



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

TUESDAY, OCTOBER 4, 2016
6:00 P.M.

INVOCATION, PLEDGE, CALL TO ORDER AND ROLL CALL

PRESENTATIONS

1. Presentation to Carol Jones – Ten (10) Years of Service to the City of Arcadia (Mayor Susan Coker)
2. City of Arcadia's 55th Anniversary of ICMA (Jonathan Lewis, City Manager of North Port)

CONSENT AGENDA

3. City Council Minutes for September 20, 2016 – Includes the Second and Final Budget Hearing and the Regular Meeting (Penny Delaney – City Clerk)
4. City of Arcadia Municipal Airport August Report (Terry Stewart – City Administrator)
5. Special Event Permit – Dedication of Historic Marker to the City of Arcadia – Daughters of the American Revolution (Terry Stewart – City Administrator)

ACTION ITEMS

6. Placement of PAPI Lights on Governmental Surplus Website for Auction (Shelley Peacock – Airport Manager)
7. Ordinance No. 1019 - Establishing Procedures for Public Hearings – **First Reading** (T.J. Wohl – City Attorney)

COMMENTS FROM DEPARTMENTS

8. City Marshal
9. City Attorney
10. City Administrator

PUBLIC (Please limit presentation to three minutes)

MAYOR AND COUNCIL REPORTS

ADJOURN

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

PLEASE TURN OFF OR SILENCE ALL CELL PHONES

AGENDA No. 1

Presented to

CAROL JONES

In appreciation for

10 years

*of outstanding service to the
City of Arcadia*



10/09/06 – 10/09/16

AGENDA No. 2

AGENDA No. 3



CITY COUNCIL AGENDA ITEM
Requested Council Meeting Date: October 4, 2016

DEPARTMENT: Administration
SUBJECT: Minutes from the Second and Final Budget Hearing and the Regular Meeting on September 20, 2016

RECOMMENDED MOTION: Approval of September 20, 2016 Minutes to include the Second and Final Budget Hearing and the Regular Meeting as presented.

SUMMARY:

FISCAL IMPACT: _____
 Capital Budget
 Operating
 Other

ATTACHMENTS: Ordinance Resolution Budget Other

Department Head: Penny Delaney *PD* Date: 09/23/16

Finance Director (As to Budget Requirements) Date:

City Attorney (As to Form and Legality) Date:

City Administrator: Terry Stewart *[Signature]* Date: *9-23-16*

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

**AGENDA MINUTES
CITY COUNCIL
SPECIAL ONE ITEM AGENDA MEETING
SECOND AND FINAL BUDGET HEARING
CITY OF ARCADIA
TUESDAY, SEPTEMBER 6, 2016
5:45 P.M.**

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

INVOCATION, CALL TO ORDER AND ROLL CALL

Pastor Tim Daniels of Central Missionary Baptist Church gave the invocation. The Mayor called the meeting to order at approximately 5:45 p.m. and the following members and staff were present:

Arcadia City Council

Mayor Susan Coker

Deputy Mayor Alice Frierson

Councilmember S. Delshay Turner

Councilmember Joseph E. Fink

Councilmember Judy Wertz-Strickland

Arcadia City Staff

City Administrator Terry Stewart

City Clerk Penny Delaney

Finance Director Beth Carsten

Mayor Coker called the hearing to order and stated this was the second open public hearing on the budget resolution for FY 2016-17.

ACTION ITEMS

Resolution No. 2016-16; a Resolution Adopting the Final Millage Rate to be Levied by the City of Arcadia, Florida for Fiscal Year 2016-17

Resolution No. 2016-17; a Resolution Adopting the Final Budget for the City of Arcadia, Florida for Fiscal Year 2016-17

City Administrator Stewart advised there were two (2) items on this hearing agenda: to approve the final millage rate to be levied in the City of Arcadia and to adopt the final budget for the City of Arcadia for FY 2016-17. He also advised that he had provided a document to each Council Member which identifies the various victories or successes the City has accomplished over the past couple of years. Mr. Stewart acknowledged that such was a direct result of

City Council Second and Final Budget Hearing Minutes

September 20, 2016

Page 1 of 8

decisions that City Council had made, specifically in relation to the strategic planning session. He then turned it over to Finance Director Carsten. Ms. Carsten advised that Resolution 2016-16 had been provided to Council and the proposed final millage rate was 8.8195 which is the same millage rate that the City has adopted for the past two (2) years. She further advised that the proposed final millage rate would provide sufficient ad valorem tax revenues which when combined with other projected general fund revenues would fund the budgeted departmental expenditures that were proposed in the budget for FY 2016-17 for the general fund. Ms. Carsten asked if there were any questions and there were none. She advised it was staff's recommendation for City Council to adopt Resolution 2016-16 for the final millage rate. Councilmember Wertz-Strickland made a motion to adopt the millage rate as set and Councilmember Fink seconded the motion. No discussion followed and it was unanimously, 5/0, approved. City Administrator Stewart advised that it would be posted on the City's website and if there was something that Council felt was omitted, for them to please advise and it would be placed in the minutes.

Ms. Carsten stated that the next item was Resolution 2016-17 which would adopt the budget for FY 2016-17. She asked if there were any questions and while City Council had none, a member of the public stepped forward. Jeannie Raines, a City resident, asked if the employees would be getting a raise. City Administrator Stewart stated that a raise had been budgeted within the budget, but the amount of the raise would be determined by the compensation and classification study which should be completed in the next few weeks. He advised that at that time, staff would make a recommendation to the City Council and the Council will have an opportunity to move on such. At this time, Finance Director Carsten stated that it was staff's recommendation for City Council to adopt Resolution 2016-17. Councilmember Wertz-Strickland made a motion to adopt Resolution 2016-17 and Councilmember Turner seconded the motion.

Councilmember Fink stated that at the last meeting, he had asked that Council put a hold on increasing the water and sewer automatically without a special vote, but it died for lack of a second. He referred to a discussion at the last meeting that referenced Wauchula and Lake Placid's rates as being higher than the City of Arcadia. He provided figures on both towns and pointed out that the City of Arcadia's millage was approximately two and one-half (2½) times higher than Lake Placid's and one and one half (1½) times higher than Wauchula's. Councilmember Fink stated he would not be voting for this budget because he believes they should be resolute in making sure all aspects of the citizen's lives are addressed and, not only through increasing water, sewer and trash rates without constant monitoring and without taking an annual vote on it, the monitoring is not being done.

