

**AGENDA**  
**ARCADIA CITY COUNCIL**  
**CITY COUNCIL CHAMBERS**  
**23 N. POLK AVE., ARCADIA, FL**  
**TUESDAY, MARCH 19, 2013**  
**6:00 PM**

**CALL TO ORDER, INVOCATION, PLEDGE OF ALLEGIANCE & ROLL CALL**

**PRESENTATION**

Arcadia Nico-Teen Zombie Video (6 minutes) – Dr. Kirk Voelker

**CONSENT AGENDA**

1. March 5, 2013 City Council Minutes
2. Check Warrant Reports from 03-08-13, 03-12-13 and 03-15-13

**DISCUSSION ITEMS**

3. Discussion of Special Assessments (City Administrator)
4. Surplus Vehicles (City Administrator)

**ORDINANCES**

5. **ORDINANCE NO. 984; SECOND AND FINAL READING OF AN ORDINANCE AMENDING DIVISION 3 OF ARTICLE IV OF CHAPTER 2 OF THE CODE OF ORDINANCES OF THE CITY OF ARCADIA BY RENAMING THE TITLE OF CITY RECORDER TO CITY CLERK; DELETING SEC. 2-115 CUSTODY OF CITY FUNDS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (City Attorney)**
6. **ORDINANCE NO. 986; SECOND AND FINAL READING OF AN ORDINANCE AMENDING SECTION 46-264 OF THE CODE OF ORDINANCES OF THE CITY OF ARCADIA TO CHANGE THE ELECTION DATES FOR THE OFFICE OF THE CITY MARSHAL; PROVIDING FOR THE ONE TIME EXTENSION OF THE TERM OF THE CITY MARSHAL; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (City Attorney)**
7. **ORDINANCE NO. 987; SECOND AND FINAL READING OF AN ORDINANCE AMENDING SECTION 2-95 OF THE CODE OF ORDINANCES OF THE CITY OF ARCADIA BY INCLUDING CUSTODY OF CITY FUNDS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (City Attorney)**

*If a person decides to appeal any decision made by the board, agency, or council with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.*

Please **TURN OFF** or **SILENCE** all cell phones

8. **ORDINANCE NO. 988; FIRST READING OF AN ORDINANCE OF THE CITY OF ARCADIA, FLORIDA; CREATING SECTION 102-47 OF THE CITY OF ARCADIA CODE OF ORDINANCES; PROVIDING FOR THE IMPOSITION OF LIENS FOR DELINQUENT UTILITY ACCOUNTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE. (City Attorney)**

**COMMENTS FROM DEPARTMENTS**

9. City Marshal
10. Attorney
  - a. Antiques Fair Update
11. City Administrator

**PUBLIC** (PLEASE LIMIT PRESENTATIONS TO FIVE MINUTES)

**MAYOR AND COUNCIL MATTERS**

**ADJOURN**

*If a person decides to appeal any decision made by the board, agency, or council with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.*

**Please TURN OFF or SILENCE all cell phones**

**MINUTES**  
**CITY COUNCIL**  
**CITY OF ARCADIA**  
**TUESDAY, MARCH 5, 2013**  
**6:00 PM**

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

**CALL TO ORDER, INVOCATION PLEDGE OF ALLEGIANCE & ROLL CALL**

The meeting was called to order at approximately 6:00 p.m.

Councilman Allen gave the invocation which was followed by the Pledge of Allegiance.

**Arcadia City Council**

Mayor Keith Keene  
 Deputy Mayor Robert Heine  
 Councilman Robert R. Allen

Councilwoman Alice Frierson  
 Councilman Joseph E. Fink

**Arcadia City Staff**

City Administrator Judi Jankosky  
 City Attorney Thomas J. Wohl

City Recorder Virginia S. Haas  
 Marshal Charles Lee

**PROCLAMATION**

Military Family and Community Covenant Day – The City Recorder read the Proclamation in full which was dedicated to Military Family and Community Covenant Day.

**CONSENT AGENDA**

1. February 19, 2013 City Council Workshop Minutes
2. February 19, 2013 City Council Minutes
3. Check Warrant Reports from 02/15/13, 02/21/13 and 03/01/13
4. Special Event Permit for CCA Peace River Chapter Kids Fishing Clinic, Lake Katherine
5. Special Event Permit for Birthday Party at Speer Center, Applicant Anita Lynch

Councilman Fink requested to pull item number 2 of the consent agenda.

**Councilman Fink made a motion to approve consent agenda items 1 and 3 through 5 as presented. The motion was properly seconded by Deputy Mayor Heine and carried 5-0.**

**Councilman Fink noted required changes to page three of five of the February 19, 2013 minutes as requested by the City Attorney. “Mayor Keene opened the public meeting hearing for second reading.” “Mayor Keene closed the public meeting hearing.” A motion was made by Councilman Fink and seconded by Deputy Mayor Heine to approve the February 19, 2013 minutes with the changes noted above. The motion carried 5-0.**

## DISCUSSION ITEMS

### 6. Smith Brown Food Give-A-Way (City Administrator)

Mrs. Valerie Gilchrist, DeSoto Homeless Coalition, reported that this year was unsuccessful for funding for any charities and requested a waiver of fees and liability until she met with the Directors and Chamber. She asked for a three month grace period to bring the Coalition up to date financially which would include liability. Mrs. Gilchrist responded to Councilman Allen that liability insurance would cost approximately \$1,500. Mayor Keene asked if the matter could be addressed sooner than three months. Former Administrator Strube asked if the food vendor could allow the Homeless Coalition under the umbrella of their insurance. Mrs. Gilchrist responded that she could certainly ask that question.

**A motion was made by Deputy Mayor Heine and seconded by Councilman Fink to temporarily approve the special event request with the City sponsoring the event as to liability for one event. Mrs. Gilchrist will meet with the Directors and Chamber and report back to the Council at their next meeting. The motion carried 5-0.**

### 7. Retirees and Health Insurance (City Administrator)

Mrs. Jankosky stated that the only amendment to the current policy is requiring that retirees switch to Medicare once eligible and in the memo she list other items that should be addressed and adopted into policy.

**A motion was made by Councilman Fink and seconded by Deputy Mayor Heine to adopt policy option number two as stated in the memorandum as follows: Option 2: Allow retirees to stay on the group policy, retiree pay 100% and when retiree qualifies for Medicare, they would be required to switch, in which they pay. Current retirees would also be required to switch to Medicare once eligible with a set stipend of \$225.**

Mr. Strube distributed an outline discussing potential ramifications of the changes proposed to the retirees' health insurance. He reviewed each item and noted that item 5d would be a good deal for the employees and the City. He stated that the health plan is better under the Medicare supplements. He also said that he currently receives 100% benefit for all Medicare parts and he felt this benefit should be good for other employees who qualify because the City is currently saving approximately \$300 per month per employee. Mr. Strube also added that there is an additional deductible the employee must absorb which the City could now afford to supplement. Mr. Strube reviewed the various recommendations, stipends and deductibles. Mrs. Jankosky responded that she worked with the employment law attorney for four months and found that except for the contract with Mr. Strube the City has no vested contract to the other employees. However; Mr. Lew Ambler, DeSoto Insurance, did stress that whatever Council adopts the policy should be consistent, fair and equal to all. Mr. Tom Guidry, DeSoto Insurance, reviewed the new affordable health care act.

**Vote on the original motion carried 5-0. The complete policy as adopted follows:**

#### **RETIREE HEALTH INSURANCE CONTINUATION – Adopted March 5, 2013**

City employees who leave the City's employment in good standing and who have at least 20 years of continuous full-time service may opt to stay on the city group health plan with all premiums paid for by the employee.

