



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

**TUESDAY, DECEMBER 2, 2014
6:00 P.M.**

INVOCATION, PLEDGE, CALL TO ORDER AND ROLL CALL

OLD BUSINESS TO BE DISCUSSED BY CURRENT COUNSEL MEMBERS

1. City Council Minutes for November 18, 2014 (Penny Delaney – City Clerk)

PROCLAMATIONS

2. Presentation to Outgoing City Councilmembers

SWEARING IN OF NEW CITY COUNCIL MEMBERS

3. Oaths of Office Regarding Incoming City Councilmembers and City Marshall

CONSENT AGENDA

4. Change Order No. 5 to Cardinal Contractors (A.J. Berndt – Water Treatment Plant)
5. Legislative Priorities (Beth Carsten – Interim City Administrator)
6. Certificate of Appropriateness - Eagle Fence (Carl McQuay – City Planner)

ACTION ITEMS

7. Nomination/Vote Regarding Mayor
8. Nomination/Vote Regarding Deputy Mayor
9. City Administrator Search (Penny Delaney – City Clerk)
10. Ordinance Amending Regulation of Yard Sales – Second Reading (T.J. Wohl – City Attorney)
11. Arcadia Main Street Program – Update (Beth Carsten – Interim City Administrator)
12. Update on Renewal of Commercial Lease between Peace River Wood Carvers and the City of Arcadia (T.J. Wohl – City Attorney)

COMMENTS FROM DEPARTMENTS

13. City Marshall
14. City Attorney – Sunshine Law, Part 1
15. Interim City Administrator

PUBLIC (Please limit presentation to five minutes)

MAYOR AND COUNCIL REPORTS

ADJOURN

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

PLEASE TURN OFF OR SILENCE ALL CELL PHONES

AGENDA No. 1



CITY COUNCIL AGENDA ITEM
Requested Council Meeting Date: December 2, 2014

DEPARTMENT: Administration
SUBJECT: Minutes from November 18, 2014

RECOMMENDED MOTION: Council Approval

SUMMARY:

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

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

Department Head: Penny Delaney Date: 12/02/14

Finance Director (As to Budget Requirements) Date:

City Attorney (As to Form and Legality) Date:

Interim City Administrator: Beth Carsten Date:

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

**AGENDA MINUTES
CITY COUNCIL
CITY OF ARCADIA
TUESDAY, NOVEMBER 18, 2014
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 OF ALLEGIANCE

The City Clerk gave the invocation which was followed by the Pledge of Allegiance.

CALL TO ORDER & ROLL CALL

The Mayor called the meeting to order at approximately 6:00 p.m. with the following members and staff present:

Arcadia City Council

Mayor Alice Frierson
Councilmember Keith Keene
Councilmember Robert W. Heine

Deputy Mayor Joseph E. Fink
Councilmember Robert R. Allen

Arcadia City Staff

Interim City Administrator Beth Carsten
City Attorney Thomas J. Wohl

City Clerk Penny Delaney
Marshall Matt Anderson

PRESENTATION

Agenda Item 1 – Charlie South

Mayor Frierson asked Steve Underwood to come forward. She recognized him for the honor and integrity shown to his community regarding his action of returning a wallet to the rightful owner.

Agenda Item 2 – Savannah Alderman

Mayor Frierson asked Savannah Alderman to come forward. She recognized her for the honor and integrity shown to her community regarding her action of returning a wallet to the rightful owner.

CONSENT AGENDA

Agenda Item 3 – City Council Minutes for November 3, 2014 – City Council Meeting

Agenda Item 4 – Air-Cadia Flowage and Hangar Rent Report for October 2014

Agenda Item 5 – Use of Old Police Department by Salvation Army for December 22-23, 2014

Agenda Item 6 – Amendment to Arcadia Main Street Program Permit Regarding Farmer's Market

Agenda Item 7 – Proposed Advertisement Regarding Request for Proposal for Fixed Base Operator – Arcadia Airport

Agenda Item 8 – Amendment to Interlocal Agreement between the City of Arcadia and DeSoto County for Local Agency Program

Agenda Item 9 – CDBG Revitalization Project – Cypress and Maple

Councilmember Heine moved that the Consent Agenda be approved as presented and Deputy Mayor Fink seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

ACTION ITEMS

Agenda Item 10 – Commercial Lease Renewal between the Peace River Wood Carvers and the City of Arcadia

The Interim City Administrator advised that the Wood Carvers had leased the Speer Center for fifteen (15) years and renewal of that lease needed to be discussed. The City Attorney advised that on November 5, 2013, Council had approved for staff to meet with the Wood Carvers regarding their lease. He advised it never came back before Council, that the lease was drafted, but never signed by the City. He further advised that the Wood Carvers had paid all of the rent under the contemplated agreement. Bill Moss of 2626 NE Highway 70, Lot 8, Arcadia, Florida advised he was the President of the Peace River Wood Carvers for the past four (4) years. He advised they want to remain and Speer and hoped to solve the issue. Councilmember Heine asked what the City charged and the Interim City Administrator stated it was \$35.00 a week. Mr. Moss stated that they basically stay about 24 weeks and they rent it for half a day. Councilmember Heine made a motion to approve and Deputy Mayor Fink seconded the motion. Councilmember Keene asked if there was any legal issue that should be considered. The City Attorney advised that there was some equipment that the group leaves at the Speer Center for the full year and he stated his only concern was the City's liability for such. Mr. Wohl recommended they have a year-long lease that would be spelled out that they were in possession of the premises for six months and the other portion of the time, the property is stored somewhere. Mr. Moss advised they did carry insurance and the city Attorney advised that they had over in excess of the requested amount of insurance. Deputy Mayor Fink asked the City Attorney if there could be a stipulation to the lease to hold the City harmless since the group has insurance and the City Attorney agreed. Deputy Mayor Fink asked Councilmember Heine if he would amend his motion to include that and Councilmember Heine agreed. Deputy Mayor Fink

City Council Meeting Minutes

November 18, 2014

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then followed with his amended second. The City Attorney advised they would need to require contents coverage for the entire term for the full year. No discussion followed and it was unanimously, 5/0, approved.

Agenda Item 11 – Request for Special Event Permit – Wedding at Tree of Knowledge

The Interim City Administrator advised that the wedding is planned for March 14, 2015 at the Tree of Knowledge and she advised that since this is a public park, they could not limit anyone from attending the wedding. She further advised that they are also requesting to close the street south of Polk from 5:00 p.m. until midnight. She stated they had met all the permit obligations and they would have police detail out there since there will be alcohol served. Mayor Frierson clarified that the wedding would take place under the Tree of Knowledge and the reception would be held in front of Mary Margaret Tearoom and they want that street blocked off. Susan Cavas Smith of P.O. Box 2616, Arcadia, Florida, addressed Council and advised that it wouldn't be the whole street, but that it would be from the North side of Mary Margaret's to Oak Street and the alleyway would remain open. Councilmember Heine made a motion to approve and Deputy Mayor Fink seconded the motion. Deputy Mayor Fink asked the City Marshall if he had a problem with it and Marshall Anderson advised that he did not. No discussion followed and it was unanimously, 5/0, approved.

Agenda Item 12 – Review/Suggestions Regarding Legislative Priorities

The Interim City Administrator advised that what was provided in their packets was a draft priority list for the legislative delegates meeting which will be held December 10, 2014 at the DeSoto County Board Room. She then asked for Council's additions, deletions or input. Mayor Frierson stated that she felt the Interim City Administrator had done a good job on covering the Council's issues of interest. Deputy Mayor Fink stated that he felt they were sufficient. Councilmember Heine made a motion to approve and Deputy Mayor Fink seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

Agenda Item 13 – Request to Enter into Lease between Arcadia Main Street Program and City of Arcadia Regarding Use of Old City Hall

John Bry, the Interim Director of the Arcadia Main Street Program, addressed council and stated that they were requesting to enter into a lease agreement with the City to use the former City Hall for their office space. He advised they would maintain the requested office space by keeping it clean and orderly. He stated that typically the Florida Main Street Program likes to see the local government support the Main Street Program in some capacity financially. He advised that if they could come to a lease agreement, it would suffice for how they like to see the Main Street Programs operate in lieu of a cash donation to the program. Councilmember Heine asked if it would be for the whole downstairs area and Linda Williams, President of the Arcadia Main Street Program, confirmed that it would be. Councilmember Heine suggested that the Interim City Administrator and the Mayor meet with the Arcadia Main Street Program to come up with figures and to bring it back before the new City Council. Mayor Frierson asked if

they needed the lease to apply for the grants and Mr. Bry advised that they did not. Mayor Frierson stated that she felt they need input regarding how much the City want to have control over the renovations and Mr. Bry advised that he can't foresee any renovations for the ground floor. He felt it just needed a good cleaning and he stated they would work with the City in terms of obtaining insurance needed for the lease agreement. Mayor Frierson asked if they would like to meet before they were to meet with Ben Albritton and Mr. Bry stated he felt it would be good to be able to do so.

