



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

**TUESDAY, DECEMBER 16, 2014
6:00 P.M.**

CALL TO ORDER, INVOCATION, PLEDGE AND ROLL CALL

PRESENTATION

1. Arcadia Main Street – Linda Williams, President of Arcadia Main Street Program
2. Martin Luther King, Jr. Proclamation (Mayor Wertz-Strickland)

CONSENT AGENDA

3. Amended City Council Minutes for November 18, 2014 (Penny Delaney – City Clerk)
4. City Council Minutes for December 2, 2014 (Penny Delaney – City Clerk)
5. Special Event Permit – Martin Luther King, Jr. Parade (Carl McQuay – City Planner)
6. Special Event Permit – Fourth Saturday Market Place (Carl McQuay – City Planner)
7. Renewal of Code Enforcement Special Master Contract (Carl McQuay – City Planner)

ACTION ITEMS

8. Resolution Regarding Appointment of Mayor and Deputy Mayor (T.J. Wohl – City Attorney)
9. Resolution Regarding Fire and Stormwater Assessments (T.J. Wohl – City Attorney)
10. Resolution Establishing Yard Sale Permit Fees (T.J. Wohl – City Attorney)

COMMENTS FROM DEPARTMENTS

11. City Marshall
12. City Attorney
13. 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

PRESENTATION No. 1

PRESENTATION No. 2



Proclamation

WHEREAS, Martin Luther King, Jr. devoted his life to civil rights and public service; and

WHEREAS, January 19, 2015, marks the observance of the Federal legal holiday, established by Public Law 94-144, to honor the birthday of Dr. King; and

WHEREAS, Dr. King recognized that everybody can be great because everybody can serve, and during his lifetime encouraged all Americans to serve their neighbors and their communities; and

WHEREAS, this day is not only for remembrance and celebration but for a Day of Service to strengthen communities and empower individuals by focusing on bringing people together and breaking down the barriers that have divided us as a nation; and

WHEREAS, thousands of Florida residents use Martin Luther King Day by performing community service that benefits communities and neighborhoods, and provide a fitting memorial to the life of Dr. Martin Luther King, Jr.;

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

JANUARY 19, 2015

as

MARTIN LUTHER KING DAY

In the City of Arcadia and recognize it as a Day of Service throughout Florida.

SO DONE THIS 6TH DAY OF JANUARY, 2015

BY:

Judy Wertz-Strickland, Mayor

ATTEST:

Penny Delaney, City Clerk

AGENDA No. 3



CITY COUNCIL AGENDA ITEM
Requested Council Meeting Date: December 16, 2014

DEPARTMENT: Administration

SUBJECT: Amended 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: 12/16/14

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

**AMENDED 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 Charlie South 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 (Amended)

November 18, 2014

Page 2 of 7

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.

Marshal 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. 4



CITY COUNCIL AGENDA ITEM
Requested Council Meeting Date: December 16, 2014

DEPARTMENT: Administration
SUBJECT: Minutes from December 2, 2014

RECOMMENDED MOTION: Council Approval

SUMMARY:

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

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

Department Head: Penny Delaney Date: 12/16/14

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, DECEMBER 2, 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

Tim Coker 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

OLD BUSINESS TO BE DISCUSSED BY CURRENT COUNSEL MEMBERS

Agenda Item 1 – City Council Minutes for November 18, 2014

Councilmember Keene made a motion to approve the November 18, 2014 minutes and Councilmember Heine seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

PROCLAMATIONS

Agenda Item 2 – Presentations to Outgoing Council Members

Mayor Frierson presented Councilmember Keene, Councilmember Heine and Councilmember Allen with Proclamations for their service to the City Council and the City of Arcadia.

SWEARING IN OF NEW CITY COUNCIL MEMBERS AND CITY MARSHAL

Agenda Item 3 - Oaths of Office Regarding Incoming Council Members and City Marshal

Judge Don T. Hall administered the Oaths of Office to Councilmember Coker, Councilmember Wertz-Strickland, Councilmember Turner and Marshal Anderson.

(At this time, the new City Council took their places on the dais.)

CONSENT AGENDA

Agenda Item 4 – Change Order No. 5 to Cardinal Contractors

Agenda Item 5 – Legislative Priorities

Agenda Item 6 – Certificate of Appropriateness

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

ACTION ITEMS

Agenda Item 7 – Nomination/Vote Regarding Mayor

Councilmember Turner made a motion to nominate Judy Wertz-Strickland as Mayor and Deputy Mayor Fink seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

Agenda Item 8 – Nomination/Vote Regarding Deputy Mayor

Councilmember Coker made a motion to nominate Alice Frierson as Deputy Mayor and Deputy Mayor Fink seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

Agenda Item 9 – City Administrator Search

The City Clerk advised the City Council that the deadline for receiving applications was November 21, 2014. She asked for direction from Council on how they wish to proceed. Councilmember Fink stated there were sixteen (16) applicants and suggested City Council choose three (3) or five (5) among the sixteen (16) and come back to the next meeting with a compilation of each of their lists and interview the people chosen as soon as possible.

Deputy Mayor Frierson suggested in consideration of the new Council and with the inexperience of the new Council, including herself and Councilmember Fink, with selecting such an important position in the City, she felt the Council needed some help. She suggested

contacting the Range Riders to see if they would help Council. She further suggested, if not, then possibly select a couple of people from the public such as was done before to help Council with this issue. Deputy Mayor Frierson also stated that she would like for the Interim City Administrator to have an active role in the selection. Mayor Wertz-Strickland agreed and stated that she would want City Council to be privileged to the grid that was used by the previously appointed search committee to determine which applicants could be eliminated initially. Mayor Wertz-Strickland suggested having a workshop to go over the applicants and Councilmember Fink stated that he felt that would be a good idea. Deputy Mayor Frierson made a motion to contact the Range Riders to determine if they would assist Council and Councilmember Turner seconded the motion. Tim Coker of 411 Frankfurt Street, Arcadia, Florida suggested having a background check on each applicant. No discussion followed and it was unanimously, 5/0, approved. Deputy Mayor Frierson directed the City Clerk to contact the Range Riders and report back with their decision.

Councilmember Fink suggested having a workshop whether the Range Riders give a positive or a negative. He suggested if they receive a positive reply, he made a motion to have a workshop meeting with the Range Riders. He stated if they receive a negative reply, he suggested they have a workshop to deal with other alternatives and Councilmember Coker seconded the motion. The City Attorney stated that they may want to wait until the next meeting to determine what the Range Riders' decision will be before they schedule a workshop. It was decided by common consensus to wait.

Agenda Item 10 – Ordinance Amending Regulation of Yard Sales

The City Attorney advised this would be the second reading on Ordinance 1001 amending the fee provision for the yard sales and also amending the time limit at a location. He advised a resolution would be brought to the next meeting stating there would be a \$10.00 fee per permit. Councilmember Fink made a motion that the Ordinance be read by title only and Deputy Mayor Frierson seconded the motion. No discussion followed and it was unanimously, 5/0, approved. Mayor Wertz-Strickland directed the City Clerk to read the Ordinance by title only and the City Clerk did so. Councilmember Fink asked the City Attorney if it was legal for someone to rent out spaces for additional vendors for yard sales. The City Attorney stated they could hold the yard sale at their property and it may fall under a temporary vendor's permit. He further stated that if there were other vendors that were renting a space there, they may have an issue that they did not obtain a temporary vendor's permit. Mr. Wohl stated that he didn't see an issue under the yard sale permit because a lot of people like to do a family yard sale where people gather at one location. Councilmember Fink made a motion to accept Ordinance 1001 as presented and Deputy Mayor Frierson seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

Agenda Item 11 – Arcadia Main Street Program - Update

The Interim City Administrator advised that Councilmember Frierson and she had met with Arcadia Main Street to discuss the possibility of Arcadia Main Street leasing City Hall. Ms. Carsten advised that Arcadia Main Street is seeking a lease of twenty-five (25) years. She

further advised they are willing to pay the insurance and the utilities, but they are asking that there would be no monthly lease fee for it at this point. Ms. Carsten reminded City Council that Arcadia Main Street is applying for a grant for City Hall in the name of the City to do a study for the uses of City Hall. They are planning on making the match depending on the amount of the grant and are looking at this as being some portion of a City contribution to that. Ms. Carsten asked for direction from City Council as to whether have the City Attorney begin working on a lease or what direction they wish to take. Councilmember Fink expressed his desire to have the new Council's input on this and the next item as well before Council goes into a long-term agreement because twenty-five (25) years is a long time. He expressed that he thought it was a good thing because the building should be used and Main Street is the logical choice, but he stated that he is only one voice. Deputy Mayor Frierson suggested they offer a short-term lease on City Hall until the study is done and then they return with the results of the study. Councilmember Coker stated that she doesn't agree with a long-term lease on the building. She felt Council needed to look at their options. She stated the City needed money and that a long-term lease with no rent made no sense to her.

Many members of the public made comments regarding this issue. Councilmember Fink stated that an empty building will eventually deteriorate. He further stated that he didn't think Council needed to act in haste, except Main Street does need a place to go by the end of this month. After much further discussion, it was decided that Arcadia Main Street Program would determine the status of the grant and come back to Council on December 16, 2014 with an update. Deputy Mayor Frierson made a motion to table the issue until December 16, 2014 and Councilmember Coker seconded the motion. Rob Heron of 521 E. Pine Street, Arcadia, Florida, expressed his concern regarding the payroll records which are stored at the City Hall and suggested they be moved out of the building into a secure location. No discussion followed and it was unanimously, 5/0, approved.

