

## CHAPTER 1 ADMINISTRATION

### SECTION 101 GENERAL

**101.1 Title.** These regulations shall be known as the *Floodplain Management Ordinance* of the City of Arcadia, hereinafter referred to as "this ordinance."

**101.2 Scope.** The provisions of this ordinance shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the *Florida Building Code*; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.

**101.3 Intent.** The purposes of this ordinance and the flood load and flood resistant construction requirements of the *Florida Building Code* are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:

- (1) Minimize unnecessary disruption of commerce, access and public service during times of flooding;
- (2) Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
- (3) Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
- (4) Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
- (5) Minimize damage to public and private facilities and utilities;
- (6) Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;
- (7) Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
- (8) Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.

**101.4 Coordination with the *Florida Building Code*.** This ordinance is intended to be administered and enforced in conjunction with the *Florida Building Code*. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the *Florida Building Code*.

**101.5 Warning.** The degree of flood protection required by this ordinance and the *Florida Building Code*, as amended by this community, is considered the minimum reasonable for regulatory

purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this ordinance.

**101.6 Disclaimer of Liability.** This ordinance shall not create liability on the part of the City Council of the City of Arcadia or by any officer or employee thereof for any flood damage that results from reliance on this ordinance or any administrative decision lawfully made thereunder.

## **SECTION 102 APPLICABILITY**

**102.1 General.** Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

**102.2 Areas to which this ordinance applies.** This ordinance shall apply to all flood hazard areas within the City of Arcadia, as established in Section 102.3 of this ordinance.

**102.3 Basis for establishing flood hazard areas.** The Flood Insurance Study for DeSoto County, Florida and Incorporated Areas dated November 6, 2013, and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this ordinance and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the City Administration Offices, 23 N. Polk Avenue.

**102.3.1 Submission of additional data to establish flood hazard areas.** To establish flood hazard areas and base flood elevations, pursuant to Section 105 of this ordinance the Floodplain Administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:

- (1) Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this ordinance and, as applicable, the requirements of the *Florida Building Code*.
- (2) Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the special flood hazard area.

**102.4 Other laws.** The provisions of this ordinance shall not be deemed to nullify any provisions of local, state or federal law.

**102.5 Abrogation and greater restrictions.** This ordinance supersedes any ordinance in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances including but not limited to land development regulations,

zoning ordinances, stormwater management regulations, or the *Florida Building Code*. In the event of a conflict between this ordinance and any other ordinance, the more restrictive shall govern. This ordinance shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this ordinance.

**102.6 Interpretation.** In the interpretation and application of this ordinance, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

## **SECTION 103 DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR**

**103.1 Designation.** The City Administrator is designated as the Floodplain Administrator. The Floodplain Administrator may delegate performance of certain duties to other employees.

**103.2 General.** The Floodplain Administrator is authorized and directed to administer and enforce the provisions of this ordinance. The Floodplain Administrator shall have the authority to render interpretations of this ordinance consistent with the intent and purpose of this ordinance and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this ordinance without the granting of a variance pursuant to Section 107 of this ordinance.

**103.3 Applications and permits.** The Floodplain Administrator, in coordination with other pertinent offices of the community, shall:

- (1) Review applications and plans to determine whether proposed new development will be located in flood hazard areas;
- (2) Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this ordinance;
- (3) Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;
- (4) Provide available flood elevation and flood hazard information;
- (5) Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;
- (6) Review applications to determine whether proposed development will be reasonably safe from flooding;
- (7) Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*, when compliance with this ordinance is demonstrated, or disapprove the same in the event of noncompliance; and
- (8) Coordinate with and provide comments to the Building Official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this ordinance.

**103.4 Substantial improvement and substantial damage determinations.** For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

- (1) Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
- (2) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
- (3) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
- (4) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the *Florida Building Code* and this ordinance is required.

**103.5 Modifications of the strict application of the requirements of the *Florida Building Code*.** The Floodplain Administrator shall review requests submitted to the Building Official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the *Florida Building Code* to determine whether such requests require the granting of a variance pursuant to Section 107 of this ordinance.

**103.6 Notices and orders.** The Floodplain Administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this ordinance.

**103.7 Inspections.** The Floodplain Administrator shall make the required inspections as specified in Section 106 of this ordinance for development that is not subject to the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*. The Floodplain Administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

**103.8 Other duties of the Floodplain Administrator.** The Floodplain Administrator shall have other duties, including but not limited to:

- (1) Establish, in coordination with the Building Official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 103.4 of this ordinance;
- (2) Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);

- (3) Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available;
- (4) Review required design certifications and documentation of elevations specified by this ordinance and the *Florida Building Code* and this ordinance to determine that such certifications and documentations are complete; and
- (5) Notify the Federal Emergency Management Agency when the corporate boundaries of the City of Arcadia are modified.

**103.9 Floodplain management records.** Regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this ordinance and the flood resistant construction requirements of the *Florida Building Code*, including Flood Insurance Rate Maps; Letters of Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the *Florida Building Code* and this ordinance; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this ordinance and the flood resistant construction requirements of the *Florida Building Code*. These records shall be available for public inspection at the City Administrator's Office, 23 N. Polk Avenue.

## **SECTION 104 PERMITS**

**104.1 Permits required.** Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this ordinance, including buildings, structures and facilities exempt from the *Florida Building Code*, which is wholly within or partially within any flood hazard area shall first make application to the Floodplain Administrator, and the Building Official if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this ordinance and all other applicable codes and regulations has been satisfied.

**104.2 Floodplain development permits or approvals.** Floodplain development permits or approvals shall be issued pursuant to this ordinance for any development activities not subject to the requirements of the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a floodplain development permit or approval is required in addition to a building permit.

**104.2.1 Buildings, structures and facilities exempt from the *Florida Building Code*.** Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the *Florida Building Code* and any further exemptions provided by law, which are subject to the requirements of this ordinance:

- (1) Railroads and ancillary facilities associated with the railroad.
- (2) Nonresidential farm buildings on farms, as provided in section 604.50, F.S.
- (3) Temporary buildings or sheds used exclusively for construction purposes.
- (4) Mobile or modular structures used as temporary offices.
- (5) Those structures or facilities of electric utilities, as defined in section 366.02, F.S., which are directly involved in the generation, transmission, or distribution of electricity.
- (6) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.
- (7) Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
- (8) Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.
- (9) Structures identified in section 553.73(10)(k), F.S., are not exempt from the *Florida Building Code* if such structures are located in flood hazard areas established on Flood Insurance Rate Maps

**104.3 Application for a permit or approval.** To obtain a floodplain development permit or approval the applicant shall first file an application in writing on a form furnished by the community. The information provided shall:

- (1) Identify and describe the development to be covered by the permit or approval.
- (2) Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
- (3) Indicate the use and occupancy for which the proposed development is intended.
- (4) Be accompanied by a site plan or construction documents as specified in Section 105 of this ordinance.
- (5) State the valuation of the proposed work.
- (6) Be signed by the applicant or the applicant's authorized agent.
- (7) Give such other data and information as required by the Floodplain Administrator.

**104.4 Validity of permit or approval.** The issuance of a floodplain development permit or approval pursuant to this ordinance shall not be construed to be a permit for, or approval of, any violation of this ordinance, the *Florida Building Codes*, or any other ordinance of this community. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the Floodplain Administrator from requiring the correction of errors and omissions.