Agenda Item 14 – One Year Resident Requirement for City Elected Officials

Councilmember Heine stated that he would let the City Attorney address this agenda item. The City Attorney advised that Councilmember Heine was requesting that there be a one (1) year residency requirement prior to someone being qualified to run for City Council. He further advised that the way the Charter is structured right now; it's not one of the qualifications. He stated that in order to amend the qualifications to run for City Council, it would have to go to a referendum to include that as an additional requirement. He advised it could not be done by Ordinance. Councilmember Heine stated that he also would request for the new Council to make it to where the Marshall should be a certified police officer. He advised it would need to be included also and that it's not as it is. The City Attorney stated a referendum would need to include that as well. Mr. Wohl advised that there is an Ordinance that requires that anyone employed as a law enforcement officer with the Arcadia Police Department be a certified police officer, but the difficulty there is that the qualifications to run for City Marshall do not include the requirement that that person be a certified law enforcement officer. He further advised that a person could run, but they would have to obtain their certification in order to be actually employed. Mayor Frierson suggested this would be something for the new Council to take up. The City Attorney advised that a referendum could be done on a special election which could run around \$6,000.00 with no guarantee that it would be successful. However, they would wait two (2) years and include the referendum on the next election. Councilmember Heine stated that most cities require it.

Agenda Item 15 – Special Events Ordinance

The City Attorney stated that he had provided Council with a first draft of the ordinance to allow staff, Council and the public to review it and come up with questions or concerns. He suggested possibly posting it on the City's website. Councilmember Heine suggested having the new Council to take it up.

COMMENTS FROM DEPARTMENTS

16. CITY MARSHAL

Marshal Anderson asked if Council or the general public had any concerns and no one advised of any. Marshal Anderson then thanked Councilmember Keene for his service, for all the advice he had given him since he took over as Marshal and he thanked Councilmember Keene for all that he had done for him. Marshall Anderson then thanked Councilmember Heine

for his twenty (20) plus years of dedicated service to the City of Arcadia and all that he had done for the betterment of the community. Marshall Anderson then thanked Councilmember Allen for always stepping up when something needed to be done and for his years dedicated service. He then thanked Mayor Frierson, Councilmember Keene, Councilmember Heine and Councilmember Allen for their advice and support during the election process.

Marshall Anderson advised that the Arcadia Police Department had challenged the DeSoto County Fire Department to a softball game regarding the Third Annual Toys for Tots competition/event. He stated the event will be this Saturday at the JimSpace softball fields at 6:00 p.m. He invited everyone to attend and support with either a \$5.00 donation to Toys for Tots or bring a \$5.00 toy. He advised last year over \$600.00 worth of toys and money was raised.

17. CITY ATTORNEY

The City Attorney stated that he had enjoyed working with Councilmember Keene, Councilmember Heine and Councilmember Allen and getting to know each of them on a personal level as well.

18. CITY FINANCE DIRECTOR

The Finance Director advised that the Budget Amendment for the 2013-14 year had been provided in the Council's packets. She stated they only have sixty (60) days from the beginning of a new fiscal year to make the budget amendments for the previous year and she reviewed said amendments. She then asked Council if they had any questions. Mayor Frierson stated that she felt all the departments did a great job because the City started out the year being \$252,000.00 in the hole and the department heads and city employees stepped up and took care of it. She further stated that the Council appreciates it and she was so pleased with it. Councilmember Heine made a motion to approve the budget amendment and Deputy Mayor Fink seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

19. INTERIM CITY ADMINISTRATOR

The Interim City Administrator expressed her appreciation to Rob Herron and all the volunteers for the work and repairs that were performed at JimSpace. Ms. Carsten advised that she had spoken with Pat Backer of First State Bank and the Jim Crews Foundation has been re-organized and they are looking at raising money again to renovate JimSpace. She addressed rough estimates of approximately \$1200.00 regarding issues at the park that had to do with safety. She further advised that the Jim Crews Community Foundation wants to offer \$1,500.00 toward repairs. Councilmember Heine made a motion that \$1,260.00 should come out of the Parks budget and Deputy Mayor Fink seconded the motion. Deputy Mayor Fink expressed his thoughts that they should think about long-scale work on this as well, to include restrooms. He thought they should plan to have restroom facilities out there so that it will be a useful full-service park. Councilmember Allen agreed and state he thought it was absolutely essential.

Rob Herron of 521 E. Pine Street, Arcadia, Florida, stated that he spoke with Mrs. Backer and she advised him that she has a check for \$1,500.00 to help offset the costs of materials. He advised there is also a group of people in the community who are willing to lend some volunteer hours to help make the repairs. He stated that any donations can be made through the Chamber of Commerce at this time. No discussion followed and it was unanimously, 5/0, approved.

The Interim City Administrator stated that the pavilion at the park is not a part of JimSpace and the wooden roof is rotted and falling apart. She advised the City was able to get a quote for a metal roof for the amount of \$2,300.00 which is only \$300.00 or \$400.00 more than going with a wooden roof and she stated she felt they needed to have it repaired. Councilmember Heine asked if it would be taken out of the parks' budget and Ms. Carsten advised that there was money set aside for repairs. Councilmember Heine made a motion to proceed with the repairs and Deputy Mayor Fink seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

PUBLIC

None

MAYOR AND COUNCIL MATTERS

Mayor Frierson stated that three (3) council members would be leaving them and after much discussion, it was decided the new council members would be sworn in on Tuesday, December 2, 2014. Mayor Frierson went on to state that regarding Councilmember Heine, on the first and third Tuesdays, he won't have any problem finding time to eat his supper. To Councilmember Allen, Mayor Frierson stated that the meetings may run all night long without him being there to tell them it's time to adjourn. To Councilmember Keene, Mayor Frierson stated that he had served with integrity, respect, honor and he had been a voice of wisdom and that she would miss him.

When asked if he had anything to say, Councilmember Allen stated that he was proud to have had the opportunity to serve the community. When asked if he had anything to say, Deputy Mayor Fink stated that the Arcadian had advertised where the County had put together a telling them what was in error and what needed to be fixed in the developmental aspect of the County. He stated that he would hope that as a new Council they would continue with what Jim LaRue and Jeff Matthews saw as possibilities for the City of Arcadia regarding the strategic plan. He further stated that he wanted to thank each of the outgoing council members for their service. Councilmember Allen further stated that he wanted to address the new members coming onboard. He stated the present board had a wonderful staff that worked hard and kept the City Council informed and he hoped the new council members coming onboard would listen to the recommendations of the staff. When asked if he had anything to say, Councilmember Keene addressed staff and told them that they had done a heck of a job and he appreciated everything they had accomplished during his five (5) years that he had been on Council. He reflected on the decision to go with the new water plant and reiterated that he felt they had made the right decision. He appreciated the new Council taking on the challenge of building new roads and

lowering the utility rates and wished them luck. He stated that he felt he had served with honesty and integrity and expressed his appreciation for having the opportunity to do so. When asked if he had anything to say, Councilmember Heine stated he had been here for twenty-one (21) years. He further stated he had come to Arcadia in 1963 with four (4) little boys and now they were grown men. He reflected on his years with the volunteer fire department, the police department and the sheriff's office. He expressed his appreciation.

ADJOURN

Having no further business at this time, the meeting was adjourned at 6:50 P.M.

