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

TUESDAY, DECEMBER 3, 2013
6:00 PM

CALL TO ORDER, INVOCATION, PLEDGE AND ROLL CALL

PRESENTATION

CONSENT AGENDA

1. Special Event Permit- Toys for Tots
2. Special Event Airport Fly-in Rodeo Weekend
3. Budget Update 2013 (Finance)
4. Interlocal Agreement with Desoto County
5. Leadership Desoto

DISCUSSION ITEMS

6. Violation of City Ordinance No. 974 by Tremron Inc. (Code Enforcement)
7. Emergency Repair of Storm Sewer at Maple and Volusia Ave. (Fred Lewis)
8. Gary Frierson Airport Lease Modification Agreement
9. Resolution Creating a City Administrator Search Committee
10. Ordinance Regulating Solicitation
11. Ordinance Regulating Behavior in Public Places

DEPARTMENT REPORTS

- City Marshall
- City Attorney
- City Administrator

PUBLIC

MAYOR AND COUNCIL REPORTS

ADJORN

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

PLEASE TURN OFF OR SILENCE ALL CELL PHONES

AGENDA No. 1

CITY COUNCIL AGENDA ITEM

Requested Council Meeting Date: December 3 , 2013

DEPARTMENT:

SUBJECT: Special Event Permit

Requesting Permission for Road Closure to Raise Funds for Toys for Tots, Desoto Chapter

When: December 7th, 2013 7:00a.m-1:00p.m.

Where: North Polk Street from West Oak Street, to SR 70 West-bound

RECOMMENDED MOTION: **APPROVE ROAD CLOSURE TO HELP RAISE FUNDS FOR TOYS FOR TOTS**

SUMMARY:

Approximately 100 motorcycles will be arriving with toys and gifts for their fund raising efforts on Saturday December 7th, 2013.

FISCAL IMPACT:_____

( ) Capital Budget
( ) Operating
( ) Other

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

Department Head Date:

Finance Director (As to Budget Requirements) Renee Green Date:

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

City Administrator: (Interim) Tom Slaughter Date:

COUNCIL ACTION: ( ) Approved as Recommended ( ) Disapproved

( ) Tabled Indefinitely ( ) Tabled to Date Certain _____ ( ) Approved with Modifications

MARINE CORPS RESERVE

TOYS FOR TOTS SM

DeSoto County, Florida

November 25, 2013

Dear City Administrator,

Toys for Tots is having an event on December 7, 2013 whereby approximately 100 motorcycles will be arriving with toys and gifts for our fund-raising efforts.

Therefore, we are requesting permission to close North Polk Street from West Oak Street to State Road 70, west-bound on December 7, 2013 from 7am to 1pm.

We realize this puts a huge inconvenience on the city during a busy time of the year, but our event only happens once a year, and the date was fixed by others working for our efforts.

Thank you for your cooperation in helping DeSoto County's most vulnerable and defenseless.

Robert Grinis

Coordinator,

Toys for Tots, DeSoto Chapter

R. Grinis, County Coorindator 1685 S.E. Tangelo Drive Arcadia, Florida 34266 1 863-558-241

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	Date
PRINTED Name of Above	Contact Phone #

City of Arcadia
SPECIAL EVENT PERMIT APPLICATION

Date Submitted: 11-25-13

Event Name Toys for Tots

Event Location N. Polk Ave. from W. Oak St. to S.R. 70

Date(s) of Event 12-7-2013 Hours of Event 7am to 1pm

Expected Attendance _____

Event Sponsor Marine Corps Toys for Tots Non-Profit? ✓ YES ___ NO

Description of Event Delivery of toys from persons on motorcycles.

Contact Person Robert Grinis Telephone (___) _____

Fax # _____ Email _____

Insurance Carrier _____

Insurance Agent _____ Agent's Phone _____

Alcoholic Beverages?	___ YES	✓ NO
Tents?	___ YES	X NO
Cooking?	___ YES	X NO
Outdoor Music?	___ YES	X NO
Additional Electric?	___ YES	X NO
Carnival Rides?	___ YES	X NO
Wildlife?	___ YES	X NO
Fireworks?	___ YES	X NO
Signs Displayed?	___ YES	X NO
Set-up/Clean-up by City?	___ YES	X NO
City Police required?	___ YES	X NO
Road Closures?	X YES	___ NO 7am - 1:pm.

If Yes, please specify locations: _____

Other Pertinent Information: _____

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

Received by: Peacock Date: 11/25/13

City Marshal	_____ Approved	_____ Disapproved
City Administrator	_____ Approved	_____ Disapproved
City Council	_____ Approved	_____ Disapproved

INDEMNIFICATION & HOLD HARMLESS

I, _____, as _____ of
(Printed Name) (Title or Office Held)

_____, 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 _____ to
(Name of Event)

be held at _____ on _____.
(Location) (Date)

By: _____
(Signature)

Printed Name: _____

Entity Name: _____

Its: _____

Date: _____

STATE OF FLORIDA

COUNTY OF _____

Sworn to and subscribed before me this ____ day of _____, , by _____, as _____ of _____, who [ ] is personally known to me or [ ] has produced _____ as identification.

_____
NOTARY PUBLIC

(SEAL)

AGENDA No. 2

CITY COUNCIL AGENDA ITEM

Requested Council Meeting Date: December 3, 2013

DEPARTMENT:

SUBJECT: Special Event Permit- Airport-Fly in Rodeo Weekend

When: March 7-9th, 2014

Where: Arcadia Municipal Airport

RECOMMENDED MOTION: APPROVE AIRPORT FLY-IN RODEO WEEKEND

SUMMARY:

Approximately 5-10 airplanes will be flying in to camp overnight under the wing. Recreation Aviation Foundation members (RAF members) will also attend the Rodeo Parade and Rodeo.

RAF members will receive pancake breakfast and potluck dinner provided by Friends of Arcadia Airport.

FISCAL IMPACT:_____

( ) Capital Budget

( ) Operating

( ) Other

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

Department Head Date:

Finance Director (As to Budget Requirements) Renee Green Date:

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

City Administrator: (Interim) Tom Slaughter Date:

COUNCIL ACTION: ( ) Approved as Recommended ( ) Disapproved

( ) Tabled Indefinitely ( ) Tabled to Date Certain _____ ( ) Approved with Modifications

George Chase

Friends of Arcadia Airport would like to partner with the City of Arcadia and the Rodeo Assoc. to host The Recreational Aviation Foundation at the Arcadia Airport on Rodeo weekend, March 7-9, 2014.

There would be perhaps 5-10 aircraft flying in to camp overnight under wing on Friday & Saturday night. . The Rodeo will supply discounted tickets for the RAF members to attend the Rodeo on Saturday. Prior to that the RAF members will attend the Rodeo Parade. Friends will provide pancake breakfasts and potluck dinner for the RAF group.

Friends has secured two portable toilets for the weekend. The plan is for them to camp under the big oak tree beside the grass taxiway. We do not think we will need anything from the City at all unless the Marshall would like to schedule a few trips to check on things.

I can bring a map of the area that shows the tree area we plan to use.

----- Original Email Message -----
From: Jack Tyler
To: Friends of Arcadia Airport, Inc.
Sent: Saturday, November 02, 2013 8:07 AM
Subject: Confirmation on Rodeo Weekend Needed

Hello again, George

On behalf of the Recreational Aviation Foundation, I would like to thank you, Friends of Arcadia Airport, and the City of Arcadia for your interest in hosting our winter RAF Weekend on March 7-9, 2014 at Arcadia airport. As you and I have discussed a number of times now, our weekend event coupled with the Arcadia Rodeo would be a truly novel as well as enjoyable event for some of our members and guests who choose to attend.

I appreciate you working with me on developing a plan which will work for our members and is consistent with the airport layout & facilities. We seem to have resolved many of the issues for that weekend when we met at Arcadia Airport several times over the past few months. What concerns me is that the City apparently is not yet able to approve the RAF Weekend event, and so Friends is unable to confirm the event.

We need to plan these events well in advance, as I realize you are well aware. We are now approaching a point when I need to confirm our Winter/Spring event plans with our members so they can make their plans. As we have discussed before, if Arcadia requires an insurance rider from us we will need to move our March event to another airport. This of course will take time for us to set up, which is why I am writing you now. As you know, we have held these weekend camping fly-outs at other airports all around Florida, both public and private, over the past few years. We have never been asked to provide such a rider nor would we choose to set the precedent of doing so.

The weekend at Arcadia sounds like a great time and a chance for our members to experience a big time Rodeo. I'm hoping that you, Friends and the City are able to resolve the remaining issues soon and allow us to come to Arcadia and enjoy its hospitality. Please let me know if there is anything further we can do to help in this regard.

With best wishes,

Jack

Jack Tyler
RAF Florida State Liaison
jtyler@theraf.org
The RAF Mission:
Keeping the legacy of recreational aviation strong by preserving, maintaining and creating public use recreational and backcountry airstrips nationwide.
Please visit: www.theraf.org

Thomas Slaughter

From: George Chase [gjchase@embarqmail.com]
Sent: Wednesday, October 23, 2013 4:10 PM
To: Ross Clark; Thomas Slaughter; Judge Hall; Guy Maxcy; Joseph Fink
Subject: Rodeo weekend Fly-In

Hi Guys,

Good news. Allied Portables will supply us with two portables for the Rodeo Weekend Fly-In. They have supported us in the past for Aviation Days and will continue their support. Now all we need to iron out is the Insurance issue.

Thanks,

George

_____see below I sent Robin an email a few months ago about this and so I just did a follow up and she is on board.

yes sir, we will take care of this.

R

Thomas Slaughter

From: George Chase [gjchase@embarqmail.com]
Sent: Monday, October 21, 2013 3:43 PM
To: Guy Maxcy; Joseph Fink
Cc: Thomas Slaughter; Judge Hall
Subject: Rodeo weekend meeting
Attachments: Rodeo weekend plan.doc

Thanks for a very good meeting today. The Rodeo weekend fly-in with Arcadia Airport hosting the Recreational Aviation Foundation for a 3 day fly - in could be the start of a very productive way to attract out of area pilots to DeSoto County and Arcadia to spend money at local events and businesses.