**104.5 Expiration.** A floodplain development permit or approval shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing and

justifiable cause shall be demonstrated.

**104.6 Suspension or revocation.** The Floodplain Administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this ordinance or any other ordinance, regulation or requirement of this community.

**104.7 Other permits required.** Floodplain development permits and building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:

- (1) The Southwest Florida Water Management District; section 373.036, F.S.
- (2) Florida Department of Health for onsite sewage treatment and disposal systems; section 381.0065, F.S. and Chapter 64E-6, F.A.C.
- (3) Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; section 161.055, F.S.
- (4) Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.
- (5) Federal permits and approvals.

## **SECTION 105 SITE PLANS AND CONSTRUCTION DOCUMENTS**

**105.1 Information for development in flood hazard areas.** The site plan or construction documents for any development subject to the requirements of this ordinance shall be drawn to scale and shall include, as applicable to the proposed development:

- (1) Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.
- (2) Where base flood elevations, or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with Section 105.2(2) or (3) of this ordinance.
- (3) Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than 5 acres and the base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Section 105.2(1) of this ordinance.
- (4) Location of the proposed activity and proposed structures, and locations of existing buildings and structures.
- (5) Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
- (6) Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.
- (7) Existing and proposed alignment of any proposed alteration of a watercourse.

The Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this ordinance but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this ordinance.

**105.2 Information in flood hazard areas without base flood elevations (approximate Zone A).** Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the Floodplain Administrator shall:

- (1) Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.
- (2) Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source.
- (3) Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the Floodplain Administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:
  - (a) Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or
  - (b) Specify that the base flood elevation is two (2) feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two (2) feet.
- (4) Where the base flood elevation data are to be used to support a Letter of Map Change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

**105.3 Additional analyses and certifications.** As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:

- (1) For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in Section 105.4 of this ordinance and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.
- (2) For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the Flood Insurance Study or on the FIRM and floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase

the base flood elevation more than one (1) foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.

- (3) For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in Section 105.4 of this ordinance.

**105.4 Submission of additional data.** When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

## **SECTION 106 INSPECTIONS**

**106.1 General.** Development for which a floodplain development permit or approval is required shall be subject to inspection.

**106.1.1 Development other than buildings and structures.** The Floodplain Administrator shall inspect all development to determine compliance with the requirements of this ordinance and the conditions of issued floodplain development permits or approvals.

**106.1.2 Buildings, structures and facilities exempt from the *Florida Building Code*.** The Floodplain Administrator shall inspect buildings, structures and facilities exempt from the *Florida Building Code* to determine compliance with the requirements of this ordinance and the conditions of issued floodplain development permits or approvals.

**106.1.2.1 Buildings, structures and facilities exempt from the *Florida Building Code*, lowest floor inspection.** Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the *Florida Building Code*, or the owner's authorized agent, shall submit to the Floodplain Administrator:

- (1) If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or
- (2) If the elevation used to determine the required elevation of the lowest floor was determined in accordance with Section 105.2(3)(b) of this ordinance, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.

**106.1.2.2 Buildings, structures and facilities exempt from the *Florida Building Code*, final inspection.** As part of the final inspection, the owner or owner's authorized agent shall submit to the Floodplain Administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in Section 106.1.2.1 of this

ordinance.

**106.1.3 Manufactured homes.** The Floodplain Administrator shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this ordinance and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the Floodplain Administrator.

## SECTION 107 VARIANCES AND APPEALS

**107.1 General.** The Board of Adjustment Planning and Zoning Board shall hear and decide on requests for appeals and requests for variances from the strict application of this ordinance. Pursuant to section 553.73(5), F.S., the Planning and Zoning Board Board of Adjustment shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the *Florida Building Code*.

**107.2 Appeals.** The Planning and Zoning Board Board of Adjustment shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the administration and enforcement of this ordinance. Any person aggrieved by the decision of the Board of Adjustment Planning and Zoning Board may appeal such decision to the Circuit Court, as provided by Florida Statutes.

**107.3 Limitations on authority to grant variances.** The Board of Adjustment Planning and Zoning Board shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in Section 107.6 of this ordinance, the conditions of issuance set forth in Section 107.7 of this ordinance, and the comments and recommendations of the Floodplain Administrator and the Building Official. The Board of Adjustment Planning and Zoning Board has the right to attach such conditions as it deems necessary to further the purposes and objectives of this ordinance.

**107.3.1 Restrictions in floodways.** A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in Section 105.3 of this ordinance.

**107.4 Historic buildings.** A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the *Florida Building Code, Existing Building, Chapter 11 Historic Buildings*, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the *Florida Building Code*.

**107.5 Functionally dependent uses.** A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this ordinance, provided the variance meets the requirements of Section 107.3.1, is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.

**107.6 Considerations for issuance of variances.** In reviewing requests for variances, the ~~Board of Adjustment~~ Planning and Zoning Board shall consider all technical evaluations, all relevant factors, all other applicable provisions of the *Florida Building Code*, this ordinance, and the following:

- (1) The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
- (2) The danger to life and property due to flooding or erosion damage;
- (3) The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
- (4) The importance of the services provided by the proposed development to the community;
- (5) The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
- (6) The compatibility of the proposed development with existing and anticipated development;
- (7) The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;
- (8) The safety of access to the property in times of flooding for ordinary and emergency vehicles;
- (9) The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
- (10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

**107.7 Conditions for issuance of variances.** Variances shall be issued only upon:

- (1) Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this ordinance or the required elevation standards;
- (2) Determination by the ~~Board of Adjustment~~ Planning and Zoning Board that:
  - (a) Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;
  - (b) The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and
  - (c) The variance is the minimum necessary, considering the flood hazard, to afford relief;
- (3) Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the Office of the Clerk of the Court in such a manner that it appears in the chain of title of the affected parcel of land; and
- (4) If the request is for a variance to allow construction of the lowest floor of a new building,

or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the Floodplain Administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as \$25 for \$100 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

## SECTION 108 VIOLATIONS

**108.1 Violations.** Any development that is not within the scope of the *Florida Building Code* but that is regulated by this ordinance that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this ordinance, shall be deemed a violation of this ordinance. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this ordinance or the *Florida Building Code* is presumed to be a violation until such time as that documentation is provided.

**108.2 Authority.** For development that is not within the scope of the *Florida Building Code* but that is regulated by this ordinance and that is determined to be a violation, the Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.

**108.3 Unlawful continuance.** Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by law.

## CHAPTER 2 DEFINITIONS

### SECTION 201 GENERAL

**201.1 Scope.** Unless otherwise expressly stated, the following words and terms shall, for the purposes of this ordinance, have the meanings shown in this section.

**201.2 Terms defined in the *Florida Building Code*.** Where terms are not defined in this ordinance and are defined in the *Florida Building Code*, such terms shall have the meanings ascribed to them in that code.

**201.3 Terms not defined.** Where terms are not defined in this ordinance or the *Florida Building Code*, such terms shall have ordinarily accepted meanings such as the context implies.

### SECTION 202 DEFINITIONS

**Alteration of a watercourse.** A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

**Appeal.** A request for a review of the Floodplain Administrator's interpretation of any provision

of this ordinance or a request for a variance.

**ASCE 24.** A standard titled *Flood Resistant Design and Construction* that is referenced by the *Florida Building Code*. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

**Base flood.** A flood having a 1-percent chance of being equaled or exceeded in any given year. [Also defined in FBC, B, Section 1612.2.] The base flood is commonly referred to as the "100-year flood" or the "1-percent-annual chance flood."

