

AGENDA
ARCADIA CITY COUNCIL
CITY COUNCIL CHAMBERS
23 N. POLK AVE., ARCADIA, FL
TUESDAY MAY 1, 2012
6:00 PM

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

PRESENTATIONS

April Employee of the Month – Gordon Cogswell

CONSENT AGENDA

1. Minutes of April 17, 2012 Regular Meeting.
2. Check warrants from 04/16/12, 04/20/12 and 04/23/12.
3. Air-Cadia flowage and hanger report for March 2012.
4. Request for Special Event Permit and street closure - Independence Day Parade on July 4, 2012 – Applicant Arcadia Elks Lodge 1524 and Five Star Youth of America.

DISCUSSION ITEMS

5. City Attorney Selection. (City Council)
6. City Administrator Update. (Councilman Fink)
7. Appointment of a Board of Adjustment. (City Recorder)
8. Historic Preservation Ordinance. (Asst. City Administrator)
9. Air-Cadia Response and Recommendations (Asst. City Administrator)
10. Florida League of Cities Telecommunications Audit Agreement. (Asst. City Administrator)
11. Procedure for fulfilling public records requests. (Asst. City Administrator)

RESOLUTIONS

12. **RESOLUTION NO. 2012-02; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA, ADOPTING A FEE SCHEDULE, AND PROVIDING AN EFFECTIVE DATE.**
(Asst. City Administrator)

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

ORDINANCES - SECOND READING

13. ORDINANCE NO. 973; SECOND READING OF AN ORDINANCE TO AMEND THE CITY OF ARCADIA COMPREHENSIVE PLAN BASED ON THE CITY'S EVALUATION AND APPRAISAL REPORT (EAR); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Jennifer Codo-Salisbury, CFRPC)

14. ORDINANCE NO. 974; SECOND READING OF 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 19-37-25-0000-0280-0000 (3.55 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 SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (Jennifer Codo-Salisbury, CFRPC)

COMMENTS FROM DEPARTMENTS

15. City Marshal – April Report Included

16. Attorney

17. 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, APRIL 17, 2012
6:00 PM**

CALL TO ORDER, INVOCATION PLEDGE OF ALLEGIANCE & ROLL CALL

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

Mr. Greg Martin gave the invocation followed by the Pledge of Allegiance.

Arcadia City Council

Mayor Keith Keene
Councilman Robert Heine (Absent)
Councilman Robert R. Allen

Deputy Mayor Alice Frierson
Councilman Joseph E. Fink

Arcadia City Staff

City Administrator Lawrence Miller
City Attorney William Galvano
City Attorney Leslie Gladfelter

City Recorder Virginia S. Haas
Captain Matt Anderson

PRESENTATIONS

Relay for Life Proclamation

Mayor Keene read and presented the Relay for Life Proclamation to DeSoto Chamber of Commerce representative Michelle Brown.

March Employee of the Month – Larry Bullion

Dr. Miller stated that the March Employee of the Month was Larry Bullion, Water Treatment Plant. Dr. Miller reported that Mr. Bullion was unable to attend and thanked Mr. Bullion for his years of service and exemplary work in the City of Arcadia.

CONSENT AGENDA

1. Minutes of April 3, 2012 Regular Meeting.
2. Check warrants from 04/02/12, 04/05/12 and 04/11/12.
3. Air-Cadia March flowage and hanger report.
4. Request for Special Event Permit and street closure on April 21, 2012 – Applicant, Courtney Jackson.

A motion was made by Councilman Fink and seconded by Councilman Allen to approve consent agenda items one (1) through four (4). Dr. Miller inputted there was an additional

special event request. Ms. Haas reported that a late request came in for the Mexican Rodeo Festival to be held on April 27, 2012 from 9 a.m. to 10:30 p.m. and the Council in the past approved such an event.

A motion was made by Councilman Fink and seconded by Councilman Allen to approve the special event request for the Mexican Rodeo Festival. The motion carried 4-0.

Councilman Fink's original motion to approve consent agenda items one (1) through (4) carried 4-0.

DISCUSSION ITEMS

Mayor Keene suggested approving requests number five (5) through nine (9) in one main motion. The Council agreed.

5. Request for Certificate of Appropriateness as recommended by the Historical Preservation Commission – 6 foot wood fence - 410 E. Hickory Street – Applicant, Hilario Villafuerte.
6. Request for Certificate of Appropriateness as recommended by the Historical Preservation Commission – Metal Prefab Garage – 603 E. Magnolia Street – Applicant, Leonard and Jane Martin.
7. Request for Certificate of Appropriateness as recommended by the Historical Preservation Commission – 24 x 21 Covered Carport/Patio – 132 S. Hernando Avenue - Applicant, Roy and Mary Arms.
8. Request for Certificate of Appropriateness as recommended by the Historical Preservation Commission – Rehab, restore structure maintaining same architecture – 222 E. Oak Street – Applicant, Mosaic Fertilizer, LLC.
9. Request for Certificate of Appropriateness as recommended by the Historical Preservation Commission – Signage – 114 N. Polk Avenue – Applicant, Habitat for Humanity.

A motion was made by Councilman Fink and seconded by Councilman Allen to approve requests number five (5) through nine (9) as presented. The motion carried 4-0.

10. Request for Satisfaction of Mortgage, 320 Providence Street, Owner, Edith Santos.

Attorney Galvano reported there were no clear records of these mortgages located by the City showing that the mortgages were satisfied. Ms. Haas reported these were CDBG housing rehabilitation grants from the 1990's and no records were located. She noted it is possible that the Company who initiated those grants failed to complete the satisfactions of mortgages.

A motion was made by Councilman Fink and seconded by Deputy Mayor Frierson to approve the request for satisfaction of Mortgage, 320 Providence Street, Owner, Edith Santos. The motion carried 4-0.

11. Request for Satisfaction of Mortgages, 318 Providence Street, Owner, Pamela Johnson.

A motion was made by Councilman Fink and seconded by Deputy Mayor Frierson to approve the request for satisfaction of Mortgages (two), 318 Providence Street, Owner, Pamela Johnson. The motion carried 4-0.

ORDINANCES - FIRST READING

12. ORDINANCE NO. 973; FIRST READING OF AN ORDINANCE TO AMEND THE CITY OF ARCADIA COMPREHENSIVE PLAN BASED ON THE CITY'S EVALUATION AND APPRAISAL REPORT (EAR); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Jennifer Codo-Salisbury, CFRPC)

The City Recorder read Ordinance No. 973 by title. Mrs. Codo-Salisbury stated that this Ordinance was in response to the objections from the Department of Economic Opportunity addressing two changes. 1) Adding consistency with Florida State Legislature and 2) addressing the entity standard for the overlay area in commercial or non-residential areas. The next meeting on May 1, 2012 will be the public hearing. She noted that she would return to Council with an updated 10-Year Water Supply Plan.

A motion was made by Councilman Fink and seconded by Councilman Allen to approve first reading for Ordinance No. 973. The motion carried 4-0.

13. ORDINANCE NO. 974; FIRST READING OF 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 19-37-25-0000-0280-0000 (3.55 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 SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (Jennifer Codo-Salisbury, CFRPC)

The City recorder read Ordinance Number 974 by title. Mrs. Codo-Salisbury noted that the public hearing will be advertised for the May 1, 2012 Council Meeting. This Ordinance would change the County zoning to City Planned Unit Development – Industrial as recommended by the Planning and Zoning Board with additional changes. Councilman Fink disclosed that Mrs. Ann Pepper came to speak with him regarding the rezoning. Councilman Fink pointed out that one of the requirements could be clearer instead of “communicating” with the truck drivers Tremron should be directed to instruct the truck drivers not to park on the highway (item 3).

Councilman Fink questioned the insulated connector building and asked what action the City can take if all conditions are not met. Mrs. Jennifer Codo-Salisbury responded that Tremron would be in violation of the zoning ordinance and code enforcement action could proceed.

Dr. Miller pointed out that if requirements are not met then the fire sprinkler code would go into effect. Councilman Fink asked if the City could shut them down for failing to meet zoning codes to which Attorney Galvano responded yes by issuing a notice of violation the City could stop that use. Councilman Fink noted that items five (5) and six (6) appear to contradict each other regarding closing of the bay doors. Dr. Miller explained that the County Attorney states that an enclosed building is a structure with four walls and a roof. Councilman Fink reiterated that the noise is severe. Dr. Miller replied that following completion of all requirements and the noise remains an issue the City has other remedies such as the nuisance ordinance and possibly requiring Tremron to keep the doors closed 24/7. Mrs. Codo-Salisbury replied to Councilman Fink that all the County requirements are maintained in the PUD-I and conditions are on the 2009 site plan which is also included in the new ordinance. She noted that the PUD-I is the only way to recognize all conditions and requirements. Councilman Fink asked if Captain Anderson felt comfortable with the ability to enforce the conditions. Captain Anderson responded that the Police Department will be able to violate them and move forward to the Special Master. Dr. Miller confirmed that the Police Department and Administration would hold Tremron accountable for the requirements. Mayor Keene thanked Mrs. Codo-Salisbury, staff and Dr. Miller and noted this was the most he has seen Tremron offer in response. Dr. Miller stated that parking on US 17 is illegal and the City will be installing no parking signs which the Marshal could then enforce.

Mr. Ken Pepper, N. Arcadia Avenue, explained that the Police Department went to Tremron twice recently and now Tremron is not cooperating. He stated there are still issues in regards to the "completely enclosed building" and requiring the bay doors to be closed while manufacturing is taking place. Attorney Galvano responded that he would have to review all stipulations together to formulate the intent of a fully enclosed structure to prevent the noise nuisance.

Mrs. Ann Pepper, N. Arcadia Avenue, reviewed the pictures of Tremron distributed to Council: 1) No turn lanes on S R 17 2) Landscape D requirement not met 3) Two oversized bay doors left open 4) Debris not removed bi-weekly 5) Stacked pavers on pallets with plastic 6) Loose debris and broken pavers across property and on US 17 and median) 7) Crushed paver mounds that Mr. Barns claim is a byproduct that once gone will no longer be there. She continued that County zoning requires a 10 foot wide buffer landscape D on the front property line which they are in violation and on the site plan map Tremron only addresses the west and north side buffer but nothing about the south side next to the old Livestock Market. She stated the East side of property has no buffer and the adjacent property is platted for a subdivision.

Mr. Pepper reiterated that the structure be completely enclosed and the crushed aggregate will be gone according to Mr. Barns but the City has nothing in writing. Mrs. Pepper clarified that she was told by Marshal Lee that "Tremron has stopped cooperating".

A motion was made by Councilman Allen and seconded by Mayor Keene to approve Ordinance No. 974 at first reading. The motion carried 4-0.

COMMENTS FROM DEPARTMENTS

14. City Marshal – Council had no questions for Captain Anderson

15. Attorney

a. DeSoto County Health Department Building Project

Attorney Galvano reported that they received additional information today regarding the DeSoto County Health Department project. Mrs. Penny Kurtz stated the project is very complicated and time sensitive. She stated they intend to build on the Parker Street side and keep the current building up and running during the process.

b. Cypress Property Deed – Habitat for Humanity

A motion was made by Councilman Allen and seconded by Deputy Mayor Frierson to approve and have the Mayor execute the Cypress Property deed as presented. The motion carried 4-0.

16. Administrator

1. Highway 17 Update – Sound Wall

Dr. Miller reported that FDOT will be putting up a sound wall on Highway 17 and he would like to take public comment from the Mobile Home Park regarding the height.

2. Refurbishing of Jet Plane at Lake Katherine

Dr. Miller reported that he is working with Congressman Buchanan's office regarding refurbishing the Plane at Lake Katherine Park. He is also working with the Beautification Board on landscaping and Team Arcadia regarding the fountain. He reported that the sign for the East City entrance will be installed along with landscaping.