ADOPTED THIS ___ DAY OF _____, 2014.

By:

Alice Frierson, Mayor

ATTEST:

Penny Delaney, City Clerk

AGENDA No. 2



CITY COUNCIL AGENDA ITEM
Requested Council Meeting Date: December 2, 2014

DEPARTMENT: Administration
SUBJECT: Proclamations Presentations
RECOMMENDED MOTION: Council Approval

SUMMARY: Proclamations presented to Outgoing City Council Members Keith Keene, Robert W. Heine and Robert R. Allen.

FISCAL IMPACT: _____ Capital Budget
 Operating
 Other

ATTACHMENTS: Ordinance Resolution Budget Other

Department Head: Penny Delaney Date: 12/02/14

Finance Director (As to Budget Requirements) Date:

City Attorney (As to Form and Legality) Date:

Interim City Administrator: Beth Carsten Date: 12/02/14

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



PROCLAMATION

WHEREAS, Keith Keene was elected by the constituents of this City on September 2009 to serve as a City Councilman; and

WHEREAS, he was sworn into office on October 6, 2009 affirming his resolute support for the City of Arcadia and its citizens; and

WHEREAS, by unanimous vote of his colleagues, Keith Keene, was elected to serve as the City's Mayor in years 2011/2012, 2012/2013 during his tenure on City Council; and

WHEREAS, during his tenure on the City Council, he also served as Deputy Mayor in 2010/2011; and

WHEREAS, during his tenure on City Council he also served on various committees and boards; and

WHEREAS, because of his dedication to the office, his willingness to serve in numerous capacities, and his commitment to duty;

NOW THEREFORE BE IT PROCLAIMED, by the City Council of the City of Arcadia, Florida, that *Councilman Keith Keene*, be honored and commended for his dedication to public service.

BE IT FURTHER PROCLAIMED, that in recognition and appreciation for his service to the City of Arcadia, a key to the city is hereby presented as a universal symbol of lasting friendship and best wishes for all future endeavors.

SO DONE, THIS 2ND DAY OF DECEMBER, 2014.

By:

Alice Frierson, Mayor

ATTEST:

Penny Delaney, City Clerk



PROCLAMATION

WHEREAS, Robert W. Heine was elected by the constituents of this City on September 1993 to serve as a City Councilman; and

WHEREAS, he was sworn into office on October 5, 1993 affirming his resolute support for the City of Arcadia and its citizens; and

WHEREAS, by unanimous vote of his colleagues, Robert W. Heine, was elected to serve as the City's Mayor in years 1996/1997, 2005/2006, 2010/2011 during his tenure on City Council ; and

WHEREAS, during his tenure on City Council he also served as Deputy Mayor in 1995/1996, 2009/2010 and 2012/2013; and

WHEREAS, during his tenure on City Council he also served on various committees and boards; and

WHEREAS, because of his dedication of over twenty years to the City of Arcadia, his willingness to serve in numerous capacities, and his commitment to duty;

NOW THEREFORE BE IT PROCLAIMED, by the City Council of the City of Arcadia, Florida, that *Councilman Robert W. Heine*, be honored and commended for his dedication to public service.

BE IT FURTHER PROCLAIMED, that in recognition and appreciation for his service to the City of Arcadia, a key to the city is hereby presented as a universal symbol of lasting friendship and best wishes for all future endeavors.

SO DONE, THIS 2ND DAY OF DECEMBER 2014.

By:

Alice Frierson, Mayor

ATTEST:

Penny Delaney, City Clerk



PROCLAMATION

WHEREAS, Robert R. Allen was appointed by the City Council on November 18, 1968 to serve as a City Councilman; and

WHEREAS, he was sworn into office on December 2, 1968 affirming his resolute support for the City of Arcadia and its citizens; and

WHEREAS, Robert R. Allen was again appointed by the City Council on October 4, 2011 to again serve as a City Councilman; and

WHEREAS, he was sworn back into office on October 4, 2011 affirming his resolute support for the City of Arcadia and its citizens; and

WHEREAS, during his tenure on City Council he also served on various committees and boards; and

WHEREAS, because of his dedication of numerous years to the City of Arcadia, his willingness to serve in numerous capacities, and his commitment to duty;

NOW THEREFORE BE IT PROCLAIMED, by the City Council of the City of Arcadia, Florida, that *Councilman Robert R. Allen*, be honored and commended for his dedication to public service.

BE IT FURTHER PROCLAIMED, that in recognition and appreciation for his service to the City of Arcadia, a key to the city is hereby presented as a universal symbol of lasting friendship and best wishes for all future endeavors.

SO DONE, THIS 2ND DAY OF DECEMBER 2014.

By:

Alice Frierson, Mayor

ATTEST:

Penny Delaney, City Clerk

AGENDA No. 3



CITY COUNCIL AGENDA ITEM
Requested Council Meeting Date: December 2, 2014

DEPARTMENT: Administration

SUBJECT: Oaths of Office Regarding Incoming Councilmembers and City Marshal

RECOMMENDED MOTION: Council Approval

SUMMARY: Oaths administered to Incoming City Councilmembers Susan Coker, Judy Wertz-Strickland and S. Delshay Turner and City Marshal Matthew A. Anderson

FISCAL IMPACT: _____

Capital Budget
 Operating
 Other

ATTACHMENTS: Ordinance Resolution Budget Other

Department Head: Penny Delaney

Date: 12/02/14

Finance Director (As to Budget Requirements)

Date:

City Attorney (As to Form and Legality)

Date:

Interim City Administrator: Beth Carsten

Date: 12/02/14

COUNCIL ACTION: Approved as Recommended

Disapproved

Tabled Indefinitely Tabled to Date Certain _____

Approved with Modifications



Oath of Office

STATE OF FLORIDA
COUNTY OF DESOTO

I, *Susan Coker*, do solemnly swear (or affirm) that I will support, protect and defend the Constitution and Government of the United States and the State of Florida; that I am duly qualified to hold office under the Constitution of the State and the Charter of the City of Arcadia; and that I will well and faithfully perform the duties of

City Councilmember

on which I am now about to enter, so help me God.

Susan Coker

Sworn to and subscribed before me on this 1st day of December, 2014.

Signature of Officer Administering Oath

Signature of Notary Public

Print, type or stamp commissioned name of Notary Public

Personally Known *OR* *Produced Identification*

Type of Identification Produced: _____



Oath of Office

STATE OF FLORIDA
COUNTY OF DESOTO

I, *Judy Wertz-Strickland*, do solemnly swear (or affirm) that I will support, protect and defend the Constitution and Government of the United States and the State of Florida; that I am duly qualified to hold office under the Constitution of the State and the Charter of the City of Arcadia; and that I will well and faithfully perform the duties of

City Councilmember

on which I am now about to enter, so help me God.

Judy Wertz-Strickland

Sworn to and subscribed before me on this 1st day of December, 2014.

Signature of Officer Administering Oath

Signature of Notary Public

Print, type or stamp commissioned name of Notary Public

Personally Known *OR* *Produced Identification*

Type of Identification Produced: _____



Oath of Office

STATE OF FLORIDA
COUNTY OF DESOTO

I, *S. Delshay Turner*, do solemnly swear (or affirm) that I will support, protect and defend the Constitution and Government of the United States and the State of Florida; that I am duly qualified to hold office under the Constitution of the State and the Charter of the City of Arcadia; and that I will well and faithfully perform the duties of

City Councilmember

on which I am now about to enter, so help me God.

S. Delshay Turner

Sworn to and subscribed before me on this 1st day of December, 2014.

Signature of Officer Administering Oath

Signature of Notary Public

Print, type or stamp commissioned name of Notary Public

Personally Known *OR* *Produced Identification*

Type of Identification Produced: _____



Oath of Office

STATE OF FLORIDA
COUNTY OF DESOTO

I, *Matthew A. Anderson*, do solemnly swear (or affirm) that I will support, protect and defend the Constitution and Government of the United States and the State of Florida; that I am duly qualified to hold office under the Constitution of the State and the Charter of the City of Arcadia; and that I will well and faithfully perform the duties of

City Marshal

on which I am now about to enter, so help me God.

