



AGENDA
ARCADIA CITY COUNCIL
CITY COUNCIL CHAMBERS
23 NORTH POLK AVENUE, ARCADIA FL
TUESDAY, OCTOBER 6, 2015
6:00 P.M.

INVOCATION, PLEDGE, CALL TO ORDER AND ROLL CALL

PRESENTATION

1. Proclamation – Week of the Family (Mayor Wertz-Strickland)
2. Proclamation – Red Ribbon Week (Mayor Wertz-Strickland)

CONSENT AGENDA

3. City Council Minutes for September 14, 2015 (Penny Delaney – City Clerk)
4. City Council Minutes for September 15, 2015 (Penny Delaney – City Clerk)
5. City Council Minutes for September 24, 2015 (Penny Delaney – City Clerk)
6. Special Event Permit – Arcadia Plein Air Paint-Out (Terry Stewart – City Administrator)
7. Special Event Permit – Team Arcadia Car Show (Terry Stewart – City Administrator)

ACTION ITEMS

8. Ordinance No. 1007 - Police/Fire Pension Ordinance Amendment – Second Reading (Terry Stewart – City Administrator)
9. Ordinance No. 1008 - Amending Article I, Chapter 98 of the Code to Regulate or Prohibit the Use of Designated Streets by Commercial Vehicles – First Reading (T.J. Wohl – City Attorney)
10. Ordinance No. 1009 – Amending Two (2) Parcels of Land located on East Maple Street from the Zoning of City B-1 to City R-1B – First Reading (Jeff Schmucker – Central Florida Regional Planning Council)
11. Councilmember Initiated Discussion of Possible Regulations Governing Change in Elevation of Existing Developed Sites and How it Affects Surrounding Properties (Councilmember Joseph E. Fink)
12. Councilmember Initiated Discussion Regarding Endorsement of County Judge Don T. Hall to the Circuit Judgeship to be vacated by Circuit Judge James S. Parker (Deputy Mayor Frierson)

COMMENTS FROM DEPARTMENTS

13. City Marshal
14. City Attorney
15. 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

PRESENTATION No. 1



Proclamation

WHEREAS, the City of Arcadia recognizes that Arcadia is blessed with a multitude of families – an essential part of the cultural, social and spiritual fabric; and

WHEREAS, the City of Arcadia recognizes that children live better lives when their families are strong, and families are strong when they live in communities that connect them to economic opportunities, social networks and services; and

WHEREAS, everyone has a role to play in making families successful, including neighborhood organizations, businesses, non-profit agencies, policymakers and, of course, families themselves; and

WHEREAS, during the week of November 7 – November 14, 2015 citizens of Arcadia should take time to honor the importance of families and recognize the special connections that support and strengthen them throughout the year, and to establish and re-establish patterns which will help them as families to acknowledge that “FAMILY – It’s About Time””; and

WHEREAS, families of Arcadia can take the opportunity to recommit to enhancing and extending all of the connections that strengthen and enrich this most valuable institution; and

WHEREAS, during this week, residents of the City of Arcadia will join other citizens, agencies, churches and organizations throughout the county to honor and celebrate our families;

NOW, THEREFORE, BE IT PROCLAIMED, the Mayor and Council for the City of Arcadia do hereby designate

November 7 – November 14, 2015 as WEEK OF THE FAMILY

BE IT FURTHER PROCLAIMED, we urge all citizens to join in the celebration of the family by attending the Family Fun Fair to be held on Saturday, November 14, 2015.

SO DONE THIS 6TH DAY OF OCTOBER, 2015

BY:

ATTEST:

JUDY WERTZ-STRICKLAND, MAYOR

*Penny Delaney
City Clerk*

PRESENTATION No. 2



Proclamation

WHEREAS, alcohol and other drug abuse in this nation has reached epidemic stages; and

WHEREAS, it is imperative that visible, unified prevention education efforts by community members be launched to eliminate the demand for drugs; and

WHEREAS, The National Family Partnership is sponsoring the National Red Ribbon Campaign offering citizens the opportunity to demonstrate their commitment to drug-free lifestyles (no use of illegal drugs, no illegal use of legal drugs); and

WHEREAS, the National Red Ribbon Campaign will be celebrated in every community in America during "Red Ribbon Week", October 23-31; and

WHEREAS, business, government, parents, law enforcement, media, medical, religious institutions, schools, senior citizens, service organizations and youth will demonstrate their commitment to healthy, drug-free lifestyles by wearing and displaying Red Ribbons during this week long campaign; and

WHEREAS, the City of Arcadia further commits its resources to ensure the success of the Red Ribbon Campaign;

NOW, THEREFORE, BE IT RESOLVED, the Mayor and Council for the City of Arcadia do hereby proclaim October 23-31, 2015 as RED RIBBON WEEK and encourage its citizens to participate in drug prevention education activities, making a visible statement that we are strongly committed to a drug-free state.

SO DONE THIS 6TH DAY OF OCTOBER, 2015

BY:

ATTEST:

JUDY WERTZ-STRICKLAND, MAYOR

Penny Delaney
City Clerk

AGENDA No. 3



CITY COUNCIL AGENDA ITEM
Requested Council Meeting Date: October 6, 2015

DEPARTMENT: Administration

SUBJECT: Minutes from September 14, 2015

RECOMMENDED MOTION: Approval of September 14, 2015 Meeting Minutes as presented.

SUMMARY:

FISCAL IMPACT: _____ (Capital Budget
(Operating
(Other

ATTACHMENTS: (Ordinance (Resolution (Budget (Other

Department Head: Penny Delaney

Date: 09/25/15

Finance Director (As to Budget Requirements)

Date:

City Attorney (As to Form and Legality)

Date:

City Administrator: Terry Stewart 

Date: 9-28-15

COUNCIL ACTION: (Approved as Recommended

(Disapproved

(Tabled Indefinitely (Tabled to Date Certain _____

(Approved with Modifications

**AGENDA MINUTES
CITY COUNCIL
SPECIAL ONE ITEM AGENDA MEETING
CITY OF ARCADIA
MONDAY, SEPTEMBER 14, 2015
6:00 P.M.**

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

CALL TO ORDER AND ROLL CALL

Mayor Wertz-Strickland called the meeting to order at approximately 6:00 p.m. and advised this was a public hearing meeting of the Arcadia City Council. The following members and staff were present:

Arcadia City Council

Mayor Judy Wertz-Strickland
Deputy Mayor Alice Frierson

Councilmember Susan Coker
Councilmember Joseph E. Fink

Councilmember S. Delshay Turner – not in attendance

Arcadia City Staff

City Administrator Terry Stewart
Finance Director Beth Carsten

City Clerk Penny Delaney
Marshal Matthew Anderson

ACTION ITEMS

Resolution No. 2015-06; a Resolution adopting the Tentative Millage Rate to be Levied by the City of Arcadia, Florida for Fiscal Year 2015-2016

Resolution No. 2015-07; a Resolution Adopting the Tentative Budget for the City of Arcadia for Fiscal Year 2015-2016

City Administrator Stewart advised Council would be voting on resolutions for millage and discussing and deciding whether or not to move forward with the budget as intended. He stated Council needed to vote on the millage first pursuant to state statute. He advised the tentative millage rate was the rolled back rate and staff came back and recommended keeping the millage rate the same as it is for the current year which would be less than the rolled back rate. Mr. Stewart stated that once they vote to keep the millage at the current rate, Council cannot go higher. He further stated they could keep it the same or go lower. City Administrator Stewart informed Council that Finance Director Carsten would be reviewing the budget in a summary

format. He advised that areas of the budget that would be highlighted would be items that Council asked staff to include with the budget that were not in it at the time that staff presented it at the budget workshop. He then turned it over to Finance Director Carsten.

Ms. Carsten stated that since the workshop, she had been working on the changes that Council requested and when she provided the update, she also provided a page that spelled out each of those changes. She then reviewed such in a summary format. Ms. Carsten advised that everything she will refer to will be the changes that were made from the numbers presented at the workshop until now. Regarding the general fund, she explained that the general fund revenues had increased from \$4,677,553 to \$4,687,013 which was due to receiving information about a JAGC grant for the Police Department in the amount of \$8,437.00. She further explained there was also a difference in the charge back code from when the changes were made throughout the departments of \$1,023.00. She advised that was the only change in the revenues.

Finance Director Carsten stated that throughout the departments, there were changes and most had to do with personnel, one of which was the workman's compensation premium. She advised the City had received an increase in the premium of \$40,834.00 which was spread throughout the different departments with the amounts being based on the charge codes that they received. She stated there was a smaller decrease in health insurance. City Administrator Stewart advised that health insurance will cost more this year. He explained initially they were talking about a 15% increase in the cost of healthcare and staff managed to get them down to 7%, thus less of an increase.

Ms. Carsten explained that they were adding one (1) police department position and one (1) parks position and the parks position will be split between the parks and the airport.

Finance Director Carsten advised that two percent (2%) raises were calculated throughout the general fund department which comes to about \$46,000.00.

Ms. Carsten stated that as a whole for the general fund there was an increase in expenditures of \$113,608.00. She explained to offset it; they lowered the amount in the contingencies set aside for reserve in other governmental departments. She advised Council this lowered the contingency amount from \$233,728.00 to \$120,120.00 which did not change the bottom line expenditures. City Administrator Stewart stated that due to Council's work done over the last several years and putting aside contingency instead of spending it, the City is now at the level of undesignated reserves that is recommended, even a little better than what is recommended.

Regarding the water/sewer fund, Mr. Carsten advised there was no change in revenues, but the workman's compensation was reflected throughout, along with the small decrease with health insurance and the two percent (2%) raises which amounted to \$15,410.00. She advised that after the workman's compensation offset, there was only an amount of \$3,853.00 that increased regarding the expenses. Ms. Carsten advised that the contingency was lowered from \$358,040.00 to \$354,182. Councilmember Fink questioned there not being an increase regarding revenue and Ms. Carsten advised of none since the last workshop. City Administrator Stewart

verified again that the areas being highlighted were changes from what was presented at the workshop to tonight's presentation.

Regarding solid wastes, Ms. Carsten advised that the two percent (2%) raises calculated to \$4,125.00 and the offset with the workman's compensation make it so that there is only an expenditure addition of \$1,722.00. She further advised that the contingency under the solid waste was lowered from \$32,753.00 to \$31,031.00. She stated the funds, in the end, had not changed with the exception of the revenue for the general fund because it was an addition. Councilmember Fink asked if the two percent (2%) raises would automatically take effect on October 1st or if they were planned over a period of time with anniversary dates, etc. City Administrator Stewart advised they were planned to take effect immediately after October 1st. Mr. Stewart further advised that there were two (2) individuals who would not receive the two percent (2%) raise: himself and the Marshal. Councilmember Fink referenced the Marshall's increase and City Administrator Stewart stated that according to the budget presented at the workshop, the Marshal's raise was included in that and that was the reason he was not getting the two percent (2%) on top of that.

Regarding the airport, Ms. Carsten advised there were a few changes and according to the FAA, the amount we will be getting for grants so far will be \$181,000.00. She also advised of a change in expenses under professional fees in the amount of \$30,000.00 which represents the amount Council agreed to for the contract with Hanson. She stated this did not need to all be spent, but it was what they had agreed upon to a certain amount so it needed to be put in the budget. She advised this contemplated using some fund balance, \$13,368.00, in order to balance the budget for airport.

City Administrator Stewart stated there would not be a change in fees with the exception of the automatic change in water rates which was approved in a prior rate schedule and some fees for services where preliminary work shows they are not recovering the actual cost. He advised once he receives all the information, he will bring it back to Council for their guidance. Mr. Stewart advised that might mean there may be a change in the profile of the expected revenue, but that would be something they would include with a budget adjustment at the time Council makes its decision. He further stated that along the budget adjustment line, there are a number of grants the City is going after and explained one regarding video mapping the sewer system, and he advised that would change the wastewater budget by \$1,000,000.00.

Ms. Carsten asked if there were any other questions and there were none. Councilmember Fink made a motion to approve Resolution 2015-06 as presented with the addition to number two (2) that it will be the rolled back rate minus 1.55 percent and Councilmember Coker seconded the motion. Councilmember Fink thanked the City Administrator for his tenacity in ensuring the citizens would not receive even a minuscule increase in taxes. No discussion followed and it was unanimously, 4/0, approved.

The City Clerk was instructed to read Resolution 2015-06 by title only and she did so. At this time, Council cast their individual votes with Deputy Mayor Frierson casting an assenting

vote, Councilmember Fink casting an assenting vote, Councilmember Coker casting an assenting vote and Mayor Wertz-Strickland casting an assenting vote.

The City Clerk was instructed to read Resolution 2015-07 by title only and she did so. Councilmember Coker made a motion to accept Resolution 2015-07 and Deputy Mayor Frierson seconded the motion. Councilmember Fink advised that the budget was probably one of the best written budgets that he had ever had the opportunity to vote upon. However, he advised he did have concerns, not in the budget, but dealing with several serious issues that he planned on following up on and he did not believe he, in good conscience, could vote on it without addressing the issues. Regarding the municipal golf course, he advised the City was spending \$470,714.00 on the course and the projected revenues are \$335,000.00 meaning they are spending \$134,714.00 more than they project to make. He stated that he cannot vote to deficit spend for something the vast majority of Arcadians do not use. He also brought up the issue of free golf for retired council members and others of which he was not in agreement with. Councilmember Fink then addressed the three percent (3%) on water, three percent (3%) on sewer and two percent (2%) on trash rate increases and stated his disagreement with the automatic increases. He then stated that he believed the City employees deserved the two percent (2%) pay raise, but didn't feel it was equitable when the Marshal was going to get nine point one two five (9.125%).

City Administrator Stewart thanked Councilmember Fink for his support regarding the millage rate and the kind comments regarding the budget in general. Mr. Stewart stated that he had asked the Rural Water Association to do some rate analysis for the City to see if we are where we need to be and he would bring that information back to Council. He stated they are looking at the fee structure and acknowledged there are some issues there. Regarding the golf course, Mr. Stewart stated he would be meeting with the golf course director to validate whether anyone was getting free golf, and if so, what the circumstances are for such and he advised he would report back to Council. City Administrator Stewart stated that he would not speak on the Marshal's behalf regarding his raise, but reiterated the fact that the reason this was brought forward was because he is essentially still making what he was making as a captain and he received no raise when he was elected to the position of Marshal. He further stated that the rate of pay for him as head of a police department was modest in comparison to many other communities with similar size populations. Deputy Mayor Frierson stated that when the Marshal stepped into the position at the request of the Council, he did not ask for any increase, but was willing to step in at his current salary. Councilmember Coker stated that the current salary that the Marshal has requested is still below what the previous Marshal was making. She reminded Council that when Ms. Carsten stepped in as interim administration, she was placed at the higher salary of the administrator at that time. Councilmember Coker stated that she felt the Marshal had earned an increase, not just the two percent (2%). She then expressed her thoughts regarding the golf course. She stated that she felt the community benefits as a whole from its services and felt it was a recreational facility. She further stated that if it was taken away from Arcadia, it would be a huge loss and stated she was in support of the golf course and felt they could do something with it.

The golf course director was asked how many people received free golf and he advised there were five (5) people, plus three (3) volunteers. City Administrator Stewart advised that he wanted the golf director to provide him with a report as to the name of the individuals, how often they play, exactly what they get when they play and then it will be up to Council as to whether it is continued or not. Mayor Wertz-Strickland stated that she thought they had decided to give it a year and then come back and look at it. Regarding the individuals receiving free golf, City Administrator Stewart stated that he felt it should be driven by two things: 1) if it is not legal, then they should not do it and the attorney should advise; and 2) if it is not illegal, then the Council needs to determine whether or not to do it. After much further discussion, Mayor Wertz-Strickland stated that she felt they needed to stick with the plan formulated a couple of weeks ago to see what will happen within the next year.

At this time, the discussion was open to the public. Charles Conklin, a city resident, stated that they should set a time limit to see if they can cut even. Jackie Scogin, a city resident, agreed with Councilmember Coker and stated the City needed a golf course. She felt they needed to look into the free golf regarding those who aren't volunteering or doing anything in return and she felt the golf course needed to be advertised and promoted. No discussion followed and it was 3/1 approved with Councilmember Fink casting the dissenting vote.

PUBLIC

None

ADJOURN

Councilmember Fink made a motion to adjourn and Councilmember Coker seconded the motion. No discussion followed and it was unanimously, 4/0, approved. Having no further business at this time, the meeting was adjourned at approximately 7:06 P.M.

ADOPTED THIS ___ DAY OF _____, 2015.

By:

ATTEST:

Judy Wertz-Strickland, Mayor

Penny Delaney, City Clerk

AGENDA No. 4



CITY COUNCIL AGENDA ITEM
Requested Council Meeting Date: October 6, 2015

DEPARTMENT: Administration

SUBJECT: Minutes from September 15, 2015

RECOMMENDED MOTION: Approval of September 15, 2015 Meeting Minutes as presented.

SUMMARY:

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

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

Department Head: Penny Delaney

Date: 09/25/15

Finance Director (As to Budget Requirements)

Date:

City Attorney (As to Form and Legality)

Date:

City Administrator: Terry Stewart 

Date:  09-25-15

COUNCIL ACTION: () Approved as Recommended

() Disapproved

() Tabled Indefinitely () Tabled to Date Certain _____

() Approved with Modifications

**AGENDA MINUTES
CITY COUNCIL
CITY OF ARCADIA
TUESDAY, SEPTEMBER 15, 2015
6:00 P.M.**

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

INVOCATION, PLEDGE, CALL TO ORDER AND ROLL CALL

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

Arcadia City Council

Mayor Judy Wertz-Strickland
Deputy Mayor Alice Frierson
Councilmember Joseph E. Fink

Councilmember Susan Coker
Councilmember S. Delshay Turner

Arcadia City Staff

City Administrator Terry Stewart
Finance Director Beth Carsten

City Clerk Penny Delaney
Marshal Matthew Anderson

PRESENTATION

Agenda Item 1 – Eagle Scout Recognition of Joshua Edward Longenecker

Agenda Item 2 – Eagle Scout Recognition of Aaron Logan Longenecker

Mayor Wertz-Strickland presented Joshua Edward Longenecker and Aaron Logan Longenecker with certificates of recognition regarding their promotions to ranks of Eagle Scout of Boy Scout Troop 39.