Please find attached the overall draft plan submitted by Friends of Arcadia Airport, Inc.Discussion followed with issues and problem areas. Both involving insurance for the gathering.

Tom, Perhaps you and I could discuss the gathering prior to your contacting the Airports Insurance Company.How about Wednesday the 23rd?

Sincerely.

George Chase & Ross Clark
Friends of Arcadia Airport, Inc.

This was the basis for discussion at the meeting today between Mr. Guy Maxcy, Mr. Joe Fink, George Chase & Ross Clark. Judge Don Hall and Tom Slaughter had last minute scheduling issues and could not attend. 10-21-13

Rodeo Weekend Fly-In
March 7-9

The plan for a Rodeo weekend fly- in started with discussions during one of the first Friends of Arcadia Airport business meetings. We were talking about ways to improve the airport by attracting pilots here from around the entire State.

As a member of The Recreational Aviation Foundation I know that they plan group "Fly-outs" to airports on a regular basis. They are a National organization dedicated to protecting back country and small airports. The Florida chapter did a" fly –out" to Everglades City airport last winter. That was one of 3 or 4 they did for the year. The numbers are not large but we thought that we could use the group as a spring board to start attracting more pilots to Arcadia. As the RAF does weekend events we would allow them to camp "under wing" on the grass field (big oak tree). We thought the Rodeo was the perfect way to entice them to Arcadia. I approached Judge Hall and he thought the idea had merit and offered the full assistance of the Rodeo Assoc.
With that the RAF is on board and is ready to start planning the trip to Arcadia.

So the plan is for them to arrive on Friday afternoon and Friends will provide a pot luck dinner.

Saturday, Friends will do a pancake breakfast and then they will go to the Rodeo Parade and Rodeo with discount tickets supplied by the Rodeo Assoc. They will eat lunch at the Rodeo. Saturday evening we plan a cook out and campfire sing along with local talent. Sunday morning an egg and sausage breakfast and then they will fly home whenever they wish.

This basic concept can be adapted for different groups, destinations and number of days to attract more pilots to come visit DeSoto County.

Friends, working along with the City and County, would be happy to plan the fly-ins and provide logistical support. We would advertise on all the online Aviation Destination calendars (about 18) prior to each gathering.

When we first talked to the previous City Administrator she thought it was a great idea and that there should be no problems doing it. Yet when she talked to the City's insurer and gave them the impression that this would be a big event with many planes and people involved the insurance company told her that a rider would be required. ($ about 750.) Which Friends would be required to secure. The fact is the gathering would only involve a few planes (5-10 flying in max) and very few people. Friends can not afford that rider.

What we will need. 2 Toilets
Event ins.??

This will be a great first step and test run for a plan that could be done a few times a year with different groups and destinations within DeSoto County and the City of Arcadia. Pilots are always looking for a place to fly, we just need to give them a reason to fly here.

Notes:

Mr. Maxcy indicated that this type of thing has great potential to grow and become a great way to attract pilots to our airport for excursions all over the County. He said he would discuss the plan with Mandy Hines when she gets back in the office. Hopefully there are some funds we may tap into to help with some of the expenses involved.

Mr. Fink stated that he would discuss the insurance rider issue with Tom Slaughter and see if there is a solution for that problem, and that he would also talk to a local business that rents portable toilets as we would need two for the weekend.

AGENDA No. 3

TO: MAYOR, COUNCIL MEMBERS AND INTERIM CITY ADMINISTRATOR

FROM: FINANCE DEPT

SUBJECT: 2013 BUDGET

DATE : 11/22/2013

Council requested a 2013 Budget update.

At year end budget amendments are made to balance out the general fund. The City put in place a new budget process which allows amendments to the budget during the year, eliminating large adjustments at year end. Departments are given their Year To Date budget reports on a monthly basis so they can determine what areas they are short/over.

According to Florida Statute 166.241 "The governing body of each municipality at any time within a fiscal year or within 60 days following the end of the fiscal year may amend a budget for that year".

OVERVIEW:

GENERAL FUND	UNDER BUDGET	$171,099
WATER/SEWER FUND	UNDER BUDGET	$873,543

According to Governmental Accounting Standards Board all general fund departments are to be balanced at year end. Even though the entire general fund is over budget amendments are made to the departments. This schedule is presented in the Year End Annual Audit.

As we are still closing out fiscal year 2013 there may be a few more amendments, but the majority are completed. We have until November 30, 2013 to complete any other amendments.

There is one remaining budget adjustment at this time. Attached is the general fund recap of expenditures.

Amount taken out of contingency $179,633

Amount left in contingency $19,977

These amendments must be approved by council.

If you have questions, please relate to Tom S. and we will get you answers.

Thanks!

GENERAL FUND TOTAL BUDGET AMENDMENTS 2012-2013

GENERAL FUND: EXPENDITURES

ACCT #	DESCRIPTION	BUDGET 12/13	INCREASE	DECREASE	AMEND 12/13
01110	LEGISLATIVE	44,301			44,301
01120	EXECUTIVE	235,640	56,832		292,472
01115	RETIREMENT COUNCIL	4,800	24,790		29,590
01130	FINANCE	116,066	9,210		125,276
01140	LEGAL COUNCIL	43,500	29,659		73,159
01150	COMPREHENSIVE P&Z	60,000	8,101		68,101
01190	GENERAL GOV'T	278,357		45,460	232,897
01210	LAW ENFORCEMENT	1,457,468	74,041		1,531,509
01197	ELECTIONS	6,000			6,000
01220	FIRE CONTROL	423,175			423,175
01262	COPS GRANT	50,884			50,884
01271	VICTIM CRIME GRANT	40,155			40,155
01286	TASER GRANT	1,584			1,584
01285	EQUIPMENT GRANT	12,804			12,804
01290	SCHOOL CROSSING GUARD	22,283			22,283
01340	SOLID WASTE	721,483			721,483
01390	CEMETARY	63,479			63,479
01410	STREETS	355,412			355,412
01490	OTHER TRANSPORTATION	55,053			55,053
01491	GARAGE	138,882			138,882
01190	CONTINGENCY	200,000		179,633	19,977
01722	GOLF COURSE	437,395	26,096		463,491
01723	PARKS	211,620		26,096	185,524
01724	MOBILE HOME PARK	158,479			158,479
01725	WAY BUILDING	16,900	11,000		27,900

ALL FUNDS SUMMARY

GENERAL FUND	$ 5,156,358
WATER AND SEWER FUND	3,382,406
AIRPORT FUND	994,300
COUNTY SUR TAX FUND	332,194
CDBG BRIDLE PATH	700,000
DEBT SERVICE	141,272
MCSWAIN PARK	500,000
CAPITAL IMPROVEMENT FUND	260,895
MSBU FUND 108	246,825
TOTAL ALL FUNDS	$11,714,250

CITY OF ARACADIA

BUDGET ADJUSTMENT

police

DATE		ACCOUNT	DESC		INCREASE		DECREASE	
9/30/2013		01210-10120	Salaries		30,015			
		01210-10230	health ins		4,075			
		01210-10221	Retiremement		1,550			
		01210-10220	Retirement		3,960			
		01210-30450	Insurance		29,902			
		01210-30520	Fuel		4,539			
		01190-30590	Contingency				39,600	
		01190-30590	Contingency				34,441	
		TOTAL			74,041		74,041	

mar

EXPLANATION:

DEPT. HEAD SIGNATURE _____

APPROVED BY _____

NEED COUNCIL APPROVAL? YES NO

AGENDA No. 4

DeSoto County

Board of County Commissioners
Administrative Services
Purchasing Department
201 East Oak Street, Suite 203
Arcadia, Florida 34266
(863) 993-4816
(863) 993-4819 fax
www.co.desoto.fl.us

November 13, 2013

City of Arcadia
Attn: Thomas Slaughter
23 N. Polk Ave.
Arcadia, FL 34266

Dear Mr. Slaughter,

Please find enclosed two original copies of the Agreement Amendment between DeSoto County and the City of Arcadia for the purchase of County flush Water.

Please have both copies executed by your Council. Keep one copy for your records and return the other to this office as soon as possible.

Thank you for your attention to this matter.

Sincerely,

Jacque Daniels

Jacque Daniels, CPPB, FCCM
Desoto County Purchasing Agent
201 E. Oak Street, Suite 203
Arcadia, FL 34266
P: 863-993-4816
F: 863-993-1819
j.daniels@desotobocc.com

FIRST AMENDMENT TO
INTERLOCAL AGREEMENT
BETWEEN
THE CITY OF ARCADIA
AND
DESOTO COUNTY
FOR
PURCHASE OF COUNTY FLUSH WATER

THIS FIRST AMENDMENT TO INTERLOCAL AGREEMENT (hereinafter referred to as the "Agreement") is entered into by and between the **CITY OF ARCADIA**, a municipal corporation organized and existing under the laws of the State of Florida (hereinafter referred to as the "City") and **DESOTO COUNTY**, a political subdivision of the State of Florida (hereinafter referred to as the "County") (hereinafter the City and the County collectively referred to as the "Parties").

RECITALS

WHEREAS, the County and the City each own and operate public water supply treatment and distribution systems which provide service to their respective customers; and

WHEREAS, the County currently flushes its potable water system to maintain residual chlorination within the system; and

WHEREAS, the City can use such flush water as a potable Water Supply through the City-County Interconnect

WHEREAS, the County and the City have established a mechanism for the transfer of water from one system to the other pursuant to the terms of an Interlocal Agreement, which the Parties now desire to amend in order to maintain the current water charge for an additional six (6) months.

