



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

**TUESDAY, MAY 19, 2015
6:00 P.M.**

INVOCATION, PLEDGE, CALL TO ORDER AND ROLL CALL

CONSENT AGENDA

1. City Council Minutes for April 2, 2015 (Penny Delaney – City Clerk)
2. City Council Minutes for May 5, 2015 (Penny Delaney – City Clerk)

ACTION ITEMS

3. Public Hearing – Request Second Reading of Ordinance 1003 Regarding Annexation (Jennifer Codo-Salisbury of Central Florida Regional Planning Council)
4. Public Hearing - Request Second Reading of Ordinance 1004 Regarding a Future Land Use Map Amendment for Parcel Nos. 01-38-24-0091-00A0-0010 and 01-38-24-0091-00A0-0050, and 36-37-24-0A00-0906-0000 (Jennifer Codo-Salisbury of Central Florida Regional Planning Council)
5. Public Hearing - Request Second Reading of Ordinance 1005 Regarding Rezoning of Parcel Nos. 01-38-24-0091-00A0-0010 and 01-38-24-0091-00A0-0050, and 36-37-24-0A00-0906-0000 (Jennifer Codo-Salisbury of Central Florida Regional Planning Council)
6. Resolution 2015-03 – Request to Waive Required Minimum Development Standards for Roadway Pavement Widths (Jennifer Codo-Salisbury of Central Florida Regional Planning Council)
7. Request Regarding Certificate of Appropriateness at 1 N. Luther Avenue (Beth Carsten – Interim City Administrator)
8. Request for Approval for the City of Arcadia to become a Certified Local Government (Carol Mahler, Member of the Historical Preservation Commission)
9. Minimum Standards and Guidelines for Commercial Services (Councilmember Joseph E. Fink)
10. Resolution 2015-04 – Amending Reasonable Rules and Policies for the City Council and for Comment by Requiring Submittal of a Speaker Card at City Council Meetings

COMMENTS FROM DEPARTMENTS

11. City Marshal
12. City Attorney
13. Finance Director
14. Interim City Administrator

PUBLIC (Please limit presentation to five minutes)

MAYOR AND COUNCIL REPORTS

ADJOURN

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

PLEASE TURN OFF OR SILENCE ALL CELL PHONES

AGENDA No. 1



CITY COUNCIL AGENDA ITEM
Requested Council Meeting Date: May 19, 2015

DEPARTMENT: Administration

SUBJECT: Minutes from April 2, 2015

RECOMMENDED MOTION: Council Approval

SUMMARY:

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

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

Department Head: Penny Delaney Date: 05/19/15

Finance Director (As to Budget Requirements) Date:

City Attorney (As to Form and Legality) Date:

Interim City Administrator: Beth Carsten Date:

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

**AGENDA MINUTES
CITY COUNCIL
CITY OF ARCADIA
SPECIAL ONE ITEM AGENDA MEETING
MONDAY, APRIL 2, 2015
5:00 P.M.**

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

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

The Mayor gave the invocation and called the meeting to order at approximately 5:00 p.m. with the following members and staff present:

Arcadia City Council

Mayor Judy Wertz-Strickland
Councilmember Susan Coker
Councilmember S. Delshay Turner

Deputy Mayor Alice Frierson
Councilmember Joseph E. Fink

Arcadia City Staff

Interim City Administrator Beth Carsten
City Attorney T.J. Wohl
City Clerk Penny Delaney

ACTION ITEM

Decision on one of the following options which were discussed at the March 26, 2015 Airport Workshop

- a. Contract with an FBO to manage the airport**
- b. City hire an airport manager**
- c. Combination of FBO contract and City of Arcadia managing airport**

The City Attorney stated that assuming there is a decision made tonight, it is solely for the Administrator to enter into negotiations and each of the options will require negotiations. He further stated that any deal that is reached will need to come before the Council for final approval. He also pointed out that Council would not be entering into any agreement or hiring an employee today. Deputy Mayor Frierson stated that she felt it had been discussed enough that Council probably had an idea regarding what they plan to do and she moved that they enter into negotiations with the Berrys for FBO. Councilmember Turner seconded the motion. The City Attorney asked if that was for option A and Deputy Mayor Frierson stated that it was for option A. Councilmember Coker stated that she liked option C; a joint effort between the City and the Berrys. Councilmember Fink stated that he would prefer to have something more akin to option

City Council One Item Agenda Meeting Minutes

April 2, 2015

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3 or C (listed as either in two different documents), but stated his problem with option C is that it didn't specify anything that is picked up by the City. He stated he would like to see more included on the City's end. He felt they had left themselves open to a rude awakening in Option A or C or one (1) or three (3), because she doesn't know what they want (she being the Interim City Administrator); although she has a general idea. He stated they had not discussed, by consensus, whether they want five (5) or ten (10) years, a fuel farm or no fuel farm, etc.

Deputy Mayor Frierson stated that the city government has no business trying to run the airport and if the City hires a manager, then ultimately the City will pretty much be running the airport. She advised that the City does not have the knowledge or the staff to do so. Mayor Wertz-Strickland asked what she felt about the City of Arcadia and a FBO managing the airport as a combination which is the third option. Deputy Mayor Frierson stated that she would like the FBO to be responsible for the fuel farm; to have more or less control of the airport.

Councilmember Fink suggested she turn her eyes to Sarasota County and their government managed Sarasota/Bradenton International Airport. He stated that it is all publicly managed.

To clarify, Ms. Carsten stated that option one contemplates that the FBO is the manager of the airport. With the current contract, the FBO collects all the rents and we share a portion of that with them for their part of the administration. In option three, the FBO would manage the daily functions of the airport, but the leased buildings are not a part of the FBO, but managed by the City. The City would handle the administration work of collecting the rent, billings, etc. and the City would handle 100% of it rather than sharing the 90%/10%. Ms. Carsten stated that there would be some sharing of the duties such as mowing. Deputy Mayor Frierson asked Ms. Carsten if she had done a cost analysis as to what would be spent for the City to do the collection and all as opposed to sharing with an FBO. Ms. Carsten stated that it was a very little amount of what it would take once the templates were done; a couple of hours a month.

Councilmember Fink asked what the monetary value would be that the FBO would be giving up and Ms. Carsten advised it would be 10% of the rents that they would no longer receive. He stated that he would like to see more than one (1) FBO to deal with. Mayor Wertz-Strickland stated that it was her understanding that when they advertised, there were about fifteen (15) people interested, packets were sent out, but no one responded.

Councilmember Coker stated that she would like to go with an FBO at this time and with new Council and there not being a regular City Administrator, she didn't feel they were ready to bite onto a manager or deal with all of that aspect, but at the same time, she would like to negotiate something that benefits the City as well as an FBO, and work to let Rickey Hilton increase his business as well. She felt a three (3) or five (5) year lease with the Berrys would allow the City to reevaluate and see where they are at that point. She stated she was not comfortable with taking over the airport, but also not comfortable with giving it all over. She again stated she would like to look at option three (3) or C.

Deputy Mayor Frierson stated she trusted Mr. Wohl and Ms. Carsten to make a good contract that is good for the City and good for the Berrys. She stated that there is such a thing that if the contract is not working out for either party, then it can be voided. Mayor Wertz-Strickland stated she felt there needed to be a honeymoon period in the contract whether it be one (1) year or two (2) years just in case it doesn't work out. She agreed that she trusted Mr. Wohl and Ms. Carsten to start some kind of negotiations to get something in place to run the airport.

Mayor Wertz-Strickland opened it up to the public for comment. Jackie Scoggin of 117 S. Hillsborough, Arcadia, Florida stated that she felt the lease should be no more than five (5) years until they learn what the Berrys are all about.

Greg Smith of 5750 SW Hull Avenue, Arcadia, Florida suggested it be re-advertised because people would know that they were basically giving away the farm because of the way it looks. He stated that the City basically gave away \$3 million in revenues that would have been coming into the City if the City had had control of it.

Susan Cavas Smith of 5750 SW Hull Avenue, Arcadia, Florida stated that she agreed with Councilmember Coker in that they are a new Council and stated they should not tie their hands for five (5) to fifteen (15) years. She recommended keeping the fuel farm and making the money on the fuel. She felt they should get a manager to do it.

Mayor Wertz-Strickland called for a vote and the City Attorney confirmed that the motion on the floor was for option A. Deputy Mayor Frierson added for Ms. Carsten and Mr. Wohl to begin negotiations and she voted in support of the motion. Councilmember Coker and Councilmember Fink were not in support of the motion. Mayor Wertz-Strickland and Councilmember Turner voted in support of the motion. Mayor Wertz-Strickland stated that this was for negotiations only. She advised that Ms. Carsten and Mr. Wohl would try to negotiate and bring it back to the Council with recommendations for Council to vote on.

Councilmember Fink stated that he felt it was incumbent upon them to give Ms. Carsten and Mr. Wohl an idea of what Council want them to negotiate. He felt Mr. Moon's suggestion from last week was one of the best suggestions he had heard. He stated that he felt Mr. Hilton has shown that he is a person of substance and needs to have a proper venue. He suggested staff be instructed to investigate so that Mr. Hilton could go for the 6,000 sq. ft. mechanics structure and that the rest of the structures be negotiated with the FBO. The City Attorney stated that he may need to talk with Mr. Moon about it, but according to the minimum standards, the FBO has to control the 6,000 sq. ft. hangar. Councilmember Fink stated they authorized that as voice vote and they could take it out by voice vote. Mr. Wohl stated that his concern was that this was what was submitted to the FAA and Mr. Fink was not the one who gets to tell the FAA how to do it. Mr. Wohl pointed out that it states the 6,000 sq. ft. hangar; it doesn't state 6,000 sq. ft. of hangar space. He stated that he didn't think it was a mere coincidence that the maintenance building is a 6,000 sq. ft. hangar. Mr. Wohl stated that his position in reading it is that it's pretty clear what it's referring to. He advised that Council had every right to overlook his legal opinion, but he did want them to know that when you have a 6,000 sq. ft. hangar there; he stated it was difficult to

interpret that to mean 6,000 sq. ft. of hangar space. Mr. Wohl stated that he would talk to Mr. Moon about it a little more and see what they can do.

Mayor Wertz-Strickland stated that she felt they needed a short-term lease with a period of time to see if the FBO is compatible with the City and have a way out if that does not take place.

Councilmember Coker stated that regarding the negotiations, she didn't feel that free rent is something that she is up for negotiating at all. She stated that if the Council is going to go with a FBO, she is interested in getting value for the City. Councilmember Fink agreed with Councilmember Coker.

Gary Frierson of 820 W. Gibson Street, Arcadia, Florida, stated that Councilmember Fink was correct in that the Sarasota/Bradenton Airport is government managed and has an airport authority, but he pointed out that the airport authority does not run any businesses there. He advised there are two (2) FBOs there who manage the hangars, the fuel, the ramp tie-downs and they own the main terminal building that they rent out to the airlines. He further advised that they run a property management which is what the City of Arcadia is doing.

Rickey Hilton of 2807 NW Haile Dean Road, Arcadia, Florida, suggested negotiating all three (3) options and coming back to Council to present everything to them.

ADJOURN

Having no further business at this time, Mayor Wertz-Strickland called for the meeting to be adjourned. The meeting was adjourned at 5:49 P.M.

ADOPTED THIS ___ DAY OF _____, 2015.

By:

Judy Wertz-Strickland, Mayor

ATTEST:

Penny Delaney, City Clerk

AGENDA No. 2



CITY COUNCIL AGENDA ITEM
Requested Council Meeting Date: May 19, 2015

DEPARTMENT: Administration
SUBJECT: Minutes from May 5, 2015

RECOMMENDED MOTION: Council Approval

SUMMARY:

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

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

Department Head: Penny Delaney Date: 05/19/15

Finance Director (As to Budget Requirements) Date:

City Attorney (As to Form and Legality) Date:

Interim City Administrator: Beth Carsten Date:

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

**AGENDA MINUTES
CITY COUNCIL
CITY OF ARCADIA
TUESDAY, MAY 5, 2015
6:00 P.M.**

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

INVOCATION, PLEDGE, CALL TO ORDER AND ROLL CALL

Candy Reid gave the invocation which was followed by the pledge of allegiance. The Mayor called the meeting to order at approximately 6:00 p.m. and the following members and staff were present:

Arcadia City Council

Mayor Judy Wertz-Strickland
Deputy Mayor Alice Frierson
Councilmember Joseph E. Fink

Councilmember Susan Coker
Councilmember S. Delshay Turner

Arcadia City Staff

Interim City Administrator Beth Carsten
City Attorney TJ Wohl
City Clerk Penny Delaney

Marshal Matt Anderson
Code Enforcement Officer Carl McQuay

Also in attendance were Mike Moon of Hanson Professional Services and Jennifer Codo-Salisbury of Central Florida Regional Planning Council.

PRESENTATIONS

Agenda Item 1 – Certificate of Appreciation to Mosaic

Mayor Wertz-Strickland presented Bart Arrington with a proclamation regarding Mosaic's donation of flowers, plants and shrubbery to be used at various parks and facilities within the City of Arcadia.

Agenda Item 2 – Proclamation Regarding Lung Force Turquoise Takeover Week

Mayor Wertz-Strickland read the proclamation publicly and announced that no one from the American Lung Association was present in attendance to receive the proclamation, but that it would be mailed to them.

Agenda Item 3 – Presentation to Arthur Brady – 10 years of service

Mr. Brady was not present in attendance to receive the presentation.

Agenda Item 4 – Presentation to Brandon Philbrook – 5 years of service

Mr. Philbrook was not present in attendance to receive the presentation.

CONSENT AGENDA

Agenda Item 5 – City Council Minutes for April 20, 2015

Agenda Item 6 – City Council Minutes for April 2, 2015

Agenda Item 7 – City of Arcadia Municipal Airport Report

Agenda Item 8 – Special Event Permit – Fourth Saturday Market Place – Trinity United Methodist

Agenda Item 9 – Special Event Permit – Arcadia Jam Festival – Darby Ellis on behalf of Hotspot Entertainment

Councilmember Fink made a motion to approve the consent agenda as presented and Deputy Mayor Frierson seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

ACTION ITEMS

Agenda Item 10 – Public Hearing - Request Second Reading of Ordinance 1002 Regarding Rezoning of Parcel No. 36-37-24-0A00-0781-0000

Councilmember Fink made a motion to have the ordinance read by title only and Deputy Mayor Frierson seconded the motion. No discussion followed and it was unanimously, 5/0, approved. The Clerk read Ordinance 1002 by title only. Jennifer Codo-Salisbury of Central Florida Regional Planning Council made a presentation to Council to explain the rezoning of 36-37-24-0A00-0781-0000 from MHP (Mobile Home Park) to M2 (heavy industrial). She stated that the zoning had been reviewed and it is consistent with the industrial future land use on the property, the City's Comprehensive Plan and the City's Land Development Code. Ms. Codo-Salisbury stated that she was available for any questions. She announced that this was a public hearing and advised that the applicants were in attendance in the audience if anyone had any questions for them as well. There were no questions or comments. Councilmember Fink made a motion that City Council approve the proposed rezoning and Councilmember Coker seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

Agenda Item 11 – Public Hearing – Request First Reading of Ordinance 1003 Regarding Annexation

Councilmember Fink made a motion to have the ordinance read by title only and Deputy Mayor Frierson seconded the motion. No discussion followed and it was unanimously, 5/0,

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approved. The Clerk read Ordinance 1003 by title only. Jennifer Codo-Salisbury of Central Florida Regional Planning Council made a presentation to Council to explain the voluntary annexation of property located at 1018 SW US Highway 17 and 1140 SW Palm Drive into the City of Arcadia. She stated that this was the first of two (2) public hearings and the applicants were in attendance if there were any questions. There were no questions or comments. Councilmember Fink made a motion to approve Ordinance 1004 for second reading (inadvertently referred to ordinance as 1004 instead of 1003) and Councilmember Turner seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

Agenda Item 12 – Request First Reading of Ordinance 1004 Regarding a Future Land Use Map Amendment for Parcel Nos. 01-38-24-0091-00A0-0010 and 01-38-24-0091-00A0-0050, and 36-37-24-0A00-0906-0000

Councilmember Fink made a motion to have the ordinance read by title only and Councilmember Coker seconded the motion. No discussion followed and it was unanimously, 5/0, approved. Jennifer Codo-Salisbury of Central Florida Regional Planning Council provided a brief overview to Council and explained the Future Land Use Amendment and Rezoning that accompanied the annexation that Council had just heard would be a first reading and it would come back to Council on May 19, 2015 in the form of a public hearing. She explained that there were two (2) requests: one (1) being a small scale amendment to change the land use from County Unlisted and there is a portion that is also in the City that is City Recreation and Open Space and those land uses would be amended to City Business. She also explained that it was also a rezoning from county zonings of general commercial and residential medium and city single family to RB3 (General Business District). Ms. Codo-Salisbury stated that she was available to answer any questions and the amendments had been reviewed and they are consistent with the City's Comprehensive Plan and Land Development Code. She stated again that this would be a first reading and if approved on first reading, they would come back before Council on May 19, 2015 for a public hearing. The Clerk then read Ordinance 1004 by title only. Councilmember Fink made a motion to approve the ordinance as presented and Councilmember Coker seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

Agenda Item 13 – Request First Reading of Ordinance 1005 Regarding Rezoning of Parcel Nos. 01-38-24-0091-00A0-0010 and 01-38-24-0091-00A0-0050, and 36-37-24-0A00-0906-0000

Councilmember Fink made a motion that the ordinance be read by title only and Councilmember Coker seconded the motion. No discussion followed and it was unanimously, 5/0, approved. The Clerk read Ordinance 1005 by title only. Councilmember Fink made a motion that Ordinance 1005 be approved for second reading and Councilmember Coker seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

Agenda Item 14 – Work Authorization for Professional Services

The Interim City Administrator advised Council that this was an agreement with Hanson Professional Services, Inc. to use them for services at the airport on an as needed basis. She introduced Mike Moon of Hanson Professional Services, Inc. and stated he was there to answer any questions that anyone may have. Deputy Mayor Frierson asked if there was a cap as to the hours of assistance and Mr. Moon replied that there was a cap of Thirty Thousand and 00/100 Dollars (\$30,000.00) and anything beyond that would have to come back to Council for an amendment. Deputy Mayor Frierson made a motion to approve the work authorization and Councilmember Coker seconded the motion. Mr. Moon stated that they are happy with their partnership with the City of Arcadia and he stated they appreciated the City's support as much as the City appreciated Hanson's. No discussion followed and it was unanimously, 5/0, approved.

Agenda Item 15 – Agreement and Resolution for Road Paving Services – Wilson Avenue (W. Gibson Street to Bridle Path), N. Baldwin Avenue (W. Hickory Street to State Road 70), and Glendora Avenue

The Interim City Administrator advised this was regarding three (3) other streets to be paved, more specifically, Wilson Avenue, Baldwin Avenue and Glendora. She advised since they are already working in Bridle Path, the City is able to get this done for a minimal amount of mobilization fees for One Hundred Ten Thousand and 00/100 Dollars (\$110,000.00). Councilmember Fink asked if there was a specific listing of worst to best streets because he was wondering how these particular roads were itemized to come out. Ms. Carsten advised that there is a list that was compiled by staff a number of months ago when they were looking to apply for grants for FDOT funding and quite a few of the items on the list have infrastructure involved so they are automatically disqualified for it. The staff put the list together and AJAX looked at the streets, and with the amount of money that the City had, they ascertained that those were the best roads. Councilmember Coker made a motion to accept the agreement for the road work and Councilmember Turner seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

Agenda Item 16 – Update on City Administrator Search

The Interim City Administrator advised that the interviews will be May 14th from 9:00 a.m. until 2:00 p.m. and 15th from 9:00 until 11:30. She further advised the Open House will be on the 14th from 5:00 until 7:00 p.m., invitations have been sent out and it has been advertised. She stated that she had received confirmation that the background checks on the candidates are close to being done and will forward them to Council once she receives them.

The City Attorney stated that he had an update on the panel of residents that Council would appoint. After discussing it with the Mayor, he advised that it seemed like it might trigger a Sunshine Law issue. He advised that unless Council wanted to appoint a board that would have to meet the Sunshine Law, he didn't recommend individuals be appointed.

COMMENTS FROM DEPARTMENTS

Marshal Anderson advised that he had provided Council with the Arcadia Police Department Report. He advised that the County is attempting to pass an ordinance governing, in particular, music from out of vehicles that the Florida Supreme Court has ruled unconstitutional. He stated he had spoken to the Sheriff and the Ordinance that he presented to the County's attorney is not the Ordinance that was approved by the first reading by the commissioners. He advised that some of the wording had been left out that the Sheriff insisted he wants put in, i.e., wording that consists of how to pay the fines, how a person could protest said fine, etc. Marshal Anderson stated that the Sheriff and the County Attorney were trying to get that style of wording put back in. Marshal Anderson stated that his concern was once they write a citation, how would they receive their money and if people do not pay the citation, how would they get that payment enforced. He advised that the County will create County Ordinance Citations and the City has nothing like that in place. Marshal Anderson stated that they did have City Parking Citations and if they have any still around, he thought there was a box that could be checked that states "other" and they could put in the Ordinance Number and it would go through their records management system. The City Attorney stated that the way to define whether a person gets a citation is whether the noise is audible; the County states it as fifty (50) feet and currently the City states it as one hundred (100) feet. He recommended that it be uniform with the County, along with the fine as well.