- 1) This policy applies to all full-time employees that have been continuously employed with the city as of 9/12/2006 and into the future, unless amended by City Council. Employees who have retired, left services with the City, or are not employed by the city as of the date this policy is approved are not eligible.
- 2) Any employee that leaves the City in any standing with less than 20 years of service may opt to convert to COBRA coverage in which the employee pays all costs.
- 3) All retirees must convert from the group health insurance to Medicare as soon as they qualify. Group health coverage will not be available to anyone eligible for Medicare.
- 4) Retiree spouses and children may continue to participate in the group plan as well with 100% of the premiums paid by the retiree. The city will pay no part of dependent coverage.
- 5) All previous health insurance premium payment continuation policies (formerly referred to as sections 14.25 and 15.20 of the City of Arcadia Personnel Manual dated 9/11/2006 and 9/20/2011) are hereby revised as follows:
  - a) All current retirees on the group health insurance plan under 65 must convert to Medicare upon eligibility.
  - b) Group health insurance will not be available to retirees that qualify for Medicare.
  - c) A stipend of \$225 will be made once retiree is eligible for Medicare.

The Arcadia City Council reserves the right to revise this policy at any time without notice unless required by law.

#### 8. Air-Cadia Fire Insurance (City Attorney)

Attorney Wohl stated that he and Mrs. Jankosky are still attempting to discover exactly how many months the Butler Building was actually not rentable. At that time they will be able to approach an offer. At this time he projects potentially 14 months at \$2,800. He will return with dates for the next meeting.

#### 9. Antique Association (Councilman Fink)

Councilman Fink disclosed that he and his ex-wife are members of the Antique Association however deems no direct benefit and the former Attorney opinion indicates no conflict of interest. He stated that on November 1, 2011 the Antique Association was given formal approval from Council for the 4<sup>th</sup> Saturday Antiques Fair which secured the rights from the City to utilize the sidewalks downtown for vendor booths. He read code section 86-5 which deals with the obstruction of sidewalks and stated the event has been held downtown for the last 18 years and asked for clarification. Councilman Fink stated at the last event Code Enforcement was called and refused any action on vendors without permits obstructing the sidewalks. However; the following week at another organization's event there was no comment. He stated all should be enforced equally or the code or permit should be clarified. Attorney Wohl replied that the only issue regarding obstructing sidewalks (86.5) would be if you have a permit as dictated through the code in that section. Councilman Fink replied that there are vendors

setting up who were not covered under the Antiques Association liability insurance. Attorney Wohl stated he doesn't believe that anyone should be obstructing the sidewalks.

Marshal Lee read a letter regarding a recent complaint against a vendor James and Christy Lee filed by Mrs. Flo Rife, President of the Antique Association. There was some discussion about holding the event in the street rather than the sidewalks. Sheri Fink passed to Council the current contract that the Association utilizes for vendors which show they are in ADA compliance. She noted that all money goes back to the City through advertisements of the City of Arcadia and stressed that all organizations should follow the same rules.

Councilman Fink stated that according to the code if someone sets out merchandise daily that would be against the code. Attorney Wohl confirmed that it appears the issue is they don't have a permit that fell under the July 2012 blanket permit that was issued to the Association. Mrs. Jankosky explained that ADA compliance is four feet clearance for typical handicap uses, five feet clearance for wheelchairs and six feet clearance for two wheelchairs to pass.

Mrs. Christine Lee stated that she rents a store on the corner of Oak and Monroe. She paid for half of the membership for the year for in front of her store and stated this may be more of a personal issue rather than a Council matter.

Mrs. Susan Smith explained that in the past the Watermelon Festival was held in the streets and she has heard complaints about vendors blocking businesses doors.

Mr. Don Todd stated he belongs to the Antiques Association and recently felt through threats in the letter that the Police Department and Code Enforcement would be notified. He said they currently give 50 feet of space to the Association for renting to vendors.

There was discussion about ownership of the sidewalks. Attorney Wohl clarified that this discussion was about temporary vending.

Ms. Flo Rife spoke against moving the Antique Fair into the street area.

Ms. Sandra George, 132 W. Oak, explained that the store owners do not block the sidewalk and they were past members of the Association however dropped out due to the rules requiring payment to set items in front of their store. Councilman Fink reminded that your business insurance does not cover the sidewalks.

Mrs. Judith Randall spoke highly of the Association and agreed it was not a good idea to move the event into the middle of the streets because visitors may not enter into the businesses.

Mrs. Jankosky responded that she would coordinate with the Fire Department and the City Attorney and return to Council with suggestions.

## **RESOLUTION**

- 10. RESOLUTION NO. 2013-07; A RESOLUTION OF THE CITY OF ARCADIA, FLORIDA DECLARING SUPPORT FOR PROPOSED CHANGES TO SECTION 287.055, F.S., ALSO KNOWN AS "THE CONSULTANTS' COMPETITIVE NEGOTIATION ACT" OR "CCNA". (City Administrator)**

The City Recorder read Resolution No. 2013-07 by title only. A motion was made by Councilman Fink and seconded by Councilman Allen to adopt Resolution No. 2013-07 as presented. The motion carried 5-0.

## ORDINANCES

11. **ORDINANCE NO. 984; FIRST READING AN ORDINANCE AMENDING DIVISION 3 OF ARTICLE IV OF CHAPTER 2 OF THE CODE OF ORDINANCES OF THE CITY OF ARCADIA BY RENAMING THE TITLE OF CITY RECORDER TO CITY CLERK; DELETING SEC. 2-115 CUSTODY OF CITY FUNDS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (City Attorney)**

The City Recorder read Ordinance No. 984 by title only. A motion was made by Councilman Fink and seconded by Councilman Allen to move Ordinance No. 984 forward to second reading. The motion carried 5-0.

12. **ORDINANCE NO. 985; SECOND AND FINAL READING OF AN ORDINANCE AMENDING SECTION 11 OF THE CHARTER OF THE CITY OF ARCADIA TO CHANGE THE ELECTION DATES FOR THE OFFICE OF THE CITY COUNCIL; PROVIDING FOR THE ONE TIME EXTENSION OF THE TERMS OF THE CITY COUNCIL MEMBERS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (City Attorney)**

The City Recorder read Ordinance No. 985 by title only. A motion was made by Councilman Allen and seconded by Deputy Mayor Heine to adopt Ordinance No. 985 as presented. Councilman Fink noted for the record that he opposed the Ordinance noting that it may be perfectly legal however it is not in the best interest of the City. The motion carried 4-1 with Councilman Fink dissenting.

13. **ORDINANCE NO. 986; FIRST READING OF AN ORDINANCE AMENDING SECTION 46-264 OF THE CODE OF ORDINANCES OF THE CITY OF ARCADIA TO CHANGE THE ELECTION DATES FOR THE OFFICE OF THE CITY MARSHAL; PROVIDING FOR THE ONE TIME EXTENSION OF THE TERM OF THE CITY MARSHAL; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (City Attorney)**

The City Recorder read Ordinance No. 986 by title only. A motion was made by Deputy Mayor Heine and seconded by Councilman Allen to move Ordinance No. 986 forward to second reading. Councilman Fink stated he opposes Ordinance No. 986 as well as the previous Ordinance because there are other ways in which the Ordinance could be put into effect which includes voting of the citizens. The motion carried 5-0.

14. **ORDINANCE NO. 987; FIRST READING OF AN ORDINANCE**

**AMENDING SECTION 2-95 OF THE CODE OF ORDINANCES  
OF THE CITY OF ARCADIA BY INCLUDING CUSTODY OF  
CITY FUNDS; PROVIDING FOR CODIFICATION; PROVIDING  
FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.  
(City Attorney)**

The City Recorder read Ordinance No. 987 by title only. A motion was made by Councilman Fink and seconded by Councilman Heine to move Ordinance No. 987 forward to second reading. The motion carried 5-0.