NOW, THEREFORE, in consideration of the foregoing Recitals and mutual undertakings and covenants contained herein and assumed, and other good and valuable consideration, receipt and sufficiency of which is hereby acknowledged, the City and County agree as follows:

Section 1. Section 4.5 of the Interlocal Agreement is amended to read as follow:

WATER CHARGE. The initial price of Flush Water supplied by the County under this Agreement and distributed through the Delivery Point shall be established at a rate of $0.40 per thousand gallons, however the charge will not be billed to the City for payment as it will be applied to the established credit amount equated to the actual outlay of grant offset funds incurred by the City for the required Improvements. Upon

satisfaction of the City's Initial Credit Period, the set price of $.40 per thousand gallons of Flush Water shall be applied to the metered flush water and the County may bill the City on a monthly basis. The price for Flush Water shall be negotiated annually between the Parties before each May 15, beginning in 2014, based upon an annual review of criteria related to the City's cost of finished water production for the City's preceding fiscal year.

Section 2. With the exception of this amendment to Section 4.5 of the Parties' Interlocal Agreement for the Purchase of County Flush Water, that Agreement remains in effect in all other respects.

Section 3. This First Amendment shall take effect upon the approval of both Parties.

IN WITNESS WHEREOF, the parties hereto have caused their respective representatives to execute this instrument on their behalf, on the dates set forth below.

CITY OF ARCADIA, FLORIDA

By:_____
Mayor
City Council

Dated: _____

ATTEST:

_____
City Administrator and Clerk

Approved as to Form and Correctness:

_____
Thomas J. Wohl , City Attorney

DESOTO COUNTY, FLORIDA

By _____
James F. Selph, Chairman
County Commission

Dated: Nov. 12, 2013

ATTEST:

_____
C. Guy Maxcy, County Administrator

Approved as to Form and Correctness:

_____
Donald D. Conn, County Attorney

FIRST AMENDMENT TO
INTERLOCAL AGREEMENT
BETWEEN
THE CITY OF ARCADIA
AND
DESOTO COUNTY
FOR
PURCHASE OF COUNTY FLUSH WATER

THIS FIRST AMENDMENT TO INTERLOCAL AGREEMENT (hereinafter referred to as the "Agreement") is entered into by and between the **CITY OF ARCADIA**, a municipal corporation organized and existing under the laws of the State of Florida (hereinafter referred to as the "City") and **DESOTO COUNTY**, a political subdivision of the State of Florida (hereinafter referred to as the "County") (hereinafter the City and the County collectively referred to as the "Parties").

RECITALS

WHEREAS, the County and the City each own and operate public water supply treatment and distribution systems which provide service to their respective customers; and

WHEREAS, the County currently flushes its potable water system to maintain residual chlorination within the system; and

WHEREAS, the City can use such flush water as a potable Water Supply through the City-County Interconnect

WHEREAS, the County and the City have established a mechanism for the transfer of water from one system to the other pursuant to the terms of an Interlocal Agreement, which the Parties now desire to amend in order to maintain the current water charge for an additional six (6) months.

NOW, THEREFORE, in consideration of the foregoing Recitals and mutual undertakings and covenants contained herein and assumed, and other good and valuable consideration, receipt and sufficiency of which is hereby acknowledged, the City and County agree as follows:

Section 1. Section 4.5 of the Interlocal Agreement is amended to read as follow:

WATER CHARGE. The initial price of Flush Water supplied by the County under this Agreement and distributed through the Delivery Point shall be established at a rate of $0.40 per thousand gallons, however the charge will not be billed to the City for payment as it will be applied to the established credit amount equated to the actual outlay of grant offset funds incurred by the City for the required Improvements. Upon

satisfaction of the City's Initial Credit Period, the set price of $.40 per thousand gallons of Flush Water shall be applied to the metered flush water and the County may bill the City on a monthly basis. The price for Flush Water shall be negotiated annually between the Parties before each May 15, beginning in 2014, based upon an annual review of criteria related to the City's cost of finished water production for the City's preceding fiscal year.

Section 2. With the exception of this amendment to Section 4.5 of the Parties' Interlocal Agreement for the Purchase of County Flush Water, that Agreement remains in effect in all other respects.

Section 3. This First Amendment shall take effect upon the approval of both Parties.

IN WITNESS WHEREOF, the parties hereto have caused their respective representatives to execute this instrument on their behalf, on the dates set forth below.

CITY OF ARCADIA, FLORIDA

By:_____
Mayor
City Council

Dated: _____

ATTEST:

_____
City Administrator and Clerk

Approved as to Form and Correctness:

_____
Thomas J. Wohl , City Attorney

DESOTO COUNTY, FLORIDA

By _____
James F. Selph, Chairman
County Commission

Dated: Nov. 12, 2013

ATTEST:

_____
C. Guy Maxcy, County Administrator

Approved as to Form and Correctness:

_____
Donald D. Conn, County Attorney

AGENDA No. 5

CITY COUNCIL AGENDA ITEM
Requested Council Meeting Date: December 3, 2013

DEPARTMENT: ADMINISTRATOR
SUBJECT: Leadership Desoto

When: December 18, 2013
Where: Way Building Council Chambers

RECOMMENDED MOTION: **Approve and Nominate Council Member to Speak to Leadership Desoto group.**

SUMMARY:
The City has participated in Government Day in the past.
Leadership Desoto would like to meet with a representative from City of Arcadia to explain how the governmental body functions, its history and possibly a tour of City Hall. Prior to meeting with the City, they will meet with the County to speak about County Government and Representative Ben Albritton to learn about State Government.

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

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

Department Head Date:

Finance Director (As to Budget Requirements) Renee Green Date:

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

City Administrator: (Interim) Tom Slaughter Date:

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

November 5, 2013

Mr Slaughter,

As an alumnus of last year's Leadership DeSoto class, I am expected to help with one of this year's training sessions. Since I work for local government, it only seemed logical that I help with the government day activities. When speaking to your staff, I was asked to send you a written request that not only asks for the City of Arcadia to speak to the Leadership DeSoto group on December 13, but explain what it is.

I think most counties have a variation of a leadership class. Here in DeSoto, the Chamber of Commerce takes the lead role organizing the leadership classes that candidates must apply for and pay a registration fee if accepted. Each training session is designed to expose the students to the many facets of life in DeSoto County. The topics for the training sessions cover quite a range including, but not limited to: agriculture, education, law enforcement and the legal system, local culture and government. When the yearlong leadership class is complete, the students will have a better understanding of life in DeSoto County.

All government day does is expose the students to how government functions and interacts with the residents. Currently, I have Mr Maxey, one of the Commissioners, several constitutional officers and many of the different department heads scheduled to speak about county government. I also have Representative Ben Albritton scheduled to explain state government. What I need is a representative(s) from the City of Arcadia to explain how the governmental body functions, its history and possibly a tour of City Hall as it is such a gorgeous building. This is something you can do yourself or have the Mayor and other Councilmen help too. I have 1 1/2 hours dedicated that afternoon for this purpose.

The City has participated in government day in the past and I feel I would be remiss if I did not include you in this year's schedule. Please contact me at 863-990-2507 if you have any further questions.

Thanks,

Doug Christ

November 5, 2013

Mr Slaughter,

As an alumnus of last year's Leadership DeSoto class, I am expected to help with one of this year's training sessions. Since I work for local government, it only seemed logical that I help with the government day activities. When speaking to your staff, I was asked to send you a written request that not only asks for the City of Arcadia to speak to the Leadership DeSoto group on December 18, but explain what it is.

I think most counties have a variation of a leadership class. Here in DeSoto, the Chamber of Commerce takes the lead role organizing the leadership classes that candidates must apply for and pay a registration fee if accepted. Each training session is designed to expose the students to the many facets of life in DeSoto County. The topics for the training sessions cover quite a range including, but not limited to: agriculture, education, law enforcement and the legal system, local culture and government. When the yearlong leadership class is complete, the students will have a better understanding of life in DeSoto County.

All government day does is expose the students to how government functions and interacts with the residents. Currently, I have Mr Maxcy, one of the Commissioners, several constitutional officers and many of the different department heads scheduled to speak about county government. I also have Representative Ben Albritton scheduled to explain state government. What I need is a representative(s) from the City of Arcadia to explain how the governmental body functions, its history and possibly a tour of City Hall as it is such a gorgeous building. This is something you can do yourself or have the Mayor and other Councilmen help too. I have 1 1/2 hours dedicated that afternoon for this purpose.

The City has participated in government day in the past and I feel I would be remiss if I did not include you in this year's schedule. Please contact me at 863-990-2507 if you have any further questions.

Thanks,

Doug Christ

AGENDA No. 6

MEMORANDUM

TO: Arcadia City Council

FROM: Carl McQuay, City Code Enforcement Ofc./Intrem City Planner

DATE: December 3, 2013

SUBJECT: Violation of City Ordinance No. 974 by Tremron Inc.

<u>Ordinance No. 974</u> AN ORDINANCE ESTABLISHING CITY ZONING FOR TWO PARCELS OF LAND KNOWN AS THE TREMRON GROUP, INC. PARCELS IDENTIFIED AS 30-37-25-0176-00E0-0010 (10-.51 ACRES) AND 19-37-25-000-0280-0000 ACRES) TOTALING 14.06 ACRES FROM THE DESOTO COUNTY ZONING DISTRICTS OF COMMERCIAL GENERAL (CG) AND INDUSTRIAL LIGHT (IL) TO CITY ZONING OF PLANNED UNIT DEVELOPMENT-INDUSTRIAL (PUD-I) LOCATED AT 3144 N.E. HIGHWAY 17, ARCADIA, FLORIDA; PROVIDING FOR SERVERABILITY; AND PROVINDING AN EFFECTIVE DATE.

:

<u>Background</u>:

Dear City Council members. I would like to inform you of Code enforcement case P13-8106, in reference to Tremron. Tremron was cited for violation of city Code Ordinance No. 974. This issue may be brought in front of City Council in the near future.
A Special Master Hearing was held on this matter on November 19, 2013, where as Special Master Nielander found that there was not enough evidence and dismissed the case.