3. Meeting w/ County

Dr. Miller reported that he, the Mayor, Guy Maxcy and Buddy Mansfield met to go over common issues. Some of the discussions revolved around the following: 1) Towing ordinance 2) Water boundary area 3) Tourist development 4) Extending Nursing Home Road to Turner 5) YMCA facility at the old Livestock Market and 6) Waterline to the Airport. He reported the next meeting will be on May 3, 2012 at 10 a.m.

4. Rental of former Police Station by the Dept. of Probation

Dr. Miller reported he is still in negotiations with renting the old Police Department space to the Probation Office however this may not come to realization until a year out.

5. Telecommunications Audit by Florida League of Cities

Dr. Miller reported that the Florida League of Cities (FLC) offers a telecommunications audit to find cost savings. If the FLC realizes any savings for the City they receive 45% of the first year's savings, if no savings is realized then there would be no cost to the City.

Mr. Antonio Jenkins, Guardian, reported there are two units left to complete in the CDBG grant cycle and believes they will be complete by the first week in July. Dr. Miller stated that by the second meeting in June the City Council should decide on which grant they would like to apply for in the next cycle. Councilman Fink stated that there is a CDBG grant for businesses he would like to discuss. Council consensus was for staff to look into all avenues and types of grants the City can apply for in the next cycle.

Mayor Keene reminded Council that there was a downtown improvement concept completed and asked Dr. Miller if he could bring forward grant information for a future workshop.

Dr. Miller asked for clarification regarding the Telecommunications audit.

A motion was made by Councilman Fink and seconded by Councilman Allen to allow Dr. Miller to move forward with this initiative and enter into an agreement with FLC. The motion carried 4-0.

PUBLIC (PLEASE LIMIT PRESENTATIONS TO FIVE MINUTES)

Mr. Owens Mathews ask for Code Enforcement to review the property located at 500 W. Oak Street as it is in disrepair. Captain Anderson reported that they have attempted to address this issue in the past and the Council at that time gave the property exemptions. Mayor Keene asked for the City Administrator and Attorney review this issue.

Mr. Vaughn Aiker stated that repair to the Jet Plane is a lot of work and you must expect vandalism and suggested that the plane be moved to the Airport.

Mrs. Penny Kurtz, 625 W. Ivory, stated that the sidewalks on Dade Street are in need of repair and possibly there is a grant opportunity to make improvements.

Mr. Greg Smith stated there are possible grants available for running water to the Airport.

Mr. Gary Frierson reported termites at City Hall. He asked about the budget workshops. Deputy Mayor Frierson stated that no one wants to talk about the budget. Councilman Fink replied he has no problem with a budget workshop if all items are on the table including the contracts.

A motion was made by Deputy Mayor Frierson to hold a budget workshop on May 1, 2012 at 5 p.m. The Council scheduled the workshop by consensus.

Mr. Frierson stated he met with the Finance Director and was told that the City had a savings and he would like to know where that savings was located. Mayor Keene suggested that the Finance Director review savings and talk about any solutions to the budget issues. Councilman Fink stated we should be talking about next year and added that he was still hoping to have a second visioning session.

Dr. Miller responded to Mr. Frierson with an example of chemicals at the Golf Course stating that some expenses are not realized until a certain time in the budget.

Mrs. Shelley Peacock, Public Works, reported on a potential after school program at the Speer Center that would benefit children and generate revenue for the City. The times would be from 2 p.m. to 5:15 p.m. Monday through Friday for \$40 per week. She stated all she would need to start would be a popcorn machine, basketball hoop and a marquee sign. This would be a safe place for the Children to go and she would utilize volunteers however requested one staff to open and close each day and a backup person. She stated she spoke with the Insurance Company and they advised no change. Mrs. Peacock responded to Deputy Mayor Frierson that she received 20 "yes" responses and many volunteer requests. Councilman Fink agreed that we need a safe place for our children. Deputy Mayor Frierson had several questions. Attorney Galvano stated the City needed to look at all liability issues carefully. The Council agreed that all liability issues be addressed and bring the item back to a future meeting for possible action.

MAYOR AND COUNCIL MATTERS

Deputy Mayor Frierson stated the sidewalk on Oak Street needs a smooth finish. Dr. Miller responded that all parties have been contacted and they are in the process of smoothing the sidewalk.

Mrs. Haas asked the City Council how they would like to continue with the City Attorney interviews. The Council discussed the top three. There was mention of a You Tube video regarding one of the top three applicants. Councilman Fink and Mayor Keene agreed that they would like to interview more than just the top three (3). Council discussed removal of one of the top three candidates. Councilman Fink felt the firm in question should be afforded the opportunity to interview. The Council agreed to remove one of the top three candidates. The Council agreed to interview seven candidates on April 24, 2012 at 5 p.m. allowing 30 minutes each for questions.

Mayor Keene stated that Baldwin Street from SR 70 to Hickory needed repairs and he would like a priority list of streets that need paving.

ADJOURN

There being no further business, the meeting was adjourned at 8:20 p.m.

APPROVED THIS __ DAY OF _____, 2012.

By:

Keith Keene, Mayor

ATTEST:

Virginia S. Haas, City Recorder



04/16/2012 11:48
aahorkey

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

PG 5
apwarrnt

WARRANT: 20120403 04/16/2012

DUE DATE: 04/16/2012

VOUCHER	VENDOR	VENDOR NAME	INVOICE	PO	TYPE	DUE DATE	AMOUNT	COMMENT
86649	1963	BV OIL COMPANY, INC	03-521516	100	INV	04/20/2012	68.73	5 GAL AMALIE A/C HYD.
86650	80125	LOU'S HYDRAULIC SALES & SER	4932A	100	INV	04/20/2012	30.94	HOSE/FEMALE FACE SEAL/
86651	230045	WESTERN AUTO ASSOC STORE	10062240	100	INV	04/20/2012	23.96	BULBS FOR ELEVATOR
86652	10030	W & S ENTERPRISE ACCOUNT	65290	100	INV	04/20/2012	132.30	ACCT NO. 1070554000
86653	10030	W & S ENTERPRISE ACCOUNT	65291	100	INV	04/20/2012	37.80	ACCT NO. 1070554200
86654	1017	FLORIDA DEPARTMENT OF REVEN	MARCH 2012	100	INV	04/20/2012	3,234.94	24-8012488558-7: MARCH
86655	2392	MID STATE FIRE EQUIPMENT, IN	49909	100	INV	04/20/2012	73.00	RECHARGE
86656	2657	ELLISON SYSTEMS INC	291751	100	INV	04/20/2012	254.93	PAPER PRODUCTS
86657	2439	TD EQUIPMENT FINANCE INC	APRIL 2012	100	INV	04/20/2012	11,772.65	LEASE NO. 40066715 - A
86658	2538	CNH	P01253	100	INV	04/20/2012	109.97	ACCT NO. 504393 11365
86659	2675	SPRINT	LCI-031632	100	INV	04/20/2012	60.00	ACCT NO SEC0036120
86660	80075	HOME OWNERS SUPPLY	220431	100	INV	04/20/2012	1.98	FLAT WASH/STOVE BOLT
86661	1287	SIGNS DOWNTOWN	7744	100	INV	04/20/2012	235.00	3 X 4 WHITE MDO SIGN W
WARRANT TOTAL							16,036.20	

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



04/20/2012 11:56
aahorkey

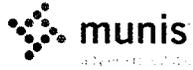
City of Arcadia, FL - ** LIVE **
WARRANT LIST BY VOUCHER

PG 12
apwarrnt

WARRANT: 20120404 04/20/2012

DUE DATE: 04/20/2012

VOUCHER	VENDOR	VENDOR NAME	INVOICE	PO	TYPE	DUE DATE	AMOUNT	COMMENT
86663	147	AVANTI COMPANY	106741	100	INV	04/20/2012	440.00	ON-SITE FLOWMETER ACCU
86664	10030	W & S ENTERPRISE ACCOUNT	65373	100	INV	04/20/2012	50.70	ACCT NO. 1070625900
86666	1451	DESOTO AUTO MALL	13043	100	INV	04/20/2012	20.31	MOTOR ASY
86667	60090	FLORIDA POWER & LIGHT	MAR/APR '12 VIR STOR	100	INV	04/20/2012	10.27	11873-76494: 400 VIRGI
86668	60090	FLORIDA POWER & LIGHT	MAR/APR '12 EAST FLD	100	INV	04/20/2012	7.42	13266-99236: 400 VIRGI
86669	60090	FLORIDA POWER & LIGHT	MAR/APR '12 ARC LL	100	INV	04/20/2012	30.92	59153-15104: 948 N ARC
86670	60090	FLORIDA POWER & LIGHT	MAR/APR '12 WEST FLD	100	INV	04/20/2012	7.42	79406-02274: 400 VIRGI
86671	60090	FLORIDA POWER & LIGHT	MAR/APR '12 SPEER CT	100	INV	04/20/2012	19.32	86753-33960: 400 VIRGI
86672	60090	FLORIDA POWER & LIGHT	MAR/APR '12 TENNIS C	100	INV	04/20/2012	68.06	86833-32970: 400 VIRGI
86673	60090	FLORIDA POWER & LIGHT	MAR/APR '12 PKG LOT	100	INV	04/20/2012	21.47	86903-33953: 948 N ARC
86674	60090	FLORIDA POWER & LIGHT	MAR/APR '12 ARC CONC	100	INV	04/20/2012	35.92	86913-31980: 948 N ARC
86675	60090	FLORIDA POWER & LIGHT	MAR/APR '12 SOFTBALL	100	INV	04/20/2012	17.70	79812-41180: 948 N ARC
86676	60090	FLORIDA POWER & LIGHT	MAR/APR '12 ARC LTS	100	INV	04/20/2012	17.70	98315-85519: 948 N ARC
86677	60090	FLORIDA POWER & LIGHT	MAR/APR '12 NE FEILD	100	INV	04/20/2012	467.89	86893-35928: 948 N ARC
86678	60090	FLORIDA POWER & LIGHT	MAR/APR '12 VIR CONC	100	INV	04/20/2012	41.71	86763-31997: 400 VIRGI
86679	60090	FLORIDA POWER & LIGHT	MAR/APR '12 OAK SCHO	100	INV	04/20/2012	7.83	86546-90547: 518 E OAK
86680	60090	FLORIDA POWER & LIGHT	MAR/APR '12 10TH FIR	100	INV	04/20/2012	33.36	18555-71194: 403 N 10T
86681	2237	G&K SERVICES	MAR '12_1898091	100	INV	04/20/2012	30.88	ACCT #1898091
86682	2237	G&K SERVICES	MAR '12_1898090	100	INV	04/20/2012	85.50	ACCT #1898090
86683	2237	G&K SERVICES	MAR '12_1897810	100	INV	04/20/2012	204.40	ACCT #1897810
86684	2237	G&K SERVICES	MAR '12_1898096	100	INV	04/20/2012	139.76	ACCT #1898096
86685	2237	G&K SERVICES	MAR '12_1898099	100	INV	04/20/2012	151.62	ACCT #1898099
86686	2211	GRIMES GOBEL GRIMES HAWKINS 45		100	INV	04/20/2012	3,055.55	CLIENT NO. 25022-00M
86687	2211	GRIMES GOBEL GRIMES HAWKINS 6		100	INV	04/20/2012	63.05	CLIENT NO. 25022-03M
86688	2211	GRIMES GOBEL GRIMES HAWKINS 01		100	INV	04/20/2012	25.59	CLIENT NO. 25022-09M



04/20/2012 11:56
aahorkey

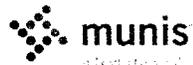
City of Arcadia, FL - ** LIVE **
WARRANT LIST BY VOUCHER