Agenda Item 3 – Proclamation – Victory of Florida Year

Mayor Wertz-Strickland read a proclamation honoring the 70th anniversary of the end of World War II, to recognize Florida's veterans and to commemorate the important role Florida played on the battlefield and on the home front during World War II. She then presented the proclamation to Adrian Cline, President of the DeSoto County Historical Society. Mr. Cline acknowledged the members of the DeSoto Victory Florida Planning Committee as follows: Lou Towne, U.S. Navy, WWII; Jim O'Leary, U.S. Army, WWII; Arthur Southwell, U.S. Air Force; himself, U.S. Air Force and those who were not in attendance, Sgt. Major Jones of the Army National Guard and Luke Wilson.

CONSENT AGENDA

Agenda Item 4 – City Council Minutes for September 1, 2015

Agenda Item 5 – City of Arcadia Municipal Airport August Report

Councilmember Fink made a motion to accept the consent agenda as presented and Councilmember Coker seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

ACTION ITEMS

Agenda Item 6 – Habitat for Humanity Request for Waiver of Rezoning Application Fees

City Administrator Stewart advised that this was a request from Habitat for Humanity for Council to waive the rezoning fees. The rezoning covered two (2) parcels of property on E. Maple Street, but it would be a single rezoning and the application fee was \$1250.00. He advised the current zoning is B1 and surrounding structures are single family homes. Mr. Stewart stated that the request was to rezone to R1B which is compatible with the land use at the location. Jane Breylinger, Executive Director of Arcadia/DeSoto Habitat for Humanity advised the fee is \$1250.00 per parcel and because there are two (2) parcels, the fee would be \$2500.00. City Administrator Stewart advised that he had spoken with the planner who stated that it was a singular and he stated he would get it straightened out. Ms. Breylinger advised that these homeowners will be paying taxes so it will raise the tax base and it will utilize the local City utilities.

Jackie Scogin, a city resident, stated she was opposed to waiving the fee, but was a little less opposed since she has learned the homeowners will be paying taxes and paying for water, but she felt the City had given enough away. Janie Watson, a city resident, felt it was a bad precedent to start. She confirmed that the City had given the lots to them and asked for the value of the homes. Ms. Breylinger advised the value would be \$85,000.00 - \$95,000.00 and Ms. Watson stated that they would be paying very little taxes once they obtained their homestead exemptions. Ms. Breylinger informed Council that the \$25,000.00 is waived regarding the value and Habitat for Humanity collects every month from the homeowners and pays the escrow when it is tax time. Councilmember Fink asked the City Attorney if Council waived the fee would it be setting a precedent and the City Attorney advised that it would not, but that individuals might refer to it. After much discussion the agenda item died on the floor for lack of a motion.

Agenda Item 7 –City Initiated Rezoning of the Smith-Brown Gym Property Site

City Administrator Stewart advised the property still belongs to the City and will continue to belong to the City. He advised Council had signed an agreement with the Smith-Brown Community Foundation, Inc. in order to develop the site as a community center. He stated the community center requires a zoning that does not current exist at that site. The current zoning is R1C which would not permit a community center to be operated there. However, the

rezoning of PBG would be necessary in order to use it for that purpose. Mr. Stewart asked Council if they wish for staff to move forward with this and if so, Council would need to make a motion to instruct staff to prepare a City initiated rezoning application for the Smith–Brown Gym property site from its current zoning of R1C to a PBG zoning designation. Deputy Mayor Frierson stated it was a fantastic project for the community and commended the people who had taken it on. She then made a motion that Council agree to this and Councilmember Fink seconded the motion. Ashley Coone thanked Council and also advised of a Community Day on the 26th and invited Council to attend. No discussion followed and it was unanimously, 5/0, approved.

Agenda Item 8 – Ordinance No. 1007 – Police/Fire Pension Ordinance Amendment

City Administrator Stewart advised that according to Florida Statutes 175 and 185, which deal with independent local government pension plans for police officers and firefighters, it is required that if there are any changes in the pension, then such must be approved by the governing body through an ordinance. These changes relate to the rules, changes within the IRS and Florida Law that dictate that the City’s plan be amended to meet those requirements. He also advised of minor changes also within the ordinance in order to correct and/or clarify references that exist within the ordinance. He referenced a letter from Foster and Foster, the actuary, which affirms that the changes as presented will have no effect on the actuary valuation. City Administrator Stewart also advised the ordinance was prepared by the pension plan attorney. Councilmember Fink made a motion to have Ordinance No. 1007 read by title only and Councilmember Coker seconded the motion. At this time, the City Clerk read Ordinance No. 1007 by title only. Councilmember Fink made a motion to move Ordinance No. 1007 as presented to second reading and Councilmember Coker seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

Agenda Item 9 – Ordinance No. 1008 – Amending Article I, Chapter 98 of the Code to Regulate or Prohibit the Use of Designated Streets by Commercial Vehicles

City Attorney Wohl advised that currently the City does not have an ordinance that allows the police department to regulate or put signs up prohibiting commercial vehicles from driving in the downtown area. He further advised that Council had directed him to look into creating an ordinance that would allow signs to be posted. He referred to the ordinance, section 98-6, which deals with the issue. Mr. Wohl advised that one issue that was not addressed at the last meeting was the issue of section 98-3 which pertains to speed limits. He recommended that section be removed due to subsection (b) which has a fifteen (15) miles per hour zone and according to Florida Statutes, the lowest residential, non-school, zone area is twenty (20) miles per hour and this can only be accomplished after a study is done. He explained another issue he had, to which the City Administrator agreed, was that there is no place in the code to address speed limits in certain locations. He stated that now that they have the Uniform Traffic Code in Chapter 316 of the Florida Statutes, it essentially addresses all of the issues you need there. City Attorney Wohl stated for those reasons he recommended eliminating section 98-3 and if so inclined to do so, he would need to bring it back for first reading as revised. Councilmember Fink asked that as a person, who owns a business in one of the areas listed in section 98-3, would

he need to reclude himself for it and City Attorney Wohl advised that he would not need to do so. Councilmember Fink made a motion for the ordinance to go back to the City Attorney for the removal of 98-3 and that it come back to Council on October 6th and Deputy Mayor Frierson seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

Agenda Item 10 – Salvation Army Lease

City Attorney Wohl advised this was the lease that the City Council had directed he bring back. He stated there were five (5) items listed in the letter from the Salvation Army, but there were three (3) other items that were listed in a prior letter and Mr. Wohl advised that he included all eight (8) items in the lease. Any additional items would need to come before City Council for approval. Deputy Mayor Frierson asked if this was in agreement with the Salvation Army and City Attorney Wohl advised that the Salvation Army had reviewed the lease and approved it. The City Administrator advised staff had met with the Salvation Army representatives to tour the facility. He stated the air conditioning was working now after a repair that totaled Four Hundred and 00/100 Dollars (\$400.00). He stated the representatives advised they were fine with the lease as presented. Deputy Mayor Frierson made a motion to approve the lease agreement and Councilmember Turner seconded the motion. No discussion followed and it was 4/1 approved with Councilmember Coker casting the dissenting vote.

Agenda Item 11 – JimSpace Rebuild Project

City Administrator Stewart advised that this was a facility that is on a City owned piece of property. He advised the facility was constructed twenty-one (21) years ago, but had deteriorated over time. He advised the JimSpace Team is wishing to replace it and in order to do so; they have to tear down what is there now and build a new one. He informed Council it will require Council's permission for them to carry that out. Pat Backer, the Co-General Coordinator of the JimSpace Project, addressed the City Council and referenced information that had been provided to Council. She expressed appreciation of the City's support over the past year as they had been preparing for the build and she then provided a presentation of the project. Ms. Backer requested a MOU to demolish the existing playground in order to build a new one. City Attorney Wohl asked when they were planning on beginning the demolition. She explained that once they receive the MOU, they could set a timeframe. Ms. Backer advised they have to have everything completed by October 15th, so within the next thirty (30) days, they need to get it down to ground level. Councilmember Fink made a motion to authorize the JimSpace Team to demolish and reconstruct the JimSpace children's play area and Councilmember Coker seconded the motion. City Attorney Wohl pointed out that should Council approve a MOU, there will not be another City Council meeting until October 6th. For indemnification purposes, he suggested Council allow the City Administrator and the City Attorney to enter into the MOU without approval at the October 6th meeting which could delay the demolition plans. Councilmember Fink amended his motion to allow such and Councilmember Coker seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

Agenda Item 12 – 2015-16 Insurance Renewals – for both the Package Policy and Worker's Compensation

City Administrator Stewart stated that due to the amount of the cost, he felt it should go before Council for approval. Lew Ambler of DeSoto Insurance Agency presented a slide presentation regarding the insurance renewals. After reviewing the package policy, Mr. Ambler advised it had gone done approximately \$6,000.00 this year partly due to the time that had passed between now and the hurricane events of 2004 and 2005. The issue of uninsured motorist coverage which was covered through the presentation was brought back for further discussion. City Administrator Stewart stated that he felt the City was taking a risk that it should not be taking. After further discussion, Councilmember Coker made a motion to approve adding uninsured motorist insurance to the insurance policy and Councilmember Turner seconded the motion. No discussion followed and it was unanimously, 5/0, approved. Councilmember Coker made a motion that they approve the insurance policy for renewal and Councilmember Fink seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

COMMENTS FROM DEPARTMENTS

Lieutenant Gary Evans advised the City Council that Marshal Anderson would not attend the meeting. He stated that he was there to answer any questions or concerns that Council or the general public may have and there were none.

The City Attorney advised that Councilmember Fink had been approached by an individual who had inquired about a rezone or land use issue. City Attorney Wohl stated that fortunately Councilmember Fink was familiar with quasi judicial issues and advised that person that he was not allowed to speak because that would be an ex parte communication. After referencing a Supreme Court case, Mr. Wohl stated that after that Supreme Court decision, the legislature passed a statute that essentially allows municipalities and counties to pass ordinances stating that you can allow ex parte communications and that they aren't prejudicial to the quasi judicial hearing so long as they are disclosed prior to rendering a decision. City Attorney Wohl recommended getting an ordinance for the Council to review at least in some form based on the statute. He advised that he may come back to Council with a memorandum if they are inclined to look further into it to give Council some options.

Councilmember Fink asked the City Attorney if this would also deal with the Planning and Zoning Board since they are also a quasi judicial body at times and they would make those same decisions. City Attorney Wohl agreed and stated that no matter whether they were appointed or elected, it would affect them as well. Councilmember Fink asked if such a change would also include swearing in anyone that would speak at quasi judicial hearings and City Attorney Wohl advised that the statute allowed for alternatives and options on that particular issue and stated that he recommended it. Councilmember Fink suggested that staff tell members of the Planning and Zoning Board to also be aware of this before Council even did it because it would put anyone in serious jeopardy. City Administrator Stewart stated that he wholeheartedly agreed with the City Attorney regarding the need for such an ordinance. Councilmember Fink made a motion that the City Attorney and staff set into motion to do this and Councilmember Coker seconded the motion. City Attorney Wohl stated he was hoping to bring back a

memorandum with different alternatives available first rather than draft several different versions of an ordinance. No discussion followed and it was unanimously, 5/0, approved.

Finance Director Carsten advised that Council had been provided with a summary of all funds as of September 3rd. She stated that of the general fund 83.7% had been received of the revenues and 80.7% of expenses had been expended; of the small county surtax 92.5% had been received and 65% had been spent; of the CDBG 69.3% had been received and 94.2% had been expended and she explained that they were waiting on the last draw from CDBG. She further stated that of the water/sewer fund 83.8% had been received and 64% had been expended; of the solid waste 92% had been received and 81% had been expended; of the airport 23.7% had been received and 86.3% had been expended which was due to a grant. She explained that all of the FAA funds had not been received yet, but they were being requested. Ms. Carsten advised that to date, they had received 81.9% of total funds that the expenditures were at 75%. She asked if anyone had any questions and there were none.

City Administrator Stewart advised that back in July, City Council had approved a request for a special event permit application from the Arcadia Main Street Program and stated that he had a visit from representatives of the program and they had failed to include two (2) programs that they operated last year: one (1) was a scarecrow event and the other was wreaths. He asked if they had any concerns with approving same and there were no objections to it.

Mr. Stewart advised of a problem with Mills Avenue caving in and stated that four (4) sections were cordoned off because the storm drain was leaking badly. He stated the roadway needed to be dug up and the pipe replaced and expected it to cost around \$250,000.00 but advised there were funds in an infrastructure account to accomplish same. He further advised that the street could not be closed off because it was a very busy street. City Administrator Stewart informed Council that he has the Public Works Director seeking prices on completion of same and as soon as he had an idea of the cost, he would share it with City Council.

Regarding the Golf Course, Mr. Stewart stated that he had heard loud and clear the Council's concerns regarding same. He advised that he and the Golf Course Director would be meeting within the next thirty (30) days to prepare a business plan which will cover a three (3) year period to identify goals, what the benchmarks will be, and what they hope to achieve. He advised he will be bringing that information back to City Council.

Mr. Stewart stated that he had a request from Team Arcadia for the use of the Council Chambers on October 22, 2015 from 4:00 – 7:00 p.m. for a meet and greet event. He advised it will require having someone return to the facility to secure the building thereby creating some cost to the City. He then asked how Council wanted to handle it. After some discussion, Deputy Mayor Frierson stated that since the cost would be minimal and considering what Team Arcadia does for the community, she felt City Council should allow it. It was the general consensus of City Council to allow same.

City Administrator Stewart addressed the Annual Financial Report and informed Council that he had been assured the audit would be completed well before the deadline and would be electronically transmitted to the State of Florida upon completion.

PUBLIC

None

MAYOR AND COUNCIL REPORTS

Councilmember Fink advised that he had attended the County Tourist Tax and Development meeting on Monday and stated this particular committee deals directly with the recommended spending from the three (3) cent tax that the County collects on hotel rooms in the county. He advised it was not getting disbursed quickly enough and advised that it was now being opened up not only for non-profits, but also businesses that might want to make available some of these funds that are used to promote the county to other counties. He stated that if anyone is interested, they should speak with Mike Tabor of the county.

Mayor Wertz-Strickland advised that she had attended the Ridge League Dinner and was inducted as a board member. She also advised that she had invited the City Administrator, the Finance Director and the City Clerk to attend as well. She stated she is looking forward to building relationships with the other cities.

ADJOURN

Councilmember Fink made a motion to adjourn and Councilmember Coker 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 7:40 P.M.

ADOPTED THIS ___ DAY OF _____, 2015.

By:

ATTEST:

Judy Wertz-Strickland, Mayor

Penny Delaney, City Clerk

AGENDA No. 5



CITY COUNCIL AGENDA ITEM
Requested Council Meeting Date: October 6, 2015

DEPARTMENT: Administration

SUBJECT: Minutes from September 24, 2015

RECOMMENDED MOTION: Approval of September 24, 2015 Meeting Minutes as presented.

SUMMARY:

FISCAL IMPACT: _____

Capital Budget
 Operating
 Other

ATTACHMENTS: Ordinance Resolution Budget Other

Department Head: Penny Delaney

Date: 09/25/15

Finance Director (As to Budget Requirements)

Date:

City Attorney (As to Form and Legality)

Date:

City Administrator: Terry Stewart

Date: 9-25-15

COUNCIL ACTION: Approved as Recommended

Disapproved

Tabled Indefinitely Tabled to Date Certain _____

Approved with Modifications

**AGENDA MINUTES
CITY COUNCIL
SPECIAL ONE ITEM AGENDA MEETING
CITY OF ARCADIA
THURSDAY, SEPTEMBER 24, 2015
6:00 P.M.**

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

CALL TO ORDER AND ROLL CALL

Mayor Wertz-Strickland called the meeting to order at approximately 6:00 p.m. and advised this was a public hearing meeting of the Arcadia City Council. The following members and staff were present:

Arcadia City Council

Mayor Judy Wertz-Strickland
Deputy Mayor Alice Frierson
Councilmember S. Delshay Turner

Councilmember Joseph E. Fink
Councilmember Susan Coker

Arcadia City Staff

City Administrator Terry Stewart
Finance Director Beth Carsten

City Clerk Penny Delaney

ACTION ITEMS

Resolution No. 2015-08; a Resolution of the City Council of the City of Arcadia, Florida, Setting the Final Millage Rate to be Levied by the City of Arcadia, Florida for Fiscal Year 2015-2016; and Providing for an Effective Date

Resolution No. 2015-07; a Resolution of the City Council of the City of Arcadia, Florida, adopting the Final Budget for the Fiscal Year 2015-2016; and Providing for an Effective Date

City Administrator Stewart advised Council there were two items regarding this meeting. He stated the first was the final millage rate which pursuant to Florida Statutes, it must be dealt with first before finalizing the budget. He reminded Council that the initial tentative millage rate was at the rolled back rate and Council had spoken to staff with the desire to bring it back lower, if possible. Mr. Stewart advised that staff came back with a recommendation that it be maintained at the current level which was 8.8195 which Council agreed to at the first budget hearing. He stated it was established as the tentative millage rate. He then asked the City Clerk to read Resolution 2015-08 by title only before any discussion. At this time, the Clerk read

Resolution 2015-08 by title only. Councilmember Fink made a motion to move the resolution as presented and Councilmember Coker seconded the motion. A roll call vote was taken with Deputy Mayor Frierson casting an assenting vote, Mayor Wertz-Strickland casting an assenting vote, Councilmember Fink casting an assenting vote, Councilmember Coker casting an assenting vote and Councilmember Turner casting an assenting vote. It was approved, 5/0.

City Administrator Stewart stated that at the workshop, staff reviewed in detail their presentation of the budget and Council asked staff to make changes with no need for a second workshop. He reminded Council that they had indicated that they thought the budget was good and if the requested changes were made, Council agreed to move directly to the first budget hearing. Mr. Stewart advised the requested changes were presented to Council at the first budget hearing and that has not changed since then. He advised there were a couple of items that Finance Director Carsten wanted to review with Council and staff would restrict their initial comments to dealing with that, but if Council wanted to go over any particular section of the budget in as much detail as they wished, staff was prepared to do that. He then turned it over to Finance Director Carsten.

Ms. Carsten advised Council they had been provided with the updated budget as of September 21, 2015 and stated the only change that had been made was on page forty (40) and it had to do with the McSwain restoration. She thanked Councilmember Fink for pointing out the issue. She advised when she initially put the amount for the contributions, she put in the full amount which included the amount that was actually transferred from one of the funds of \$44,726.00. She advised it should have stated that the Mosaic contribution was \$500,000.00 and the transferred amount from Fund 107 was \$44,726.00. She advised it did not change the bottom line of the budget and the revenues and expenditures remained the same.