<u>Findings</u>:

This complaint was given to the former City Administrator by Mrs. Ann Pepper on October 15, 2013. The complaint stated that the bay doors at Tremron were open on the following dates: September 15th, 17th and 30th of 2013 after the prescribed times allotted in Ordinance 974. I issued a warning notice to Mr. Bobby Vansickle, the Manager of Tremron. Mrs. Pepper then met with myself and Marshal Matthew Anderson and provided me with a list of other concerns that she felt Tremron was in violation of City Code Ordinance No. 974. I coordinated an inspection with Tremron, Fire Marshal Rick Sudol and Desoto County Building Director Lester Hornbake to address Mrs. Pepper's concerns. I have attached all reports written by all parties. All questionable violations have been addressed and corrected. Please see all attached reports.

Recommendation:
Tremron Inc. has plans on building an additional building on the property. At this time a new site plan will be required and we can address any concerns that may be problematic to the existing plans and ordinances.

Arcadia Police Department

City Marshal

Matthew A. Anderson

State of Florida
City of Arcadia

On October 16, 2013 at approximately 0930 am. I, Code Enforcement Officer Carl McQuay, Desoto County Building Director Lester Hornbake and Desoto County Fire Marshal Rick Sudol followed up on a complaint filed on October 15, 2013 by Mrs. Ann Pepper on the property located at 3144 NE Hwy 17(Tremron). Mrs. Pepper's complaint was that the bay doors were open on September 15th, 17th, and 30th of 2013. She then met with City Marshal Matt Anderson and myself where she then produced more in depth violation concerns.

Desoto County Building Director Lester Hornbake found that Exhibit "C" of Ordinance 974, Items #3, 7, & 8 are in compliance with the City of Arcadia codes. Item #9 cannot be achieved due to moving parts of the equipment used in the process of making their product. **(Please see attached statements)**

Desoto County Fire Marshal Rick Sudol Found that Exhibit "C" of Ordinance 974, Items 1(d) and 1(e) are not in compliance with The City of Arcadia codes. Fire Marshal Sudol instructed the gentlemen representing Tremron on the required steps to correct the violation listed above. **(Please see attached statement)**

I, Code Enforcement Office Carl McQuay, found that Tremron is in violation of City code Exhibit "C" Ordinance 974, Items 1(c)i. Tremron was instructed to repair fence on north property line within 30 days.

I found that Tremron is in compliance on Exhibit (C) of Ordinance 974, Items 1(c)ii, 1 (g) and Item 10. Tremron produced a contract with GHC Construction stating that all debris is picked up every day.

The question of the materials used to construct the berm was approved by former City Marshal Charles Lee. This is a violation of city code Exhibit "C" Ordinance No. 974, Item 1(g) properly depose of excess debris. This matter can be readdressed at Special Master hearing set for November 19, 2013 at 10.00 am.

Carl A. McQuay
Code Enforcement Office
Arcadia Police Department

Arcadia Police Department
(863) 993-4660

725 North Brevard Ave.
Arcadia, FL 34266

DeSoto County

Board of County Commissioners
County Building Department
126 N. Hillsborough Ave.
Arcadia, Florida 34266
Lester Hornbake Jr., Building Official

Phone: (863) 993-4811
Fax: (863) 993-4815

October 16, 2013

City Code Enforcement
725 N. Brevard Ave.
Arcadia, FL 34266

Re: Tremron

In regards to the items that were in question of violations at Tremron, per Exhibit C of Ordinance 974, item #3, 7, & 8 are completed as per Ordinance. Item #9 cannot be achieved due to moving parts of equipment that is part of the process. Please do not hesitate to contact me with any questions. Thank you.

Lester Hornbake Jr.
Building Official

BOARD OF COUNTY COMMISSIONERS
DeSoto County Fire Rescue
Public Safety Department
122 Hillsborough Ave
Arcadia, FL 34266
Office (863) 993-4842
Facsimile (863) 993-4844

October 16, 2013

Carl McQuay
Code Enforcement Division
City of Arcadia Police Department
Arcadia, Fl 34266

Carl

In reference to the Tremron Property on North Highway 17, in the City of Arcadia, and our recent visits to the property to evaluate the requirements as set forth in the City Council Ordinance 974 dated 1 May 2012. Pursuant to Chapter 633 of the Florida Statutes (Fire Prevention Code) more stringent requirements would take precedence over the requirement for Emergency Egress placed into the ordinance. This is a requirement that the MINIMUM State requirements supersede any ordinance passed within the State of Florida.

As stated to the gentlemen representing Tremron, a 20 foot emergency egress lane around the building is required, not the 16 foot one agreed to between the city and the representatives of the corporation. In Chapter 18 of the National Fire Protection Association Standards, hereafter The Florida Fire Prevention Code or FFPC, requires the 20 foot egress. In Chapter 1 in Section 18.2.3.4 (Specifications) the road must have a clear un-obstructive stable drivable width of 20 feet.

Discussions of how to meet this were made available to all parties at the meeting today. The lane must go completely around the premises, and it has to be close enough to the building to be able to properly use all fire apparatus to their fullest capability. In lieu to the signage which has limited capabilities of working on industrial property, a yellow stripe marking the 20 foot width will be accepted. Additional lanes through the paver storage helps the public safety division move equipment as may be needed. The fire hydrant at the north end of the property currently has blocking around it to properly protect it from damage. The area around this hydrant must be kept clear and maintained.

Richard W. Sudol
Fire Inspector II

Exhibit "C"

Ordinance No. 974

1. As previously established and approved by the DeSoto County Board of County Commissioners, to prior development activities and construction build-outs, Owner(s)/Occupant(s) must:

   a) Maintain compliance with conditions of approval previously established by DeSoto County.

   b) Demonstrate compliance with all applicable outside agency issued permits including, Florida Department of Health (water and wastewater related), Southwest Florida Water Management District (storm-water and drainage), and Florida Department of Transportation (site/roadway ingress and egress requirements).

   c) Show all existing and proposed landscaping on the proposed site plan and provide a Type D buffer on North property boundary. Additional landscape buffers as follows:

      (attached)

      i. North Property Line: Type D buffer along the entire limit of property line. (County approved 8 foot opaque screening provided by wood fence atop a 2 foot berm)
      wood fence to be fix

      ii. West Property Line: A 10-foot wide buffer of trees and hedges along property line facing Highway 17. (County approved Type D buffer with 8 foot chain link fence)
      will fix fence
      broken @ front rt. corner

      iii. East & South Property Lines: No landscape buffer required by County

   ? d) Provide a 20 foot separation between stacks of pavers. Aisles shall be organized to provide access throughout the property. The stacks of pavers shall not exceed a height limit of 20 feet on all stacks. All stacks shall be setback from property boundary a minimum of 20 feet. Average 18 inch apart for stacks
   Straighten up Northend

   e) Provide a stabilized 16 foot road around the perimeter of the property for emergency use. (County agreed to a 16 foot stabilized access way throughout the paver storage yard limits for emergency use) Needs to be done

   f) Show all existing and proposed driveways on the proposed site plan.

   Just moved broken paver debris to west property line (Hwy 17)

   g) Properly dispose of, every two-weeks, excess debris within existing and any proposed future paver yard / storage areas which include, but are not limited to, broken pavers, pallets, and other general debris piles. Debris is remove every day contract with GHC Construction

2. All Bay Doors on the north face of the main manufacturing building shall be closed between the hours of 6:00 pm and 8:00 am daily.

3. An insulated connection shall be constructed between the two manufacturing buildings. The construction of this connection will require a development permit approved by the City

Take care of pellets

of Arcadia and the DeSoto County Building Department. The connection shall be completed prior to May 31, 2012.

4. A detailed Master Development Plan in conformance with the City of Arcadia Code of Ordinances shall be submitted and reviewed by the Planning and Zoning Board and approved by the City Council prior to any additional site development or modifications to the current approvals.

5. The tumbler machine, located inside the maintenance shed on the southeast corner of the property, shall be limited to operating between the hours of 8:00 am and 6:00 pm daily, provided it does not produce any unnecessary noise or vibrations, or other undesirable effects that may be detrimental to surrounding properties as result of its operation.

6. All manufacturing, processing, and fabricating activity, with the exception of the use of the tumbler machine (per condition 5), shall be conducted within an enclosed building.

Have these been done?

? 7. An additional insulated enclosure shall be added onto the existing "cage" enclosure which covers the main paver-block manufacturing machine within six (6) months of the effective date of the rezoning. cage? did enclose main machine ✓

? 8. Sound dampening panels shall be hung throughout the main manufacturing building to assist in the reduction of manufacturing noise and vibration within six (6) months of the effective date of the rezoning. Done ✓

? 9. Baffle enclosures shall be installed to cover openings at the rear (east side) of the main manufacturing building within six (6) months of the effective date of the rezoning. ?
could enclose but would cut circulation moving parts

over completed

10. A wall of pavers, minimum of 8 feet and a maximum of 20 feet in height, shall be installed along the portion of the property line fronting US 17 within six (6) months of the effective date of the rezoning. The paver wall shall not contain any pallets or plastic wrapping.
Done

has improved

11. Tremron shall work to reduce debris along US 17, including but not limited to paver debris originating from the Tremron property. ✓

12. Tremon shall communicate with its truck drivers to not park along US 17 at anytime, prior to entering or after exiting the property.

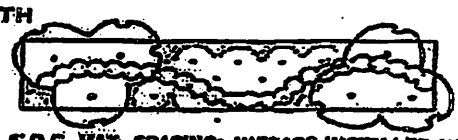
Subjection to enclose rear east corner

REQUIRED PLANT
UNITS PER 100'

WIDTH

6 TREES
24 SHRUBS
12 CONIFERS

* 20'



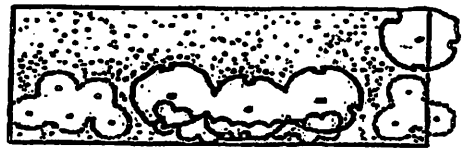
* REQUIRES CONTINUOUS HEDGE @ 5' O.C. MAX. SPACING; AVERAGE INSTALLED HEIGHT OF 48" (36" MIN. ALLOWED HEIGHT).