PG 13
apwarrnt

WARRANT: 20120404 04/20/2012

DUE DATE: 04/20/2012

VOUCHER	VENDOR	VENDOR NAME	INVOICE	PO	TYPE	DUE DATE	AMOUNT	COMMENT
86689	2634	HARBOR STYLE	APR 2012	100	INV	04/20/2012	225.00	CUST NO. 344107
86690	2128	ODYSSEY MANUFACTURING CO.	162345	100	INV	04/20/2012	663.75	HYPOCHLORITE SOLUTIONS
86691	2128	ODYSSEY MANUFACTURING CO.	162346	100	INV	04/20/2012	759.75	HYPCHLORITE SOLUTIONS
86692	200075	TOTAL PEST CONTROL OF	838386	100	INV	04/20/2012	30.00	PEST CONTROL
86693	60090	FLORIDA POWER & LIGHT	MAR/APR '12 GOLF MTL	100	INV	04/20/2012	47.38	45975-18598: 1769 NE L
86694	60090	FLORIDA POWER & LIGHT	MAR/APR '12 PRO SHOP	100	INV	04/20/2012	10.33	53062-54037: 1769 NE L
86695	60090	FLORIDA POWER & LIGHT	MAR/APR '12 GOLF CAR	100	INV	04/20/2012	1,336.43	26069-35985: 1769 NE L
86696	60090	FLORIDA POWER & LIGHT	MAR/APR '12 GOLF RR	100	INV	04/20/2012	48.81	16279-33961: 1769 NE L
86697	60090	FLORIDA POWER & LIGHT	MAR/APR '12 GOLF PMP	100	INV	04/20/2012	221.85	16289-31998: 1769 NE L
86698	60090	FLORIDA POWER & LIGHT	MAR/APR '12 GVT OL	100	INV	04/20/2012	31.40	26059-37958: 1769 NE L
86699	1310	GE CAPITAL	76704130	100	INV	04/20/2012	2,668.29	BILLING ID NO. 9013604
86700	80075	HOME OWNERS SUPPLY	220365	100	INV	04/20/2012	31.61	BRACKET/TEE/ADAPTR/COU
86701	200075	TOTAL PEST CONTROL OF	838492	100	INV	04/20/2012	45.00	PEST CONTROL
86702	1893	ARCADIA DO-IT-BEST HARDWARE	B103826	100	INV	04/20/2012	17.36	TUBE
86703	1893	ARCADIA DO-IT-BEST HARDWARE	A300235	100	INV	04/20/2012	65.87	TIMBER/BATTERY
86704	1893	ARCADIA DO-IT-BEST HARDWARE	A299967	100	INV	04/20/2012	16.51	BATTERIES/GLOVES
86705	106	BOWLING GREEN SMALL ENGINE	16168	100	INV	04/20/2012	81.24	BEARING HUB/SEAL
86706	10030	W & S ENTERPRISE ACCOUNT	65465	100	INV	04/20/2012	25.20	ACCT NO. 2090708000
86707	10030	W & S ENTERPRISE ACCOUNT	65467	100	INV	04/20/2012	25.20	ACCT NO. 2090708200
86708	10030	W & S ENTERPRISE ACCOUNT	65834	100	INV	04/20/2012	25.20	ACCT NO. 2110915600
86709	2003	DEE OAKS NURSERY, INC.	265	100	INV	04/20/2012	224.00	PLANTS/FLOWERS
86710	40106	DESOTO INS AGENCY INC	70836	100	INV	04/20/2012	1,161.89	POLICY #USC5865551
86711	60090	FLORIDA POWER & LIGHT	MAR/APR '12 SEWAGE P	100	INV	04/20/2012	5,469.70	24483-39941: 223 S PAR
86712	60090	FLORIDA POWER & LIGHT	MAR/APR '12 SHFFLBRD	100	INV	04/20/2012	7.42	86589-32937: 12 S BREV
86713	60090	FLORIDA POWER & LIGHT	MAR/APR '12 PARK PMP	100	INV	04/20/2012	11.80	86639-39968: 16 S VOLU



04/20/2012 11:56
aahorkey

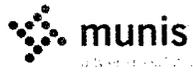
City of Arcadia, FL - ** LIVE **
WARRANT LIST BY VOUCHER

PG 14
apwarrnt

WARRANT: 20120404 04/20/2012

DUE DATE: 04/20/2012

VOUCHER	VENDOR	VENDOR NAME	INVOICE	PO	TYPE	DUE DATE	AMOUNT	COMMENT
86714	60090	FLORIDA POWER & LIGHT	MAR/APR '12 LK CATH	100	INV	04/20/2012	7.42	25213-93492: 1 W OAK S
86715	60090	FLORIDA POWER & LIGHT	MAR/APR '12 LAKE LGH	100	INV	04/20/2012	121.46	82700-62345: 1051 W MA
86716	60090	FLORIDA POWER & LIGHT	MAR/APR '12 HIBISCUS	100	INV	04/20/2012	34.78	35352-38921: 200 HIBIS
86717	60090	FLORIDA POWER & LIGHT	MAR/APR '12 BALDWIN	100	INV	04/20/2012	575.62	25256-87261: 30 S BALD
86718	80075	HOME OWNERS SUPPLY	220542	100	INV	04/20/2012	29.14	WATER JET NOZZLE/COUPL
86719	80075	HOME OWNERS SUPPLY	220315	100	INV	04/20/2012	13.84	CONCRETE MIX
86720	60015	FEDERAL EXPRESS CORP	7-849-84331	100	INV	04/20/2012	55.12	ACCT NO. 1175-2414-0
86721	80075	HOME OWNERS SUPPLY	220281	100	INV	04/20/2012	17.30	CONCRETE MIX
86722	172	MCGEE TIRE STORES	L-150455	100	INV	04/20/2012	28.55	TUBE
86723	172	MCGEE TIRE STORES	R-025414	100	INV	04/20/2012	235.00	REPAIR
86724	40060	DESOTO CNTY BOARD OF	MARCH 2012__LANDFILL	100	INV	04/20/2012	21,217.54	CUST NO. 01-01
86725	40060	DESOTO CNTY BOARD OF	GOVT	100	INV	04/20/2012	50.00	BASE FEE FIRE INSPECTI
86726	60090	FLORIDA POWER & LIGHT	MAR/APR '12 GARAGE	100	INV	04/20/2012	305.10	24443-30944: 200 S PAR
86728	1535	NAPA AUTO PARTS	185627	100	INV	04/20/2012	17.69	HI POWER IND V
86729	1535	NAPA AUTO PARTS	185760	100	INV	04/20/2012	7.13	HALOGEN CAPSULE
86730	1535	NAPA AUTO PARTS	185741	100	INV	04/20/2012	37.08	AIR FILTER
86731	1535	NAPA AUTO PARTS	185785	100	INV	04/20/2012	4.39	OIL FILTER
86732	1535	NAPA AUTO PARTS	1850802	100	INV	04/20/2012	23.58	V-BELT
86733	1535	NAPA AUTO PARTS	185626	100	INV	04/20/2012	174.28	ALTERNATOR/CORE DEPOSI
86734	1535	NAPA AUTO PARTS	185658	100	CRM	04/20/2012	-174.28	RAY WARRANTY/CORE DEPO
86735	1535	NAPA AUTO PARTS	178060	100	CRM	04/20/2012	-12.00	BATTERY
86736	1535	NAPA AUTO PARTS	184483	100	INV	04/20/2012	12.41	PARTS
86737	1535	NAPA AUTO PARTS	181082	100	CRM	04/20/2012	-66.00	CORE DEPOSIT
86738	2587	PITNEY BOWES GLOBAL FINANCI	8364259-AP12	100	INV	04/20/2012	60.94	LEASE NO. 8364259
86739	1666	STAPLES BUSINESS ADVANTAGE	8021537841	100	INV	04/20/2012	209.84	SUMMARY INVOICE 802153



04/20/2012 11:56
aahorkey

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

PG 15
apwarrnt

WARRANT: 20120404 04/20/2012

DUE DATE: 04/20/2012

VOUCHER	VENDOR	VENDOR NAME	INVOICE	PO	TYPE	DUE DATE	AMOUNT	COMMENT
86740	1666	STAPLES BUSINESS ADVANTAGE	8021457174	100	INV	04/20/2012	543.08	SUMMARY INVOICE 802145
86741	2676	FLORIDA ROCK INDUSTRIES	3036118399	100	INV	04/20/2012	502.50	2500 PSI
86742	172	MCGEE TIRE STORES	L-150453	100	INV	04/20/2012	164.48	TIRES
86743	2677	SOUTHWEST FLORIDA WATER MAN PERMIT 20	4725.005	100	INV	04/20/2012	100.00	WATER USE PERMIT NO. 2
86745	1507	DM CENTER FOR FAMILY HEALTH	03272012	100	INV	04/20/2012	125.00	DOT PHYSICAL/DRUG TEST
86746	2477	STATE OF FLORIDA	21-9049	100	INV	04/20/2012	12.20	SUNCOM NETWORK ACTUAL
86747	904	ELECTRONIC MAINT & COMMUNIC	939802	100	INV	04/20/2012	42.00	REPAIR RADIO
86748	2099	FLORIDA UC FUND	JAN-MAR '12	100	INV	04/20/2012	3,667.64	UT #9975122 UNEMPLOYME
86749	2237	G&K SERVICES	MAR '12 1898097	100	INV	04/20/2012	140.04	ACCT NO. 1898097
86751	2502	GATOR GUNS & AMMO	4190	100	INV	04/20/2012	975.00	AMMO
86752	1211	MAX'S WINDOW CLEANING	533885	100	INV	04/20/2012	58.82	WINDOW CLEANING
WARRANT TOTAL							47,622.03	

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



04/23/2012 16:15
aaahorkey

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

PG 4
apwarrnt

WARRANT: 20120405 04/23/2012

DUE DATE: 04/23/2012

VOUCHER	VENDOR	VENDOR NAME	INVOICE	PO	TYPE	DUE DATE	AMOUNT	COMMENT
86753	1893	ARCADIA DO-IT-BEST HARDWARE	A300357	100	INV	04/27/2012	52.15	SHOVELS
86754	1893	ARCADIA DO-IT-BEST HARDWARE	B104072	100	INV	04/27/2012	24.32	MURIATIC ACID
86755	2678	LEAH WELLES-LIEDKE	LW1659	100	INV	04/27/2012	174.00	APPEARANCE FEE/EXECUTI
86756	2523	PNC EQUIPMENT FINANCE, LLC	3986517	100	INV	04/27/2012	6,727.20	LEASE NO. 139550000
86757	2523	PNC EQUIPMENT FINANCE, LLC	3986520	100	INV	04/27/2012	1,727.25	LEASE NO. 152655000
86758	2523	PNC EQUIPMENT FINANCE, LLC	3986518	100	INV	04/27/2012	123.74	LEASE NO. 139552000
86759	1405	THE SUN	8517904	100	INV	04/27/2012	435.00	AD FOR CITY ATTORNEY
86760	1797	SALEM TRUST COMPANY	MARCH & APRIL 2012	100	INV	04/27/2012	20,114.97	CITY CONTRIBUTIONS FOR
86761	10100	CITY OF ARCADIA	MARCH & APRIL 2012	100	INV	04/27/2012	13,661.86	RETIREE HEALTH INS FOR
86762	2257	PEACE RIVER DISTRIBUTING CO	04232012	100	INV	04/27/2012	148.00	BEVERAGES PURCHASED FO
WARRANT TOTAL							43,188.49	

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

Air-Cadia

2268 SE AC Polk Jr Dr
Arcadia, Fl 34266
863-990-9314
863-993-2114



FLOWAGE AND HANGER RENT REPORT MARCH 2012

<i>Aviation Fuel</i>	<i>843.0 GALLONS @ \$0.01/ga</i>	<i>\$</i>	<i>8.43</i>
<i>Lubrication oil.....</i>	<i>0.25Gallons.04/gal</i>	<i>\$</i>	<i>.01</i>
<i>Tiedown Fee.....</i>	<i>90.00/50%</i>	<i>\$</i>	<i>45.00</i>
<i>BLDG F.....</i>	<i>900.00/90%</i>	<i>\$</i>	<i>810.00</i>
<i>T-hangers.....</i>	<i>4000.00/90%</i>	<i>\$</i>	<i>3,600.00</i>
<i>Late Fee.....</i>	<i>75.00/90%</i>		<i>67.50</i>

*This month 20 of the 20 hangers rented-Building A and B
3 of the 3 hangers rented-Building F*

Total due City for MARCH 2012

\$4,530.94

Paid Check # 2476



April 9, 2012

Attention: Marshall Lee

We are sending you this parade paper for your approval. I will not send it out until I get your approval. My email is t2000@desoto.net.