City Administrator Stewart asked the City Clerk to read Resolution 2015-09 by title only and the City Clerk did so. Mayor Wertz-Strickland opened the discussion for public comment. Jackie Scogin, a city resident, stated that she did not think they should get rid of the golf course, but felt they should give it a chance to turn around and it should be promoted. She then stated that she felt the 3%, 3% and 2% increases should be looked at each year. She also stated that she felt the Marshal deserved a raise, but questioned the amount. Mayor Wertz-Strickland advised that the City Administrator had formulated a plan to improve the golf course. Mr. Stewart stated that he and Mr. Kotzker will come back to Council with a three (3) to five (5) year business plan within thirty (30) days. Regarding the water rate increases, Mayor Wertz-Strickland advised a research plan had been done by a company and the City was told they were where they needed to be. Regarding the Marshal's raise, Mayor Wertz-Strickland advised that the City Administrator had reviewed the pay for Marshals in other areas, the Marshal had never asked for a raise when promoted, and he had stayed within the budget. Mayor Wertz-Strickland stated she supported the Marshal's raise.

Councilmember Coker made a motion to accept Resolution 2015-09 and Deputy Mayor Frierson seconded the motion. Councilmember Fink stated that he had no problem with the budget, but had a problem with the Council. He reemphasized, from the last budget hearing, his reasons for not agreeing to the budget due to the golf course, the rate increases regarding water

and trash, and the Marshal's salary increase. He advised that due to those reasons, he could not vote for the exceptionally fine budget.

Councilmember Turner stated that he felt the Marshal deserved the raise. He stated Marshal Anderson took on the department during a critical time and felt the Marshal was doing an excellent job.

Deputy Mayor Frierson stated that she agreed with Councilmember Turner. She advised that there had been seven (7) shootings in Lee County in one (1) day alone. She stated that we do not fear things like that here. She felt our law enforcement does an outstanding job. Regarding the water increases, she stated the City had gone so long without increasing water and garbage rates that the general fund had to supplement it. She advised when the increases went into effect; it was to make up for the past years. She admitted it was hard to make the decision, but it had to be done and it was not to be a lifetime thing which was the reason an end date was not put on it. She stated it was only meant to be until they could get the department up to where it should be and she further advised that they are getting there.

Councilmember Coker commented that the percentage increase that the Marshal had requested is not as much as the formal Marshal was making when he left office. She further commented that Marshal Anderson took on the job with no request for an increase and she did not feel that he was out of line. Regarding the golf course, she did not feel they could lose it because it brings in revenue, other business and without it, a lot of restaurant and gas station taxes would go somewhere else. Regarding the water bill, she stated she does not like paying it, but pointed out road repairs and while the City is trying to obtain grants, grants are not easily obtained. She advised staff is working hard on it, but the City still has to be run.

Councilmember Fink stated there were four (4) people who could not attend the meeting and they asked him to publicly list their names as being in support of his sight and conclusions drawn on the budget and they were as follows: Mirinda Whitmore Arrington, Janie Watson, Charles Craven and Martha Craven.

No discussion followed and a roll call vote was taken with Councilmember Turner casting an assenting vote, Deputy Mayor Frierson casting an assenting vote, Councilmember Fink casting a dissenting vote, Councilmember Coker casting an assenting vote, and Mayor Wertz-Strickland casting an assenting vote. It was approved, 4/1.

Mayor Wertz-Strickland stated that she hoped Council had made plans that will help with some of the problems that Council has suffered in the past. She stated she hoped with City Administrator Stewart's experience and background they could eliminate some of these issues from next year.

City Administrator Stewart thanked Council for being outstanding to work with and he stated he was grateful for the staff support and the work Council had done. He advised when he came on board, it was very late in the budget year for what he was used to, and he assured Council that they will not be that deep in another year before Council has a budget that they can

begin to consider. He advised that staff will begin to put together recommendations for a budget in January or February. Mr. Stewart stated that when it comes time for the workshops, a lot of the work will already be done. He informed Council that he was exceedingly impressed with the way the Finance Director had increased her knowledge base, stepped up to the plate and did a very good job in bringing the budget to Council in a way they could easily understand and be able to have a rational discussion of it. Mr. Stewart stated he was very proud of Ms. Carsten and staff who worked with Ms. Carsten to accomplish the budget. Mr. Stewart stated that as they work through the coming budget year, he felt confident they will be in a far better place. He addressed grants that had been applied for and stated staff will work to find ways to make improvements. He stated he hopefully expected to see the budget grow which is a good thing.

Mayor Wertz-Strickland expressed her appreciation for the way the City Council had worked together and she was pleased to work with them.

PUBLIC

None

ADJOURN

Councilmember Fink made a motion to adjourn and Councilmember Coker 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 6:45 P.M.

ADOPTED THIS ___ DAY OF _____, 2015.

By:

ATTEST:

Judy Wertz-Strickland, Mayor

Penny Delaney, City Clerk

AGENDA No. 6



CITY COUNCIL AGENDA ITEM
Requested Council Meeting Date: October 6, 2015

DEPARTMENT: Planning and Zoning
SUBJECT: Arcadia Plein Air Paint-Out

RECOMMENDED MOTION:
Approval

SUMMARY: Artists will set up their chairs and easels at various places in the downtown area on November 14, 2015 from 8 a.m. to 7 p.m. They will be creating painting of Arcadia land marks. Paintings will be framed and displayed at Martin Gallery and prizes will be awarded.

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

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

Department Head: Carl A. McQuay Date: 10/06/15
Finance Director (As to Budget Requirements) Date:
City Attorney (As to Form and Legality) Date:
City Administrator: Terry Stewart  Date:

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

RECEIVED

SEP 11 REC'D

CITY OF ARCADIA

SPECIAL EVENTS

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

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

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

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

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

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

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

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

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

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

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

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

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

Susan E Hoffman as VP of DAHC
Signature of Applicant/Event Sponsor

9/10/15
Date

SUSAN E HOFFMAN - V.P. of
PRINTED Name of Above
DeSoto Arts & Humanities
Council
Inc.

863-703-0373
Contact Phone #



RECEIVED
SEP 11 REC'D
CITY OF ARCADIA

City of Arcadia
SPECIAL EVENT PERMIT APPLICATION

Date Submitted: _____
Event Name ARCADIA PLEIN AIR PAINTOUT - 3RD ANNUAL
Event Location DOWNTOWN ARCADIA
Date(s) of Event NOV. 14, 2015 Hours of Event 8 AM - 7 PM
Expected Attendance 30-40 PAINTERS
Event Sponsor DE SOTO RATS + HUMANITIES COUNCIL Non-Profit? YES NO
Description of Event - See attached press release -

Contact Person SUSAN E. HOFFMAN Telephone (863) 703-0373
Fax # _____ Email susan.hoffman@gmail.com
Insurance Carrier De Soto Ins. Agency
Insurance Agent Phil HUNY Agent's Phone 494-2242

- | | | | |
|--------------------------|---|--|--|
| Alcoholic Beverages? | ___ YES | <input checked="" type="checkbox"/> NO | - ONLY AT EVENING RECEPTION AT PRIVATE BUSINESS |
| Tents? | ___ YES | <input checked="" type="checkbox"/> NO | |
| Cooking? | ___ YES | <input checked="" type="checkbox"/> NO | |
| Outdoor Music? | ___ YES | <input checked="" type="checkbox"/> NO | |
| Additional Electric? | ___ YES | <input checked="" type="checkbox"/> NO | |
| Carnival Rides? | ___ YES | <input checked="" type="checkbox"/> NO | |
| Wildlife? | ___ YES | <input checked="" type="checkbox"/> NO | |
| Fireworks? | ___ YES | <input checked="" type="checkbox"/> NO | |
| Signs Displayed? | <input checked="" type="checkbox"/> YES | ___ NO | |
| Set-up/Clean-up by City? | ___ YES | <input checked="" type="checkbox"/> NO | |
| City Police required? | ___ YES | <input checked="" type="checkbox"/> NO | |
| Road Closures? | ___ YES | <input checked="" type="checkbox"/> NO | |

If Yes, please specify locations: _____

Other Pertinent Information: _____

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

Received by: [Signature] Date: 9/11/15
City Marshal [Signature] Approved _____ Disapproved _____
City Administrator _____ Approved _____ Disapproved _____
City Council _____ Approved _____ Disapproved _____

PRADA FLEM AIR THROUGH - 3RD FLOOR

DOORWAY AREA

8 AM - 1 PM

10/10/2012

30-40 PERSONS

DOORWAY & HALLWAY CONCERN

See attached photo for more details.

803 103-0313

Prada Fashion & Accessories

10/10/2012

RECEPTION AT

PRIVATE BUSINESS

Prada Fashion & Accessories

10/10/2012

10/10/2012

10/10/2012

INDEMNIFICATION & HOLD HARMLESS

I, SUSAN E HOFFMAN, as Vice President of DeSoto Arts & Humanities Council do hereby agree to hold the City of Arcadia, (Club, organization, group, etc)

its agents and employees, harmless and indemnify same from any civil actions or claims of any nature made in connection with the event known as the 3rd annual Arcadia to

be held at Downtown Arcadia on Nov. 14, 2014 (Name of Event) Plain and Penitentiary (Location) (Date)

By: Susan E Hoffman (Signature)

Printed Name: SUSAN E HOFFMAN

Entity Name: DeSoto Arts & Humanities Council

Its: _____

Date: _____

STATE OF FLORIDA

COUNTY OF DeSoto

Sworn to and subscribed before me this 3 day of September, 2014, by SUSAN E HOFFMAN, as VICE PRES of DAHC, who is personally known to me or [] has produced _____ as identification.

Tami Jewell
NOTARY PUBLIC

(SEAL)



1892

1892

De 20 to 25 a 1892

1892

1892

1892

1892

1892

1892

Press Release –Sept 2, 2015—from:
DeSoto Arts and Humanities Council www.desotoartscouncil.org
Arcadia Plein Air Paint-Out—Saturday, November 14
Contact: Karen Smoke desotoartscouncilinfo@gmail.com
863-703-0373

Please email if you would like a digital copy including jpeg files of photos.

FOR IMMEDIATE RELEASE

Artists to paint scenes of Arcadia again

ARCADIA— Artist registration is now open for the DeSoto Arts and Humanities Council's Third Annual Arcadia Plein Air Paint-out on Saturday, November 14. About fifty artists are expected to participate from across the state, and even some from out of state. Art lovers will enjoy meeting the artists and seeing original works created.

"This year our date follows the 'Paint the Beach' event at Fort Myers Beach," said DAHC president Jane Hilton. "We hope a number of artists from that event will stay over and participate in our paint-out. This kind of event is growing in popularity around the country, attracting topnotch artists who enjoy meeting each other, painting in wonderful locations, and just having fun. Art lovers find it exciting and amazing to witness the works being created."

Plein air means painting out of doors. The artists must work quickly to capture changing light and often have to cope with the weather. Artists strive to capture a specific moment that embodies the spirit of the day.

Plein air painting is almost a competitive sport. Artists practice and train for success. Artists are constantly jockeying for position and looking for that perfect vantage point. It's not unusual to see several artists clustered together painting the same location, yet each image will be uniquely different. Artists will be using the medium of their choice—oils, acrylics, pastels, colored pencils and more.

Arcadia's downtown buildings exhibit a number of different architectural styles, many of them dating from 1905 when a fire gutted the town. Artists will be competing for \$1,000 in cash awards, plus over \$750 in art merchandise or gift certificates from several well known art supply companies.

Artist check-in will again be at Last Chapter Coffee House at 15 W Oak Street from 8 to 10 a.m. on Saturday. Painting surfaces are stamped with the official event stamp to ensure artists start with a blank surface. Artists are unleashed to find their ideal painting site, in the downtown area or elsewhere in DeSoto County. Artists must have their entries framed and ready to hang in the gallery by 4 p.m. Each artist may enter up to two pieces, and all art will be offered for sale.

Finished works will be presented for judging by Vladislav Yeliseyev, an internationally acclaimed watercolor artist who now resides in Sarasota. Awards will be presented at the reception on Saturday evening from 5 to 7:30 p.m. at the Gallery at Martin Realty Co., 207 E Magnolia Street. Art patrons are invited to attend the artist reception to meet the artists, see all the art, and maybe buy a piece. Brunch at the gallery on Sunday morning from 9 a.m. to noon will be another opportunity for artists and art lovers to meet and mingle.

"We believe this area is just the sort of venue that could grow this event into a 'must do' for artists planning their calendars," said Mac Martin, DAHC founder, past president and board member. "With west coast art communities just an hour's ride away, we expect many art patrons to visit the show." The paintings will be on exhibit until Jan 2.

Paintings created in the first and second Plein Air Paint-outs were used to create beautiful wall calendars featuring the work created by the artists. The art council will sell a 2016 calendar as a fund raiser for the event, featuring works from last year's paint-out. For more information see <http://www.desotoartscouncil.org/APO.html> or call 863-703-0373. For more information about the show judge see <http://www.artist-yeliseyev.com/>.

Come watch artists at work, while you enjoy a day in charming Arcadia. Browse in the many antique and specialty shops. Dine in one several delightful restaurants, they enjoy the art reception. Centrally located, Arcadia is a convenient drive from both coasts. There's even an enchanting downtown hotel—the Oak Park Inn—adjacent to the Tree of Knowledge. For reservations see <http://www.oakparkinnarcadiaflorida.com/>. For more information about DeSoto County on where to stay, what to do, coming events, where to dine and more, see <http://www.visitdesoto.com/>.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
9/10/2015

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

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

PRODUCER DeSoto Insurance Agency 243 N. Brevard Ave. P. O. Box 880 Arcadia, Florida 34265-0880	Phone: (863)494-2242 Fax: (863)494-1991	CONTACT NAME: Marsha McMillan PHONE (A/C No. Ext): (863)494-2242 E-MAIL ADDRESS: msm@desotoinsurance.com FAX (A/C, No): (863)494-1991
	INSURER(S) AFFORDING COVERAGE INSURER A : Southern-Owners Insurance Company INSURER B : INSURER C : INSURER D : INSURER E : INSURER F :	
INSURED DeSoto Arts and Humanities Council PO Box 2451 Arcadia, FL 34265		NAIC # 10190

COVERAGES **CERTIFICATE NUMBER:** 1197 **REVISION NUMBER:**

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

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	<input checked="" type="checkbox"/>	20945894	9/8/2015	9/8/2016	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 50,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS					COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB OCCUR CLAIMS-MADE DED RETENTION \$					EACH OCCURRENCE \$ AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A			PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER Holder's Nature of Interest : Additional Insured City of Arcadia PO Box 351 Arcadia, FL 34265	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
---	---

© 1988-2014 ACORD CORPORATION. All rights reserved.

INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: **JAN 12 2009**

DESOTO ARTS AND HUMANITIES COUNCIL
INC
207 E MAGNOLIA ST
ARCADIA, FL 34266

Employer Identification Number:
83-0484492
DLN:
17053282331008
Contact Person:
RAMACHANDRAN MANOHAR ID# 31344
Contact Telephone Number:
(877) 829-5500
Accounting Period Ending:
December 31
Public Charity Status:
509(a)(2)
Form 990 Required:
No
Effective Date of Exemption:
August 25, 2006
Contribution Deductibility:
Yes
Addendum Applies:
No

Dear Applicant:

We are pleased to inform you that upon review of your application for tax exempt status we have determined that you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code. Contributions to you are deductible under section 170 of the Code. You are also qualified to receive tax deductible bequests, devises, transfers or gifts under section 2055, 2106 or 2522 of the Code. Because this letter could help resolve any questions regarding your exempt status, you should keep it in your permanent records.

Organizations exempt under section 501(c)(3) of the Code are further classified as either public charities or private foundations. We determined that you are a public charity under the Code section(s) listed in the heading of this letter.

Please see enclosed Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities, for some helpful information about your responsibilities as an exempt organization.

Sincerely,



Robert Choi
Director, Exempt Organizations
Rulings and Agreements

Enclosures: Publication 4221-PC

AGENDA No. 7



CITY COUNCIL AGENDA ITEM
Requested Council Meeting Date: October 6, 2015

DEPARTMENT: Planning and Zoning

SUBJECT: Team Arcadia Car Show

RECOMMENDED MOTION:

Approval

SUMMARY: Team Arcadia is requesting to hold a car show at the corner of Oak Street and Polk Ave. on the following dates: October 17, 2015, November 21, 2015, and December 19, 2015. The event will be held between the hours of 4:30 pm to 8:30 pm.

FISCAL IMPACT: _____

Capital Budget

Operating

Other

ATTACHMENTS: Ordinance Resolution Budget Other

Department Head: Carl A. McQuay

Date: 10/06/15

Finance Director (As to Budget Requirements)

Date:

City Attorney (As to Form and Legality)

Date:

City Administrator: Terry Stewart 

Date:

COUNCIL ACTION: Approved as Recommended

Disapproved

Tabled Indefinitely Tabled to Date Certain _____

Approved with Modifications



CITY COUNCIL AGENDA ITEM
Proposed Council Meeting for October 8, 2012

DEPT. / TITLE / Planning and Zoning	SUBJECT: (1) New Access Car Show
RECOMMENDED ACTION:	
Approval	
SUMMARY: The City is requesting to hold a car show at the corner of Oak Street and Park Ave. on the following dates: October 17, 2012; November 11, 2012; and December 19, 2012. The event will be held between the hours of 4:30 pm to 8:30 am.	
FISCAL IMPACT:	
<input type="checkbox"/> Capital Budget <input type="checkbox"/> Operating <input type="checkbox"/> Other	
ATTACHMENTS: Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Budget <input checked="" type="checkbox"/> Other <input type="checkbox"/>	
Date: 10/08/12	Dept. Director: (1) A. Murray
Date:	Finance Director: (A) to Budget Dept. (1) Murray
Date:	City Attorney: (A) to Form and Legality
Date:	City Administrator: (1) Murray
COUNCIL ACTION: <input type="checkbox"/> Tabled Indefinitely <input type="checkbox"/> Tabled to Date Certain <input type="checkbox"/> Approved as Recommended <input type="checkbox"/> Disapproved	
<input type="checkbox"/> Approved with Modifications	

RECEIVED

SEP 24 REC'D

CITY OF AKLAHAMA

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 right-of-ways 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 right-of-ways;
- 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 <https://www.myfloridalicense.com/intentions2.asp?chBoard=true&SID=&boardid=400&professionid=4002>

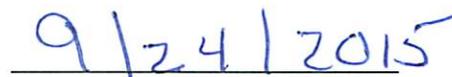
USE OF CITY PERSONNEL – If City personnel are used for set-up or clean-up, or for security, outside of normal work hours, it will be the responsibility of the event sponsor to pay the salary of those personnel for the time they spend on the event.