4.8 TREES
19.2 SHRUBS
9.6 CONIFERS

30'

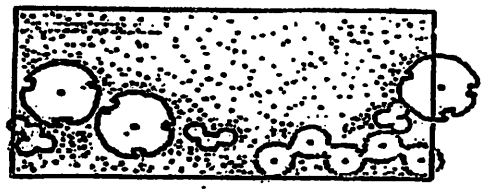
3.6 TREES
14.4 SHRUBS
7.2 CONIFERS

40'



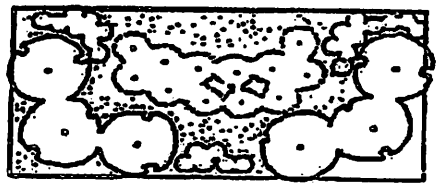
2.4 TREES
9.6 SHRUBS
4.8 CONIFERS

50'



6 TREES
24 SHRUBS
12 CONIFERS

** 50'



** THIS BUFFER TO BE USED FOR COMPLIANCE WITH SUPPLEMENTAL STANDARDS IN SECTION 7500

BUFFER D	FIGURE 7-7

Arcadia Police Department, Florida

725 N. BREVARD AVE. • ARCADIA, FL 34266

CITY CODE VIOLATION WARNING

A.P.D. Case Number P13-8106

City Ordinance Section Ordinance #974

RESIDENT NAME: Trennon

PROPERTY ADDRESS: 3144 NE Hwy 17

TYPE OF CODE VIOLATION

- ☐ Improperly Parked Vehicle Over 1.5 Tons
- ☐ Parking on Sidewalk
- ☐ Overgrown Lot / High Grass
- ☐ Trash / Garbage / Other
- ☐ Improper Fence / Other
- ☐ Unsafe Structure
- ☐ Abandoned Vehicles / Improperly Stored
- ☑ Nuisance Type
- ☐ No Occupational Licenses / Permits
- ☐ Other

IS IN VIOLATION OF THE CODE OF ORDINANCES OF THE CITY OF ARCADIA, FLORIDA, AND MUST BE CORRECTED WITHIN FIVE (5) CALENDAR DAYS OF THE DATE OF THIS NOTICE. FAILURE TO COMPLY WILL RESULT IN LEGAL ACTION. **FOR ADDITIONAL INFORMATION PLEASE PHONE (863) 494-2222.**

Additional Officer Remarks:

Bay Doors open after 10 pm.
Will be set for Special Master
Hearing in Nov.

Date this 15 day of Oct, 20 13.

C McQuay
Law Enforcement Officer Signature

Rodney Dud
Resident Signature

AGENDA No. 7

CITY COUNCIL AGENDA ITEM
Requested Council Meeting Date: December 3, 2013

DEPARTMENT: Systems
SUBJECT: Intersection of Maple Street and Volusia Avenue

RECOMMENDED MOTION: Council approval for Emergency Repair in order to prevent further deterioration of the intersection of Maple Street and Volusia Avenue.

SUMMARY: The storm sewer pipe underneath Maple Street collapsed, leaving a large void underneath the roadway. In order to properly repair the intersection; the curb inlets, storm drain piping, as well as an 8" sewer main that crosses Maple Street, need to be replaced.

FISCAL IMPACT: $ 54,868.00

(X) Capital Budget
( ) Operating
( ) Other

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

Department Head: Date:

Finance Director (As to Budget Requirements) Date:

City Attorney (As to Form and Legality) Date:

City Administrator: Tom Slaughter Date:

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

City of Arcadia

P. O. Drawer 1000 • Arcadia, Florida 34265

11/21/2013

The attached quote represents EMERGENCY REPAIR needed at the intersection of Maple Street and Volusia Avenue.

The storm sewer pipe underneath Maple Street collapsed, leaving a large void underneath the roadway. In order to properly repair the intersection; the curb inlets, storm drain piping, as well as an 8" sewer main that crosses Maple Street, need to be replaced.

This is a well traveled road, and needs to be addressed as soon as possible, in order to prevent further deterioration, which could result in higher costs.

Money is available in the budget, under code 17541.60630 Improvements Other - Greater Than $2500-Major Street Construction (see attached budget)

Thank you for your consideration of this matter.

Fred Lewis
Utilities Supervisor

DEPARTMENTAL REQUISITION
CITY OF ARCADIA

Department: Systems	Suggested Vendor: Consolidated productions Group inc.
Date: 11/21/13	Address: 1403 SE Ohio Ave. Arcadia FL 34266
Date Wanted: ASAP	Telephone: 863 993-4244
Notes: For maple & Volusia Repair.	Delivery To:
	Address:

Expense Code	Quantity	Item Description (Exact)	Unit Cost	Total Cost
17541-6630	1	Repair of maple st. & Volusia Ave.		$54,868
		Coral		

Authorized by: _____
Department Head

Once approved a purchase order will be issued by Finance at which time you may place your order.

EMERGENCY PURCHASE FORM - PURCHASING DIVISION - CITY OF ARCADIA, FL

This area to be filled out by Purchasing. Please fill out the appropriate areas below this section.

Date Requested: 11/21/13 | EPO #: | Requisition #: | Purchase Order #:

Requestor: FRed Lewis

Dept./Div. Name: SYSTems

Contact Phone #: 863 990 2378

Total Amount: $54,868

Budget Number to Charge: 17541-60630

Please describe the circumstances that make this an emergency: Maple street is closed between Volosia Ave and Hillsboro Ave. due to a collapsed storm drain line.

What are the consequences if this is not handled as an emergency? Roadway will continue to cave in, causing more damage and possibly Higher Repair costs. could also pose a safety Hazard For the public, even though its Barracaded.

List the companies that were contacted and their quotes:

New Vendor?	Vendor Number	Company Name	Address	Contact name and phone number	Amount Quoted
no		considated Productions Gp.	1403 SE ohio Ave	Delroy Saunders	$54,868

Reasons for not obtaining quotes:
Consolidated Productions is the only Local contractor with the capability to Handle the Job.

Fred Lewis
Requesting Dept./Div. Signature

11/21/13
Date

Purchasing Authorization (signature of Purchasing Division Representative)

Date

CONSOLIDATED PRODUCTIONS GROUPS,INC.
1403 SE. OHIO AVE.
ARCADIA, FLA. 34266
PH. (863) 993-3660 / FAX (863) 993-4244 / MOB. (863) 990-4660
E-mail→delmar@desoto.net

11-20-13

QUOTE:

To:→ City of Arcadia (Pub. Works)
Attn.:→ Steve U.

Corner of Volusia Ave. and W. Maple St.

DESCRIPTION	UNIT	QTY	UNIT RATE	AMOUNT
MOBILIZATION	LS	1	$ 500.00	$ 500.00
M.O.T.	LS	1	$ 800.00	$ 800.00
29" X 45" RCP	LF	88	$ 132.00	$ 11,616.00
29" X 45" MES	EA	2	$ 600.00	$ 1,200.00
24" RCP	LF	40	$ 38.20	$ 1,528.00
24" MES	EA	2	$ 800.00	$ 1,600.00
P-5 (RT)	EA	1	$ 1,400.00	$ 1,400.00
P-5 (LT)	EA	2	$ 1,418.00	$ 2,836.00
8" SEWER	LF	100	$ 30.00	$ 3,000.00
TYPE-F CURB (remove and replace)	LF	120(+/-)	$ 21.00	$ 2,520.00
SHELL BASE	LD	5	$ 350.00	$ 1,750.00
FILL DIRT	LD	3	$ 150.00	$ 450.00
CURB INLET	EA	1	$ 3,998.00	$ 3,998.00
J-BOX	EA	2	$ 4,860.00	$ 9,720.00
SOD	Pallet	3	$ 100.00	$ 300.00
ASPHALT	TN	30	$ 250.00	$ 7,500.00
DENSITY TEST	LS	1	$ 1,500.00	$ 1,500.00
Restoration	LS	1	$ 1,450.00	$ 1,450.00
Haul off Debris	LF	1	$ 1,200.00	$ 1,200.00

Quote Total $ 54,868.00

PROJECTION: 106 budget level 2 review

ACCOUNTS FOR: SURTAX/CAPITAL IMP	VENDOR	QUANTITY	UNIT COST	2014	FINAL
17541 EXP ROAD & STREET					
30590 CONTINGENCY					
17541 30590 - CONTINGENCY					16,529.00
60630 IMPROVMENTS OTHER >5000					
17541 60630 - IMPROVEMENTS OTHER >2500					400,000.00
MAJOR STREET RECONSTRUCTION	0	1.00	400,000.00		400,000.00
TOTAL EXP ROAD & STREET					416,529.00

City of Arcadia

P. O. Drawer 1000 • Arcadia, Florida 34265

11/15/2013
FRIDAY

ROAD CLOSURE

PLEASE BE ADVISED THAT DUE TO UTILITY WORK

MAPLE STREET

WILL BE CLOSED

BETWEEN

VOLUSIA AVE AND HILLSBOROUGH AVE

UNTIL FURTHER NOTICE

THANK YOU,

City of Arcadia
Fred Lewis
Utilities Supervisor
494-4114

AGENDA No. 8

CITY COUNCIL AGENDA ITEM
Requested Council Meeting Date: December 3, 2013

DEPARTMENT: Legal
SUBJECT: Gary Frierson Airport Lease Modification Agreement

RECOMMENDED MOTION: Approve the Modification Agreement to the August 26, 1976 Frierson Lease Agreement.