Phone 993-0083

Fax 993-9740

Thank you for all your help and the entire Arcadia Police Department.

Jackie Tucker

CJ Lee
04/10/12

The Arcadia Elks Lodge 1524 and
the Five Star Youth of America
Presents

INDEPENDENCE DAY PARADE

Join with us the "Arcadia Spirit" and be part of our
Forth of July Parade. It will be held on Wednesday,
July 4th, 2012. Line-up is at 9:00 a.m.. The parade
will begin at 10:00 a.m. Line-up will be at Oak
Street and Orange Avenue. Everyone is invited.
There will be no candy or any items thrown from
floats or vehicles, and all entries must be decorated.
For more information contact Jackie at 993-0083.

Ronald Neads, Director
Past Exalted Ruler
Arcadia Elks 1524

Jackie Tucker
Past Exalted Ruler
Arcadia Elks 1524

NAME OF ENTRY _____

Contact person _____

Address _____ City _____ Zip _____

Email _____ Phone _____

Fax number _____

Type of entry _____ Marching Unit _____ Float _____

Decorated Vehicle _____ Carriage _____ Horse Unit _____

Horse Individual _____

Please return this entry by July 1st. We will have you a parade line-up
by July 2nd.

ATTORNEY INTERVIEWS IN ORDER AS SEEN ON MAY 24, 2012

1. BLALOCK WALTERS – Mark Barnebey, Scott Rudacille and Rachel Layton
2. DYE, DEITRICH – James D. Dye and Patricia A. Petruff
3. HANKIN, PERSSON – Kelly Martinson Fernandez
4. PAUL BENNETT SEUSY – Via phone
5. MORRELL, WATSON – J. Steven Southwell
6. SWAIN & HARRIS – Thomas J. Wohl and Michael Swain
7. SAXON, GILMORE – Michael Rosen – Via phone



ITEM # 8

MEMORANDUM

TO: City Council

FROM: Judi Jankosky, Assistant City Administrator 

DATE: April 26, 2012

SUBJECT: Historic Preservation Ordinance No. 955

The City of Arcadia Ordinance No. 955, Historic Preservation, requires any application for the construction, reconstruction, alteration and demolition of a historic structure, historic site or a structure within a historic district to petition for a Certificate of Appropriateness, reviewed by the Historic Preservation Commission and issued by City Council, prior to any construction activities.

As you have seen there are some applications that may be considered overkill as the construction of the particular building or structure could be considered non-contributing or detrimental to the historic aspect of the main structure or site. Buildings and structures like fences, sheds, flag poles, garden type structures (gazebos, paver patios...) although may change the physical appearance of the parcel, are changes that usually do not affect the structural integrity or historical aspect of the documented historical structure(s). These non-structural buildings are considered more as temporary that can easily be removed and the site restored to original condition.

Each application for building permit review that comes through administration is reviewed to ascertain if the parcel is within the historic district. If it is, currently *any and all* construction or changes to the building and/or site must come before the HPC and Council. Several inquiries have been made regarding not requiring such "temporary, non-structural" type buildings having to go through the entire process of procuring a Certificate of Appropriateness and would prefer to require any changes through construction, reconstruction, alteration and demolition to the documented historical structure(s) (and/or site if specifically documented as a historic site) to be the objective of the ordinance. If we correctly amend the Ordinance, staff would only require construction or changes to any listed/documented historical structure (and/or site if specifically documented as a historic site) be brought to the HPC and Council or possibly the application process could end with the Historic Preservation Commission and not require Council approval.

Staff is looking for direction as to if and how Council would like to better streamline this Ordinance.

ORDINANCE NO. 955

AN ORDINANCE OF THE CITY OF ARCADIA, FLORIDA,
A MUNICIPAL CORPORATION, RELATED TO
HISTORIC PRESERVATION; CREATING CHAPTER 60
OF THE CODE OF ORDINANCES, CITY OF ARCADIA,
FLORIDA; PROVIDING FOR THE PROTECTION,
ENHANCEMENT, AND PERPETUATION OF HISTORIC
STRUCTURES, SITES, AND DISTRICTS WITHIN THE
CITY; AND PROVIDING FOR AN EFFECTIVE DATE.

THE CITY OF ARCADIA, FLORIDA, HEREBY ORDAINS that the Code of Ordinances, City of Arcadia, Florida, is amended to create a new Chapter 60 to read in its entirety as follows:

CHAPTER 60

HISTORIC PRESERVATION

Article I. In General.

Sec. 60-1. Purpose and Intent.

(a) It is hereby declared a matter of public policy that the protection, enhancement, perpetuation, and use of improvements or sites of special character or special architectural, archeological, or historic interest or value is a public necessity and is required in the interest of the health, prosperity, safety, and welfare of the people of the City of Arcadia.

(b) The purpose of this chapter is to:

(1) Effect and accomplish the protection, enhancement, and preservation of such improvements, sites, and districts which represent or reflect elements of the city's cultural, social, economic, political, and architectural history.

(2) Safeguard the city's historic, prehistoric, and cultural heritage, as embodied and reflected in such historic structures, sites, and districts.

(3) Stabilize and improve property values, and enhance the visual and aesthetic character of the city.

(4) Protect and enhance the city's attractions to residents, tourists, and visitors, and serve as a support and stimulus to business and industry.

Sec. 60-2. Definitions.

The terms used in this chapter shall have the following meanings:

(a) *Certificate of Appropriateness* means the certificate issued by the commission approving alteration, rehabilitation, construction, reconstruction, or demolition of a historic structure, historic site, or any improvement in a historic district.

(b) *Commission* means the Historic Preservation Commission created under this chapter.

(c) *Historic district* means an area located within the city which is of historic significance and which has been designated as a historic district by the city council pursuant to section 60-6, or which has been listed in the National Register of Historic Places or such other similar federal or state designation.

(d) *Historic site* means any parcel of land located within the city which is of historic significance and which has been designated as a historic site by the city council pursuant to section 60-6, or which has been listed in the National Register of Historic Places or such other similar federal or state designation. Historic sites shall include improved parcels, or parts thereof, on which are situated any historic structures and any abutting improved parcels, or parts thereof, used as and constituting part of the premises on which any historic structures are situated.

(e) *Historic structure* means any improvement located within the city which is of historic significance and which has been designated as a historic site by the city council pursuant to section 60-6, or which has been listed in the National Register of Historic Places or such other similar federal or state designation.

(f) *Improvement* means any building, structure, place, work of art, or other object constituting a physical betterment of real property, or any part of such betterment, including without implied limitation streets, alleys, sidewalks, curbs, lighting fixtures, signs, and the like.

Sec. 60-3. Historic Preservation Commission.

A Historic Preservation Commission is hereby created. The City Council, in its discretion, may constitute a separate commission to sit in this capacity or may appoint the local planning agency for the City to serve in this capacity. If a separate body is constituted to serve in this capacity, the membership shall consist of at least seven (7) members and shall be comprised as follows, if available in the community: at least one member shall be a registered architect; at least one member shall be a historian; at least one member shall be a licensed real estate broker; all members shall have a known interest in historic preservation; and all members shall be citizens of the city. The commissioners shall be appointed by majority vote of the city council. The city administrator, or his/her designee, shall provide any necessary clerical or administrative support for the commission.

Sec. 60-4. Historic Structure, Historic Site, and Historic District Designation Criteria.

(a) For purposes of this ordinance, a historic structure, historic site, or historic district designation may be placed on any site, natural or improved, including any building, improvement or structure located thereon, or any area of particular historic, architectural, archeological, or cultural significance to the city such as historic structures, sites, or districts which:

(1) Exemplify or reflect the broad cultural, political, economic or social history of the nation, state or community; or

(2) Are identified with historic personages or with important events in national, state or local history; or

(3) Embody the distinguishing characteristics of an architectural type or specimen inherently valuable for a study of a period, style, method of construction, or of indigenous materials or craftsmanship; or

(4) Are representative of the notable work of a master builder, designer or architect who influenced his age; or

(5) Have yielded, or may be likely to yield, information important to prehistory or history.

(b) The commission shall adopt specific operating guidelines for historic structure, historic site, and historic district designation providing such are in conformance with the provisions of this ordinance.

Sec. 60-5. Powers and Duties.

(a) **Designation.** The commission shall have the power, subject to section 60-6, to recommend designation of historic structures, historic sites, and historic districts within the city limits. Final designations shall be made by the city council. Such recommendations and final designations shall be made based on the criteria contained in section 60-4. Once designated, such historic structures, historic sites, and structures and sites within historic districts shall be subject to all the provisions of this ordinance.

(b) **Recognition of Historic Structures, Sites, and Districts.** At such time as a historic structure, site, or district has been properly designated, the city, in cooperation with the property owner, may cause to be prepared and erected on such property a suitable plaque declaring that such property is a historic structure, site, or district. The failure to prepare and erect any such marker, or the subsequent removal thereof, shall in no way affect the designation of the historic structure, site, or district, and shall have no impact upon the implementation of the provisions of this chapter.

(c) **Regulation of Construction, Reconstruction, Alteration, and Demolition.**

(1) Unless and until a certificate of appropriateness has been granted by the city council, no owner or person in charge of a historic structure, a historic site, or a structure within a historic district shall:

a. reconstruct, alter, or demolish, or cause or allow any reconstruction, alteration, or demolition to occur to, all or any part of the exterior of such property; or

b. construct, or cause or allow any construction of, any improvement upon such designated property or properties.

(2) Further, unless and until a certificate of appropriateness has been granted by the city council, the building official shall not issue a permit for any such work.

(3) Upon filing of an application for a certificate of appropriateness with the city, the commission shall review the application for conformity with the following criteria, and shall recommend issuance of the certificate of appropriateness unless:

a. in the case of a designated historic structure or historic site, the proposed work would detrimentally change, destroy, or adversely affect any exterior feature of the improvement or site upon which said work is to be done;

b. in the case of the construction of a new improvement upon an historic site, or within an historic district, the exterior of such improvement would adversely affect or not harmonize with the external appearance of other neighboring improvements on such site or within such district;

c. in the case of any property located in a historic district, the proposed construction, reconstruction, exterior alteration, or demolition does not conform to the purpose and intent of this chapter and/or to the objectives and design criteria of any historic preservation plan approved for said district;

d. the building or structure is of such architectural or historical significance that its demolition would be detrimental to the public interest and contrary to the general welfare of the people of the city and state; or

e. in the case of a request for the demolition of a deteriorated building or structure, any economic hardship or difficulty claimed by the owner is self-created or is the result of any failure to maintain the property in good repair.

(4) The commission shall make its recommendation within forty-five (45) days of the filing of the application. If the commission fails to make a recommendation within that period, the application shall be forwarded to the city council for action without any recommendation.

(5) The final decision shall rest with the city council. The city council shall render the final decision within sixty (60) days of the filing of the application. If no decision is made within such time period, the application shall be deemed approved, and the city administrator shall issue the certificate of appropriateness.

(6) The issuance of a certificate of appropriateness shall not relieve the applicant from obtaining other permits and approvals required by the city. A building permit or other municipal permit shall be invalid if it is obtained without the presentation of the certificate of appropriateness required for the proposed work.