Matthew A. Anderson

Sworn to and subscribed before me on this 1st day of December, 2014.

Signature of Officer Administering Oath

Signature of Notary Public

Print, type or stamp commissioned name of Notary Public

Personally Known *OR* *Produced Identification*

Type of Identification Produced: _____

AGENDA No. 4



CITY COUNCIL AGENDA ITEM
Requested Council Meeting Date:

December 2, 2014

DEPARTMENT: Utilities
SUBJECT: Water Treatment Plant

RECOMMENDED MOTION: Council Approval

SUMMARY: Request approval for Change Order No. 5 to Cardinal Contractors to provide additional time for completion of Well Rehabilitation and improvements to WTP from December 28, 2014 to April 7, 2015. This is necessary due to delays caused by FP&L in relocation or turn-off of power at the wells and limited capability of City to have more than one well off line for rehabilitation work to be performed. FDEP grant/ loan agreement requires construction completion by April 15, 2015. Therefore additional time will not impact grant and loan.

FISCAL IMPACT: 0

- Capital Budget
- Operating
- Other

ATTACHMENTS: Ordinance Resolution Budget Other

Department Head: _____ Date: _____

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

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

City Administrator: Elizabeth Carsten _____ Date: _____

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

SECTION 00635 - CHANGE ORDER

(Instructions on reverse side)

No. 5

PROJECT: WATER TREATMENT PLANT IMPROVEMENTS

DATE OF ISSUANCE: _____

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

CONTRACTOR: Cardinal Contractors

OWNER's Project No. DW14010
 ENGINEER: Julie Karleskint, PE
 Hazen and Sawyer, P.C.
 2201 Cantu Ct. Suite 109
 Sarasota, FL 34232

CONTRACT FOR: City of Arcadia

ENGINEER's Project No. 41070-011

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

Description: Additional time to complete Change Order Items due to delays in relocating power at wells.

Purpose of Change Order: Provide additional time with no changes in construction cost.

Attachments: (List documents supporting change) _____

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIME
Original Contract Price \$ <u>5,964,300</u>	Original Contract Time <u>425 or January 3, 2012</u> days or date
Previous Change Orders No. <u>1</u> to No. <u>4</u> \$ <u>1,023,343</u>	Net change from previous Change Orders <u>665</u> Days
Contract Price prior to this Change Order \$ <u>7,686,643</u>	Contract Time Prior to this Change Order <u>1,090</u> days or date
Net Increase (decrease) of this Change Order \$ <u>0</u>	Net Increase (decrease) of this Change Order <u>100</u> Days
Contract Price with all approved Change Orders \$ <u>7,686,643</u>	Contract Time with all approved Change Orders <u>1,190 or April 7, 2015</u> days or date

RECOMMENDED: Julie Karleskint APPROVED: _____ APPROVED: _____
 by Julie Karleskint by _____ by _____
 Engineer Owner Contractor

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

AGENDA No. 5



CITY COUNCIL AGENDA ITEM
Requested Council Meeting Date: December 2, 2014

DEPARTMENT: Administration
SUBJECT: The City of Arcadia Legislative Priorities

RECOMMENDED MOTION: Council Approval

SUMMARY: This was previously approved by Council and Council directed Resolution be prepared. It will now be presented for adoption.

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

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

Department Head: Penny Delaney Date: 12/02/14

Finance Director (As to Budget Requirements) Date:

City Attorney (As to Form and Legality) Date:

Interim City Administrator: Beth Carsten Date: 12/02/14

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

RESOLUTION 2014-15

A RESOLUTION OF THE CITY OF ARCADIA, FLORIDA URGING MEMBERS OF THE FLORIDA LEGISLATURE TO SUPPORT THE FOLLOWING ISSUES DURING THE 2015 LEGISLATIVE SESSION

IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF ARCADIA,
FLORIDA:

WHEREAS, the Florida 2015 Legislative Regular Session will convene on March 3, 2015 and run through May 1, 2015; and

WHEREAS, the City of Arcadia wishes to engage in productive, focused dialogue with the Florida State Senate and House of Representatives; and

WHEREAS, the City of Arcadia is an active member of the Florida League of Cities; and

WHEREAS, the City of Arcadia, in cooperation with the DeSoto County Legislative Delegation, participated in the development of priorities for the Florida League of Cities 2015 Legislative Action Agenda; and

WHEREAS, the City of Arcadia supports legislation which maintains municipal home rule and allows for local control of local issues.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA HEREBY RESOLVES:

SECTION 1. The City of Arcadia requests the support of the following legislative priorities:

Small County Road Program (SCOP): The City of Arcadia supports the continuation of funding for the SCOP program for Florida municipalities. Section 7 of Chapter 2014-169, Laws of Florida, amended SCOP to include funding opportunities for municipalities and communities in Rural Areas of Opportunity. \$9 million was appropriated statewide for Fiscal Year 2014-15 to fund eligible municipal projects. This funding can be used for transportation infrastructure projects related to road drainage improvements, resurfacing or reconstructing roads, or constructing safety improvements to roads. PLEASE make this funding available for municipalities for the 2015-16 year. SCOP funds are critical to meeting the City of Arcadia's transportation needs.

Communication Services and Local Business Tax Protection: The City of Arcadia supports all legislation that protects the general revenues collected from the communications services tax and the local business tax. These revenues are used to provide essential municipal services such as public safety, constructing and maintaining roads, bridges, public parks and open spaces.

Housing and Small Cities Community Development Block Grant (CDBG) Program: The City supports the continuation of the Florida Small Cities CDBG Program to provide the necessary means for municipalities to develop, preserve, redevelop and revitalize Florida cities. The CDBG program provides federally funded grants on a competitive basis to eligible municipalities. The City of Arcadia has utilized CDBG funding for water and wastewater improvements and housing initiatives.

Water Quality and Quantity: The City of Arcadia supports legislation that addresses water quality and quantity issues which affect our local community.

Septic Tanks: The City of Arcadia supports financial and regulatory initiatives that prioritize and encourage properties with septic tanks to connect to centralized sewer systems, especially in areas that impact rivers, estuaries, first magnitude springs and impaired water bodies.

Uniform Chart of Accounts: At this time the City of Arcadia does not support a uniform chart of accounts to be used for all governmental entities. The implementation and reporting requirements would be extremely costly and will result in the delivery of inaccurate and confusing information.

SECTION 2. The City of Arcadia also requests the continued support of municipal home rule powers and the opposition of unfunded mandates.

SECTION 3. This resolution shall take effect immediately upon its adoption.

SO DONE THIS 2nd DAY OF DECEMBER 2014.

S. Delshay Turner

Joseph E. Fink

Judy Wertz-Strickland

Alice Frierson

Susan Coker

Attest:

Reviewed and approved as to form:

Penny Delaney
City Clerk
By Beth Carsten
Interim City Administrator

Thomas J. Wohl,
City Attorney

AGENDA No. 6



CITY COUNCIL AGENDA ITEM
Requested Council Meeting Date: December 2, 2014

DEPARTMENT: Planning and Zoning
SUBJECT: Certificate of Appropriateness

RECOMMENDED MOTION:
Approval of fence installation

SUMMARY: The applicant, Eagle Fence Company, is requesting permission to install a fence for the property owner, Robert Cullen. The property is located at 133 N. Polk Ave. and lies within the boundaries of the Historic District. The Historical Preservation Commission approved the application on 11/17/14.

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

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

Department Head: Carl A. McQuay Date: 11/24/19

Finance Director (As to Budget Requirements) Date:

City Attorney (As to Form and Legality) Date:

City Administrator: Beth Carsten Date:

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



CERTIFICATE OF APPROPRIATENESS
(Historic Preservation Commission)

Date Stamp

Received
10/17/14

Fee: \$165.⁰⁰

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

R#

Waived

City Website: arcadia-fl.gov

File No.: 14-03 CA

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

APPLICANT'S INFORMATION

(Agent or Contractor)

PROPERTY OWNER'S INFORMATION

(Leave Blank if Same as Applicant)

Name: Eagle Fence Company, Inc.

Name: Robert Cullen

Organization: _____

Organization: _____

Address: 2693 N.W. Pine Creek Ave.