**COMMENTS FROM DEPARTMENTS**

15. City Marshal – February Report Included

16. Attorney

a. Code Enforcement Lien on 342 S. Orange Avenue

Attorney Wohl reported a mortgage and three years of taxes on 342 S. Orange Avenue that takes priority over the lien and potential future foreclosure. Councilman Fink asked that the code be reviewed and updated in regards to these type matters.

17. City Administrator

**Mrs. Jankosky reported that FDOT denied the City's request for the easement. A motion was made by Councilwoman Frierson and seconded by Deputy Mayor Heine to approve the purchase offer from FDOT for the right of way regarding Highway 17 road improvements. The motion carried 5-0.**

Mayor Keene requested an update on the crosswalk on Highway 70 South. Mrs. Jankosky will speak with the County and report at next meeting.

**PUBLIC (PLEASE LIMIT PRESENTATIONS TO FIVE MINUTES)**

Mr. George Chase inquired as to the lease status reviewed by the Attorney for events at the Airport. Attorney Wohl confirmed he reviewed the document and the fly-ins and gatherings could be permitted.

County Commissioner Bob Miller reported a workshop with Fire Rescue and the County Sheriff on March 26, 2013 at 9 a.m.

Mr. Mario Bing expressed his dissatisfaction of people discussing the local Church.

Mr. James George, Phoenix Rising, commented on taking stock in the City's Antiques Fair.

**MAYOR AND COUNCIL MATTERS**

Mayor Keene asked Council if they would consider personal donations for various flags in Veteran's Park as requested by the Veteran's Council. Council agreed. He announced a fundraiser at the Turner Center on March 28, 2013 in sponsorship of this effort.

**ADJOURN**

There being no further business the meeting adjourned at 8:10 p.m.

**APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2013.**

By:

\_\_\_\_\_  
Keith Keene, Mayor

ATTEST:

\_\_\_\_\_  
Virginia S. Haas, City Recorder



03/08/2013 14:44  
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City of Arcadia, FL - \*\* LIVE \*\*  
WARRANT LIST BY VOUCHER

PG 12  
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WARRANT: 20130301 03/08/2013

DUE DATE: 03/08/2013

VOUCHER	VENDOR	VENDOR NAME	INVOICE	PO	TYPE	DUE DATE	AMOUNT	COMMENT
90772	170025	QUILL CORPORATION	8000286	100	INV	01/11/2013	10.99	OFFICE SUPPLIES
90773	170025	QUILL CORPORATION	37277	100	CRM	01/11/2013	-10.99	REFUND
91443	230015	WALMART COMMUNITY BRC	02162013	100	INV	03/01/2013	514.05	ACCT NO. 6032 2020 005
91467	2823	CHANCEY BOHANNAN SEPTIC & P	1151	100	INV	03/08/2013	140.00	PORT A JON SERVICE
91468	40106	DESOTO INS AGENCY INC	83693	100	INV	03/08/2013	1,355.39	STORAGE TANK LIABILITY
91469	2596	MAULDIN & JENKINS	534933	100	INV	03/08/2013	6,050.00	PROFESSIONAL SERVICES
91470	2128	ODYSSEY MANUFACTURING CO.	177813	100	INV	03/08/2013	423.75	HYPOCHLORITE SOLUTIONS
91471	439	SECURITY ALARM CORPORATION	115667	100	INV	03/08/2013	63.00	MONITORING
91472	1405	THE SUN	022013155159	100	INV	03/08/2013	103.00	GOLF DIRECTORY 1/22-2/
91483	286	CITY OF ARCADIA	MARCH 2013	100	INV	03/08/2013	200.00	BUDGETED ALLOWANCE FOR
91484	909155	ROOSEVELT JOHNSON	MARCH 2013	100	INV	03/08/2013	250.00	MARCH 2013 RETIREMENT
91485	10025	CID UNIT OF	MARCH 2013	100	INV	03/08/2013	600.00	BUDGETED ALLOWANCE FOR
91486	1629	EUGENE HICKSON	MARCH 2013	100	INV	03/08/2013	150.00	MARCH 2013 RETIREMENT
91487	40060	DESOTO CNTY BOARD OF	MARCH 2013	100	INV	03/08/2013	33,030.01	MARCH 2013 - FIRE DEPT
91488	2554	ADT SECURITY SYSTEMS INC	90256438	100	INV	03/08/2013	29.15	CUST NO. 01300 1313146
91490	10140	ALERT PLUMBING SERVICE, INC	056663	100	INV	03/08/2013	66.30	REPAIR TO LADIE'S REST
91491	2102	BLUE CROSS BLUESHIELD OF FL	26304555	100	INV	03/08/2013	43.10	H44805259: BARBARA NIC
91492	2102	BLUE CROSS BLUESHIELD OF FL	26328952	100	INV	03/08/2013	43.10	H41887225: CLIFFORD LO
91493	2102	BLUE CROSS BLUESHIELD OF FL	26309845	100	INV	03/08/2013	43.10	H52918390: DOYLE EDWAR
91494	2102	BLUE CROSS BLUESHIELD OF FL	26306925	100	INV	03/08/2013	43.10	H53962976: MARGARET WA
91495	106	BOWLING GREEN SMALL ENGINE	27921	100	INV	03/08/2013	242.35	WIRE/COIL/FAN COOLING/
91496	2808	AARP MEDICARE RX PREFERRED	MARCH 2013_STRUBE	100	INV	03/08/2013	41.40	MEMBER ID 0115493301
91497	2808	AARP MEDICARE RX PREFERRED	MARCH 2013_WARTHEN	100	INV	03/08/2013	41.40	MEMBER ID 0115487191
91498	2455	CENTURYLINK	312202177_MARCH 2013	100	INV	03/08/2013	133.78	ACCT 312202177
91499	2455	CENTURYLINK	312077636_MARCH 2013	100	INV	03/08/2013	275.11	ACCT NO. 312077636



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City of Arcadia, FL - \*\* LIVE \*\*  
WARRANT LIST BY VOUCHER

PG 14  
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WARRANT: 20130301 03/08/2013