Agenda Item 12 – Update on Renewal of Commercial Lease between Peace River Wood Carvers and the City of Arcadia

The City Attorney stated Council had previously voted to approve the lease conditioned on it be drafted. There was a discrepancy on the last lease regarding \$35.00 a week vs. \$210.00 a month. He advised they went with the \$35.00 a week because that is what Wood Carver's was paying. The other issue involved property coverage and Wood Carver's had requested they do not have to obtain insurance to cover the property for sinkhole, windstorm, fire, etc. Due to it being a short-term lease, Mr. Wohl recommended that he does not have an issue with removing that from the property coverage. He advised Wood Carver's are required to have liability insurance and to obtain their own coverage for their personal property. Bill Moss of 87 Dogwood Street, Arcadia, Florida advised they have \$1 million worth of liability insurance. Deputy Mayor Frierson made a motion to approve the lease with the \$35.00 a week rent and to remove the property coverage. Councilmember Fink seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

COMMENTS FROM DEPARTMENTS

12. CITY MARSHAL

Marshal Anderson advised that Council had a copy of the Police Department's monthly report in their packet and asked if there were any concerns from Council or the citizens. He updated Council and stated that the Charity Softball Game between the Police Department and the Fire Department had taken place and between toys and money almost \$800.00 had been raised for Toys for Tots. He further stated that they had started the Shop with a Cop program and had taken eleven (11) children so far and it would continue for the next two (2) weeks.

Marshal Anderson advised they had received another state grant for approximately \$1700.00 which will go toward body cameras which are \$900.00 each. He stated the battery life and memory card for the body cameras are up to twenty-four (24) hours which will allow for two (2) twelve (12) hour shifts. He stated they would take a little out of the budget to add toward the purchase of two (2) cameras. The Marshal then explained how the cameras worked and welcomed the new Council Members to the Council.

13. CITY ATTORNEY

The City Attorney reviewed the Sunshine Law. Deputy Mayor Frierson asked the City Attorney regarding the mandatory four (4) hours of certification for all public officers and asked if he would be handling that. The City Attorney advised they are requiring certification for it and stated the Florida League of Cities would have DVDs and possibly online webinars. He stated they are not done yet, but when available, he would provide the information to Council. Deputy Mayor Frierson asked if it had to be completed before they file all their financial work with the County and Mr. Wohl stated that was correct.

14. INTERIM CITY ADMINISTRATOR

The Interim City Administrator advised the City would be getting the inmate squad back next week. Deputy Mayor Frierson asked if it was in the budget and Ms. Carsten advised that it was.

She then advised that the Vietnam Traveling Wall would be in town tomorrow and the City would be in charge of manning the area in front of the Speer Center between 12:00 and 12:30 p.m. She stated City staff and most of Council will be there and felt it was an exciting thing for our community and further stated that the City wanted to welcome them. Ms. Carsten advised the Christmas parade would be Saturday at 6:00 p.m.

PUBLIC

Charles Conklin of 301 Bridle Path, Arcadia, Florida, stated that he was happy with the progress being made at Bridle Path. He advised the company had brought in problems, but stated that once it was all done, he was hoping the City would know where the lines are.

Judy Hunter of 5702 SE CR 763, Arcadia, Florida, stated that she and others are interested in the special events ordinance and asked the status of same. The City Attorney advised that they presented a draft to the citizens for review and comments. He further advised that there was no timetable for the first reading. She stated this document could be a good document for special events for the City to recoup its costs. She stated she manages a market on the fourth Saturday of each month from September through April for the Trinity United Methodist Church. She advised that Council had waived previous permits. She spoke of specific instances of conflict that she has had with Sheri Fink and the Antique Association regarding her market. Ms. Hunter stated that she would like to see the resolution regarding the fees to be posted. She also advised that she had been told that the Antique Association had requested from the City exclusive rights from the Tree of Knowledge on Oak Street to Orange Street. She stated that if Council allows this to occur, the City will have shut off an access point to the parking lot that they keep open for emergency vehicles if needed. She further stated that if this is approved, the City will have set up the church for fines and jail time. She felt that Section 22-19 must be deleted in its entirety.

Mattie Clark of 407 Singleton Avenue, Arcadia, Florida expressed her concern with the condition of Oak Ridge Cemetery. The Interim City Administration advised that she knew it was an issue and explained the issue the City has with being short staffed, but advised that the inmate contract had been renewed and the cemetery was the first job that would be addressed. She apologized on behalf of the City and stated that it will be taken care of. Ms. Clark expressed her appreciation.

Susan Laubhan of 1680 NE Hansel Avenue, Arcadia, Florida, stated that she represents Trinity United Methodist Church and wanted to address the ordinance regarding special event permitting. She stated she also would like to see Section 22-19 removed or at least revised. She stated Trinity United Methodist Church is a good citizen of the City and they felt it would prevent them from doing their parking lot sale. She explained the funds made helps to feed thousands of people a year for free on their own dime. The sale is on the church's own personal property and they do not use any of the City's facilities for that.

William Bailey of 422 W. Magnolia Street, Arcadia, Florida, welcomed the new members of the Council and wished them luck and hoped all goes well.

MAYOR AND COUNCIL MATTERS

Committee Member Fink stated that he was a representative of the Charlotte Harbor National Estuary Program and they asked him to deliver calendars to everyone. He further stated that he would make no comments on the comments made about his ex-wife or himself.

ADJOURN

Having no further business at this time, Councilmember Fink made a motion to adjourn and Councilmember Coker seconded the motion. The meeting was adjourned at 8:06 P.M.

ADOPTED THIS ___ DAY OF _____, 2014.

By:

Judy Wertz-Strickland, Mayor

ATTEST:

Penny Delaney, City Clerk

AGENDA No. 5



CITY COUNCIL AGENDA ITEM
Requested Council Meeting Date: December 16, 2015

DEPARTMENT: Planning and Zoning
SUBJECT: Annual Martin Luther King Jr. Parade

RECOMMENDED MOTION:
Approval of Annual Martin Luther King Jr. Parade

SUMMARY: Annual Martin Luther King Jr. Parade scheduled for January 19, 2015 at 10:00 am. The parade route will begin at the intersection of Oak Street and Volusia Avenue. It will proceed West on Oak Street to South on Orange Avenue to West on Martin Luther King Jr. Street and terminate at the Louis C. Anderson Park.

FISCAL IMPACT: _____
 Capital Budget
 Operating
 Other

ATTACHMENTS: Ordinance Resolution Budget Other

Department Head: Carl A. McQuay Date: 12/16/15
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

NAACP DESOTO COUNTY BRANCH
P. O. BOX 46
ARCADIA, FLORIDA 34265
November 26, 2014

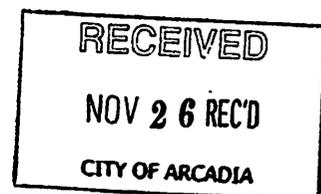
City of Arcadia
23 North Polk Avenue
Arcadia, Florida 34266

Enclosed is the application for the annual Martin Luther King, Jr. parade on January 19, 2015 at 10:00 am. The route will be the same as last year. The parade will begin at the intersection of Oak Street and Volusia Avenue. It will proceed west on Oak Street to South on Orange Avenue to west on Martin Luther King Street and terminate at the Louis C. Anderson Park. If there are any questions, please contact me on (863) 993-0939.

Your continued support is appreciated.

Respectfully,


Samuel J. Morgan
President



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:

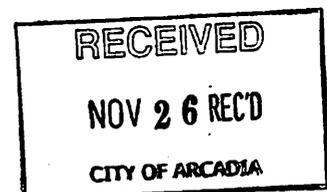
- a. A narrative describing the approximate number of people expected to attend,
- b. Whether signs will be placed in the city rights-of-way,
- c. Any special or unusual circumstances (cooking, alcoholic beverages, wildlife, fireworks, carnival type rides, outdoor music, etc.)
- d. Indicate whether additional 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.