Deputy Mayor Frierson stated that he had planned on bringing this issue up during council comments. He stated it was not about the money, but about the noise. The City Attorney stated that if they have no way to enforce the fine, what is the deterrent? Deputy Mayor Frierson stated that she saw it as a problem with enforcement because once it's heard; the car can be a mile down the road. Marshal Anderson stated that it is a misdemeanor violation and the crime would have to be committed in law enforcement's presence. The Marshal stated that the wording needed to be specific regarding the noise coming from a vehicle. He then stated he was there to address any questions or concerns that the City Council may have. There were no questions.

The City Attorney addressed the issue of speaker cards and he advised how the County dealt with it and his concerns with same. After much discussion, Councilmember Fink asked, rather than asking that the cards be presented to the Clerk prior to the meeting, have the completed cards presented to the Clerk prior to speaking. The City Attorney recommended doing so. Mr. Wohl stated that another issue that he had a concern with was requiring an address of an individual on a card. After further discussion, it was decided a box could be checked as City Resident or Non-City Resident with the individual's name to be provided to the Clerk. Councilmember Fink stated they would have to change two (2) things on the resolution: to make a generic location of the address and to require them to bring up a speaker's card filled out with pertinent information. The City Attorney stated that he would bring back an amended resolution regarding same hopefully at the next meeting.

The City Attorney then advised that there was issue with 30 Rio Vista Road. He explained that the City had a code enforcement lien on this property and the violation has since

been cured. He stated that he had called the other attorney and advised that he did not understand why they needed a satisfaction from the City when our lien was foreclosed out in their foreclosure. Mr. Wohl believed their client, Fannie Mae, has a policy that they want an actual satisfaction recorded in the public records. He advised that the City is in a position to get its hard costs back which total Five Hundred Seventy and 59/100 Dollars (\$570.59), and probably a little more money with Mr. McQuay preparing the Partial Satisfaction and getting that recorded. Councilmember Fink asked how much the original lien was and the City Attorney stated that it was over Three Hundred Thousand and 00/100 Dollars (\$300,000.00) with the daily fines. Mr. McQuay advised that the lien was recorded in 2009 at Two Hundred Fifty and 00/100 Dollars (\$250.00) a day and has been accumulating since then. Mayor Wertz-Strickland asked if it was his recommendation and he advised that it was because it was free money. Deputy Mayor Frierson made a motion regarding same and Councilmember Coker seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

The Interim City Administrator did not have anything to bring before the City Council.

PUBLIC

Audrey Mehl of 105 Bridle Path, Arcadia, Florida; Araceli Lopez of 5 Hackamore Drive, Arcadia, Florida; and Susanne Garcia and Ismel Garcia of 1 Hackamore Drive, Arcadia, Florida spoke regarding the renovation on Bridle Path and advised of damages that incurred from same. The City Attorney recommended getting copies of the survey and stated they would review the plat. He asked for pictures and stated that who did the work, City or contractor, would also need to be determined. After much discussion, the City Attorney asked the individuals to meet with Mr. McQuay, Ms. Carsten and him after the meeting to address the issues. Mr. McQuay stated that the contractor had tried to preserve the properties and worked around it as best he could. He stated that permits could not be found for many of the sheds and utility buildings and some of the sheds sat right on the line.

Gary Frierson of 820 W. Gibson Street, Arcadia, Florida stated that they had acquired a property with a carport behind it and he had been advised that the carport had been constructed without a permit and therefore was an illegal carport. He advised that while applying for a demolition permit, he discovered it was in the historic district. He was under the assumption he would have to go before the historic committee and asked for direction. He stated the structure has to come down and there is nothing that the historic committee would review because it would need to come down due to it being an illegal structure. He asked, if there was nothing that the historic committee can do, did he need to go before them and could he apply for a demolition permit and just tear it down. The City Attorney stated that a Certificate of Appropriateness would be required, but if the City Council proposed it as an eminent threat, he believed Mr. Frierson could go ahead and do it now. Councilmember Coker made a motion dependent on Code Enforcement and the Administrator's decision that if they deem it so, that Mr. Frierson can go ahead and take it down and Councilmember Turner seconded the motion. Councilmember Fink advised that he is the property owner next door and it has been in the same shape for the last four (4) or five (5) years and he asked if he should reclude himself from voting and the City Attorney stated that he didn't feel that would be necessary. No discussion followed and it was

unanimously, 4/0, approved. Deputy Mayor Frierson advised she was abstaining from voting on the issue. Mr. McQuay confirmed that the County would not issue a demolition permit without him signing off on a Certificate of Appropriateness and the City Attorney agreed.

Greg Smith of 5750 Hull Avenue, Arcadia, Florida inquired as to the airport update regarding fuel. Ms. Carsten advised that work was going on and they were waiting on the appraisal to come back. The City Attorney stated the initial draft of the lease had been sent out to the FBO and that there had been a meeting with the airport committee chairman regarding the issues to be dealt with and advised that you don't want to rush a ten (10) year lease. Ms. Smith then inquired as to Mr. Hilton's situation. When asked by the City Attorney what he was referring to, Mr. Smith asked if the Berrys would have all of the buildings and the City Attorney responded that they had not discussed the lease with the Berrys. Councilmember Fink questioned the fact that they had not discussed it yet and the City Attorney advised they had the first draft, but it had not been discussed with them yet. Councilmember Fink stated that he thought they were empowered to go into negotiations for the lease and Mr. Wohl stated they did not have the appraisal back and would not be able to know the numbers until they received the appraisal back. Councilmember Fink stated that he thought the motion was for the City Attorney and the City Administrator to go into negotiations with the applicant for the FBO and he thought it was a three (3) / two (2) vote. Councilmember Fink asked the City Administrator if they could see a copy of the motion so they know specifically what was done at that particular meeting. The City Attorney asked if they had approved to have an appraisal done and stated that any reasonable person, in order to negotiate, would have to know where the rents are. Councilmember Fink asked for a copy of the minutes. The City Attorney stated that he would not sign a lease without knowing what he was paying for and he hoped the City does not. Michael Moon advised that the FAA would not approve it.

MAYOR AND COUNCIL REPORTS

Councilmember Coker stated that the Community Conversations were going on and encouraged people to attend them. She stated there were a lot of positive things going on in the County and the City.

Mayor Wertz-Strickland stated that she had attended the second part of the EIMO class and advised that it was very good with a lot of good information. She stated that she would like her fellow Council Members to think about a workshop regarding vision strategy in the next couple of months. She would like to know what they want to accomplish in the way of prioritizing road paving, City owned properties, City owned land, and how social media is used. She advised she would like to get it done before they finalize the budget and it could be handled in a session as the County does, but with only one (1) session would be needed because it dealt only with City residents. Deputy Mayor Frierson advised it had been done before and the public didn't attend. Councilmember Fink suggested putting it off until the new administrator was appointed so that he could take part.

Mayor Wertz-Strickland also stated that May 7th was National Day of Prayer at the Board of County Commissioners Chambers at noon.

ADJOURN

Councilmember Coker made a motion to adjourn and Councilmember Fink seconded the motion. No discussion followed and it was unanimously, 5/0, approved. Having no further business at this time, the meeting was adjourned at approximately 7:50 P.M.

ADOPTED THIS ___ DAY OF _____, 2015.

By:

ATTEST:

Judy Wertz-Strickland, Mayor

Penny Delaney, City Clerk

AGENDA No. 3



CITY COUNCIL AGENDA ITEM
Requested Council Meeting Date: May 19, 2015

DEPARTMENT: Planning and Zoning

SUBJECT: **Ordinance 1003:** Second Reading of Voluntary annexation of Parcels # 01-38-24-0091-00A0-0010 and 01-38-24-0091-00A0-0050

RECOMMENDED MOTION:

Approval

SUMMARY: A voluntary annexation to bring into the City of Arcadia two (2) parcels of land (Parcel Numbers 01-38-24-0091-00A0-0010 and 01-38-24-0091-00A0-0050). The properties totaling approximately 0.46 acres are located at the northeast corner of US 17 and Palm Drive.

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

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

Department Head: _____ Date: _____

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

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

Interim City Administrator: Beth Carsten _____ Date: _____

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

ORDINANCE 1003

AN ORDINANCE TO ANNEX APPROXIMATELY .46 ACRES OF LAND OWNED BY DARRELL G. AND BILLIE JO SUGGS, LOCATED AT 1018 SW US HWY 17 AND 1140 SW PALM DRIVE, INTO THE CITY OF ARCADIA, FLORIDA, DESOTO COUNTY, FLORIDA.

WHEREAS, the City of Arcadia, Florida is a duly incorporated municipality under the laws of the State of Florida; and

WHEREAS, DARRELL G. AND BILLIE JO SUGGS, are the owners as shown by the Petition for Annexation Affidavit, herein referred to as Exhibit "B", with legal descriptions attached; and

WHEREAS, DARRELL G. AND BILLIE JO SUGGS., has petitioned the City of Arcadia, Florida to incorporate this property into the City limits of the City of Arcadia, Florida, as shown by Exhibit "B" attached hereto and incorporated here in by reference; and

WHEREAS, the City has determined that the petition bears the necessary authorization of the owners of the real property; and

WHEREAS, the City of Arcadia, Florida, has the authority to annex this property pursuant to Florida Statutes Section 171.044 and the Charter of the City of Arcadia, Florida; and

WHEREAS, the City of Arcadia, Florida deems it to be in the best interest of the public health, safety and welfare of the citizens of the City of Arcadia, Florida, and those entitled to its services that an Ordinance be passed for the purposes of annexing the said property.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA;

That the parcel of land described in Exhibit "B" attached hereto and incorporated herein be and is hereby annexed into the City of Arcadia, Florida, as shown on the map attached as Exhibit "A"; and the City boundaries are hereby redefined so as to include the said described parcel of land.

INTRODUCED AND PASSED on First Reading the 5th day of May, 2015.

PASSED, ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA ON THE ____ DAY OF _____, 2015.

CITY OF ARCADIA, FLORIDA

CITY OF ARCADIA, FLORIDA

Judy Wertz-Strickland,

Mayor

ATTEST:

Penny Delaney, City Clerk

Approved as to form:

Thomas J. Wohl, City Attorney

Motion made by _____, seconded by _____.

The vote was ____ for ____ against with ____ abstentions and ____ absent



**CITY OF ARCADIA
ANNEXATION
OVERVIEW REPORT
May 19, 2015**

TO: City of Arcadia City Council

FROM: Jennifer Codo-Salisbury, AICP, Planning Director, Central Florida Regional Planning Council

SUBJECT: Ordinance 1003: Annexation:
A voluntary annexation to bring into the City of Arcadia two (2) parcels of land (Parcel Numbers 01-38-24-0091-00A0-0010 and 01-38-24-0091-00A0-0050). The properties totaling approximately 0.84 acres are located at the northeast corner of US 17 and Palm Drive.

AGENDA & HEARING DATES:

May 5, 2015: City Council Meeting (First Public Hearing)

May 19, 2015: City Council Meeting (Second Public Hearing)

ATTACHMENTS:

- Aerial Photo Map
- Annexation Application

OVERVIEW:

Property Owners	Darrell and Billie Jo Suggs
Parcel ID	01-38-24-0091-00A0-0010, 01-38-24-0091-00A0-0050,
Acreage (Total)	0.84 acres
Previous Hearings	None

This is a voluntary annexation of two (2) parcels located at the northeast intersection of US 17 and Palm Drive. These properties are contiguous to the City Limits.

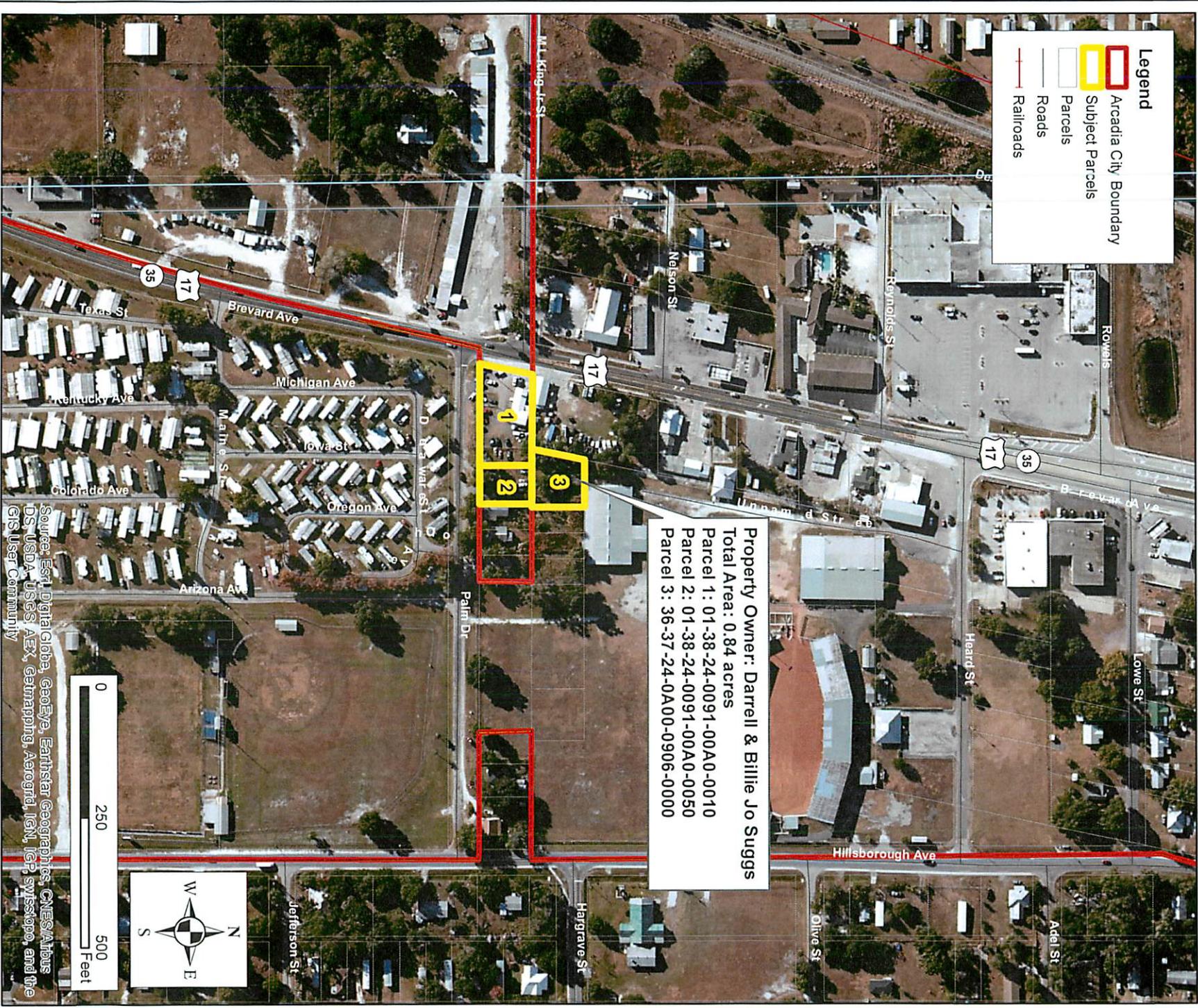
Existing business activities on the properties include Road Service, towing and wrecker services; service and repair of automobiles and light and heavy trucks, including minor and major repairs; storage of motor vehicles awaiting release by the impounding law enforcement agencies; storage of motor vehicles awaiting repair appraisals and release by insurance carriers; purchase, display and sales of new and used automobiles and trucks; display and rental of U-Haul truck and trailers; car washes and automotive detailing; and other similar endeavors with regard to the automotive industries. All of these uses are allowed in the City Business Future Land Use and B-3 zoning with the exception of major automotive repair. Major automotive repair is recognized as a legal non-conforming use and it therefore may continue.

CITY COUNCIL ACTION ITEM:

MOTION OPTIONS:

1. I move the City Council approve Ordinance 1003 for the proposed voluntary annexation on first reading.
2. I move the City Council approve with changes Ordinance 1003 for the proposed voluntary annexation on first reading.
3. I move the City Council deny Ordinance 1003 for the proposed voluntary annexation on first reading.

CITY OF ARCADIA AERIAL PHOTO MAP





City of Arcadia

Margaret Way Building, 23 N. Polk Ave, Arcadia, FL 34266

Petition for Annexation

Applicant

The following information is required for submission of an application to annex into the City limits of Arcadia, Florida. **Please print or type the required information below. Attach three copies of the current survey of subject property along with an aerial photograph and location map**

Name of Property Owner: Darrell G and Billie Jo Suggs
Mailing Address: 663 S. Brevard Ave, Arcadia, FL 34266 Phone: 863-494-5705 (Shop)
Name of Representative, if applicable: Ed Johnson
Mailing Address: 6077 SW CR 760, Arcadia, FL 34266 Phone: 863-303-1374 (cell)
Reason for Request: _____

Property Identification

Property Address or General Location: 1018 SW HWY 17 ; 1140 SW PALM DR
Present Use of the Property: See Attached Exhibit B
Existing Structures Located on the Site: Yes, See survey Exhibit D1
Total Acreage: .46 acres+/- Number of Residents on Site: None
Assessed Property Value: \$22,713 (See Exhibit C) Taxable Value: \$22,713 (See Exhibit C)
Legal Description of the Property: See Exhibit A
Section: See Exhibit A Township: See Exhibit A Range: See Exhibit A
Subdivision: See Exhibit A
Parcel I.D.#: 01-38-24-0091-00A0-0010 and 01-38-24-0091-00A0-0050

Planning and Zoning Information

Present County Future Land Use Designation: None Designated on FLUM
Requested City Zoning Classification: B-3 General Business Commercial District
Requested City Future Land Use Designation: Business

Note: Unless specific land use and zoning designations are requested, the City will assign designations which most closely conform with the actual use of the property or with designations of surrounding properties. An application fee will be assessed only on requests for land use and zoning changes which result in an increase in land use or zoning intensity over that allowed under the County designations. (You will need to fill out separate applications for land use/zoning requests.)

Date Received: _____ Received By: _____
Fee Paid: _____ File Number: _____

AGENT, LESSEE, OR BUYER'S SIGNATURE PAGE

(I) (We), _____ being
duly sworn, depose and say that (I) (we) serve as _____ for the owner(s)
(agent or lessee)

in making this petition and that the owner(s) (has) (have) authorized (me) (us) to act in this
capacity.

Further, (I) (we) depose and say that the statements and answers herein contained and other
information attached hereto present the arguments in behalf of the petition herein requested to
the best of (my) (our) ability and that the statements and information above referred to are in all
respects true and correct to the best of (my) (our) knowledge and belief.

AGENT, LESSEE, OR BUYER(S)

X 
Signature of Agent, Lessee, or Buyer(s)
Ed Johnson
Printed Name of Agent, Lessee, or Buyer(s)

Signature of Agent, Lessee, or Buyer(s)

Printed Name of Agent, Lessee, or Buyer(s)

Signature of Agent, Lessee, or Buyer(s)

Printed Name of Agent, Lessee, or Buyer(s)

Signature of Agent, Lessee, or Buyer(s)

Printed Name of Agent, Lessee, or Buyer(s)

STATE OF FLORIDA

AGENT, LESSEE, OR BUYER(S) NOTARIZATION

COUNTY OF ~~POLK~~ DeSoto

The foregoing instrument was acknowledged before me this 17 day of April,
2015, by Ed Johnson, who is personally known
to me or who has produced a driver's license as identification and who did not take an oath.