**Base flood elevation.** The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM). [Also defined in FBC, B, Section 1612.2.]

**Basement.** The portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in FBC, B, Section 1612.2.]

**Design flood.** The flood associated with the greater of the following two areas: [Also defined in FBC, B, Section 1612.2.]

- (1) Area with a floodplain subject to a 1-percent or greater chance of flooding in any year; or
- (2) Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

**Design flood elevation.** The elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to 2 feet. [Also defined in FBC, B, Section 1612.2.]

**Development.** Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities.

**Encroachment.** The placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

**Existing building and existing structure.** Any buildings and structures for which the "start of construction" commenced before June 3, 1988. [Also defined in FBC, B, Section 1612.2.]

**Existing manufactured home park or subdivision.** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before June 3, 1988.

**Expansion to an existing manufactured home park or subdivision.** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured

homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**Federal Emergency Management Agency (FEMA).** The federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

**Flood or flooding.** A general and temporary condition of partial or complete inundation of normally dry land from: [Also defined in FBC, B, Section 1612.2.]

- (1) The overflow of inland or tidal waters.
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

**Flood damage-resistant materials.** Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in FBC, B, Section 1612.2.]

**Flood hazard area.** The greater of the following two areas: [Also defined in FBC, B, Section 1612.2.]

- (1) The area within a floodplain subject to a 1-percent or greater chance of flooding in any year.
- (2) The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

**Flood Insurance Rate Map (FIRM).** The official map of the community on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community. [Also defined in FBC, B, Section 1612.2.]

**Flood Insurance Study (FIS).** The official report provided by the Federal Emergency Management Agency that contains the Flood Insurance Rate Map, the Flood Boundary and Floodway Map (if applicable), the water surface elevations of the base flood, and supporting technical data. [Also defined in FBC, B, Section 1612.2.]

**Floodplain Administrator.** The office or position designated and charged with the administration and enforcement of this ordinance (may be referred to as the Floodplain Manager).

**Floodplain development permit or approval.** An official document or certificate issued by the community, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with this ordinance.

**Floodway.** The channel of a river or other riverine watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. [Also defined in FBC, B, Section 1612.2.]

**Floodway encroachment analysis.** An engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.

**Florida Building Code.** The family of codes adopted by the Florida Building Commission, including: *Florida Building Code, Building*; *Florida Building Code, Residential*; *Florida Building Code, Existing Building*; *Florida Building Code, Mechanical*; *Florida Building Code, Plumbing*; *Florida Building Code, Fuel Gas*.

**Functionally dependent use.** A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities.

**Highest adjacent grade.** The highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

**Historic structure.** Any structure that is determined eligible for the exception to the flood hazard area requirements of the *Florida Building Code, Existing Building*, Chapter 11 Historic Buildings.

**Letter of Map Change (LOMC).** An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

**Light-duty truck.** As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:

- (1) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
- (2) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
- (3) Available with special features enabling off-street or off-highway operation and use.

**Lowest floor.** The lowest floor of the lowest enclosed area of a building or structure, including

basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the *Florida Building Code* or ASCE 24. [Also defined in FBC, B, Section 1612.2.]

**Manufactured home.** A structure, transportable in one or more sections, which is eight (8) feet or more in width and greater than four hundred (400) square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park trailer." [Also defined in 15C-1.0101, F.A.C.]

**Manufactured home park or subdivision.** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**Market value.** The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this ordinance, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser, Actual Cash Value (replacement cost depreciated for age and quality of construction), or tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser.

**New construction.** For the purposes of administration of this ordinance and the flood resistant construction requirements of the *Florida Building Code*, structures for which the "start of construction" commenced on or after June 3, 1988 and includes any subsequent improvements to such structures.

**New manufactured home park or subdivision.** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after June 3, 1988.

**Park trailer.** A transportable unit which has a body width not exceeding fourteen (14) feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. [Defined in section 320.01, F.S.]

**Recreational vehicle.** A vehicle, including a park trailer, which is: [see in section 320.01, F.S.)

- (1) Built on a single chassis;
- (2) Four hundred (400) square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light-duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Special flood hazard area.** An area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V. [Also defined in FBC, B Section 1612.2.]

**Start of construction.** The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns.

Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Also defined in FBC, B Section 1612.2.]

**Substantial damage.** Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred. [Also defined in FBC, B Section 1612.2.]

**Substantial improvement.** Any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either: [Also defined in FBC, B, Section 1612.2.]

- (1) Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
- (2) Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure.

**Variance.** A grant of relief from the requirements of this ordinance, or the flood resistant construction requirements of the *Florida Building Code*, which permits construction in a manner that would not otherwise be permitted by this ordinance or the *Florida Building Code*.

**Watercourse.** A river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically.

## CHAPTER 3 FLOOD RESISTANT DEVELOPMENT

### SECTION 301 BUILDINGS AND STRUCTURES

**301.1 Design and construction of buildings, structures and facilities exempt from the *Florida Building Code*.** Pursuant to Section 104.2.1 of this ordinance, buildings, structures, and facilities that are exempt from the *Florida Building Code*, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the *Florida Building Code* that are not walled and roofed buildings shall comply with the requirements of Section 307 of this ordinance.

## SECTION 302 SUBDIVISIONS

**302.1 Minimum requirements.** Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:

- (1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
- (2) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
- (3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

**302.2 Subdivision plats.** Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

- (1) Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats;
- (2) Where the subdivision has more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with Section 105.2(1) of this ordinance; and
- (3) Compliance with the site improvement and utilities requirements of Section 303 of this ordinance.

## SECTION 303 SITE IMPROVEMENTS, UTILITIES AND LIMITATIONS

**303.1 Minimum requirements.** All proposed new development shall be reviewed to determine that:

- (1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
- (2) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
- (3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

**303.2 Sanitary sewage facilities.** All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.

**303.3 Water supply facilities.** All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.

**303.4 Limitations on sites in regulatory floodways.** No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in Section 105.3(1) of this ordinance demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.

**303.5 Limitations on placement of fill.** Subject to the limitations of this ordinance, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the *Florida Building Code*.

## SECTION 304 MANUFACTURED HOMES

**304.1 General.** All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to section 320.8249, F.S., and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this ordinance.

**304.2 Foundations.** All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that are designed in accordance with the foundation requirements of the *Florida Building Code Residential* Section R322.2 and this ordinance.

**304.3 Anchoring.** All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.

**304.4 Elevation.** Manufactured homes that are placed, replaced, or substantially improved shall comply with Section 304.4.1 or 304.4.2 of this ordinance, as applicable.

**304.4.1 General elevation requirement.** Unless subject to the requirements of Section 304.4.2 of this ordinance, all manufactured homes that are placed, replaced, or substantially improved on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; or (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the *Florida Building Code, Residential* Section R322.2 (Zone A).

**304.4.2 Elevation requirement for certain existing manufactured home parks and subdivisions.** Manufactured homes that are not subject to Section 304.4.1 of this ordinance, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:

- (1) Bottom of the frame of the manufactured home is at or above the elevation required in the *Florida Building Code, Residential* Section R322.2 (Zone A); or

loads, including the effects of buoyancy, during conditions of the design flood.