Samuel J. Morgan, Jr.
Signature of Applicant/Event Sponsor

SAMUEL J. MORGAN, JR.
PRINTED Name of Above

Date

(863) 993-0939
Contact Phone #



City of Arcadia
SPECIAL EVENT PERMIT APPLICATION

Date Submitted:
Event Name: MARTIN LUTHER KING PARADE
Event Location:
Date(s) of Event: 1/19/15 Hours of Event: 10 AM - 4 PM
Expected Attendance: 100
Event Sponsor: NAACP Non-Profit? [X] YES [] NO
Description of Event: PARADE FROM VOLUNTA AVE AND OAK ST TO LOUIS C ANDERSON PARK

Contact Person: SAMUEL MORGAN Telephone: (41) 993-0989
Fax #:
Email: Joseph4140@AOL.COM

Insurance Carrier:
Insurance Agent: Agent's Phone:

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

If Yes, please specify locations:

Other Pertinent Information:

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

Received by: City Marshal, City Administrator, City Council
Date:
Approved/Disapproved checkboxes

INDEMNIFICATION & HOLD HARMLESS

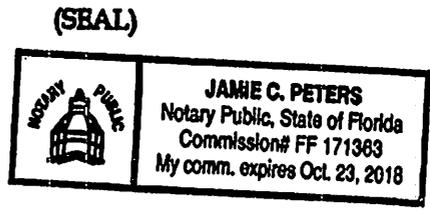
I, SAMUEL Morgan, as PRESIDENT of NAACP, DE SOTO COUNTY BRANCH do hereby agree to hold the City of Arcadia, its agents and employees, harmless and indemnify same from any civil actions or claims of any nature made in connection with the event known as the MARTIN LUTHER KING PARADE be held at LOUIS C. ANDERSON PARK on 11/19/15

By: [Signature]
Printed Name: SAMUEL MORGAN
Entity Name: NAACP DE SOTO COUNTY BRANCH
Its: _____
Date: 11/19/14

STATE OF FLORIDA
COUNTY OF Charlotte

Sworn to and subscribed before me this 19th day of November, 2014, by Samuel Morgan, as _____ of _____ who [] is personally known to me or [X] has produced Florida Drivers Lic as identification.

[Signature]
NOTARY PUBLIC



AGENDA No. 6



CITY COUNCIL AGENDA ITEM
Requested Council Meeting Date: December 16, 2014

DEPARTMENT: Planning and Zoning
SUBJECT: Fourth Saturday Market Place

RECOMMENDED MOTION:
Approval of Fourth Saturday Market Place

SUMMARY: Trinity United Methodist Church is requesting to hold the monthly Market Place every fourth Saturday of the month from 8am-2pm with Saturday, April 25, 2015 being the last Market Place being held. They will be holding the event in the parking lot on the North East corner of Oak Ave. and Orange Ave. (parking lot is private property)

FISCAL IMPACT: _____
 Capital Budget
 Operating
 Other

ATTACHMENTS: Ordinance Resolution Budget Other

Department Head: Carl A. McQuay Date: 12/16/14

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

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.

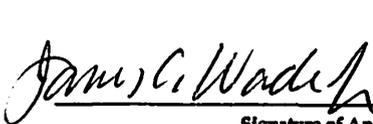
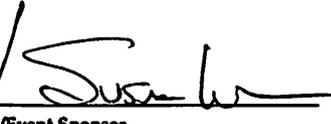
FOOD - ALL food and beverage vendors shall provide copies of their State of Florida Health Department license. All food vendors whose cooking creates grease-laden vapors shall have a mounted certified fire extinguisher.

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 .

 / 
Signature of Applicant/Event Sponsor

12-8-2014
Date

James A. Wade, Jr. SUSAN LAUBMAN
PRINTED Name of Above

863-494-2543
Contact Phone #



City of Arcadia
SPECIAL EVENT PERMIT APPLICATION

Date Submitted: DEC 8, 2014

Event Name FOURTH SATURDAY MARKET PLACE

Event Location PARKING LOT ON NE CORNER OAK ST & ORANGE AVE - PRIVATE

Date(s) of Event SEE ATTACHED Hours of Event 8 AM TO 2 PM

Expected Attendance

Event Sponsor TRINITY UNITED METHODIST CHURCH Non-Profit? YES NO

Description of Event

UP TO 23 VENDORS WITH VARIOUS ITEMS FOR SALE. CRAFTS, COLLECTIBLES, JELLIES & JAMS, CANDLES, ANTIQUES, ETC.

Contact Person SUSAN LAUBMAN Telephone (863) 494-2543 CELL 863-558-0864

Fax # 863-993-0038 Email trinityumc Arcadia @ embargmail.com

Insurance Carrier AON RISK SERVICES, INC OF FLORIDA

Insurance Agent Agent's Phone 866-283-7122

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

If Yes, please specify locations:

Other Pertinent Information:

FOR CITY USE ONLY

Received by: City Marshal, City Administrator, City Council
Date: / /
Approved/Disapproved checkboxes

INDEMNIFICATION & HOLD HARMLESS

I, SUSAN LAUBHAN, as LIASON of TRINITY UNITED METHODIST CHURCH do hereby agree to hold the City of Arcadia, (Club, organization, group, etc)

its agents and employees, harmless and indemnify same from any civil actions or claims of any nature made in connection with the event known as the FOURTH SATURDAY MARKET to be held at TRINITY PARKING LOT ON SEE ATTACHED.

By: [Signature] Printed Name: SUSAN

Entity Name: TRINITY UNITED METHODIST CHURCH Its: LIASON

Date: 12-09-2014

STATE OF FLORIDA

COUNTY OF Desoto

Sworn to and subscribed before me this 9th day of December, 2014, by Susan Laubhan, as LIASON of 4th Saturday market place who [] is personally known to me or [x] has produced FL DL# L150-799-57-929-0 as identification.

[Signature]
NOTARY PUBLIC Dena K. Duran

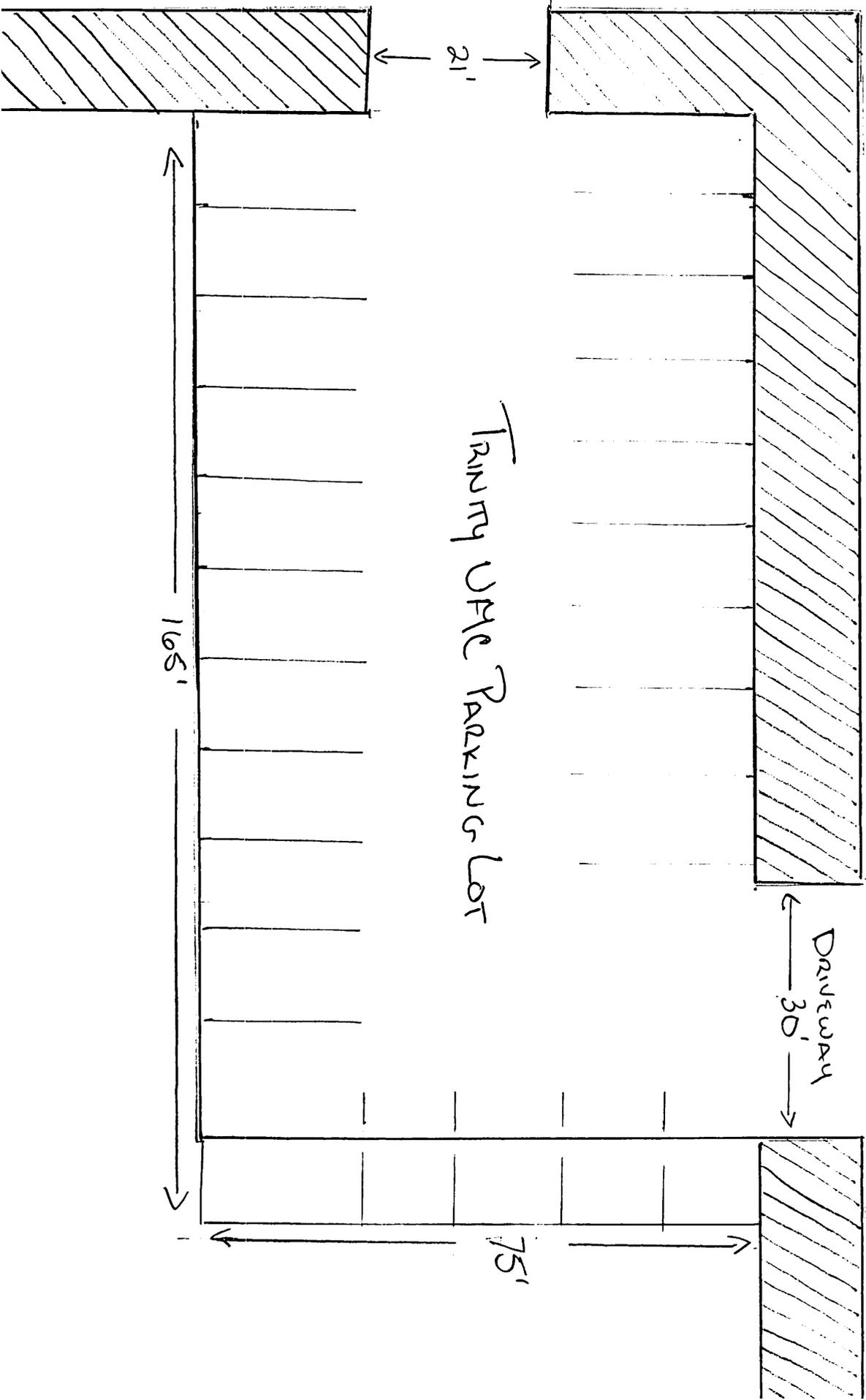
(SEAL)



DENA K. DURAN
NOTARY PUBLIC
STATE OF FLORIDA
Comm# EE087400
Expires 4/25/2015

OAK STREET

21'



Trinity UMC Parking Lot

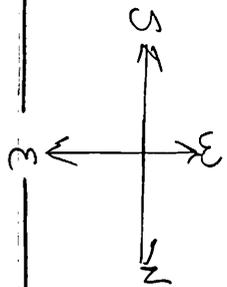
165'

DRIVEWAY
30'

75'

ORANGE AVENUE

TRINITY UNITED METHODIST (RESTROOMS)



Dates for Trinity United Methodist

Fourth Saturday Marketplace

SAT SEPT 27, 2014

SAT OCT 25, 2014

SAT NOV 22, 2014

- Saturday, December 27, 2014
- Saturday, January 24, 2015
- Saturday, February 28, 2015
- Saturday, March 28, 2015
- Saturday, April 25, 2015

ATTENDEE, City Council Meeting, Tues, Sept 4, 2012
NO PERMIT NEEDED - NO FEES
per Council
CARM 9-8-14

City of Arcadia
Special Event Permit Application

CARL
McQUAY
NO PERMIT
NO FEES

Please print or type application. All sections must be completed. Any questions should be directed to City of Arcadia, Assistant City Administrator at (863) 494-4114. Please return in person, fax: 863-494-4712 or email: jjankosky@arcadia-fl.gov.