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

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



Signature of Applicant/Event Sponsor



Date



PRINTED Name of Above



Contact Phone #

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED



City of Arcadia

SPECIAL EVENTS PERMIT APPLICATION

Date Submitted: 9/24/2015
Event Name: Car Show
Date(s) of Event: 10/17, 11/21, 12/19 2015 Hours of Event: 4:30 - 8:30 PM
Expected Attendance: 50
Event Sponsor: TEAM Arcadia Non Profit? [checked] Yes
Description of Event: Car Show

Contact Person: John Super Telephone (941) 812-8005
Fax #: Email: jsuper10@gmail.com
Insurance Carrier: DeSoto Insurance
Insurance Agent: DeSoto Insurance Agent's Phone: Phil

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

If yes, please specify locations:

Other pertinent information:

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

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

INDEMNIFICATION & HOLD HARMLESS

I, John Super, as President of
(Printed Name) (Title or Office Held)

TEAM Arcadia, 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 Car Show to
(Name of Event)

be held at Park & Oak on 10/17, 11/21, 12/19, 2015
(Location) (Date)

By: John Super
(Signature)

Printed Name: John Super

Entity Name: TEAM Arcadia

Its: President

Date: 9-24-15

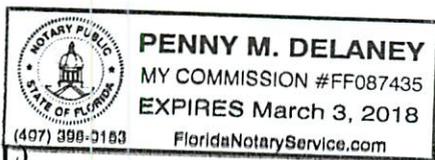
STATE OF FLORIDA

COUNTY OF DeSoto

Sworn to and subscribed before me this 24th day of September, 2015, by

John Super, as President-Team Arcadia

who is personally known to me or [] has produced n/a as identification.



(SEAL)

Penny M. Delaney
NOTARY PUBLIC
Printed Name: Penny M. Delaney
Commission No. FF087435
Commission Expires: 3-3-18



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

9/24/2015

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

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

PRODUCER DeSoto Insurance Agency 243 N. Brevard Ave. P. O. Box 880 Arcadia, Florida 34265-0880	Phone: (863)494-2242 Fax: (863)494-1991	CONTACT NAME: Marsha McMillan PHONE (A/C, No, Ext): (863)494-2242 E-MAIL ADDRESS: msm@desotoinsurance.com FAX (A/C, No): (863)494-1991																					
INSURED Team Arcadia & Downtown Merchants Committee 10 S. Polk Ave Arcadia, FL 34266	<table border="1"> <tr> <th colspan="2">INSURER(S) AFFORDING COVERAGE</th> <th>NAIC #</th> </tr> <tr> <td>INSURER A :</td> <td>Southern-Owners Insurance Company</td> <td>10190</td> </tr> <tr> <td>INSURER B :</td> <td></td> <td></td> </tr> <tr> <td>INSURER C :</td> <td></td> <td></td> </tr> <tr> <td>INSURER D :</td> <td></td> <td></td> </tr> <tr> <td>INSURER E :</td> <td></td> <td></td> </tr> <tr> <td>INSURER F :</td> <td></td> <td></td> </tr> </table>		INSURER(S) AFFORDING COVERAGE		NAIC #	INSURER A :	Southern-Owners Insurance Company	10190	INSURER B :			INSURER C :			INSURER D :			INSURER E :			INSURER F :		
INSURER(S) AFFORDING COVERAGE		NAIC #																					
INSURER A :	Southern-Owners Insurance Company	10190																					
INSURER B :																							
INSURER C :																							
INSURER D :																							
INSURER E :																							
INSURER F :																							

COVERAGES

CERTIFICATE NUMBER: 1218

REVISION NUMBER:

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

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			20280252	9/14/2015	9/14/2016	EACH OCCURRENCE	\$ 1,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 50,000
							MED EXP (Any one person)	\$ 5,000
							PERSONAL & ADV INJURY	\$ 1,000,000
							GENERAL AGGREGATE	\$ 2,000,000
							PRODUCTS - COMP/OP AGG	\$ 2,000,000
								\$
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident)	\$
	<input type="checkbox"/> ANY AUTO						BODILY INJURY (Per person)	\$
	<input type="checkbox"/> ALL OWNED AUTOS	<input type="checkbox"/> SCHEDULED AUTOS					BODILY INJURY (Per accident)	\$
	<input type="checkbox"/> HIRED AUTOS	<input type="checkbox"/> NON-OWNED AUTOS					PROPERTY DAMAGE (Per accident)	\$
								\$
	UMBRELLA LIAB						EACH OCCURRENCE	\$
	EXCESS LIAB						AGGREGATE	\$
	DED							\$
	RETENTION \$							\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						PER STATUTE	
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	<input type="checkbox"/>	N/A				OTH-ER	
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. EACH ACCIDENT	\$
							E.L. DISEASE - EA EMPLOYEE	\$
							E.L. DISEASE - POLICY LIMIT	\$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER

Holder's Nature of Interest : Certificate Holder

City of Arcadia

PO Box 1000
Arcadia, FL 34265-0351**CANCELLATION**

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

© 1988-2014 ACORD CORPORATION. All rights reserved.

RECEIPT

DATE 9/24/15

No. 124420

RECEIVED FROM John Super Car Show \$25.00

Twenty five + 00/100 DOLLARS

FOR RENT
 FOR Car Show Special Event Permit

ACCOUNT	
PAYMENT	<u>25.00</u>
BAL. DUE	<u>0</u>

- CASH
- CHECK
- MONEY ORDER
- CREDIT CARD

FROM 10/17/15 TO 12/19/15

BY [Signature]

AGENDA No. 8



CITY COUNCIL AGENDA ITEM
Requested Council Meeting Date:

October 6, 2015

DEPARTMENT: Administration
SUBJECT: Police/Fire Pension Ordinance Amendment

RECOMMENDED MOTION: Motion to approve proposed amendment to the Police/Fire Pension Ordinance.

SUMMARY: The City of Arcadia has an ordinance governing the Police and Fire pension as established under Chapters 175 and 185 of Florida Statutes. Changes in IRS rules and Florida Law dictate the city plan be amended to meet those requirements. There are also some minor changes to correct and/or clarify references within the ordinance. A letter from actuaries Foster and Foster affirms that the presented changes do not result in a change in the actuarial valuation results. If approved the amended ordinance will be sent to the necessary state agency for final review and acceptance.

FISCAL IMPACT: \$0. Capital Budget
 Operating \$0
 Other

ATTACHMENTS: Ordinance Resolution Budget Other

Department Head: _____ Date: _____
Finance Director (As to Budget Requirements) _____ Date: _____
City Attorney (As to Form and Legality) _____ Date: _____
City Administrator: Terry Stewart  _____ Date: 9/25/15

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



August 13, 2015

VIA EMAIL AND MAIL

Shelly Baumann, Plan Administrator
14 Kelly Drive
Arcadia, FL 34266

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

Dear Shelly:

In response to Scott Christiansen's letter dated July 31, 2015, we have reviewed the proposed ordinance (identified as dm/arcadia/pf/07-29-15.ord) including the following proposed changes:

- 1) Section 2-181, Definitions, is being amended for IRC changes and requirements, to amend the definitions of:
 - a. Credited Service – to clarify IRC regulations on leave conversions
 - b. Firefighter – to update a reference in Florida Statutes
 - c. Spouse – to clarify the definition in accordance with a recent US Supreme Court ruling
- 2) Section 2-186, Benefit amounts and eligibility, is being amended to change the Normal Retirement date to include the IRC required language regarding Normal Retirement Age and Normal Retirement Date.
- 3) Section 2-188, Disability, is being amended to more clearly identify those individuals who may be eligible to apply for a disability pension who have been terminated by the City due to medical reasons.
- 4) Section 2-190, Optional Forms of Benefits, has been amended to:
 - a. Amend subsection (b) to clarify that if proof of good health of a joint pensioner who is being replaced is not provided, the actuary will assume that the joint pensioner is deceased for purposes of calculating the revised benefit amount.
 - b. Amend the optional form of benefit known as a partial lump sum option (P.L.O.P), to clarify that the percentage chosen is calculated as a percent of the total actuarial equivalent value of the member's benefit
- 5) Section 2-195, Maximum Pension, has had several subsections amended to comply with IRC changes.
- 6) Section 2-196, Minimum Distribution of Benefits, is being amended for a reference clarification in subsection (b)(2)d.

Ms. Shelly Baumann
August 13, 2015
Page 2

- 7) Section 2-207, Prior Police Service, subsection (5), is being amended to correct a reference.
- 8) Section 2-208, Deferred Retirement Option Plan, is being amended in accordance with recent direction from the IRS in connection with the issuance of several recent Favorable Determination Letters to: i) clarify investment returns on DROP accounts, ii) clarify when interest and earnings are calculated and paid, and iii) add several sections clarifying the DROP provisions as required by the IRS.
- 9) Section 2-211, Supplemental Benefit Component for Special Benefits; Chapters 175 and 185 Share Accounts, is a new Section being added to the plan. This Section creates a 'Share Plan', or defined contribution component, and the addition of a share plan is a requirement of recently adopted Chapter 2015-39, Laws of Florida, for all pension plans that are subject to the provisions of Chapters 175 and 185.

This Share Plan provides for a share account for each member of the plan. The Share Plan is to be funded solely and entirely by Chapters 175 and 185 premium tax monies for each plan year that funding is made available to it in accordance with governing Florida Statutes and/or mutual agreement between the City and the plan members. This supplemental benefit, therefore, may or may not be funded.

If the share plan is funded, at retirement, termination (vested), disability or death, there is an additional lump sum benefit paid to the eligible member. Available share plan funding is allocated to the members' accounts based on a formula which provides an allocation based on years of credited service. Each share account receives its proportionate share of the income or loss on the assets in the plan.

Ms. Shelly Baumann
August 13, 2015
Page 3

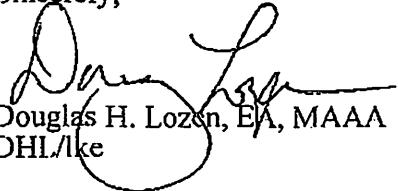
Because the changes do not result in a change in the valuation results, it is our opinion that a formal Actuarial Impact Statement is not required in support of its adoption. However, since the Division of Retirement must be aware of the current provisions of all public pension programs, it is recommended that you send a copy of this letter and a copy of the fully executed Ordinance to each of the following offices:

Mr. Keith Brinkman
Bureau of Local Retirement Systems
Division of Retirement
P. O. Box 9000
Tallahassee, FL 32315-9000

Ms. Sarah Carr
Municipal Police and Fire
Pension Trust Funds
Division of Retirement
P.O. Box 3010
Tallahassee, FL 32315-3010

If you have any questions, please let me know.

Sincerely,


Douglas H. Lozen, EA, MAAA
DHL/lke

cc via email: Scott Christiansen, Plan Attorney

ORDINANCE NO. 1007

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 2-181, DEFINITIONS; AMENDING SECTION 2-186, BENEFIT AMOUNTS AND ELIGIBILITY; AMENDING SECTION 2-188, DISABILITY; AMENDING SECTION 2-190, OPTIONAL FORMS OF BENEFITS; AMENDING SECTION 2-195, MAXIMUM PENSION; AMENDING SECTION 2-196, MINIMUM DISTRIBUTION OF BENEFITS; AMENDING SECTION 2-207, PRIOR POLICE SERVICE; AMENDING SECTION 2-208, DEFERRED RETIREMENT OPTION PLAN; ADDING SECTION 2-211, SUPPLEMENTAL BENEFIT COMPONENT FOR SPECIAL BENEFITS; CHAPTER 175 AND 185 SHARE ACCOUNTS; 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 2-181, Definitions, to amend the definitions of "*Credited Service*", "*Firefighter*" and "*Spouse*", 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 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 years, his accumulated contributions, if \$1,000.00 or less, shall be returned. If a member who is not vested is not reemployed within five years, his accumulated contributions, if more than \$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 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:

- (1) The member is entitled to reemployment under the provisions of USERRA.

- (2) The member returns to his employment as a police officer or firefighter within one year from the earlier of the date of his military discharge or his release from active service, unless otherwise required by USERRA.
- (3) The maximum credit for military service pursuant to this paragraph shall be five years.
- (4) 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.

Leave conversions of unused accrued paid time off shall not be permitted to be applied toward the accrual of credited service either during each plan year of a member's employment with the City or in the plan year in which the member terminates employment.

* * * * *

Firefighter means an actively employed full-time person employed by the county, who is certified as a firefighter as a condition of employment in accordance with the provisions of Section ~~633.35~~ 633.408, Florida Statutes, and whose duty it is to extinguish fires, to protect life and to protect property. Effective June 1, 2006, all Firefighter Members of the System shall be so certified and shall be employed by Desoto County as a result of the merger of the City Fire Department with the County. The term includes all certified, supervisory, and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time firefighters, part-time firefighters, or auxiliary firefighters but does not include part-time firefighters or auxiliary firefighters.

* * * * *

Spouse means the ~~lawful wife or husband of a member or retiree~~ member's or retiree's spouse under applicable law at the time benefits become payable.

* * * * *

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 2-186, Benefit Amounts and Eligibility, subsection (a), Normal Retirement Date, to read as follows:

* * * * *

- (a) Normal retirement age and date. A member's normal retirement date shall be the first day of the month coincident with, or next following the earlier of the attainment of age 55, regardless of years of credited service, or the completion of 20 years of credited service, regardless of age. A member may retire on his normal retirement date or on the first day of any month thereafter, and each member shall become 100 percent vested in his accrued benefit on the member's normal retirement date. Normal retirement under the system is retirement from employment with the city or the county on or after the normal retirement date. A member's normal retirement age is the earlier of the attainment of age 55, regardless of years of credited service, or the completion of 20 years of credited service, regardless of age. Each member shall become one hundred percent (100%) vested in his accrued benefit at normal retirement age. A member's normal retirement date shall be the first day of the month coincident with or next following the date the member retires from the city or the county after attaining normal retirement age.

* * * * *

SECTION 3: 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 2-188, Disability, subsection (a), Disability Benefits In-Line of Duty, and subsection (c), Disability Benefits Not-in-Line of Duty, to read as follows:

* * * *

- (a) *Disability benefits in-line of duty.* Any member who shall become totally and permanently disabled to the extent that he is unable, by reason of a medically determinable physical or mental impairment, to render useful and efficient services as a police officer or firefighter, which disability was directly caused by the performance of his duty as a police officer or firefighter, shall, upon establishing the same to the satisfaction of the Board, be entitled to a monthly pension equal to three and sixty-five one hundredths percent of his average final compensation multiplied by the total years of credited service, but in any event the minimum amount paid to the member shall be 42 percent of the average final compensation of the member. Terminated persons, either vested or non-vested, are not eligible for disability benefits, ~~except that those terminated by the city or county for medical reasons may apply for a disability within 30 days after termination.~~ Notwithstanding the previous sentence, if a member is terminated by the city or county for medical reasons, the terminated person may apply for a disability benefit if the application is filed with the board within thirty (30) days from the date of termination. If a timely application is received, it shall be processed and the terminated person shall be eligible to receive a disability benefit if the board otherwise determines that he is totally and permanently disabled as provided for above.

* * * * *

- (c) *Disability benefits not-in-line of duty.* Any member with ten years or more credited service who shall become totally and permanently disabled to the extent that he is unable, by reason of a medically determinable physical or mental impairment, to render useful and efficient services as a police officer or firefighter, which disability is not directly caused by the performance of his duties as a police officer or firefighter shall, upon establishing the same to the satisfaction of the Board, be entitled to a monthly pension equal to three and sixty-five one hundredths percent of his average final compensation multiplied by the total years of credited service. Terminated persons either vested or non-vested, are not eligible for disability benefits, ~~except that those terminated by the city or county for medical reasons may apply for a disability within 30 days after termination.~~ Notwithstanding the previous sentence, if a member is terminated by the city or county for medical reasons, the terminated person may apply for a disability benefit if the application is filed with the board within thirty (30) days from the date of termination. If a timely application is received, it shall be processed and the terminated person shall be eligible to receive a disability benefit if the board otherwise determines that he is totally and permanently disabled as provided for above.

* * * * *

SECTION 4: 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 2-190, Optional Forms of Benefits, subsection (a)(4), and subsection (b), to read as follows:

* * * *

- (4) For members who do not participate in the DROP pursuant to section 2-208, the member may elect a percentage of benefit in a lump sum as follows:
- a. Ten percent of the total actuarial equivalent value of the benefit paid as a lump sum with the remaining 90 percent paid under the normal form or as per subsections, (1), (2) or (3) above.
 - b. Fifteen percent of the total actuarial equivalent value of the benefit paid as a lump sum with the remaining 85 percent paid under the normal form or as per subsections, (1), (2) or (3) above.
 - c. Twenty percent of the total actuarial equivalent value of the benefit paid as a lump sum with the remaining 80 percent paid under the normal form or as subsections, (1), (2) or (3) above.

- d. Twenty-five percent of the total actuarial equivalent value of the benefit paid as a lump sum with the remaining 75 percent paid under the normal form as per subsections, (1), (2) or (3) above.
- (b) The member, upon electing any option of this section, will designate the joint pensioner (subsection (a)(2) above) or beneficiary (or beneficiaries) to receive the benefit, if any, payable under the system in the event of member's death, and will have the power to change such designation from time to time. Such designation will name a joint pensioner or one or more primary beneficiaries where applicable. A member may change his beneficiary at any time. If a member has elected an option with a joint pensioner and member's retirement income benefits have commenced, member may thereafter change his designated beneficiary at any time, but may only change his joint pensioner twice. Subject to the restriction in the previous sentence, a member may substitute a new joint pensioner for a deceased joint pensioner. In the absence of proof of good health of the joint pensioner being replaced, the actuary will assume that the joint pensioner has deceased for purposes of calculating the new payment.