Ms. Raines asked what the term millage rate means and City Administrator Stewart advised that his column in last week's Arcadian publication thoroughly explained how the tax rate is applied and what it means in developing the taxes that one pays. He advised that the millage rate was included in the column and he could provide her a copy of it to assist her. In response to Ms. Raines questions, Mr. Stewart went into detail regarding the water and sewer rates and the studies (past and present) pertaining to such, along with the millage rate and the

calculation used to arrive at said millage rate. No discussion followed and it was 4/1 approved with Councilmember Fink casting the dissenting vote.

This brought the public hearing portion of the meeting to a close at 6:11 p.m.

Mayor Coker then reconvened the regular meeting.

INVOCATION, PLEDGE CALL TO ORDER AND ROLL CALL

Pastor Tim Daniels of Central Missionary Baptist Church gave the invocation which was followed by the pledge of allegiance. The Mayor called the meeting to order at approximately 6:12 p.m. and the following members and staff were present:

Arcadia City Council

Mayor Susan Coker

Deputy Mayor Alice Frierson

Councilmember S. Delshay Turner

Councilmember Joseph E. Fink

Councilmember Judy Wertz-Strickland

Arcadia City Staff

City Administrator Terry Stewart

City Clerk Penny Delaney

City Attorney T.J. Wohl

Finance Director Beth Carsten

Lieutenant Gary Evans

CONSENT AGENDA

Agenda Item 1 – City Council First Budget Hearing Minutes for September 6, 2016

Agenda Item 2 – City Council Minutes for September 6, 2016

Agenda Item 3 – Special Event Permit – Downtown Market Days – Arcadia Main Street

Mayor Coker advised that Agenda Item 3 would be pulled from the Consent Agenda for discussion. Councilmember Fink made a motion to approve the Consent Agenda Items 1 and 2 as presented and Councilmember Wertz-Strickland seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

Mayor Coker advised that Arcadia Main Street was requesting to hold a Market Day the second Saturday of every month for a period of one (1) year starting in October and ending in April. She stated Arcadia Main Street had originally requested the hours to be from 9:00 a.m. until 4:00 p.m. and she pointed out that this is the same day that the Saturday Night Lights would start. She advised she had spoken with Pam Ames of Arcadia Main Street and asked if they cut the time back to 3:30 p.m. to allow the streets to be cleared for the next venue following. Mayor Coker advised that Arcadia Main Street would not be at the Tree of Knowledge and that they had requested the SunTrust parking lot and from the corner of South Orange to West Oak and then from the corner of East Oak to South DeSoto. Deputy Mayor Frierson asked if the timeframe was agreeable to Saturday Night Lights and Connie Bateman, representing Saturday Night

City Council Second and Final Budget Hearing Minutes

September 20, 2016

Page 3 of 8

Lights, was asked to step to the podium. While she was approaching the podium, Deputy Mayor Frierson stated she thought the Main Street program already had a permit in place. Mayor Coker advised they had a permit in place for the Farmer's Market. City Administrator Stewart stated he understood it would include the Farmer's Market plus various vendors that would be set up to sell crafts and things of that nature. Deputy Mayor Frierson asked if Arcadia Main Street was trying to replace the other one with this one. City Administrator Stewart advised he had spoken with Robert Heine, Jr., the President of Arcadia Main Street, and they had agreed to not occupy the Tree of Knowledge area so the Saturday Night Lights folks could get in and set up. Mr. Stewart further advised that Mr. Heine had indicated that Arcadia Main Street was debating on whether to continue with the Market Days at all. Connie Bateman referred to minutes of a previous City Council meeting wherein Councilmember Fink made a motion and had asked their volunteer group to come back to Council with a proposal that would flesh out what is being discussed now and that all impacted groups be included in the discussion. She felt Council still had questions and wondered if it would be premature to pass something this evening without some of these questions being answered and she stated their volunteer group would be glad to work with Arcadia Main Street. Deputy Mayor Frierson stated she would like to see the Main Street program go to another Saturday and Connie Bateman suggested having more discussion with them. After further discussion, Deputy Mayor Frierson made a motion to table the issue until they get a clearer picture of it and Councilmember Fink seconded the motion and asked that the motion be amended to include to have staff come back to Council to find if there are any other things that are lacking in our permitting application that allows them to have an event if they want to and if they do not have an event, will the City still get its nominal fee or a pass on the nominal fee and Deputy Mayor Frierson agreed to the amendment. City Administrator Stewart advised that he and Code Enforcement Officer McQuay had been working on the event permitting ordinance and have some recommendations to make to City Council for changes in such. He then suggested a workshop may be appropriate regarding said matter. He stated if Council would like to do so, staff would be ready to bring those recommendations for them at the workshop and the City Clerk would contact Council with a possible date. It was the general consensus of Council to agree to such. No discussion followed and it was unanimously, 5/0, approved.

ACTION ITEMS

Agenda Item 4 – Central Florida Regional Planning Council (CFRPC) Planning Advisory Services Contract

City Administrator Stewart reminded Council that several years ago, they had made a decision to outsource the planning services to Central Florida Regional Planning Council. He stated the organization had provided outstanding service to the City of Arcadia. He further stated the organization provides the service at a reasonable fee and he felt they were one of the best regional planning councils that he had ever been associated with. Mr. Stewart recommended that Council accept the renewal of the contract with the fee remaining exactly the same. Deputy Mayor Frierson made a motion to approve the contract with Central Florida Regional Planning Council. City Administrator Stewart encouraged the Deputy Mayor to include the cost of the contract within the motion and Deputy Mayor Frierson agreed to include the cost of Twenty

Thousand and 00/100 Dollars (\$20,000.00). Councilmember Wertz-Strickland seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