General Information

Applicant: TRINITY UNITED METHODIST CHURCH Indi. Corp. 501c3

Contact: SUSAN LAUBMAN

Address: 304 W. OAK ST

City/State/Zip: ARCADIA FL 34266

Telephone: Business Phone 863-494-2543 Home Phone _____

Cell Phone 863-558-0864 ✓ Email Address _____

Fax Number 863-993-0038

Name of Event: TRINITY 4TH SATURDAY MARKET

Date(s) Requested: SEPT 22, 2012, OCT 27, 2012, NOV 24, 2012, DEC 22, 2012, JAN 26, 2013, FEB 23, 2013, MAR 23, 2013, APR 27, 2013, MAY 25, 2013

Location of Event: TRINITY UMC PRIVATELY OWNED PARKING LOT - CORNER OF BAK AND ORANGE STS.

Brief Description of Event: _____

FARMERS' MARKET-TYPE VENDORS SETTING UP AND SELLING WARES, FOOD, NURSERY ITEMS IN TUMC'S PARKING LOT DURING 4TH SATURDAY SIDEWALK SALE DAYS - SEPT - MAY.

Event Timeframe(s):
Setup: Date: EACH 4TH SAT Start: 6:00 am/pm End: _____ am/pm

Actual Event Time: Date: _____ Start: 8:00 am/pm End: 3:00 am/pm

Cleanup: Date: _____ Start: 3:00 am/pm End: 4:00 am/pm

Rain date: N/A

Number of Expected Attendees/Participants: _____

Site plan attached? Yes No

Is the event open to the public? Yes No Fee? NO

COPY

ALL ON CHURCH PROPERTY INCLUDING PARKING } Not on CITY PROPERTY

AGENDA No. 7



CITY COUNCIL AGENDA ITEM

Requested Council Meeting Date: December 16, 2014

DEPARTMENT: Planning and Zoning

SUBJECT: Renewal of Code Enforcement Special Master Contract

RECOMMENDED MOTION:

Approval of Special Master Contract

SUMMARY: Service agreement between William J. Nielander, P.A. to preside over code enforcement hearings for a term beginning on November 5, 2014 and ending November 4, 2015.

FISCAL IMPACT: _____
 Capital Budget
 Operating
 Other

ATTACHMENTS: Ordinance Resolution Budget Other

Department Head: Carl A. McQuay

Date: 12/16/14

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

CITY OF ARCADIA, FLORIDA
and
WILLIAM J. NIELANDER, P.A.

SERVICES AGREEMENT – CODE ENFORCEMENT SPECIAL MASTER

This Services Agreement (“Agreement”) is effective the 5th day of November, 2014, by and between the **CITY OF ARCADIA, FLORIDA**, a municipal corporation created and existing under the laws of the State of Florida, (the “City”), and **WILLIAM J. NIELANDER, P.A.**, (the “Special Master”).

IN CONSIDERATION of the premises and mutual covenants herein contained, the Parties hereto agree to the following terms and conditions:

1. The City and Special Master agree that the Special Master shall fill the role of special master for code enforcement matters in accordance with Division 5 (Special Master) of Chapter 2 (Administration) of the City of Arcadia Code of Ordinances and in accordance with other applicable City ordinances and State of Florida statutes.
2. This Agreement is made with William J. Nielander, P.A.; however, all Special Master services shall be provided by William J. Nielander, Esquire, or under his specific direction (i.e. office, clerical, and research services may be performed by appropriate firm staff, but only William J. Nielander, Esquire, may serve as Special Master).
3. In exchange for the services to be provided by the Special Master, the City shall remit payment in the amount of One Hundred Fifty and 00/100 Dollars (\$150.00) per hour of service, prorated to the half (1/2) of each. The Special Master shall also be reimbursed for actual mileage traveled on City business at the rate of \$0.55 per mile.
4. The Special Master shall provide periodic invoices to the City indicating the number of hours during which services were provided and the distance traveled for which reimbursement is sought during the period since the last invoice. The City shall remit payment to the Special Master in compliance with Florida’s Prompt Payment Act.
5. This agreement shall be effective November 5, 2014. The Special Master was first appointed on February 17, 2009, and this Agreement shall be the annual re-appointment of the Special Master.
6. This Agreement will be for a term beginning November 5, 2014 and ending November 4, 2015, in accordance with Section 2-147 of the City’s Code of Ordinances. The Special Master and City may agree at any time to renew the Special Master’s employment for an additional term of one (1) year. Such extension shall be memorialized in writings signed by the parties. Said writing may be an amendment to this Agreement, letters exchanged between the Parties, or any other writing regardless of formality.
7. This agreement may be unilaterally terminated at any time by either party upon thirty (30) days written notice to the other party delivered via hand delivery or a verified delivery method, such as Federal Express, UPS, or certified mail. Such notice of termination shall be effective as of the date the notice is actually received by the other party.

8. As soon as practicable after the time of termination hereunder, the Special Master shall provide a final invoice to the City for the period between the date of the last invoice and the date of termination, and the City shall remit payment to the Special Master for the hours of service provided during that time.
9. The Special Master shall not be an employee of the City and shall neither inure to nor accrue any benefits beyond those specifically provided for in this Agreement or pursuant to law.
10. Nothing herein shall be construed as limiting Special Master's rights to other employment or representation, except pursuant to the Rules of Regulation the Florida Bar, including without implied limitation the Rules of Professional Conduct.
11. The text herein shall constitute the entire agreement between the Parties, except as it may be amended from time to time, and all such amendments must be in writing and signed by the Parties. This agreement supersedes any prior agreement, written or oral, between the Parties.
12. If any provision or portion of this Agreement is held to be unconstitutional, invalid or unenforceable, the remainder of this Agreement, or portion thereof, shall be deemed to be severable, and shall remain in full force and effect, to the extent authorized by Florida law.
13. The Parties agree that this Agreement has been entered into for their sole and exclusive benefit and by so doing do not intend to benefit any third party.

IN WITNESS WHEREOF, THE City Council of the City of Arcadia, Florida, has caused this Services Agreement to be signed and executed on its behalf by the City Mayor, and fully attested by the City Clerk and William J. Nielander has executed this Services Agreement on behalf of William J. Nielander, P.A., in duplicate.

WILLIAM J. NIELANDER, P.A.

William J. Nielander, Esquire

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of December, 2014, by William J. Nielander. He is personally known to me or has produced _____ as identification and did/did not take an oath.

 Notary Public, State of Florida
 Print Name: _____

(Seal)

CITY OF ARCADIA, FLORIDA

ATTEST:

By: _____
Judy Wertz-Strickland, Mayor

By: _____
Penny Delaney, City Clerk

APPROVED AS TO FORM:

By: _____
Thomas J. Wohl, City Attorney

AGENDA No. 8



CITY COUNCIL AGENDA ITEM
Requested Council Meeting Date: December 16, 2014

DEPARTMENT: Administration

SUBJECT: Resolution Regarding Appointment of Mayor and Deputy Mayor

RECOMMENDED MOTION: Council Approval

SUMMARY:

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

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

Department Head: Penny Delaney

Date: 12/16/14

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

RESOLUTION 2014-16

**A RESOLUTION APPOINTING MAYOR, DEPUTY
MAYOR AND PRESIDING OFFICERS; SETTING
TERM OF OFFICE.**

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

SECTION 1: That City Councilmember **JUDY WERTZ-STRICKLAND** is appointed to the Office of **Mayor** of the City of Arcadia, Florida and Presiding Officer of the City Council.

SECTION 2: That City Councilmember **ALICE FRIERSON** is appointed to the Office of **Deputy Mayor** of the City of Arcadia, Florida and Presiding Officer of the City Council.

SECTION 3: That said Appointees are hereby charged with all powers, duties, functions and responsibilities of their respective offices as set forth in the Charter and Ordinances of the City of Arcadia, Florida.

SECTION 4: That their term of Office shall be from the date of the Resolution through the end of Fiscal Year 2015 or until their successors are appointed.

SO DONE THIS 16TH DAY OF DECEMBER, 2014.