## SECTION 307 OTHER DEVELOPMENT

**307.1 General requirements for other development.** All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this ordinance or the *Florida Building Code*, shall:

- (1) Be located and constructed to minimize flood damage;
- (2) Meet the limitations of Section 303.4 of this ordinance if located in a regulated floodway;
- (3) Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
- (4) Be constructed of flood damage-resistant materials; and
- (5) Have mechanical, plumbing, and electrical systems above the design flood elevation, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

**307.2 Fences in regulated floodways.** Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Section 303.4 of this ordinance.

**307.3 Retaining walls, sidewalks and driveways in regulated floodways.** Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Section 303.4 of this ordinance.

**307.4 Roads and watercourse crossings in regulated floodways.** Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Section 303.4 of this ordinance. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of Section 105.3(3) of this ordinance.

**SECTION 3. The Code of Ordinances, Chapter 30, Buildings and Building Regulations, Article II, Building Code, is hereby amended by the following administrative amendments to the *Florida Building Code, Building*.**

Add a new Sec. 104.10.1 as follows:

**104.10.1 Modifications of the strict application of the requirements of the *Florida Building Code*.** The Building Official shall coordinate with the Floodplain Administrator to review requests submitted to the Building Official that seek approval to modify the strict application of the flood resistant construction requirements of the *Florida Building Code* to determine whether such requests require the granting of a variance pursuant to Section 117.

Add a new Sec. 107.6.1 as follows:

**107.6.1 Building permits issued on the basis of an affidavit.** Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), the authority granted to the Building Official to issue permits, to rely on inspections, and to accept plans and construction documents on the basis of affidavits and plans submitted pursuant to Section 105.14 and Section 107.6, shall not extend to the flood load and flood resistance construction requirements of the *Florida Building Code*.

Add a new Sec. 117 as follows:

### **117 VARIANCES IN FLOOD HAZARD AREAS**

**117.1 Flood hazard areas.** Pursuant to section 553.73(5), F.S., the variance procedures adopted in the local floodplain management ordinance shall apply to requests submitted to the Building Official for variances to the provisions of Section 1612.4 of the *Florida Building Code, Building* or, as applicable, the provisions of R322 of the *Florida Building Code, Residential*. This section shall not apply to Section 3109 of the *Florida Building Code, Building*.

### **SECTION 4. FISCAL IMPACT STATEMENT.**

In terms of design, plan application review, construction and inspection of buildings and structures, the cost impact as an overall average is negligible in regard to the local technical amendments because all development has been subject to the requirements of the local floodplain management ordinance adopted for participation in the National Flood Insurance Program. In terms of lower potential for flood damage, there will be continued savings and benefits to consumers.

### **SECTION 5. APPLICABILITY.**

For the purposes of jurisdictional applicability, this ordinance shall apply in the City of Arcadia. This ordinance shall apply to all applications for development, including building permit applications and subdivision proposals, submitted on or after September 17, 2013.

### **SECTION 6. REPEALER.**

Any and all ordinances and regulations in conflict herewith are hereby repealed to the extent of any conflict. This ordinance specifically repeals and replaces the following ordinance(s) and regulation(s): **Code of Ordinances, Chapter 58, Floods, Article II, Flood Damage Prevention.**

### **SECTION 7. INCLUSION INTO THE CODE OF ORDINANCES.**

It is the intent of the City Council that the provisions of this ordinance shall become and be made a part of the City of Arcadia's Code of Ordinances, and that the sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," "regulation," or such other appropriate word or phrase in order to accomplish such intentions.

### **SECTION 8. SEVERABILITY.**

If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason,

declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared.

**SECTION 9. EFFECTIVE DATE.**

This ordinance shall take effect on September 17, 2013

**PASSED** on first reading September 3, 2013

**PASSED and ADOPTED** in regular session, with a quorum present and voting, by the City Council, upon second and final reading this September 17, 2013.

**City Council**

\_\_\_\_\_  
{Chief Elected Officer}

**ATTEST:**

\_\_\_\_\_  
{Manager/Clerk}

**APPROVED AS TO FORM:**

\_\_\_\_\_  
{Attorney}

# Floodplain Management Regulations



and the

## 2010 Florida Building Code



# National Flood Insurance Program

A Partnership:

FEMA

- provides flood maps and sets minimum regulations
- provides federal flood insurance

Florida DEM

- provides technical assistance

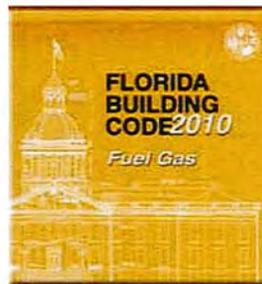
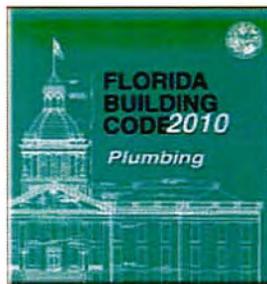
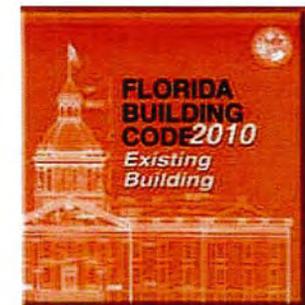
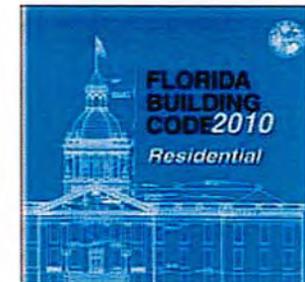
Communities

- adopt flood maps
- adopt and enforce regulations



# Changes in the 2010 FBC

- 2010 Florida Building Code now includes flood provisions for buildings
- FBC governs the design of buildings
  - Appropriate to address all hazards in the code, including flood loads



# Why Change Local FPM Regulations?

- Commitment to FEMA and the National Flood Insurance Program to maintain adequate regulations and procedures
- Coordinate the Florida Building Code with local floodplain management regulations to avoid redundant or conflicting requirements

DEM's Frequently Asked Questions:

[http://www.floridadisaster.org/Mitigation/SFMP/lobc\\_resources.htm](http://www.floridadisaster.org/Mitigation/SFMP/lobc_resources.htm)

# Why Use New State Model Ordinance?

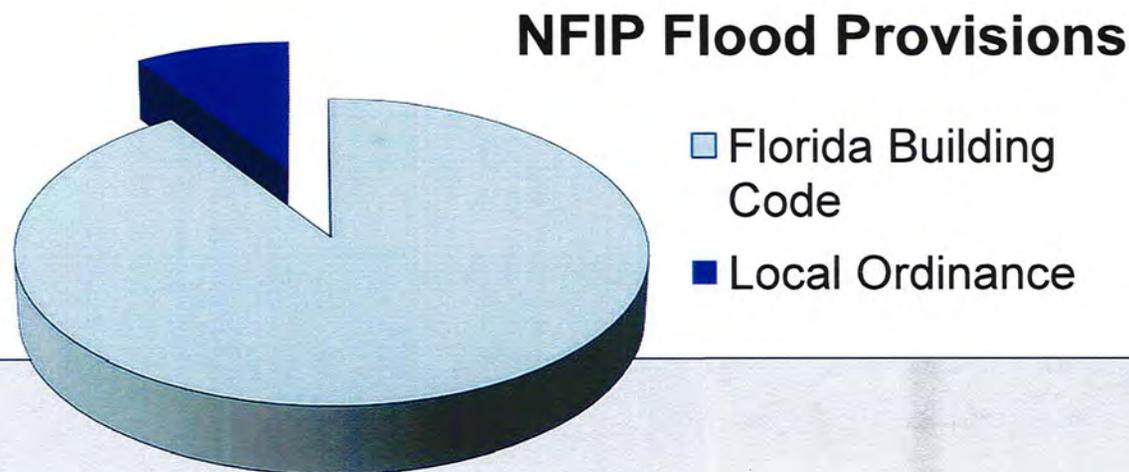
Developed by Florida Division of  
Emergency Management