Notary Public
Notarial Seal and Commission
Expiration Date

Exhibit A : Legal Descriptions

(Exhibit Date: 4-17-2015)

Darrell G. and Billie Jo Suggs

(DBA Darrell's Road and Wrecker Service)

City of Arcadia: Petition for Annexation

The legal description of said property in DeSoto County, Florida, being:

Properties to Be Annexed

- A. Parcel Address: 1018 SW HWY 17 (This parcel is entirely within Desoto County)
Parcel Identification Number (PIN) 01-38-24-0091-00A0-0010,
Legal Description¹: Lots 1, 2, 3, 4, W ½ 5, Block A, of DeSoto Park, as per maps or plats thereof recorded in the Public Records of DeSoto County, Florida. LESS State Road right-of-way as per instrument number. (OR 204/1010)**
- B. Parcel Address: 1140 SW PALM DR (This parcel is entirely within Desoto County)
Parcel Identification Number (PIN): 01-38-24-0091-00A0-0050,
Legal Description: DESOTO PARK E1/2 LOT 5 & ALL LOT 6 BLK A of DeSoto Park;
OR 522/159**

See attached survey by Desoto Land Surveying, LLC, LB# 7796

¹ Legal description from the Property Appraiser's Records is as follows: DESOTO PARK LOTS 1 2 3 4 & W1/2 5 BLK A LESS & EXCEPT: COMM AT NW COR OF NE1/4 TH ALG N LI OF SEC 1-38-24 S 89D47M18 S E A DIST OF 1684.07 FT TO SURVEY BASE LI TH ALG BASE LI S 11D58M23S W A DIST OF 102.14 FT TH S 89D47M18S E A DIST OF 33.71 TO INTERSECTION SLY R/W LI & N R/W LI OF PALM DR FOR POB TH ALG SLY R/W LI N 11D58M 23S E A DIST OF 74.99 FT TH S 29D16M37S E A DIST OF 30.07 FT TH S 70D31M37S E A DIST OF 78.83 FT TO PC RADIUS 379.25 FT DELTA 19D15M41S CHORD BEARING S 80D09M28S E TO N R/W LI OF PALM DR AND S LI LOT 6 AND END OF CURVE TH ALG N R/W LI N 89D47M18S W A DIST OF 229.62 FT TO POB; OR 204/1010 (Note: The legal description on the survey should be used in lieu of the Property Appraisers records.

Exhibit B: Present Use of the Property

(Exhibit Date: 4-17-2015)

Darrell G. and Billie Jo Suggs

(DBA Darrell's Road and Wrecker Service)

City of Arcadia: Petition for Annexation

EXISTING USE OF SUBJECT PROPERTY: Road Service, towing and wrecker services; service and repair of automobiles and light and heavy trucks, including minor and major repairs; storage of motor vehicles awaiting release by the impounding law enforcement agencies; storage of motor vehicles awaiting repair appraisals and release by insurance carriers; purchase, display and sales of new and used automobiles and trucks; display and rental of U-Haul truck and trailers; car washes and automotive detailing; and other similar endeavors with regard to the automotive industries.

Exhibit C : Assessed Property Value; Taxable Value

(Exhibit Date: 4-17-2015)

**Darrell G. and Billie Jo Suggs
(DBA Darrell's Road and Wrecker Service)**

City of Arcadia: Petition for Annexation

**A. Parcel Address: 1018 SW HWY 17 (This parcel is entirely within Desoto County)
Parcel Identification Number (PIN) 01-38-24-0091-00A0-0010**

LndVal	\$12,675.00
AgVal	\$0.00
BldVal	\$0.00
AprVal	\$12,675.00
JustVal	\$12,675.00
Assd	\$12,675.00
Exmpt	\$0.00
Taxable	County: \$12,675.00 Other: \$12,675.00 School: \$12,675.00

LndVal	\$48,306.00
AgVal	\$0.00
BldVal	\$42,845.00
AprVal	\$99,486.00
JustVal	\$99,486.00
Assd	\$99,486.00
Exmpt	\$0.00
Taxable	County: \$99,486.00 City: \$99,486.00 Other: \$99,486.00 School: \$99,486.00

Assessed Value (Land only) \$12,675.00

**B. Parcel Address: 1140 SW PALM DR (This parcel is entirely within Desoto County)
Parcel Identification Number (PIN): 01-38-24-0091-00A0-0050**

LndVal	\$7,000.00
AgVal	\$0.00
BldVal	\$0.00
AprVal	\$8,773.00
JustVal	\$8,773.00
Assd	\$8,773.00
Exmpt	\$0.00
Taxable	County: \$8,773.00 Other: \$8,773.00 School: \$8,773.00

Assessed Value (Land only) \$ 8,773.00

Total Assessed Value (Land only) \$22,713.00

Note: The automotive service bays to the south of the Township Line are in the County; and have been incorrectly assessed and included within the City Assessed Property Value and Taxable Value for years. Subsequently, only the land values are reflected in this estimate.

Exhibit D: Survey and Aerial Photograph

(Exhibit Date: 4-17-2015)

Darrell G. and Billie Jo Suggs

(DBA Darrell's Road and Wrecker Service)

City of Arcadia: Petition for Annexation

Attachments:

Exhibit D-1. Three (3) copies of the current Land Survey¹ noting boundaries, existing improvements² and legal descriptions. The S ½ of lot 12, and lots 13, 14, 15 and 16 presently lie within the City of Arcadia, as well as the lot separately described, are not part of this petition.

Exhibit D-2. One (1) Aerial Photograph³

¹ The survey was made by Desoto Land Surveying, LLC.

² The trees noted on the survey have been removed.

³ The Aerial photograph was made by FDOT, circa 2009, and copied from a trial exhibit.

Exhibit D-2: FDOT Aerial

(Exhibit Date: 4-17-2015)

Darrell G. and Billie Jo Suggs

(DBA Darrell's Road and Wrecker Service)

City of Arcadia: Petition for Annexation



AGENDA No. 4



CITY COUNCIL AGENDA ITEM
Requested Council Meeting Date: May 19, 2015

DEPARTMENT: Planning and Zoning

SUBJECT: **Ordinance 1004:** Second reading - Request for Future Land Use Map amendment of Parcels # 01-38-24-0091-00A0-0010; 01-38-24-0091-00A0-0050; and 36-37-24-0A00-0906-0000

RECOMMENDED MOTION:

Approval

SUMMARY: A City-initiated amendment to the Future Land Use Map of the City of Arcadia amending two (2) parcels of land (Parcel Numbers 01-38-24-0091-00A0-0010 and 01-38-24-0091-00A0-0050 from County Unlisted to City Business and one (1) parcel of land (Parcel Number 36-37-24-0A00-0906-0000) from City Recreation and Open Space to City Business. The properties totaling approximately 0.84 acres are located at the northeast corner of US 17 and Palm Drive. This amendment will recognize the existing general commercial use on-site and also correct a mapping error. (Parcel numbers 01-38-24-0091-00A0-0010, 01-38-24-0091-00A0-0050, 36-37-24-0A00-0906-0000 are in the process of being annexed into the City.)

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

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

Department Head: _____ Date: _____

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

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

Interim City Administrator: Beth Carsten _____ Date: _____

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

ORDINANCE NO 1004

AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF ARCADIA, FLORIDA FOR PROPERTIES LOCATED AT THE NORTHEAST CORNER OF US 17 AND PALM DRIVE (PARCEL NUMBERS 01-38-24-0091-00A0-0010 and 01-38-24-0091-00A0-0050) FROM THE FUTURE LAND USE OF COUNTY UNLISTED TO CITY BUSINESS, AND (PARCEL NUMBER 36-37-24-0A00-0906-0000) FROM CITY RECREATION AND OPEN SPACE TO CITY BUSINESS; TRANSMITTING SAID AMENDMENT TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY FOR NOTIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 163, Part II, Florida Statutes, the Community Planning Act, empowers and mandates the Town of Dundee, Florida, to plan for future development and growth and to adopt and amend comprehensive plans, or elements, or portions thereof, to guide the future growth and development of the City; and

WHEREAS, pursuant to Section 163.3187, Florida Statutes, the City Council held meetings and hearings on Future Land Use Map Amendment as shown in Exhibit "A", with due public notice having been provided, to obtain public comment, and considered all written and oral comments received during public hearings, including support documents; and

WHEREAS, in exercise of its authority the City Council has determined it necessary to adopt this Map Amendment to the Comprehensive Plan, which is marked as Exhibit "A" and attached and made a part hereof, to ensure that the Plan is in full compliance with the Laws of the State of Florida; to preserve and enhance present advantages; encourage the most appropriate use of land, water and resources consistent with the public interest; and deal effectively with future problems that may result from the use and development of land within the City of Arcadia; and

NOW, THEREFORE BE IT ORDAINED that the City Council of the City of Arcadia, Florida, amends the Comprehensive Plan in the following specific manner: the Future Land Use Map is amended to show the parcels located at northeast corner of US 17 And Palm Drive (Parcel Numbers 01-38-24-0091-00A0-0010, 01-38-24-0091-00A0-0050, and 36-37-24-0A00-0906-0000) in the City of Arcadia, with a cumulative total of ±0.84 acres, as "Business" as shown in Exhibit "A".

Severability: If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

Certified Copy: A certified copy of this enacting ordinance and certified copy of the City of Arcadia Comprehensive Plan shall be located in the Office of the City Clerk of Arcadia. The City Clerk shall also make copies available to the public for a reasonable publication charge.

Ordinance Codified: This Ordinance shall be codified in the Code of Ordinances of the City of Arcadia, Florida.

Effective Date: This plan amendment shall be effective in accordance with Section 163.3187(5)(c), Florida Statutes.

INTRODUCED AND PASSED on First Reading the 5th day of May, 2015.

PASSED AND DULY ADOPTED, on Second Reading with a quorum present and voting, by the City Council of Arcadia, Florida, this ___ day of _____, 2015.

CITY OF ARCADIA, FLORIDA

CITY OF ARCADIA, FLORIDA

Judy Wertz-Strickland, Mayor

ATTEST:

Penny Delaney, City Clerk

Approved as to form:

Thomas J. Wohl, City Attorney

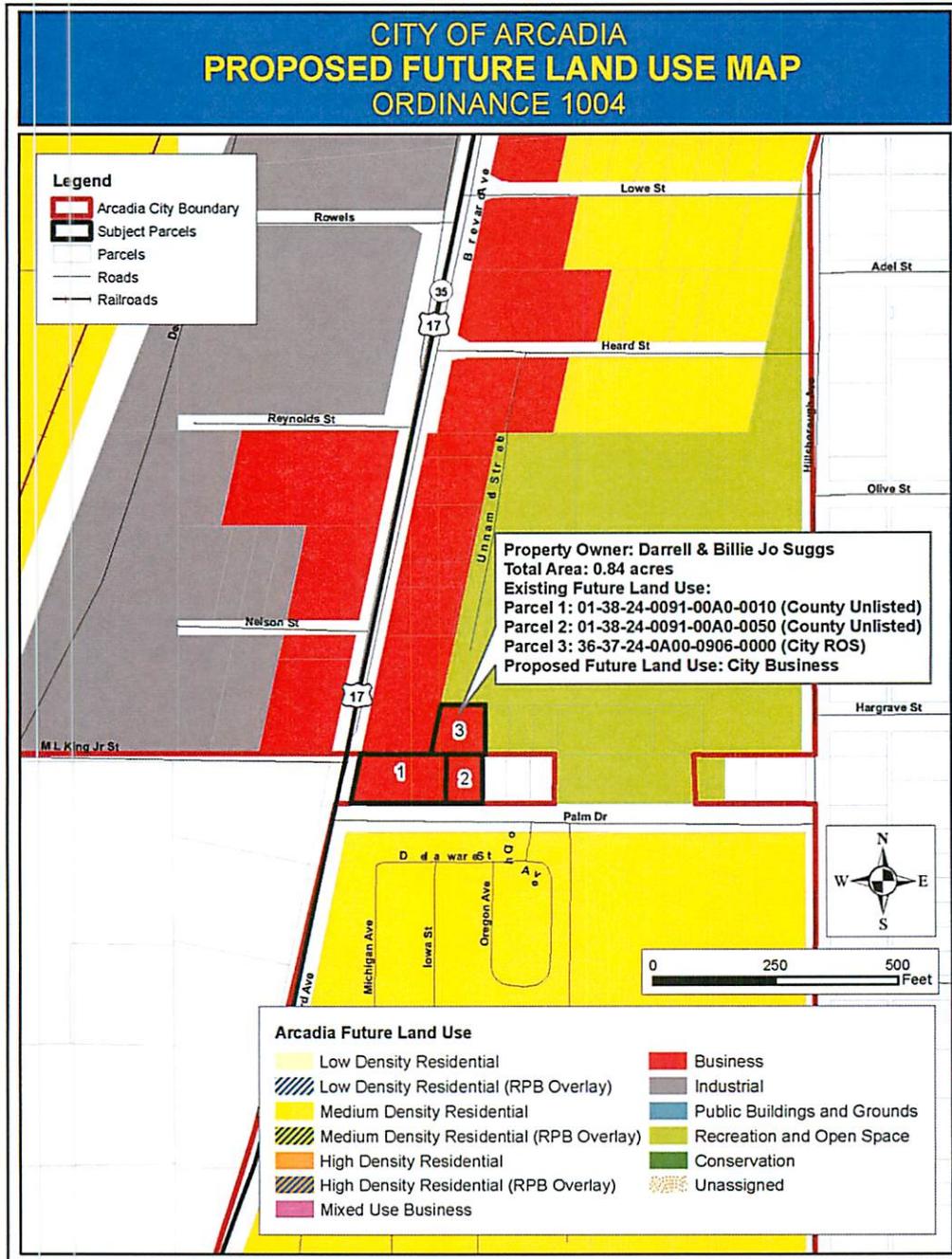
Motion made by _____, seconded by _____.

The vote was ___ for ___ against with ___ abstentions and ___ absent

ORDINANCE 1004

EXHIBIT "A"

Proposed Future Land Use Map



AGENDA No. 5



CITY COUNCIL AGENDA ITEM
Requested Council Meeting Date: May 19, 2015

DEPARTMENT: Planning and Zoning

SUBJECT: **Ordinance 1005**: Second Reading - Request for Zoning change for Parcels # 01-38-24-0091-00A0-0010; 01-38-24-0091-00A0-0050; and 36-37-24-0A00-0906-0000

RECOMMENDED MOTION:

Approval

SUMMARY: A City-initiated amendment to the Official Zoning Map of the City of Arcadia, Florida, amending two (2) parcels of land (Parcel Numbers 01-38-24-0091-00A0-0010 and 01-38-24-0091-00A0-0050 from County CG (Commercial General) and RMF-6 (Residential Multi-Family-6 dwelling units per acre) to B-3 (General Business Commercial) and one (1) parcel of land (Parcel Number 36-37-24-0A00-0906-0000) from City R-1C (Single Family Residential) to City B-3 (General Business Commercial). The properties totaling approximately 0.84 acres are located at the northeast corner of US 17 and Palm Drive. This amendment will recognize the existing general commercial use on-site and also correct a mapping error. (Parcel numbers 01-38-24-0091-00A0-0010, 01-38-24-0091-00A0-0050, 36-37-24-0A00-0906-0000 are in the process of being annexed into the City.)

FISCAL IMPACT: _____

Capital Budget

Operating

Other

ATTACHMENTS: Ordinance Resolution Budget Other

Department Head:

Date:

Finance Director (As to Budget Requirements)

Date:

City Attorney (As to Form and Legality)

Date:

Interim City Administrator: Beth Carsten

Date:

COUNCIL ACTION: Approved as Recommended

Disapproved

Tabled Indefinitely Tabled to Date Certain _____

Approved with Modifications

ORDINANCE 1005

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ARCADIA, FLORIDA, INCLUDING TWO (2) PARCELS OF LAND (PARCEL NUMBERS 01-38-24-0091-00A0-0010 AND 01-38-24-0091-00A0-0050 FROM COUNTY CG (COMMERCIAL GENERAL) AND RMF-6 (RESIDENTIAL MULTI-FAMILY-6 DWELLING UNITS PER ACRE) TO B-3 (GENERAL BUSINESS COMMERCIAL) AND ONE (1) PARCEL OF LAND (PARCEL NUMBER 36-37-24-0A00-0906-0000) FROM CITY R-1C (SINGLE FAMILY RESIDENTIAL) TO CITY B-3 (GENERAL BUSINESS COMMERCIAL) TOTALING APPROXIMATELY 0.84 ACRES LOCATED AT THE NORTHEAST CORNER OF US 17 AND PALM DRIVE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Arcadia held meetings and hearings regarding the parcel show on Exhibit "A", with due public notice having been provided, to obtain public comment, and considered all written and oral comments received during public hearings, including supporting documents; and

WHEREAS, in exercise of its authority, the City Council of the City of Arcadia has determined it necessary to amend the Official Zoning Map to change the City zoning classification assigned to this parcel.

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

Section 1. The official zoning map of the City of Arcadia is amended so as to assign the City zoning classification of City B-3 (General Business Commercial) to the parcels located at northeast corner of US 17 and Palm Drive (Parcel Numbers 01-38-24-0091-00A0-0010, 01-38-24-0091-00A0-0050, and 36-37-24-0A00-0906-0000), with a cumulative total of ±0.84 acres as shown in Exhibit "A".

Section 2. **Severability:** If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

Section 3. **Effective Date:** The effective date of this ordinance shall be the date of its adoption.

This Ordinance shall be codified in the Code of Ordinances of the City of Arcadia, Florida. A certified copy of this enacting ordinance shall be located in the Office of the City Clerk of Arcadia. The City Clerk shall also make copies available to the public for a reasonable publication charge.

INTRODUCED AND PASSED on First Reading the 5th day of May, 2015.

PASSED AND DULY ADOPTED, on Second Reading with a quorum present and voting, by the City Council of Arcadia, Florida, this _____ day of _____, 2015.

CITY OF ARCADIA, FLORIDA

Judy Wertz-Strickland, Mayor

ATTEST:

Penny Delaney, City Clerk

Approved as to form:

Thomas J. Wohl, City Attorney

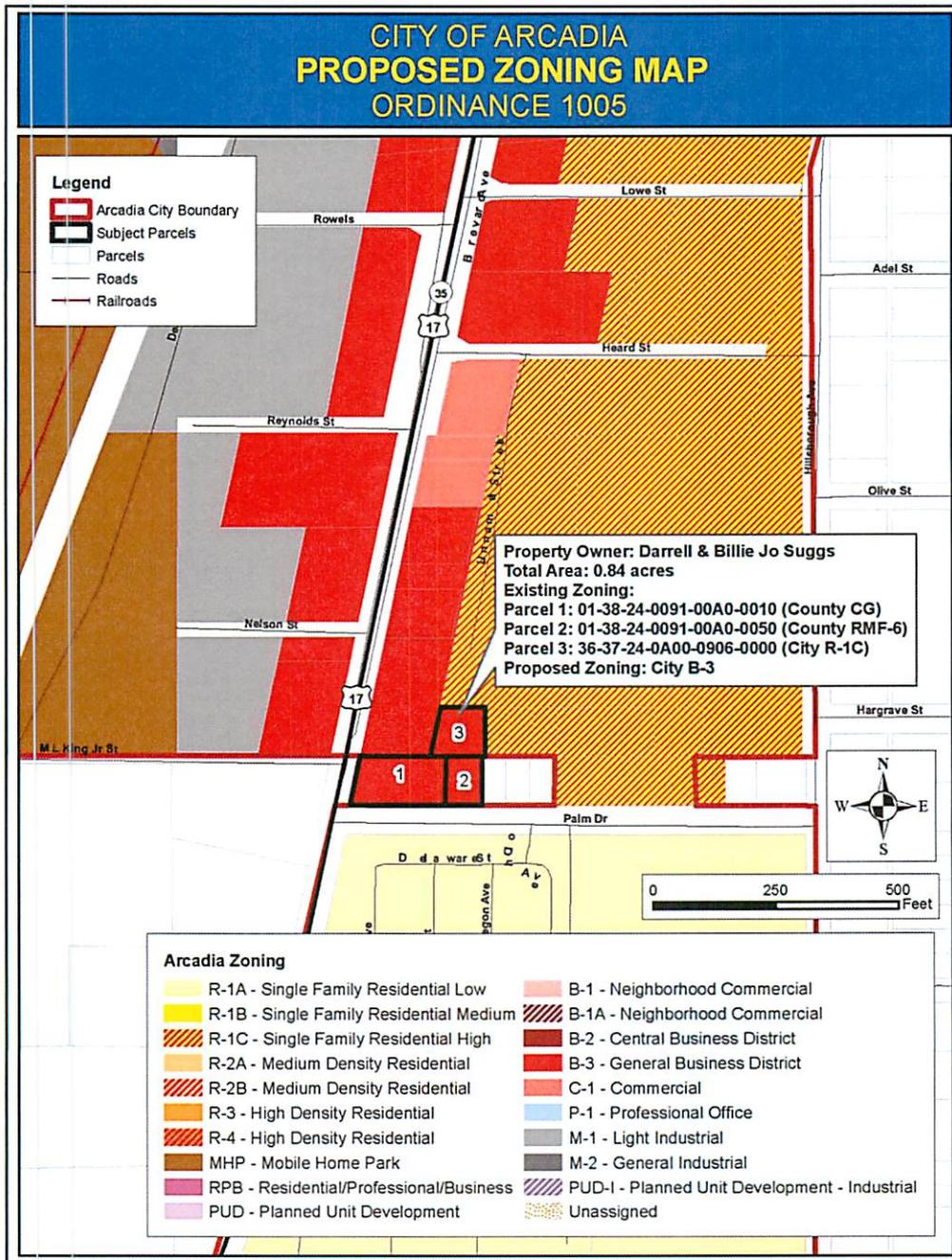
Motion made by _____, seconded by _____.