* * * * *

SECTION 5: 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 2-195, Maximum Pension, subsections (f), (h), (l), and by adding subsection (m), to read as follows:

* * * * *

- (f) *Less than ten years of participation or service.* The maximum retirement benefits payable under this section to any member who has completed less than ten years of ~~credited service participation~~ participation with the city shall be the amount determined under subsection (a) of this section multiplied by a fraction, the numerator of which is the number of the member's years of ~~credited service participation~~ participation and the denominator of which is ten. The reduction provided by this subsection cannot reduce the maximum benefit below ten percent 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 2-188, or pre-retirement death benefits paid pursuant to Section 2-187

* * * * *

- (h) *\$10,000 limit; less than ten years of service.* Notwithstanding anything in this Section 2-195, the retirement benefit payable with respect to a member shall be deemed not to exceed the limit set forth in this subsection (h). of Section 2-195 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 \$10,000.00 for the applicable limitation year and or for any prior limitation year, and the city has not at any time maintained a qualified defined contribution plan in which the member participated; provided, however, that if the member has completed less than ten years of credited service with the city, the limit under this subsection (h) of Section 2-195 shall be a reduced limit equal to \$10,000.00 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.

* * * * *

- (l) *Additional limitation on pension benefits. Notwithstanding anything herein to the contrary:*
 - (1) 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 100 percent 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.
 - (2) 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 1223, Title 10, U.S. Code.

(m) Effect of Direct Rollover on 415(b) Limit. If the plan accepts a direct rollover of an employee's or former employee's benefit from a defined contribution plan qualified under Code Section 401(a) which is maintained by the employer, any annuity resulting from the rollover amount that is determined using a more favorable actuarial basis than required under Code Section 417(e) shall be included in the annual benefit for purposes of the limit under Code Section 415(b).

SECTION 6: 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 2-196, Minimum Distribution of Benefits, subsection (b)(2)d., to read as follows:

* * * *

- d. If the member's surviving spouse is the member's sole designated beneficiary and the surviving spouse dies after the member but before distributions to the surviving spouse begin, this subsection (b)(2), other than subsection (b)(2)a., will apply as if the surviving spouse were the member.

For purposes of this subsection (b)(2) and ~~subsection (e)~~, distributions are considered to begin on the member's required beginning date or, if subsection (b)(2)d. applies, the date of distributions are required to begin to the surviving spouse under subsection (b)(2)a. If annuity payments irrevocably commence to the member before the member's required beginning date (or to the member's surviving spouse before the date distributions are required to begin to the surviving spouse under subsection (b)(2)a.), the date distributions are considered to begin is the date distributions actually commence.

* * * * *

SECTION 7: 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 2-207, Prior Police Service, subsection (5), to read as follows:

* * * *

- (5) In no event, however, may credited service be purchased pursuant to this section for prior service with any other municipal, county or state law enforcement department or special district fire department, if such prior service forms or will form the basis of a retirement benefit or pension from another retirement system or plan as set forth in section ~~2-195(h)(2)~~ 2-195(l)(2).

* * * * *

SECTION 8: 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 2-28, Deferred Retirement Option Plan, to read as follows:

Sec. 2-208. - Deferred retirement option plan.

- (a) *Definitions.* As used in this section, the following definitions apply:
- (1) *DROP* means the City of Arcadia police officers' and firefighters' deferred retirement option plan.
 - (2) *DROP account* means the account established for each DROP participant under subsection (c).
 - (3) "Total return of the assets" -- For purposes of calculating earnings on a member's DROP account pursuant to subsection (c)(2)b.2., for each fiscal year quarter, the percentage increase (or decrease) in the interest and dividends earned on investments, including realized and unrealized gains (or losses), of the total Plan assets.

(b) *Participation.*

- (1) *Eligibility to participate.* In lieu of terminating his employment as a police officer or firefighter, any member who is eligible for normal retirement under the system may elect to defer receipt of such service retirement pension and to participate in the DROP.
- (2) *Election to participate.* A member's election to participate in the DROP must be made in writing in a time and manner determined by the board and shall be effective on the first day of the first calendar month which is at least 15 business days after it is received by the board.
- (3) *Period of participation.* As of the effective date of the ordinance adopting this section, a member who elects to participate in the DROP under subsection (b)(2), shall participate in the DROP for a period not to exceed 96 months beginning at the time his election to participate in the DROP first becomes effective. Any person who is currently participating in the DROP on the date that the DROP participation period is changed from 60 to 96 months, may participate in the DROP for up to 96 months. An election to participate in the DROP shall constitute an irrevocable election to resign from the service of the city or county not later than the date provided for in the previous sentence. A member may participate only once.
- (4) *Termination of participation.*
 - a. A member's participation in the DROP shall cease by:
 1. Continuation of his employment as a police officer or firefighter at the end of his period of participation in the DROP as determined under subsection (b)(3); or
 2. Termination of his employment as a police officer or firefighter.
 - b. Upon the member's termination of participation in the DROP, pursuant to subsection (b)(4)a.1. above, all amounts provided for in subsection (c)(2), including monthly benefits and investment earnings and losses or interest, shall cease to be transferred from the system to his DROP account. Any amounts remaining in his DROP Account shall be paid to him in accordance with the provisions of subsection (d). when he terminates his employment as a police officer or firefighter.
 - c. A member who terminates his participation in the DROP under this subsection (b)(4) shall not be permitted to again become a participant in the DROP.
- (5) *Effective date of DROP participation on the system.*
 - a. A member's credited service and his accrued benefit under the system shall be determined on the date his election to participate in the DROP first becomes effective. For purposes of determining the accrued benefit, the member's salary for the purposes of calculating his average final compensation shall include an amount equal to any lump sum payments which would have been paid to the member and included as salary as defined herein, had the member retired under normal retirement and not elected DROP participation. Member contributions attributable to any lump sums used in the benefit calculation and not actually received by the member shall be deducted from the first payments to the member's DROP account. The member shall not accrue any additional credited service or any additional benefits under the system (except for any supplemental benefit payable to DROP participants or any additional benefits provided under any cost-of-living adjustment in the system) while he is a participant in the DROP. After a member commences participation, he shall not be permitted to again contribute to the system nor shall he be eligible for disability or pre-retirement death benefits, except as provided for in Sec. 2-209.
 - b. No amounts shall be paid to a member from the system while the member is a participant in the DROP. Unless otherwise specified in the system, if a member's participation in the DROP is terminated other than by terminating his employment as a police officer or firefighter, no amounts shall be paid to

him from the system until he terminates his employment as a police officer or firefighter. Unless otherwise specified in the system, amounts transferred from the system to the member's DROP account shall be paid directly to the member only on the termination of his employment as a police officer or firefighter.

(c) *Funding.*

(1) *Establishment of DROP account.* A DROP account shall be established for each member participating in the DROP. A member's DROP account shall consist of amounts transferred to the DROP under subsection (c)(2), and earnings or interest on those amounts.

(2) *Transfers from retirement system.*

a. As of the first day of each month of a member's period of participation in the DROP, the monthly retirement benefit he would have received under the system had he terminated his employment as a police officer or firefighter and elected to receive monthly benefit payments thereunder shall be transferred to his DROP account, except as otherwise provided for in subsection (b)(4)b. A member's period of participation in the DROP shall be determined in accordance with the provisions of subsections (b)(3) and (b)(4), but in no event shall it continue past the date he terminates his employment as a police officer or firefighter.

b. Except as otherwise provided in subsection (b)(4)b., a member's DROP Account under this subsection (c)(2) shall be debited or credited after each fiscal year quarter with either:

1. Interest at an effective rate of six and one-half percent per annum compounded monthly determined on the last business day of the prior month's ending balance and credited to the member's DROP Account as of such date (to be applicable to all current and future DROP participants); or

2. Earnings, to be credited or debited to the member's DROP Account, determined as of the last business day of each fiscal year quarter and debited or credited as of such date, determined as follows:

The average daily balance in a member's DROP Account shall be credited or debited at a rate equal to the net investment return realized by the system for that quarter. "Net investment return" for the purpose of this subsection is the total return of the assets in which the member's DROP Account is invested by the board net of brokerage commissions, transaction costs and management fees.

For purposes of calculating earnings on a member's DROP account pursuant to this subsection (c)(2)b.2., brokerage commissions, transaction costs, and management fees shall be determined for each quarter by the investment consultant pursuant to contracts with fund managers as reported in the custodial statement. The investment consultant shall report these quarterly contractual fees to the Board. The investment consultant shall also report the net investment return for each manager and the net investment return for the total Plan assets.

~~3. Earnings received on investment plans or on investment vehicles which the board makes available to members for DROP investment purposes, so long as there is no additional cost to the system by making such choices available to the members.~~

Upon electing participation in the DROP, the member shall elect to receive either interest or earnings on his account to be determined as provided above. The member may, in writing, elect to change his election only once during his DROP participation. An election to change must be made prior to the end of a quarter and shall be effective beginning the following quarter.

- c. A member's DROP account shall only be credited or debited with earnings or interest and monthly benefits while the member is a participant in the DROP. A member's final DROP account value for distribution to the member upon termination of participation in the DROP shall be the value of the account at the end of the quarter immediately preceding termination of participation for participants electing the net plan return and at the end of the month immediately preceding termination of participation for participants electing the flat interest rate return, plus any monthly periodic additions made to the DROP account subsequent to the end of the previous quarter or month, as applicable, and prior to distribution. Except as provided for in Section 2-210, if a member is employed by the city police or county fire departments after participating in the DROP for eight years, then beginning with the member's 97th month of DROP participation, the member's DROP account will no longer be credited or debited with earnings or interest, nor will monthly benefits be transferred to the DROP account. All such non-transferred amounts shall be forfeited and continue to be forfeited while the member is employed by the city police or county fire departments. A member employed by the city police or county fire departments after eight years of DROP participation will still not be eligible for pre-retirement death or disability benefits, nor will he accrue additional credited service, except as otherwise provided for in Section 2-209, Reemployment after retirement.

(d) *Distribution of DROP accounts on termination of employment.*

- (1) *Eligibility for benefits.* A member shall receive the balance in his DROP account in accordance with the provisions of this subsection (d) upon his termination of employment as a police officer or firefighter. Except as provided in subsection (d)(5), or Section 2-210, no amounts shall be paid to a member from the DROP prior to his termination of employment as a police officer or firefighter.
- (2) *Form of distribution.*
- a. Unless the member elects otherwise, distribution of his DROP account shall be made in a cash lump sum, subject to the direct rollover provisions set forth in subsection (d)(6) Elections under this paragraph shall be in writing and shall be made in such time or manner as the board shall determine.
- b. If a member dies before his benefit is paid, his DROP account shall be paid to his beneficiary in such optional form as his beneficiary may select. If no beneficiary designation is made, the DROP account shall be distributed to the member's estate.
- (3) *Date of payment of distribution.* Except as otherwise provided in this subsection (d), or Section 2-210, distribution of a member's DROP account shall be made as soon as administratively practicable following the member's termination of employment. Distribution of the amount in a member's DROP account will not be made unless the member completes a written request for distribution and a written election, on forms designated by the board, to either receive a cash lump sum or a rollover of the lump sum amount.
- (4) *Proof of death and right of beneficiary or other person.* The board may require and rely upon such proof of death and such evidence of the right of any beneficiary or other person to receive the value of a deceased member's DROP account as the board may deem proper and its determination of the right of that beneficiary or other person to receive payment shall be conclusive.
- (5) *Distribution limitation.* Notwithstanding any other provision of this subsection (d), all distributions from the DROP shall conform to the A minimum distribution of benefits' provisions as provided for herein.
- (6) *Direct rollover of certain distributions.* This subsection applies to distributions made on or after January 1, 2002. Notwithstanding any provision of the DROP to the contrary, a distributee may elect to have any portion of an eligible rollover distribution paid in a direct rollover as otherwise provided under the system in Section 2-204

(e) *Administration of DROP.*

- (1) *Board administers the DROP.* The general administration of the DROP, the responsibility for carrying out the provisions of the DROP and the responsibility of overseeing the investment of the DROP's assets shall be placed in the board. The members of the board may appoint from their number such subcommittees with such powers as they shall determine; may adopt such administrative procedures and regulations as they deem desirable for the conduct of their affairs; may authorize one or more of their number or any agent to execute or deliver any instrument or make any payment on their behalf; may retain counsel, employ agents and provide for such clerical, accounting, actuarial and consulting services as they may require in carrying out the provisions of the DROP; and may allocate among themselves or delegate to other persons all or such portion of their duties under the DROP, other than those granted to them as trustee under any trust agreement adopted for use in implementing the DROP, as they, in their sole discretion, shall decide. A trustee shall not vote on any question relating exclusively to himself.
- (2) *Individual accounts, records and reports.* The board shall maintain, or cause to be maintained, records showing the operation and condition of the DROP, including records showing the individual balances in each member's DROP Account, and the board shall keep, or cause to be kept, in convenient form such data as may be necessary for the valuation of the assets and liabilities of the DROP. The board shall prepare or cause to be prepared and distributed to members participating in the DROP and other individuals or filed with the appropriate governmental agencies, as the case may be, all necessary descriptions, reports, information returns, and data required to be distributed or filed for the DROP pursuant to the Code and any other applicable laws.
- (3) *Establishment of Rules.* Subject to the limitations of the DROP, the board from time to time shall establish rules for the administration of the DROP and the transaction of its business. The board shall have discretionary authority to construe and interpret the DROP (including but not limited to determination of an individual's eligibility for DROP participation, the right and amount of any benefit payable under the DROP and the date on which any individual ceases to be a participant in the DROP). The determination of the board as to the interpretation of the DROP or its determination of any disputed questions shall be conclusive and final to the extent permitted by applicable law. The board shall also oversee the investment of the DROP'S assets.
- (4) *Limitation of liability.*
 - a. The trustees shall not incur any liability individually or on behalf of any other individuals for any act or failure to act, made in good faith in relation to the DROP or the funds of the DROP.
 - b. Neither the board nor any trustee of the board shall be responsible for any reports furnished by any expert retained or employed by the board, but they shall be entitled to rely thereon as well as on certificates furnished by an accountant or an actuary, and on all opinions of counsel. The board shall be fully protected with respect to any action taken or suffered by it in good faith in reliance upon such expert, accountant, actuary or counsel, and all actions taken or suffered in such reliance shall be conclusive upon any person with any interest in the DROP.

(f) *General provisions.*

- (1) *The DROP is not a separate retirement plan. Instead, it is a program under which a member who is eligible for normal retirement under the system may elect to accrue future retirement benefits in the manner provided in this section 2-208 for the remainder of his employment, rather than in the normal manner provided under the plan. Under termination of employment, a member is entitled to a lump sum distribution of his or her DROP account balance or may elect a rollover. The DROP account distribution is in addition to the member's monthly benefit.*
- (2) *Notional account. The DROP account established for such a member is a notional account, used only for the purpose of calculation of the DROP distribution amount. It is not a separate account in the system. There is no change in the system's assets, and there is no distribution available to the member until the member's termination from the DROP. The member has no control over the investment of the DROP account.*

- (3) No employer discretion. The DROP benefit is determined pursuant to a specific formula which does not involve employer discretion.
- (4) IRC limit. The DROP account distribution, along with other benefits payable from the system, is subject to limitation under Internal Revenue Code Section 415(b).
- (+ 5) *Amendment of DROP.* The DROP may be amended by an ordinance of the city at any time and from time to time, and retroactively if deemed necessary or appropriate, to amend in whole or in part any or all of the provisions of the DROP. However, except as otherwise provided by law, no amendment shall make it possible for any part of the DROP's funds to be used for, or diverted to, purposes other than for the exclusive benefit of persons entitled to benefits under the DROP. No amendment shall be made which has the effect of decreasing the balance of the DROP account of any member.
- (2 6) *Facility of Payment.* If the board shall find that a member or other person entitled to a benefit under the DROP is unable to care for his affairs because of illness or accident or is a minor, the board may direct that any benefit due him, unless claim shall have been made for the benefit by a duly appointed legal representative, be paid to his spouse, a child, a parent or other blood relative, or to a person with whom he resides. Any payment so made shall be a complete discharge of the liabilities of the DROP for that benefit.
- (3 7) *Information.* Each member, beneficiary or other person entitled to a benefit, before any benefit shall be payable to him or on his account under the DROP, shall file with the board the information that it shall require to establish his rights and benefits under the DROP.
- (4 8) *Prevention of escheat.* If the board cannot ascertain the whereabouts of any person to whom a payment is due under the DROP, the board may, no earlier than three years from the date such payment is due, mail a notice of such due and owing payment to the last known address of such person, as shown on the records of the board or the city. If such person has not made written claim therefor within three months of the date of the mailing, the board may, if it so elects and upon receiving advice from counsel to the DROP, direct that such payment and all remaining payments otherwise due such person be canceled on the records of the DROP. Upon such cancellation, the DROP shall have no further liability therefor except that, in the event such person or his beneficiary later notifies the board of his whereabouts and requests the payment or payments due to him under the DROP, the amount so applied shall be paid to him in accordance with the provisions of the DROP.
- (5 9) *Written elections, notification.*
- a. Any elections, notifications or designations made by a member pursuant to the provisions of the DROP shall be made in writing and filed with the board in a time and manner determined by the board under rules uniformly applicable to all employees similarly situated. The board reserves the right to change from time to time the manner for making notifications, elections or designations by members under the DROP if it determines after due deliberation that such action is justified in that it improves the administration of the DROP. In the event of a conflict between the provisions for making an election, notification or designation set forth in the DROP and such new administrative procedures, those new administrative procedures shall prevail.
 - b. Each member or retiree who has a DROP account shall be responsible for furnishing the board with his current address and any subsequent changes in his address. Any notice required to be given to a member or retiree hereunder shall be deemed given if directed to him at the last such address given to the board and mailed by registered or certified United States mail. If any check mailed by registered or certified United States mail to such address is returned, mailing of checks will be suspended until such time as the member or retiree notifies the board of his address.
- (6 10) *Benefits not guaranteed.* All benefits payable to a member from the DROP shall be paid only from the assets of the member's DROP account and neither the city, the county nor the board shall have any duty or liability to furnish the DROP with any funds, securities or other assets except to the extent required by any applicable law.

(7 11) *Construction.*

- a. The DROP shall be construed, regulated and administered under the laws of the state, except where other applicable law controls.
- b. The titles and headings of the subsections in this section are for convenience only. In the case of ambiguity or inconsistency, the text rather than the titles or headings shall control.

(8 12) *Forfeiture of retirement benefits.* Nothing in this section shall be construed to remove DROP participants from the application of any forfeiture provisions applicable to the system. DROP participants shall be subject to forfeiture of all retirement benefits, including DROP benefits.