- ✓ Explicitly coordinated with the  
2010 FBC
- ✓ Approved by FEMA
- ✓ Reviewed by the Building  
Officials Association of Florida
- ✓ Reviewed by the Florida  
Floodplain Management Assn



# New State Model Ordinance

- More specific administrative provisions
- Definitions match the FBC
- Recaptures buildings exempt from the FBC
- Coordination between the Building Official and Floodplain Administrator



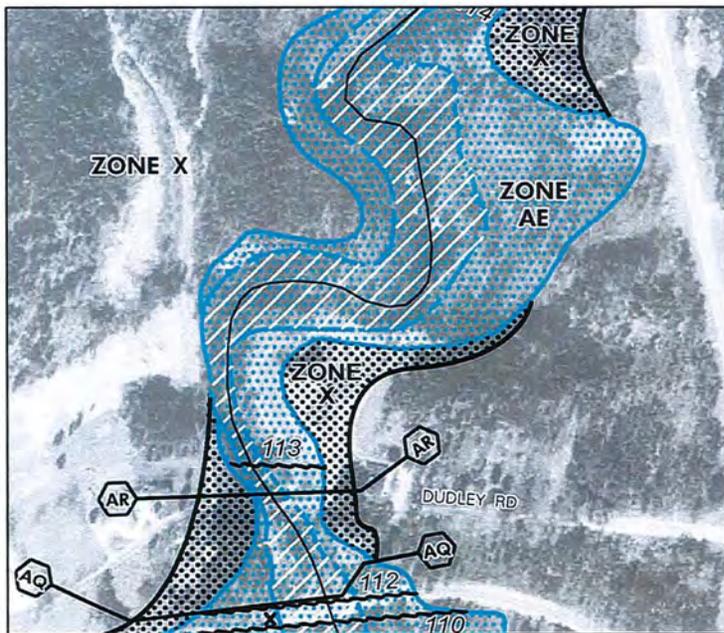
# New State Model Ordinance

- Has provisions for development other than buildings
- Incorporates long-standing FEMA policies and guidance
- Includes local administrative FBC amendments identified by FEMA (may be adopted by separate ordinance) *[delete this bullet if you decide to use next slide to more fully explain the local admin amendments]*

# Local Technical Amendment of FBC

- To satisfy the NFIP requirements:
  - Sec. 107.6 allows acceptance of affidavit. NFIP requires communities to review applications. Therefore, need to adopt amendment to add 107.6.1.
  - Sec. 117, specifically allowed by 553.75(5), F.S., adds reference to variance procedures in FPM ordinance.
  - 104.10 communities that elect to use BOAF administrative chapter need to adopt 104.10.1 to limit granting of modifications to the strict application of the FBC.

# Tailored for Our Community



- Adopts our [effective or revised] Flood Insurance Study and Flood Insurance Rate Maps
- Specific for the Flood Zones on our maps
- Includes language to auto-adopt future map revisions

# Tailored for Our Community

- Maintain CRS rating through previously-adopted higher standards, including:
  - **{list here, as appropriate}**
- Includes new higher standards
  - **{list here}**

**Note:** 553.73(5), F.S., allows local adoption of higher standards as amendments of the Florida Building code without sunset every 3 years

# Process

- DEM reviewed the draft ordinance
  - Verified correct dates
  - Checked our community-specific modifications
  - Helped with language for higher standards [if any]
- After adoption
  - Send to DEM for final review and concurrence
  - [DEM sends to FEMA Region IV]
  - Submit to the Florida Building Commission (online)

ORDINANCE NO. 993

AN ORDINANCE OF THE CITY OF ARCADIA, AMENDING CHAPTER 2, ARTICLE VII, DIVISION 3, SECTION 2, OF THE CODE OF ORDINANCES OF THE CITY OF ARCADIA, AMENDING THE CITY OF ARCADIA POLICE OFFICERS' AND FIREFIGHTERS' RETIREMENT SYSTEM; AMENDING SECTION 1, DEFINITIONS; AMENDING SECTION 15, MAXIMUM PENSION; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA;

**SECTION 1:** That Chapter 2, Article VII, Division 3, Section 2 of the Code of Ordinances of the City of Arcadia, The City of Arcadia Police Officers' and Firefighters' Retirement System, is hereby amended by amending Section 1, Definitions, to amend the definition of "Credited Service", to read as follows:

\* \* \* \* \*

Credited Service means the total number of years and fractional parts of years of service as a Police Officer or Firefighter with Member contributions, when required, omitting intervening years or fractional parts of years when such Member was not employed by the City as a Police Officer or the City or County as a Firefighter. If a Firefighter Member accumulates service both as a Firefighter and a Volunteer Firefighter, Credited Service shall be calculated separately for full-time and volunteer service with the sum of all volunteer years used only for vesting and retirement eligibility purposes. After the effective date of the ordinance adopting this provision, service as a Volunteer Firefighter shall not be calculated in computing Credited Service for either current or terminated vested prior Members. A Member may voluntarily leave his Accumulated Contributions in the Fund for a period of five (5) years after leaving the employ of the Police Department or County Fire Service pending the possibility of being reemployed as a Police Officer or Firefighter, without losing credit for the time that he was a Member of the System. If a vested Member leaves the employ of the Police Department or County Fire Service, his Accumulated Contributions will be returned only upon his written request. If a Member who is not vested is not reemployed as a Police Officer or Firefighter with the Police Department or County Fire Service within five (5) years, his Accumulated Contributions, if one-thousand dollars (\$1,000.00) or less, shall be returned. If a Member who is not vested is not reemployed within five (5) years, his Accumulated Contributions, if more than one-thousand dollars (\$1,000.00), will be returned only upon the written request of the Member and upon completion of a written election to receive a cash lump sum or to rollover the lump sum amount on forms designated by the Board. Upon return of a Member's Accumulated Contributions, all of his rights and benefits under the System are forfeited and terminated. Upon any reemployment, a Police Officer or Firefighter shall not receive credit for the years and fractional parts of years of service for which he has withdrawn his Accumulated Contributions from the Fund, unless the Police Officer or Firefighter repays into the Fund the contributions he has withdrawn, with interest, as determined by the Board, within ninety (90) days after his reemployment.

The years or fractional parts of a year that a Member performs "Qualified Military Service" consisting of voluntary or involuntary "service in the uniformed services" as defined in the Uniformed Services Employment and Reemployment Rights Act (USERRA) (P.L.103-353), after separation from employment as a Police Officer or Firefighter with the City to perform training or service, shall be added to his years of Credited Service for all purposes, including vesting, provided that:

- A. The Member is entitled to reemployment under the provisions of USERRA.
- B. The Member returns to his employment as a Police Officer or Firefighter within one (1) year from the earlier of the date of his military discharge or his release from active service, unless otherwise required by USERRA.
- C. The maximum credit for military service pursuant to this paragraph shall be five (5) years.
- D. This paragraph is intended to satisfy the minimum requirements of USERRA. To the extent that this paragraph does not meet the minimum standards of USERRA, as it may be amended from time to time, the minimum standards shall apply.