DUE DATE: 03/08/2013

VOUCHER	VENDOR	VENDOR NAME	INVOICE	PO	TYPE	DUE DATE	AMOUNT	COMMENT
91526	60090	FLORIDA POWER & LIGHT	JAN/FEB '13 WTRPLTSY	100	INV	03/08/2013	64.36	14787-37974: 645 TURNE
91527	60090	FLORIDA POWER & LIGHT	JAN/FEB '13 344MILLS	100	INV	03/08/2013	131.25	44487-35995: 344 N MIL
91528	60090	FLORIDA POWER & LIGHT	JAN/FEB '13 BREVPOLI	100	INV	03/08/2013	255.35	78275-70040: 725 N BRE
91529	60090	FLORIDA POWER & LIGHT	JAN/FEB '13 DRIVERSL	100	INV	03/08/2013	114.47	80428-96368: 721 N BRE
91530	172	MCGEE TIRE STORES	201633	100	INV	03/08/2013	132.34	TIRES
91531	172	MCGEE TIRE STORES	201646	100	INV	03/08/2013	132.34	TIRES
91532	1105	ROBIN GREIWE MIDULLA, P.A.	10669_02212013	100	INV	03/08/2013	509.00	PROFESSIONAL SERVICES
91533	1535	NAPA AUTO PARTS	201539	100	INV	03/08/2013	42.26	AIR HOSE FOR HOSE REEL
91534	1535	NAPA AUTO PARTS	201602	100	INV	03/08/2013	19.81	IGN COIL
91535	1535	NAPA AUTO PARTS	201635	100	INV	03/08/2013	19.86	SOLENOID
91536	1535	NAPA AUTO PARTS	201611	100	INV	03/08/2013	38.69	CONTROL MODULE
91537	1535	NAPA AUTO PARTS	201607	100	INV	03/08/2013	26.75	DISTRIBUTOR CAP & ROTO
91538	1535	NAPA AUTO PARTS	201884	100	INV	03/08/2013	47.75	FUEL LINE HOSE
91539	1535	NAPA AUTO PARTS	201600	100	INV	03/08/2013	13.85	DOOR HANDLE
91540	1535	NAPA AUTO PARTS	201882	100	INV	03/08/2013	9.70	HOSE CLAMP
91541	1535	NAPA AUTO PARTS	201541	100	INV	03/08/2013	18.00	HI POWER IND V-BELT
91543	2151	PEACE RIVER SHOPPER	14181	100	INV	03/08/2013	75.00	AD
91544	2036	ROY PELLETIER	3-2013	100	INV	03/08/2013	733.00	PO 24066
91545	2600	SAFEGUARD SECURITY INC	046817	100	INV	03/08/2013	54.00	MONITORING ELECTRONIC
91546	190070	SHORT ENVIRONMENTAL	13-0705	100	INV	03/08/2013	78.00	2/11-2/13/2013 SAMPLE
91547	190070	SHORT ENVIRONMENTAL	13-0680	100	INV	03/08/2013	78.00	2/14/2013 SAMPLE
91548	190070	SHORT ENVIRONMENTAL	13-0663	100	INV	03/08/2013	50.00	2/5/2013 SAMPLE
91549	190090	SMITH'S RANCH & GARDEN, INC	101051310	100	INV	03/08/2013	7.50	BARB STAPLES
91550	190090	SMITH'S RANCH & GARDEN, INC	102065724	100	INV	03/08/2013	2.99	ACE BATTERY 9 V ALKALI
91551	190090	SMITH'S RANCH & GARDEN, INC	102065726	100	INV	03/08/2013	16.99	AUTO STRIPPER/CRIMPER



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City of Arcadia, FL - \*\* LIVE \*\*  
WARRANT LIST BY VOUCHER

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WARRANT: 20130301 03/08/2013

DUE DATE: 03/08/2013

VOUCHER	VENDOR	VENDOR NAME	INVOICE	PO	TYPE	DUE DATE	AMOUNT	COMMENT
91552	2792	SOUTHERN OXYGEN & WELDING S	355303	100	INV	03/08/2013	350.43	OXYGEN COMPRESSED/ACET
91553	2792	SOUTHERN OXYGEN & WELDING S	355147	100	INV	03/08/2013	60.39	OXYGEN COMPRESSED/ACET
91554	2388	STRUBE, EDWARD J	MARCH 2013_REIM	100	INV	03/08/2013	104.90	MEDICARE PART B PREMIU
91555	2688	SWAINE & HARRIS, PA	12560	100	INV	03/08/2013	3,000.00	MATTER NO. 6524-001
91556	2688	SWAINE & HARRIS, PA	12559	100	INV	03/08/2013	462.20	MATTER NO. 6524-004
91557	2638	TOSHIBA	2308832	100	INV	03/08/2013	235.76	CUST PO 24022
91558	2638	TOSHIBA	2308652	100	INV	03/08/2013	264.76	CUST PO 23883
91559	200075	TOTAL PEST CONTROL OF	843797	100	INV	03/08/2013	155.00	LAWN SERVICE
91560	40015	D & B ENTERPRISES, INC	12089	100	INV	03/08/2013	50.00	TOWING
91561	80075	HOME OWNERS SUPPLY	234467	100	INV	03/08/2013	5.49	GLUE CONTACT CMNT10 OZ
91562	80075	HOME OWNERS SUPPLY	234449	100	INV	03/08/2013	14.49	1X2X8 F.S PRESSURE TRE
91563	170025	QUILL CORPORATION	9794792	100	INV	03/08/2013	208.96	OFFICE SUPPLIES
91564	2477	STATE OF FLORIDA	3G-7231	100	INV	03/08/2013	255.20	SERVICE THRU FEB 04 20
91566	1535	NAPA AUTO PARTS	200782	100	INV	03/08/2013	184.00	BURR SET
91567	1535	NAPA AUTO PARTS	200824	100	CRM	03/08/2013	-184.00	BURR SET REFUND
91568	2811	UNITEDHEALTHCARE INSURANCE	MARCH 2013_WATERS	100	INV	03/08/2013	194.00	MEMBERSHIP NO. 0351118
91569	2811	UNITEDHEALTHCARE INSURANCE	MARCH 2013_WARTHEN	100	INV	03/08/2013	213.40	MEMBERSHIP NO. 3993346
91570	2811	UNITEDHEALTHCARE INSURANCE	MARCH 2013_STRUBE	100	INV	03/08/2013	179.25	MEMBERSHIP NO. 3014660
WARRANT TOTAL							84,786.16	

\*\* END OF REPORT - Generated by Amanda Albritton-Horkey \*\*



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City of Arcadia, FL - \*\* LIVE \*\*  
WARRANT LIST BY VOUCHER

PG 4  
apwarrnt

WARRANT: 20130303 03/12/2013

DUE DATE: 03/12/2013

VOUCHER	VENDOR	VENDOR NAME	INVOICE	PO	TYPE	DUE DATE	AMOUNT	COMMENT
91584	2257	PEACE RIVER DISTRIBUTING CO	00050866	100	INV	03/12/2013	469.06	BEVERAGES FOR PRO SHOP
WARRANT TOTAL							469.06	

\*\* END OF REPORT - Generated by Amanda Albritton-Horkey \*\*



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City of Arcadia, FL - \*\* LIVE \*\*  
WARRANT LIST BY VOUCHER