The vote was ____ for ____ against with ____ abstentions and ____ absent

ORDINANCE 1005

EXHIBIT "A"

Proposed Zoning Map





**CITY OF ARCADIA
FUTURE LAND USE AMENDMENT AND REZONING
OVERVIEW REPORT
May 19, 2015**

TO: City of Arcadia City Council

FROM: Jennifer Codo-Salisbury, AICP, Planning Director, Central Florida Regional Planning Council

SUBJECT: Ordinance 1004: Future Land Use Amendment:
A City-initiated amendment to the Future Land Use Map of the City of Arcadia amending two (2) parcels of land (Parcel Numbers 01-38-24-0091-00A0-0010 and 01-38-24-0091-00A0-0050 **from** County Unlisted to City Business and one (1) parcel of land (Parcel Number 36-37-24-0A00-0906-0000) **from** City Recreation and Open Space to City Business. The properties totaling approximately 0.84 acres are located at the northeast corner of US 17 and Palm Drive. This amendment will recognize the existing general commercial use on-site and also correct a mapping error. *(Parcel numbers 01-38-24-0091-00A0-0010, 01-38-24-0091-00A0-0050, 36-37-24-0A00-0906-0000 are in the process of being annexed into the City.)*

Ordinance 1005: Zoning Amendment:
A City-initiated amendment to the Official Zoning Map of the City of Arcadia, Florida, amending two (2) parcels of land (Parcel Numbers 01-38-24-0091-00A0-0010 and 01-38-24-0091-00A0-0050 **from** County CG (Commercial General) and RMF-6 (Residential Multi-Family-6 dwelling units per acre) to B-3 (General Business Commercial) and one (1) parcel of land (Parcel Number 36-37-24-0A00-0906-0000) **from** City R-1C (Single Family Residential) to City B-3 (General Business Commercial). The properties totaling approximately 0.84 acres are located at the northeast corner of US 17 and Palm Drive. This amendment will recognize the existing general commercial use on-site and also correct a mapping error. *(Parcel numbers 01-38-24-0091-00A0-0010, 01-38-24-0091-00A0-0050, 36-37-24-0A00-0906-0000 are in the process of being annexed into the City.)*

AGENDA & HEARING DATES:

May 5, 2015: Planning & Zoning Board Meeting (Public Hearing)

May 5, 2015: City Council Meeting (First Reading)

May 19, 2015: City Council Meeting (Adoption Public Hearing)

ATTACHMENTS:

- Aerial Photo Map
- Existing Future Land Use Map
- Proposed Future Land Use Map
- Existing Zoning Map
- Proposed Zoning Map
- Comprehensive Plan Amendment Application
- Rezoning Application

OVERVIEW:

Applicant	City of Arcadia
Property Owners	Darrell and Billie Jo Suggs, Billie Jo and Silvia Suggs (a minor)
Parcel ID	01-38-24-0091-00A0-0010, 01-38-24-0091-00A0-0050, 36-37-24-0A00-0906-0000
Acreage (Total)	0.84 acres
Existing Future Land Use	County Unlisted and City Recreation and Open Space
Proposed Future Land Use	City Business
Existing Zoning	County CG (Commercial General) County RMF-6 (Residential Multi-Family-6 dwelling units per acre) City R-1C (Single Family Residential)
Proposed Zoning	B-3 (General Business Commercial)
Previous Hearings	None

REASON FOR REQUEST:

This is a City-initiated Small Scale (less than 10 acres) Future Land Use Map amendment and rezoning assigning City Future Land Use and Zoning to two (2) parcels being annexed into the City and correcting a Future Land Use and Zoning mapping error on a contiguous property located in the city. These amendments will provide for Future Land Use and Zoning consistency with the existing general commercial use of the properties. Business activities on the properties include Road Service, towing and wrecker services; service and repair of automobiles and light and heavy trucks, including minor and major repairs; storage of motor vehicles awaiting release by the impounding law enforcement agencies; storage of motor vehicles awaiting repair appraisals and release by insurance carriers; purchase, display and sales of new and used automobiles and trucks; display and rental of U-Haul truck and trailers; car washes and automotive detailing; and other similar endeavors with regard to the automotive industries. All of these uses are allowed in the Business Future Land Use and B-3 zoning with the exception of major automotive repair. Major automotive repair is recognized as a legal non-conforming use and it therefore may continue.

STANDARDS FOR EVALUATION OF PROPOSED ZONING CHANGES

The City of Arcadia Planning & Zoning Board will provide recommendation, and the City Council will make a final motion to accept, reject, modify, return, or continue to seek additional information on all proposed zoning changes.

The review of all zoning changes shall be considered and evaluated against the following standards:

- *Consistency with the Comprehensive Plan.* The proposed zoning change shall be consistent with the Goals, Objectives, and Policies of the City’s Comprehensive Plan
- *Land Use Analysis.* The proposed plan amendment shall be analyzed to identify land use impacts which may affect land use compatibilities and the general welfare of the City.
- *Public Facilities and Services Analysis.* The proposed zoning change shall contain an analysis of the Levels of Service for all public facilities and services.

Consistency with the Comprehensive Plan:

The request is to change the Future Land Use of the subject properties to Business and to rezone the properties to B-3 (General Business Commercial). These changes are consistent with the City of Arcadia Comprehensive Plan.

Descriptions of the existing and proposed Future Land Use and the existing and proposed zoning designations are provided as follows:

Existing – Future Land Use

County Unlisted:

Two (2) of the parcels are currently have no assigned Future Land Use designation. This amendment will recognize the existing general commercial uses under the City’s Business Future Land Use designation.

City Recreation and Open Space – Policy 1.10 of the Future Land Use Element

One (1) parcel is located within the City’s Recreation and Open Space Future Land Use designation. The Recreation and Open Space designation provides for passive and active recreational and open space land uses. Residential, business or industrial uses are not permissible. Schools are permitted in this classification. Structures to serve recreation uses, including public structures such as information centers or existing meeting centers, are permissible provided that such structures do not detract from the intended designation as recreation or open space, and do not degrade natural resources on the site or in the area. This category also permits recreational vehicles (RVs) at a density up to 10 units per acre. However, RVs are prohibited in wetlands, but are allowed in the 100-year floodplain on a temporary campsite basis. As a result, tie downs and impervious surfaces of any kind are prohibited when associated with RV uses. This designation also recognizes the Peace River as an environmentally sensitive natural resource.

Proposed – Future Land Use

City Business – Policy 1.6 of the Future Land Use Element

All three (3) of the subject properties are proposed to change to the Business Future Land Use designation to recognize the existing general commercial uses on the site. The Business designation shall meet Arcadia’s demand for retail goods and services, and shall promote efficient use of infrastructure. Arcadia shall direct commercial development to areas which are well integrated with transportation facilities and surrounding land uses. Residential uses, such as above-ground-floor apartments, are permissible, provided that they are compatible and appropriately integrated with the surrounding area. Schools are permitted in this classification. The floor area ratio in the Business designation shall not exceed 3.0.

Existing – Zoning

Section 2315 (DeSoto County Land Development Code) – Commercial General District (CG):

The intent of the Commercial General District (CG) is to permit a greater variety of commercial services and scale than the Commercial Neighborhood District (CN) and is intended to serve a large trade area of the community. The intent is to accommodate the motoring public as well as the local pedestrian traffic.

Section 2309 (DeSoto County Land Development Code) – Residential Multi-Family Mixed District (RMF-6):

The intent of Residential Multi-Family District (RMF) is to permit a variety of residential structure types.

Section 4.06.01.03. City R-1C, Single Family Residential District.

This district is designed to primarily permit the continued development of already platted single-family residential areas and is not intended to be utilized extensively for future development. The minimum lot area for this zoning district is 5,000 square feet.

Proposed –Zoning

Section 4.06.04.04. B-3, General Business Commercial District.

The B-3, General Business Commercial district, is intended to apply to business establishments, primarily not of a neighborhood or community service type, which may properly be located to serve large regions of the city and metropolitan area. Such businesses generally require considerable ground area, do not cater directly to pedestrians and need a conspicuous and accessible location convenient for motorists.

The proposed Future Land Use Map amendment and rezoning are consistent with the existing Industrial Future Land Use of the property. The proposed amendments are consistent with the City's objective to eliminate land uses that are inconsistent with the Future Land Use Map (*per Future Land Use Element, Objective 3*).

Land Use Analysis:

Lands surrounding the subject parcel are commercial and residential in nature. The existing general commercial uses on-site will continue and are not anticipated to have any negative impacts on surrounding land uses. The Land Use matrix below outlines the existing Future Land Use of the subject parcel and surrounding parcels and the existing and proposed zoning of the subject parcel (an Existing Future Land Use Map and Existing and Proposed Zoning maps are attached for reference).

Land Use Matrix

	Northwest	North	Northeast
	Existing FLU: City Business Existing Zoning: City B-3 (General Business District)	Existing FLU: City Business Existing Zoning: City B-3 (General Business District)	Existing FLU: City Recreation and Open Space Existing Zoning: City R-1C (Single Family Residential High)
	West	Subject Property	East
	Existing FLU: County Employment Center Existing Zoning: City IL (Light Industrial)	Existing FLU: <u>Existing:</u> County Unlisted, City Recreation and Open Space <u>Proposed:</u> City Business ----- Zoning: <u>Existing:</u> County CG (Commercial General), County RMF-6 (Residential Multi-Family-6 dwelling units per acre) , City R-1C (Single Family Residential) <u>Proposed:</u> City B-3 (General Business Commercial)	Existing FLU: County Unlisted Existing Zoning: County RMF-6 (Residential Multi-Family-6 dwelling units per acre)
	Southwest	South	Southeast
	Existing FLU: County Employment Center Existing Zoning: County CG (Commercial General)	Existing FLU: City Medium Density Residential Existing Zoning: City R-1A (Single Family Residential Low)	Existing FLU: City Medium Density Residential Existing Zoning: City R-1A (Single Family Residential Low)

Public Facilities and Services Analysis:

The following is a summary analysis of the potential impacts on existing public facilities and services.

Potable Water:

City water is currently available for connection on the subject parcel. The City’s adopted level of service for supply of potable water is 102 gallons per person per day. The City is currently operating at 86 gallons per day per person which is below the adopted level of service. The proposed Future Land Use amendment and Rezoning and use of the site are not anticipated to have any negative impacts on the City’s water supply system.

Sanitary Sewer:

City sewer is currently available to the site. The City's adopted level of service for wastewater generation is 171 gallons per person per day. The estimated processing of wastewater is approximately 89 gallons per day per person which is below the adopted level of service. The proposed Future Land Use amendment and Rezoning and use of the site are not anticipated to have any negative impacts on the City's wastewater systems.

Solid Waste:

Solid waste collection in the City of Arcadia amounts to approximately 2.23 pounds per person per day, which is below the City's adopted level of service standard of 4.8 pounds per person per day. The proposed zoning and use of the site are not anticipated to have any negative impacts on the City's solid waste collection.

Traffic/Transportation:

This is an existing use. No additional impacts are anticipated to the transportation system.

School and Recreational Facilities:

There are no school or recreational facilities impacts, as the property is not undergoing any residential development.

CITY COUNCIL ACTION ITEMS:

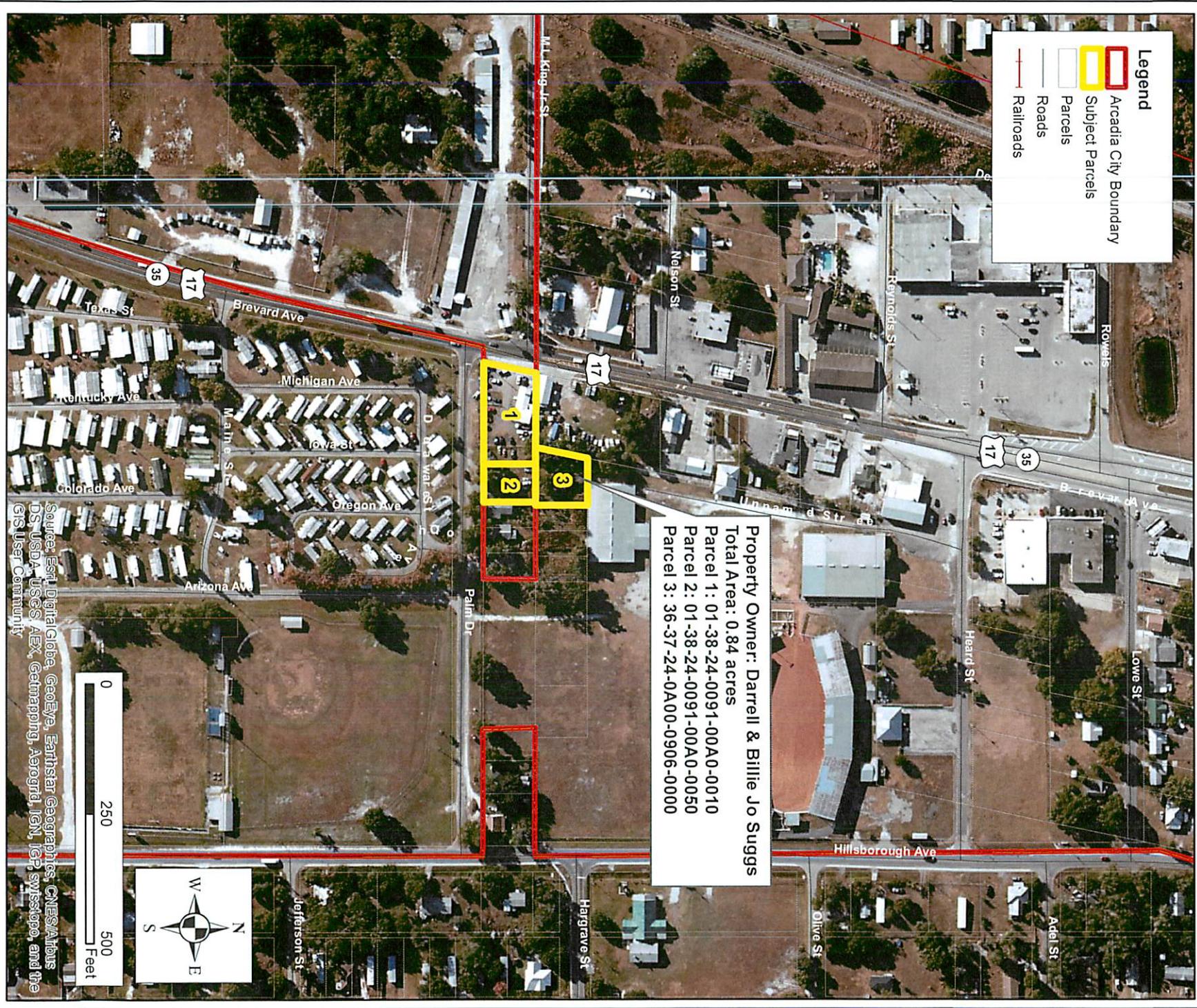
FUTURE LAND USE AMENDMENT - PLANNING AND ZONING BOARD MOTION OPTIONS:

1. I move the City Council approve Ordinance 1004 for the proposed Future Land Use Map on first reading.
2. I move the City Council approve with changes Ordinance 1004 for the proposed Future Land Use Map on first reading.
3. I move the City Council deny Ordinance 1004 for the proposed Future Land Use Map on first reading.

REZONING AMENDMENT - PLANNING AND ZONING BOARD MOTION OPTIONS:

4. I move the City Council approve Ordinance 1005 for the proposed Rezoning on first reading.
5. I move the City Council approve with changes Ordinance 1005 for the proposed Rezoning on first reading.
6. I move the City Council deny Ordinance 1005 for the proposed Rezoning on first reading.

CITY OF ARCADIA AERIAL PHOTO MAP

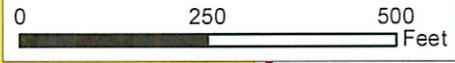
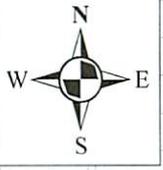


CITY OF ARCADIA EXISTING FUTURE LAND USE MAP ORDINANCE 1004

Legend

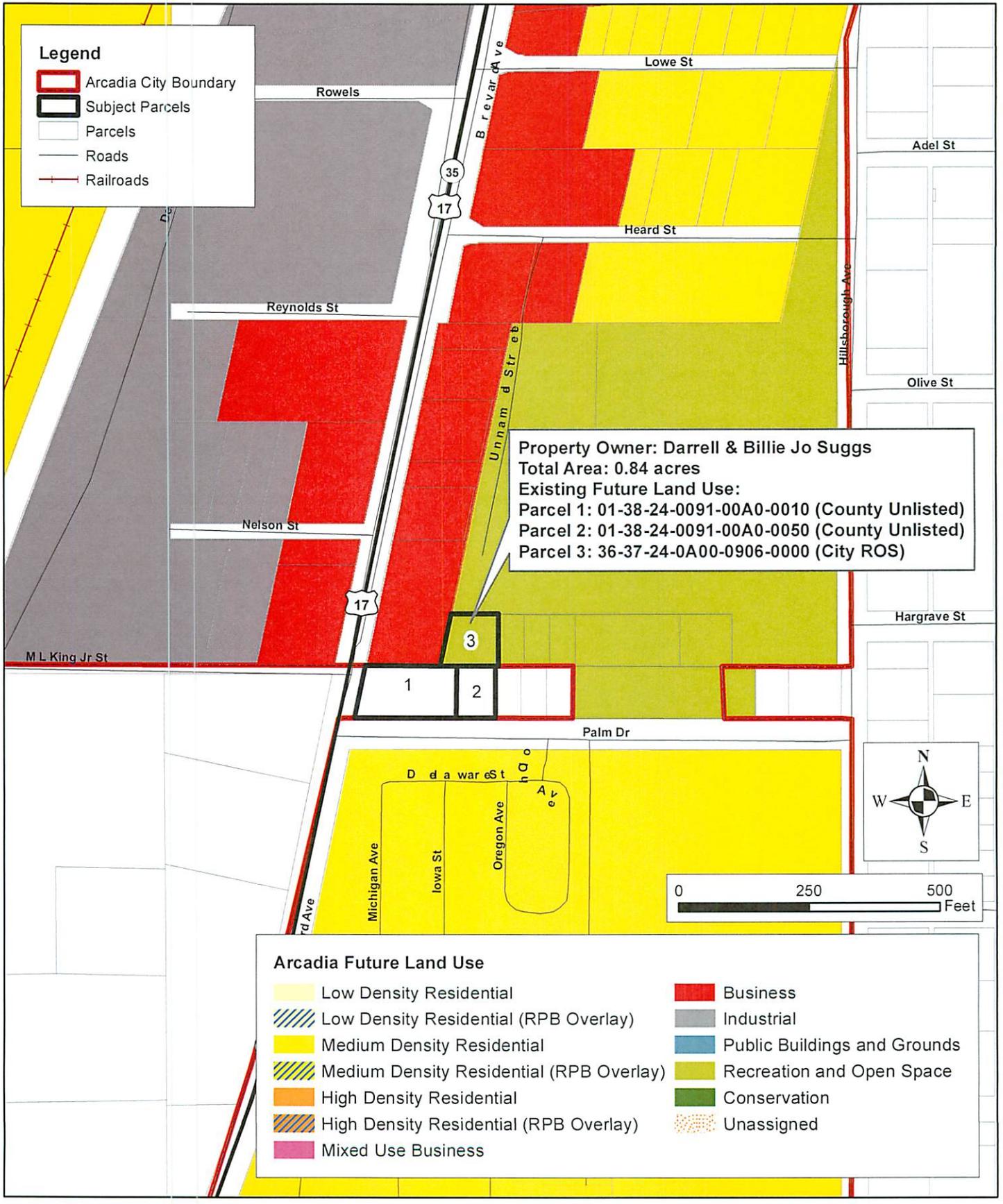
- Arcadia City Boundary
- Subject Parcels
- Parcels
- Roads
- Railroads

Property Owner: Darrell & Billie Jo Suggs
 Total Area: 0.84 acres
 Existing Future Land Use:
 Parcel 1: 01-38-24-0091-00A0-0010 (County Unlisted)
 Parcel 2: 01-38-24-0091-00A0-0050 (County Unlisted)
 Parcel 3: 36-37-24-0A00-0906-0000 (City ROS)



Arcadia Future Land Use

- | | |
|--|---|
| Low Density Residential | Business |
| Low Density Residential (RPB Overlay) | Industrial |
| Medium Density Residential | Public Buildings and Grounds |
| Medium Density Residential (RPB Overlay) | Recreation and Open Space |
| High Density Residential | Conservation |
| High Density Residential (RPB Overlay) | Unassigned |
| Mixed Use Business | |