Address: 133 North Polk Ave.

City: Arcadia

City: Arcadia

State: FL Zip Code: 34266

State: FL Zip Code: 34266

Telephone No.: (863) 993-3844

Telephone No.: (941) 830-5999

Email: florida.fence.man@yahoo.com

Email: _____

I. Type of Building Structure and Development Activity Proposed

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

II. Property Information

Parcel Address (if assigned): 133 North Polk Ave., Arcadia, FL

Parcel Identification Number: _____

Subdivision, Block and Lot Nos.: Lot 5, Block 25

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

Zoning Map Designation: _____

Lot Size (sq. ft.): 9,000 Lot Length: 150' Lot Width: 60'

Zoning Code Yard Setbacks:

Proposed Accessory Structure Setbacks:

	<u>30'</u> Front Yard		<u>30'</u> Front Yard
(if corner lot)	_____ Secondary Front Yard	(if corner lot)	_____ secondary Front Yard
	_____ Side Yard		_____ Side Yard
	_____ Side Yard		_____ Side Yard
	_____ Rear Yard		_____ Rear Yard
	<u>10'</u> Between Buildings (Per Code 110-631)		_____ Between Buildings

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

Yes, please list attached exhibits: _____

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

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

Planning and Zoning Review:

Approved

Denied

C. McQuay
Zoning Inspector Signature

Date: 10-20-14

Utility Systems Review:

Approved

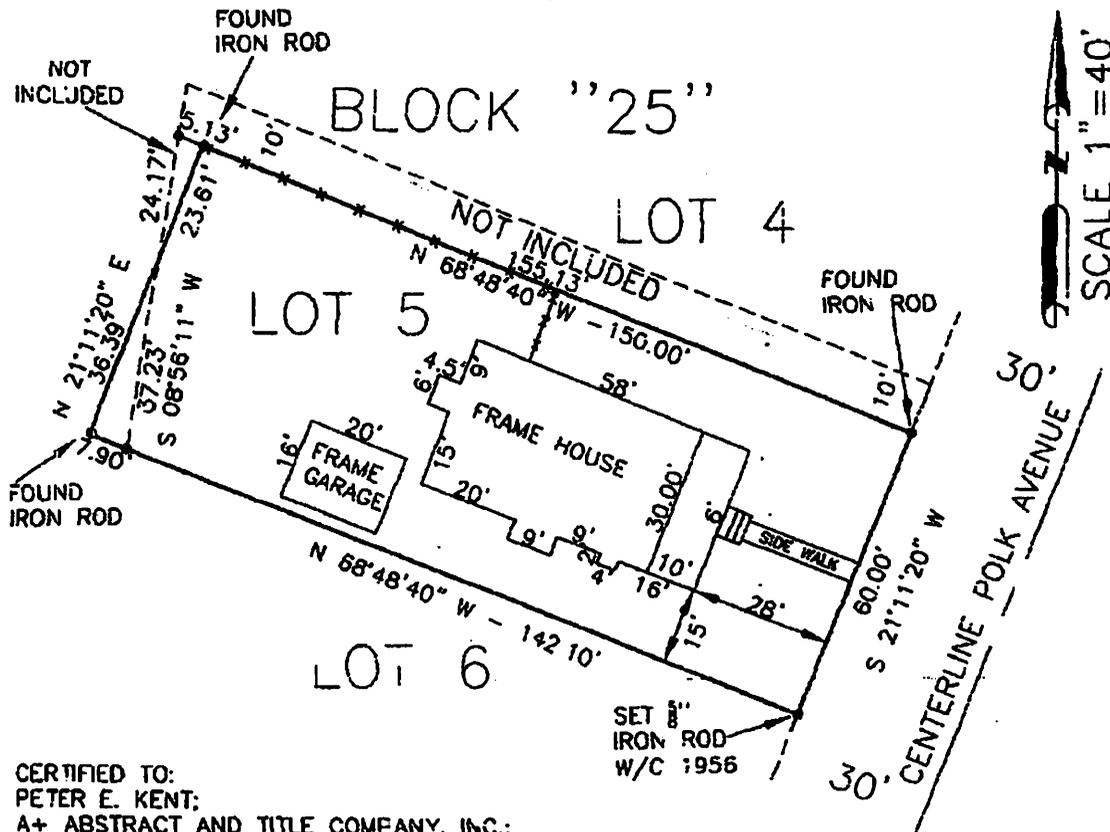
Denied

Fred [Signature]
Utility Inspector Signature

Date: 11/31/14

Notes, Restrictions, and Permit Coordination:

LEGEND: N=NORTH; S=SOUTH; E=EAST; W=WEST; °=DEGREE; ' =MINUTE; " =SECOND; ' =FEET;
 W/C=WITH CAP; #=NUMBER;
 NOTE: BOUNDARY SURVEY AND SHOW IMPROVEMENTS. THE SURVEY DEPICTED HERE IS NOT COVERED BY PROFESSIONAL LIABILITY INSURANCE. BEARINGS SHOWN ARE TAKEN FROM RECORDED PLAT.



CERTIFIED TO:
 PETER E. KENT;
 A+ ABSTRACT AND TITLE COMPANY, INC.;
 COMMONWEALTH LAND TITLE INSURANCE COMPANY;

DESCRIPTION:
 LOT 5, BLOCK 25 OF ORIGINAL SURVEY OF ARCADIA AS PER PLAT BOOK 1, PAGE 67 OF THE PUBLIC RECORDS OF DESOTO COUNTY, FLORIDA. LESS THE NORTH 10.00 FEET AND ALSO LESS BEGIN AT THE NE CORNER OF SAID LOT 5; THENCE S 21°11'20" W ALONG THE EAST LINE OF SAID LOT 5, 10.00 FEET; THENCE N 68°48'40" W, 150.00 FEET FOR POINT OF BEGINNING; THENCE CONTINUE SAME LINE 5.13 FEET TO A POINT ON THE WEST LINE OF SAID LOT 5; THENCE S 08°56'11" W ALONG THE WEST LINE OF SAID LOT 5, 24.17 FEET; THENCE N 21°11'20" E, 23.61 FEET TO POINT OF BEGINNING; SUBJECT TO RESERVATIONS, RESTRICTIONS AND EASEMENTS OF RECORD.
 AND A PARCEL OF LAND DESCRIBED AS FOLLOWS:
 BEGIN AT THE SW CORNER OF LOT 5, BLOCK 25 OF ORIGINAL SURVEY OF ARCADIA AS PER PLAT BOOK 1, PAGE 67 OF PUBLIC RECORDS OF DESOTO COUNTY, FLORIDA FOR POINT OF BEGINNING; THENCE N 68°48'40" W AND THE PROLONGATION OF THE SOUTH LINE OF SAID LOT 5, 7.90 FEET TO A POINT LYING 150.00 FEET EAST OF THE EAST-OF-WAY OF MONROE STREET; THENCE N 21°11'20" E AND PARALLEL THE MONROE STREET 36.39 FEET TO A POINT ON THE WEST LINE OF SAID LOT 5 THENCE S 08°56'11" W ALONG THE WEST LINE OF SAID LOT 5, 37.23 FEET TO POINT OF BEGINNING. SUBJECT TO RESERVATIONS, RESTRICTIONS AND EASEMENTS OF RECORD.