PG 12  
apwarrnt

WARRANT: 20130302 03/15/2013

DUE DATE: 03/15/2013

VOUCHER	VENDOR	VENDOR NAME	INVOICE	PO	TYPE	DUE DATE	AMOUNT	COMMENT
91583	230045	WESTERN AUTO ASSOC STORE	10068033	100	INV	03/15/2013	41.98	6 VOLT 4.5
91587	2844	ADVANCE AUTO PARTS	9127307073972	100	INV	03/15/2013	41.97	TAIL LGT/MINI BULB
91588	2844	ADVANCE AUTO PARTS	9127306673863	100	INV	03/15/2013	40.99	SWITCH HEADLIGHT
91589	1893	ARCADIA DO-IT-BEST HARDWARE	A341235	100	INV	03/15/2013	66.05	BIKE PADLOCK
91590	10175	ARCADIA ELECTRIC CO	18223	100	INV	03/15/2013	195.00	SERVICE/REFRIGERANT
91591	1679	ARCADIA PRINTING, LLC	11600	100	INV	03/15/2013	45.00	BUSINESS CARDS
91592	10200	ARCADIAN	2862522	100	INV	03/15/2013	101.84	LEGAL ADS FOR ORD 984,
91593	1963	BV OIL COMPANY, INC	03-569177	100	INV	03/15/2013	548.85	55 GL AMALIE XLO
91594	2004	CENTRAL FIRE	50252	100	INV	03/15/2013	36.50	ANNUAL MAINT-FIRE EXT
91595	2455	CENTURYLINK	MAR '13_312119325	100	INV	03/15/2013	39.95	ACCT #312119325
91596	2455	CENTURYLINK	MAR '13_312161469	100	INV	03/15/2013	59.95	ACCT NO. 312161469
91597	2455	CENTURYLINK	MAR '13_311367811	100	INV	03/15/2013	29.95	ACCT NO. 311367811
91598	2455	CENTURYLINK	MAR '13_312159680	100	INV	03/15/2013	159.95	ACCT NO. 312159680
91599	2455	CENTURYLINK	MAR '13_311745767	100	INV	03/15/2013	157.95	ACCT NO. 311745767
91600	2455	CENTURYLINK	MAR '13_312079108	100	INV	03/15/2013	37.89	ACCT NO. 312079108
91601	1893	ARCADIA DO-IT-BEST HARDWARE	A342207	100	INV	03/15/2013	50.39	LANDSCAPE FBRC PINS/CL
91602	2004	CENTRAL FIRE	50249	100	INV	03/15/2013	79.00	ANNUAL MAINT FIRE EXT
91603	2004	CENTRAL FIRE	50255	100	INV	03/15/2013	290.24	ANNUAL MAINT FIRE EXT
91605	2004	CENTRAL FIRE	50254	100	INV	03/15/2013	329.00	ANNUAL MAINT EXT
91606	2004	CENTRAL FIRE	50253	100	INV	03/15/2013	371.89	ANNUAL MAINT EXT
91607	2004	CENTRAL FIRE	50247	100	INV	03/15/2013	85.70	ANNUAL MAINT FIRE EXT
91608	2004	CENTRAL FIRE	50251	100	INV	03/15/2013	64.65	ANNUAL MAINT FIRE EXT
91609	2658	CINTAS DOCUMENT MANAGEMENT	DD69074713	100	INV	03/15/2013	38.85	DOCUMENT SHREDDING
91610	10030	W & S ENTERPRISE ACCOUNT	101328	100	INV	03/15/2013	128.52	ACCT NO. 1070554200
91611	10030	W & S ENTERPRISE ACCOUNT	101327	100	INV	03/15/2013	166.32	ACCT NO. 1070554000



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City of Arcadia, FL - \*\* LIVE \*\*  
WARRANT LIST BY VOUCHER

PG 13  
apwarnt

WARRANT: 20130302 03/15/2013

DUE DATE: 03/15/2013

VOUCHER	VENDOR	VENDOR NAME	INVOICE	PO	TYPE	DUE DATE	AMOUNT	COMMENT
91612	10030	W & S ENTERPRISE ACCOUNT	101413	100	INV	03/15/2013	105.54	ACCT NO. 1070631500
91613	10030	W & S ENTERPRISE ACCOUNT	101407	100	INV	03/15/2013	145.34	ACCT NO. 1070622600
91614	10030	W & S ENTERPRISE ACCOUNT	101406	100	INV	03/15/2013	35.26	ACCT NO. 1070622400
91615	10030	W & S ENTERPRISE ACCOUNT	101175	100	INV	03/15/2013	30.24	ACCT NO. 1050582900
91616	10030	W & S ENTERPRISE ACCOUNT	101176	100	INV	03/15/2013	30.24	ACCT NO. 1050583500
91617	10030	W & S ENTERPRISE ACCOUNT	101195	100	INV	03/15/2013	30.24	ACCT NO. 1050589700
91618	377	COMMUNITY ASPHALT CORP.	43116	100	INV	03/15/2013	2,753.08	COLD PATCH
91619	1130	CONSOLIDATED PRODUCTIONS GR	03062013	100	INV	03/15/2013	2,481.00	WATERLINE REPAIR
91620	1451	DESOTO AUTO MALL	17674	100	INV	03/15/2013	1,740.00	AUTOMATIC TRA SPO
91621	40050	DESOTO AUTOMOTIVE INC	331487B	100	INV	03/15/2013	9.66	3/8 ID PUSH-LOC HOSE/H
91622	1507	DM CENTER FOR FAMILY HEALTH	03052013	100	INV	03/15/2013	125.00	PHYSICAL/DRUG TEST - F
91623	325	DESOTO SIGN COMPANY	13081	100	INV	03/15/2013	48.00	STRIPPED & RE-LETTERIN
91624	2606	FLC, INC	02132013	100	INV	03/15/2013	2,410.02	TELECOM EXPENSE MANAGE
91625	60090	FLORIDA POWER & LIGHT	FEB/MAR '13_518OKSCH	100	INV	03/15/2013	7.83	86546-90547: 518 E OAK
91626	60090	FLORIDA POWER & LIGHT	FEB/MAR '13VOLPARKPM	100	INV	03/15/2013	11.49	86639-39968: 16 S VOLU
91627	60090	FLORIDA POWER & LIGHT	FEB/MAR '13 607OKSCH	100	INV	03/15/2013	8.03	40006-94473: 607 E OAK
91628	60090	FLORIDA POWER & LIGHT	FEB/MAR '13 185TURN	100	INV	03/15/2013	9.50	51929-54195: 185 NE TU
91629	60090	FLORIDA POWER & LIGHT	FEB/MAR '13 PROVIDEN	100	INV	03/15/2013	68.18	16944-36948: 231 PROVI
91630	1472	G.NEIL	INV0796764	100	INV	03/15/2013	49.99	POSTER GUARD
91631	1472	G.NEIL	INV0796765	100	INV	03/15/2013	49.99	POSTER GUARD
91632	1472	G.NEIL	INV0796762	100	INV	03/15/2013	49.99	POSTER GUARD
91633	1811	GLOBAL EQUIPMENT COMPANY	105501001	100	INV	03/15/2013	125.52	CARPET MATS
91634	2580	J J TAYLOR COMPANIES INC	9386592	100	INV	03/15/2013	394.75	BEVERAGES FOR PRO SHOP
91635	2473	KED GROUP, INC	2806	100	INV	03/15/2013	15,748.15	K-1000
91636	2080	KLENECORP	3483	100	INV	03/15/2013	9,975.00	DELL OPTIPLEX 3010



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City of Arcadia, FL - \*\* LIVE \*\*  
WARRANT LIST BY VOUCHER