CITY OF ARCADIA PROPOSED FUTURE LAND USE MAP ORDINANCE 1004

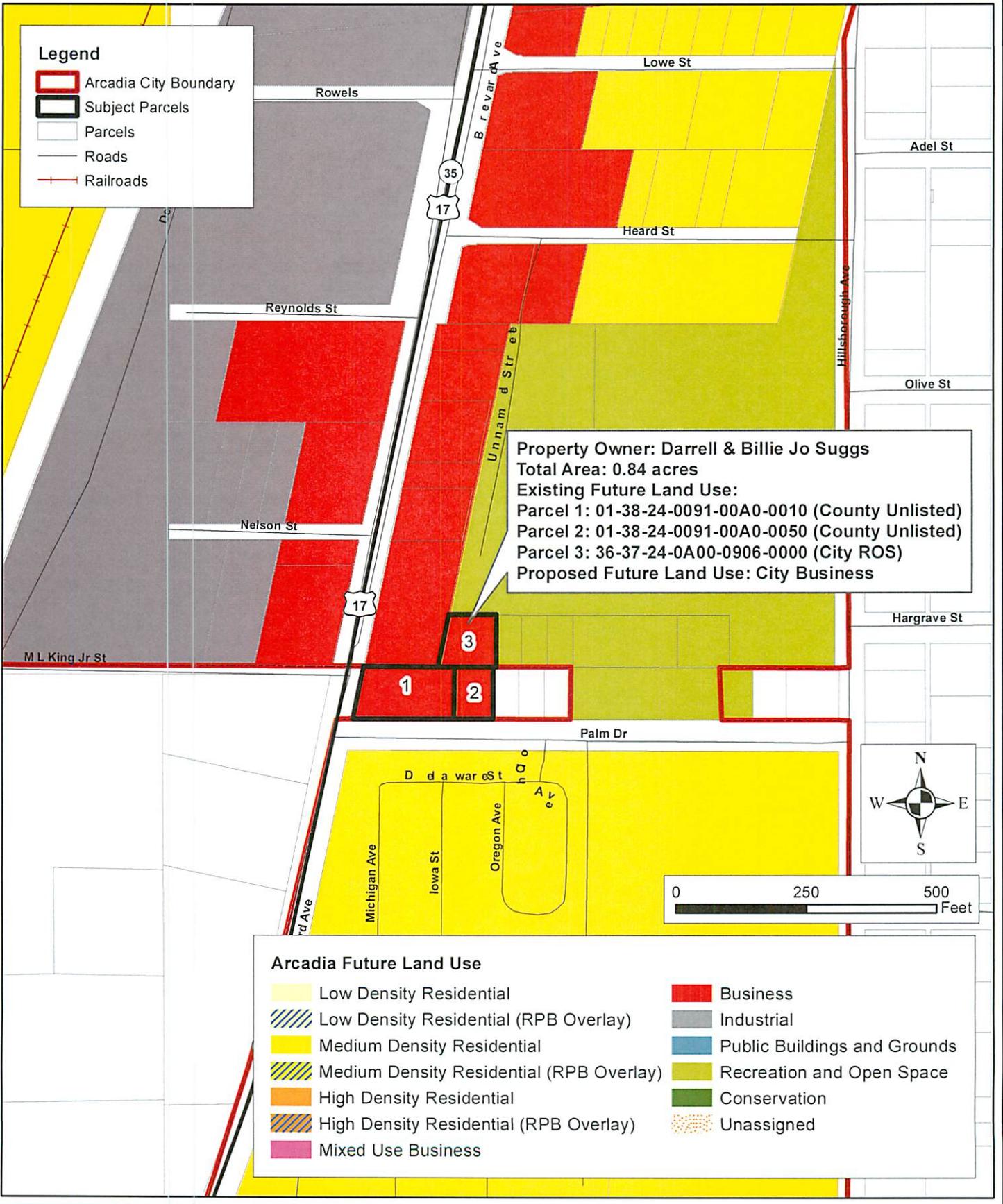
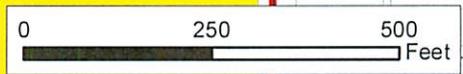
Legend

- Arcadia City Boundary
- Subject Parcels
- Parcels
- Roads
- Railroads

Property Owner: Darrell & Billie Jo Suggs
 Total Area: 0.84 acres
 Existing Future Land Use:
 Parcel 1: 01-38-24-0091-00A0-0010 (County Unlisted)
 Parcel 2: 01-38-24-0091-00A0-0050 (County Unlisted)
 Parcel 3: 36-37-24-0A00-0906-0000 (City ROS)
 Proposed Future Land Use: City Business

Arcadia Future Land Use

- | | |
|--|---|
| Low Density Residential | Business |
| Low Density Residential (RPB Overlay) | Industrial |
| Medium Density Residential | Public Buildings and Grounds |
| Medium Density Residential (RPB Overlay) | Recreation and Open Space |
| High Density Residential | Conservation |
| High Density Residential (RPB Overlay) | Unassigned |
| Mixed Use Business | |

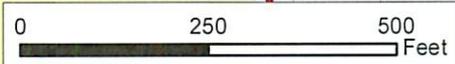


CITY OF ARCADIA EXISTING ZONING MAP ORDINANCE 1005

Legend

- Arcadia City Boundary
- Subject Parcels
- Parcels
- Roads
- Railroads

Property Owner: Darrell & Billie Jo Suggs
 Total Area: 0.84 acres
 Existing Zoning:
 Parcel 1: 01-38-24-0091-00A0-0010 (County CG)
 Parcel 2: 01-38-24-0091-00A0-0050 (County RMF-6)
 Parcel 3: 36-37-24-0A00-0906-0000 (City R-1C)



Arcadia Zoning

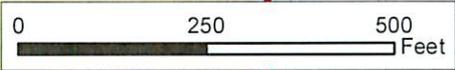
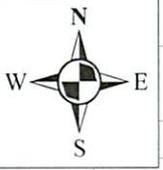
- | | |
|---|--|
| <ul style="list-style-type: none"> R-1A - Single Family Residential Low R-1B - Single Family Residential Medium R-1C - Single Family Residential High R-2A - Medium Density Residential R-2B - Medium Density Residential R-3 - High Density Residential R-4 - High Density Residential MHP - Mobile Home Park RPB - Residential/Professional/Business PUD - Planned Unit Development | <ul style="list-style-type: none"> B-1 - Neighborhood Commercial B-1A - Neighborhood Commercial B-2 - Central Business District B-3 - General Business District C-1 - Commercial P-1 - Professional Office M-1 - Light Industrial M-2 - General Industrial PUD-I - Planned Unit Development - Industrial Unassigned |
|---|--|

CITY OF ARCADIA PROPOSED ZONING MAP ORDINANCE 1005

Legend

- Arcadia City Boundary
- Subject Parcels
- Parcels
- Roads
- Railroads

Property Owner: Darrell & Billie Jo Suggs
Total Area: 0.84 acres
Existing Zoning:
 Parcel 1: 01-38-24-0091-00A0-0010 (County CG)
 Parcel 2: 01-38-24-0091-00A0-0050 (County RMF-6)
 Parcel 3: 36-37-24-0A00-0906-0000 (City R-1C)
Proposed Zoning: City B-3



Arcadia Zoning

- | | |
|---|---|
| <ul style="list-style-type: none"> R-1A - Single Family Residential Low R-1B - Single Family Residential Medium R-1C - Single Family Residential High R-2A - Medium Density Residential R-2B - Medium Density Residential R-3 - High Density Residential R-4 - High Density Residential MHP - Mobile Home Park RPB - Residential/Professional/Business PUD - Planned Unit Development | <ul style="list-style-type: none"> B-1 - Neighborhood Commercial B-1A - Neighborhood Commercial B-2 - Central Business District B-3 - General Business District C-1 - Commercial P-1 - Professional Office M-1 - Light Industrial M-2 - General Industrial PUD-I - Planned Unit Development - Industrial Unassigned |
|---|---|



**CITY OF ARCADIA
COMPREHENSIVE PLAN AMENDMENT APPLICATION**

Please check all boxes that apply to this application.

- Comprehensive Plan Future Land Use Map Amendment
- Comprehensive Plan Text Amendment

GENERAL INFORMATION:

Small Scale Map Amendment (< 10 acres): X Yes No

Annexation Required: X Yes No

Zoning Action Required: X Yes No

PROPERTY OWNER:

Name: Darrell and Billie Jo Suggs¹; and Billie Jo and Sylvia C. Suggs²

Mailing Address: 663 S. Brevard Ave

City: Arcadia State: FL Zip: 34266

Home/Mobile-Phone: 863-494-5705 (Shop) Email Address: dbsuggs@hotmail.com

APPLICANT/AGENT:

Name: Ed Johnson

Mailing Address: 6077 SW County Road 760

City: Arcadia State: FL Zip: 34266

Home/Mobile Phone: 863-303-1374 Office: Home 863-494-0781

Fax: 863-494-2305 Email Address: johnsonfarms@embarqmail.com

Applicant is: Owner Agent Purchaser Lessee

PROPERTY LOCATION:

Property Address or General Location if Vacant: 1018 SW HWY 17 and 1140 SW PALM DR;³

Section: See Exhibit A Township: See Exhibit A Range: See Exhibit A

Lot: See Exhibit A Block: See Exhibit A Subdivision: See Exhibit A

Property Appraiser's Identification Number: See Exhibit A



**CITY OF ARCADIA
COMPREHENSIVE PLAN AMENDMENT APPLICATION**

PROPERTY INFORMATION:

Total Property Acreage: See Exhibit B (.7 acres +/-)

Current Future Land Use Designation of Property: County, not listed; City, Recreational & Open Space

(Proposed Future Land Use is Business)

Current Zoning Designation of Property: County, CG, RMF-6; City, R-1C

Please provide the Future Land Use Designation, Zoning District, and identification of property usage of abutting properties:

Abutting Property	Future Land Use Designation	Zoning District	Use of Neighboring Property (single-family, retail store, etc.)
North			
East			
South			
West			

PLEASE PROVIDE THE FOLLOWING INFORMATION:

A. An explanation and/or description of the amendment: _____

B. If the proposed amendment is a map amendment, provide the following:

1. A location map clearly identifying the subject parcel.
2. Identify the location of existing sewer and potable water facilities to the development site and the impacts of the proposed amendment on public facilities and services:

3. Describe current development trends in the area:

4. Identify any on-site flood zones, wetlands, and threatened and endangered species.

5. Identify any on-site historic or archaeological resources:



**CITY OF ARCADIA
COMPREHENSIVE PLAN AMENDMENT APPLICATION**

6. List the Objectives and Policies of the Comprehensive Plan with which the proposed amendment is consistent:

C. If the proposed amendment is a map amendment, provide the following:

1. Section of text to be amended: _____

2. Reason text should be amended: _____

3. Provide the proposed language for the text amendment: _____

D. As applicable, identify the current Future Land Use maximum allowable density and the maximum allowable density for the proposed Future Land Use classification:

DO NOT WRITE BELOW THIS LINE – OFFICE USE ONLY

Fees:

Filing: \$ _____
Other: \$ _____
Total: \$ _____

Date Filed: _____

Received By: _____

Transmitted to Planning Board: _____

Public Notification Date: _____ Newspaper: _____

Adjacent Property Owners Notified: _____



**CITY OF ARCADIA
COMPREHENSIVE PLAN AMENDMENT APPLICATION**

Planning Board and Public Hearing or Meeting: _____

Planning Board Action: _____

City Council Public Notice: _____ Newspaper: _____

City Council and Public Hearing: _____

City Council Action: _____



CITY OF ARCADIA
COMPREHENSIVE PLAN AMENDMENT APPLICATION

OWNER'S SIGNATURE PAGE

(I) (We), _____ being duly sworn, depose and say that (I)-(we) own one or more of the properties involved in this petition and that (I) (we) authorize the City of Arcadia to process this petition in accordance with all adopted City rules and regulations and in conformance with State law, as applicable.

Further (I) (we) or any agent or lessee of the subject property authorized by (me) (us) to file this petition, deposes and say that the statements and answers contained in the application and any information attached thereto, present the arguments in behalf of this petition to the best of (my) (our) ability; and that the statements and information referred to above are in all respects true and correct to the best of (my) (our) knowledge and belief.

X [Signature of Darrell G. Suggs]

Signature of Owner

Darrell G. Suggs

Printed Name of Owner

X [Signature of Billie Jo Suggs]

Signature of Owner

Billie Jo Suggs on behalf of Sylvia C. Suggs (a minor) NA

Printed Name of Owner

X [Signature of Billie Jo Suggs]

Signature of Owner

Billie Jo Suggs

Printed Name of Owner

X NA

Signature of Owner

Printed Name of Owner

STATE OF FLORIDA

COUNTY OF DESOTO

OWNER'S NOTARIZATION

The foregoing instrument was acknowledged before me this 17 day of April, 2015, by Darrell Suggs and Billie Jo Suggs, who is personally known to me or who has produced a driver's license as identification and who did not take an oath.



[Signature of Kelli L. Werner]

Notary Public

Notarial Seal and Commission

Expiration Date

Exhibit A : Legal Descriptions

(Exhibit Date: 4-17-2015)

Darrell G. and Billie Jo Suggs

(DBA Darrell's Road and Wrecker Service)

City of Arcadia: Comprehensive Plan Amendment

Properties Subject to the Comprehensive Plan Amendment

- A. Parcel Address: 1018 SW HWY 17 (This parcel is entirely within Desoto County)**
Parcel Identification Number (PIN) 01-38-24-0091-00A0-0010,
Legal Description¹: Lots 1, 2, 3, 4, and W1/2 5, Block A, of DeSoto Park, as per maps or plats thereof recorded in the Public Records of DeSoto County, Florida. LESS State Road right-of-way as per instrument number. (OR 204/1010)
- B. Parcel Address: 1140 SW PALM DR (This parcel is entirely within Desoto County)**
Parcel Identification Number (PIN): 01-38-24-0091-00A0-0050,
Legal Description: DESOTO PARK E1/2 LOT 5 & ALL LOT 6 BLK A; OR 522/159
- C. Parcel Address: (This parcel is entirely within the City of Arcadia, no address of record²)**
Parcel Identification Number (PIN): 36-37-24-0A00-0906-0000
Legal Description³: BEGIN at the Southeast corner of Section 36, Township 37 South, Range 24 East, DeSoto County, Florida; thence S 89 degrees 51'54" W along South line of said Section 36, 697.00 feet to the Point of Beginning; thence continue same line, 113.13 feet; thence N 11 degrees 40'09" E, 102.21 feet; thence N 89 degrees 51'54" E and parallel to the South line of said Section 36, 92.0 feet; thence S 00 degrees 08'06" E, 100.0 feet to the Point of Beginning.

See attached survey, dated 4-17-2015, by Desoto Land Surveying, LLC, LB# 7796

The Owner does not want to consolidate any of these parcels at this time.

¹ Legal description from the Property Appraiser's Records is as follows: DESOTO PARK LOTS 1 2 3 4 & W1/2 5 BLK A LESS & EXCEPT: COMM AT NW COR OF NE1/4 TH ALG N LI OF SEC 1-38-24 S 89D47M18 S E A DIST OF 1684.07 FT TO SURVEY BASE LI TH ALG BASE LI S 11D58M23S W A DIST OF 102.14 FT TH S 89D47M18S E A DIST OF 33.71 TO INTERSECTION SLY R/W LI & N R/W LI OF PALM DR FOR POB TH ALG SLY R/W LI N 11D58M 23S E A DIST OF 74.99 FT TH S 29D16M37S E A DIST OF 30.07 FT TH S 70D31M37S E A DIST OF 78.83 FT TO PC RADIUS 379.25 FT DELTA 19D15M41S CHORD BEARING S 80D09M28S E TO N R/W LI OF PALM DR AND S LI LOT 6 AND END OF CURVE TH ALG N R/W LI N 89D47M18S W A DIST OF 229.62 FT TO POB; OR 204/1010 (Note: The legal description on the survey should be used in lieu of the Property Appraisers records.

² Listed as SW Palm Ave on the Desoto County Property Appraiser's Records

³ Taken from a survey by Desoto Land Surveying, LLC, LB# 7796



CITY OF ARCADIA
COMPREHENSIVE PLAN AMENDMENT APPLICATION

AGENT, LESSEE, OR BUYER'S SIGNATURE PAGE

(I) (We), Ed Johnson being duly sworn,
depose and say that (I) (we) serve as Agent for the owner(s) in making
(agent or lessee)
this petition and that the owner(s) (has) (have) authorized (me) (us) to act in this capacity.

Further, (I) (we) depose and say that the statements and answers herein contained and other
information attached hereto present the arguments in behalf of the petition herein requested to the
best of (my) (our) ability and that the statements and information above referred to are in all respects
true and correct to the best of (my) (our) knowledge and belief.

X [Signature] NA
Signature of Agent, Lessee, or Buyer(s) Signature of Agent, Lessee, or Buyer(s)
Ed Johnson NA
Printed Name of Agent, Lessee, or Buyer(s) Printed Name of Agent, Lessee, or Buyer(s)
NA NA
Signature of Agent, Lessee, or Buyer(s) Signature of Agent, Lessee, or Buyer(s)
NA NA
Printed Name of Agent, Lessee, or Buyer(s) Printed Name of Agent, Lessee, or Buyer(s)

STATE OF FLORIDA

AGENT, LESSEE, OR BUYER(S) NOTARIZATION

COUNTY OF DESOTO

The foregoing instrument was acknowledged before me this 17 day of April,
2015, by Ed Johnson, who is personally known to me
or who has produced a driver's license as identification and who did not take an oath.



[Signature]
Notary Public
Notarial Seal and Commission
Expiration Date



CITY OF ARCADIA COMPREHENSIVE PLAN AMENDMENT APPLICATION

¹ County Parcels 01-38-24-0091-00A0-0010 and 01-38-24-0091-00A0-0050 are owned by Darrell and Billie Jo Suggs, as husband and wife. These parcels lie south of the Township line and entirely within the unincorporated area of Desoto County

² City Parcel 36-37-24-0A00-0906-0000 is owned by Billie Jo Suggs and Silvia Suggs (a minor), as mother and daughter (JT/ROS). This parcel lies north of the Township line and entirely within the incorporated area of the City of Arcadia.

³ The third parcel, 36-37-24-0A00-0906-0000, has no known street address; it is land locked.



**CITY OF ARCADIA
ZONING AMENDMENT APPLICATION**

The following information is required for submission of a zoning amendment application. It is important that all information be complete and accurate when submitted to the City. Please print, type, or electronically submit the required information.

PROPERTY OWNER:

Name: Darrell G. and Billie Jo Suggs¹; and Billie Jo and Sylvia C. Suggs²

Mailing Address: 663 S. Brevard Ave

City: Arcadia State: FL Zip: 34266

Home/Mobile Phone: 863-494-5705 (Shop) Email Address: dbsuggs@hotmail.com

APPLICANT/AGENT:

Name: Ed Johnson

Mailing Address: 6077 SW County Road 760

City: Arcadia State: FL Zip: 34266

Home/Mobile Phone: 863-303-1374 Office: Home 863-494-0781

Fax: 863-494-2305 Email Address: johnsonfarms@embarqmail.com

Applicant is: Owner Agent Purchaser Lessee

PROPERTY LOCATION:

Property Address or General Location if Vacant: 1018 SW HWY 17 and 1140 SW PALM DR;³

Section: See Exhibit A Township: See Exhibit A Range: See Exhibit A

Lot: See Exhibit A Block: See Exhibit A Subdivision: See Exhibit A

Property Appraiser's Identification Number: See Exhibit A

PROPERTY INFORMATION:

Total Property Acreage: See Exhibit B (.7 acres +/-)

Current Future Land Use Designation of Property: County, not listed; City, Recreational & Open Space

Current Zoning Designation of Property: County, CG, RMF-6; City, R-1C



CITY OF ARCADIA ZONING AMENDMENT APPLICATION

Please provide the Future Land Use Designation, Zoning District, and Identification of property usage of abutting properties:

Abutting Property	Future Land Use Designation	Zoning District	Use of Neighboring Property (single-family, retail store, etc.)
North			
East			
South			
West			

PLEASE PROVIDE THE FOLLOWING INFORMATION:

A. Proposed zoning district: _____

B. Identify the reason for the request:

C. Present use of the property:

D. Existing structures on site:

E. If structure or property has been vacant, identify how long:

F. A location map clearly identifying the subject parcel.

G. Identify the location of existing sewer and potable water facilities to the development site and the impacts of the proposed amendment on public facilities and services:

H. Describe current development trends in the area:



**CITY OF ARCADIA
ZONING AMENDMENT APPLICATION**

I. Identify any on-site flood zones, wetlands, and threatened and endangered species.

J. Identify any on-site historic or archaeological resources:

K. Is the proposed amendment consistent with the policies of the Comprehensive Plan? If not, explain:

DO NOT WRITE BELOW THIS LINE – OFFICE USE ONLY

Fees:

Filing: \$ _____
Other: \$ _____
Total: \$ _____

Date Filed: _____

Received By: _____

Transmitted to Planning Board: _____

Public Notification Date: _____ Newspaper: _____

Adjacent Property Owners Notified: _____

Planning Board and Public Hearing or Meeting: _____

Planning Board Action: _____

City Council Public Notice: _____ Newspaper: _____

City Council and Public Hearing: _____

City Council Action: _____



CITY OF ARCADIA
ZONING AMENDMENT APPLICATION

OWNER'S SIGNATURE PAGE

(I) (We), _____ being duly sworn, depose and say that (I) (we) own one or more of the properties involved in this petition and that (I) (we) authorize the City of Arcadia to process this petition in accordance with all adopted City rules and regulations and in conformance with State law, as applicable.