(7) Ordinary maintenance and repairs may be undertaken without a certificate of appropriateness provided that the work involves repairs to existing features of a historic structure or site or the replacement of elements of a structure with pieces identical in appearance and provided that the work does not change the exterior appearance of the structure or site and does not require the issuance of a building permit.

Sec. 60-6. Procedures.

(a) Applications.

(1) Application for designation of any property as a historic structure or a historic site, or rescission of any such prior designation, may be made only by the owner(s) of such property.

(2) Application for designation of any area as a historic district, or rescission of any such prior designation, may be made only by the owner(s) of at least fifty percent (50%) of the land area to be included in such historic district. Any application for designation as a historic district shall be accompanied by a draft historic preservation plan, which shall be reviewed concurrently with the application for designation.

(3) The city council may, upon its own motion, apply for any property to be designated as a historic structure or site, for any area to be designated as a historic district, or for the rescission of any previously made designations. Any city-initiated application for designation as a historic district may be accompanied by a draft historic preservation plan or such plan may be prepared by the city after final designation has been approved by the council.

(4) All applications shall be made to the city administrator, or his/her designee, who shall forward same to the commission for hearing.

(b) Designation of Historic Structures, Sites, and Districts.

(1) Upon receipt of an application, the commission shall hold a public hearing to review the application and make its recommendation based upon a review of the criteria in section 60-4, above. At such public hearing, the commission shall hear all proffered testimony of interested persons and any expert witnesses and shall review any written records submitted to it. Within ten (10) days after the close of the public hearing, the commission shall make its recommendation, which shall be reduced to writing for formal presentation to the city council.

(2) The city council, upon receipt of a recommendation from the commission, shall hold a public hearing, shall hear all proffered testimony of interested persons and any expert witnesses, and shall review any written records submitted to it. Within ten (10) days after the close of the public hearing, the council shall make the final determination regarding designation or rescission, as the case may be. The council's decision shall be in the form of a city resolution and shall include findings of fact related to the specific criteria contained in section 60-4.

(3) At least ten (10) days prior to both the commission and the council hearings, the city shall notify the owners of record, as listed in the office of the county property assessor, who are owners of property in whole or in part situated within two hundred (200) feet of the boundaries of the property or properties affected. Such notice shall include the address or general location (where no specific address is assigned) of, and a location map showing, the property(ies) or area(s) which will be discussed at the hearing. Such notice shall further include the time and place at which such public hearing shall occur.

(c) Adoption of and Revisions to Historic Preservation Plans.

(1) Each historic preservation plan shall include a cultural and architectural analysis supporting the historic significance of the area, the specific guidelines for development within the area, and a statement of preservation objectives.

(2) Concurrent with the review of any private or city-initiated application for designation of a historic district, or subsequent to the approval of such any city-initiated application, the commission shall hold a public hearing to review and recommend action on a historic preservation plan for the area. At such public hearing, the commission shall hear all proffered testimony of interested persons and any expert witnesses and shall review any written records submitted to it. Within ten (10) days after the close of the public hearing, the commission shall make its recommendation, which shall be reduced to writing for formal presentation to the city council.

(3) The city council, upon receipt of a recommendation from the commission, shall hold a public hearing, shall hear all proffered testimony of interested persons and any expert witnesses, and shall review any written records submitted to it. Within ten (10) days after the close of the public hearing, the council shall make the final determination regarding approval of the plan. The council's decision shall be in the form of a city resolution and shall include findings of fact related to the specific criteria contained in subparagraph (1), above.

(4) If a historic preservation plan is being reviewed concurrent with the application for designation, the notices for the public hearings for consideration of such application shall indicate as much. Otherwise, if a historic preservation plan is being reviewed separately, said notices shall be provided in the same manner as indicated in subparagraph (b)(2), above.

Sec. 60-7. Interim Control.

No building permit shall be issued by the building official for alteration, construction, demolition, or removal of a nominated historic structure, a nominated historic site, or any property or structure within a nominated historic district from the date of the meeting of the commission at which a nomination form is first presented until the final disposition of the nomination by the city council unless such alteration, removal, or demolition is authorized by formal resolution of the city council as necessary for public health, welfare, or safety. In no event shall the delay be for more than one hundred eighty (180) days.

Sec. 60-8. Penalties for Violations.

Any person or persons violating any provision of this section shall be fined up to two hundred fifty dollars (\$250) for each separate violation. Each and every day during which a violation continues shall be deemed to be a separate offense. Notice of violations shall be issued by the city administrator, the building official, or any code enforcement officer of the city.

Sec. 60-9. Recognition of Vested Rights.

Nothing in this chapter shall be deemed as an attempt to abrogate any vested right any property owner may have acquired prior to the effective date of the ordinance by which this chapter was adopted. Any property owner who believes the provisions of this chapter infringe upon any vested right shall indicate same upon the first application for any permit or approval (including without implied limitation any building permit or certificate of appropriateness) for any construction, reconstruction, alteration, or demolition to occur on any property regulated hereunder.

Sec. 60-10. Severability.

If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the remainder of this chapter and the application of such provisions to other persons or circumstances shall not be affected thereby.

PASSED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA, on this 6th day of OCT., 2009.

CITY OF ARCADIA, FLORIDA



ROOSEVELT JOHNSON, Ed. D.

MAYOR

ATTEST:

By: 
DANA WILLIAMS, CMC
CITY RECORDER

PASSED ON FIRST READING 9-17- 2009

PASSED ON SECOND READING 10-6- 2009

APPROVED AS TO FORM:

 FOR
WILLIAM S. GALVANO, CITY ATTORNEY



MEMORANDUM

TO: Arcadia City Council

FROM: Judi Jankosky, Assistant City Administrator 

DATE: April 24, 2012

SUBJECT: Arcadia Airport – Air-Cadia Response to Request for Information

My first response to this entire situation is that although we certainly need to learn from history, the politics, now and in the past, be removed from any comments, concerns, questions, accusations, accolades or whatnot as the first priority of the airport should be the sustainability of the airport itself and then the economic advantage it has to the city *and*, even in that respect, the county. Although history is important it is more important now that we move on to the present and look toward the future.

I want to make clear for the record:

- a. Many airports markings are not in compliance as like any regulatory agency the FAA changes rules and regulations on a pretty continual basis and airports, especially general aviation airports, are not required to change markings until there is a need to repaint them. As stated in the conditions issued by FDOT “The department may license a public airport that does not meet standards only if it determines that such an exception is justified by unusual circumstances or is in the interest of the public convenience AND does not endanger the public health, safety, or welfare. Such a license shall bear the designation “special” and shall state the condition subject to which the license is granted.

- i. Airport markings are non-standard.”

History – the markings have not been painted in probably 10 – 15 years, if not longer; however, it is hard to believe the FDOT would have issued our license had our markings been determined to endanger the public health, safety or welfare. FDOT has our airport programmed to receive 100% funding in July 2012 to recondition (coat with a rejuvenator) the asphalt which is in pretty good condition considering it is about 25 years old and repaint the markings to meet the current standard regulations along with adding the required markings for the GPS instrument approach that is scheduled to be published by the FAA on November 15, 2012.

- b. Regarding the fire sprinklers. The fire inspector will be conducting a complete inspection of the airport facilities sometime in May. Upon their report we can make a determination as to what is exactly needed at the airport regarding fire suppression. There are too many stories floating around to ascertain what the true need is and speculation at this point will not do anyone any good. The county has given us preliminary permission to tap into their water main on Hwy 31 and upon receiving the fire inspection report we will continue to work with the county administration, fire department and engineering to come to a mutual conclusion.

By the attached submittal it is clear that Air-Cadia is not meeting or is not able to meet their contractual obligations for whatever reasons. It is also clear that the needs and situations have changed at the airport as years have passed by. Perhaps the agreement between Air-Cadia and the City needs to be amended to meet the current needs and situations of the airport.

Air-Cadia Inc

2269 SE AC Polk Jr Dr
Arcadia, FL 34266
863-990-9314
bbminnear@aol.com

April 12, 2012

*City of Arcadia
P.O. Drawer 351
Arcadia, FL 34265*

Dear Dr. Lawrence Miller:

The Arcadia airport is not in a marketable condition at the present time, due to fire code issues and rundown condition of landing strip and taxiways.

The "Butler Building", which has always been the maintenance shop on field, has been unrentable since January 1, 2009. The overbuilt doors (per FEMA directive) were too heavy to open. The doors were not operable until repairs were done in July 2011.

In the spring of 2009, a fire marshal report, rendered more issues for the building. Some issues were corrected. For a full scale maintenance shop the fire marshal wants a sprinkler system installed. This is impossible without a main water line coming through airport. This building remains in questionable condition for rental.

Flight School-current condition of markings on both runway and taxiway are not in FAA compliance. See attached Airport License. Markings are unclear and cannot be seen at night. Night training would have to be done at another airport. Due to condition of the airport no flight school is interested, see attached letter from "Circle O Aviation", out of Wilmington, Ohio.

However, we still have services at the airport. Mr. John Rankine, from Shell Creek, has verbally agreed to handle any flight training needs. Keep in mind lessons, with an instructor, range from \$150.00 to \$200.00 per hour and there is no interest from the public for lessons or flight needs.

Maintenance needs have been picked up by our mechanics. See attached license. Please remember we have been operating here for 25 years. We have worked with the FAA and utilize their services for field approvals, which means the FAA signs off on our work, performed by properly licensed mechanics.

We are meeting all the airport needs at this time. Before we can advertise and market for future business, this airport needs to be brought up to code.

We hope this answers some of the questions being asked. As always we are available for further discussion on airport matters.

Respectfully,



William and Rebecca Minnear/Air-Cadia

Cc: Darrel Carr, Esquire



State of

FLORIDA

Department of Transportation

Airport License



In consideration of the state airport license fee, in the amount recorded below, paid to the Department of Transportation, the receipt of which is hereby acknowledged, Arcadia Municipal Airport is hereby licensed as a(n) Airport in the County of Desoto on property located at latitude 27° 11' 31.18"N and longitude 81° 14.29"W in Section 05, Township 38S, and Range 25E for the period commencing 2/1/2012 to 1/31/2013 in accordance with the provisions of the State Airport Licensing Law, and subject to the conditions attached hereto.

When inspected on 10/27/2011, this airport met state airport standards of safety for aeronautical use. Safe air traffic patterns have been developed for this and other licensed airports in the vicinity. This license is revocable if unsafe conditions develop or for other reasons stated in the State Airport Licensing Law or the rules and regulations adopted thereunder. This license shall in no way be interpreted as a warranty by the Department of Transportation of the continuing safety of the airport beyond the inspection date.

This certificate must be posted at all times at the airport to which it applies.

Issue Date: 1/3/2012

FAA Site No.: 03030.*A

Aaron N. Smith
State Aviation Manager

Facility Name: Arcadia Municipal Airport

Site No.: 03030.*A

CONDITIONS

A. This Airport has the following approach limitations.

1. Runway 05/23 is available for visual approaches only.
 - a. Runway 05 is FAR 77 category A(V).
 - b. Runway 23 is FAR 77 category A(V).
2. Runway 13/31 is available for visual approaches only.
 - a. Runway 13 is FAR 77 category A(V).
 - b. Runway 31 is FAR 77 category A(V).

3. Runway 13 is displaced 722 feet.

4. Runway 23 is displaced to the end of the runway.

5. Runway 31 is displaced 970 feet.

B. This Airport is issued a Special License pursuant to Chapter 330.30(2)(b), F.S.

The department may license a public airport that does not meet standards only if it determines that such an exception is justified by unusual circumstances or is in the interest of public convenience and does not endanger the public health, safety, or welfare. Such a license shall bear the designation "special" and shall state the conditions subject to which the license is granted.