In the event a Member dies on or after January 1, 2007, while performing USERRA Qualified Military Service, the beneficiaries of the Member are entitled to any benefits (other than benefit accruals relating to the period of qualified military service) as if the Member had resumed employment and then died while employed.

Beginning January 1, 2009, to the extent required by Section 414(u)(12) of the Code, an individual receiving differential wage payments (as defined under Section 3401(h)(2) of the Code) from an employer shall be treated as employed by that employer, and the differential wage payment shall be treated as compensation for purposes of applying the limits on annual additions under Section 415(c) of the Code. This provision shall be applied to all similarly situated individuals in a reasonably equivalent manner.

\* \* \* \* \*

**SECTION 2:** That Chapter 2, Article VII, Division 3, Section 2 of the Code of Ordinances of the City of Arcadia, The City of Arcadia Police Officers' and Firefighters' Retirement System, is hereby amended by amending Section 15, Maximum Pension, to read as follows:

**SECTION 15. MAXIMUM PENSION.**

1. Basic Limitation.

Notwithstanding any other provisions of this System to the contrary, the Member contributions paid to, and retirement benefits paid from, the System shall be limited to such extent as may be necessary to conform to the requirements of Code Section 415 for a qualified retirement plan. Before January 1, 1995, a plan member may not receive an annual benefit that exceeds the limits specified in Code Section 415(b), subject to the applicable adjustments in that section. On and after January 1, 1995, a plan member may not receive an annual benefit that exceeds the dollar amount specified in Code Section 415(b)(1)(A) (\$160,000), subject to the applicable adjustments in Code Section 415(b) and subject to any additional limits that may be specified in this System. For purposes of this Section, "limitation year" shall be the calendar year.

For purposes of Code Section 415(b), the "annual benefit" means a benefit payable annually in the form of a straight life annuity (with no ancillary benefits) without regard to the benefit attributable to after-tax employee contributions (except pursuant to Code Section 415(n) and to rollover contributions (as defined in Code Section 415(b)(2)(A)). The "benefit attributable" shall be determined in accordance with Treasury Regulations.

2. Adjustments to Basic Limitation for Form of Benefit.

If the form of benefit without regard to any benefit increase feature is not a straight life annuity, then the Code Section 415(b) limit applicable at the annuity starting date is reduced to an actuarially equivalent amount (determined using the assumptions specified in Treasury Regulation Section 1.415(b)-1(c)(2)(ii)) that takes into account the death benefits under the form of benefit. If the benefit under the plan is other than the annual benefit described in subsection 1., then the benefit shall be adjusted so that it is the equivalent of the annual benefit, using factors prescribed in Treasury Regulations. If the form of the benefit without regard to any automatic benefit increase feature is not a straight life annuity or a qualified joint and survivor annuity, then the preceding sentence is applied by either reducing the Code Section 415(b) limit applicable at the annuity starting date or adjusting the form of benefit to an actuarially equivalent amount (determined using the assumptions specified in Treasury Regulation Section 1.415(b)-1(c)(2)(ii)) that takes into account the additional benefits under the form of benefit as follows:

A. For a benefit paid in a form to which Section 417(e)(3) of the Code does not apply (generally, a monthly benefit), the actuarially equivalent straight life annuity benefit that is the greater of:

- (1) The annual amount of the straight life annuity (if any) payable to the Member under the Plan commencing at the same annuity starting date as the form of benefit to the Member, or
- (2) The annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the form of benefit payable to the Member, computed using a five percent (5%) interest assumption (or the applicable statutory interest assumption) and (i) for years prior to January 1, 2009, the applicable mortality tables described in Treasury Regulation Section 1.417(e)-1(d)(2) (Revenue Ruling 2001-62 or any subsequent Revenue Ruling modifying the applicable provisions of Revenue Rulings 2001-62),

and (ii) for years after December 31, 2008, the applicable mortality tables described in Section 417(e)(3)(B) of the Code (Notice 2008-85 or any subsequent Internal Revenue Service guidance implementing Section 417(e)(3)(B) of the Code); or

B. For a benefit paid in a form to which Section 417(e)(3) of the Code applies (generally, a lump sum benefit), the actuarially equivalent straight life annuity benefit that is the greatest of:

(1) The annual amount of the straight life annuity commencing at the annuity starting date that has the same actuarial present value as the particular form of benefit payable, computed using the interest rate and mortality table, or tabular factor, specified in the Plan for actuarial experience;

(2) The annual amount of the straight life annuity commencing at the annuity starting date that has the same actuarial present value as the particular form of benefit payable, computed using a five and one half percent (5.5%) interest assumption (or the applicable statutory interest assumption) and (i) for years prior to January 1, 2009, the applicable mortality tables for the distribution under Treasury Regulation Section 1.417(e)-1(d)(2) (the mortality table specified in Revenue Ruling 2001-62 or any subsequent Revenue Ruling modifying the applicable provisions of Revenue Ruling 2001-62), and (ii) for years after December 31, 2008, the applicable mortality tables described in Section 417(e)(3)(B) of the Code (Notice 2008-85 or any subsequent Internal Revenue Service guidance implementing section 417(e)(3)(B) of the Code); or

(3) The annual amount of the straight life annuity commencing at the annuity starting date that has the same actuarial present value as the particular form of benefit payable (computed using the applicable interest rate for the distribution under Treasury Regulation Section 1.417(e)-1(d)(3) (the 30-year Treasury rate (prior to January 1, 2007, using the rate in effect for the month prior to retirement, and on and after January 1, 2007, using the rate in effect for the first day of the Plan Year with a one-year stabilization period)) and (i) for years prior to January 1, 2009, the applicable mortality tables for the distribution under Treasury Regulation Section 1.417(e)-1(d)(2) (the mortality table specified in Revenue Ruling 2001-62 or any subsequent Revenue Ruling modifying the applicable provisions of Revenue Ruling 2001-62), and (ii) for years after December 31, 2008, the applicable mortality tables described in Section 417(e)(3)(B) of the Code (Notice 2008-85 or any subsequent Internal Revenue Service guidance implementing Section 417(e)(3)(B) of the Code), divided by 1.05.

C. The actuary may adjust the 415(b) limit at the annuity starting date in accordance with subsections A. and B above.

3. Benefits Not Taken into Account.

For purposes of this Section, the following benefits shall not be taken into account in applying these limits:

A. Any ancillary benefit which is not directly related to retirement income benefits;

B. Any other benefit not required under §415(b)(2) of the Code and Regulations thereunder to be taken into account for purposes of the limitation of Code Section 415(b)(1); and

C. That portion of any joint and survivor annuity that constitutes a qualified joint and survivor annuity.

4. COLA Effect.

Effective on and after January 1, 2003, for purposes of applying the limits under Code Section 415(b) (the "Limit"), the following will apply:

- A. A Member's applicable limit will be applied to the Member's annual benefit in the Member's first calendar limitation year of benefit payments without regard to any automatic cost of living adjustments;
- B. thereafter, in any subsequent calendar limitation year, a Member's annual benefit, including any automatic cost of living increases, shall be tested under the then applicable benefit limit including any adjustment to the Code Section 415(b)(1)(A) dollar limit under Code Section 415(d), and the regulations thereunder; but
- C. in no event shall a Member's benefit payable under the System in any calendar limitation year be greater than the limit applicable at the annuity starting date, as increased in subsequent years pursuant to Code Section 415(d) and the regulations thereunder.