Further (I) (we) or any agent or lessee of the subject property authorized by (me) (us) to file this petition, deposes and say that the statements and answers contained in the application and any information attached thereto, present the arguments in behalf of this petition to the best of (my) (our) ability; and that the statements and information referred to above are in all respects true and correct to the best of (my) (our) knowledge and belief.

X [Signature of Darrell G. Suggs]

Signature of Owner

Darrell G. Suggs

Printed Name of Owner

X _____

Signature of Owner

Silvia Suggs (a Minor)

Printed Name of Owner

X [Signature of Billie Jo Suggs]

Signature of Owner

Billie Jo Suggs

Printed Name of Owner

NA

Signature of Owner

NA

Printed Name of Owner

STATE OF FLORIDA

COUNTY OF DESOTO

OWNER'S NOTARIZATION

The foregoing instrument was acknowledged before me this 17 day of April, 2015, by Darrell Suggs and Billie Jo Suggs, who is personally known to me or who has produced a driver's license as identification and who did not take an oath.



[Signature of Kelli L. Werner]
Notary Public

Notarial Seal and Commission

Expiration Date



CITY OF ARCADIA
ZONING AMENDMENT APPLICATION

AGENT, LESSEE, OR BUYER'S SIGNATURE PAGE

(I) (We), _____ being duly sworn, depose and say that (I) (we) serve as _____ for the owner(s) in making (agent or lessee) this petition and that the owner(s) (has) (have) authorized (me) (us) to act in this capacity.

Further, (I) (we) depose and say that the statements and answers herein contained and other information attached hereto present the arguments in behalf of the petition herein requested to the best of (my) (our) ability and that the statements and information above referred to are in all respects true and correct to the best of (my) (our) knowledge and belief.

X [Signature] _____
Signature of Agent, Lessee, or Buyer(s)
Ed Johnson

Signature of Agent, Lessee, or Buyer(s)
NA

Printed Name of Agent, Lessee, or Buyer(s)
NA

Printed Name of Agent, Lessee, or Buyer(s)
NA

Signature of Agent, Lessee, or Buyer(s)
NA

Signature of Agent, Lessee, or Buyer(s)
NA

Printed Name of Agent, Lessee, or Buyer(s)

Printed Name of Agent, Lessee, or Buyer(s)

STATE OF FLORIDA

AGENT, LESSEE, OR BUYER(S) NOTARIZATION

COUNTY OF DESOTO

The foregoing instrument was acknowledged before me this 17 day of April, 2015, by Ed Johnson, who is personally known to me or who has produced a driver's license as identification and who did not take an oath.



[Signature] _____
Notary Public

Notarial Seal and Commission

Expiration Date



CITY OF ARCADIA ZONING AMENDMENT APPLICATION

¹ County Parcels 01-38-24-0091-00A0-0010 and 01-38-24-0091-00A0-0050 are owned by Darrell and Billie Jo Suggs, as husband and wife. These parcels lie south of the Township line and entirely within the unincorporated area of Desoto County

² City Parcel 36-37-24-0A00-0906-0000 is owned by Billie Jo Suggs and Silvia Suggs (a minor), as mother and daughter (JT/ROS). This parcel lies north of the Township line and entirely within the incorporated area of the City of Arcadia.

³ The third parcel, 36-37-24-0A00-0906-0000, has no known street address; it is land locked.

Exhibit A: Legal Descriptions

(Exhibit Date: 4-17-2015)

Darrell G. and Billie Jo Suggs

(DBA Darrell's Road and Wrecker Service)

City of Arcadia: Zoning Amendment

Properties to Be Zoned to B3

- A. Parcel Address: 1018 SW HWY 17 (This parcel is entirely within Desoto County)
Parcel Identification Number (PIN) 01-38-24-0091-00A0-0010,
Legal Description¹: Lots 1, 2, 3, 4, and W1/2 5, Block A, of DeSoto Park, as per maps or
plats thereof recorded in the Public Records of DeSoto County, Florida. LESS State Road
right-of-way as per instrument number. (OR 204/1010)**
- B. Parcel Address: 1140 SW PALM DR (This parcel is entirely within Desoto County)
Parcel Identification Number (PIN): 01-38-24-0091-00A0-0050,
Legal Description: DESOTO PARK E1/2 LOT 5 & ALL LOT 6 BLK A; OR 522/159**
- C. Parcel Address: (This parcel is entirely within the City of Arcadia, no address of
record²)
Parcel Identification Number (PIN): 36-37-24-0A00-0906-0000
Legal Description³: BEGIN at the Southeast corner of Section 36, Township 37 South,
Range 24 East, DeSoto County, Florida; thence S 89 degrees 51'54" W along South line of
said Section 36, 697.00 feet to the Point of Beginning; thence continue same line, 113.13
feet; thence N 11 degrees 40'09" E, 102.21 feet; thence N 89 degrees 51'54" E and parallel
to the South line of said Section 36, 92.0 feet; thence S 00 degrees 08'06" E, 100.0 feet to
the Point of Beginning.**

See attached survey, dated 4-17-2015, by Desoto Land Surveying, LLC, LB# 7796

The Owner does not want to consolidate any of these parcels at this time.

¹ Legal description from the Property Appraiser's Records is as follows: DESOTO PARK LOTS 1 2 3 4 & W1/2 5 BLK A LESS & EXCEPT: COMM AT NW COR OF NE1/4 TH ALG N LI OF SEC 1-38-24 S 89D47M18 S E A DIST OF 1684.07 FT TO SURVEY BASE LI TH ALG BASE LI S 11D58M23S W A DIST OF 102.14 FT TH S 89D47M18S E A DIST OF 33.71 TO INTERSECTION SLY R/W LI & N R/W LI OF PALM DR FOR POB TH ALG SLY R/W LI N 11D58M 23S E A DIST OF 74.99 FT TH S 29D16M37S E A DIST OF 30.07 FT TH S 70D31M37S E A DIST OF 78.83 FT TO PC RADIUS 379.25 FT DELTA 19D15M41S CHORD BEARING S 80D09M28S E TO N R/W LI OF PALM DR AND S LI LOT 6 AND END OF CURVE TH ALG N R/W LI N 89D47M18S W A DIST OF 229.62 FT TO POB; OR 204/1010 (Note: The legal description on the survey should be used in lieu of the Property Appraisers records.

² Listed as SW Palm Ave on the Desoto County Property Appraiser's Records

³ Taken from a survey by Desoto Land Surveying, LLC, LB# 7796

Exhibit B: Land Areas

(Exhibit Date: 4-17-2015)

**Darrell G. and Billie Jo Suggs
(DBA Darrell's Road and Wrecker Service)**

City of Arcadia: Zoning Amendment

Land Areas Proposed for Rezoning to B3

Parcel 01-38-24-0091-00A0-0010 (Located in unincorporated Desoto County)

Zoned	Lot Number:	Original SF	Impervious SF	Pervious SF
CG ¹	Desoto Park, Block A, Lot 1 ²	3,434.72 ³	3,434.72	0.00
CG	Desoto Park, Block A, Lot 2 ⁴	3,654.18	3,654.18	0.00
CG	Desoto Park, Block A, Lot 3 ⁵	4,057.68	4,057.68	0.00
CG	Desoto Park, Block A, Lot 4 ⁶	5,000.00	5,000.00	0.00
CG	Desoto Park, Block A, W 1/2 of Lot 5 ⁷	2,500.00	2,500.00	0.00
CG	Sub Total	18,646.58	18,646.59	0.00
CG	Less FDOT Eminent Domain Claim	(5,972.20) ⁸	(5,972.20)	0.00
CG	Sub Totals	12,674.38	12,674.38	0.00

Parcel 01-38-24-0091-00A0-0050 (Located in unincorporated Desoto County)

RMF-6 ⁹	Desoto Park, Block A, E. 1/2 of Lot 5	2,500.00	0.00	2,500.00
RMF-6	Desoto Park, Block A, West Lot 6	5,000.00	0.00	5,000.00
RMF-6	Subtotals	7,500.00	0.00	7,500.00

Subtotals (County) **20,174.38** **12,674.38^{10 11}** **7,500.00¹²**

Parcel 36-37-24-0A00-0906-0000 (Incorporated City of Arcadia)

R-1C ¹³		10,236.60	0.00	10,236.60 ¹⁴
Totals		30,410.98 ¹⁵	12,674.38 ¹⁶	17,736.60 ¹⁷

¹ Desoto County zoning designation

² Lot fronts on US17

³ Some rounding in calculations are included in the attached worksheet. The totals were used as for this draft.

⁴ Lot fronts on US17

⁵ Lot fronts on US17 and Palm Avenue

⁶ Lot fronts on Palm Avenue

⁷ Lot fronts on Palm Avenue

⁸ (5972 / 18,646) = 32% land loss

⁹ Desoto County zoning designation

¹⁰ (12674 / 20174) = 63% impervious surface

¹¹ Less than the Maximum Impervious Lot Coverage: 70% Section 2317 B.4, Development Standards:

¹² (7500 / 20174) = 37% pervious surface

¹³ City of Arcadia zoning designation

¹⁴ Property Appraiser's Area = .235 acres x 4350 = 10,236.60 SF

¹⁵ 30,410.98+/- divided by 43,560 sf/acre = .6981 acres, rounded to .70 acres

¹⁶ 41.68% (estimated) impervious areas

¹⁷ 58.32% (estimated) pervious areas

AGENDA No. 6



CITY COUNCIL AGENDA ITEM
Requested Council Meeting Date: May 19, 2015

DEPARTMENT: Planning and Zoning
SUBJECT: **Resolution 2015-03**: Request to waive required minimum development standards for roadway pavement widths.

RECOMMENDED MOTION:
Approval

SUMMARY: A Resolution approving a request to Waive the required minimum development standards for roadway pavement widths providing for the construction of an existing unimproved city right-of-way, more specifically being the right-of-way area identified as North 15th Avenue located between East Cypress Street and Northeast Hickory Street, Arcadia, Florida.

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

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

Department Head: _____ Date: _____

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

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

Interim City Administrator: Beth Carsten _____ Date: _____

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

RESOLUTION 2015-03

A RESOLUTION APPROVING A REQUEST TO WAIVE THE REQUIRED MINIMUM DEVELOPMENT STANDARDS FOR ROADWAY PAVEMENT WIDTHS PROVIDING FOR THE CONSTRUCTION OF AN EXISTING UNIMPROVED CITY RIGHT-OF-WAY, MORE SPECIFICALLY BEING THE RIGHT-OF-WAY AREA IDENTIFIED AS NORTH 15TH AVENUE LOCATED BETWEEN EAST CYPRESS STREET AND NORTHEAST HICKORY STREET, ARCADIA, FLORIDA; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Cyndy's Place, LLC. (applicant) has submitted a site plan for the proposed development of a new roadway segment within an existing City right-of-way; such roadway being North 15th Avenue which will serve a proposed single-family residential infill project known as Cyndy's Place consisting of 18 single family residential dwelling units in the City of Arcadia; and

WHEREAS, the proposed roadway (being North 15th Avenue) is proposed to be constructed between the existing roadways of East Cypress Street and Northeast Hickory Street; and

WHEREAS, Section 6.02.03(E) of the City of Arcadia Unified Land Development Code requires that all paving shall not be less than twenty-four (24) feet in width for roads constructed with a curb and gutter and thirty (30) feet in width for roads constructed with a shoulder and drainage swale; and

WHEREAS, the applicant has submitted a site plan for the proposed roadway reflecting the required roadway pavement width per adopted street design standards in accordance with Section 6.02.03 of the City of Arcadia Unified Land Development Code, as depicted in Exhibit "B" attached; and

WHEREAS, the applicant requests a waiver of four (4) feet from the required roadway pavement width of thirty (30) feet for paved roadways constructed with a shoulder and drainage swale; and

WHEREAS, the applicant proposes to construct the roadway with a total width of twenty-six (26) feet, whereby twenty (20) feet will be paved drive lanes (ten (10) feet wide for each lane) and six (6) feet will be a stabilized, sodded shoulder area (three (3) feet on either side of the paved drive lanes); and

WHEREAS, the proposed roadway will be a local road with low traffic volumes primarily serving nearby residential uses; and

WHEREAS, the City of Arcadia, through the Housing Element of the City's Comprehensive Plan supports the development of sufficient and affordable housing for present and future populations; and

WHEREAS, the City of Arcadia, through the Housing Element of the City's Comprehensive Plan shall ensure that it's zoning and site plan regulations provide for adequate sites for housing for low and moderate income families; and

WHEREAS, the City of Arcadia, through the Housing Element of the City's Comprehensive Plan shall continue to review and amend where necessary City housing codes and standards relating to the care and maintenance of residential and neighborhood environments and facilities; and

WHEREAS, City staff has reviewed similar affordable housing projects within the City, including existing roadway conditions within the vicinity of the proposed project location and has found that comparable projects have been constructed exhibiting similar roadway design standards as proposed by the applicant; and

WHEREAS, City staff has found that the construction of the proposed roadway, as requested by the applicant, will adequately serve the proposed residential infill development, comply with supported engineering standards as reviewed by DeSoto County, meet transportation concurrency requirements, and meet the safety standards required by the DeSoto County Fire Safety Department; and

WHEREAS, in exercise of its authority the City Council has satisfactorily determined that a waiver of the required minimum roadway pavement width for the construction of North 15th Avenue in the City of Arcadia, shall be permitted within the area depicted in Exhibit "A" attached, and made a part hereof, to ensure that the proposed roadway is in full compliance with the City of Arcadia's Unified Land Development Code and engineering standards.

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

Section 1. The required minimum development standards for roadway pavement widths shall be waived to allow the applicant to construct the proposed roadway (being North 15th Avenue) at a total width of twenty-six (26) feet, whereby twenty (20) feet will be provided for drive lanes and six (6) feet for shoulder area, located between East Cypress Street and Northeast Hickory Street in the City of Arcadia within the area depicted in Exhibit "A."

Section 2. This Resolution shall become effective immediately upon its passage.

Section 3. A certified copy of this Resolution shall be duly recorded in the public records of the City of Arcadia, DeSoto County, Florida.

INTRODUCED AND PASSED by the City Council of the City of Arcadia, Florida, in regular session, this 19th day of May, 2015.

CITY OF ARCADIA, FLORIDA

Judy Wertz-Strickland, Mayor

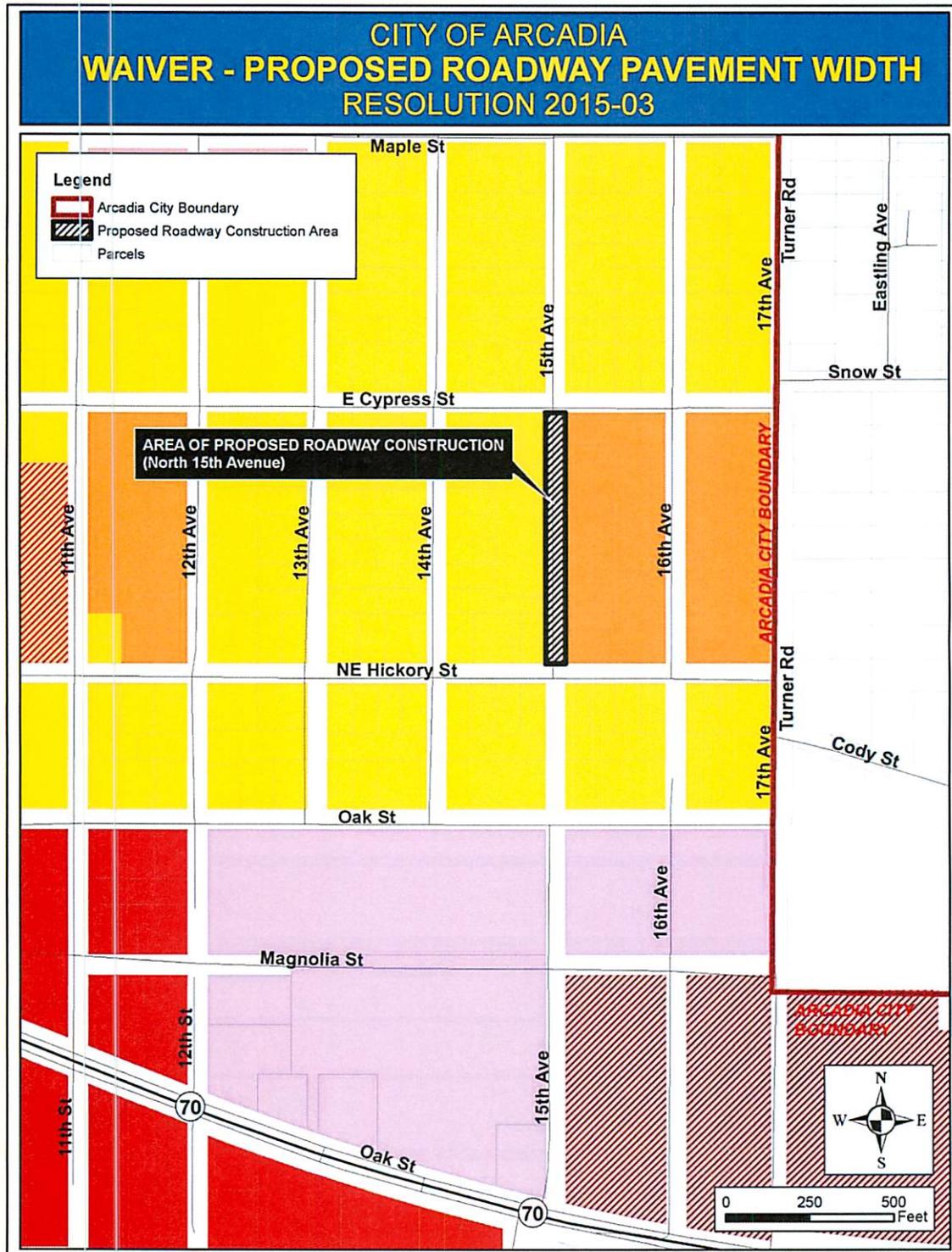
ATTEST:

Penny Delaney, City Clerk

Approved as to form:

Thomas J. Wohl, City Attorney

Exhibit "A"
Resolution 2015-03



AGENDA No. 7



CITY COUNCIL AGENDA ITEM
Requested Council Meeting Date: May 19, 2015

DEPARTMENT: Planning and Zoning
SUBJECT: Certificate of Appropriateness

RECOMMENDED MOTION:
Approval of shed demolition

SUMMARY: The applicant, Gary Frierson, is requesting permission for the demolition of a shed. The property is located at 1 N. Luther Ave., and lies within the boundaries of the historic district. The Historical Preservation Commission approved the application on 05/12/2015.

FISCAL IMPACT: NONE Capital Budget
 Operating
 Other

ATTACHMENTS: Ordinance Resolution Budget Other

Department Head: Administration Date: 05/19/15

Finance Director (As to Budget Requirements) Date:

City Attorney (As to Form and Legality) Date:

City Interim: Beth Carsten Date:

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

**CERTIFICATE OF APPROPRIATENESS
CHAPTER 69, HISTORIC PRESERVATION**

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, archaeological, or historic interest or value are a public necessity and is required in the interest of the health, prosperity, safety, and welfare of the people of the City of Arcadia.

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 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.

It is hereby declared that the owner **Gary Frierson** of parcel ID/street address **1 North Luther Avenue** of Arcadia, FL has come before the City Council today to request a Certificate of Appropriateness for the described demolition/rehabilitation/reconstruction/alteration/new construction that is attached. It has been found by the City of Arcadia City Council that the owner has met all of the requirements of Chapter 69 and hereby issue this Certificate of Appropriateness dated this **19th** day of **May** , **2015** .

CITY OF ARCADIA, FLORIDA

Judy Wertz-Strickland
Mayor

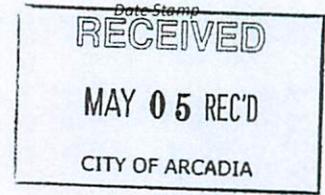
ATTEST:

Penny Delaney
City Clerk



DEMOLITION CERTIFICATE APPLICATION

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



Fee: \$45.⁰⁰

R# _____

City Website: arcadia-fl.gov

File No. : 15 - 02 DP

A demolition certificate allows a property owner to demolish a building structure and clear the debris from the lot the structure is located on. The City administers demolition certificate to ensure that life safety, local regulations, and utility system services have been disabled. After City approval of the Demolition Application, a copy of the approved building and utility demolition plans be included as part of your Desoto County Building Permit Application.