PG 14  
apwarnt

WARRANT: 20130302 03/15/2013

DUE DATE: 03/15/2013

VOUCHER	VENDOR	VENDOR NAME	INVOICE	PO	TYPE	DUE DATE	AMOUNT	COMMENT
91638	2887	LAYER 3 TECHNOLOGIES INC	2783	100	INV	03/15/2013	150.00	REMOTE INSTALL
91639	222	JEAN-PIERRE LACROIX	WEB000155	100	INV	03/15/2013	110.00	SERVICE
91640	222	JEAN-PIERRE LACROIX	WEB000161	100	INV	03/15/2013	130.00	SERVICE
91641	120120	LOU'S PAINT SPOT	142416	100	INV	03/15/2013	105.10	MOPOXY PRECAUTION BLUE
91642	172	MCGEE TIRE STORES	201924	100	INV	03/15/2013	133.75	TIRES
91643	1535	NAPA AUTO PARTS	202244	100	INV	03/15/2013	69.14	DRILL BIT SET
91644	1535	NAPA AUTO PARTS	201977	100	INV	03/15/2013	25.47	QD ELECTRONIC CLEANER
91645	1535	NAPA AUTO PARTS	202233	100	INV	03/15/2013	200.59	AMERSEAL TIRE SEAL 5G
91646	1535	NAPA AUTO PARTS	202243	100	INV	03/15/2013	565.65	GEAR WRENCHES
91647	1535	NAPA AUTO PARTS	201919	100	INV	03/15/2013	718.80	MOBIL 1 5W20 1 QT
91648	1535	NAPA AUTO PARTS	201631	100	CRM	03/15/2013	-60.15	REMAN ALTERNATOR/CORE
91649	1535	NAPA AUTO PARTS	201620	100	INV	03/15/2013	379.15	REMAN ALTERNATOR
91650	1535	NAPA AUTO PARTS	201619	100	INV	03/15/2013	19.96	MERCON V ATF
91651	940	NEXTEL COMMUNICATIONS	273625411-132	100	INV	03/15/2013	326.86	ACCT NO. 273625411
91652	2128	ODYSSEY MANUFACTURING CO.	178123	100	INV	03/15/2013	451.50	HYPOCHLORITE SOLUTIONS
91653	2128	ODYSSEY MANUFACTURING CO.	178124	100	INV	03/15/2013	412.50	HYPOCHLORITE SOLUTIONS
91654	82	PENN VALLEY PUMP CO, INC	7940	100	INV	03/15/2013	1,157.00	SUCTION HSG/GASKET SUC
91655	60115	PRAXAIR DISTRIBUTION SOUTHE	PJ02289891	100	INV	03/15/2013	25.00	DELIVERY CHARGE
91656	60115	PRAXAIR DISTRIBUTION SOUTHE	PJ02296655	100	INV	03/15/2013	2.89	FINANCE CHARGE
91657	439	SECURITY ALARM CORPORATION	116314	100	INV	03/15/2013	252.00	MONITORING
91659	190070	SHORT ENVIRONMENTAL	13-0752	100	INV	03/15/2013	78.00	SAMPLE 2/18-2/20/2013
91660	190070	SHORT ENVIRONMENTAL	13-0754	100	INV	03/15/2013	78.00	SAMPLE 2/25-2/27/2013
91661	190070	SHORT ENVIRONMENTAL	13-0711	100	INV	03/15/2013	75.00	SAMPLE 3/4/2013
91662	190070	SHORT ENVIRONMENTAL	13-0719	100	INV	03/15/2013	165.00	SAMPLE 3/5/2013
91663	190090	SMITH'S RANCH & GARDEN, INC	102066897	100	INV	03/15/2013	5.96	KEY SINGLE CUT



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City of Arcadia, FL - \*\* LIVE \*\*  
WARRANT LIST BY VOUCHER

PG 15  
apwarnt

WARRANT: 20130302 03/15/2013

DUE DATE: 03/15/2013

VOUCHER	VENDOR	VENDOR NAME	INVOICE	PO	TYPE	DUE DATE	AMOUNT	COMMENT
91671	2905	VETERAN'S COUNCIL OF DESOTO	03152013	100	INV	03/15/2013	300.00	DONATION
91672	2237	G&K SERVICES	FEB 2013_1897810	100	INV	03/15/2013	400.68	ACCT NO. 1897810
91673	2237	G&K SERVICES	FEB '13_1898091	100	INV	03/15/2013	30.88	ACCT NO. 1898091
91675	2237	G&K SERVICES	FEB '13_1898090	100	INV	03/15/2013	145.48	ACCT NO. 1898090
91676	2237	G&K SERVICES	FEB '13_1898096	100	INV	03/15/2013	43.40	ACCT NO. 1898096
91677	2237	G&K SERVICES	FEB '13_1898097	100	INV	03/15/2013	91.38	ACCT NO. 1898097
91678	2237	G&K SERVICES	FEB '13_1898099	100	INV	03/15/2013	70.59	ACCT NO. 1898099
91679	2237	G&K SERVICES	FEB '13_1898100	100	INV	03/15/2013	51.90	ACCT NO. 1898100
91680	190070	SHORT ENVIRONMENTAL	13-0753	100	INV	03/15/2013	78.00	2/21/2013
WARRANT TOTAL							46,439.90	

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City of Arcadia, FL - \*\* LIVE \*\*  
WARRANT LIST BY VOUCHER

PG 4  
apwarnt

WARRANT: 20130304 03/15/2013

DUE DATE: 03/15/2013

VOUCHER	VENDOR	VENDOR NAME	INVOICE	PO	TYPE	DUE DATE	AMOUNT	COMMENT
91664	10030	W & S ENTERPRISE ACCOUNT	100336	100	INV	03/15/2013	45.36	ACCT NO. 4230114700
91665	60090	FLORIDA POWER & LIGHT	JAN/FEB '13 AIRPORTO	100	INV	03/15/2013	132.82	03130-38937: SE AIRPOR
91666	60090	FLORIDA POWER & LIGHT	JAN/FEB '13 SEAIRPOR	100	INV	03/15/2013	7.47	03080-31905: SE AIRPOR
91667	60090	FLORIDA POWER & LIGHT	JAN/FEB '13 HANGAR	100	INV	03/15/2013	121.99	03160-30915: SE AIRPOR
91668	60090	FLORIDA POWER & LIGHT	JAN/FEB '13 BEACONLT	100	INV	03/15/2013	36.06	32291-29311: 2268 SE A
91669	60090	FLORIDA POWER & LIGHT	JAN/FEB '13 HANGAR3	100	INV	03/15/2013	25.48	57004-27361: 2101 SE A
91670	2353	RED E SERVICES INC	3425	100	INV	03/15/2013	315.00	SERVICE
WARRANT TOTAL							684.18	

\*\* END OF REPORT - Generated by Amanda Albritton-Horkey \*\*



## MEMORANDUM

TO: Arcadia City Council

FROM: Judi Jankosky, City Administrator 

DATE: March 13, 2013

SUBJECT: Discussion of special assessments

As property values have declined the past several years, the available general fund revenue has decreased. The current millage is 8.5859 and leaves very little room for increase. Any increase would put a burden on commercial and only those homes that have an assessed value more than homestead or any other exemption they qualify for. In speaking with Ken Small, we looked at a variety of special assessment the city could implement that would affect everyone across an even playing field as users of the service.

1. Lighting Special Assessment – currently all the taxpayers are paying over \$80,000 a year for street lighting on city streets; however, not every taxpayer benefits from them. The city would work with FPL to create lighting districts based on where the lights are and then those within that district would be assessed an annual fee on their tax bill.
2. Stormwater Special Assessment – currently the city collects \$0 for stormwater needs. We have a great need to work on stormwater issues. This assessment could be as little as \$1 a month or \$12 a year per parcel but that little bit will add up to help fund stormwater improvements that are desperately needed throughout the city.

The adoption of just the lighting special assessment would make that \$80,000 available in the general fund for operational needs. \$80,000 equates to 0.4553 mils.

Stormwater fees would be banked for a few years in a fund set up just for stormwater until we had enough funds to perform a cost effective stormwater project.

Every little bit adds up. What I would like is council approval to move forward with gathering additional research, costs and financial analysis to implement the two above special assessments.

Let's be very clear that this DOES NOT mean either will be implemented. At this point it is just research and number crunching. A full cost analysis will be brought back if council wishes to even consider these options.



MEMORANDUM

TO: Arcadia City Council

FROM: Judi Jankosky, City Administrator 

DATE: March 13, 2013

SUBJECT: Surplus vehicles

The city has five surplus vehicles to be disposed of. There is going to be a vehicle auction at the Lee Civic Center on April 6. Lee Co. Transit is taking 18 buses, Ft. Myers has about a dozen trucks and several police cars and the school board is taking a lot as well. The auctioneer says it's going to be a huge auction with a great turnout so this is the month to take ours. An auto carrier in Wauchula has offered to transport our five vehicles for \$250 which is reasonable compared to staff driving 6 down and 1 back in order to get the vehicles there.

Steve compared scraping the vehicles to auction and felt auction would bring us more money. The surplus policy does not require Council approval if we take to auction; however, I still wanted to let Council know what we are doing.