(9 13) *Effect of DROP on employment.* Participation in the DROP is not a guarantee of employment and DROP participants shall be subject to the same employment standards and policies that are applicable to employees who are not DROP participants.

SECTION 9: 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 adding Section 2-211, Supplemental Benefit Component for Special Benefits; Chapters 175 and 185 Share Accounts, to read as follows:

Sec. 2-211. Supplemental benefit component for special benefits; chapters 175 and 185 share accounts.

There is hereby established an additional plan component to provide special benefits in the form of a supplemental retirement, termination, death and disability benefits to be in addition to the benefits provided for in the previous Sections of this Plan, such benefit to be funded solely and entirely by Chapter 175 and 185 premium tax monies for each plan year which are allocated to this supplemental component as provided for in Sections 175.351 and 185.35. Amounts allocated to this supplemental component ("Share Plan") shall be further allocated to the members as follows:

(a) *Individual Member Share Accounts.* The board shall create individual member share accounts and maintain appropriate books and records showing the respective interest of each member hereunder. Each member shall have a member share account for his share of the Chapters 175 and 185 tax revenues described above, forfeitures and income and expense adjustments relating thereto. The board shall maintain a separate membership share account for each member, however, the maintenance of separate accounts is for accounting purposes only and a segregation of the assets of the trust fund to each account shall not be required or permitted.

(b) *Share Account Funding.*

(1) Individual member share accounts shall be established as of September 30, 2015 for all members who were actively employed as of October 1, 2014. Individual member share accounts shall be credited with an allocation as provided for in the following subsection (c) of any premium tax monies which have been allocated to the share plan for that plan year, beginning with the plan year ending September 30, 2015.

(2) In addition, any forfeitures as provided in subsection (d), shall be allocated to the individual member share accounts in accordance with the formula set forth in subsection (d).

(c) *Allocation of Monies to Share Accounts.*

(1) *Allocation of Chapters 175 and 185 Contributions.*

- a. Effective as of September 30, 2015, the amount of any premium tax monies allocated to the share plan shall be allocated to individual member share accounts as provided for in this subsection. Members retiring (or entering DROP) on or after October 1, 2014 and prior to September 30, 2015 shall receive an allocation. In addition, all premium tax monies allocated to the share plan in any subsequent plan year shall also be allocated as provided for in this subsection. Available premium tax monies shall be allocated to individual Member share accounts at the end of each plan year on September 30 (a "valuation date").

- b. On each valuation date, each current actively employed member of the plan not participating in the DROP, each DROP participant and each retiree who retires or DROP participant who has terminated DROP participation in the plan year ending on the valuation date (including each disability retiree), or beneficiary of a deceased member(not including terminated vested persons) who is otherwise eligible for an allocation as of the valuation date shall receive a share allocation as follows:
 - c. The total funds subject to allocation on each valuation date shall be allocated to each share account of those eligible for an allocation in an amount equal to a fraction of the total amount, the numerator of which shall be the individual's total years and fractional parts of years of credited service as of the valuation date, and the denominator of which shall be the sum of the total years and fractional parts of years of credited service as of the valuation date of all individuals to whom allocations are being made. Beneficiaries shall receive an allocation based on the years of credited service of the deceased member.
 - d. Re-employed retirees shall be deemed new employees and shall receive an allocation based solely on the credited service in the reemployment period.
- (2) Allocation of Investment Gains and Losses. On each valuation date, each individual share account shall be adjusted to reflect the net earnings or losses resulting from investments during the year. The net earnings or losses allocated to the individual member share accounts shall be the same percentage which is earned or lost by the total plan investments, including realized and unrealized gains or losses, net of brokerage commissions, transaction costs and management fees.
- Net earnings or losses are determined as of the last business day of the fiscal year, which is the valuation date, and are debited or credited as of such date.
- For purposes of calculating net earnings or losses on a member's share account pursuant to this subsection, brokerage commissions, transaction costs, and management fees for the immediately preceding fiscal year shall be determined for each year by the investment consultant pursuant to contracts with fund managers as reported in the custodial statement. The investment consultant shall report these annual contractual fees to the board. The investment consultant shall also report the net investment return for each manager and the net investment return for the total plan assets.
- (3) Allocation of Costs, Fees and Expenses. On each valuation date, each individual share account shall be adjusted to allocate its pro rata share of the costs, fees and expenses of administration of the share plan. These fees shall be allocated to each individual member share account on a proportionate basis taking the costs, fees and expenses of administration of the share plan as a whole multiplied by a fraction, the numerator of which is the total assets in each individual member share account (after adding the annual investment gain or loss) and the denominator of which is the total assets of the fund as a whole as of the same date.
 - (4) No Right to Allocation. The fact of allocation or credit of an allocation to a member's share account by the board shall not vest in any member, any right, title, or interest in the assets of the trust or in the Chapters 175 and 185 tax revenues except at the time or times, to the extent, and subject to the terms and conditions provided in this Section.
 - (5) Members shall be provided annual statements setting forth their share account balance as of the end of the plan year.
- (d) Forfeitures. Any member who has less than six (6) years of service credit and who is not otherwise eligible for payment of benefits after termination of employment with the city or county as provided for in subsection (e) shall forfeit his individual member share account or the non-vested portion thereof. Forfeited amounts shall be redistributed to the other individual member accounts on each valuation date in an amount determined in accordance with subsection (c)(1).
 - (e) Eligibility For Benefits. Any member (or his beneficiary)who terminates employment as a police officer or firefighter with the City or County or who dies, upon application filed with the board, shall be entitled to be paid the value of his individual member share account, subject to the following criteria:

- (1) Retirement Benefit.
- a. A member shall be entitled to one hundred percent (100%) of the value of his share account upon normal or early retirement pursuant to Section 2-186, or if the member enters the DROP, upon termination of employment.
 - b. Such payment shall be made as provided in subsection (f).
- (2) Termination Benefit.
- a. In the event that a member's employment as a police officer or firefighter is terminated by reason other than retirement, death or disability, he shall be entitled to receive the value of his share account only if he is vested in accordance with Section 2-189.
 - b. Such payment shall be made as provided in subsection (f).
- (3) Disability Benefit.
- a. In the event that a member is determined to be eligible for either an in-line of duty disability benefit pursuant to Section 2-188, subsection (a) or a not-in-line of duty disability benefit pursuant to Section 2-188, subsection (c), he shall be entitled to one hundred percent (100%) of the value of his share account.
 - b. Such payment shall be made as provided in subsection (f).
- (4) Death Benefit.
- a. In the event that a Member dies while actively employed as a police officer or firefighter, one hundred percent (100%) of the value of his share account shall be paid to his designated Beneficiary as provided in Section 2-187.
 - b. Such payment shall be made as provided in subsection (f).
- (f) Payment of Benefits. If a member terminates employment for any reason or dies and he or his beneficiary is otherwise entitled to receive the balance in the member's share account, the member's share account shall be valued by the plan's actuary on the next valuation date as provided for in subsection (c) above, following termination of employment. Payment of the calculated share account balance shall be payable as soon as administratively practicable following the valuation date, but not later than one hundred fifty (150) days following the valuation date and shall be paid in one lump sum payment. No optional forms of payments shall be permitted.
- (g) Benefits Not Guaranteed. All benefits payable under this Section 2-211 shall be paid only from the assets accounted for in individual member share accounts. Neither the city, the county nor the board shall have any duty or liability to furnish any additional funds, securities or other assets to fund share account benefits. Neither the board nor any trustee shall be liable for the making, retention, or sale of any investment or reinvestment made as herein provided, nor for any loss or diminishment of the share account balances, except due to his or its own negligence, willful misconduct or lack of good faith. All investments shall be made by the board subject to the restrictions otherwise applicable to fund investments.
- (h) Notional account. The share account established for such a member is a notional account, used only for the purpose of calculation of the share distribution amount. It is not a separate account in the system. There is no change in the system's assets, and there is no distribution available to the member until the member's termination from employment. The member has no control over the investment of the share account.
- (i) No employer discretion. The share account benefit is determined pursuant to a specific formula which does not involve employer discretion.
- (i) Maximum Additions. Notwithstanding any other provision of this Section, annual additions under this Section shall not exceed the limitations of Section 415(c) of the code pursuant to the provisions of Section 2-195, subsection (k).
- (k) IRC limit. The share account distribution, along with other benefits payable from the system, is subject to limitation under Internal Revenue Code Section 415(b).

SECTION 10: Specific authority is hereby granted to codify and incorporate this Ordinance in the existing Code of Ordinances of the City of Arcadia.

SECTION 11: All Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

SECTION 12: 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 13: That this Ordinance shall take effect immediately upon adoption.

PASSED ON FIRST READING, this _____ day of _____, 2015.

PASSED ON SECOND READING, this _____ day of _____, 2015.

PASSED ON THIRD READING, this _____ day of _____, 2015.

~~Alice Frierson~~, Mayor
Judy Wertz-Strickland

ATTEST:

Penny Delaney, City Clerk

Approved as to form:

City Attorney

AGENDA No. 9



CITY COUNCIL AGENDA ITEM
Requested Council Meeting Date: October 6, 2015

DEPARTMENT: Legal
SUBJECT: Ordinance No. 1008 Amending Article I, Chapter 98 of the Code to Regulate or Prohibit the Use of Designated Streets by Commercial Vehicles.

RECOMMENDED MOTION: Approve the First Reading of Ordinance No. 1008

SUMMARY:

Due to damage caused by large, commercial vehicles traversing streets in the downtown area, City Council directed the City Attorney to research the City's ability to restrict the use of certain streets from commercial vehicles. Upon review of the Code, the City Attorney discovered there is currently no provision which authorizes the City to designate certain streets being prohibited to commercial vehicle through traffic.

Accordingly, the City Attorney proposes amendment to Article I, Chapter 98, which will allow the City to erect signs giving notice that certain streets may not be traversed by commercial vehicles, as defined in § 316.003(66), *Florida Statutes*. Exception is made for emergency vehicles, as defined in § 316.003(1), *Florida Statutes*, and commercial vehicles delivering or picking up materials or merchandise.

Copies of the cited sections of Chapter 316, *Florida Statutes*, are attached for your review.

Per Council's direction at the September 15, 2015 Council meeting, proposed Ordinance No. 1008 also repeals Section 98-2 of the Code, which has been preempted by § 316.189, *Florida Statutes*.

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: 9/21/15
City Administrator:	Date:

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

ORDINANCE NO. 1008

AN ORDINANCE OF THE CITY OF ARCADIA, FLORIDA; AMENDING ARTICLE I OF CHAPTER 98 OF THE CITY OF ARCADIA CODE OF ORDINANCES REGULATING TRAFFIC AND VEHICLES IN GENERAL; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Arcadia Code of Ordinances, Chapter 98, Traffic and Vehicles, provides for the regulation of traffic and vehicles throughout the corporate limits of the City of Arcadia; and

WHEREAS, the City Council of the City of Arcadia desires to revise certain provisions of Article I of Chapter 98, to reflect recent developments in the regulation of traffic and vehicles; and

WHEREAS, Section 316.008(1)(n), *Florida Statutes*, authorizes the City Council of the City of Arcadia to regulate or prohibit the use of heavily traveled streets by any class or kind of traffic found to be incompatible with the normal and safe movement of traffic; and

WHEREAS, Chapter 166, Florida Statutes, “The Municipal Home Rule Powers Act”, implements the applicable provisions of the Florida Constitution and authorizes municipalities to exercise the power for municipal purposes except when expressly prohibited by law and enact ordinances in furtherance thereof; and

WHEREAS, the City Council of the City of Arcadia has determined that the following amendments promote and protect the safety, health and convenience and general welfare of the residents of the City of Arcadia; and

WHEREAS, it appears to be in the best interest of the citizens of the City of Arcadia that Article I of Chapter 98 of the Code of Ordinances be amended as set forth herein,

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

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

SECTION 2. Amendment of the Code of Ordinances. The Code of Ordinances of the City of Arcadia is hereby amended by restating Article I of Chapter 98 to read as follows:

“ARTICLE I. IN GENERAL

Sec. 98-1. - Enforcement of chapter.

The duty to enforce the provisions of this chapter is hereby imposed upon the police department of the city under the supervision and direction of the City marshal.

Sec. 98-2. - Speed limits.

~~(a) — *Twenty miles per hour.* It shall be unlawful for any person to drive any motor vehicle over 20 miles per hour on the following streets located in the city:~~

~~*Alabama Avenue from Bay Street to Harris Road.*~~

~~*Booker T. Washington Road from Harris Road to Hargrave Street.*~~

~~*Harris Road from Alabama Avenue to Booker T. Washington Road.*~~

~~*Oak Street from DeSoto Avenue to Orange Avenue.*~~

~~(b) — *Fifteen miles per hour.* It shall be unlawful for any person to drive any motor vehicle over 15 miles per hour on the following streets located in the city:~~

~~*Monroe Avenue from Palmetto Street to Bay Street.*~~

Sec. 98-32. Adoption of state uniform traffic control law.

There is hereby adopted by the city for the purpose of establishing rules and regulations for the regulation of vehicular and pedestrian traffic within the city, including permits and penalties, that certain law being F.S. ch. 316, and known as the Florida Uniform Traffic Control Law, and the same is hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this section shall take effect, the provisions thereof shall be controlling in the regulation of traffic within the corporate limits of the city.

Sec. 98-3. - One-way streets and alleys.

When signs are erected indicating the direction of traffic as one-way, traffic shall move only in the direction indicated.

Sec. 98-4. - Through streets.

When signs are erected giving notice thereof, drivers of vehicles shall stop at every intersection before entering any through street.

Sec. 98-5. - Commercial Vehicle Through Traffic Restrictions.

(a) When signs are erected giving notice thereof, no person shall operate, or stop, stand, or park any commercial vehicle as defined in Section 316.003(66), *Florida Statutes*, upon any of the streets so designated. Exception is made for emergency vehicles as defined in Section

316.003(1), Florida Statutes; vehicles owned, operated, or contracted for by a governmental entity; or commercial vehicles using such streets for the purpose of delivering or picking up materials or merchandise, if such vehicles shall proceed directly from a street which is not so designated and return directly to an undesignated street so that such vehicle shall have traveled the shortest possible distance over the streets which are so designated.

(b) When signs are erected giving notice thereof, no person shall operate, or stop, stand or park any commercial vehicle as defined in Section 316.003(66), Florida Statutes, at the specified times upon any of the said streets so designated.

Sec. 98-6. - Penalty for violation of this Article.

(a) Every person found guilty of a violation of any provision of sections 98-3 through 98-6 shall be fined the sum of \$100.00; provided, that if such fine is not paid within 10 days after the issuance of a parking ticket, the fine shall be \$150.00; provided further, if such fine is not paid within 30 days after the issuance of a citation, the violator shall be fined as provided for parking tickets in F.S. § 316.1967.

(b) Every person found guilty of a violation of any other provision of the Florida Uniform Traffic Control Law, F.S. ch. 316, shall be punished as provided therein.”

SECTION 3. 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.

SECTION 4. 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 5. Effective Date. This ordinance shall be effective immediately upon final passage by the City Council.

PASSED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA, on this ___ day of _____, 2015.

CITY OF ARCADIA, FLORIDA

JUDY WERTZ-STRICKLAND, MAYOR

ATTEST:

By: _____
PENNY DELANEY, CITY CLERK

Ordinance No. 1008

Page 4 of 4

PASSED ON FIRST READING: _____, 2015

PASSED ON SECOND READING: _____, 2015

APPROVED AS TO FORM:

THOMAS J. WOHL, CITY ATTORNEY

West's F.S.A. § 316.003

316.003. Definitions

Effective: July 1, 2014

The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

(1) Authorized emergency vehicles.—Vehicles of the fire department (fire patrol), police vehicles, and such ambulances and emergency vehicles of municipal departments, public service corporations operated by private corporations, the Fish and Wildlife Conservation Commission, the Department of Environmental Protection, the Department of Health, the Department of Transportation, and the Department of Corrections as are designated or authorized by their respective department or the chief of police of an incorporated city or any sheriff of any of the various counties.

(66) Commercial motor vehicle.—Any self-propelled or towed vehicle used on the public highways in commerce to transport passengers or cargo, if such vehicle:

- (a) Has a gross vehicle weight rating of 10,000 pounds or more;
- (b) Is designed to transport more than 15 passengers, including the driver; or
- (c) Is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act, as amended (49 U.S.C. ss. 1801 et seq.).

A vehicle that occasionally transports personal property to and from a closed-course motorsport facility, as defined in s. 549.09(1)(a), is not a commercial motor vehicle if it is not used for profit and corporate sponsorship is not involved. As used in this subsection, the term “corporate sponsorship” means a payment, donation, gratuity, in-kind service, or other benefit provided to or derived by a person in relation to the underlying activity, other than the display of product or corporate names, logos, or other graphic information on the property being transported.

West's F. S. A. § 316.003, FL ST § 316.003

Current through Ch. 232 (End) of the 2015 Sp. A Sess. of the Twenty-Fourth Legislature

AGENDA No. 10



CITY COUNCIL AGENDA ITEM
Requested Council Meeting Date: October 6, 2015

DEPARTMENT: Planning and Zoning
SUBJECT: Request for rezoning of Parcel #s 31-37-25-0016-6060-0250 & 31-37-25-0016-5060-0010

RECOMMENDED MOTION:

SUMMARY: This is the First Reading of Ordinance 1009 pertaining to an applicant-initiated request to change the zoning of two (2) parcels of land (Parcel Numbers 31-37-25-0016-6060-0250 and 31-37-25-0016-5060-0010) consisting of a total of 1.51 acres located on East Maple Street between North 10th Avenue and North 12th Avenue from the zoning of City B-1 (Neighborhood Commercial Business) to City R-1B (Single Family Residential)

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

ATTACHMENTS: (X) Ordinance () Resolution () Budget (X) Other – Staff Report & Application

Department Head: _____ Date: _____

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

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

City Administrator: Terrance Stewart  Date: 9-25-15

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

ORDINANCE 1009

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ARCADIA, FLORIDA, AMENDING TWO (2) PARCELS OF LAND (PARCEL NUMBERS 31-37-25-0016-6060-0250 AND 31-37-25-0016-5060-0010) CONSISTING OF A TOTAL OF 1.51 ACRES LOCATED ON EAST MAPLE STREET BETWEEN NORTH 10TH AVENUE AND NORTH 12TH AVENUE FROM THE ZONING OF CITY B-1 (NEIGHBORHOOD COMMERCIAL BUSINESS) TO CITY R-1B (SINGLE FAMILY RESIDENTIAL); PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

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

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

Section 1. The official zoning map of the City of Arcadia is amended so as to assign the City zoning classification of City R-1B (Single Family Residential) to the parcels located on East Maple Street between North 10th Avenue and North 12th Avenue (Parcel Numbers 31-37-25-0016-6060-0250 and 31-37-25-0016-5060-0010) with a cumulative total of 1.51-acres, as shown in Exhibit "A".