Agenda Item 5 – Application for Use of Council Chambers for a Candidate Forum

City Administrator Stewart advised he had received a request from Steve Bauer of the Arcadian for permission to use the Council Chambers for a candidate forum on the 20th of October from 6:00 p.m. until 8:30 p.m. He also advised of another request for the use of the City's Golf Course for an event similar to the Politics in the Park which was held at the Chamber of Commerce. Mr. Stewart advised he would need a consensus from Council to authorize him to negotiate with the Arcadian for the use of the facility. He informed Council the event would be held outside with food likely being served inside the facility and it would be held at a time when the course was not open for play. It was the general consensus of City Council for the City Administrator to proceed with the negotiations. Deputy Mayor Frierson stated she had no problem with the use of the chambers on October 20th, but questioned the capacity and the fact that the public address system does not carry to the back area. City Administrator Stewart stated he would try to solve the problem with the public address system in the back. Councilmember Fink made a motion to allow the forum to be held and Councilmember Wertz-Strickland seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

COMMENTS FROM DEPARTMENTS

Lieutenant Gary Evans advised he was in attending the meeting on behalf of Marshal Anderson. He asked if Council or the general public had any questions or concerns and there were none. Councilmember Fink referenced a group of young people who had gathered in the downtown area on Friday night. He advised that the Arcadia Police Department patrolled and checked doors in the area on Saturday morning and he expressed his appreciation for such.

City Attorney Wohl advised that at the next meeting, Council would have for their consideration the first reading of the ordinance implementing quasi-judicial hearing procedures and he invited Council to call him if they have any questions upon reviewing same. He advised the ordinance would cover right-of-way vacations, presentations of evidence, the swearing in of witnesses and ex parte communications.

He also advised he had received notice that the mediation for the lawsuit involving Catherine Miller would be held on November 10, 2016. He informed Council that in the past in lieu of a member of City Council or a City representation attending, they had asked their claims representative that if they did reach an agreement, that it be conditioned on City Council's final approval. He advised the next step would be a shade meeting and if City Council approves it, then it would be brought to a Council meeting for final approval. Attorney Wohl stated he would inquire as to whether they wish for a City representative to be in attendance.

Finance Director Carsten presented the update for the budget for the current FY 2015-16. She advised that currently the revenues were at ninety point seven percent (90.7%) and the expenses were at seventy-three point two percent (73.2%). She commended the staff and

department heads for keeping it in line. City Administrator Stewart stated the finance department works very hard to ensure the other departments have all the information they need regarding what is in their budgets and what they can expend. The Council commended the staff for a job well done.

City Administrator addressed potential grants and specifically spoke of the Stormwater Master Plan. He advised that such a plan is essential if the City is going to move forward in seeking funding assistance in actually solving some of the stormwater drainage problems within the City. He explained that in the past, the City had been severely handicapped due to the fact that there is no plan to show the water district how they propose to handle it. Mr. Stewart advised he had reached out to the Southwest Florida Water Management District (SWFWMD) and they had expressed a willingness to assist the City with putting together a plan. He explained this would mean applying for a grant from them to help develop a plan and the grant would be implemented within the FY 2018-19. He explained that the City is a ready community so it would be a matching grant and the City is eligible for up to seventy-five percent (75%) of funding instead of fifty / fifty (50/50). Mr. Stewart advised that the City's portion would be a total of Seventy-Five Thousand and 00/100 Dollars (\$75,000.00), with Thirty-Five Thousand and 00/100 Dollars (\$35,000.00) for FY 2018 and Forty Thousand and 00/100 Dollars (\$40,000.00) for FY 2019. He further advised staff had examined the budget regarding money set aside for stormwater and there is sufficient revenue for funding and being able to accomplish it. Mr. Stewart asked for permission to apply for the grant. He advised if the City were to receive the grant, Council would have the final authority to accept it or not. Councilmember Wertz-Strickland made a motion to give the City Administrator the authority to apply for the stormwater grant and Councilmember Fink seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

City Administrator Stewart then addressed another grant with the Southwest Florida Water Management District (SWFWMD) through the utility department which has to do with reuse water. He informed Council that this grant involves the use of the ponds at the Golf Course and a proposal to enable the City to put approximately two hundred fifty thousand (250,000) gallons of storage a day at the golf course within one of the ponds. He explained the project would also be a seventy-five / twenty-five (75/25) project because the City is a ready community and it would take place in FY 2018. He advised the amount of funding that is necessary for the City would be Seventy-Five Thousand and 00/100 Dollars (\$75,000.00) and it would all be within that one year. He further advised there were sufficient funds within the utility budget to offset the costs and cover the City's portion of the costs. Mr. Stewart stated this would not only provide additional storage for use, but it also would provide storage at the golf course so that the golf course could use the storage that is there. Again, he asked for permission to apply for the grant and pointed out that, as with the other grant, Council would have the final authority to accept it or not. Councilmember Fink made a motion that the City Administrator be given the authority to pursue a grant to store gray water at the Golf Course and Councilmember Wertz-Strickland seconded the motion. Councilmember Fink stated that many communities utilize their gray water in this fashion and there is no harm to anyone by this because the water is such a quality that it can be reused. He commended the City Administrator because it makes perfect sense. No discussion followed and it was unanimously, 5/0, approved.

Mr. Stewart advised that the Arcadian newspaper has allowed him to write a monthly article and the latest article referenced taxes within the City and what that means. He stated that he included additional information regarding hurdles that the City has to overcome and why the City's millage rate is as high as it is. He informed Council that one issue was the average per capita value. He stated the average per capita throughout the state is approximately eighty-eight thousand (88,000), however, in the City of Arcadia; it is approximately twenty-six thousand (26,000). He advised that the amount of property that is exempt from taxes in most cities runs approximately twenty-three point six one percent (23.61%) and in Arcadia, it is forty-four point three one (44.31%). Mr. Stewart stated that he hopes the articles will help the community understand what is happening with the City and he advised that if Council has any suggestions about things they want to inform the public about, to please let him know and he would try to incorporate such into an article in the future.

PUBLIC

Ken Clark, representative of the Special Olympics, advised that they hold their county games at the City Golf Course and further advised that he had brought this year's winners. Those in attendance were Tammy Bair (silver medal), Jerome Rayner (bronze medal), Roy Engels (gold medal) and Kim Holder who was not in attendance (bronze medal). Mr. Clark thanked the City Council for the use of the Golf Course and he thanked the City officials for their attendance. City Administrator Stewart thanked Mr. Clark for his efforts.