Judy Wertz-Strickland, Mayor

Alice Frierson, Deputy Mayor

Susan Coker, Councilmember

Joseph E. Fink, Councilmember

S. Delshay Turner, Councilmember

ATTEST:

Reviewed and approved as to form:

Penny Delaney, City Clerk

Thomas J. Wohl, City Attorney

AGENDA No. 9



CITY COUNCIL AGENDA ITEM
Requested Council Meeting Date: December 16, 2014

DEPARTMENT: Administration
SUBJECT: Resolution Regarding Fire and Stormwater Assessments

RECOMMENDED MOTION: Council Approval

SUMMARY:

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

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

Department Head: Penny Delaney Date: 12/16/14

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

RESOLUTION NO. 2014-17

A RESOLUTION OF CITY OF ARCADIA, FLORIDA ELECTING TO USE THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM SPECIAL ASSESSMENTS LEVIED WITHIN THE INCORPORATED AREA OF THE CITY; STATING A NEED FOR SUCH LEVY; PROVIDING FOR THE MAILING OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Arcadia, Florida (the "City") is contemplating the imposition of special assessments for the provision of fire and stormwater services; and

WHEREAS, the City intends to use the uniform method for collecting non-ad valorem special assessments for the cost of providing fire and stormwater services to property within the Incorporated area of the City as authorized by section 197.3632, Florida Statutes, as amended, because this method will allow such special assessments to be collected annually commencing in November 2015, in the same manner as provided for ad valorem taxes; and

WHEREAS, the City held a duly advertised public hearing prior to the adoption of this Resolution, proof of publication of such hearing being attached hereto as Exhibit A.

NOW, THEREFORE BE IT RESOLVED:

1. Commencing with the Fiscal Year beginning on October 1, 2015, and with the tax statement mailed for such Fiscal Year and continuing thereafter until discontinued by the City, the City intends to use the uniform method of collecting non-ad valorem assessments authorized in section 197.3632, Florida Statutes, as amended, for collecting non-ad valorem assessments for the cost of providing fire and stormwater services. Such non-ad valorem assessments shall be levied within the Incorporated area of the City. A legal description of such area subject to the assessment is attached hereto as Exhibit B and incorporated by reference.

2. The City hereby determines that the levy of the assessments is needed to fund the cost of fire and stormwater services within the Incorporated area of the City.

3. Upon adoption, the City Clerk is hereby directed to send a copy of this Resolution by United States mail to the Florida Department of Revenue, the DeSoto County Tax Collector, and the DeSoto County Property Appraiser by January 10, 2015.

4. This Resolution shall be effective upon adoption.

DULY ADOPTED this _____ day of _____, 2014.

CITY OF ARCADIA, FLORIDA

Judy Wertz-Strickland, Mayor

APPROVED AS TO FORM:

(SEAL)

Attest:

Thomas J. Wohl, City Attorney

Penny Delaney, City Clerk

SUN NEWSPAPERS

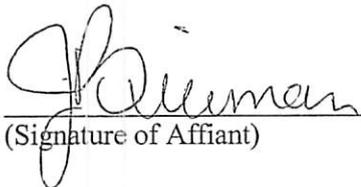
Charlotte • DeSoto • Englewood • North Port • Venice

PUBLISHER'S AFFIDAVIT OF PUBLICATION
STATE OF FLORIDA
COUNTY OF DESOTO:

Before the undersigned authority personally appeared Jackie Bierman, who on oath says that she is an employee of the Arcadian, a newspaper published at Charlotte Harbor in Charlotte County, Florida; that the attached copy of advertisement, being a Notice that was published in said newspaper in the issue(s) of:

11/20/14, 11/27/14, 12/4/14, 12/11/14

as well as being posted online at www.yoursun.net and www.floridapublicnotices.com. Affiant further says that the said newspaper is a newspaper published at Charlotte Harbor, in said Charlotte County, Florida, and that the said newspaper has heretofore been continuously published in said Charlotte County, Florida, Sarasota County, Florida and DeSoto County, Florida, each day and has been entered as periodicals matter at the post office in Punta Gorda, in said Charlotte County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement.


 (Signature of Affiant)

Sworn and subscribed before me this 11th day of December, 2014


 (Signature of Notary Public)



Personally known X OR Produced Identification

Type of Identification Produced _____

NOTICE OF INTENT TO USE UNIFORM METHOD OF COLLECTING NON-AD VALOREM ASSESSMENTS
 The City of Arcadia, Florida (the "City") hereby provides notice, pursuant to section 197.3632(3)(a), Florida Statutes, of its intent to use the uniform method of collecting non-ad valorem special assessments to be levied within the incorporated area of the City, for the cost of providing fire and stormwater services commencing for the Fiscal Year beginning on October 1, 2015 and continuing until discontinued by the City. The City will consider the adoption of a resolution electing to use the uniform method of collecting such assessments authorized by section 197.3632, Florida Statutes, at a public hearing to be held at 6:00 p.m. on December 16, 2014 at the Council Chambers, 23 N. Polk Avenue, Arcadia, Florida. Such resolution will state the need for the levy and will contain a legal description of the boundaries of the real property subject to the levy. Copies of the proposed form of resolution, which contains the legal description of the real property subject to the levy, are on file at the Clerk's office, City Hall, 3 N. Polk Avenue, Arcadia, Florida. All interested persons are invited to attend. In the event any person decides to appeal any decision by the City with respect to any matter relating to the consideration of the resolution at the above-referenced public hearing, a record of the proceeding may be needed and in such event, such person may need to ensure that a verbatim record of the public hearing is made, which record includes the testimony and evidence on which the appeal is to be based. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the City Clerk at (863) 494-4114 at least a week prior to the date of the hearing.
 DATED this 20 day of November, 2014.
 By Order of:
 Penny Delaney, City Clerk
 CITY OF ARCADIA, FLORIDA
 PUBLISHED 11/20/14,
 11/27/14, 12/4/14,
 12/11/14
 114862 3112384

Commencing at the southeast corner of Section 31, Township 37 South, Range 25, thence running west on section line to range line between ranges 24 and 25, thence south to southeast corner of Section 36, Township 37 South, Range 24; thence west on section line to southwest corner of section 36; thence north on section line to the south boundary line of the northeast quarter of the northeast quarter of Section 35, Township 37, Range 24; thence west on said boundary line of the northeast quarter of the northeast quarter to the channel of Peace River; thence up said channel to the northern boundary of the southeast quarter of the southeast quarter of Section 26, Township 37, Range 24; thence east to section line between Sections 25 and 26 of Township 37, Range 24; thence north on said section line to the northwest corner of said Section 25, thence east on section line to range line between Ranges 24 and 25, thence north to northwest corner of Section 30, Township 37, Range 25; thence east to the northeast corner of said section, thence south on section line to place of beginning

LESS AND EXCEPT THE PROPERTY DESCRIBED IN JUDGMENT OF OUSTER DATED FEBRUARY 25, 1949, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

That part of Section 26, Township 37 South, Range 24 East, which is North of Riverside Terrace and the Bradenton Road and West of Peace River, all of said lands lying, being and situate in DeSoto County, Florida;

Also: The SW1/4 of SW1/4 and NE1/2 of NE1/2 of SE1/4 of SW1/4, the W1/2 of W1/2 of NE1/4 of SW1/4, and the E1/2 of SE1/4 of NW1/4 of SW1/4, all being in Section 26, Township 37 South, Range 24 East, all of said lands lying, being and situate in DeSoto County, Florida.

Lots 1 to 7 of Block A.

Lots 1 to 19 of Block B.

Lots 1 to 4 of Block C.

That portion of Lots 1, 2, 3 and 4 of Block D in SW1/4 of SE1/4.

Lots 1 to 20 of Block I.

Lots 1 to 15 of Block J.

Lots 1 to 13 of Block K.

Lots 1 to 13, and that portion of Lot 14, of Block L, within the SW1/4 of SE1/4, and Lots 15 to 24, of Block L.

Lots 1 to 7 of Block M.

Lots 1 to 11, Lots 19 to 28, and that part of Lots 12, 13, 17 and 18 of Block N, in the SW1/4 of SE1/4.

Lots 1 to 4, Lots 12 to 18, and that part of Lots 5, 10 and 11 of Block O in SW1/4 of SE1/4.

Lots 1 to 7 of Block P.

Lots 9 to 14 of Block Q.

Lots 1 to 4, and that portion of Lots 5, 6 and 7, of Block U, in the SW1/4 of SE1/4.

Lots 1 and 2 of Block XX.

That part of Block 2 lying in the SW1/4 of SE1/4;

All in that Subdivision known as Riverside Terrace.

Beginning at SW corner of NW1/4 of SE1/4 and running North 320 feet to river, thence meandering said river in a Southeasterly direction to a point on South Line of NW1/4 of SE1/4;

thence West along said line 1201.03 feet to point of beginning; NW1/4 of SE1/4, that portion of W1/2 of SE1/4 (less part to subdivision and less five acre boundary description) and South ¾ of NE1/4 of SW1/4 and NE1/2 of SW1/4 and West ¾ of S1/2 of NW1/4 of SW1/4 and SE1/4 of SW1/4 and East ¾ of NE1/4 of SW1/4 lying South of Arcadia-Bradenton Road, all lying and being in Section 26, Township 37 South, Range 24 East, DeSoto County, Florida.