SUMMARY:

As I advised Council in my January 10, 2012 Legal Memorandum, I do not believe Mr. Gary Frierson's August 26, 1976 Airport Land Lease Agreement is void as against public policy. However, the existence of this Lease may prove detrimental to obtaining and complying with future FAA grant as it provides for an indefinite term.

Mr. Frierson has agreed to modify the Lease to provide for an automatic termination date of November 4, 2033, provided the Lease is not terminated sooner by other provisions.

City Attorney recommends Council approve the Modification Agreement to the August 26, 1976 Frierson Lease Agreement.

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

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

Department Head: Date:

Finance Director (As to Budget Requirements) Date:

City Attorney (As to Form and Legality) Date:

City Administrator: Date:

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

CITY OF ARCADIA – ARCADIA MUNICIPAL AIRPORT
MODIFICATION AGREEMENT
FRIERSON AIRPORT LEASE

THIS MODIFICATION OF LEASE AGREEMENT is made and entered into this 19th day of November, 2013, by and between **THE CITY OF ARCADIA**, a Florida municipal corporation (herein called "Landlord") and **GARY FRIERSON**, (herein called "Tenant").

WHEREAS, Mack Frierson previously entered into a Lease Agreement dated August 26, 1976 for certain real property at the Arcadia Municipal Airport (herein the "Lease"); and

WHEREAS, the Lease was amended on September 4, 1986 to reflect that Mack Frierson was succeeded by Gary Frierson as the Tenant; and

WHEREAS, the Lease, as amended, provides for an indefinite term; and

WHEREAS, the parties desire to amend the Lease to include a fixed term; and

NOW THEREFORE, the parties hereby agree that the Lease is hereby amended as follows:

1. Paragraph 5 is hereby amended as to read as follows:

"That only those individuals executing this Agreement and their spouses and lineal descendants shall have the right to make use of the land described herein as Parcel No. (3) Three. That in the event the person or persons executing this Agreement, their spouses or lineal descendants, being Parties of the First Part, cease to have any heir to locate, situate and store an aircraft in said parcel, then, at the option of the City, the property covered under this Agreement shall revert to and become the property of the City of Arcadia, Florida. Unless terminated sooner by operation of the terms herein or the mutual agreement of the Parties, this Agreement shall automatically terminate on November 4, 2033 and the property covered under this Agreement shall automatically revert to and become the property of the City of Arcadia, Florida."

2. **CONTINUATION**. All other provisions of the Lease, as amended, shall remain in full force and effect.

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

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals.

WITNESSES:

_____
Printed Name: _____

_____
Printed Name: _____

_____
Printed Name: _____

_____
Printed Name: _____

LANDLORD: CITY OF ARCADIA, a Florida municipal corporation

By:_____
Joseph E. Fink, Deputy Mayor

Attest:

By:_____
_____, City Clerk

TENANT:

_____
GARY FRIERSON

_____
Printed Name: _____

_____
Printed Name: _____

H:\Terri\Forms\SAA\Leases\Carter insurance modification-rev.doc

AGENDA No. 9

CITY COUNCIL AGENDA ITEM
Requested Council Meeting Date: December 3, 2013

DEPARTMENT: Legal
SUBJECT: Resolution Creating a City Administrator Search Committee

RECOMMENDED MOTION: Approve the Resolution Creating a City Administrator Search Committee provided staff provides an outline of the directives and procedural steps Council wishes the Search Committee follow and a copy of the same is attached as Exhibit "A" to the Resolution.

SUMMARY:

Per Council's request, staff has drafted a proposed Resolution Creating a City Administrator Search Committee. City Attorney requests staff consult with Council members to determine an appropriate outline of directives and procedural steps Council wishes the Search Committee follow and that a copy of said outline be attached as Exhibit "A" to the Resolution.

Additionally, each individual Council member is required to appoint an individual to the City Administrator Search Committee

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

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

Department Head: Date:

Finance Director (As to Budget Requirements) Date:

City Attorney (As to Form and Legality) Date:

City Administrator: Date:

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

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA CREATING A CITY ADMINISTRATOR SEARCH COMMITTEE; APPOINTING MEMBERS; STATING THE PURPOSE FOR ESTABLISHING A CITY ADMINISTRATOR SEARCH COMMITTEE; PROVIDING FOR ADMINISTRATIVE SUPPORT AND ASSISTANCE; PROVIDING FOR READING BY TITLE ONLY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 2-92 of the Code of Ordinances of the City of Arcadia, the City is required to appoint a City Administrator; and

WHEREAS, the Council desires hereby to establish the procedure to search for a City Administrator; and

WHEREAS, the City Council has determined that the creation of a City Administrator Search Committee with the authority to make recommendations to the City Council regarding the candidates for the position of City Administrator is in the best interests of the citizens of the City of Arcadia,

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

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

SECTION 2. The City Council hereby creates a City Administrator Search Committee to consist of five (5) members appointed by the City Council. Each City Council member has submitted the name of one (1) qualified appointee to the interim City Clerk. The persons whose names were submitted shall be appointed to the City Administrator Search Committee hereby created by the adoption of this Resolution. All members of the City Administrator Search

Committee are registered voters in the City of Arcadia as of the date of their appointment. All members of the City Administrator Search Committee shall serve without compensation.

SECTION 3. The members of the City Administrator Search Committee are:

Mayor Frierson appointee: _____;

Deputy Mayor Fink appointee: _____;

Councilman Allen appointee: _____;

Councilman Heine appointee: _____; and

Councilman Keene appointee :_____.

During the course of the City Administrator Search Committee deliberations, should any member become unable or unwilling to continue to serve as a member of the City Administrator Search Committee, the City Councilperson who appointed that particular member shall appoint an alternate replacement City Administrator Search Committee member.

SECTION 4. The City Administrator Search Committee shall conduct public meetings and may receive written or verbal comments from City employees and from the public at large. At its first meeting, the City Administrator Search Committee shall select a chairperson and a vice chairperson from among its members. All meetings of the City Administrator Search Committee shall be public meetings, which shall be noticed and advertised in advance and shall be open to attendance by the public. Written minutes shall be kept of all meetings of the City Administrator Search Committee.

SECTION 5. The City Administrator Search Committee is hereby given the authority to begin recruitment of candidates for the position of City Administrator subject to the provisions set forth in Exhibit "A" attached hereto.

SECTION 6. The City Administrator Search Committee shall submit the names of the top five (5) candidates for the position of City Administrator to the City Council by no later than three

(3) months from the date of the City Administrator Search Committee's initial organizational meeting. Upon the request of the chair of the City Administrator Search Committee, the City Council may extend this date by majority vote. After the final written recommendations of the City Administrator Search Committee has been presented to and received by the City Council, the City Administrator Search Committee shall cease to exist.

SECTION 7. The City Council may provide for administrative and other support to the City Administrator Search Committee, as it shall, in its discretion, deem appropriate.

SECTION 8. This Resolution shall take effect immediately upon adoption.

DULY PASSED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA, in regular session at the City Council Chambers of said City of Arcadia, Florida this ____ day of _____, 201__.

City of Arcadia, Florida

_____
Alice Frierson, Mayor

ATTEST:

_____
City Clerk

Approved as to form:

_____
Thomas J. Wohl, City Attorney

AGENDA No. 10

CITY COUNCIL AGENDA ITEM
Requested Council Meeting Date: December 3, 2013

DEPARTMENT: Legal
SUBJECT: Ordinance Regulating Solicitation

RECOMMENDED MOTION: Direct Staff to determine the appropriate boundaries of the Downtown Area Prohibited Zone as that term is to be defined in the proposed Ordinance and to review the Ordinance to identify any technical or logistical issues that may arise upon application and enforcement of the Ordinance.

SUMMARY:

Per Council's request, staff has drafted a proposed Ordinance Regulating Solicitation. City Attorney recommends staff members from Police Department, Code Enforcement, Planning and Administration determine the appropriate boundaries of the Downtown Area Prohibited Zone as that term is to be defined in the proposed Ordinance and review the Ordinance to identify any technical or logistical issues that may arise upon application and enforcement of the Ordinance.

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

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

Department Head: Date:

Finance Director (As to Budget Requirements) Date:

City Attorney (As to Form and Legality) Date:

City Administrator: Date:

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

ORDINANCE NO. 2013-_____

AN ORDINANCE OF THE CITY OF ARCADIA, FLORIDA; CREATING SECTION 70-7 OF THE CITY OF ARCADIA CODE OF ORDINANCES; REGULATING SOLICITATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Arcadia recognizes that solicitation is an activity that is protected by the First Amendment; and

WHEREAS, the City of Arcadia may enforce regulations of behavior that implicate First Amendment activity when the regulations affect the time, place and manner of expression, are content neutral, are narrowly tailored to serve a significant government interest, and leave open ample alternative channels of communication; and

WHEREAS, the City of Arcadia has a significant interest in providing a safe and pleasant environment and eliminating nuisance activity, *Smith v. City of Fort Lauderdale*, Fla. 177 F.3d 954, 956 (11th Cir. 1999) ; and

WHEREAS, the City of Arcadia's downtown area is home to businesses, restaurants, bars, shops, bed and breakfast establishments and inns and is also an area that attracts visitors and locals alike; and

WHEREAS, the City of Arcadia has determined that limited bans on solicitation based on the time, place or manner of the solicitation are a content neutral and narrowly tailored way to promote public safety, protect its citizens and visitors and promote the general downtown area as tourist destinations and economic engines for the City; and

WHEREAS, the City of Arcadia has determined that limited bans on solicitation based on the time, place or manner of the solicitation is a content neutral and narrowly tailored way to promote public safety, and protect its citizens and visitors in areas where they may be or perceive themselves to be vulnerable and/or unable to leave; and

WHEREAS, the City of Arcadia has determined that limited bans on solicitation in the general downtown area and listed other limited places where people feel particularly vulnerable and/or unable to leave still provides ample alternative avenues of communication and are drawn narrowly to address the City's substantial interests; and

WHEREAS, the City Council of the City of Arcadia has determined that the following amendment promotes and protects the general health, safety, and welfare of the residents of the City of Arcadia; and

WHEREAS, a duly noticed public hearing as required by law was held by the City Council of the City of Arcadia, at which public hearing all residents and interested persons were given an opportunity to be heard; and

WHEREAS, it appears to be in the best interest of the citizens of the City of Arcadia that Chapter 70 the Code of Ordinances be amended as set forth herein,

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

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

SECTION 2. Amendment of the Code of Ordinances. The Code of Ordinances of the City of Arcadia is hereby amended to create Section 70-7 of Chapter 70 as follows:

"Sec. 70-7. - Solicitation regulation.