Tony Ajhar advised he runs the Ames Center which provides after-incarceration ministries and he explained the program, all that it offers and future plans. Sharon Hart of the Ames Center referenced the recovery groups and classes that are also offered.

Connie Bateman of the Saturday Night Lights program distributed flyers regarding the upcoming event, which included the background of the program, the guidelines for attendees, a list of upcoming events to include vendors, and the program's sponsors.

MAYOR AND COUNCIL REPORTS

Deputy Mayor Frierson introduced Danielle Brewer who has applied for the vacancy that Judge Hall is leaving. She stated she would like for the Council to consider endorsing her. She asked Ms. Brewer to step to the podium and introduce herself. Ms. Brewer advised she had applied for the vacancy of the DeSoto County Judgeship which was vacated when Judge Hall was promoted to Circuit Judge. She then explained the process and the steps that are taken. In the interest of full disclosure, City Attorney Wohl advised that Mrs. Brewer is an associate at the firm of which he is a partner. He stated that while he does not recommend the City backing any particular candidate, there is no issue with each member, as an individual, backing a candidate.

Mayor Coker brought up the issues of a lightning detector and a timer at the water park and asked for comments and there were none from City Council. Public Works Director Steve Underwood advised that it was on a timer from dusk to dawn. Mayor Coker asked Mr. Underwood if he had any concerns regarding a lightning detector and he advised that he had

none. Mr. Stewart advised he had received an inquiry from an individual about the possibility of a lightning detector out there.

Mayor Coker then brought up the issue of the Mosaic spillage in Mulberry and City Administrator Stewart advised that he had sent a memorandum to Council and forwarded same to the Arcadian in which he explained what had occurred regarding the sinkhole and how the water and material went into the Floridian aquifer. Mr. Stewart informed Council that Utilities Director A.J. Berndt contacted the Florida Department of Environmental Protection (FDEP) and was advised the City of Arcadia is on an intermediate aquifer which has no inter-connection with the Floridian aquifer. He advised that in an abundance of caution, staff will test the raw water wells once a week rather than the typical monthly test and will continue to do so until they receive solid assurances that there will be no negative outcome from this particular incident. City Administrator Stewart stated that Mosaic had sent out a notice to the City which had been forwarded to the City Council and to the Arcadian as well. He stated Mosaic is monitoring the situation and has offered to test the wells of anyone who is on a private well that would have a concern and they have offered to provide bottled water to those who are concerned. He further stated that City staff was staying on top of it and they had made an inquiry with the FDEP to ensure that they are doing everything they should be doing and whether there are additional steps to be taken and, at this time, no additional steps have been recommended.

Mayor Coker advised of various activities being offered for the community and suggested the Saturday Night Lights and the Haunted Progressive Dinner Walk downtown in the fall for anyone looking for something to do.

ADJOURN

Councilmember Fink made a motion to adjourn and Councilmember Wertz-Strickland seconded the motion. No discussion followed and it was unanimously, 5/0, approved. Having no further business at this time, the meeting was adjourned at approximately 7:20 P.M.

ADOPTED THIS ___ DAY OF _____, 2016.

ATTEST:

By:

Susan Coker, Mayor

Penny Delaney, City Clerk

AGENDA No. 4



CITY COUNCIL AGENDA ITEM
Requested Council Meeting Date: October 4, 2016

DEPARTMENT: Airport
SUBJECT: City of Arcadia Municipal Airport Report

RECOMMENDED MOTION: Approval of City of Arcadia Municipal Airport Report for the month of August 2016 as presented.

SUMMARY:

FISCAL IMPACT: _____
 Capital Budget
 Operating
 Other

ATTACHMENTS: Ordinance Resolution Budget Other

Department Head: Shelley Peacock Date: 9-22-16

Finance Director (As to Budget Requirements) Date:

City Attorney (As to Form and Legality) Date:

City Administrator: Terry Stewart  Date: 9-23-16

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



City of Arcadia Municipal Airport

Monthly Flowage Report- August 2016

To: City Council

Date: September 22, 2016

From: Shelley Peacock

AVFuel gallons sold for August \$ 1,511.79 (Including Eagle Vistas)

Eagle Vistas Gallons Pumped 5.7

Eagle Vistas does not pay \$.07 for each gallon.

$1,506.05 / \$.07 = \105.42

Hangar Rent	\$ 6,692.61
Late Fees Collected	\$ 10.00
Vehicle Parking- \$ 30.00/5%	\$2.25
Eagle Vistas LLC (Butler Building)	\$ 1,120.15
Eagle Vistas LLC (FBO Agreement w/ partial waiver)	\$ 844.58
Eagle Vistas Agreement w/Dean Ott \$300.00/5% (Butler Building)	\$13.95
Tie Downs	\$45.00/50%=\$2.25

Total \$8,791.21

Special Notes

Fuel operations have been low due to lightning damage at the fuel farm.

A2 and A10 past due

July 10,401.53

AGENDA No. 5



CITY COUNCIL AGENDA ITEM
Requested Council Meeting Date: October 4, 2016

DEPARTMENT: Code Enforcement
SUBJECT: Dedication of Historic Marker to the City of Arcadia

RECOMMENDED MOTION:

Motion to approve the special event permit for Dedication of Historical Marker to the City of Arcadia

SUMMARY: The Daughters of The American Revolution would like to dedicate a Historical Marker to the City Of Arcadia. Dedication of this marker will take place at the Tree of Knowledge on Saturday January 21, 2017 from 11:00 a.m. to 12:00 p.m.

Expected attendance: 50

There will be no road or street closures for this event.