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

Section 3. **Effective Date:** The effective date of this ordinance shall be the date of its adoption.

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

INTRODUCED AND PASSED on First Reading the 6th day of October, 2015.

PASSED AND DULY ADOPTED, on Second Reading with a quorum present and voting, by the City Council of Arcadia, Florida, this _____ day of _____, 2015.

CITY OF ARCADIA, FLORIDA

Judy Wertz-Strickland, Mayor

ATTEST:

Penny Delaney, City Clerk

Approved as to form:

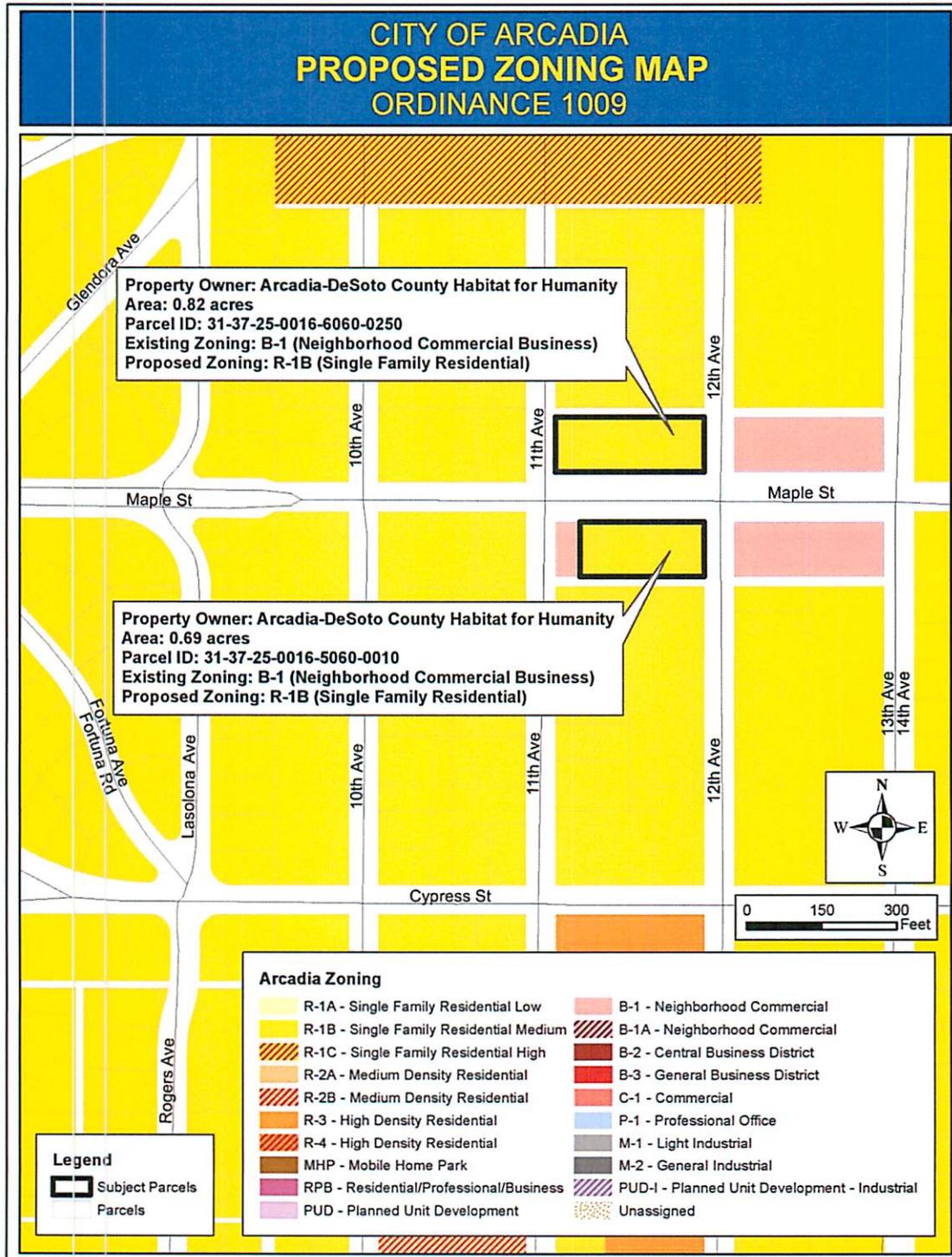
Thomas J. Wohl, City Attorney

Motion made by _____, seconded by _____.

The vote was ___ for ___ against with ___ abstentions and ___ absent

ORDINANCE 1009

EXHIBIT "A"





**CITY OF ARCADIA
ZONING AMENDMENT
OVERVIEW REPORT**
October 6, 2015

TO: City of Arcadia, City Council

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

SUBJECT: **Ordinance 1009:**
Proposed applicant-initiated amendment to the Official Zoning Map of the City of Arcadia, Florida, amending two (2) parcels of land (Parcel Numbers 31-37-25-0016-6060-0250 and 31-37-25-0016-5060-0010) consisting of a total of 1.51 acres located on East Maple Street between North 10th Avenue and North 12th Avenue from the zoning of City B-1 (Neighborhood Commercial Business) to City R-1B (Single Family Residential).

AGENDA & HEARING DATES:

September 22, 2015: Planning & Zoning Board Meeting (Public Hearing)
October 6, 2015: City Council Meeting (First Reading)
October 20, 2015: City Council Meeting (Adoption Public Hearing)

PLANNING AND ZONING BOARD ACTION:

On Tuesday, September 22, 2015, the City of Arcadia Planning & Zoning Board voted unanimously to forward the proposed zoning amendment to the City Council with a **recommendation of approval**.

CITY COUNCIL MOTION OPTIONS:

Options for motions are listed below.

1. I move the City Council **approve Ordinance 1009 on First Reading** to amend the City of Avon Park Unified Land Development Code.
2. I move the City Council **approve with changes Ordinance 1009 on First Reading** to amend the City of Avon Park Unified Land Development Code.

ATTACHMENTS:

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

OVERVIEW:

Applicant	Arcadia-DeSoto County Habitat for Humanity
Property Owner	Arcadia-DeSoto County Habitat for Humanity
Parcel IDs	31-37-25-0016-6060-0250 (0.82 acres)
	31-37-25-0016-5060-0010 (0.69 acres)
Subject Area	1.51 acres
Existing Future Land Use	Low Density Residential
Existing Zoning	B-1 (Neighborhood Commercial Business)
Proposed Zoning	R-1B (Single Family Residential)
Previous Hearings	None

Arcadia-DeSoto County Habitat for Humanity (applicant) is requesting a zoning amendment to change the zoning of two (2) parcels of land consisting of approximately 1.51 acres from the zoning of B-1 (Neighborhood Commercial Business) to R-1B (Single Family Residential). The subject parcels are located on East Maple Street between North 10th Avenue and North 12th Avenue (see attached Aerial Photo Map).

REASON FOR REQUEST:

The purpose of the request is to update the City’s Official Zoning Map to reflect the zoning of R-1B (Single Family Residential) to facilitate the future development of seven (7) single family residences on the subject parcels.

STANDARDS FOR EVALUATION OF PROPOSED ZONING CHANGES

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

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

Consistency with the Comprehensive Plan:

The request is to change the zoning designation of the subject parcels from B-1 (Neighborhood Commercial Business) to R-1B (Single Family Residential). Descriptions for both the existing and proposed zoning designations, including the description of the existing Future Land Use are provided as follows:

Existing – Future Land Use

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

Existing – Zoning

City Land Development Code, Section 4.06.04.01 – B-1 (Neighborhood Commercial Business): The purpose of the B-1 district is primarily to meet the shopping and limited service needs of local neighborhoods.

Proposed –Zoning

City Land Development Code, Section 4.06.01.02 – R-1B (Single Family Residential): The purpose of this district is to provide areas for low density single family residential development. The minimum lot area for this zoning district is 7,500 square feet.

The proposed change targets the City's objective to eliminate inconsistent land uses with the City's Comprehensive Plan in accordance with the goals, objectives, and policies of the Future Land Use Element of the City's Comprehensive Plan. Currently the existing zoning of B-1 (Neighborhood Commercial Business) is inconsistent with the Future Land Use of Low Density Residential.

The proposed zoning change also targets the City's need to promote decent, safe and sanitary housing, in suitable neighborhoods at affordable costs, to meet the needs of the present and future residents of the City, in accordance with the goals, objectives, and policies of the Housing Element of the City's Comprehensive Plan.

Policy 2.1 of the Future Land Use Element of the City's Comprehensive Plan requires that adequate public facilities and services are available at the time of development. The proposed zoning amendment meets this objective in that the necessary public facilities and services are available to serve the future development of the subject parcels.

Land Use Analysis

The subject parcels, including all adjacent properties surrounding the subject parcels have a Future Land Use of Low Density Residential. With exception of several parcels on the east side of the subject parcels between 12th Avenue and 13th Avenue on both the north and south sides of Maple Street and a small parcel located on the west side of the subject parcel on the south side of Maple

Street, which have a zoning of B-1 (Neighborhood Commercial Business), all other surrounding parcels have a zoning of R-1B (Single Family Residential). The subject parcels, including all of adjacent parcels are currently vacant, with exception of the small parcel (with the B-1 zoning), located on the west side of the subject parcel on the south side of Maple Street, which has a single-family residence constructed on it.

A *Zoning Matrix* is provided below outlining the existing and proposed zoning of the subject parcels and the existing zoning of adjacent parcels. The Future Land Use has also been provided. Existing Future Land Use and Existing and Proposed Zoning Maps are also attached for visual reference.

Zoning Matrix			
Northwest	North	Northeast	
Future Land Use: Low Density Residential Zoning: R-1B (Single Family Residential)	Future Land Use: Low Density Residential Zoning: R-1B (Single Family Residential)	Future Land Use: Low Density Residential Zoning: R-1B (Single Family Residential)	
West	Subject Parcels	East	
Future Land Use: Low Density Residential Zoning: R-1B (Single Family Residential) B-1 (Neighborhood Commercial Business – adjacent to south parcel)	Zoning: <u>Existing:</u> B-1 (Neighborhood Commercial Business) <u>Proposed:</u> R-1B (Single Family Residential)	Future Land Use: Low Density Residential Zoning: B-1 (Neighborhood Commercial Business)	
Southwest	South	Southeast	
Future Land Use: Low Density Residential Zoning: R-1B (Single Family Residential)	Future Land Use: Low Density Residential Zoning: R-1B (Single Family Residential)	Future Land Use: Low Density Residential Zoning: R-1B (Single Family Residential)	

The existing Low Density Residential Future Land Use permits a maximum density of **6 units per gross acre**. Based on the gross total acreage of the subject parcels the maximum density is 9 dwelling units. The applicant’s proposal is to develop a total of seven (7) single-family residential dwellings, which is within the permitted maximum density allowed. Based on these findings the proposed zoning amendment and future development of the subject parcels will be consistent with the City’s Comprehensive Plan, compatible with surrounding properties and consistent with the residential character of the community.

Public Facilities and Services Analysis:

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

Potable Water:

City water is available to serve the subject parcels. The City's adopted level of service for supply of potable water is 102 gallons per person per day. Based on the City's public supply annual report submitted to the Southwest Florida Water Management District for reporting period January 1 through December 31, 2014, the City is currently operating at 89 gallons per day per person which is below the adopted level of service standard. Considering the potential development density of the subject parcels, no negative impacts are anticipated on the City's provision of water services.

Sanitary Sewer:

City sewer is not currently available on or near the subject parcels. Per City of Arcadia Ordinance (#703), no connection or connections to City sanitary sewer shall be required where sewer lines are more than two-hundred (200) feet from such lot or parcel of land. Based on these findings, the applicant is not required to connect to City sewer at this time. However, the intent of the applicant is to connect to a nearby 8" gravity sewer located approximately three-hundred fifty (350) feet from the subject parcels. Upon connection to the City's system, no negative impacts are anticipated.

Solid Waste:

Based on the applicant's development proposal, the marginal increase in the number of residential dwellings on the subject parcels is not anticipated to negatively impact the City's provision for solid waste collection.

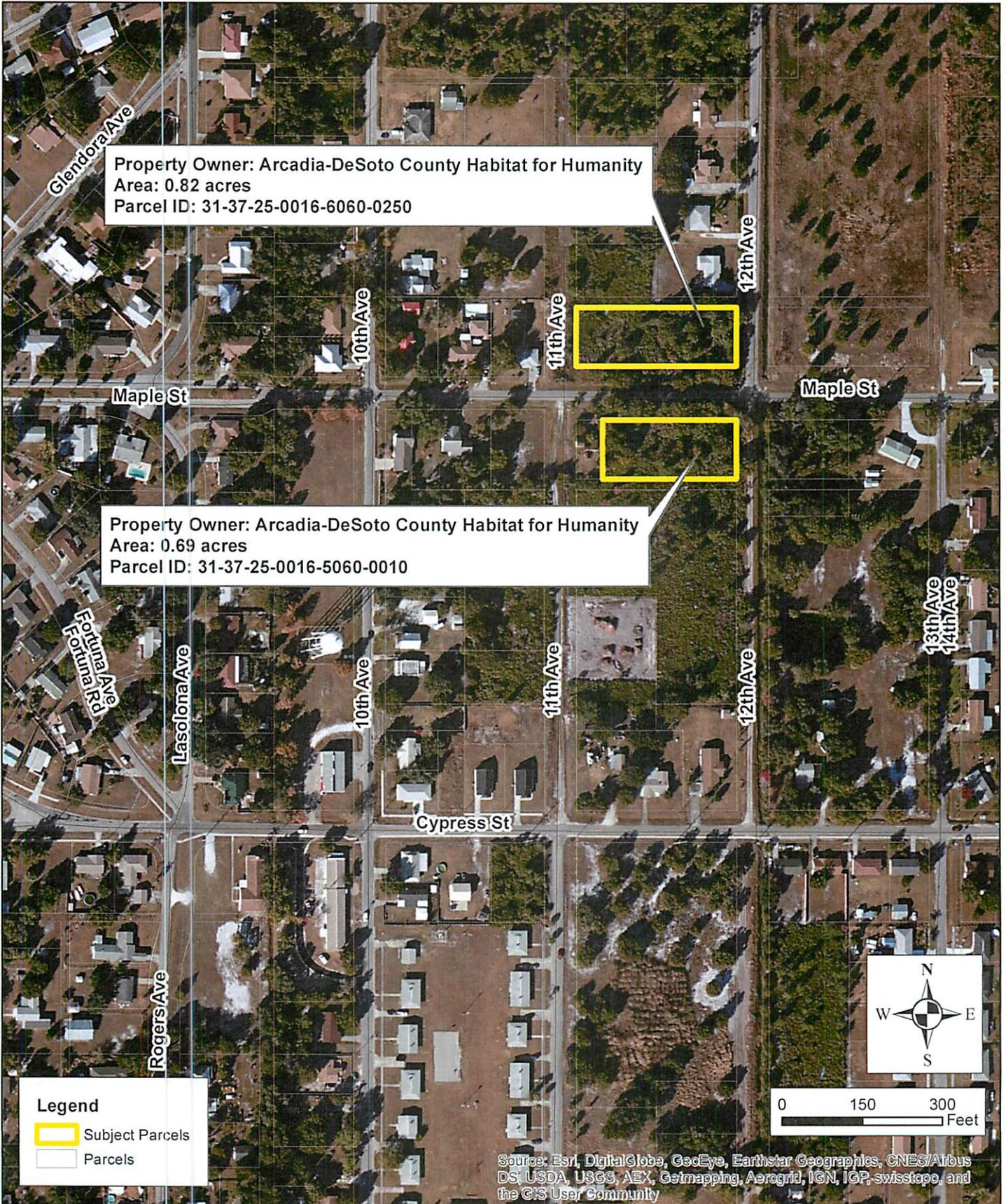
Traffic/Transportation:

The primary roadway serving the subject parcels is East Maple Street. The future development of the subject parcels is considered residential infill. The proposed build-out of the subject parcels is not expected to adversely impact the circulation of traffic in or around this area.