1. Airport markings are non-standard.

Circle "O" Aviation
3772 SR 73 West.
Wilmington, Ohio 45177

April 3, 2012

Air-Cadia Inc.
2269 S.E AC Polk Jr. Dr.
Arcadia, Florida 34266

Becky & Bill,

Thank you for letting us look at your airport for a flight school.

However due to your poor runway conditions, it would make for unsafe conditions for the aircraft and students.

Runway and taxi way markings are not visible at night. Students would have a difficult time with ground steering and safety.

Night training would have to be performed at another airport since your runway lights do not work.

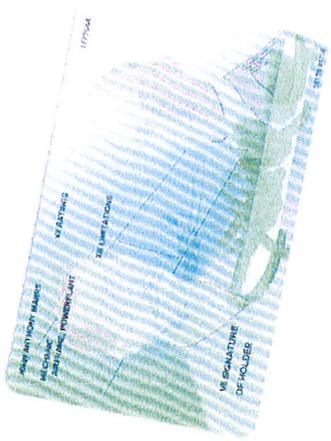
This could be a very likely "accident waiting to happen".

It was truly a pleasure meeting both of you. We are sorry that we are unable to utilize your airport for training.

Best Regards,



Albert Hackney
Circle "O" Aviation



THIS CERTIFIES THAT

IV.

WILLIAM HOWARD FINNLEAR
124 N. W. 7th Street
Cape Coral, FL 33909

V.

DATE OF BIRTH	HEIGHT	WEIGHT	HAIR	EYES	SEX	NATIONALITY
09-12-35	66 IN.	175	BLACK	BROWN	M	USA

VI.

IX. has been found to be properly qualified and is hereby authorized in accordance with the conditions of issuance on the reverse of this certificate to exercise the privileges of

MECHANIC

RATINGS AND LIMITATIONS

XII.

ALPHABET

XIII.

THIS IS AN ORIGINAL ISSUANCE A REISSUANCE OF THIS GRADE OF CERTIFICATE

DATE OF SUPERSEDED AIRMAN CERTIFICATE

BY DIRECTION OF THE ADMINISTRATOR

EXAMINER'S DESIGNATION NO. OR INSPECTOR'S REG. NO.

IME 1686503

X. DATE OF ISSUANCE

11-19-91

X. SIGNATURE OF EXAMINER OR INSPECTOR

Philip Zorn
Philip Zorn

DATE DESIGNATION EXPIRES

10-31-92

VII. AIRMAN'S SIGNATURE

William H Finnlear

Air-Cadia Inc

2269 SE AC Polk Jr Dr
Arcadia, FL 34266
863-990-9314
bbminnear@aol.com

April 16, 2012

*City of Arcadia
P.O. Drawer 351
Arcadia, FL 34265*

Dear Dr. Lawrence Miller:

*This is additional information for the request of city council regarding our
AI mechanic. Thank you.*

Sincerely,



Rebecca Minnear

**CONTRACT TO PROVIDE CONSULTING SERVICES
FOR TELECOMMUNICATIONS COST RECOVERY
AND/OR FUTURE SAVINGS TO THE CITY OF _____, FLORIDA.**

THIS CONTRACT, entered into this _____ day of _____, 2012, by and between Florida League of Cities, Inc. a Florida corporation (hereinafter referred to as "FLC") and the City of _____, Florida, a Municipal Corporation organized under the laws of the State of Florida (hereinafter referred to "the City").

WHEREAS, the City desires to engage FLC and its agents to review telecommunications vendor billings for the purpose of disclosing overcharges due to billing errors and/or identifying cost-saving strategies for the purpose of securing future savings,

NOW THEREFORE, the parties hereto mutually agree as follows:

1. **Employment of FLC.** The City agrees to engage FLC and FLC agrees to perform the services as outlined herein. When used in this contract, the term "FLC" includes FLC and its agents, officers, subcontractors, and employees. For purposes of this contract, subcontractors shall mean CostChecks Auditing Services, LLC (CostChecks). It is understood that FLC may utilize one or more third parties to assist in providing such services.
2. **Scope of Services.** FLC will review the City's telecommunications billings to find sensible ways to reduce costs, such as identifying past and/or current overcharges, or proposing cost-savings actions or strategies to the City. Upon finding any overcharges, FLC will work with the City, providing information as needed, to help the City secure from the vendor a reasonable and appropriate refund or credit for past overcharges, as well as a correction of current charges.

During the course of its work, FLC will use those audit measures it deems necessary and appropriate under the circumstances. The parties agree that a review by FLC, however diligent that review may be, cannot serve as a guarantee that all billing errors have been discovered or that all possible cost-saving strategies have been uncovered and proposed to the City. The City and FLC therefore agree that FLC will not be liable for undiscovered billing errors or cost-saving strategies.

A signed Letter of Authorization must accompany this Agreement on the city's letterhead, which enables FLC/CostChecks to obtain vendor records pertaining to this engagement.

3. **Time of Performance.** FLC's services will commence within 30 days of notice to proceed. Initial performance of service usually consists of filing Letters of Authorization with appropriate vendors and obtaining Customer Service Records, when necessary. FLC will perform and complete its services as expeditiously as reasonably possible under the circumstances. Both parties recognize that delays by vendors and other obstacles may, from time to time, impede FLC from completing its services as quickly as it would intend. The term of this agreement will be a minimum of 18 months from the date of acceptance and execution of the contract by the FLC. At the end of that minimum term the agreement will continue but may be cancelled by either party upon thirty (30) days of written notice.

4. **Confidentiality Agreement.** The City and FLC agree that, if required, they will enter into a mutually acceptable confidentiality agreement protecting the confidentiality of certain proprietary information to the extent allowed by Florida Law and the City's charter.
5. **Compensation.** The City agrees to pay FLC forty five percent (45%) of any refund or credit it receives as a result of FLC's actions. The fee for refunds or credits is payable upon invoicing by FLC, subsequent to the City's receipt of the refund or credit.

The City also agrees to pay each month for twelve (12) months forty five percent (45%) of any monthly savings achieved as a result of FLC's actions, or the implementation of any FLC proposal. Such savings shall be clearly documented in writing and may include, but are not limited to, cost reductions resulting from the correction of billing errors, rate or classification changes, changes in contract terms, changes in network configuration, and elimination of unwanted services.

If the City incurs expenses in implementing any FLC proposal, the City will not be required to pay fees owed to FLC until the City first achieves an accrued cost-savings equal to the implementation costs. Thereafter, the twelve (12) month billing period referenced hereinabove shall begin.

To avoid unnecessary bookkeeping, and for the mutual convenience of the City and FLC, any item of future savings which generates fees of twelve hundred dollars (\$1,200.00) or less will be payable in its entirety at the beginning of the 12-month period rather than in monthly or quarterly increments throughout the 12-month term.

The proposals presented to the City by FLC are meant to be sensible and beneficial. The parties agree that the City is in the best position to judge those qualities of a cost-saving proposal. Accordingly, the City is under absolutely no obligation to implement any proposal submitted by FLC and agrees to accept or reject any proposal within a reasonable time (not to exceed 45 days). If the City rejects any proposal, the City owes no fee for any savings that would have resulted from the rejected proposal. If, however, the City implements the rejected proposal within eighteen (18) months, it agrees to pay FLC its full fee as stated above. Such rejection must be in writing, and the date of such rejection constitutes the initiation of the eighteen (18) month time period.

Any debits or charges to the City for past under billings and/or any increases in future costs resulting from current or past under billings will not be deducted from any fee as defined above.

During the initial 18 month period of this agreement, should any in-house review, city action, or any other vendor, business, or entity conduct a similar analysis or audit, FLC is still entitled to the above-stated fees for refunds, credits, or cost-savings realized by the city.

Upon termination of this contract, if any amounts owing to FLC remain unpaid, or if an issue initiated or recommended by FLC remains unresolved, the City agrees to compensate FLC as described above with regard to the unpaid amounts, as well as to the resolution of such issue. This provision is intended to allow for unavoidable delays caused either by the City, telecom vendors, or regulatory and legal agencies which are outside of FLC's control.

6. **Method of payment.** FLC will compute fees as outlined in this contract and submit invoices to the City for the correct amount. The City agrees to pay all correct invoices according to the Local Government Prompt Payment Act.

7. **Changes.** Any changes in this contract must be incorporated into a written amendment and signed by both parties.
8. **Principal-Independent Contractor.** The relationship of FLC to the City shall be that of an independent contractor. No other employer-employee relationship between the parties is created by this contract. By entering into this contract with the City, FLC and the City acknowledge that FLC will, in the performance of its duties and under this contract, be acting as an independent contractor and that no officer, independent contractor or employee of FLC or the City will be for any purpose an employee of the other and that no officer, independent contractor, employee of FLC is entitled to any of the benefits and privileges of a city employee or officer under any provision of Florida law.
9. **Services and Materials to be Furnished by the City.** The City agrees to make available to FLC copies of bills, contracts, and other such materials as may be reasonably requested to carry out the duties of this contract in an excellent manner. FLC may make reasonable requests for a temporary work space or for the periodic assistance of an employee. Since the City wishes for FLC to be successful in its efforts, it agrees to fulfill such requests to the extent it can reasonably do so.
10. **Indemnification.** Each party shall be responsible, in accordance with Florida law, for its own acts, and will be responsible for all damages, costs, fees, and expenses which arise out of the performance of this contract and which are due to that party's own negligence, tortious acts and other unlawful conduct and the negligence, tortious acts and other unlawful conduct of its respective agents, officers, and employees. In the absence of negligence, tortious acts and other unlawful conduct in FLC's performance hereunder, the City shall, to the extent permitted under Florida law, defend, indemnify and hold FLC free and harmless from and against any claims, demands, or action brought by third parties which are related in any way to the City's implementation of FLC proposals.
11. **Limitations of Liability.** The City agrees that FLC's total aggregate limit of liability to the City hereunder (whether contract, statutory, in tort, or otherwise) for damages on any one or more or all claims (regardless of the number of different or other claims, claimants, or occurrences) shall not exceed the total of professional fees paid under this contract. The City agrees that FLC shall not be liable to the City for any indirect, incidental, special, or consequential damages, any lost profits or any claim or demand against the City by any other party, arising out of or in connection with the performance of services hereunder.
12. **Matters to be Disregarded.** The titles of the several sections, subsections, and paragraphs set forth in this contract are inserted for convenience of reference only and shall be disregarded in construing or interpreting any of the provisions of this contract.
13. **Completeness of Contract.** This contract and any additional or supplementary document or documents incorporated herein by specific reference contain all the terms and conditions agreed upon by the parties hereto, and no other contracts, oral or otherwise, regarding the subject matter of this contract or any part thereof shall have any validity or bind any of the parties hereto.
14. **Applicable law.** This contract shall be governed by and construed in accordance with the laws of the State of Florida.

15. **Notices.** Any notices, bills, invoices, or reports required by this contract shall be sufficient if sent by the parties in the United States mail, postage paid, to the address shown below. In addition, a summary report containing an overview of the project shall be sent to the Chief Administrative Officer of the City if he/she is different from the contact below.

(Include name and
address of City's contact)

Mr. Ken Small
Financial Technical Assistance Manager
Florida League of Cities
P.O. Box 1757
Tallahassee, FL 32302-1757

IN WITNESS WHEREOF, the City and FLC have executed this contract as of the date first written above.

CITY OF _____, FLORIDA
A Florida Municipal Corporation

FLORIDA LEAGUE OF CITIES, INC.
A Florida Not-for-Profit Corporation

By: _____

By: _____

DATE:

To whom it may concern:

The Florida League of Cities is currently performing a review of our telecommunications networks and associated services. We are hereby authorizing them to act as our consultants in these matters.

Please give them your full cooperation including providing them with any information including but not limited to billing records, customer service records, contracts and any other information or materials they may request concerning any services billed to any of our locations.