Unless otherwise specified in the System, for purposes of applying the limits under Code Section 415(b), a Member's applicable limit will be applied taking into consideration cost of living increases as required by Section 415(b) of the Internal Revenue Code and applicable Treasury Regulations.

5. Other Adjustments in Limitations.

- A. In the event the Member's retirement benefits become payable before age sixty-two (62), the limit prescribed by this Section shall be reduced in accordance with regulations issued by the Secretary of the Treasury pursuant to the provisions of Code Section 415(b) of the Code, so that such limit (as so reduced) equals an annual straight life benefit (when such retirement income benefit begins) which is equivalent to a one hundred sixty thousand dollar (\$160,000) annual benefit beginning at age sixty-two (62).
- B. In the event the Member's benefit is based on at least fifteen (15) years of Credited Service as a full-time employee of the police or fire department of the City, the adjustments provided for in A. above shall not apply.
- C. The reductions provided for in A. above shall not be applicable to disability benefits pursuant to Section 8, or pre-retirement death benefits paid pursuant to Section 7.
- D. In the event the Member's retirement benefit becomes payable after age sixty-five (65), for purposes of determining whether this benefit meets the limit set forth in subsection 1 herein, such benefit shall be adjusted so that it is actuarially equivalent to the benefit beginning at age sixty-five (65). This adjustment shall be made in accordance with regulations promulgated by the Secretary of the Treasury or his delegate.

6. Less than Ten (10) Years of Participation or Service.

The maximum retirement benefits payable under this Section to any Member who has completed less than ten (10) years of Credited Service with the City shall be the amount determined under subsection 1 of this Section multiplied by a fraction, the numerator of which is the number of the Member's years of Credited Service and the denominator of which is ten (10). The reduction provided by this subsection cannot reduce the maximum benefit below 10% of the limit determined without regard to this subsection. The reduction provided for in this subsection shall not be applicable to pre-retirement disability benefits paid pursuant to Section 8, or pre-retirement death benefits paid pursuant to Section 7.

7. Participation in Other Defined Benefit Plans.

The limit of this Section with respect to any Member who at any time has been a member in any other defined benefit plan as defined in Code Section 414(j) maintained by the City shall apply as if the total benefits payable under all City defined benefit plans in which the Member has been a member were payable from one plan.

8. Ten Thousand Dollar (\$10,000) Limit; Less Than Ten Years of Service.

Notwithstanding ~~the foregoing~~ anything in this Section 15, the retirement benefit payable with respect to a Member shall be deemed not to exceed the limit set forth in this subsection 8. of Section 15 if the benefits payable, with respect to such Member under this System and under all other qualified defined benefit pension plans to which the City contributes, do not exceed ten thousand dollars (\$10,000) for the applicable Plan-Year limitation year and for any prior Plan-Year

limitation year and the City has not any time maintained a qualified defined contribution plan in which the Member participated; provided, however, that if the Member has completed less than ten (10) years of Credited Service with the City, the limit under this subsection 8. of Section 15 shall be a reduced limit equal to ten thousand dollars (\$10,000) multiplied by a fraction, the numerator of which is the number of the Member's years of Credited Service and the denominator of which is ten (10).

9. Reduction of Benefits.

Reduction of benefits and/or contributions to all plans, where required, shall be accomplished by first reducing the Member's benefit under any defined benefit plans in which Member participated, such reduction to be made first with respect to the plan in which Member most recently accrued benefits and thereafter in such priority as shall be determined by the Board and the plan administrator of such other plans, and next, by reducing or allocating excess forfeitures for defined contribution plans in which the Member participated, such reduction to be made first with respect to the plan in which Member most recently accrued benefits and thereafter in such priority as shall be established by the Board and the plan administrator for such other plans provided, however, that necessary reductions may be made in a different manner and priority pursuant to the agreement of the Board and the plan administrator of all other plans covering such Member.

10. Service Credit Purchase Limits.

A. Effective for permissive service credit contributions made in limitation years beginning after December 31, 1997, if a Member makes one or more contributions to purchase permissive service credit under the System, as allowed in Section 26 and 27, then the requirements of this Section will be treated as met only if:

- (1) the requirements of Code Section 415(b) are met, determined by treating the accrued benefit derived from all such contributions as an annual benefit for purposes of Code Section 415(b), or
- (2) the requirements of Code Section 415(c) are met, determined by treating all such contributions as annual additions for purposes of Code Section 415(c).

(3) For purposes of applying subparagraph (1), the System will not fail to meet the reduced limit under Code Section 415(b)(2)(c) solely by reason of this subparagraph (3), and for purposes of applying subparagraph (2) the System will not fail to meet the percentage limitation under Section 415(c)(1)(B) of the Internal Revenue Code solely by reason of this subparagraph (3).

B. For purposes of this subsection the term "permissive service credit" means service credit—

- (1) recognized by the System for purposes of calculating a Member's benefit under the plan,
- (2) which such Member has not received under the plan, and
- (3) which such Member may receive only by making a voluntary additional contribution, in an amount determined under the System, which does not exceed the amount necessary to fund the benefit attributable to such service credit.

Effective for permissive service credit contributions made in limitation years beginning after December 31, 1997, such term may, if otherwise provided by the System, include service credit for periods for which there is no performance of service, and, notwithstanding clause B.(2), may include service credited in order to provide an increased benefit for service credit which a Member is receiving under the System.

11. Contribution Limits.

⊖ A. For purposes of applying the Code Section 415(c) limits in this subsection ~~⊕~~ which are incorporated by reference and for purposes of this subsection 11., only and for no other purpose, the definition of compensation where applicable will be compensation actually paid or made available during a ~~calendar~~ limitation year, except as noted below and as permitted by Treasury Regulations Section 1.415(c)-2, or successor regulations. Unless another

definition of compensation that is permitted by Treasury Regulations Section 1.415(c)-2, or successor regulation, is specified by the System, compensation will be defined as wages within the meaning of Code Section 3401(a) and all other payments of compensation to an employee by an employer for which the employer is required to furnish the employee a written statement under Code Sections 6041(d), 6051(a)(3) and 6052 and will be determined without regard to any rules under Code Section 3401(a) that limit the remuneration included in wages based on the nature or location of the employment or the services performed (such as the exception for agricultural labor in Code Section 3401(a)(2)).

- (1) However, for calendar limitation years beginning after December 31, 1997, compensation will also include amounts that would otherwise be included in compensation but for an election under Code Sections 125(a), 402(c)(3), 402(h)(1)(B), 402(k), or 457(b). For calendar limitation years beginning after December 31, 2000, compensation will also include any elective amounts that are not includible in the gross income of the employee by reason of Code Section 132(f)(4).
- (2) For limitation years beginning on and after January 1, 2007, compensation for the calendar limitation year will also include compensation paid by the later of 2½ months after an employee's severance from employment or the end of the calendar limitation year that includes the date of the employee's severance from employment if:
  - (a) the payment is regular compensation for services during the employee's regular working hours, or compensation for services outside the employee's regular working hours (such as overtime or shift differential), commissions, bonuses or other similar payments, and, absent a severance from employment, the payments would have been paid to the employee while the employee continued in employment with the employer; or
  - (b) the payment is for unused accrued bona fide sick, vacation or other leave that the employee would have been able to use if employment had continued.
- (3) Back pay, within the meaning of Treasury Regulations Section 1.415(c)-2(g)(8), shall be treated as compensation for the limitation year to which the back pay relates to the extent the back pay represents wages and compensation that would otherwise be included under this definition.