FISCAL IMPACT: _____
 Capital Budget
 Operating
 Other

ATTACHMENTS: Ordinance Resolution Budget Other

Department Head: Carl A. McQuay *CPM* Date: 10/4/16

Finance Director (As to Budget Requirements) Date:

City Attorney (As to Form and Legality) Date:

City Administrator: Terry Stewart *TS* Date: 9-23-16

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

SPECIAL EVENTS

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

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

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

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

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

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

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

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

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

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

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

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

Sharon E. Shatney
Signature of Applicant/Event Sponsor

9-20-16

Date

Sharon E. Shatney
PRINTED Name of Above

863-993-3844

Contact Phone #



RECEIVED
SEP 20 REC'D
CITY OF ARCADIA

City of Arcadia
SPECIAL EVENT PERMIT APPLICATION

Date Submitted: 9-20-16
Event Name Dedication of City of Arcadia Historic Marker
Event Location Tree of Knowledge of Park
Date(s) of Event Jan. 21, 2017 Hours of Event 11:00 AM - 12:00 PM
Expected Attendance 50
Event Sponsor Daughters of the American Revolution Non-Profit? YES NO
Description of Event Dedication of City of Arcadia Historic Marker

Contact Person Sharon Shatney Telephone (863) 993-3844
Fax # 863-993-3844 Email Kennethandsharon@yahoo.com
Insurance Carrier waived

Insurance Agent _____ Agent's Phone _____

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

If Yes, please specify locations: _____

Other Pertinent Information: The city has agreed to install the marker for us.

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

Received by: C. McQuay Date: 9/20/16
City Marshal Approved Disapproved
City Administrator Approved Disapproved
City Council Approved Disapproved

INDEMNIFICATION & HOLD HARMLESS

I, Shirley Dooley, as Secretary/Treasurer of Daughters of the American Revolution do hereby agree to hold the City of Arcadia, its agents and employees, harmless and indemnify same from any civil actions or claims of any nature made in connection with the event known as the Dedication of marker to be held at Tree of Knowledge Park on January 21, 2017.

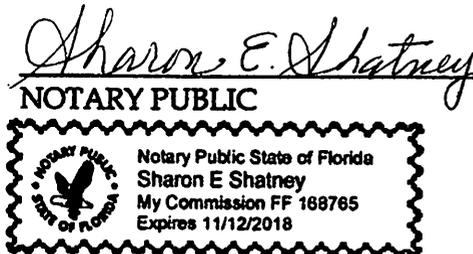
By: Shirley R. Dooley
Printed Name: Shirley R. Dooley
Entity Name: PEACE RIVER CHAPTER DAR
Its: _____
Date: SEPTEMBER 20, 2016

STATE OF FLORIDA

COUNTY OF DeSoto

Sworn to and subscribed before me this 20 day of September, 2016, by Shirley Dooley, as Sec/Treasurer of Daughters of the America, Revolution who [] is personally known to me or [] has produced _____ as identification.

(SEAL)





Consumer's Certificate of Exemption

DR-14
R. 04/11

Issued Pursuant to Chapter 212, Florida Statutes

85-8012954259C-2	11/30/2013	11/30/2018	501(C)(3) ORGANIZATION
Certificate Number	Effective Date	Expiration Date	Exemption Category

This certifies that

NATIONAL SOCIETY OF THE DAUGHTERS
OF THE AMERICAN REVOLUTION
PEACE RIVER CHAPTER
2648 SW COUNTY ROAD 769
ARCADIA FL 34266-2504

is exempt from the payment of Florida sales and use tax on real property rented, transient rental property rented, tangible personal property purchased or rented, or services purchased.



Important Information for Exempt Organizations

DR-14
R. 04/11

1. You must provide all vendors and suppliers with an exemption certificate before making tax-exempt purchases. See Rule 12A-1.038, Florida Administrative Code (F.A.C.).
2. Your *Consumer's Certificate of Exemption* is to be used solely by your organization for your organization's customary nonprofit activities.
3. Purchases made by an individual on behalf of the organization are taxable, even if the individual will be reimbursed by the organization.
4. This exemption applies only to purchases your organization makes. The sale or lease to others of tangible personal property, sleeping accommodations, or other real property is taxable. Your organization must register, and collect and remit sales and use tax on such taxable transactions: Note: Churches are exempt from this requirement except when they are the lessor of real property (Rule 12A-1.070, F.A.C.).
5. It is a criminal offense to fraudulently present this certificate to evade the payment of sales tax. Under no circumstances should this certificate be used for the personal benefit of any individual. Violators will be liable for payment of the sales tax plus a penalty of 200% of the tax, and may be subject to conviction of a third-degree felony. Any violation will require the revocation of this certificate.
6. If you have questions regarding your exemption certificate, please contact the Exemption Unit of Account Management at 800-352-3671. From the available options, select "Registration of Taxes," then "Registration Information," and finally "Exemption Certificates and Nonprofit Entities." The mailing address is PO Box 6480, Tallahassee, FL 32314-6480.



Consumer's Certificate of Exemption

DR-14
R. 04/11

Issued Pursuant to Chapter 212, Florida Statutes

85-8012954259C-2	11/30/2013	11/30/2018	501(C)(3) ORGANIZATION
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AGENDA No. 6



CITY COUNCIL AGENDA ITEM
Requested Council Meeting Date: October 4, 2016

DEPARTMENT: Airport

SUBJECT: Placement of PAPI lights on Government Surplus Auction Website

RECOMMENDED MOTION: Approval for city staff to place old PAPI lights on Government Surplus Website for auction. Highest bidder receives all 15 pieces of the lighting.

SUMMARY: The Airport has a storage area filled with old PAPI lighting that was received approximately four years ago through Mike Moon from Hanson Professionals. Mr. Moon mentioned this equipment came from Martin County Airport and he thought at the time the airport would have use for this equipment. Shortly after it was delivered to the airport, the city received a lighting grant that included all new runway, taxiway and PAPI lights. The airport does not have any use for the PAPI lights and would like to accept the highest bid offer.

This PAPI equipment includes 4 boxed PAPI's and 11 transformers.

Searched for model numbers and serial numbers, found a model number that only identifies the model number to a lightning arrester. No other information found.