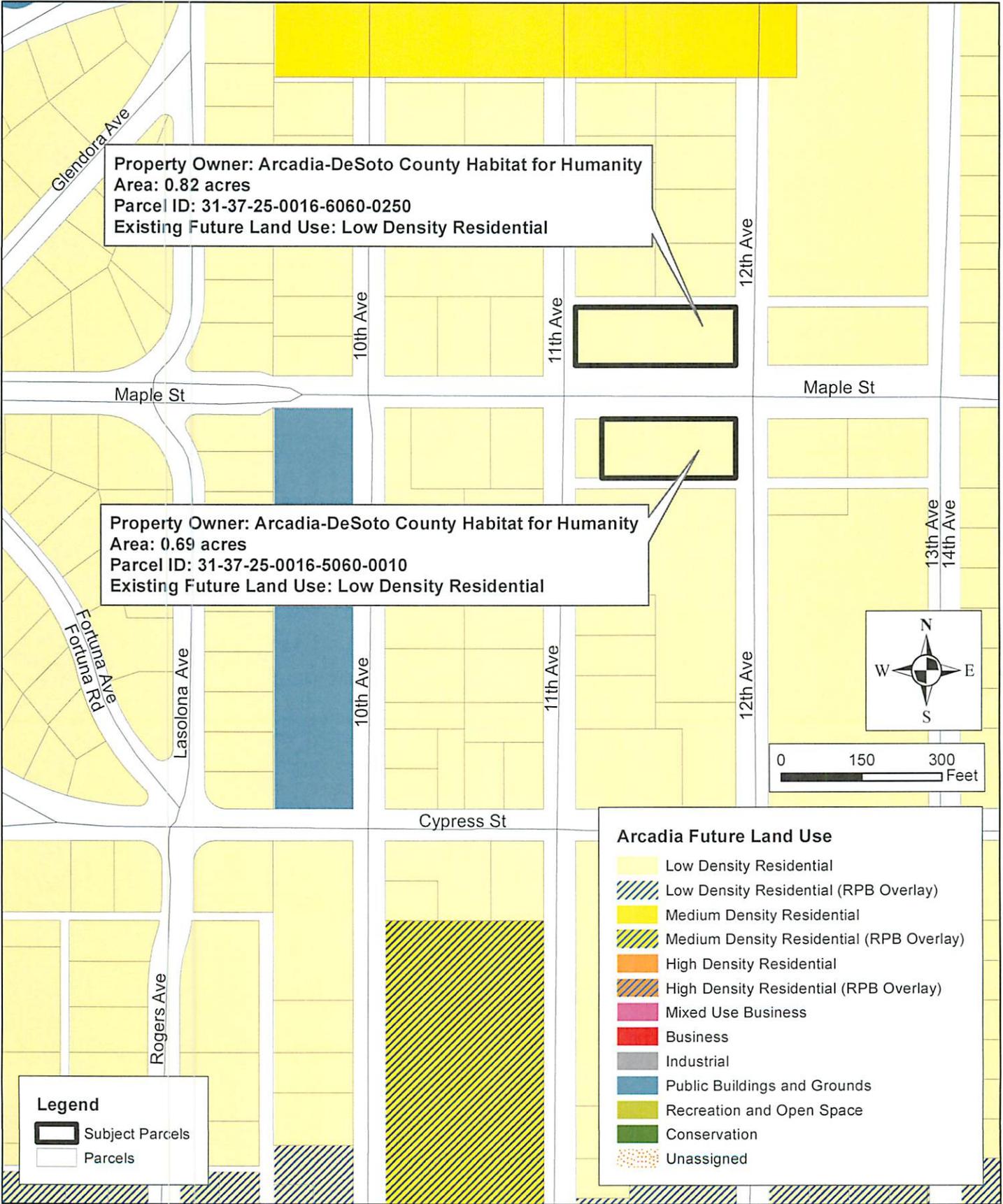
School and Recreational Facilities:

Based on the applicant's development proposal, the marginal increase in the number of residential dwellings on the subject parcels is not anticipated to pose any negative impacts on the DeSoto County public school system or the City's recreational facilities.

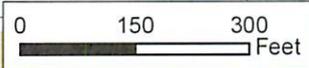
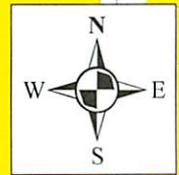
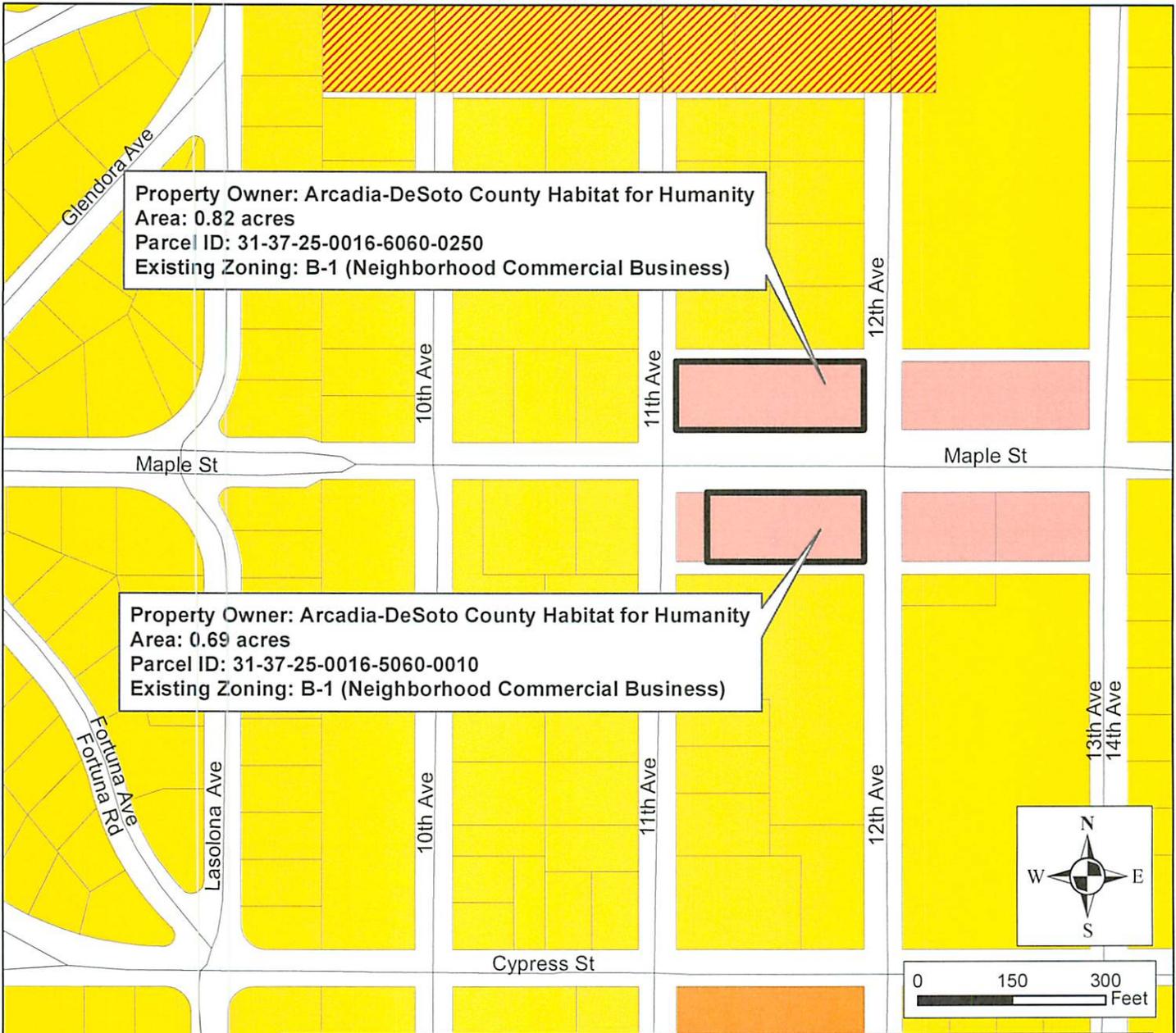
CITY OF ARCADIA AERIAL PHOTO MAP



CITY OF ARCADIA EXISTING FUTURE LAND USE MAP



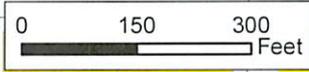
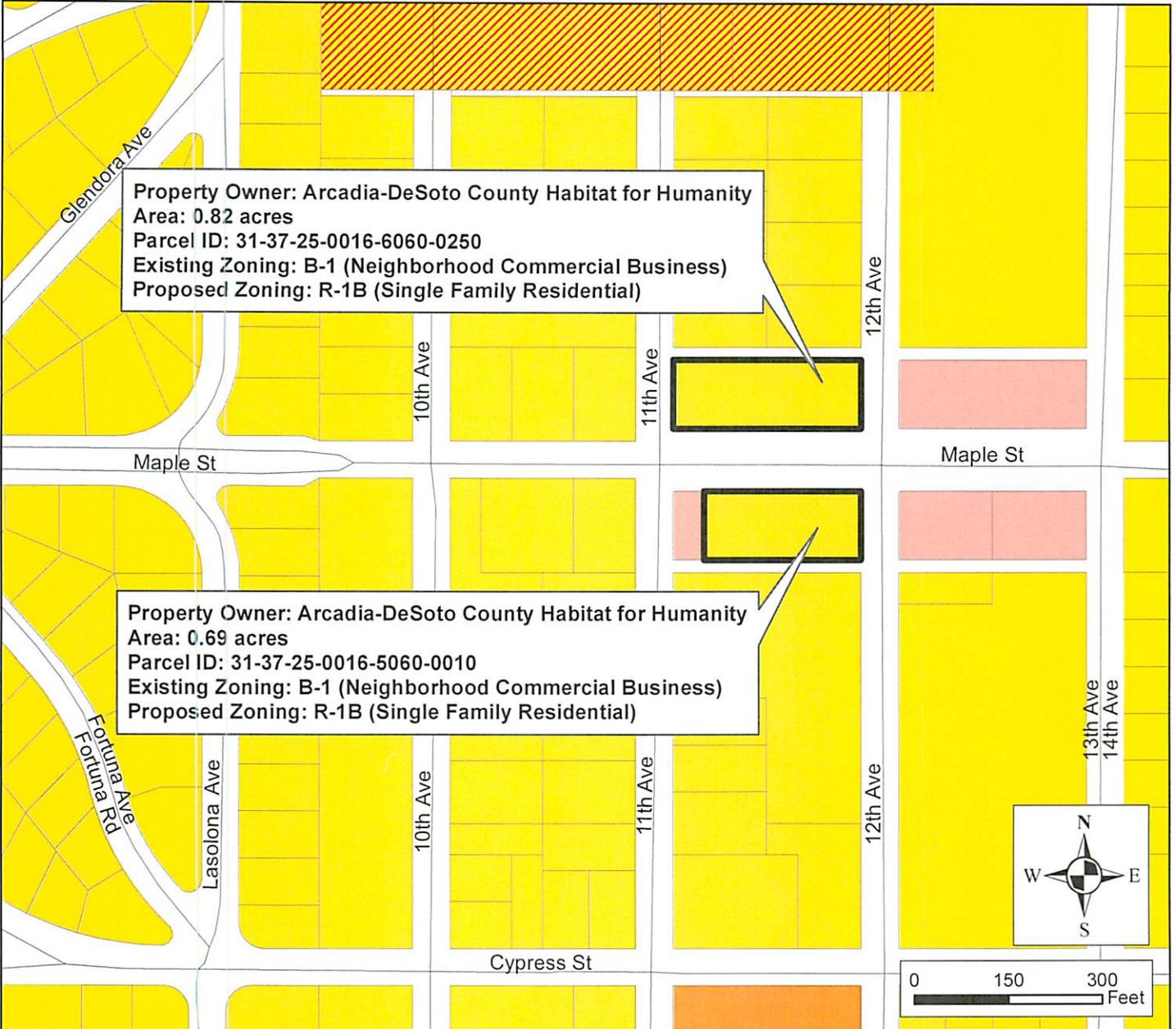
CITY OF ARCADIA EXISTING ZONING MAP



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

Legend	
	Subject Parcels
	Parcels

CITY OF ARCADIA PROPOSED ZONING MAP ORDINANCE 1009



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

Legend

- Subject Parcels
- Parcels



REZONING APPLICATION (ZONING MAP AMENDMENT)

Date Stamp

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

Fee \$1,250.⁰⁰

R# _____

City Website: *arcadia-fl.gov*

File No. : 15 - 03 RZ

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

APPLICANT'S INFORMATION (Agent or Contractor)

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

Name: Jane Breylinger

Name: _____

Organization: Arcadia-DeSoto County Habitat for Humanity, Inc.

Organization: _____

Address: 10 South DeSoto Avenue, Rm 200

Address: _____

City: Arcadia

City: _____

State: Florida Zip Code: 34266

State: _____ Zip Code: _____

Telephone No.: (863) 494-4118

Telephone No.: () _____

Email: desotohabitat@embarqmail.com

Email: _____

I. Property Information

Parcel Address (if assigned): E Maple St

Parcel Identification Number: 31-37-25-0016-6060-0250

Subdivision, Block and Lot Nos.: A.W. Gilchrist East End Add Lots 25 to 36 Inc Resub of Lots 25 to 30 Inc Block 6 Tier 6

Property Size (in acres): .826

Existing land use of subject property: B-1

II. Regulatory and Land Use Information of Subject Property

Future Land Use Map Designation: Low Density Residential

Adopted Zoning Map Designation: B-1

Proposed Zoning Map Designation: R-1B

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

No Yes, please list zoning districts: R-1B & B-1

III. Proposed Development Activity

Residential Commercial Office/Professional Other _____

Expected Total Residential Units: 4 Residential Density: Dwellings Units / Per Acre = 4

Expected Total Square Footage of All Non-Residential (retail, office, warehouse) Structures: 0

IV. Transportation Access Information

Identify primary roadways that serve the subject property: E Maple St / N 12th Ave

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

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

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

Driveways: 0 Turn lanes: 0

Intersection Improvements: 0

V. Projected Impacts to Public Facilities and Services

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

Potable Water, change in ERUs: additional 4 units

Sanitary Sewer, change in ERUs: additional 4 units

Public School and Enrollment Projections: additional undetermined

Known Environmental or Wellhead Protection Zones: undetermined/unknown



**REZONING APPLICATION
(ZONING MAP AMENDMENT)**

Date Stamp

Fee \$1,250.⁰⁰

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

R# _____

City Website: *arcadia-fl.gov*

File No. : 15 - 04 RZ

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

APPLICANT'S INFORMATION

(Agent or Contractor)

Name: Jane Breylinger

Organization: Arcadia-DeSoto County Habitat for Humanity, Inc.

Address: 10 South DeSoto Avenue, Rm 200

City: Arcadia

State: Florida Zip Code: 34266

Telephone No.: (863) 494-4118

Email: desotohabitat@embarqmail.com

PROPERTY OWNER'S INFORMATION

(Leave Blank if Same as Applicant)

Name: _____

Organization: _____

Address: _____

City: _____

State: _____ Zip Code: _____

Telephone No.: () _____

Email: _____

I. Property Information

Parcel Address (if assigned): E Maple St

Parcel Identification Number: 31-37-25-0016-5060-0010

Subdivision, Block and Lot Nos.: A.W. Gilchrist East End Add Lots 1A to 10A Inc Resub of lots 1 to 6 Inc Block 6 Tier 5

Property Size (in acres): .688

Existing land use of subject property: B-1

II. Regulatory and Land Use Information of Subject Property

Future Land Use Map Designation: Low Density Residential

Adopted Zoning Map Designation: B-1

Proposed Zoning Map Designation: R-1B

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

No Yes, please list zoning districts: R-1B & B-1

III. Proposed Development Activity

Residential Commercial Office/Professional Other _____

Expected Total Residential Units: 3 Residential Density: Dwellings Units / Per Acre = 3

Expected Total Square Footage of All Non-Residential (retail, office, warehouse) Structures: 0

IV. Transportation Access Information

Identify primary roadways that serve the subject property: E Maple St / N 12th Ave

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

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

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

Driveways: 0 Turn lanes: 0

Intersection Improvements: 0

V. Projected Impacts to Public Facilities and Services

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

Potable Water, change in ERUs: additional 3 units

Sanitary Sewer, change in ERUs: additional 3 units

Public School and Enrollment Projections: additional undetermined

Known Environmental or Wellhead Protection Zones: undetermined/unknown

AGENDA No. 11



CITY COUNCIL AGENDA ITEM
Requested Council Meeting Date: October 6, 2015

DEPARTMENT: Administration o/b/o Councilmember Fink
SUBJECT: Councilmember Initiated Discussion of Possible Regulations Governing Change in Elevation of Existing Developed Sites and How it Affects Surrounding Properties

RECOMMENDED MOTION:

SUMMARY:

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

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

Department Head: _____ Date: _____

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

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

City Administrator: Terry Stewart  _____ Date: 9-25-15

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

AGENDA No. 12



CITY COUNCIL AGENDA ITEM
Requested Council Meeting Date: October 6, 2015

DEPARTMENT: Administration o/b/o Deputy Mayor Frierson
SUBJECT: Endorsement of County Judge Don T. Hall to the Circuit Judgeship

RECOMMENDED MOTION: Motion to send a letter to Governor Rick Scott endorsing County Judge Don T. Hall to fill the position to be open due to the retirement of Circuit Judge James S. Parker.

SUMMARY:

Judge James S. Parker has served DeSoto County in a long and remarkable career. He will be retiring and the City of Arcadia is grateful for his service. Governor Rick Scott will be choosing an individual to fill the circuit judgeship currently held by Judge Parker.

We are mindful that County Judge Don T. Hall has also served DeSoto County through an exemplary career. It is recommended that the City of Arcadia forward a letter to Governor Rick Scott fully endorsing the appointment of County Judge Hall to the circuit judgeship. This is a Council Member initiated item, Deputy Mayor Frierson.

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

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

Department Head: _____ Date: _____
Finance Director (As to Budget Requirements) _____ Date: _____
City Attorney (As to Form and Legality) _____ Date: _____
City Administrator: Terry Stewart  Date: 09/28/15

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

October 6, 2015

The Honorable Rick Scott
Governor of Florida
The Capitol
400 S. Monroe St.
Tallahassee, FL 32399-0001

Honorable Governor Scott,

The City of Arcadia takes this opportunity to recommend DeSoto County Judge Don T. Hall for appointment as Circuit Judge for the Twelfth Judicial Circuit. County Judge Hall has served DeSoto County in an exemplary manner and we are confident that his knowledge and wisdom will serve this area and the State of Florida extremely well in the capacity of Circuit Judge.

The City is mindful of the important responsibility resting upon you as Governor to assess the qualifications of individuals being considered for this appointment. Judge Hall's notable credentials make him an exceptional candidate for this appointment. But we believe it is equally important for you to know he is widely respected within our community and enjoys an admirable reputation as a person who works hard to protect our quality of life.

On October 6, 2015, the Arcadia City Council voted in the affirmative to send this letter of endorsement for the appointment of DeSoto County Judge Don T. Hall as Circuit Judge for the Twelfth Judicial Circuit. We thank you for your consideration of this endorsement.

Respectfully,

Judy Wertz-Strickland, Honorable Mayor
City of Arcadia

DEPARTMENT REPORTS

AGENDA No. 13

City Marshal
Matthew A. Anderson



State of Florida
City of Arcadia

**ARCADIA POLICE DEPARTMENT
COUNCIL REPORT**

TOTALS FOR THIS REPORT PERIOD:		SEPT	2015	
		08/20/2015-09/23/2015		
ARREST ACTIVITIES				
FELONY ARREST	10	MISDEMEANOR ARREST	20	
JUVENILE ARREST	6	TRAFFIC ARREST	11	
WARRANT ARREST	11			
TRAFFIC ACTIVITIES				
ACCIDENT REPORTS	29	TRAFFIC CITATIONS	76	
		WARNING CITATIONS	34	
PATROL				
COMPLAINTS	685	CRIMINAL INVESTIGATIONS		
CITY ORDINANCE VIOLATIONS	4	CASES TOTAL	14	
		CASES UNDER INVESTIGATION	7	
		CASES CLOSED	7	

A handwritten signature in cursive script that reads "Matt A. Anderson".

CITY MARSHAL
9/24/2015