(a) It shall be unlawful for any person in the City of Arcadia to solicit donations or payment, or to exhibit oneself for such purpose, by:

(1) Any act or language constituting an express or implied threat of injury to any person or of damage to or loss of any property owned by or in lawful possession of the solicited person;

(2) Endeavoring to maintain contact with the solicited person and continuing to verbally demand, ask or beg for, or to solicit donations or payment from any person after the solicited person has made a negative response to an initial demand or solicitation; or

(3) Any act intended to impede the passage or free movement of the solicited person. Passage or free movement applies to persons on foot or bicycles, in wheelchairs or operating motor vehicles or persons attempting to enter or exit motor vehicles.

(b) It shall be unlawful in the City of Arcadia for any person to solicit donations or payment when either the solicitor or the person being solicited is located in, on or at any of the following locations or premises thereof:

(1) Downtown Area Prohibited Zone;
(2) Bus stop;
(3) Sidewalk cafe; or
(4) Area within fifteen (15) feet (in any direction) of an automatic teller machine or entrance to a financial institution.

(c) The following words and phrases, when used in this section, shall have the following meanings:

(1) *Solicit* means attempts in person to obtain charitable contributions, or attempts to sell any good or service, for the benefit of the solicitor or on behalf of an individual or organization.

(2) *Downtown Area Prohibited Zone* means that land area _____.

(d) This section shall not apply to persons operating under franchises, concessions or pursuant to temporary license agreements or concessions for special events, or business operations conducted entirely within an enclosed building or in a permanent structure for which a building permit is required, or operating on private property.

(e) Violations of this section shall be punishable as provided in Arcadia Code section 1-12."

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

SECTION 4. Severability. If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such section, sentence, clause, or provision shall be deemed severable, and such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance.

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

PASSED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA, on this ___ day of _____, 2013.

CITY OF ARCADIA, FLORIDA

_____
ALICE FRIERSON, MAYOR

ATTEST:

By: _____
CITY CLERK

PASSED ON FIRST READING: _____, 201 .

PASSED ON SECOND READING: _____, 201 .

APPROVED AS TO FORM:

_____
THOMAS J. WOHL, CITY ATTORNEY

AGENDA No. 11

CITY COUNCIL AGENDA ITEM
Requested Council Meeting Date: December 3, 2013

DEPARTMENT: Legal
SUBJECT: Ordinance Regulating Behavior in Public Places

RECOMMENDED MOTION: Direct Staff to review the Ordinance to identify any technical or logistical issues that may arise upon application and enforcement of the Ordinance.

SUMMARY:

Per Council's request, staff has drafted a proposed Ordinance Regulating Behavior in Public Places. City Attorney recommends staff members from Police Department, Code Enforcement, Planning, Legal and Administration review the Ordinance to identify any technical or logistical issues that may arise upon application and enforcement of the Ordinance.

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

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

Department Head: Date:

Finance Director (As to Budget Requirements) Date:

City Attorney (As to Form and Legality) Date:

City Administrator: Date:

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

ORDINANCE NO. 2013-_____

AN ORDINANCE OF THE CITY OF ARCADIA, FLORIDA; CREATING SECTIONS 70-8 THROUGH 70-11 OF THE CITY OF ARCADIA CODE OF ORDINANCES; REGULATING BEHAVIOR IN PUBLIC SPACES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Arcadia has a substantial interest in the aesthetics of its parks and a prohibition against camping in areas without adequate resources is a reasonable means of achieving that goal; and

WHEREAS, the City of Arcadia has a substantial interest in keeping its parks open and retaining the use of its parks for all of its citizens and a prohibition against camping in parks is a reasonable means of achieving that goal; and

WHEREAS, the City of Arcadia has a substantial interest in protecting against sanitation and safety issues and promoting public health and prohibiting camping in areas without adequate resources is a reasonable means of achieving that goal; and

WHEREAS, the City of Arcadia has a substantial interest in keeping its parks open and retaining the use of its parks for all of its citizens and a prohibition against camping in parks is a reasonable means of achieving that goal; and

WHEREAS, the City of Arcadia has a substantial interest in aesthetics, sanitation, public health, and safety and a prohibition against sleeping in rights of way is a reasonable means of achieving that goal; and

WHEREAS, the City of Arcadia has a substantial interest in public health and a prohibition against urinating and defecating in public areas is a reasonable means of achieving that goal; and

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

WHEREAS, the City of Arcadia has a substantial interest in aesthetics, sanitation, public health, and safety, as well as keeping public spaces open and available for public use, and a prohibition against storage of property on public spaces is a reasonable means of achieving that goal; and

WHEREAS, a duly noticed public hearing as required by law was held by the City Council of the City of Arcadia, at which public hearings all residents and interested persons were given an opportunity to be heard; and

WHEREAS, it appears to be in the best interest of the citizens of the City of Arcadia that Chapter 70 the Code of Ordinances be amended as set forth herein,

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

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

SECTION 2. Amendment of the Code of Ordinances. The Code of Ordinances of the City of Arcadia is hereby amended to create Sections 70-8 through 70-11 of Chapter 70 as follows:

"Sec. 70-8. - Camping Prohibited; exemptions.

(a) It shall be unlawful in the City of Arcadia to engage in camping on all public property including rights of way, except as may be specifically authorized by the appropriate governmental authority.

(b) The following words and phrases, when used in this section, shall have the following meanings:

(1) *Camping* means using property for living accommodation purposes by the erection, use or occupation of any tent, hut, lean-to, shack or temporary shelter for sleeping purposes or the laying down of bedding, such as a mat, blanket, sleeping bag or similar material for the purpose of sleeping.

(2) *Officer* means sworn law enforcement officer.

(c) Being in a tent, hut, lean-to, shack or in a temporary shelter or being asleep atop or covered by materials in a public place may be evidence of camping, but is not alone sufficient to constitute a violation of this section. One (1) or more of the following shall also exist to determine whether the camping was for living accommodation purposes:

(1) Numerous items of personal belongings are present;
(2) The person is engaged in cooking activities;
(3) The person has built or is maintaining a fire;
(4) The person has engaged in digging or earth breaking activities;
(5) The person is asleep and he or she has no other permanent place to live.

(d) Except as provided for in subsection (e), whenever an officer has probable cause to believe that a violation of this section has occurred, he or she shall advise the person of the violation and afford the person an opportunity to be transported by an officer to a public shelter. The officer shall advise the person that all of his or her personal property which is not taken to the public shelter, except that which is of no apparent utility or which is in an unsanitary condition, shall be inventoried and stored by the city police department for a maximum of sixty

(60) days, until reclaimed. If the person elects to be transported to a public shelter, the officer shall make available such transportation as may be available for such purpose and the person making such election shall not be charged with a violation of this section If the person refuses to be transported to a public shelter, then such person may be charged with a violation of this section.

(e) Subsection (d) shall not apply to any person who cannot be properly identified, or is intoxicated by alcohol or drugs or who, within the past year, was previously charged with a violation of this section three (3) times or who elected to be transported to a public shelter three (3) times. For purposes of this subsection, proper identification shall include, but not be limited to, a driver's license, a government or employment identity card with photograph or other form of identification, which would satisfy a reasonable law enforcement officer as to the identity of the person.

(f) Any personal property that was inventoried and stored by the city police department for a person transported to a shelter under the provisions of this section which has not been reclaimed within sixty (60) days of the date the personal property was inventoried and stored shall be deemed abandoned and disposed of according to F.S. ch. 705.

(g) Violations of this section shall be punishable as provided in Arcadia Code section 1-12.

Sec. 70-9. - Sleeping in or on the rights-of-way.

(a) It shall be unlawful in the City of Arcadia for any person to sleep in or on any part of the City right-of-way, which shall include any public sidewalk.

(b) The following words and phrases, when used in this section, shall have the following meanings:

(1) *Right-of-way* means the same as street, as street is defined in Arcadia Code section 1-2.

(2) *Officer* means sworn law enforcement officer.

(c) A sworn law enforcement officer observing a violation of subsection (a) of this section shall inquire of any person violating this section if the person has a legally existing available accommodation, which can include shelter space, either owned or available for use by the individual.

(1) If the person has such available accommodation and agrees to travel, begins to travel immediately, and continues to travel until reaching such accommodation, the person shall not be charged with a violation of this section.
(2) If the person does not have available accommodations or refuses to travel, and shelter space is available at a shelter within the city or within three miles of the borders of the city and such shelter space is known to be available by a sworn law enforcement officer observing a violation of subsection (a), the officer shall advise the person of the violation and may afford the person the opportunity to be transported to the shelter with any

personal items requested to be removed by the individual, provided the shelter will accept the person. The person shall not be charged with a violation of this section if the person agrees to be transported to the shelter. If the shelter space is outside the borders of the city, public or other transportation shall be made available to the individual at the shelter space so that the individual can travel to locations within the city which are necessary to the individual.

(d) If the officer is not aware of available shelter space within the city or within three miles of the borders of the city or if the officer does not provide the opportunity for transportation to the shelter, the person shall not be charged with a violation of this section.

(e) It shall not be a violation of this section for a passenger to be asleep while in the right-of-way if he or she is legally transported by another in the part of the right-of-way intended for transport.

(f) Violations of this section shall be punishable as provided in Arcadia Code section 1-12.