APPLICANT'S INFORMATION	PROPERTY OWNER'S INFORMATION
(Agent or Contractor)	(Leave Blank if Same as Applicant)
Name: <u>GARY FRIERSON</u>	Name: _____
Organization: _____	Organization: _____
Address: <u>1 N. Luthon Ave</u>	Address: _____
City: <u>ARCADIA FL</u>	City: _____
State: <u>FL</u> Zip Code: <u>34266</u>	State: _____ Zip Code: _____
Telephone No.: <u>(863) 558 0345</u>	Telephone No.: () _____
Email: <u>PLG@cybonstreet.com</u>	Email: _____

I. Property Information

Parcel Address (if assigned): 421 W Golia St. Arcadia FL

Parcel Identification Number: 25 37 24 0106 0000 0148

II. Type of Building Structure Proposed for Demolition

<input type="radio"/> Single-family	<input type="radio"/> Multi-family	<input type="radio"/> Manufactured	<input type="radio"/> Garage or Shed	Other <u>CARPON</u>
-------------------------------------	------------------------------------	------------------------------------	--------------------------------------	---------------------

III. Property Improvements – Please indicate what, if any, building structure or site improvements will be preserved:

ORIGINAL HOUSE

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

Zoning Map Designation: Historic District - R-1C

Lot Size (sq. ft.): _____ Lot Length: _____ Lot Width: _____

Zoning Code Yard Setbacks:

Proposed Accessory Structure Setbacks:

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

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

Yes, please list attached exhibits: _____

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

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

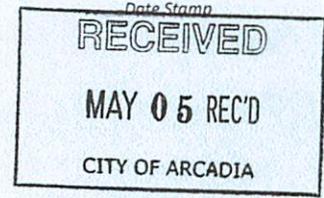
<p>Planning and Zoning Review:</p> <p><input checked="" type="radio"/> Approved</p> <p><input type="radio"/> Denied</p> <p><u>Jennifer Codo-Sandy</u> Zoning Inspector Signature</p> <p>Date: <u>5/6/15</u></p>	<p>Utility Systems Review:</p> <p><input checked="" type="radio"/> Approved</p> <p><input type="radio"/> Denied</p> <p><u>Fred [Signature]</u> Utility Inspector Signature</p> <p>Date: <u>5/8/15</u></p>	<p>Notes, Restrictions, and Permit Coordination:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>
---	---	--



CERTIFICATE OF APPROPRIATENESS
(Historic Preservation Commission)

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

City Website: arcadia-fl.gov



File No.: 15 - 14 - 05 CA

Fee: \$165.⁰⁰

R# _____

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

APPLICANT'S INFORMATION

(Agent or Contractor)

Name: GARY FRERSON

Organization: _____

Address: 1 N. LUTHER AVE

City: ARCADIA

State: FL Zip Code: 34266

Telephone No.: (863) 558 0345

Email: gfr@cyhousnot.com

PROPERTY OWNER'S INFORMATION

(Leave Blank if Same as Applicant)

Name: _____

Organization: _____

Address: _____

City: _____

State: _____ Zip Code: _____

Telephone No.: () _____

Email: _____

I. Type of Building Structure and Development Activity Proposed

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

II. Property Information

Parcel Address (if assigned): 421 W EFLIC

Parcel Identification Number: 25 3724 0106 0000 0148

Subdivision, Block and Lot Nos.: EMMA E JOHNSON WEST END SDD
part of lot 14 no block

DeSoto County Property Appraiser

2014 Certified Values

updated: 5/1/2015

Parcel: 25-37-24-0106-0000-0148

Tax Collector	Property Card	Interactive GIS Map
<< Next Lower Parcel		Next Higher Parcel >>
Parcel List Generator		Print

Owner & Property Info

Search Result: 1 of 1

Owner's Name	FRIERSON GARY
Site Address	421 W EFFIE ST
Mailing Address	1 N LUTHER AVE ARCADIA, FL 34266-0000
Use Desc. (code)	SINGLE FAM (000100)
Tax District	1 (Within City Limits)
Neighborhood	400000
Land Area	0.171 ACRES
Market Area	04
Description	NOTE: This description is not to be used as the Legal Description for this parcel in any legal transaction.
EMMA C JOHNSONS WEST END ADD W 55 1/3 FT OF LOT 14 OR 556/283 OR 594/1660 INST:201514001350 CASE#2010CA000336	

GIS Aerial



Property & Assessment Values

Mkt Land Value	cnt: (1)	\$6,000.00
Ag Land Value	cnt: (0)	\$0.00
Building Value	cnt: (1)	\$31,586.00
XFOB Value	cnt: (4)	\$2,084.00
Total Appraised Value		\$39,670.00

2014 Certified Values

Just Value	\$39,670.00
Class Value	\$0.00
Assessed Value	\$39,670.00
Exempt Value	\$0.00
Total Taxable Value	County: \$39,670.00 City: \$39,670.00 Other: \$39,670.00 School: \$39,670.00

Sales History

Show Similar Sales within 1/2 mile

Sale Date	OR Book/Page	OR Code	Vacant / Improved	Qualified Sale	Sale RCode	Sale Price
2/17/2015	201514001350	CT	I	U	11	\$44,200.00
12/20/2006	594/1660	WD	I	U	01	\$100.00
12/13/2004	556/283	WD	I	U	01	\$135,000.00
8/25/2003	538/532	WD	I	U	01	\$100.00
8/25/2003	538/533	WD	I	Q		\$81,500.00
7/29/2002	511/388	WD	I	U	01	\$16,500.00
7/29/2002	511/389	WD	I	U	01	\$16,500.00
7/29/2002	514/491	WD	I	U	01	\$0.00

Building Characteristics

Bldg Sketch	Bldg Item	Bldg Desc	Year Blt	Ext. Walls	Heated S.F.	Actual S.F.
Show Sketch	1	SINGLE FAM (000100)	1942	AL SIDING (26)	1456	1540
Note: All S.F. calculations are based on exterior building dimensions.						

Extra Features & Out Buildings

Code	Desc	Year Blt	Units	Dims	Condition (% Good)
0251	BRN-PO-FL	1975	0000120.000	10 x 12 x 0	(000.00)
1050	CARPRT-U	1990	0000437.000	19 x 23 x 0	(000.00)
1992	SHED-FS	1990	0000100.000	10 x 10 x 0	(000.00)

1916	PATIO B	2011	0000120.000	0 x 0 x 0	(000.00)
------	---------	------	-------------	-----------	----------

Land Breakdown

Lnd Code	Desc	Units	Zoning *
000100	SFR (MKT)	1 UT - (0000000.171AC)	R-1B
* NOTE: The Property Appraiser's Office is NOT responsible for the accuracy of the zoning. To verify the zoning, please call the Planning & Zoning Department at 863-993-4806.			

DeSoto County Property Appraiser

updated: 5/1/2015

1 of 1

DISCLAIMER

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

AGENDA No. 8



CITY COUNCIL AGENDA ITEM
Requested Council Meeting Date: May 19, 2015

DEPARTMENT: Planning and Zoning
SUBJECT: Historical Preservation Commission

RECOMMENDED MOTION:
Approval for the City of Arcadia to become a Certified Local Government

SUMMARY: The Historical Preservation Commission is requesting approval to apply for the Certified Local Government Program for the City of Arcadia to become a Certified Local Government and to revise Ordinance No. 955. Information pertaining to such is attached.

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

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

Department Head: Administration Date: 05/19/15

Finance Director (As to Budget Requirements) Date:

City Attorney (As to Form and Legality) Date:

Interim City Administrator: Beth Carsten Date:

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

FLORIDA CERTIFIED LOCAL GOVERNMENT GUIDELINES

INTRODUCTION

Since its initial enactment by Congress in 1966, and through its subsequent amendment, the National Historic Preservation Act, as amended (16 U.S.C. 470, et. seq.) has established a program of identification, evaluation, and protection of historic and prehistoric properties based on the National Register of Historic Places. The act also has formalized roles for a decentralized historic preservation partnership that includes federal, state, tribal, and local governments. Part of the national program is carried out by the states, under the direction of the National Park Service of the Department of Interior. Participating states receive funding assistance in the form of annual grants from the federal Historic Preservation Fund to support their efforts. Funds are normally used to support the programs of the State Historic Preservation Office. A portion of these funds may be regranted in the form of subgrants for survey and planning and community education activities.

The National Historic Preservation Act, as amended (16 U.S.C. 470 et. seq.), also contains the legal basis for the federal-state-local preservation partnership commonly referred to as the Certified Local Government program. The Act directs the State Historic Preservation Officer and the Secretary of the Interior to establish procedures for the certification of local governments to participate in this partnership. This document contains Florida's procedures.

Under the Certified Local Government program the State: 1) delegates certain limited responsibilities to those local governments that meet specific qualifications for certification, and 2) provides, from its annual Historic Preservation Fund apportionment, on a competitive basis, limited grant-in-aid funding to assist certified local governments in carrying out the responsibilities so delegated.

The purpose of these guidelines is to set forth: 1) the requirements and responsibilities of participation in the Certified Local Government program, and 2) the procedures for certification of local governments and for transfer of federal grant funds to participating Certified Local Governments.

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FLORIDA CERTIFIED LOCAL GOVERNMENT

A. Definitions

1. **Appropriate Chief Elected Local Official:** the mayor, county executive, or otherwise titled administrative official who is the head of the local political jurisdiction, which is the Certified Local Government.
2. **Commission:** a board, council, commission, or other similar collegial body which is established in accordance with Section B.2. of these guidelines.
3. **Designation:** the identification and registration of properties for protection that meet criteria established by the State or the locality for significant historic and prehistoric resources within the jurisdiction of a local government. Designation includes the identification and registration of resources according to the State or local criteria which must be consistent with the Secretary of the Interior's Standards for Identification and Registration. Adoption of the National Register criteria is encouraged.
4. **Florida Master Site File:** the state's clearinghouse for information on archaeological sites and historic structures, and field surveys of such sites and structures. It is a system of several paper and computer files maintained by the Division of Historical Resources, Florida Department of State.
5. **Historic Preservation Fund:** the source from which monies are appropriated to fund the program of matching grants-in-aid to the states for historic preservation programs and projects, as authorized by Section 101(d)(1) of the National Historic Preservation Act, as amended.
6. **Local Government:** the city, county, township, municipality, or any other general purpose political subdivision in the state.
7. **National Register of Historic Places:** the national list of districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology, engineering, and culture, maintained by the Secretary of the Interior under authority of Section 101(a)(1)(A) of the National Historic Preservation Act, as amended.
8. **Protection:** the local review process under State or local law for proposed demolition or, changes to, or other action that may affect historic properties designated pursuant to a local government becoming a Certified Local Government. The CLG's local protection review process of the Act applies only to properties designated pursuant to State or local laws and procedures. This would not include properties listed on or determined eligible for the National Register of Historic Places unless such properties also were designated under the appropriate State or local process.
9. **State Historic Preservation Officer:** the official designated pursuant to s.267.031 (7), Florida Statutes, to administer the state historic preservation program established for the purpose of carrying out the provisions of the National Historic Preservation Act of 1966, as amended.

B. Requirements

The following requirements are contained in 36 CFR Part 61, the implementing regulations for the National Historic Preservation Act, as amended (16 U.S.C. 470). Local governments desiring to become and remain Certified Local Governments

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must meet all of the following requirements:

1. **Enforce appropriate state or local legislation for designation and protection of historic properties.** In the absence of state legislation, this requirement shall be met by the enactment of local legislation containing the following provisions:
 - a. The purpose of the legislation shall be clearly stated and shall include authority for appointment of a Commission to be responsible for the designation and protection of historic properties.
 - b. The legislation must clearly define criteria and a process the same as or substantially the same as that identified in the National Historic Preservation Act of 1966, (U.S.C. 470 et. seq.), as amended, for the designation of historic properties.

The legislation shall state that boundaries for any historic districts or individual properties identified in or by the mechanisms contained in the legislation must be clearly established.
 - c. The legislation shall provide for the authority for and the establishment of a process for the review and rendering of a decision upon all proposed alterations, relocations, demolitions or new construction within the boundaries of historic districts established under the legislation or which may directly affect historic properties designated under the legislation. This authority shall include provisions for delay of demolition but not for the indefinite stay of a demolition.
 - d. The criteria for the review of proposals for alterations, relocations, demolitions and new construction shall be clearly set forth in the legislation and, in the case of alterations, shall achieve the purposes of the *Secretary of the Interior Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*.
 - e. The legislation shall include provisions for enforcing decisions, including penalties for non-compliance. A right of and mechanism for appeal must exist in the legislation.
 - f. Specific time frames for reviews and for consideration of alternatives should be identified.
 - g. Provisions for public and owner notification and public hearings for designation and project reviews shall be established, per B.4., below.
2. **The local government shall establish a historic preservation review commission (Commission) composed of professional and lay members** in accordance with paragraph B.2.c., below.
 - a. Each Certified Local Government shall have a Commission with a minimum of five (5) members, whose area of geographic responsibility is coterminous with the boundaries of its local jurisdiction. For communities with a population less than 10,000, the minimum number of members may be reduced but shall not be less than three (3) members. All commission members must have a demonstrated interest in historic preservation.

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- b. Appointments shall be made by the appropriate local official of the jurisdiction concerned.
- c. To the extent available in the community, the local government shall appoint professional members from the disciplines of architecture, history, architectural history, planning, prehistoric and historic archaeology, folklore, cultural anthropology, curation, conservation, and landscape architecture or related disciplines to the extent such professionals are available in the community concerned (see Appendix A, Professional Qualifications Standards). The Professional Qualifications Standards in Appendix A are no more stringent than the standards for membership on the National Register Review Board. Lay persons who have demonstrated special interest, experience, or knowledge in history, architecture, or related disciplines shall make up the balance of Commission membership as provided for in Section B.2.e. in the event that there are not enough professionals in the community.
- d. Commission members should be residents of the jurisdiction for which they serve.
- e. Local governments shall be certified without the minimum number or types of disciplines represented on the Commission if they can demonstrate to the State Historic Preservation Officer that they have made a reasonable effort to fill those positions. Reasonable effort means that the local government has documented that (a) professionals in the required disciplines do not reside nor are property or business owners in the jurisdiction, or (b) local professionals are not willing to serve on the Commission, and (c) in the case of a Commission with fewer than the minimum numbers of members established in B.2.a., that no other lay persons meeting the requirements of B.2.c. are available to serve.
- f. The terms of office of Commission members shall be uniform and staggered, and of at least two but not more than five years duration (except as provided on the initiation of a Commission). There is not necessarily a limit on the number of consecutive terms which may be served.
- g. Vacancies, including expired terms, shall be filled within 60 calendar days by the appropriate local official. An extension of up to an additional 60 calendar days shall be granted by the State Historic Preservation Officer upon receipt of a written request from the appropriate local official for such extension.
- h. Commission meetings shall be held as often as is necessary to complete commission work in a timely fashion, but no less than four meetings shall be held each year and minutes of each meeting shall be kept.
- i. Each Commission member should make a reasonable effort to attend State Historic Preservation Office training programs.
- j. The Commission shall review alterations, relocations, demolitions and new construction or other activities that may affect locally designated properties. The Commission shall review proposed National Register nominations within its jurisdiction. When a discipline is not represented in the Commission membership, the Commission shall seek expertise in this area when considering National Register nomination proposals and other actions that may impact properties which are normally evaluated by a professional in such discipline before rendering a decision. This can be accomplished through consulting (e.g., universities, private preservation organizations, or regional planning commissions)

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- or by other means that the State Historic Preservation Officer determines appropriate.
1. The legislation shall contain specific time limits within which the Commission shall act.
 - m. The Commission shall have staff sufficient to undertake the requirements for certification and carry out the duties and responsibilities delegated to the Certified Local Government.
 - n. The Commission shall adopt Rules of Procedure for use in all transactions involving the public.
 - o. All Commission responsibilities must be complimentary to and carried out in accordance with the responsibilities of the State Historic Preservation Officer as described in 36 CFR 61.6, incorporated by reference.
- 3. The local government shall maintain a system for survey and inventory of historic properties.** The term "historic property" or "historic resource" means any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion on the National Register, including artifacts, records, and material remains related to such a property or resource.
- a. The Certified Local Government shall initiate and continue an approved process to identify historic properties within the jurisdiction.
 - b. A detailed inventory of the designated districts, sites, and structures within the jurisdiction of local government must be maintained. The local inventory system shall be developed in consultation with the Florida Master Site File to ensure that the data produced can be integrated into the statewide comprehensive historic preservation planning process, and should include at a minimum a completed Florida Master Site File form with an assigned Florida Master Site File number. This documentation also applies to the CLG Inventory. The address for the Florida Master Site File is: Florida Master Site File, , R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250.
 - c. All inventory material shall be kept: 1) safe, secure, and in an accessible location, 2) current, and 3) regularly provided to the State Historic Preservation Officer for incorporation into the Florida Master Site File.
 - d. All inventory material shall be considered as public records and shall be available for public inspection per s.119.07, Florida Statutes, except as provided for in Section 304 of the National Historic Preservation Act of 1966, as amended (16 USC 470).
 - e. Commission members shall be encouraged to participate in the survey process and in preservation planning carried out by the Certified Local Government.

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- 4. Local governments shall provide for public participation in local historic preservation programs, including the process of recommending properties for nomination to the National Register.**
 - a. All Commission meetings shall be publicly announced, open to the public and have a previously advertised agenda. Commission meetings shall be held as often as is necessary to complete commission work in a timely fashion, but not less than four meetings shall be held each year.
 - b. Minutes of all actions of the Commission including reasons for making decisions, must be kept on file and available for public inspection, per s.286.011 Florida Statutes.
 - c. All decisions by the Commission shall be made in a public forum, and applicants shall be given written notification of decisions of the Commission.
 - d. Rules of Procedure adopted by the Commission shall be available for public inspection, per s.119.07, Florida Statutes.
 - e. Appropriate local officials, owners of record, and applicants shall be notified of proposed Commission actions concerning a proposed nomination to the National Register of Historic Places according to requirements found in 36 CFR Part 60, incorporated by reference. Objections by owners of properties proposed for nomination must be notarized.

- 5. Local governments shall satisfactorily perform the responsibilities listed in B.1. through B.4., above, and those specifically delegated to them by the State Historic Preservation Officer.**

C. Procedures

1. Certification of Local Governments in Florida

- a. The appropriate local official shall request certification from the State Historic Preservation Officer. The request for certification shall include:
 - (1) A written assurance by the appropriate official that the local government will fulfill all the requirements for certification. Requirements for certification include: enforcement of appropriate state or local legislation for designation and protection of historic properties, per B.1., above; establishment of a historic preservation review commission (Commission) composed of professional and lay members, per B.2., above; maintenance of a system for survey and inventory of historic properties, per B.3., above; provision for public participation in local historic preservation programs, including the process of recommending properties for nomination to the National Register, per B.4. above; and satisfactory performance of any additional responsibilities delegated to all Certified Local Governments in the state, and any other delegated responsibilities.
 - (2) A copy of the local legislation, per B.1., above.

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- (3) A map of the local government jurisdiction with any and all existing designated historic districts and individual historic properties clearly identified. Inclusion of these properties within the jurisdiction of the Certified Local Government shall be clearly demonstrated. This map shall be updated regularly through the incorporation of additions and deletions of districts and individual properties, and alterations of historic district boundaries.
 - (4) A copy of the Commission's Rules of Procedure.
 - (5) Resumes for each member of the Commission including, where appropriate, credentials or member expertise in fields related to historic preservation, per B.2.c., above, and Appendix A, below.
 - (6) Resumes for staff members, if there is professional staff.
- b. The State Historic Preservation Officer shall respond to the appropriate local official within 45 calendar days after receipt of an adequately documented written request for certification. The State Historic Preservation Officer will review the request and certify by letter of certification if the government fulfills the requirements. The State Historic Preservation Officer will prepare a written certification agreement which lists the specific responsibilities of the local government when certified. The written request, letter of certification and signed certification agreement by the State Historic Preservation Officer and the chief elected local official as well as a signed review checklist by the state shall be forwarded to the Secretary of the Interior by the State Historic Preservation Officer. If the Secretary of the Interior does not object within 15 working days after receipt, the State Historic Preservation Officer's certification of the local government to participate in the national Historic preservation program shall be effective the date signed by the National Park Service.
 - c. The State Historic Preservation Officer shall respond to the appropriate local official within 45 working days after receipt of a documented written request which is inadequate. The State Historic Preservation Officer shall indicate how inadequacies can be corrected in this notification.
 - d. Amendments to the delegation of responsibilities provided in the certification agreement shall be initiated by mutual agreement of the State Historic Preservation Officer and the local government. The amendment shall be prepared by the State Historic Preservation Officer and submitted to the Secretary of the Interior. If the Secretary of the Interior does not object within 15 working days after receipt, the amendment to the certification agreement shall be effective.
 - e. The local government may appeal a denial of certification by the State Historic Preservation Officer to the Secretary of Interior.
- 2. Monitoring Certified Local Governments/Process for Decertification/Local Government Appeal.**
- a. Once a local government is certified, it remains certified without further action unless officially decertified.