DeSoto County Property Appraiser

2014 Certified Values

CAMA updated: 11/20/2014

Parcel: 25-37-24-0012-0250-0050

Tax Collector

Property Card

Interactive GIS Map

<< Next Lower Parcel Next Higher Parcel >>

Parcel List Generator

Print

Owner & Property Info

Search Result: 1 of 1

Owner's Name	CULLEN ROBERT A
Site Address	133 N POLK AVE
Mailing Address	133 N POLK AVE ARCADIA, FL 34266-0000
Use Desc. (code)	SINGLE FAM (000100)
Tax District	1 (Within City Limits)
Neighborhood	400000
Land Area	0.206 ACRES
Market Area	04
Description	NOTE: This description is not to be used as the Legal Description for this parcel in any legal transaction.
TOWN OF ARCADIA O S LOT 5 LESS N 10 FT BLK 25 IN SEC 36/37/24 INST:201414004739	

GIS Aerial



Property & Assessment Values

2014 Certified Values

Mkt Land Value	cnt: (1)	\$7,000.00
Ag Land Value	cnt: (0)	\$0.00
Building Value	cnt: (1)	\$38,225.00
XFOB Value	cnt: (4)	\$3,372.00
Total Appraised Value		\$48,597.00

Just Value	\$48,597.00
Class Value	\$0.00
Assessed Value	\$48,597.00
Exempt Value	\$0.00
Total Taxable Value	County: \$48,597.00 City: \$48,597.00 Other: \$48,597.00 School: \$48,597.00

Sales History

Show Similar Sales within 1/2 mile

Sale Date	OR Book/Page	OR Code	Vacant / Improved	Qualified Sale	Sale RCode	Sale Price
9/29/2014	201414004739	WD	I	Q	01	\$106,200.00
10/1/2007	200714010327	WD	I	Q		\$158,500.00
2/24/1994	326/251	WD	I	U	01	\$0.00

Building Characteristics

Bldg Sketch	Bldg Item	Bldg Desc	Year Blt	Ext. Walls	Heated S.F.	Actual S.F.
Show Sketch	1	SINGLE FAM (000100)	1946	SINGLE SID (04)	1398	1832
Note: All S.F. calculations are based on exterior building dimensions.						

Extra Features & Out Buildings

Code	Desc	Year Blt	Units	Dims	Condition (% Good)
2003	SIDEWALK	1946	0000128.000	0 x 0 x 0	(000.00)
1998	SHED-ES	2008	0000080.000	8 x 10 x 0	(000.00)
0860	DRVWY CONC	2008	0000721.000	0 x 0 x 0	(000.00)
0863	DRVWY RIBN	2008	0000150.000	0 x 0 x 0	(000.00)

Land Breakdown

Lnd Code	Desc	Units	Zoning *
000100	SFR (MKT)	1 UT - (0000000.206AC)	B-1

* NOTE: The Property Appraiser's Office is NOT responsible for the accuracy of the zoning. To verify the zoning, please call the Planning & Zoning Department at 863-993-4806.

DISCLAIMER

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

AGENDA No. 7



CITY COUNCIL AGENDA ITEM
Requested Council Meeting Date: December 2, 2014

DEPARTMENT: Administration

SUBJECT: Nomination/Vote to Elect Mayor

RECOMMENDED MOTION: Council Approval

SUMMARY: A new Mayor is to be appointed by City Council for the 2014-2015 term.

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

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

Department Head: Penny Delaney

Date: 12/02/14

Finance Director (As to Budget Requirements)

Date:

City Attorney (As to Form and Legality)

Date:

Interim City Administrator: Beth Carsten

Date:

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

AGENDA No. 8



CITY COUNCIL AGENDA ITEM
Requested Council Meeting Date: December 2, 2014

DEPARTMENT: Administration

SUBJECT: Nomination/Vote to Elect Deputy Mayor

RECOMMENDED MOTION: Council Approval

SUMMARY: A new Deputy Mayor is to be appointed by City Council for the 2014-2015 term.

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

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

Department Head: Penny Delaney Date: 12/02/14

Finance Director (As to Budget Requirements) Date:

City Attorney (As to Form and Legality) Date:

Interim City Administrator: Beth Carsten Date:

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

AGENDA No. 9



CITY COUNCIL AGENDA ITEM
Requested Council Meeting Date: December 2, 2014

DEPARTMENT: Administration

SUBJECT: City Administrator Search

RECOMMENDED MOTION: Council Approval

SUMMARY: Staff needs direction from City Council regarding the hiring process of the City Administrator position.

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

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

Department Head: Penny Delaney Date: 12/02/14

Finance Director (As to Budget Requirements) Date:

City Attorney (As to Form and Legality) Date:

Interim City Administrator: Beth Carsten Date:

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

AGENDA No. 10



CITY COUNCIL AGENDA ITEM
Requested Council Meeting Date: December 2, 2014

DEPARTMENT: Legal

SUBJECT: Ordinance Amending Regulations of Yard Sales - Second Reading

RECOMMENDED MOTION: Council Approval

SUMMARY: As directed by City Council on October 21, 2014, the Ordinance was prepared regarding the requirement of permit fees and clarifying time limits for yard sales.

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

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

Department Head: Penny Delaney Date: 12/02/14

Finance Director (As to Budget Requirements) Date:

City Attorney (As to Form and Legality) T.J. Wohl Date:

Interim City Administrator: Beth Carsten Date:

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

ORDINANCE NO. 1001

AN ORDINANCE OF THE CITY OF ARCADIA, FLORIDA; AMENDING SECTION 80 OF THE CITY OF ARCADIA CODE OF ORDINANCES; REQUIRING PERMIT FEES AND CLARIFYING TIME LIMITS FOR YARD SALES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article II of Chapter 80 of the Code of Ordinances of the City of Arcadia regulates yard sales; and

WHEREAS, permit fees for yard sales should be required; and

WHEREAS, the time limit at location for a yard sale should be clarified; and

WHEREAS, it appears to be in the best interest of the citizens of the City of Arcadia that Sections 80-23 and 80-24 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. Sections 80-23 and 80-24 of the Code of Ordinances of the City of Arcadia are hereby amended as follows:

“Sec. 80-23. - Permit.

(a) *Application.* It shall be unlawful for any person to hold any yard sale without first filing at the City Recorder's office, City Hall, City of Arcadia, Florida, an application for permit to hold a yard sale. The application shall be made on a form furnished by the city which shall contain at least the following information:

- (1) Full name, street address, and home phone number of applicant.
- (2) Name, address and phone number of owner if not the applicant.
- (3) Date or dates of yard sale.

(b) *Application Fee and Display during sale.* The application shall become the permit when properly filled out by the applicant and issued by the city upon payment of the fee established from time to time by resolution of the City Council of the City of Arcadia, Florida. The permit shall be posted by the applicant at the yard sale.

Sec. 80-24. - Time limit at location.

No yard sale shall be allowed at any location for more than two consecutive days during any thirty (30) day period.”

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 December, 2014.

CITY OF ARCADIA, FLORIDA

Alice Frierson, Mayor

ATTEST:

By: _____
Penny Delaney, City Clerk

PASSED ON FIRST READING: _____, 2014

PASSED ON SECOND READING: _____, 2014

APPROVED AS TO FORM:

Thomas J. Wohl, City Attorney

AGENDA No. 11



CITY COUNCIL AGENDA ITEM
Requested Council Meeting Date: December 2, 2014

DEPARTMENT: Administration
SUBJECT: Arcadia Main Street Program - Update

RECOMMENDED MOTION:

SUMMARY:

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

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

Department Head: Penny Delaney Date: 12/02/14

Finance Director (As to Budget Requirements) Date:

City Attorney (As to Form and Legality) Date:

Interim City Administrator: Beth Carsten Date: 12/02/14

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: December 2, 2014

DEPARTMENT: Administration

SUBJECT: Update on Commercial Lease between Peace River Wood Carvers and the City of Arcadia

RECOMMENDED MOTION: Council Approval

SUMMARY:

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

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

Department Head: Penny Delaney Date: 12/02/14

Finance Director (As to Budget Requirements) Date:

City Attorney (As to Form and Legality) Date:

Interim City Administrator: Beth Carsten Date: 12/02/14

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

COMMERCIAL LEASE

This is an agreement between **CITY OF ARCADIA**, a Florida municipal corporation (herein called "Owner"), whose mailing address is 23 N. Polk Avenue, Arcadia, Florida 34266 and **PEACE RIVER WOODCARVERS, INC.**, a Florida non profit corporation (herein called "Tenant"), whose mailing address is 2692 Highway 70, Lot #8, Arcadia, Florida 34266.

1. **PROPERTY; LEASE AND DURATION.** Owner hereby leases the building and lands known as the Speer Center, which is located at 185 W. Winifred Street, Arcadia, Florida, (herein called the "Premises") to Tenant upon the terms and conditions set forth below for a six (6) month term beginning December 1, 2014 and ending April 30, 2015.