Please assist them with configuration, design and pricing for any alternative services as necessary for them to develop the recommendations we have asked them to create or any information they deem necessary in performance of their review.

The Florida League of Cities is authorized to act on our behalf to have orders issued as necessary as part of their review.

Your assistance is greatly appreciated.

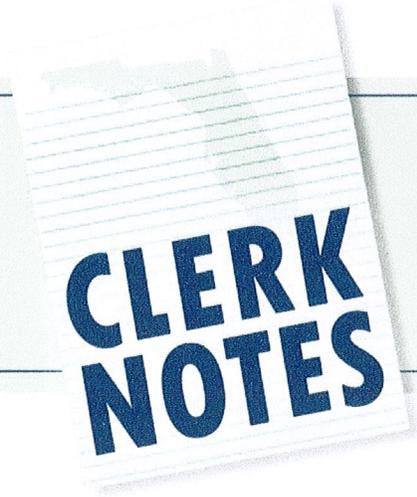
Confirmed By:

NAME

DATE

TITLE

Debra S. Sullivan, CMC
 City Clerk
 City of Belleair Bluffs
 2747 Sunset Blvd.
 Belleair Bluffs, FL 33770
 727.584.2151
debras@tampabay.rr.com



CLERK NOTES

Ken Small
 Department of Financial Services
 Florida League of Cities, Inc.
 P.O. Box 1757
 Tallahassee, FL 32302
 850.222.9684
ksmall@flcities.com

March 13, 2006

Open records support democracy

By BARBARA PETERSEN, Special to The News-Journal, 3/12

We plan for good government the same way we prepare for hurricanes, by raising public awareness, by getting the word out. This, Sunshine Week, is a week selected by state and national media to get the word out on open government, seven days spent trumpeting the cause, highlighting the importance of the public's right to oversee its government through application of public record and open meetings laws.

Why is access to government information so important that we spend a week's worth of time and resources dedicated to the issue?

The answer, based on core democratic principles and steeped in history, is simple. The ability to access the records and meetings of government is critical to our ability to govern ourselves, to maintain civil liberties and historic freedoms. The ability to oversee and hold our government accountable for its actions is a fundamental right in this country, and the principles of freedom, democracy and open government are inextricably and intricately woven into the fabric of our nation.

The right to know is not a partisan issue, claimed by one political party or candidate to the exclusion of others. It is a core principle, the bedrock of any democracy. We want to know our government is doing its job, that our elected officials are fulfilling promises made and faithfully representing our interests. We want to assure ourselves that our taxes are being used wisely and that those taxes are fairly assessed. We want to know when government officials are abusing their power and to hold them accountable when they do.

Florida has the most progressive open government laws in the country, laws protected by a constitutional guarantee of access that is unprecedented in this nation. But our right of access is under constant threat.

Local governments adopt restrictive policies that prohibit public comment at open meetings or that require exorbitant fees for copies of public records -- policies, we should note, that are contrary to current law.

State agencies create artificial barriers to the public's right of access, requiring those seeking public records to make their request through the agency's general counsel or public information officer or to put a request in writing and state the reason for the request.

The First Amendment Foundation recently conducted an audit of compliance with Florida's public records law in all 67 counties and a number of state agencies (See 1A). The result, while not bad compared to similar audits conducted in other states, was fairly dismal: Only 58 percent of the agencies tested complied with the law. Judged by the standards citizens expect and deserve, that constitutes a failing grade.

Further, the Florida Legislature each year proposes numerous exemptions that would close access to public records and meetings. By our count, there are currently more than 1,000 exemptions to our right-to-know laws. Does the government need these exemptions? Occasionally, yes. Frequently, no.

Some valid exemptions are Social Security numbers, personal financial information, patient identifying information and trade secrets. But many of the exemptions protect the interests of select groups at the expense of the public and others block access to records that help us keep tabs on our government.

For example, there's legislation filed this session that re-enacts a public record exemption for adverse incident reports filed with the state Agency for Health Care Administration by nursing homes.

Shortly after the exemption was created, a newspaper reported there had been more than 4,300 incidents reported at Florida nursing homes in the few months since the bill's passage, but only 100 had led to investigations. The story pointed out that even families of the patients involved couldn't get copies of the incident reports.

How do we know what's going on in our nursing homes if we don't have access to these reports? And how can we be assured that AHCA is doing what it should to protect our elderly? We can't.

Another bill being considered this session would close access to information about donors to certain publicly owned museum houses, which might be OK if the donor requests anonymity.

We have similar exemptions in place for museums and halls of fame around the state. But this legislation automatically closes access to such information and takes a huge step farther -- it closes access to any information about the donation itself.

Is the museum using the donation for a legitimate purpose? Or is the money being misappropriated or misspent? Who knows?

Trust, certainly. But please, verify. It's our right.

Petersen is president of the First Amendment Foundation, a nonprofit, nonpartisan organization based in Tallahassee (www.floridafaf.org).

How we did it

Pensacola News Journal, 3/12

On Feb. 13, reporters and other representatives of 41 Florida news organizations, including the Pensacola News Journal, banded together to test how well government agencies handle public records requests made by everyday citizens.

Reporters shed their titles and asked for records that should be quickly available to any citizen from four agencies: county governments, city hall, school boards and sheriff's offices.

The audit, organized by Florida's First Amendment Foundation, tracked how often agencies refused to turn over public records and which agencies made unlawful requirements as a condition of providing them.

Volunteers attempted to audit 268 agencies in the state's 67 counties plus four state agencies. In the end, about 50 agencies weren't included in the results because they reported that they didn't have the records requested, or the auditor did not follow instructions and the audit had to be discounted.

In the accompanying story, results from a similar audit done in 2004 are provided. The numbers should not be considered a direct statistical comparison because of differences in methodology and execution of the two audits.

This year, the requested documents, all public records under Florida Statute 119, were:

- School districts, municipalities and county governments: e-mails or other correspondence between the top administrator and members of the elected body, such as the school board or city council. If none existed for that time period, the most recent were requested.
- Sheriff's offices: a log of calls made to the dispatch center over the previous 48 hours. When inspection of the log was allowed, the volunteer asked for the report on a specific incident.

The auditors also requested documents from a sample of state agencies:

- January travel expenses for Attorney General Charlie Crist and Tom Gallagher, chief financial officer for the Department of Financial Services.
- E-mails from top officials in Gov. Jeb Bush's administration for a week in February.
- A report on calls made to the Elder Help Line run by the state Department of Elder Affairs.

The protocol called for volunteers to behave as "regular citizens" with only a limited knowledge of Florida's public records law. They were instructed to be polite and to keep the audit secret.

State law does not require a person asking for public records to provide a name, a reason for the request, identification or a written request. To test that anonymity, volunteers responded to questions that could reveal their identity or intent by asking, "Is that information necessary for you to fulfill my request?"

If officials insisted on getting the information they were marked as violating the public records law.

Audit organizers determined that an hour was a reasonable amount of time to wait for access to the records.

If volunteers left an office with confirmation that the records would be provided at a later date, it was considered compliance. If an hour passed without an assurance that the request would be fulfilled, the visit was counted as non-compliance.

Violations of public records law continue to thrive

By CHRIS DAVIS and MATTHEW DOIG, SARASOTA HERALD-TRIBUNE, 3/12

For the second time in three years, a statewide audit by news organizations revealed that Florida's local government agencies consistently fail to provide citizens with unfettered access to public records.

Overall, 42 percent of the 220 local agencies audited violated the state's public records laws. The rate mirrored the results of the first statewide audit in 2004, when 43 percent of agencies failed to comply.

Eight of the agencies tested for the statewide audit were in Volusia and Flagler counties; three of them failed to comply. For a broader look at the local situation, The News-Journal audited an additional eight city halls and police departments. Overall, 37.5 percent of the local agencies failed to comply.

During a week in February, audit volunteers posing as "regular" citizens fanned out across the state to ask for records that are unquestionably open to the public.

They requested e-mails from city, county and school district officials, and a log showing the calls that had come into law enforcement offices.

If the agencies were adhering to the state's constitution, the records should have been handed over with no fuss. Courts have determined that government agencies must protect a citizen's right to remain anonymous when making records requests.

But in many cases, volunteers faced suspicious bureaucrats who said the records could only be released in exchange for a name, a sufficient reason or a written request. Other agencies simply refused to provide the documents.

At the Miami Police Department, a desk clerk incorrectly told the auditor that he needed a subpoena to look at a log of calls police officers had responded to recently.

Contacted after the audit, a spokesman for the department said the clerk should have complied with the request or referred the question to someone else.

"That's unfortunate that that happened, and it should not have happened," said Lt. Bill Schwartz, who is in charge of the public information office. "And we hope it doesn't happen again."

Pat Gleason, general counsel to Attorney General Charlie Crist, said Florida remains ahead of other states when it comes to open records. But she said the latest audit underscores the need to improve.

"These laws are so important and so critical we shouldn't be satisfied with anything less than 100 percent compliance," she said. "That is the goal we should be striving to reach."

A spokesman for Gov. Jeb Bush said the governor's office wants to see local governments comply with open records law but that it doesn't have the authority to force them to do so.

"Gov. Bush obviously thinks Florida's open records law is healthy for the government and keeps everybody above board," spokesman Russell Schweiss said. "There's always room for improvement, but by and large all the agencies are doing a good job complying with public records requests."

REPEATED MISTAKES

Officials around the state said the same thing two years ago, when news organizations disclosed the results of the first audit in February 2004.

Government officials at the state and local levels pledged to take the results seriously and use them as a teaching tool to improve. But the same mistakes made in 2004 were repeated this February.

Barbara Petersen, president of the First Amendment Foundation, said the audit results are further evidence that citizens' access to open records is eroding.

"Government at all levels is creating a barrier, these little insidious kinds of policies like 'I'm sorry, you have to go to the general counsel to make your request,' that just delay and obfuscate," Petersen said.

At sheriff's offices, audit volunteers asked for a dispatch log for the previous 48 hours and a copy of a report mentioned on that log. At school districts, city halls and county administration offices, auditors asked for a week's worth of e-mails between the top administrator and elected officials.

The best results came from county administrative offices, which complied properly 69 percent of the time. The requests for e-mails between the school superintendent and the school board led to the most violations. Less than half of all school districts audited fully complied with the law.

City managers complied with the requests 59 percent of the time; sheriff's offices 55 percent.

Auditors also visited four state agencies. All provided the records properly, including the governor's office, which suspected its public records request was part of the First Amendment Foundation effort.

Most often, the audited agencies understood that a citizen had a right to see the records requested. The stumbling blocks occurred in how the agencies handled the request.

In 16 percent of the audits, public officials demanded to know the auditors' names. A few said they would have to know why the volunteers wanted the records or where they worked.

Eighteen percent of the agencies required a form to be filled out or a written request in order to get the records. Florida's courts have established that government officials can't require citizens to give their names, reveal their employers or explain why they want a record. They also can't be required to write down their requests.

Those requirements can have a chilling effect on access to government because they may discourage people from asking for records, said Sandra Chance, executive director of the University of Florida's Brechner Center, a nonprofit group that serves as a resource on public records law.

In one instance, Chance said she helped a friend ask for records from a police agency because the agency required personal information to get the records. The records she sought were about a police officer and Chance said her friend was afraid of retaliation.

Yet some government agencies argue that they are allowed to require written requests. Others say they need a name or a form filled out just so they can track the records requests that get filed.

David Mosrie, head of Florida's school superintendents association, said the written requests are not an attempt to hide information from the public, but a mechanism to track requests.

"It don't think it's unreasonable or illegal," he said.

Kriss Vallese, communication director for the Florida Association of Counties, refused to comment on the specifics of the audit.

But Vallese pointed out that many local governments are taking extraordinary efforts to share information by making all e-mails available at computer terminals in county buildings or posting government documents on the Internet.

"They are the governments closest to the people," Vallese said. "From an overall statewide perspective, county governments do a good job of being held accountable to their constituents. They're there and available for public comment every week."