FISCAL IMPACT: _____

Capital Budget

Operating

Other

ATTACHMENTS: Ordinance Resolution Budget Other

Department Head: Shelley Peacock

Date: 9-21-16

Finance Director (As to Budget Requirements)

Date:

City Attorney (As to Form and Legality)

Date:

City Administrator: Terry Stewart

Date: 9-21-16

COUNCIL ACTION: Approved as Recommended

Disapproved

Tabled Indefinitely Tabled to Date Certain _____

Approved with Modifications

AGENDA No. 7



CITY COUNCIL AGENDA ITEM
Requested Council Meeting Date: October 4, 2016

DEPARTMENT: Legal

SUBJECT: Ordinance No. 1019 Implementing the Provisions of Section 286.0115, *Florida Statutes*, To Establish a Procedure Governing Ex Parte Communications with Local Public Officials and Establishing Procedures for Public Hearings

RECOMMENDED MOTION: Motion to Approve the First Reading of Ordinance No. 1019

SUMMARY:

For Council's consideration, attached is proposed Ordinance No. 1019 implementing the provisions of Section 286.0115, *Florida Statutes*, to establish procedures governing ex parte communications with local public officials and establishing procedures for public hearings. As you know, Council previously adopted Ordinance No. 1011, which implemented the provisions of Section 286.0115, *Florida Statutes*. However, proposed Ordinance No. 1019 proposes to move these provisions from Chapter 2 of the Code of Ordinances to Article 13 of the Unified Land Development Code, and establish procedures for public hearings.

The creation and implementation of public hearing procedures, including procedures governing the presentation of evidence, will ensure all parties receive the requisite due process for any hearings deemed quasi-judicial.

FISCAL IMPACT: Capital Budget
 Operating
 Other

ATTACHMENTS: Ordinance Resolution Budget Other

Department Head: _____ Date: _____
Finance Director (As to Budget Requirements) _____ Date: _____
City Attorney (As to Form and Legality) _____ Date: 9/16/16
City Administrator:  _____ Date: 9-23-16

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

ORDINANCE NO. 1019

AN ORDINANCE OF CITY OF ARCADIA, FLORIDA PROVIDING FOR THE REPEAL OF CHAPTER 2, ARTICLE IV, DIVISION 6 OF THE CITY'S CODE OF ORDINANCES; CREATING SECTIONS 13.08.00 THROUGH 13.08.13 OF THE CITY'S UNIFIED LAND DEVELOPMENT CODE; PROVIDING FOR INTENT; PROVIDING DEFINITIONS; IMPLEMENTING PUBLIC HEARING PROCEDURES, INCLUDING PRESENTATION OF EVIDENCE;; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Florida Supreme Court has determined that the application of a general rule or policy to specific individuals, interests, or activities that does not affect a large portion of the public is "quasi-judicial" in nature;

WHEREAS, public decision-making bodies are often required to conduct quasi-judicial hearings; and

WHEREAS, the City Council of the City of Arcadia, Florida ("City Council") wishes to ensure procedural due process for matters requiring quasi-judicial hearings; and

WHEREAS, *Jennings v. Dade County*, 589 So. 2d 1337 (Fla. 3d DCA 1991), created a presumption of prejudice if a decision maker is contacted about a quasi-judicial decision in any forum other than a public hearing; and

WHEREAS, Section 286.0115(1), *Florida Statutes*, authorizes the City of Arcadia, Florida (the "City") to adopt an ordinance which removes the presumption of prejudice from an ex-parte communication by establishing disclosure procedures; and

WHEREAS, the City desires to implement Section 286.0115(1), *Florida Statutes*, by establishing a process to disclose ex parte communications with local public officials regarding quasi-judicial matters.

WHEREAS, Section 286.0115, *Florida Statutes*, authorizes the City to adopt procedures and provisions for quasi-judicial proceedings on land use matters so long as the decision of the Decision-Making Body is supported by competent substantial evidence in the record pertinent to the proceedings; and

WHEREAS, the City Council has determined that it is in the best interest of the citizens and residents of the City to implement quasi-judicial procedures so as to be consistent with the provisions set forth in Section 286.0115, *Florida Statutes*.

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

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

SECTION 2. Repeal of Division 6 contained in Chapter 2, Article IV of the City's Code of Ordinances. Chapter 2, Article IV, Division 6 of the City's Code of Ordinances is hereby repealed.

SECTION 3. Amendment to Article 13 of the Unified Land Development Code. Sections 13.08.00 through 13.08.13 of the Unified Land Development Code are hereby created to read:

“Section 13.08.00. Public Hearings.

Section 13.08.01. Purpose and Intent.

The purpose and intent of this Section 13.08.00 and its subsections is to establish procedures to ensure fairness and procedural due process and maintain citizen access to local government decision-making process for issues that require quasi-judicial hearings. These procedures shall be applied and interpreted in a manner recognizing both the legislative and judicial aspects of the local government decision-making process in quasi-judicial hearings.

Section 13.08.02. Definitions.

For the purpose of this Section 13.08.00 and its subsections, the following definitions shall apply, unless the context clearly indicates or requires a different meaning:

- 1) *Applicant* shall mean the owner(s) of record, the owner's agent, a third-party with written consent of all owner(s) of the property, or any person with a legal or equitable interest in the property for which an application or appeal thereof has been made and which is subject to quasi-judicial proceedings, and shall mean City of Arcadia Staff when the application is initiated by the City.
- 2) *City* means the City of Arcadia, Florida.
- 3) *Competent Substantial Evidence* shall mean testimony, documentary, or other evidence base on personal observation and which will establish a substantial basis from which an issue can reasonably be inferred. It includes fact or opinion evidence offered by an expert on a matter that requires specialized knowledge and that is relevant to the issue to be decided. It is evidence a reasonable mind could accept as having probative weight and adequate to support a legal conclusion.

- 4) *Decision-Making Body* shall mean the City Council, the Planning and Zoning Board, or other authorized Decision-Making Body, as the case may be, that makes a recommendation or decision on an application or decides the appeal.
- 5) *Ex Parte Communications* mean any verbal or written expression made to a Local Public Official which is made in the absence of one or more of the interested parties, and is not made during a public hearing or meeting to consider matters involving the exercise of quasi-judicial decision-making.
- 6) *Local Public Official* means any elected or appointed public official holding a City office who recommends or takes quasi-judicial action as a member of a council, board, or commission. The term does not include a member of the board or commission of any state agency or authority.
- 7) *Participants* means members of the general public, other than the Applicant, including experts and representatives of local governments and governmental agencies, who offer sworn or unsworn testimony at a quasi-judicial proceeding for the purpose of being heard on an application.
- 8) *Party* or *Parties* means the Applicant(s), Staff, or any person recognized as a Party by the Decision-Making Body.
- 9) *Quasi-judicial* or *quasi-judicial matter* means a proceeding that results in a decision having an impact on a limited number of persons or property owners, on identifiable parties and interests, where the decision is contingent on facts arrived at from distinct alternatives presented at a hearing, and where the decision can be viewed as the result of an application of policy rather than setting of policy.
- 10) *Staff* means any person employed by, or having a contractual relationship with the City.
- 11) *Witness* means a person who testifies under oath.