2. **RENT.** Tenant shall pay to Owner rent of \$35.00 per week. The first rental payment shall be made Monday, December 1, 2014 and each Monday thereafter during the term of this Lease. As additional consideration, Tenant agrees to maintain the Premises and to provide supervision for the use of the Premises.

3. **USE.** Tenant shall use the Premises for the purpose of weekly wood carving workshops and will make no unlawful, improper, or offensive use of the Premises.

4. **ALTERATIONS.** Tenant may make additions or alterations in or to the Premises with Owner's approval, which approval will not be unreasonably withheld. Tenant shall be responsible for the cost of any additions or alterations made by Tenant and shall protect and reimburse Owner against possible mechanics', laborers' and materialmen's liens upon the Premises. All exterior signage must be approved in advance by Owner, in writing, as to size, location, content, color and material.

5. **REPAIRS; PREMISES.** Tenant shall keep the Premises in good order and repair, subject to reasonable and ordinary wear and tear.

6. **ASSIGNMENT.** Tenant shall not assign this Lease or sublet the Premises without the written consent of Owner. This prohibition does not include temporary rentals which complement the public purpose of this Lease. Any temporary rental of the Premises will be on a non-discriminatory basis.

7. **INSURANCE AND INDEMNITY.** Tenant will at its own expense and at all times during the term of this Agreement, provide and maintain in effect those insurance policies and minimum limits of coverage as designed below, with companies authorized to do business in the state or country in which the Agreement is to be performed. Insurance will be written with carrier/carriers with a minimum rating of "A-, X" by A.M. Best Rating agency or equivalent agency. These minimum insurance requirements shall not be interpreted to in any way limit Tenant's defense and indemnity obligations:

- A. Specifically recognize and insure the contractual liability assumed by Tenant under this Agreement;

- B. Provide that Tenant's insurance shall be primary to and non-contributory with any and all insurance maintained by or afforded to Owner and its affiliated and subsidiary companies, and their respective officers, directors, shareholders, employees and agents;
- C. Provide that no cancellation or non-renewal will become effective except upon thirty (30) days prior written notice to Owner except for non-payment of premium;
- D. Specifically waive insurers' rights of subrogation against Owner; and
- E. Should Tenant's policies provide a limit of liability in excess of such Amounts, Owner shall have the right of the benefit to the full extent of the coverage available.

PROPERTY COVERAGE. Tenant shall procure and maintain for the life of the lease, All Risk/Special Form, coverage including sinkhole and wind storm insurance coverage (or its equivalent), to cover loss resulting from damage to or destruction of the building or any improvements. The policy shall cover a minimum of 100% replacement cost, and it is preferred that it include an agreed value endorsement to waive coinsurance. Tenant shall be solely responsible, at its expense, for any insurance coverage for its personal property, including removable trade fixtures and Tenant's leasehold improvements.

LIABILITY INSURANCE. Tenant shall, at its own expense, maintain a policy or policies of comprehensive general liability insurance with respect to the operations conducted on the leased Premises with the premiums thereon fully paid on or before due date, issued by and binding upon some insurance company approved by Owner, such insurance to afford minimum protection of not less than \$500,000.00 combined single limit coverage of bodily injury, property damage or combination thereof. Owner shall be listed as an additional insured on Tenant's policy or policies of comprehensive general liability insurance and Tenant shall provide Owner with current Certificates of Insurance evidencing Tenant's compliance with this paragraph.

CERTIFICATE OF INSURANCE. Upon execution of this Agreement, Tenant must furnish a Certificate of Insurance to Owner evidencing the insurance required herein, written or translated in English. From thereon, Tenant will furnish a valid Certificate of Insurance to Owner annually at the address in the "Notices" clause of this Agreement.

TENANT'S LIABILITY NOT LIMITED. NOTWITHSTANDING THE PROVISIONS HEREIN, FOR PURPOSES OF THIS LEASE, TENANT ACKNOWLEDGES THAT ITS POTENTIAL LIABILITY IS NOT LIMITED TO THE AMOUNT OF LIABILITY INSURANCE COVERAGE IT MAINTAINS NOR TO THE LIMITS REQUIRED HEREIN.

INVALIDATION OR CONFLICT WITH EXISTING INSURANCE POLICIES: Tenant shall not do, permit or suffer to be done any act, matter, thing or failure to act in respect to the Premises that will a) invalidate or be in conflict with any insurance policies covering the Premises or any part thereof; or b) increase the rate of insurance on the Premises or any property located therein. If by reason of the failure of Tenant to comply with the provisions of this Lease, the insurance rate shall at any time be higher than it otherwise would be, then Tenant shall reimburse

Owner and any other tenants, on demand, for that part of all premiums for any insurance coverage that shall have been charged because of such actions by Tenant.

TENANT'S NEGLIGENCE. If the leased Premises or any other part of the building is damaged by fire or other casualty resulting from any act or negligence of Tenant or any of Tenant's agents, employees or invitees, rent shall not be diminished or abated while such damages are under repair, and Tenant shall be responsible for the costs of repair not covered by insurance.

INDEMNIFICATION. Tenant shall indemnify Owner and hold Owner harmless for any and all liability, claims, damages, expenses (including attorney's fees and costs for trial or appeal), proceedings and causes of action of every kind and nature arising out of or connected with the use, maintenance, operation or control of the Premises by Tenant, except as may arise out of conditions occurring or present prior to the commencement of this lease or caused by the misconduct or gross negligence of Owner. This provision shall survive the expiration of the term of this Lease.

8. UTILITIES. Owner shall, at its own cost and expense, supply Tenant with all existing utilities, including water and electricity.

9. HAZARDOUS WASTE. Tenant will not allow any hazardous substances including without limitation, any and all pollutants, wastes, flammables, explosives, radioactive materials, hazardous materials, hazardous wastes, hazardous or toxic substances and all other materials defined by or regulated under any Environmental Law, including those defined by the Comprehensive Environmental Response, Compensation and Liability Act of 1980 ("CERCLA"), 42 U.S.C. § 9604 (14), pollutants or contaminants as defined in CERCLA, 42 U.S.C. § 9604 (A) (2), or hazardous waste as defined in the Resources Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6903 (5), or other similar applicable Federal or State Laws or regulations, to be generated, released, stored, or deposited over, beneath, or on the Premises or on any structures located on the Premises from any source whatsoever.

10. RADON GAS. Radon is a naturally occurring radioactive gas that, when it has accumulated in a building in sufficient quantities, may present health risks to persons who are exposed to it over time. Levels of radon that exceed federal and state guidelines have been found in buildings in Florida. Additional information regarding radon and radon testing may be obtained from your county public health unit. Pursuant to §404.056(8), Florida Statutes.

11. REMEDIES FOR BREACH. If Tenant breaches any term or condition of this lease, Owner may bring suit to collect all back rent and taxes and terminate this lease and resume possession of the Premises for Owner's account, but Owner's failure to file suit or so terminate shall not be a waiver of Owner's right to do so in case of a continuing or subsequent default or breach. In any action brought by either party for the enforcement of the obligations of the other party, the prevailing party shall be entitled to recover from the other party all reasonable attorney's fees, paralegal fees, court and other costs, whether incurred before or at trial, on appeal, in bankruptcy or in post judgment collections, from the losing party.

12. ENTRY BY OWNER. Tenant shall allow Owner's agent to enter the Premises at all reasonable times and upon reasonable notice for the purpose of inspecting the Premises.

13. **NO LIENS CREATED.** Tenant has no power to incur any indebtedness giving a right to a lien of any kind or character upon the Premises. No third person shall be entitled to any lien against the Premises or any structure thereon, derived through or under Tenant. All persons contracting with Tenant, or furnishing materials or labor to Tenant, shall be bound by this provision. Should any such lien be filed, Tenant shall have the same discharged within sixty (60) days thereafter by paying the same or by filing a bond, or otherwise as permitted by law. Tenant is not the agent of Owner so as to confer upon a laborer bestowing labor upon the leased Premises, or upon a materialman who furnishes material incorporated in the construction of improvements upon the leased Premises, a construction lien upon Owner's estate under the provision of Chapter 713, Florida Statutes, or any subsequent revisions of that law.