HOLES IN THE FRONT LINE

For journalists, lawyers and others who ply their trade with documents and records, Florida is known for its generous open government laws.

But just as the 2004 audit showed, those guarantees aren't always extended to everyday taxpayers.

The problems often begin on the front lines, with the clerks and receptionists citizens are likely to encounter when they walk in and ask for a record.

Gleason of the Attorney General's office said most people who use government records are ordinary citizens looking for information about zoning changes, changes to school boundary zones or other things that impact their lives.

"It's very disappointing that this could be their first experience with government and then they don't get what they are looking for," Gleason said.

A journalist or lawyer might call up an agency's communications director to get a record, but a member of the public is more likely to stroll through the front door and place a request in the lobby.

Often the secretaries, clerks and security guards who greet people aren't trained in how to handle records requests from the public. The problem is made worse because of employee turnover, Gleason said.

Wayne Blanton, executive director of the Florida Association of School Boards, said the state mandates training on open government for elected officials, but not for all employees.

"I think our clerks are not well-trained in either the Sunshine law or the public records law," Blanton said. "A lot of people don't have enough training."

After the 2004 public records audit, Attorney General Crist said the state might need to consider offering more training to government employees. Gleason said that in response to the 2004 audit, the Attorney General's office spent more time training agencies that they aren't allowed to require written public records requests.

But there was no state effort to mandate training. And training remains spotty because the state still doesn't require it for most employees. Training that does occur is largely reserved for agencies and employees who seek it out themselves.

"I think that's my biggest frustration," Chance said. "The most important people are the people at the front desk and those people are not being properly trained or educated about the law."

-- *News-Journal Sunday Editor Denise O'Toole contributed to this report.*

Agencies fail audit on open-records law

Almost half didn't comply properly

By Julian Pecquet, DEMOCRAT STAFF WRITER, 3/12

If you're a citizen trying to find out what your government is up to, you might be out of luck.

That's the conclusion from a statewide audit of local agencies.

News-media volunteers visited city, county, school-district and law-enforcement offices last month to test their compliance with Florida's open-records law, one of the strongest in the country - on paper.

Almost half of the agencies failed. Big Bend agencies were among the worst violators, the audit found.

"We wanted to see what happened when the average citizen goes in and makes a public-records request," said Barbara Petersen, the president of the Tallahassee-based First Amendment Foundation, which educates citizens and government officials about the Sunshine Law and organized the audit.

The results: "pretty dismal," she said. That's despite the promises state and local officials made two years ago, when the results of the first audit were released.

"The results are disappointing," said Pat Gleason, the general counsel for Florida's attorney general. "We'll have to redouble our efforts."

The authors of the open-records law - known as the Sunshine Law - intended for ordinary citizens to be able to make public-records requests, she said, "so it's disappointing when these audits show that some of these barriers are still there."

The audit was carried out by news organizations across the state. It found that 42 percent of the 220 agencies audited violated the law. The release of the audit previewed Sunshine Sunday, which is today, and Sunshine Week, which runs through next Sunday.

During Sunshine Week, newspapers, magazines, Web sites and radio and television broadcasters run editorials, news and feature stories and other content to encourage the public to talk about what open government means to everyone, not just to journalists. Sunshine Week is backed by a grant from the John S. and James L. Knight Foundation in Miami. The first national Sunshine Week in 2005 had more than 730 participants producing thousands of articles.

The week has its beginnings in Sunshine Sunday, which began here in Florida in 2002 in direct response to the Legislature's efforts to severely restrict public information after the terrorist attacks on Sept. 11, 2001.

This year's audit results are similar to those of the first audit, in 2004, which had a 43-percent failure rate.

"Would we accept 58-percent compliance with your right to a fair trial?" Petersen asked. "Or your right to free speech?"

Big Bend counties, in particular, fared poorly in the audit: Leon, Wakulla, Gadsden, Franklin and Madison counties had three to four violations; Jefferson County was one of seven counties in the state with five or six violations, the most that were observed.

That's the on-the-ground reality Tallahassee Democrat news assistant Bjorn Morton experienced when he requested to see what incidents Jefferson County deputies had responded to in the previous day or two. Morton did not identify himself as a member of the media.

The request should have been routine: After all, the Sunshine Law guarantees citizens the right to find out what their government is up to - without having to file anything in writing or reveal who they are or why they want to see public records.

But when Morton asked to see the log, Sheriff David Hobbs in person asked for a written request with Morton's name on it.

"I left with essentially nothing," Morton said. "Not even a promise to comply, but a promise to consider it."

The sheriff said there might have been a misunderstanding with Morton because he understood the request to be for three months' worth of logs. He said he knew it was against the law to require that people give their name, but that he wanted a written request as a way to contact Morton because it would take a while to delete confidential information, such as some crime victims' identities.

"If it comes back something's been released that shouldn't have been, at least I can show that it was requested," Hobbs said. "If I was wrong, I was wrong. It wasn't ill-intended."

Petersen said the Sunshine Law enables anonymous requests because some citizens might be intimidated by having to give their name when they're looking for records about public officials.

"It creates a chilling effect," she said, "and it's nobody's business, frankly."

The audit shows that school districts were the most frequent law-breakers - 51 percent of the time - with law-enforcement offices not far behind.

"It doesn't surprise me that agencies that have the most confidential information ... are having to face the greatest challenge," Gleason said.

Petersen said agencies usually end up violating the law because they don't know enough about it, not deliberately. But that's not an excuse, she said, especially for Big Bend agencies, which could easily take advantage of her foundation's services.

"We could do it better, couldn't we?" Petersen said. "And I'm right here."

All but one area agency comply in records requests

By Chris Davis and Matthew Doig, STAFF WRITERS, SARASOTA HERALD-TRIBUNE, 3/12

More than 40 newspapers, including the Sarasota Herald-Tribune, spent a week testing how local governments across the state respond to citizen requests for public information.

Among the more than 200 agencies tested were a dozen in Charlotte, Manatee and Sarasota counties. All but one of those agencies, the Manatee County Sheriff's Office, provided the records properly.

A spokesman for the Sheriff's Office now says the requested records -- a log showing calls dispatched by 911 over a two-day period -- could have been provided.

But an audit volunteer walked out of the office without a copy largely because providing the records is relatively difficult.

Unlike many police agencies, the Manatee Sheriff's Office does not print out a list of dispatched calls each day. The 911 calls are kept only on a computer.

"If someone comes in and asks for specifically the last 24 hours of calls, I would have to do a computer run and give it to them," said Sheriff's spokesman Dave Bristow. "I can get that, but we don't have that readily available."

The audit volunteer asked deputies for permission to inspect the records on a computer screen, but was denied.

Bristow said the deputies acted correctly in refusing that request because the computer might contain information, such as a victim's address, that is not public.

But Barbara Petersen, executive director of Florida's First Amendment Foundation, said that is no excuse for not providing the public portion of the records.

"It's not just a bad excuse, it's illegal under the law," she said. "You have to redact what is exempt and provide access."

Bristow said the Sheriff's Office fields public records requests regularly and does a good job. In 2004, the last year that newspapers audited the office and others around the state, the office passed.

In this year's audit and in a similar audit done in 2004, media outlets around the state requested basic public records from four agencies in each county -- sheriff's offices, county governments, city halls and school districts.

Results of the audit in Southwest Florida

Here's how local agencies performed:

CHARLOTTE COUNTY

Administrator

2006 -- no violations.

2004 -- required an auditor to give his name and sign a written request.

Schools

2006 -- no violations.

2004 -- required a name, then called sheriff's deputies when the auditor asked to remain anonymous and not explain why he wanted the superintendent's e-mails.

Sheriff

2006 -- no violations.

2004 -- no violations.

Punta Gorda city

2006 -- no violations.

2004 -- no violations.

MANATEE COUNTY

Administrator

2006 -- no violations.

2004 -- erroneously said no e-mails existed but later acknowledged they did.

Sheriff

2006 -- told auditor that records could not be provided.

2004 -- no violations.

RESOLUTION NO. 2012-02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA, ADOPTING FEE SCHEDULES, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Arcadia annually reviews all fees during the budget process to ensure accuracy; and

WHEREAS, Periodic revisions to the fees may be necessary; and

WHEREAS, The City of Arcadia has determined that the fee schedule be amended to reflect the reasonable cost of providing the services; and

WHEREAS, The City Council hereby deems it to be in the best interest of the City of Arcadia and the citizens thereof that the fee scheduled be amended to include the new and increased fees as established below:

NOW, THEREFORE, Be it resolved by the Mayor and City Council of the City of Arcadia, FL that the following fee schedule, which reflects the new and amended fees and all other fees that have not been amended, be adopted in full as **SCHEDULE A and SCHEDULE B** for the City of Arcadia:

SECTION 1:

SCHEDULE A and SCHEDULE B ADOPTED IN FULL

SCHEDULE A

LAND USE APPLICATION FEE SCHEDULE	
Annexation	\$1,250.00
Rezoning/LDR Text Amendment	\$1,125.00
Large Scale Amendment to FLUM	\$1,450.00
Small Scale Amendment to FLUM	\$1,025.00
Annex, Rezone, Large Bundle	\$3,200.00
Annex, Rezone, Small Bundle	\$2,800.00
Rezone and Large Scale Bundle	\$1,800.00
Rezone and Small Scale Bundle	\$1,400.00
Variances	\$835.00
Text Amendment to Site Plan	\$375.00
Text Amendment to MOA	\$600.00
Developer's Agreement Review	\$700.00
CUP/SEU	\$675.00
PUD/PUD Alteration	\$1,250.00
Site Plan	\$2,250.00
Minor Site Plan	\$1,125.00

Development Order Extension	\$250.00
Major Modification to Site Plan	\$900.00
Minor Modification to Site Plan	\$270.00
Preliminary Plat	\$2,600.00
Improvement Plan	\$2,400.00
Final Plat	\$1,425.00
Minor Subdivision	\$900.00
Mobile Home/RV Park Master Plan	\$1,450.00
ROW Vacate	\$1,000.00
Special Review/Appeal of Decision	\$225.00
Sign Permit Zoning Fee/Inspection	\$60.00
Zoning Clearance/Building Permit Review	\$45.00
City Permit (fence, curb cut, driveway apron, culvert) incl. Inspection	\$65.00
Right-of-Way Construction Permit	\$125.00
Certificate of Appropriateness	\$165.00
Any application, permit or request that is not outlined above will be billed at a rate of no less than the fully loaded rate of the staff required to process	

SCHEDULE B

CITY HALL & ADMINISTRATION SCHEDULE OF FEES

Notary Services	\$5.00 per document		
Copies	\$.15 per page	\$.20 double sided	\$.25 color copies
Certified Copies	\$ 1.00 per document	+ copy cost	
City Building Rentals	\$25.00 half day	\$50.00 full day	\$100 refundable deposit
CD Copy of Meeting	\$ 1.00 per CD		
Lien Searches	\$15.00		
Garage Sales	\$ 5.00		
Special Event Permit	\$25.00		
DEPOSIT - Refundable	\$200.00		
less below fees:			
Park & Recreation			
Set-up Staff	\$40.00/hr		
Police (min. 2 hr)	\$25.00/hr/officer		
Clean-up Crew	\$40.00/hr		
Yard Sale Permits	\$5.00 per sale		
Any application, permit or request that is not outlined above will be billed at a rate of no less than the fully loaded rate of the staff required to process			

SECTION 2. Effective Date. This Resolution shall take effect immediately upon adoption.

PASSED AND DULY ADOPTED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA, with a quorum present and voting this ____ day of _____, 2012.

CITY OF ARCADIA, FLORIDA

By: _____
Keith Keene, Mayor

ATTEST:

APPROVED AS TO FORM:

Virginia Haas
City Recorder

William S. Galvano
City Attorney