Section 13.08.03. Ex Parte Communications.

Any person not otherwise prohibited by statute, charter provision, or ordinance may discuss with any Local Public Official representing the City the merits of any matter on which action may be taken by any Decision-Making Body on which the Local Public Official is a member. Adherence to the following procedures shall remove the presumption of prejudice arising from Ex Parte Communications with Local Public Officials:

- 1) The subject and substance of any Ex Parte Communication with a Local Public Official representing the City which relates to quasi-judicial action pending before the Local Public Official, as well as the identity of the person, group or entity with whom

the communication took place, is disclosed and made a part of the record before final action is taken on the matter.

- 2) A Local Public Official representing the City may read a written communication from any person. A written communication that relates to quasi-judicial action pending before such Local Public Official shall be made a part of the record before final action is taken on the matter.
- 3) A Local Public Official representing the City may conduct investigations, make site visits and receive expert opinions regarding quasi-judicial action pending before him or her, provided that such activities and the existence of such investigations, site visits, or expert opinions is made a part of the record before final action is taken on the matter.
- 4) Disclosure made pursuant to paragraphs (1-3) above must be made before or during the public meeting at which a vote is taken on such matters, so that persons who have opinions contrary to those expressed in the Ex Parte Communication are given a reasonable opportunity to refute or respond to the communication.

Section 13.08.04. General Procedures.

- 1) All quasi-judicial proceedings before the Decision-Making Body shall be hearings of original jurisdiction, unless the Decision-Making Body is acting in an appellate capacity, in which case such proceeding shall be a hearing *de novo*. Unless all Parties waive formal proceedings, each Party shall have the right to call and examine Witnesses, introduce exhibits, cross-examine opposing Witnesses on any relevant matter (subject to the rules contained herein), and rebut evidence.
- 2) Staff shall have the responsibility of presenting the case on behalf of the City. The Staff report on the application shall be made available by Staff to the Applicant and the Decision-Making Body no later than five (5) business days prior to the quasi-judicial hearing on the application.
- 3) All written communication received by the Decision-Making Body or Staff concerning an application, the Staff report, any petitions or other submissions from the public, and all other documents pertaining to the application upon receipt shall be filed in the official file for the application, which shall be maintained by Staff. The Comprehensive Plan, the City Code of Ordinances and the Unified Land Development Code shall be deemed to be part of the official file. The official file shall be available for inspection during normal business hours.
- 4) The printed agenda for the meeting at which the quasi-judicial hearing is scheduled to take place shall identify the hearing as quasi-judicial, and indicate where copies of the procedures that apply may be obtained.

Section 13.08.05. Hearing Procedures.

- 1) All hearings shall be scheduled within a reasonable time of the date the application was properly and adequately filed.
- 2) The City shall advertise the hearing date, time, and place in accordance with Florida Statutes and regulations, the City's ordinances, and this Unified Land Development Code.
- 3) All hearings shall be open to the public. Members of the public shall be permitted to testify at the quasi-judicial hearing.
- 4) The City Clerk, or the City Clerk's designee, shall attend all hearings, and the City shall record (audio, video, or both) all hearings. The City shall retain the original recording(s) in accordance with the laws of the State of Florida, and, if requested, provide a duplicate of the recording(s) to the Decision-Making Body.
- 5) The hearing shall, to the extent possible, be conducted as follows:
 - a. The Clerk shall read into the record the Ordinance or Resolution Title and Number, or if there is no ordinance or resolution, the Applicant's name, file number, and the subject matter to be decided.
 - b. The Applicant, Staff, and all Participants requesting to speak or present evidence at the hearing shall be collectively sworn by an oath or affirmation by the Clerk.
 - c. The Applicant may waive the Applicant's right to an evidentiary hearing if Applicant agrees with the Staff recommendation, and no one from the audience wishes to speak for or against the application. The Decision-Making Body may then vote on the item, based upon the Staff report, and any other materials contained within the official file.
 - d. If there is an evidentiary hearing, the order of the presentation shall be as follows, unless the Chair determines to proceed in a different order, taking proper consideration of fairness and due process:
 - i. The Applicant shall make the Applicant's presentation, including offering any documentary evidence, and introduce any Witnesses as Applicant desires. The Applicant shall present the Applicant's entire case in thirty (30) minutes.
 - ii. Staff shall present a brief synopsis of the application; introduce any appropriate additional exhibits from the official file that have not already been transmitted to the Decision-Making Body with the agenda

- materials, as Staff desires; summarize issues; and make a recommendation on the application. Staff shall also introduce any Witnesses that it wishes to provide testimony at the hearing. Staff shall present its entire case in thirty (30) minutes.
- iii. Participants shall make their presentation in any order, as determined by the Chair. Each Participant shall present their argument in five (5) minutes.
 - iv. The Applicant may cross-examine any Witness, and respond to any testimony presented.
 - v. Staff may cross-examine any Witness, and respond to any testimony presented.
 - vi. The Chair may choose to allow Participants to respond to any testimony if the Chair deems the response to be necessary to ensure fairness and due process.
 - vii. Members of the Decision-Making Body may ask any questions of Staff, the Applicant and the Participants.
 - viii. Final argument may be made by the Applicant, related solely to the evidence in the record.
 - ix. Final argument may be made by the Staff, related solely to the evidence in the record.
 - x. For good cause shown, the Decision-Making Body may grant additional time to any of the hereinabove time limitations.
 - xi. The Decision-Making Body's decision must be based upon Competent Substantial Evidence in the record.
- e. A copy of the procedures shall be made available at the hearing.
 - f. The Chair shall keep order, and without requiring an objection, may direct a Party conducting the direct examination or the cross-examination to stop a particular line of questioning that, in the sole judgment of the Chair, merely harasses, intimidates or embarrasses the individual testifying or being cross-examined; is unduly repetitious or is not relevant; or is beyond the scope of the testimony by the individual being cross-examined. If the Party conducting the direct examination or cross-examination continues to violate directions from the Chair to end a line of questioning deemed improper as set forth herein, the Chair may terminate the direct examination or cross-examination.