Also: That part of SW1/4 of NW1/4 lying South of Arcadia-Bradenton Highway and NW1/4 and SW1/4 lying South of Arcadia-Bradenton Highway, less E1/2 of SE1/4 of NW1/4 of SW1/4, and that part of SE1/4 of NE1/4 of SW1/4 lying South of Arcadia-Bradenton Highway, and E1/2 of W1/2 of NE1/4 of SW1/4 lying South of Arcadia-Bradenton Highway and S3/4 of SE1/4 of SW1/4, and that part of NE1/4 lying East of Peace River, and W1/2 of SE1/4, less that part of Subdivision and less a five acre boundary description, lying and being in Section 26, Township 37 South, Range 24 East, DeSoto County, Florida.

LESS AND EXCEPT THE PROPERTY DESCRIBED IN JUDGMENT OF OUSTER DATED APRIL 4, 1949, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

N1/2 of NE1/4 and that part of NW1/4 lying East of ACL RR R/W in Section 30, Township 37 South, Range 25 East

LESS AND EXCEPT THE PROPERTY DESCRIBED IN JUDGMENT OF OUSTER DATED MAY 30, 1949, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

N1/2 of SE1/4 of Section 30, Township 37 South, Range 25 East, S1/2 of SE1/4 of Section 30, Township 37 South, Range 25 East except beginning at the SW corner of the SE1/4 of Section 30, Township 37 South, Range 25 East, run east along said Section line 540 feet run thence north 480 feet, run thence west 540 feet to the Half section line and run thence south 480 feet to the place of beginning

LESS AND EXCEPT THE PROPERTY DESCRIBED IN JUDGMENT OF OUSTER DATED JUNE 30, 1950, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

S1/2 of NE1/4 of Section 30, Township 37 South, Range 25 East

TOGETHER WITH THE PROPERTY DESCRIBED IN ORDINANCE 735 DATED APRIL 5, 1977, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Lots 10 through 16 inclusive, Block A of DeSoto Park, as per Plat Book 5, Page 8, of the Public Records of DeSoto County, Florida

TOGETHER WITH THE PROPERTY DESCRIBED IN ORDINANCE 734 DATED MAY 17, 1977, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

The Northwest quarter (NW1/4) of the Northwest quarter (NW1/4) of Section Thirty Two (32), Township Thirty Seven (37) South, Range Twenty Five (25) East, less road right of way, containing 38.05 acres more or less, DeSoto County, Florida

TOGETHER WITH THE PROPERTY DESCRIBED IN ORDINANCE 738 DATED JUNE 7, 1977, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

SE1/4 of the NE1/4 of Section 1, Township 38 South, Range 24 East, East of U.S. Highway #17, Less Boundary to Board of Public Instruction of DeSoto County, Florida, being described as follows: Beginning at a Point 600 feet south of the Northeast corner of Section 1, Township 38 South, Range 24 East, thence South 89°35' West a distance of 452 feet, thence North a distance of 30 feet, thence South 89°35' West a distance of 86 feet, thence South a distance of 486.5 feet to Hibiscus Street thence North 88°36' East a distance of 538.2 feet to the East boundary of said Section 1, thence North along said boundary a distance of 447.2 feet to point of beginning, Less a strip of land 30 feet wide on the East side and less a strip of land 50 feet wide on the West side. And, also less what is known as the DeSoto Park Subdivision as recorded in Plat Book 5, page 8 of the Public Records of DeSoto County, Florida.

TOGETHER WITH THE PROPERTY DESCRIBED IN ORDINANCE 747 DATED APRIL 18, 1978, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

W ½ of NE ¼ of NW ¼ of Section 32, Township 37 South, Range 25 East, DeSoto County, Florida

TOGETHER WITH THE PROPERTY DESCRIBED IN ORDINANCE 769 DATED MAY 4, 1982, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commence at the NE corner of the NW ¼ of NE ¼ of Section 6, Township 38 South, Range 25 East, thence S 89°55'40" W, along North line of Section 6, 455.00 ft. to P.O.B.; thence continue the same course 666.20 ft. thence S 0°04'20" E, 60 ft.; thence S 89°55'40" W, 209.05 ft. to West line of the NW ¼ of NE ¼ of Section 6; thence S 8°50' W along said West line, 250.53 ft.; thence N 89°55'40" E 914.01 ft.; thence N 0°04'20" W, 307.51 ft. to P.O.B., all being in and a part of the NW ¼ of NE ¼ of Section 6, Township 38 South, Range 25 East and containing 6 acres more or less, DeSoto County, Florida

TOGETHER WITH THE PROPERTY DESCRIBED IN ORDINANCE 785 DATED OCTOBER 16, 1984, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commence at the SE corner of SW ¼ of SW ¼ of Section 32, Township 37 South, Range 25 East, thence N 89°52'30" W along South line of said tract, 200.0 ft. to P.O.B.; thence continue same line, 1133.78 ft. to the SW corner of said tract; thence N 0°16'59" E along West line of said tract, 815.39 ft.; thence S 89°52'30" E and parallel to South line of said tract, 33.0 ft. to East R/W of Turner Avenue; thence continue same line, 450.0 ft.; thence S 0°16'59" W and parallel to West line of said tract, 120.0 ft.; thence S 89°52'30" E and parallel to South line of said tract, 649.13 ft. to a point 200 ft. West of the East line of said tract; thence S 0°08'50" W and parallel to East line of said tract, 652.39 ft. to North R/W of SR #70; thence continue same line, 43.0 ft. to P.O.B.; and also that portion of State Road 70 East located in Section 5, Township 37 South, Range 25 East lying South of the line drawn from the P.O.B.; thence N 86°52'30" West for a

distance of 1133.78' and that portion of Turner Avenue R/W along West side of the above described property.

TOGETHER WITH THE PROPERTY DESCRIBED IN ORDINANCE 799 DATED FEBRUARY 4, 1986, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Begin at the SE corner of Sec. 24, Twp. 37 S., Rg. 24 E.; thence N 1°05'50" W along range line, 50.65 ft.; thence N 0°00'16" E along range line, 335.71 ft.; thence S 73°58'49" W, 313.16 ft.; thence S 17°16'01" E, 314.59 ft. to South line of Sec. 24; thence N 89°52'07" E along said South line, 208.56 ft. to P.O.B. Subject to Road R/W along East side.

TOGETHER WITH THE PROPERTY DESCRIBED IN ORDINANCE 828 DATED MAY 7, 1991, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Begin at the NW corner of NE1/4 of NE1/4 of Sec. 6, Twp. 38 S., Rg. 25 E.; Thence N 89°56'42" E along North line of said tract, 504.48 ft. to West R/W of Airport Road; thence S 0°17'02" W along said West R/W, 396.0 ft.; thence S 89°56'42" W and parallel to North line of said tract, 550.0 ft.; thence N 0°17'02" E and parallel to West R/W of said Road, 396.0 ft.; thence N 89°56'42" E, 45.52 ft. to P.O.B. Being 5.0 acres.

That part of Airport Road right-of-way lying East and adjacent to Garner property in Section 6, Township 38 South, Range 25 East Desoto County, Florida described as follows: Begin at the Northwest corner of NE1/4 of NE1/4 of Section 6; thence N 89°56'42" E along North line of said Section 6, 504.48 feet to Northeast corner of Garner property for Point of Beginning; thence continue same line, 60.43 feet to East right-of-way of Airport Road; thence S 00°20'04" W along said East right-of-way, 396.00 feet; thence S 89°56'42" W and parallel to North line of said Section 6, 60.08 feet to Southeast corner of said Garner property; thence N 00°17'02" E along East line of said Garner property, 396.00 feet to Point of Beginning.

TOGETHER WITH THE PROPERTY DESCRIBED IN ORDINANCE 821 DATED MAY 15, 1990, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commence at the SE corner of SW ¼ of SW ¼ of Section 32, Township 37 South, Range 25 East; thence N 89°52'30" W along South line of said tract, 200.0 ft. to P.O.B.; thence continue same line, 1133.78 ft. to the SW corner of said tract; thence N 0°16'59" E along West line of said tract, 815.39 ft.; thence S 89°52'30" E and parallel to South line of said tract, 33.0 ft. to East R/W of Turner Avenue; thence continue same line, 450.0 ft.; thence S 0°16'59" W and parallel to West line of said tract, 120.0 ft.; thence S 89°52'30" E and parallel to South line of said tract, 649.13 ft. to a point 200. ft. West of the East line of said tract; thence S 0°08'50" W and parallel to East line of said tract, 652.39 ft. to North R/W of SR #70; thence continue same line, 43.0 ft. to P.O.B. and also that portion of State Road 70 East located in Section 5, Township 37 South, Range 25 East lying South of the line drawn from the P.O.B.; thence N 86°52'30" West for a distance of 1133.78 and that portion of Turner Avenue R/W along West side of the above described property.

TOGETHER WITH THE PROPERTY DESCRIBED IN ORDINANCE 879 DATED JANUARY 16, 2001, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Parcel No. 1

Begin at the SE corner of the NW1/4 of NE ¼ of NE1/4 of Section 6, Township 38 South, Range 25 East, thence N 80°54'58" W along South line of said tract, 707.38 feet to P.O.B. thence continue same line, 614.36 feet to SW corner of said NW ¼ of NE 1/4; thence N 8°50'55" E along West line of said NW ¼ of NE 1/4 , 1040.95 feet to the SW corner of Catholic Church property, thence N 89°53'02" E along South line of said property, 914.10 feet to the SE corner of said property, thence N 0°05'58" W, along East line of said property, 307.70 feet to the North line of said NW ¼; thence N 89°56'42" E along said North line, 64.41 feet; thence S 0°05'02" W 922.42 feet; thence N 89°54'58" W 521.78 feet; thence 0°05'02" W, 417.42 feet to P.O.B. Subject to road R/W along South side.