14. **SUITABILITY OF PREMISES.** Tenant acknowledges having examined the Premises thoroughly before entering into this lease, and does not rely upon any representations by Owner as to the Premises' suitability for the Tenant's purposes.

15. **NOTICES.** Whenever any notice is required or permitted by this Agreement to be given, such notice shall be by certified mail, overnight delivery or facsimile addressed to:

Tenant

Chairman
Peace River Woodcarvers, Inc.
2692 Highway 70, Lot #8
Arcadia, Florida 34266

Owner

City Administrator
City of Arcadia
23 N. Polk Avenue
Arcadia, Florida 34266

Notice shall be considered given when deposited with the U.S. Postal Service or commercial carrier, postage prepaid, or when received by the other party if by facsimile. Each party will be responsible for notifying the other of any change in their address.

16. **PUBLIC FACILITY.** Tenant shall upon Owner's request, allow such other temporary public use of the Premises as shall be compatible with and not in conflict with Tenant's use thereof so long as such other user shall pay its reasonable share of Tenant's expenses of maintenance, upkeep and utilities of the Premises.

17. **SEVERABILITY.** It is the intention of the parties hereto that the provisions of this Lease Agreement shall be severable in respect to a declaration of invalidity of any provisions hereof.

18. **SUCCESSORS AND ASSIGNS.** Except as otherwise provided, the covenants and conditions herein shall be binding upon and shall inure to the benefit of the successors and assigns of the parties hereto.

19. **NO LIABILITY OF LESSOR.** Owner shall not be liable for any damages done to Tenant's personal property for any reason, including by or from plumbing, gas, water, or other pipes or electrical service in, above, on or about the Premises, nor for damage occasioned thereto by water being upon, or coming through the roof or otherwise, nor for any damage arising from acts of negligence of Tenant.

20. **AMENDMENT**. No amendment, modification, or alteration of the terms hereof shall be binding unless the same is in writing, dated subsequent to the date hereof, and duly executed by each party.

21. **RECORDING**. This Lease may not be recorded.

22. **MULTIPLE ORIGINALS**. This agreement is executed in multiple copies, each of which shall be deemed an original.

DATED this ____ day of November, 2014.

Two Witnesses as to Owner:

OWNER: CITY OF ARCADIA

(Printed Name)

By: _____
Alice Frierson, Mayor

(Printed Name)

Attest: _____
Penny Delaney, City Clerk

(corporate seal)

Two Witnesses as to Tenant:

**TENANT: PEACE RIVER
WOODCARVERS, INC., a Florida non
profit corporation**

(Printed Name)

By: _____
William Morse, as its Chairman

(Printed Name)

By: _____
Vivian Owen, as its Secretary

(corporate seal)

DEPARTMENT REPORTS

AGENDA No. 13

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

CITY OF ARCADIA
POLICE DEPARTMENT
725 N. Brevard Ave.

P.O. BOX 1014
ARCADIA, FL 34265

MATTHEW A. ANDERSON
MARSHAL
ARCADIA POLICE DEPARTMENT
COUNCIL REPORT

TOTALS FOR THIS REPORT PERIOD:	NOV	2014	
ARREST ACTIVITIES			
FELONY ARREST	6	MISDEMEANOR ARREST	14
JUVENILE ARREST	2	TRAFFIC ARREST	6
WARRANT ARREST	5		
TRAFFIC ACTIVITIES			
ACCIDENT REPORTS	23	TRAFFIC CITATIONS	53
		WARNING CITATIONS	14
PATROL		CRIMINAL INVESTIGATIONS	
COMPLAINTS	620	CASES TOTAL	9
CITY ORDINANCE VIOLATIONS	3	CASES UNDER INVESTIGATION	5
		CASES CLOSED	4



CITY MARSHAL
11/25/2014

AGENDA No. 14

SUNSHINE LAW AND PUBLIC RECORDS LAW

I. Basics.

A. Florida Sunshine Law.

(Florida Constitution Article 1, Section 24 and Florida Statutes 286.011-012)

Three basic requirements:

1. Meetings of public bodies must be open to the public;
2. Reasonable public notice of those meetings must be given;
3. Minutes must be taken and kept.

B. Florida Public Records Act.

(Florida Constitution Article 1, Section 24 and Florida Statute 119)

Basic requirement: All public records, with certain limited exceptions, are open for personal inspection and copying by any person.

II. Sunshine Law – Part One.

A. Sunshine Law applies to:

1. City Council;
2. Planning and Zoning board;
3. Code Enforcement board;
4. Any other body created to advise City Council, even though their recommendations are not binding;
5. Advisory committees to a single public officer (i.e. to advise the city administrator, police chief, mayor, etc.);
6. One person, if Council has delegated authority to act to that person;
7. Any two or more City Council persons (including the Mayor) who are discussing City business or any matter that may come before City Council,

whether in person, by telephone, texting or email and whether directly or through a “conduit” or liaison. This also applies to any two or more zoning board or other board members.

B. Sunshine Law does not apply to:

1. Fact finding committees who have no decision making authority;
2. Private entities such as a private local group established to promote the City;
3. Organizations who are receiving public funds for providing services to the City;
4. Meetings of City staff or private citizens with individual Council persons or the Mayor or other staff members so long as that staff member is not being used as a “conduit” to pass along other council persons ideas and opinions on a matter that may come before Council;
5. A Council person sending a one-way communication to another Council person, without any response.

C. Limited Exceptions:

1. Attorney-client sessions (“shade meeting”) regarding pending litigation per F.S. 286.011(8) as follows:
 - a. At a public meeting of Council the City Attorney requests an attorney-client session to get the advice of Council regarding pending litigation. He states the date and time of the meeting and who will be attending, which can only include the Mayor, the other Council persons, the City Administrator (or in his absence, the Assistant City Administrator), the attorney or attorneys and a court reporter.
 - b. The meeting must be confined to litigation or settlement strategy.
 - c. Notice of the attorney-client session must be published.

- d. The session starts as an open meeting, the Mayor announces the commencement of the attorney-client session and the estimated length of the meeting and the names of the persons attending. All others are exited from the Council chambers.
 - e. At the conclusion of the attorney-client session, the meeting will be reopened and any remaining public are allowed back in and the public meeting then continues, if needed, and then adjourned.
 - f. The court reporter records the attorney-client session, transcribes the notes and files the transcription with the City Recorder;
 - g. No final settlement can be approved at an attorney-client session, but must be done in a public meeting.
 - h. An attorney-client session cannot be used where litigation is just threatened.
 - i. The transcript of the shade meeting is made part of the official record and is open for inspection upon conclusion of the litigation, *i.e.* when a judgment is entered, the suit is dismissed with prejudice or is dismissed without prejudice and the statute of limitations has run.
2. Risk management meetings under F.S. 768.28(16)(c) when Council is evaluating a claim against the City for injuries under its risk management program. No specification of personnel who can attend.
 3. Collective bargaining between the City Administrator and Council (including the Mayor) regarding labor negotiations with employees under F.S. 447.605(1). Meetings between the City Administrator and the labor union negotiator are not exempt.

D. Not exceptions to the Sunshine Law, although some seem like they should be:

1. Disciplinary proceedings of employees by Council and the Mayor;
2. Job evaluations by Council and the Mayor;

3. Interviews of job applicants by Council and the Mayor;
4. Purchasing or bid evaluations;
5. Committee meetings; and
6. Negotiations for the purchase or sale of real property.

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AGENDA No. 15



CITY COUNCIL AGENDA ITEM
Requested Council Meeting Date: December 2, 2014

DEPARTMENT: Administration
SUBJECT: Interim City Administrator Updates
RECOMMENDED MOTION: Council Approval

SUMMARY: Update on Christmas Parade the Vietnam Traveling Wall.

FISCAL IMPACT: _____
 Capital Budget
 Operating
 Other

ATTACHMENTS: Ordinance Resolution Budget Other

Department Head: Penny Delaney Date: 12/02/14
Finance Director (As to Budget Requirements) Date:
City Attorney (As to Form and Legality) Date:
Interim City Administrator: Beth Carsten Date: 12/02/14

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