Sec. 70-10. - Prohibition on public urination or defecation.

(a) It shall be unlawful for any person in the City of Arcadia to urinate or defecate in or on any public place unless such urination or defecation:

(1) is made into a receptacle that has been provided for that purpose;
(2) that receptacle stores or disposes of the wastes in a sanitary manner; and
(3) that receptacle is enclosed from the view of the general public.

(b) It shall be unlawful for any person to dump, throw, discard, place, deposit, spill, leak or otherwise dispose of urine or feces in or on any public place in the City of Arcadia unless such disposal:

(1) is made into a receptacle that has been provided for that purpose;
(2) that receptacle stores or disposes of the wastes in a sanitary manner; and
(3) that receptacle is enclosed from the view of the general public.

(c) This section shall not apply to children under six (6) years old, or to persons with impairments who lack the physical or mental ability to control their bodily functions; except that such a person's parent, guardian, or custodian shall be responsible for the immediate cleanup and sanitary disposal of any waste expelled by the child or person with impairment. Failure of the parent, guardian, or custodian of the child or person with impairment to immediately cleanup and dispose of any waste in a sanitary manner shall constitute a violation of this section.

(d) For the purposes of this section, a person with impairment does not include intoxicated individuals or individuals who are impaired due to the taking of illegal substances or substances not legally prescribed to them.

(e) Violations of this section shall be punishable as provided in Arcadia Code section 1-12.

Sec. 70-11. - Outdoor storage on public property.

(a) Purpose and findings.

(1) The city has a compelling interest in promoting the health and safety of citizens and visitors by regulating potentially hazardous conditions on private and public property including public rights-of-way.
(2 Personal property stored on public property, including public rights-of-way may pose a health, safety or security threat to pedestrians.
(3 Unattended, abandoned or disabled refrigerators and freezers pose a grave danger to the lives of children and warrant immediate removal.
(4 The city has an interest in ensuring that pedestrians have unobstructed access to public rights-of-way.
(5 The city has a compelling interest in complying with requirements of the Americans With Disabilities Act which include minimum unobstructed sidewalk access for those with disabilities.
(6) The city is willing to assist, on a limited basis, in providing storage facilities to those who do not have a location to store personal property.

(b) It shall be unlawful for any person in the City of Arcadia to store on any public property outside of a legally constructed fully enclosed structure:

(1) Any materials, equipment, furnishings, furniture, appliances, construction materials or any items which are not designed to be used outdoors; or
(2) Any item of personal property including clothing and bedding.

(c) Removal required on public property.

(1) If an individual fails to remove any item, as described in subsection (b) of this section, which is unlawfully stored on public property within twenty-four (24) hours after having been served with written notice, as described in subsection (d) of this section, which requires such removal, the city may cause the removal of such unlawfully stored items.
(2) In the event a Code Enforcement Officer or sworn law enforcement officer determines the unlawfully stored items located on public property are a threat to the health, safety or welfare of the public, a Code Enforcement Officer or sworn law enforcement officer may immediately remove such unlawfully stored items. A threat to the health, safety or welfare of the public shall include, but not be limited to, a fire hazard, an explosive hazard, noxious odors, or an infestation of vermin, including rodents, lice, roaches and fleas, to which the public would be exposed to due to the unlawful storage. If items are removed without prior notice, a written notice shall be posted at the location which identified the location to which the items have been removed.
(3) Moving the unlawfully stored items to another location on public property shall not be considered to be removing the item from public property.
(4) If an item, as described in subsection (b) of this section, is unlawfully stored on public property which public property is posted with a sign stating that unattended items may be

removed immediately, then no additional notice shall be required and the item may be removed immediately. Such signs may only be placed in the right-of-way under the following conditions:

a. In the interest of security and safety, temporary signs warning of immediate removal of items from public property may be posted in public rights-of-way at least thirty-six (36) hours in advance of special events, including, but not limited to, parades and festivals which are likely to draw large crowds to the city.
b. In the interest of security and safety, permanent signs warning of the immediate removal of items from public property may be posted in public rights-of-way around public buildings which are likely targets for the placement of explosive devices by terrorists or dissidents.
c. In the event the city determines the need for an area-wide clean-up, the city may post notice of the clean-up in the area to be cleaned at least thirty-six (36) hours in advance of the cleaning. Any items left when the clean-up commences may be immediately removed and stored according to the procedures set forth in this section.

(5) The city may dispose of the items thirty (30) days after the removal from the public property or after seven (7) days if the items are deemed to be a threat to the health, safety or welfare of the public pursuant to this subsection. If the owner of the items wishes to retrieve the items, adequate proof of ownership and payment to the city of reasonable charges for storage and removal of the items are required. If the owner demonstrates he or she does not have the ability to pay the reasonable charges, such charges will not be required to retrieve the items. The removal and disposal of such items may be accomplished either by a Code Enforcement Officer or sworn law enforcement officer or by private contract.

(d) Notice.

(1) The written notice required by this section shall be deemed to have been served if:

a. A copy is personally delivered to the party to be notified;
b. A copy is left at the party's usual place of abode with some person of the family above fifteen (15) years of age and informing such person of the contents thereof;
c. A copy is mailed by either registered or certified United States mail with return receipt requested;
d. If the name of such party or the place of residence or post office address cannot be ascertained after diligent search and inquiry or in the event a notice sent by either registered or certified mail shall be returned undelivered, a copy of such notice is posted in a conspicuous place on the property upon which the items described in this section are or were located
e. A copy is attached to the item, if the item is located on public property; or
f. A copy is personally delivered to the person with custody of the items stored on public property which items may belong to someone else, and a copy is attached to the item.

(2) The notice required by this section shall contain the following:

a. A complete description of the item to be removed (such description may refer to an attached photograph);
b. The location of the property;
c. The section of the Code in violation;
d. The location to which the item will be removed;
e. The date and time by which the item must be removed from the private or public property; and
f. The date by which the item must be claimed from the location where they are being stored.

(e) Definitions. For the purposes of this section:

Occupant means any person in apparent control or possession of the property upon which an item is located.

Officer means sworn law enforcement officer.

Public property includes, but is not limited to, public rights-of-way, public places, streets and sidewalks.

Reasonable charges mean actual costs and that the city shall take into consideration the owner's ability to pay the charges.

Store or *stored*, when referring to an item on public or private property, shall be broadly interpreted to include any action to place, store, park, display, locate or set an item upon the property.

(f) Violations of this section shall be punishable as provided in the Arcadia Code section 1-12. Before enforcement, whenever a sworn law enforcement officer has probable cause to believe that a violation of this section has occurred, he or she shall advise the person of the violation and afford the person an opportunity to remove the items from public property, as well as advise the person of an alternative location, within the City of Arcadia, for storage of the property. If the person elects to remove the items from public property, the person making such election shall not be charged with a violation of this section. If the person refuses to remove the items from public property, then such person may be charged with a violation of this section.

(g) Abandoned and lost property is regulated and may be removed pursuant to F.S. § 705.101 *et seq*."

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

SECTION 4. Severability. If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such section, sentence, clause, or provision shall be deemed severable, and such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance.

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

PASSED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA, on this ___ day of _____, 2013.

CITY OF ARCADIA, FLORIDA

_____
ALICE FRIERSON, MAYOR

ATTEST:

By: _____
CITY CLERK

PASSED ON FIRST READING: _____, 201 .

PASSED ON SECOND READING: _____, 201 .

APPROVED AS TO FORM:

_____
THOMAS J. WOHL, CITY ATTORNEY

City Marshal
Matthew A. Anderson

State of Florida
City of Arcadia

ARCADIA POLICE DEPARTMENT
COUNCIL REPORT

TOTALS FOR THIS REPORT PERIOD: NOV 2013

ARREST ACTIVITIES			
FELONY ARREST	7	MISDEMEANOR ARREST	30
JUVENILE ARREST	8	TRAFFIC ARREST	2
WARRANT ARREST	8		
TRAFFIC ACTIVITIES			
ACCIDENT REPORTS	20	TRAFFIC CITATIONS	40
		WARNING CITATIONS	25
PATROL		**CRIMINAL INVESTIGATIONS**	
COMPLAINTS	682	CASES TOTAL	16
CITY ORDINANCE VIOLATIONS	26	CASES UNDER INVESTIGATIOI	9
		CASES CLOSED	7

Matt A Anderson

CITY MARSHAL
11/26/2013

Arcadia Police Department 726 N Brevard Avenue Post Office Box 1014 Arcadia Florida 34265 863-494-2222

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

CITY OF ARCADIA

POLICE DEPARTMENT

725 N. Brevard Ave.

MATTHEW A. ANDERSON
MARSHAL

P.O. BOX 1014
ARCADIA, FL. 34265

CITY CODE ACTIVITIES

MONTH OF
NOV 2013

CODE ENFORCEMENT OFFICER CARL MCQUAY

COURTESY NOTICES	14
NOTICE OF VIOLATIONS	0
CODE VIOLATIONS	
ABANDONED VEHICLES	**0**
COMMERCIAL VEHICLES	**0**
FENCES	**2**
HIGH GRASS/OVERGROWN LOTS	**6**
NUISANCE	**0**
OCCUPATIONAL LICENSES	**0**
PARKING VIOLATIONS	**1**
PERMIT VIOLATIONS	**2**
TRASH/JUNK/DEBRIS	**1**
UNSAFE STRUCTURES	**0**
WATER VIOLATIONS	**0**
YARD SALES	**0**
ZONING VIOLATIONS	**0**
TOTAL CODE VIOLATIONS	**12**
CODE COMPLAINTS	2
CONTACTS	0
FIELD WORK	8
FOLLOW UP	0
POSTING	0
INVESTIGATIONS	0
MAILING	7
RECORDS	7
CAB INSPECTIONS	2
CAB DRIVER'S PERMITS	4
TITLE COMPANY SEARCHES	10
HEARINGS	0
FINGERPRINTING	5
POSTAGE USED	$42.77