Parcel No. 2

All of Block 22 and Block 33, together with, vacated Olive Street lying between said Blocks 22 and 33 in "King and Baker Subdivision", per plat thereof recorded in Plat Book 1, page 105, Public Records of DeSoto County, Florida.

LESS AND EXCEPT THE PROPERTY MORE PARTICULARLY DESCRIBED AS FOLLOWS:

All that portion of said Blocks 22 and 33 and vacated Olive Street, contained within "Mills End Subdivision" per plat thereof recorded in Plat Book 9, page 70, Public Records of DeSoto County, Florida and the West 150 feet of the North 120.01 feet of aforesaid Block 22.

Parcel No. 3

All the part of unnumbered parcels as shown in Plat of "King and Baker Subdivision", per Plat Book 1, page 105, and re-recorded in Plat Book C5, page 63, of the Public Records of DeSoto County, Florida, East of and adjacent to Blocks 22 and 33 and West of the East boundary of Government Lot 2 or N ' of NW ¼ Section 6, Township 38 South, Range 25 East, which is also known as the East Boundary of "King and Baker Subdivision".

TOGETHER WITH THE PROPERTY DESCRIBED IN ORDINANCE 894 DATED JANUARY 8, 2002, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Begin at the NW corner of NE1/4 of NE1/4 of Section 6, Township 38 South, Range 25 East, Desoto County, Florida; thence S 89°56'42" W along North line of said Section 6, 45.52 feet; thence S 00°17'02" W, 102.63 feet to point of beginning; thence continue same line 296.155 feet; thence S 89°56'42" W, 343.665 feet; thence N 00°05'02" E, 296.155 feet; thence N 89°56'42" E, 344.70 feet to point of beginning.

AND

Begin at the NW corner of NE1/4 of NE1/4 of Section 6, Township 38 South, Range 25 East, DeSoto County, Florida, for Point of Beginning; thence S 89°56'42" W along North Line of said

Section 6, 45.52 feet; thence S 00°17'02" W, 102.63 feet; thence N 89°56'42" W, 344.70 feet; thence N 00°05'02" E, 117.63 feet; thence N 89°56'42" E, 145.79 feet; thence N 00°00'32" E, 15.00 feet to SW corner of Lot 32 of said Block 5, Tier 1, of Gilchrist East End Addition to Arcadia; thence N 89°56'42" E, 250.00 feet; thence S 00°22'32" W, 30.00 feet to North Line of said Section 6; thence S 89°56'42" W along said North Line 5.13 feet to Point of Beginning.

TOGETHER WITH THE PROPERTY DESCRIBED IN ORDINANCE 914 DATED DECEMBER 21, 2004, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commence at the SW corner of the SE1/4 of Section 30, Township 37 South, Range 25 East, DeSoto County, Florida; thence East, along South line of said tract, 540 ft. to P.O.B.; thence continue same line, 200 ft.; thence N 0°11'44" E and parallel to the West line of said tract, 480 ft.; thence West and parallel to the South line of said tract, 200 ft.; thence S 0°11'44" W and parallel to West line of said tract, 480 ft. to P.O.B. Subject to County Road R/W on South Side. Containing 2.20 acres including County Road R/W.

TOGETHER WITH THE PROPERTY DESCRIBED IN ORDINANCE 886 DATED AUGUST 21, 2001, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

The Southeast quarter (SE ¼) of the Northeast quarter (NE ¼) of Section 1, Township 38 South, Range 24 East, lying east of U.S. Highway 17;

LESS the following:

Beginning at a point 600 feet south of NE corner of Section 1, Township 38 South, Range 24 East; thence S 89°35' West a distance of 452 feet; thence north a distance of 30 feet; thence South 89°35' West a distance of 86 feet; thence South a distance of 486.5 feet to Hibiscus Drive; thence North 88°36' East a distance of 538.2 feet to the East boundary of said Section 1; thence North along said boundary a distance of 447.2 feet to point of beginning. Less a strip of land 30 feet wide on the East side.

AND

LESS Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 17, 18 and 19, Block A,

AND

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, and 25, Block B, of DeSoto Park Subdivision as recorded in Plat Book 5, Page 8, of the Public Records of DeSoto County, Florida, and, less that portion of Hibiscus Drive lying within the SE ¼ of the NE ¼ of Section 1, Township 38 South, Range 24 East.

TOGETHER WITH THE PROPERTY DESCRIBED IN ORDINANCE 894 DATED JANUARY 8, 2002, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Begin at the NW corner of NE1/4 of NE1/4 of Section 6, Township 38 South, Range 25 East, DeSoto County, Florida; thence S89°56'42" W along North line of said Section 6, 45.52 feet; thence S 00°17'02" W, 102.63 feet to point of beginning; thence continue same line 296.155 feet; thence S 89°56'42" W, 343.665 feet; thence N 00°05'02" E, 296.155 feet; thence N 89°56'42" E, 344.70 feet to point of beginning.

AND

Begin at the NW corner of NE1/4 of NE1/4 of Section 6, Township 38 South, Range 25 East, DeSoto County, Florida, for Point of Beginning; thence S 89°56'42" W along North Line said Section 6, 45.52 feet; thence S 00°17'02" W, 102.63 feet; thence S 89°56'42" W, 344.70 feet; thence N 00°22'32" E, 15.00 to SW corner of Lot 32 of said Block 5, Tier 1, Gilchrist East End Addition to Arcadia; thence N 89°56'42" E, 250.00 feet; thence S 00°22'32" W, 30.00 feet to North Line of said Section 6; thence S 89°56'42" W along said North Line 5.13 feet to Point of Beginning.

TOGETHER WITH THE PROPERTY DESCRIBED IN ORDINANCE 938 DATED DECEMBER 4, 2007, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Begin at point on the North line of the E1/2 of the SE1/4 of the NW1/4 of Section 1, Township 38 South, Range 24 East that lies 62 feet East of the Northwest corner of said 20 acre tract, thence run West on said North line 62 feet to said Northwest corner, thence run South on the West line of said 20 acre tract 571.58 feet, thence run East parallel to said North line 67.60 feet, thence run Northerly to point of beginning, being in and part of the E1/2 of the SE1/4 of the NW1/4 of Section 1, Township 38 South, Range 24 East in DeSoto County, Florida. (Parcel ID 01-38-24-0000-0110-0000)

AND

E1/2 of NW1/4 of SE1/4 of NW1/4 of Section 1, Township 38 South, Range 24 East in DeSoto County, Florida. (Parcel ID 01-38-24-0000-0370-0000)

TOGETHER WITH THE PROPERTY DESCRIBED IN ORDINANCE 952 DATED SEPTEMBER 17, 2009, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Begin at the intersection of the Westerly Right of Way line of the Seaboard Coast Line Railroad and the Southerly Right of Way line of Golf Avenue as shown on the plat of Golf Ground Estates, a Subdivision as recorded in Plat Book 4, on Page 18 of the Public Records of DeSoto County, Florida. Thence S 19°27'00" W along said Westerly Right of Way line, a distance of 1132.80 feet to the Point of Intersection of the Westerly Right of Way line of the Seaboard Coast Line Railroad and the Northerly Right of Way line of Parkway Boulevard, thence N 83°04'40" W along said Northerly Right of Way a distance of 295.00 feet; thence N 71°04'40" W and still along said Northerly Right of Way line a distance of 262.73 feet to a point on the Easterly Right of Way line of U.S. Highway No. 17, said point also being on a curve concave to the East; thence Northerly and Easterly along the arc of said curve having a radius of 2241.83 feet, a central angle of 27°49'40", and a cord bearing of N 22°48'27" E, an arc distance of 1088.83 feet; thence S 50°30'30" E, a distance of 260.36 feet; thence N 38°40'30" E, a distance of 290.41 feet to a point on the Southerly Right of Way line of Golf Avenue; thence S 47°42'00" E along said Southerly Right of Way a distance of 159.88 feet to the Point of Beginning.

Containing 14.06 acres more or less. Bearings based on assumed data with the Westerly Right of Way line of Seaboard Coast Line Railroad being S 19°27'00" West.

Formerly Known As:

Parcel I: Begin at the Northeast corner of the Southeast ¼ of the Southwest ¼ of Section 19, Township 37 South, Range 25 East; thence North 88°00' West, 380.60 feet, thence South 41°55' West 533.08 feet to the Point of Beginning; thence continue along the same line 190.52 feet; thence South 48°09' East, 333.0 feet; thence South 74°00' East, 64.10 feet; thence South 53°07' East 55.8 feet; thence South 86°28' East, 59.0 feet; thence South 70°33' East, 135.0 feet; thence North 19°27' East 402.8 feet; thence North 47°42' West 159.8 feet; thence South 38°40'30" West 290.41 feet; thence North 50°30'30" West 319.22 feet to the Point of Beginning, less right-of-way to U.S. #17 on the West side, lying and being in DeSoto County, Florida.