- g. The Decision-Making Body may, on its own motion or at the request of any person, continue the hearing to a fixed date, time, and place. The Applicant shall have the right to one continuance; however, all subsequent continuances shall be granted at the sole discretion of the Decision-Making Body.
- h. The Applicant may withdraw an application by requesting such withdrawal in writing prior to the commencement of the hearing.
- i. For all quasi-judicial hearings in which a decision is made regarding an application for any development permit, the decision to approve or deny shall be based on whether the application meets all applicable requirements of the Comprehensive Plan, the City Code of Ordinances, and the Unified Land Development Code based on the entirety of the record before the Decision-Making Body.

Section 13.08.06. Rules of Evidence

- 1) The Decision-Making Body shall not be bound by the strict rules of evidence, and shall not be limited only to consideration of evidence which would be admissible in a court of law. The Decision-Making Body shall have the ability, but not the duty, to conduct site visits in their sole discretion and to consider any evidence so adduced in their deliberations.
- 2) The Chair may exclude evidence or testimony that is not relevant, material or competent, or testimony which is unduly repetitious or defamatory.
- 3) The Chair, with the advice of the City Attorney, will determine the relevancy of evidence.
- 4) Matters relating to an application's consistency with the Comprehensive Plan, the City Code of Ordinances, or the Uniform Land Development Code will be presumed to be relevant and material.
- 5) Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but it shall not be sufficient by itself to support a finding unless it would be admissible over objection in court.
- 6) Documentary evidence may be presented in the form of a copy of the original, if available. A copy shall be made available to the Decision-Making Body and to Staff no later than two (2) business days prior to the hearing on the application. Upon request, the Applicant and Staff shall be given an opportunity to compare the copy with the original. Oversized exhibits shall be copied and reduced for convenient record storage.

- 7) Only the Applicant, the Applicant's authorized representative, Staff, and the Decision-Making Body shall be entitled to conduct cross-examination when testimony is given or documents are made part of the record.
- 8) The City Attorney shall represent the Decision-Making Body and advise it as to procedures to be followed.

Section 13.08.07. Time Allotment.

Notwithstanding anything to the contrary contained in this Section 13.08.00 and its subsections, the Decision-Making Body may place further limitations on or modifications to the time allotments; provided the City Attorney agrees that said limitations or modifications do not affect the Party's or the public's right to due process.

Section 13.08.08. Judicial notice.

The Decision-Making Body shall take judicial notice of all state and local laws, ordinances and regulations, and may take judicial notice of such other matters as are generally recognized by the courts of the State of Florida.

Section 13.08.09. Continuances and Deferrals.

- 1) The Decision-Making Body shall consider requests for continuances made by any Party and may grant continuances in its sole discretion. Generally, as a courtesy, one continuance shall be granted if requested by Staff or the Applicant. If, in the opinion of the Decision-Making Body, any testimony or documentary evidence or information presented at the hearing justifies allowing additional time to research or review in order to properly determine the issue presented, then the Decision-Making Body may continue the matter to a time certain to allow for such research or review. A request for a continuance for the purpose of additional research and review may be granted upon a showing of good cause.
- 2) No additional notice shall be required if a hearing is continued to a fixed date, time and place.

Section 13.08.10. Supplementing the Record.

Supplementing the record after the hearing is prohibited, unless specifically authorized by an affirmative vote of the Decision-Making Body under the following conditions:

- 1) After continuation of a hearing, but prior to the final action being taken.
- 2) If a question is raised by the Decision-Making Body at the hearing to which an answer is not available at the hearing, the Party to whom the question is directed may submit the requested information in writing to the City Clerk and the Decision-Making Body after the hearing with copies to the other Parties, provided the hearing has been continued or another hearing has been scheduled for a future date and no

final action has been taken by the Decision-Making Body. The Decision-Making Body will specifically identify the question to which a response is required. No additional information will be accepted.

- 3) All supplemental information shall be filed with the City Clerk no later than three (3) days prior to the continued or next scheduled hearing and shall be subject to the provisions of Section 13.08.03.
- 4) All Parties and Participants shall have the same right with respect to the additional information as they had for evidence presented at the hearing.

Section 13.08.11. Transcript of Hearing.

- 1) The City Clerk shall preserve the official transcript of the hearing through a digital or tape recording or video recording.
- 2) Any person may arrange, at her or his sole expense, for a certified court reporter to transcribe the hearing.
- 3) If any person, at her or his sole expense, decides to order a transcription of the hearing in its verbatim, written form in accordance with subsection (2) above, that transcription shall become the official transcript.

Section 13.08.12. Maintenance of Evidence and Other Documents.

The City Clerk shall maintain all of the evidence and documents presented at the hearing. Said evidence and documents may be maintained in electronic form.

Section 13.08.13. Failure of Applicant to Appear.

If a Party or a Party's representative fails to appear at the time fixed for the hearing, and such absence is not excused by the Decision-Making Body, the Decision-Making Body may proceed to hear the evidence and render a decision thereon in absentia."

SECTION 4. Codification. The publisher of the City's Code of Laws, the Municipal Code Corporation, is directed to incorporate the amendments included in Section 2 above into the Code of Ordinances. Said publisher is further directed to incorporate the amendments included in Section 3 above into the Unified Land Development Code.

SECTION 5. Severability. If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such section, sentence, clause, or provision shall be deemed severable, and such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance.

SECTION 6. Effective Date. This Ordinance shall be effective immediately upon final passage by the City Council.

PASSED AND ADOPTED by the City Council of the City of Arcadia, Florida, on this _____ day of October, 2016.

City of Arcadia, Florida

Attest:

Susan Coker, Mayor

By: _____
Penny Delaney, City Clerk

Passed on First Reading: October ____, 2016

Passed on Second Reading: October ____, 2016

Approved as to Form:

Thomas J. Wohl, City Attorney