B. Notwithstanding any other provision of law to the contrary, the Board may modify a request by a Member to make a contribution to the System if the amount of the contribution would exceed the limits provided in Code Section 415 by using the following methods:

- (1) If the law requires a lump sum payment for the purchase of service credit, the Board may establish a periodic payment deduction plan for the Member to avoid a contribution in excess of the limits under Code Sections 415(c) or 415(n).
- (2) If payment pursuant to subparagraph (1) will not avoid a contribution in excess of the limits imposed by Code Section 415(c), the Board may either reduce the Member's contribution to an amount within the limits of that section or refuse the Member's contribution.

C. If the annual additions for any Member for a limitation year exceed the limitation under Section 415(c) of the Code, the excess annual addition will be corrected as permitted under the Employee Plans Compliance Resolution System (or similar IRS correction program).

D. For limitation years beginning on or after January 1, 2009, a Member's compensation for purposes of this subsection 11. shall not exceed the annual limit under Section 401(a)(17) of the Code.

†† 12. Additional Limitation on Pension Benefits.

Notwithstanding anything herein to the contrary:

- A. The normal retirement benefit or pension payable to a Retiree who becomes a Member of the System and who has not previously participated in such System, on or after January 1, 1980, shall not exceed one hundred percent (100%) of his Average Final Compensation. However, nothing contained in this Section shall apply to supplemental retirement benefits or to pension increases attributable to cost-of-living increases or adjustments.
- B. No Member of the System shall be allowed to receive a retirement benefit or pension which is in part or in whole based upon any service with respect to which the Member is already receiving, or will receive in the future, a retirement benefit or pension from a different employer's retirement system or plan. This restriction does not apply to social security benefits or federal benefits under Chapter 67, Title 10, U.S. Code.

**SECTION 3:** Specific authority is hereby granted to codify and incorporate this Ordinance in the existing Code of Ordinances of the City of Arcadia.

**SECTION 4:** All Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

**SECTION 5:** If any section, subsection, sentence, clause, phrase of this ordinance, or the particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases under application shall not be affected thereby.

**SECTION 6:** That this Ordinance shall take effect pursuant to Chapter 73-403 of the laws of the State of Florida.

PASSED ON FIRST READING, this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

PASSED ON SECOND READING, this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

PASSED ON THIRD READING, this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Keith Keene, Mayor

ATTEST:

\_\_\_\_\_  
Gia Lancaster, City Clerk

Approved as to form:

\_\_\_\_\_  
City Attorney

Law Offices

**Christiansen & Dehner, P.A.**

63 Sarasota Center Blvd. Suite 107 Sarasota, Florida 34240 • 941-377-2200 • Fax 941-377-4848

June 6, 2013

Ms. Judi Jankosky, City Administrator  
City of Arcadia  
23 N. Polk Avenue  
Arcadia, FL 34266

Re: City of Arcadia Police Officers' and Firefighters' Retirement System

Dear Ms. Jankosky:

I represent the Board of Trustees of your City of Arcadia Police Officers' and Firefighters' Retirement System. Enclosed please find a revised proposed ordinance amending the City of Arcadia Police Officers' and Firefighters' Retirement System, which is recommended by the Board for adoption by the City Council. This ordinance amends Section 1, Definitions to amend the definition of Credited Service, and Section 15, Maximum Pension, to comply with recent changes to the Internal Revenue Code (IRC) relating to tax qualified pension plans such as this plan. These amendments clarify language required by the IRC and are mandatory amendments that must be made by September 30, 2013 to ensure the continuation of the plan's tax qualified status.

In this revised ordinance, further technical compliance amendments were made to Section 15, Maximum Pension. With these additional changes, the pension plan will comply with all required applicable IRC changes and updates.

By copy of this letter to the plan's actuary, Foster & Foster, Inc., I am requesting that they provide you with a revised updated letter indicating that there continues to be no cost associated with the adoption of this ordinance.

If you or any member of your staff have any questions with regard to this ordinance, please feel free to give me a call. In addition, if you feel it would be appropriate for me to be present at the meeting at which this ordinance is considered by the City Council, please contact my office to advise me of the date that the ordinance would be considered.

Yours very truly,



Scott R. Christiansen

SRC/dm  
enclosure

cc: Doug Lozen  
Shelly Baumann, with enclosure

**City Marshal**  
**Matthew A. Anderson**



**State of Florida**  
**City of Arcadia**

**ARCADIA POLICE DEPARTMENT  
COUNCIL REPORT**

**TOTALS FOR THIS REPORT PERIOD:      AUGUST      2013**

**ARREST ACTIVITIES**

FELONY ARREST	11	MISDEMEANOR ARREST	15
JUVENILE ARREST	3	TRAFFIC ARREST	5
WARRANT ARREST	10		

**TRAFFIC ACTIVITIES**

ACCIDENT REPORTS	22	TRAFFIC CITATIONS	63
		WARNING CITATIONS	54

**PATROL**

COMPLAINTS	789
CITY ORDINANCE VIOLATIONS	84

**CRIMINAL INVESTIGATIONS**

CASES TOTAL	8
CASES UNDER INVESTIGATION	5
CASES CLOSED	3

A handwritten signature in black ink, appearing to read "Matthew A. Anderson".

**CITY MARSHAL**

8/27/2013

ADM (863)993-4660  
FAX (863)993-4664

**CITY OF ARCADIA**  
**POLICE DEPARTMENT**  
725 N. Brevard Ave.

**MATTHEW A. ANDERSON**  
**MARSHAL**

**P.O. BOX 1014**  
**ARCADIA, FL. 34265**

**CITY CODE ACTIVITIES**

**MONTH OF**  
**AUGUST 2013**

CODE ENFORCEMENT OFFICER CARL MCQUAY

COURTESY NOTICES	48
NOTICE OF VIOLATIONS	0
<b>CODE VIOLATIONS</b>	
ABANDONED VEHICLES	0
COMMERCIAL VEHICLES	0
FENCES	0
HIGH GRASS/OVERGROWN LOTS	47
NUISANCE	0
OCCUPATIONAL LICENSES	1
PARKING VIOLATIONS	0
PERMIT VIOLATIONS	2
TRASH/JUNK/DEBRIS	0
UNSAFE STRUCTURES	3
WATER VIOLATIONS	0
YARD SALES	0
ZONING VIOLATIONS	0
<b>TOTAL CODE VIOLATIONS</b>	<b>53</b>
CODE COMPLAINTS	2
CONTACTS	0
FIELD WORK	34
FOLLOW UP	0
POSTING	0
INVESTIGATIONS	5
MAILING	45
RECORDS	22
CAB INSPECTIONS	0
CAB DRIVER'S PERMITS	0
TITLE COMPANY SEARCHES	11
HEARINGS	0
FINGERPRINTING	6
POSTAGE USED	\$289.21