Parcel II: Lots 1 through 27, inclusive, Block F; Lots 7 through 21, inclusive, Block G; Lots 1 through 28, Block E, LESS Lots 4 through 16 West of Highway, all lying and being in GOLF GROUNDS ESTATES as per map or plat thereof recorded in the Office of the Clerk of the Circuit Court in and for DeSoto County, Florida, in Plat Book 4, Page 18, LESS AND EXCEPT Road Right-of-Way for U.S. Highway 17 (the "Property").

TOGETHER WITH THE PROPERTY DESCRIBED IN ORDINANCE 953 DATED SEPTEMBER 17, 2009, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Begin at the intersection of the Westerly Right of Way line of the Seaboard Coast Line Railroad and the Southerly Right of Way line of Golf Avenue as shown on the plat of Golf Ground Estates, a Subdivision as recorded in Plat Book 4, on Page 18 of the Public Records of DeSoto County, Florida. Thence S 19°27'00" W along said Westerly Right of Way line, a distance of 1132.80 feet to the Point of Intersection of the Westerly Right of Way line of the Seaboard Coast Line Railroad and the Northerly Right of Way line of Parkway Boulevard; thence N 83°04'40"W along said Northerly Right of Way a distance of 295.00 feet; thence N 71°04'40"W and still along said Northerly Right of Way line a distance of 262.73 feet to a point on the Easterly right of Way line of U.S. Highway No. 17, said point also being on a curve concave to the East; thence Northerly and Easterly along the arc of said curve having a radius of 2241.83 feet, a central angle of 27°49'40", and a cord bearing of N 22°48'27" E, an arc distance of 1088.83 feet; thence S 50°30'30" E, a distance of 260.36 feet; thence N 38°40'30" E, a distance of 290.41 feet to a point on the Southerly Right of Way line of Golf Avenue; thence S 47°42'00" E along said Southerly Right of Way a distance of 159.88 feet to the Point of Beginning.

Containing 14.06 acres more or less. Bearings based on assumed data with the Westerly Right of Way line of Seaboard Coast Line Railroad being S 19°27'00" West.

Formerly Known As:

Parcel I: Begin at the Northeast corner of the Southeast ¼ of the Southwest ¼ of Section 19, Township 37 South, Range 25 East; thence North 88°00' West, 380.60 feet; thence South 41°55' West 533.08 feet to the Point of Beginning; thence continue along the same line 190.52 feet; thence South 48°09' East, 333.0 feet; thence South 74°00' East, 64.10 feet; thence South 53°07' East 55.8 feet; thence South 86°28' East, 59.0 feet; thence South 70°33' East, 135.0 feet; thence North 19°27' East 402.8 feet; thence North 47°42' West, 159.8 feet; thence South 38°40'30"

West 290.41 feet; thence North 50°30'30" West 319.22 feet to the Point of Beginning, less right-of-way to U.S. #17 on the West side, lying and being in DeSoto County, Florida.

Parcel II: Lots 1 through 27, inclusive, Block F; Lots 7 through 21, inclusive, Block G; Lots 1 through 28, Block E, LESS Lots 4 through 16 West of Highway, all lying and being in GOLF GROUNDS ESTATES as per map or plat thereof recorded in the Office of the Clerk of the Circuit Court in and for DeSoto County, Florida, in Plat Book 4, Page 18, LESS AND EXCEPT Road Right-of-Way for U.S. Highway 17 (the "Property").

TOGETHER WITH THE PROPERTY DESCRIBED IN ORDINANCE 959 DATED FEBRUARY 16, 2010, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Parcel 1: Commence at the Southwest corner of the Southeast ¼ of the Northwest ¼ of Section 30, Township 37 South, Range 25 East, DeSoto County, Florida; thence North on the West boundary of said forty, 170.72 feet to the Easterly right of way of the SCL RR (Old ACL RR); thence North 21°12' East along the Easterly right of way of said RR, 448.02 feet to a point which intersects the East right of way of U.S. #17 for the Point of Beginning; thence continue along the same line 417.42 feet; thence South 68°48' East, 208.71 feet; thence South 21°12' West, 417.42 feet; thence South 55°32' West, 235.60 feet to the East right of way of U.S. #17; thence North 0°05'39' West along said right of way, 208.31 feet to the Point of Beginning.

Parcel Identification Number: 30-37-25-0000-0040-0000

and

Parcel 2: Commence at the Southwest corner of the Southeast ¼ of the Northwest ¼ of Section 30, Township 37 South, Range 25 East, DeSoto County, Florida; thence North on the West boundary of said forty, 170.72 feet to the Easterly right of way of the SCL RR (Old ACL RR); thence North 21°12' East along the Easterly right of way of said Railroad, 448.02 feet to the point which intersects the East right of way of U.S. #17; thence continue along the same course, 417.42 feet to the Point of Beginning; thence continue along the same course, 373.12 feet to a point on the North Boundary of said forty; thence North 89°45'28" East along said North boundary, 224.23 feet; thence South 21°12' West, 455.09 feet; thence North 68°48' West, 208.71 feet to the Point of Beginning.

Parcel Identification Number: 30-37-25-0000-0050-0000

Subject to reservations, restrictions and easements of record.

TOGETHER WITH THE PROPERTY DESCRIBED IN ORDINANCE 957 DATED MARCH 16, 2010, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Begin at Northeast corner of Southeast quarter of Southwest quarter and run West 330 feet along land line to Dixie Highway, thence Southwesterly along said road 200 feet; thence Southeasterly at right angles with said road 409 feet to Southwest corner of North half of Southwest quarter of Southeast quarter; thence North to point of beginning less Atlantic Coast Line Railroad R/W & Northeast quarter of Southeast quarter less 12 acres in Northeast corner thereof; & North half of

Southwest quarter of Southeast quarter less R/W & that part of Northwest quarter of Southeast quarter lying East of Railroad less boundary description in Northwest corner to Arcadia Country Club, all lying in section Nineteen, Township Thirty-Seven South, Range Twenty-five East, lying and being in DeSoto County, Florida.

(Identified by Parcel ID #s 19-37-25-0000-0290-0000 & 19-37-25-0000-0291-0000)

TOGETHER WITH

Parcel A: Begin at the intersection of the North boundary of SE $\frac{1}{4}$ of Section 19, Township 37 South, Range 25 East, and the East R/W of A.C.L. RR; thence East a distance of 150 feet; thence S $16^{\circ}16'$ W a distance of 280.4 feet; thence N 87° W, a distance of 180 feet to an intersection with the said East boundary of the right of way of A.C.L. RR; thence along said right-of-way line North 22° East a distance of 281 feet to the Point of Beginning, less a strip of land 20 feet wide on the North end, lying and being in DeSoto County, Florida.

Parcel B: Begin at the intersection of the North boundary of SE $\frac{1}{4}$ of Section 19, Township 37 South, Range 25 East, and the East R/W of S.C.L. RR, said point lying 100 feet perpendicular from the centerline of Railroad; thence S $89^{\circ}19'$ E along said North boundary, 150.00 feet to P.O.B.; thence continue same line, 120.0 feet; thence S $1^{\circ}28'$ W, 169.90 feet; thence S $63^{\circ}50'35''$ W, 219.91 feet; thence N $16^{\circ}57'$ E, 280.40 feet to P.O.B., less road R/W along North side, lying and being in DeSoto County, Florida.

(Identified by Parcel ID # 19-37-25-0000-0300-0000)

TOGETHER WITH

The S $\frac{1}{2}$ of SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 19, Township 37 South, Range 25 East and a parcel at the Southeast corner of SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 19, Township 37 South, Range 25 East, all lying and being in DeSoto County, Florida. Said parcel of land being 100 feet on the North side and 711.73 feet on West side and 362.58 feet on South side and 662.50 feet on the East side.

(Identified by Parcel ID #s 19-37-25-0000-0340-0000 & 19-37-25-0000-0320-0000)

AGENDA No. 10



CITY COUNCIL AGENDA ITEM
Requested Council Meeting Date: December 16, 2014

DEPARTMENT: Administration
SUBJECT: Resolution Establishing Yard Sale Permit Fees

RECOMMENDED MOTION: Council Approval

SUMMARY:

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

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

Department Head: Penny Delaney Date: 12/16/14

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

RESOLUTION 2014-18

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
ARCADIA, FLORIDA, ESTABLISHING THE YARD SALE
PERMIT FEE SCHEDULE AND PROVIDING AN EFFECTIVE
DATE.**

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

WHEREAS, Ordinance No. 1001 amended Sec. 80-23 of the Code of Ordinances of the City of Arcadia to require permit fees for yard sales to be established by resolution of the City Council of the City of Arcadia, Florida; and

WHEREAS, the City Council finds adoption of this resolution to establish the permit fee set forth herein is in the best interest of the City of Arcadia; and

WHEREAS, the fee set forth herein will be in effect until changed by further resolution of City Council.

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

SECTION 1. The recitals contained in the preamble to the Resolution are incorporated by reference herein.

SECTION 2. The following fee shall be paid with all applications for a yard sale permit:

<u>Permit</u>	<u>Fee</u>
Yard Sale	\$5.00

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

PASSED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA, in regular session this 16th day of December, 2014.

ATTEST:

CITY OF ARCADIA, FLORIDA

Penny Delaney, City Clerk

Judy Wertz-Strickland, Mayor

APPROVED AS TO FORM:

Thomas J. Wohl, City Attorney