## ORDINANCE NO. 984

**AN ORDINANCE AMENDING DIVISION 3 OF ARTICLE IV OF CHAPTER 2 OF THE CODE OF ORDINANCES OF THE CITY OF ARCADIA BY RENAMING THE TITLE OF CITY RECORDER TO CITY CLERK; DELETING SEC. 2-115 CUSTODY OF CITY FUNDS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Division 3 of Article IV of Chapter 2 of the Code of Ordinances of the City of Arcadia sets forth the office of City Recorder; and

**WHEREAS**, the title of City Recorder should be renamed to City Clerk as utilized by other municipalities throughout the State of Florida; and

**WHEREAS**, the office of City Recorder is no longer the custodian of the funds of the City; and

**WHEREAS**, it is in the best interest of the citizens of the City of Arcadia that Division 3 of Article IV of Chapter 2 of the Code of Ordinances of the City of Arcadia be amended,

**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. Division 3 of Article IV of Chapter 2 of the Code of Ordinances of the City of Arcadia is hereby amended as follows:

**"DIVISION 3. - CITY CLERK RECORDER**

**Sec. 2-111. - Office established.**

There is hereby created the office of City Clerk recorder.

**Sec. 2-112. - Appointment.**

The City Clerk recorder shall be appointed by the city administrator subject to approval of the city council.

**Sec. 2-113. - Duties generally.**

- (a) The City Clerk recorder shall perform such duties and responsibilities as set forth in this Code.
- (b) The City Clerk recorder shall act as the recording secretary for the board of adjustment and planning and zoning board of the city and as such be responsible for preparation of their notices, minutes, correspondence, recommendations and publications thereof, where necessary, subject to the approval of those boards respectively. The City Clerk recorder

shall further aid and assist the planning and zoning board in its capacity as the comprehensive planning board of the city as it, from time to time, may direct.

- (c) The City Clerk recorder shall have and perform such other duties as the city administrator may from time to time direct.

**Sec. 2-114. - Attendance at council meetings; recording of proceedings.**

The City Clerk recorder shall attend all meetings of the city council and keep a true record of the proceedings thereof in a book to be provided for that purpose.

**Sec. 2-115. - Custody of city funds.**

~~The city recorder shall be the custodian of the funds of the city and shall receive and pay out all moneys in the manner prescribed by the ordinances of the city.~~

**Sec. 2-116. - Payment of funds; signing of checks.**

The City Clerk recorder shall pay no funds except on a check issued pursuant to the budget, which shall be signed by the finance director or the city administrator and countersigned by one member of the city council.

**Sec. 2-117. - Custody of city seal and records; record of ordinances.**

The City Clerk recorder shall be the custodian of the seal of the city, and shall keep and preserve all documents, records and papers that may come into his or her custody, and shall attest all ordinances passed by the city council, record the ordinances in a minute book, and transcribe the ordinances from the minutes in a separate book to be known and called "ordinance book," to be provided for that purpose.

**Secs. 2-118—2-130. - Reserved."**

**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  
19th day of March, 2013.

CITY OF ARCADIA, FLORIDA

\_\_\_\_\_  
KEITH KEENE, MAYOR

ATTEST:

By: \_\_\_\_\_  
VIRGINIA HAAS  
CITY CLERK

PASSED ON FIRST READING: March 5, 2013.

PASSED ON SECOND READING: March 19, 2013.

APPROVED AS TO FORM:

\_\_\_\_\_  
THOMAS J. WOHL, CITY ATTORNEY

**ORDINANCE NO. 986**

**AN ORDINANCE AMENDING SECTION 46-264 OF THE CODE OF ORDINANCES OF THE CITY OF ARCADIA TO CHANGE THE ELECTION DATES FOR THE OFFICE OF CITY MARSHAL; PROVIDING FOR THE ONE TIME EXTENSION OF THE TERM OF THE CITY MARSHAL; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Article VIII Section 2(b) of the Florida Constitution states that municipalities shall have the governmental powers to enable them to conduct municipal government, perform municipal functions and render municipal services, and may exercise any power for municipal purposes, except when expressly prohibited by law; and

**WHEREAS**, Section 166.021(4), Florida Statutes, provides that changes in terms of elected officers and the manner of their election shall be by referendum, except for the selection of election dates and qualifying periods for candidates and to changes in terms of office necessitated by such changes in elections dates; and

**WHEREAS**, the Florida Attorney General has opined that the changes to Section 100.3605 in 1995 allow a municipality to change the election dates and qualifying periods for candidates, including any changes in terms of offices necessitated by such amendment, such as an extension of term, without a referendum (Op. Att'y Gen. Fla. 2000-61, Op. Att'y Gen. Fla. 2003-52, Op. Att'y Gen. Fla. 2007-34); and

**WHEREAS**, the City Council for the City of Arcadia has determined that it is fiscally sound policy and in the best interests of the electorate to adjust the dates and times of its City elections to coincide with countywide elections for federal and state representatives, occurring in even numbered years; and

**WHEREAS**, the City Council for the City of Arcadia has determined that voter turnout and participation in municipal elections increase in years in which countywide general elections are held pursuant to § 100.031, Fla. Stat.; and

**WHEREAS**, the City Council for the City of Arcadia has noted that the financial expense to the City for municipal elections held in conjunction with countywide elections is less than the financial expense to the City for stand alone municipal elections; and

**WHEREAS**, the City Council of the City of Arcadia deems it to be in the best interest of the City to adopt this Ordinance for the benefit of the health, safety and welfare of the public,

**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. Section 46-264 of the Code of Ordinances of the City of Arcadia is hereby amended as follows:

**“Sec. 46-264. - Date of election of city marshal.**

The regular election of the city marshal shall be held on the first Tuesday after the first Monday of ~~September~~ November of each ~~odd~~ even year in which the term of office of city marshal expires.”

**SECTION 3.** Extension of Term of Office. The term of the existing City Marshal which would otherwise expire before the next election date, as modified by this Ordinance, shall be extended to the following year in order to effectuate the orderly transition of office.

**SECTION 4.** Codification. The publisher of the City’s Code of Laws, the Municipal Code Corporation, is directed to incorporate the amendments included in Section 2 above into the Code of Ordinances.

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

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

PASSED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA, on this 19th day of March, 2013.

CITY OF ARCADIA, FLORIDA

\_\_\_\_\_  
KEITH KEENE, MAYOR

ATTEST:

By: \_\_\_\_\_  
VIRGINIA HAAS  
CITY CLERK

PASSED ON FIRST READING: March 5, 2013.

PASSED ON SECOND READING: March 5, 2013.

APPROVED AS TO FORM:

\_\_\_\_\_  
THOMAS J. WOHL, CITY ATTORNEY

**ORDINANCE NO. 987**

**AN ORDINANCE AMENDING SECTION 2-95 OF THE CODE OF ORDINANCES OF THE CITY OF ARCADIA BY INCLUDING CUSTODY OF CITY FUNDS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Section 2-95 of the Code of Ordinances of the City of Arcadia sets forth the specific powers and duties of the City Administrator; and

**WHEREAS**, the City Recorder is no longer serving as custodian of the funds of the City; and

**WHEREAS**, the City Administrator has assumed the duty of custodian of the funds of the City; and

**WHEREAS**, it is in the best interest of the citizens of the City of Arcadia that Section 2-95 of the Code of Ordinances of the City of Arcadia be amended to include the duty of custodian of the funds of the City,

**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. Section 2-95 of the Code of Ordinances of the City of Arcadia is hereby amended as follows:

**"Sec. 2-95. - Specific powers and duties.**

The city administrator shall have the power and shall be required to:

- (1) Appoint and, when necessary for the good of the city, remove all officers and employees of the city under his jurisdiction. The city administrator shall also have the power to suspend or otherwise discipline subordinates. He may however, delegate or otherwise authorize the head of a department to appoint or remove or otherwise discipline subordinates in his department. The city administrator shall be required, however, to notify the city council and the department head in any case involving the removal of an employee in order that each may be fully advised of the situation leading to the particular employee's removal.
- (2) Be the custodian of the funds of the city and receive and pay out all moneys in the manner prescribed by the ordinances of the city.

- (23) Recommend the salary of officers and employees of the city subject to the approval of the city council, except that employees may be granted a raise in salary within the limitations of the annual budget adopted by the city council.
- (34) Prepare the budget annually and submit it to the city council and be responsible for its administration after adoption.
- (45) Prepare and submit to the city council, to the extent that it is feasible to do so, as of the end of each fiscal year, a complete report on the finances of the city and the administrative activities for the preceding year.
- (56) Keep the city council advised of the financial condition of the city and future needs of the city, and make such recommendations as may seem necessary and advisable.
- (67) Be the purchasing agent of the city, by whom all purchases shall be made. These purchases are to be for those areas of his responsibility only and are further subject to any rules and regulations that may from time to time be prescribed by the city council. He shall approve all bills for payments. In the capacity of purchasing agent, he shall write specifications and invite bids as the council may so direct.
- (78) Prepare and submit to the city council each month, or as otherwise provided, an agenda of contemplated items to be considered for each regular or special meeting.
- (89) Perform such other duties and tasks as may be prescribed by the city council from time to time or as may otherwise be required, to the extent that such powers and duties are not inconsistent with the Charter, existing ordinances, or accepted standards of good public administration.”

**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  
19th day of March, 2013.

CITY OF ARCADIA, FLORIDA

\_\_\_\_\_  
KEITH KEENE, MAYOR

ATTEST:

By: \_\_\_\_\_  
VIRGINIA HAAS  
CITY CLERK

PASSED ON FIRST READING: March 5, 2013.

PASSED ON SECOND READING: March 19, 2013.

APPROVED AS TO FORM:

\_\_\_\_\_  
THOMAS J. WOHL, CITY ATTORNEY

**CITY OF ARCADIA, FLORIDA  
ORDINANCE NO. 988**

**AN ORDINANCE OF THE CITY OF ACADIA, FLORIDA;  
CREATING SECTION 102-47 OF THE CITY OF ARCADIA CODE  
OF ORDINANCES; PROVIDING FOR THE IMPOSITION OF  
LIENS FOR DELINQUENT UTILITY ACCOUNTS; PROVIDING  
FOR CODIFICATION; PROVIDING FOR SEVERABILITY AND  
PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Arcadia supplies utilities to customers at charges established by the City Council of the City of Arcadia; and

**WHEREAS**, some customers fail to pay the charges and the City needs a remedy to be able to recoup those monies; and

**WHEREAS**, the City Council wishes to establish authority to impose liens for delinquent utility accounts.

**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 a new section 102-47 to read in its entirety as follows:

**“Sec. 102-47. Security for Non-Payment of Utility Bills.**

- (a) Except as otherwise provided by law, on all premises the owner shall be held liable and responsible for charges for all utilities supplied thereto if the owner is/was the city's customer when the usage occurred. Failure to pay such charges when they become due shall constitute grounds to terminate services to those premises, including but not limited to removal of water meter and disconnection of piping.
- (b) The city shall have as additional security for the collection of any charges for water, sewer, sanitation and/or reclaimed water service supplied to any building or to any premises, lot, piece or parcel of land, a lien upon such building and upon any premises, lot, piece or parcel of land upon which such building shall be situated or to which such utilities are supplied when the bill for the utilities remains unpaid for a period of 30 days after they become due and payable and shall remain a lien until paid in full. When recorded in the public records such lien shall be prior to and superior to all other liens

except taxes and shall be on parity with the lien of such taxes. Neither discontinuance of service nor any attempt to collect such utility bills, assessments or charges by any process shall in any way invalidate or waive the lien upon the premises. The city may proceed to foreclose such lien or liens pursuant to the manner prescribed by law.

- (c) The lien provided for herein may be recorded in the public records of the county. The amount of any lien so recorded shall include all unpaid utility charges and all costs incurred in recording the lien including but not limited to the filing fees, and administrative costs incurred by the city which administrative costs shall be established by the city council. Such costs shall have the same priority as provided for the public utility charges so recorded. Upon payment of such lien, a release or satisfaction of lien will be provided to the owner for filing or will be filed for the owner upon receipt from the owner of the filing fees charged by the county.
- (d) The principal amount of all utility liens levied pursuant to this section shall bear interest at the rate provided for in F.S. § 687.01, as such section may be amended from time to time, from the date of recording such lien; and such interest as provided in this section shall also constitute a lien against the property assessed of equal dignity to that of the underlying lien.”

**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

\_\_\_\_\_  
KEITH KEENE, MAYOR

ATTEST:

By: \_\_\_\_\_  
VIRGINIA HAAS  
CITY RECORDER

PASSED ON FIRST READING: \_\_\_\_\_, 2013.

PASSED ON SECOND READING: \_\_\_\_\_, 2013.

APPROVED AS TO FORM:

\_\_\_\_\_  
THOMAS J. WOHL, CITY ATTORNEY



## MEMORANDUM

TO: Arcadia City Council

FROM: Thomas J. Wohl, City Attorney

DATE: March 14, 2013

SUBJECT: Downtown Vendor Events/Fairs

Per Council's direction, I have researched possible solutions to the problems caused by the vendor setup during downtown events/fairs. The problems I have identified are threefold: 1) vendors obstructing the sidewalks so as to cause ADA compliance issues; 2) vendor-members of the special event sponsor organizations setting up their display in a way which blocks or obstructs the storefront of business owners that do not wish to have their storefront blocked or obstructed; and 3) business owners that do not fall under the umbrella of the sponsor organization's special event permit setting up temporary vendor stands/booths/tables.

It is my impression that the majority of these issues occurs during the Antique Fair sponsored by the Antiques Association of Arcadia (AAA) but do occur during other events/fairs. Due to the fact that the next Antique Fair is scheduled for this Saturday, March 23, 2013, I have elected to use the Antique Fair as the model in identifying the short-term solutions to these problems. However, these solutions may need to be adjusted on a case-by-case basis depending on the particular needs of the sponsor organizations.

In reviewing the Special Event Permit Application submitted by the AAA, it does not appear request was made to restrict or obstruct the sidewalks with vendor stands/booths/tables. However, it appears the vendors do set up on the sidewalks as they have likely done for past seventeen (17) years. I believe there are two (2) plausible temporary solutions until such time as the staff can further research the issues and the Code of Ordinances can be appropriately amended, if necessary:

1. The AAA can request City Council amend the Special Event Permit to allow AAA vendor-members utilize the sidewalks to set up their vendor stands/booths/tables under the following conditions:
  - a. Nothing shall be placed on the sidewalks within five (5) feet of the buildings. This will leave approximately six (6) feet of space for vendor stands/booths/tables.
  - b. No vendors shall set up their vendor stands/booths/tables in a way which blocks, restricts or obstructs the storefront of any business owner unless said business owner provides their express consent for the vendor to do so.

2. The AAA and its vendor-members can request the streets be closed off to vehicular traffic as to utilize the streets and on-street parking spaces to set up their vendor stands/booths/tables.

As to vendors that do not fall under the AAA Special Event Permit, a temporary vendor permit pursuant to Arcadia Code of Ordinances Sections 34-91 through 34-96 must be obtained prior to selling merchandise from temporary stands/booths/tables.