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- b. The State Historic Preservation Office shall conduct periodic reviews and monitoring of Certified Local Governments to assure that each government is meeting the requirements for certification. Reviews shall be conducted at least once every four years, but may be conducted more frequently at the discretion of the State Historic Preservation Officer if deemed appropriate. Reviews shall be preceded by notice of at least 30 days.
- c. The Certified Local Government will supply at least 30 calendar days advance notice of Commission meetings to the State Historic Preservation Officer.
- d. A Certified Local Government is responsible for providing the State Historic Preservation Officer with particular information at frequent intervals. In addition to advance notice of meetings, Certified Local Governments shall submit the minutes of each Commission meeting, attendance at Commission meetings, and appointments to the Commission within 30 days after such actions. The Certified Local Government shall also inform the State Historic Preservation Officer about any new historic designations or alterations of existing designations immediately. Proposed amendments of the local historic preservation ordinance shall be submitted to the State Historic Preservation Officer for review and comment at least 30 days prior to the date scheduled for adoption.
- e. The Certified Local Government shall submit an annual report and other documents as necessary to the State Historic Preservation Officer. The annual report shall include any amendments to the local historic preservation ordinance, changes in Rules of Procedure, a summary of Commission activities including but not limited to the number of proposals reviewed, new designations, revised resumes, appointments to the Commission, a review of survey and inventory activity with a description of the system used, as well as a progress report on grant-assisted activities. The annual report is due by November 1 and shall cover the previous October 1 - September 30 year. It will be reviewed by the State Historic Preservation Officer within 30 calendar days after receipt.
- f. The State Historic Preservation Officer shall review expenditures of funds allocated as historic preservation grants-in-aid pursuant to C.3., Transfer of Funds, below.
- g. Review of the historic preservation grants-in-aid expenditures, as well as review of the annual report, shall form the basis of the State Historic Preservation Officer's evaluation of the Certified Local Government.
- h. If the State Historic Preservation Officer's evaluation of a Certified Local Government indicates inadequate performance, that assessment will be documented, and ways to improve performance to acceptable levels shall be delineated by the State Historic Preservation Officer. The Certified Local Government shall have a sufficient period of usually not less than 30 nor more than 180 days to implement the improvements. If, at the end of this period, the State Historic Preservation Officer determines that sufficient improvement has not occurred, the State Historic Preservation Officer will recommend decertification of the local government to the Secretary of the

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- Interior, citing specific reasons for the recommendation.
- i. Local governments may petition the State Historic Preservation Officer to be decertified voluntarily and without prejudice.
 - j. Grounds for investigations of decertification shall include revocation of the local ordinance, failure to comply with provisions incorporated into the local ordinance, failure to maintain a Commission, failure to maintain a survey and identification program, failure to provide for adequate public participation in the local historic preservation program, and failure to keep the State Historic Preservation Officer informed about Certified Local Government activities and actions.
 - k. The local government may appeal a decertification decision of the State Historic Preservation Officer to the Secretary of the Interior. Upon decertification, the State Historic Preservation Officer shall conduct financial assistance closeout procedures as specified in The Historic Preservation Fund Grants Manual.
- 3. Transfer of Funds.**
- a. Each Certified Local Government is eligible to request a portion of funds reserved from Florida's annual Historic Preservation Fund grant apportionment on a competitive basis. Selection criteria for such competition will be announced at least two months prior to the grant selection meeting.
 - (1) At least ten percent of Florida's annual Historic Preservation Fund Grant will be reserved for certified local governments.
 - (2) Any year in which the annual Historic Preservation Fund state grant appropriation for all states exceeds \$65,000,000, one half of the excess shall also be transferred to Certified Local Governments according to procedures to be provided by the Secretary of the Interior.
 - (3) There is no guarantee that Certified Local Governments will receive Historic Preservation Funds if they apply for such funds. Further, receipt of historic preservation regrant funding from the Florida State Historic Preservation Office is not assurance that funds will be available the following year or that a Certified Local Government will receive grant funding the following year.
 - b. Each Certified Local Government which makes application for funds from Florida's annual Historic Preservation Fund apportionment is required by the Secretary of the Interior to:
 - (1) Maintain adequate financial management systems. Local , financial management systems shall be in accordance with the standards specified in OMB Circular A-87, "Cost Principles Applicable to Grants and Contracts with State and Local Governments." Local financial management systems shall be auditable in accordance with OMB Circular A-133. Local financial management systems will be periodically evaluated by the State Historic Preservation Officer.
 - (2) Adhere to all requirements of the Historic Preservation Fund Grants Manual.
 - (3) Adhere to any requirements mandated by Congress regarding the use of

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- such funds. The State Historic Preservation Officer will advise Certified Local Governments of such requirements and will include a summary of such information in the materials made available to Certified Local Governments making application for funds, per C.3.c., below.
- c. The requirements listed in C.3.b., above, shall be used by the State as minimum requirements for local governments receiving Historic Preservation Funds; they also shall be included in the State's required written grant agreement with the local government.
 - d. Certified Local Governments shall make applications for funds described in Federal Requirements and in C.3.a., above, on the time schedule and using the procedures identified in Chapter 1A-35, Florida Administrative Code, Rules of the Department of State, Historic Preservation Grants-in-Aid (See Appendix B). As applicants for shares of the reserved portion of Florida's Historic Preservation Fund annual apportionment, Certified Local Governments will follow procedures for applying for federal funds identified in Federal Requirements and in Subsection 1A-35.007, Florida Administrative Code. Certified Local Governments which are awarded funds under these rules and during other special application periods allowed for under the rules will be considered subgrantees of the Florida State Historic Preservation Office.
 - e. Funds made available to Certified Local Governments from the reserved portion of Florida's annual Historic Preservation Fund apportionment shall be awarded on a competitive basis, per C.3.d., above, for historic preservation survey and planning, and community education activities. When evaluating Certified Local Government grant applications, the State shall:
 - (1) Provide that the amount awarded any applicant must be sufficient to produce a specific impact.
 - (2) Ensure that the funds awarded will be sufficient to generate effects directly as a result of the funds transfer.
 - (3) Note that requirements for tangible results may not be waived even if there are many otherwise eligible applicants for the amount set aside for the Certified Local Governments share.
 - (4) Ensure that no Certified Local Government will receive a disproportionate share of the allocation.
 - f. Submission of an application for a portion of Florida's annual Historic Preservation Fund apportionment, whether successful or not, shall not preclude or in any manner disqualify the Certified Local Government making such application from consideration for other state grant or federal regrant funds available under the terms of Chapter 1A-35, Florida Administrative Code, referenced in C.3.d., above.
 - g. Historic Preservation regrant funding cannot be matched by other Federal Program grants, with the exception of Community Development Block Grant funds, as specified in Section 105(a)(9) of the Housing and Community Development Act of 1974, P.L. 93-388. Historic Preservation Fund regrants to Certified Local Governments must be used for activities which further the

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goals of identification, evaluation, protection, and preservation of cultural resources.

- h. Use of Historic Preservation regrant funding will be subject to all existing restrictions imposed by the Historic Preservation Fund Grants Manual. In accordance with the requirements of the manual, indirect costs may be charged as part of the Certified Local Government grant only if the Certified Local Government subgrantee meets the requirements of the Manual and has a current indirect cost rate approved by the cognizant Federal agency. Otherwise, only direct costs may be charged.

4. Certified Local Government Participation in the Florida National Register of Historic Places Nomination Process.

- a. The Commission complements the Florida National Register Review Board in the review of proposed nominations to the National Register. Sponsors of National Register nomination proposals located in areas served by a Certified Local Government shall have their proposals reviewed at the local level. Proposals for properties in areas not served by a Certified Local Government shall be reviewed by the Florida National Register Review Board. Nomination proposals submitted to the State Historic Preservation Officer for consideration by the Florida National Register Review Board will be reviewed to ascertain if they are located in an area served by a Certified Local Government. If a Certified Local Government serves the area, the State Historic Preservation Officer shall forward the nomination proposal to the local Commission.
- b. The local Commission will develop or receive the documentation necessary to nominate properties to the National Register. The Commission shall evaluate nomination proposals received for completeness in a timely manner. Should the nomination proposal not be technically complete, the Commission shall notify the proposal's sponsor in writing, identifying the technical deficiencies, within 30 days after receipt of the nomination proposal. If the nomination proposal is technically complete, the Commission shall place the item on its agenda for the next meeting or, should notification provisions outlined in C.4.c., below, make this impossible, for the earliest possible regular meeting.
- c. The Commission shall notify the following of its intention to consider a nomination proposal. In all cases, such notification shall occur at least 30 days but not more than 75 days prior to the Commission meeting at which the nomination proposal will be considered.
 - (1) Owner(s) of record of the property. The list of owners shall be obtained from official tax records. Where there is more than one owner on the list, each separate owner shall be notified.
 - (2) Appropriate local official(s). In the case of a Commission whose area of jurisdiction is a county, these will be the Chairman of the Board of County Commissioners and such other contact persons as may be designated, and the appropriate local official of a municipality if the property to be

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considered is located within municipal boundaries. In the case of a Commission whose area of jurisdiction is a municipality, this will include the appropriate municipal official(s) and the Chairman of the Board of County Commissioners. Within 30 days after receipt of the nomination proposal, the appropriate local official(s) shall submit in writing to the Commission a recommendation as to whether or not the property shall be nominated to the National Register.

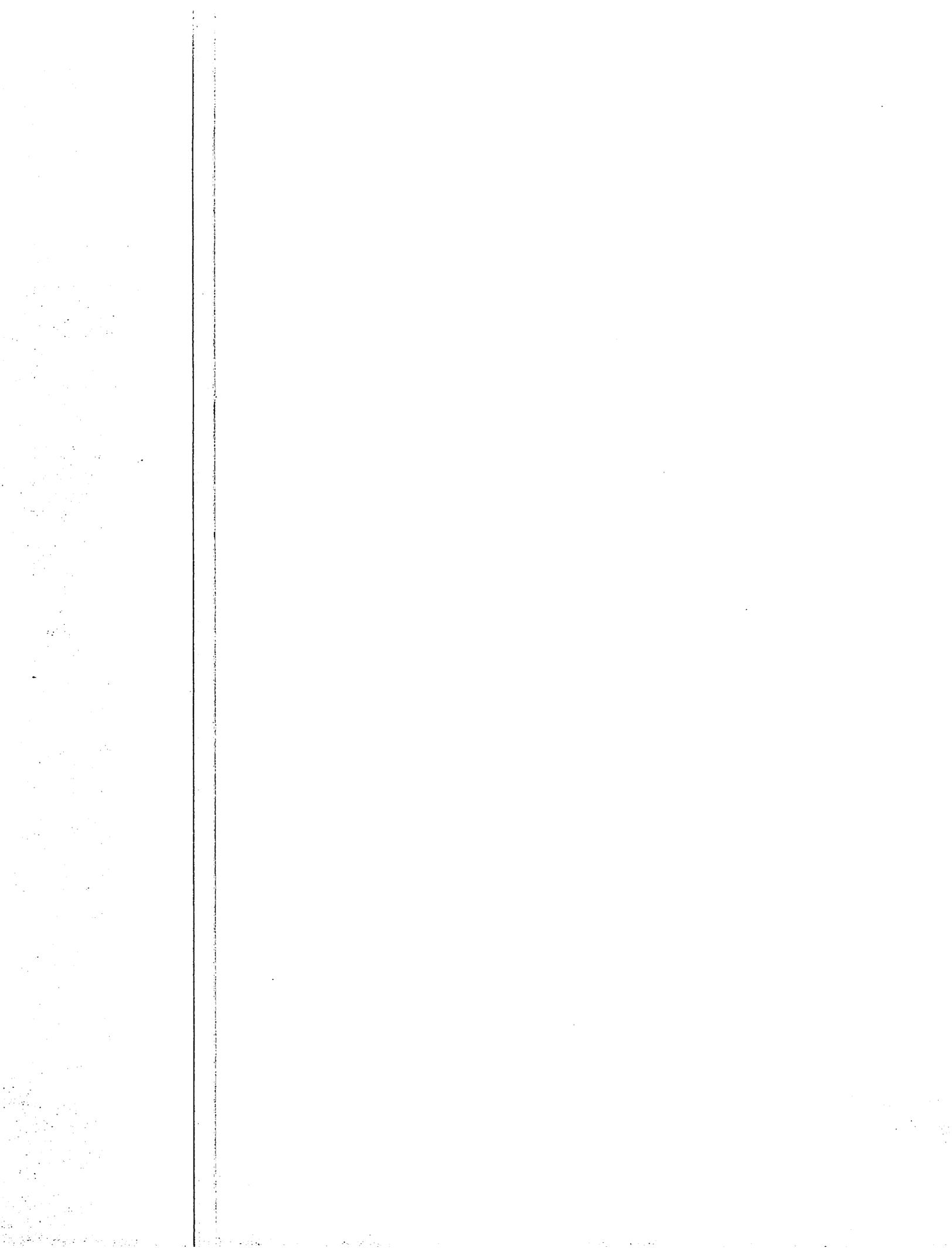
(3) State Historic Preservation Officer.

- d. Nomination proposals shall be considered by the Commission at a public meeting, and all votes on nomination proposals shall be recorded and made a part of the permanent record of the Commission meeting. All nomination proposals shall be forwarded, with a record of official action taken by the Commission and the recommendation of the appropriate local official(s), to the State Historic Preservation Officer within 30 days after the Commission meeting at which they were considered. If either the Commission or appropriate local official(s) or both support the nomination, the State Historic Preservation Officer shall schedule the nomination proposal for consideration by the Florida National Register Review Board as part of the normal course of business at the next regular meeting. The consideration of the nomination will be handled pursuant to Section 101(a) of the National Historic Preservation Act (and 36 CFR 60).
- e. If both the Certified Local Government Commission and appropriate local official(s) recommend that a property not be nominated to the National Register, the State Historic Preservation Officer shall take no farther action on the nomination proposal unless an appeal is filed within 30 calendar days with the State Historic Preservation Officer. Any reports and recommendations that result from such a situation shall be included with any nomination proposal submitted by the State Historic Preservation Officer to the Secretary of the Interior.
- f. Any person or organization which supports or opposes the nomination of a property to the National Register shall be afforded the opportunity to make its views known in writing. All such correspondence regarding a nomination proposal shall become part of the permanent record concerning that proposal and shall be forwarded with approved proposals to the State Historic Preservation Officer. In the case of disapproved nomination proposals, letters of support or comment shall be made a part of the permanent record concerning that proposal, and a list of such letters shall accompany the official copy of the disapproved nomination proposal when it is forwarded to the State Historic Preservation Officer, per C.4. above
- g. Nomination proposals to be considered by the Commission shall be on file at Commission headquarters for at least 30 days but not more than 75 days prior to the Commission meeting at which they will be considered. A copy shall be made available by mail when requested by the public and shall be made available at a location of reasonable local public access, such as a local library, courthouse, or other public place so that written comments regarding a nomination proposal can be prepared.
- h. Appeals. Any person may appeal the decisions of a local Commission. Appeals shall be directed to the State Historic Preservation Officer in writing within 30

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calendar days of the State Historic Preservation Officer's receipt of the written decision of the Commission. Nominations or proposals which have been appealed shall be considered by the Florida National Register Review Board as part of the normal course of business at its next regular meeting. If the opinion of the Florida National Register Review Board is that the property or properties is or are significant and merit nomination to the National Register, the State Historic Preservation Officer shall notify the Commission, within 30 days after the National Register Review Board meeting, of its intent to forward the nomination to the National Register with a recommendation that the property or properties be listed. The State Historic Preservation Officer reserves the right, as in the case of any nomination proposal from a source other than a Certified Local Government, to edit or revise the nomination proposal or request that the sponsor make necessary revision prior to forwarding the proposal to the National Register. Other appeal procedures promulgated by the National Park Service, Department of the Interior, pertaining to local or state actions shall be followed by Certified Local Governments and by the State Historic Preservation Officer. Decisions of the State Historic Preservation Officer may be appealed to the National Park Service in accordance with the procedures in 36 CFR 60.12.

- i. Certified Local Government review and notification procedures do not apply when a Federal agency nominates a property under its ownership or control. Certified Local Governments are encouraged to coordinate with Federal agencies to the extent practical, however, in the consideration of such nominations. [36 CFR (c) (d) provide regulatory guidance regarding Federal reviews and comment periods.]



APPENDIX C

APPLICATION FOR CERTIFICATION
FLORIDA CERTIFIED LOCAL GOVERNMENT PROGRAM

Mail completed application to:

Survey and Registration Section
Bureau of Historic Preservation
R.A. Gray Building
500 South Bronough Street
Tallahassee, Florida 32399-0250

Instructions:

1. Please use this application form.
 2. Please print or type all responses.
 3. Make sure all forms are signed.
 4. Submit two complete sets of application materials.
 5. Incomplete applications will be returned.
-

1. Local Government Name: _____

2. County: _____

3. Contact (Name/Title/Address/Phone): _____

4. Appropriate Local Official (Name/Title/Address/Phone/E-Mail/Fax): _____

5. Historic Preservation Review Commission (Name/Address/Phone): _____

6. Time and Place of Regular Review Commission Meetings: _____

APPLICATION FOR CERTIFICATION

9. Briefly describe how the local government intends to participate in the National Register program and detail how public participation requirements will be carried out in the local government's review of National Register nomination proposals.

10. Briefly describe why you are seeking certification.

11. Are you planning to apply for Certified Local Government subgrants? YES _____
NO _____
If yes, briefly describe the purpose of the proposed Certified Local Government subgrant request.

APPLICATION FOR CERTIFICATION

Membership of Review Commission

Name and Profession

Term Expires

1. Chairperson _____

2. Member _____

3. Member _____

4. Member _____

5. Member _____

6. Member _____

7. Member _____

APPLICATION FOR CERTIFICATION

**Historic Preservation Review Commission Member
Background Information**

Name _____

Address _____

Telephone (Home) _____
(Office) _____

Occupation _____

Please give a brief description of your demonstrated special interest, knowledge or training in fields related to historic preservation.

Historic Preservation training received (conferences, seminars attended)	Date
_____	_____
_____	_____
_____	_____

Are you a member of:	Yes	No
The Florida Historical Society	<input type="checkbox"/>	<input type="checkbox"/>
The Florida Trust for Historic Preservation	<input type="checkbox"/>	<input type="checkbox"/>
The National Trust for Historic Preservation	<input type="checkbox"/>	<input type="checkbox"/>
_____ County Historical Society		

Other _____

APPLICATION FOR CERTIFICATION

Are you or have you ever been a member of any other government board or commission?

NO _____ YES _____ Please list and indicate term(s) of service:

Certified Local Government Ordinance Internal Checklist

APPLICATION FOR CERTIFICATION

B.1. Requirements of Ordinance

Requirements	Ordinance Citation
a) Purpose clearly stated	_____
b) Authority for appointment of suitable commission	_____
c) Criteria for designation of historic properties clearly defined (shall be based on and consistent with the criteria used by the National Register)	_____
d) Clearly defined process for designation of historic properties including the consequences of designation	_____
e) Boundaries for historic districts and individual properties identified in the ordinance are clearly established	_____
f) Authority for the Review Commission to review and render a decision on all proposed alterations, demolitions, relocations, and new construction within the boundaries designated by the ordinance or which directly affect designated properties	_____
g) Provisions for the delay of demolitions, but not for the indefinite stay of a demolition	_____
h) Criteria for the review of proposals for alterations, new construction, relocations and demolitions clearly set forth in the ordinance (alterations shall achieve the purpose of the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitation Historic Buildings)	_____
i) Provisions for enforcing decisions	_____
j) Penalties for non-compliance	_____
k) Specific time frames for reviews	_____
l) Right of appeal	_____
m) Specific time frames for consideration of development proposals	_____

B.2. Commission

Requirements

Ordinance Citation

- a) Minimum of five (5) members (minimum of three (3) members if a population less than 10,000) _____
- b) Area of geographic responsibility coterminous with the boundaries of local jurisdiction _____
- c) Appointments made by appropriate local official or appropriate governing body _____
- d) Commission members residents of the jurisdiction which they serve _____
- e) Terms of office staggered _____
- f) Terms of office at least two (2) years, but not more than five (5) years _____
- g) Provisions by appropriate local official or appropriate governing body to fill vacancies within sixty (60) days _____
- h) Provisions for at least four (4) meetings per year at regular intervals _____
- i) Provisions for recording minutes of each meeting _____
- j) Provisions for Commission to attend pertinent informational or education meetings, workshops and conferences _____
- k) Provisions for Commission review of proposed National Register nominations within its jurisdiction _____
- l) Provisions for seeking expertise on proposals or matters requiring evaluation by a profession not represented on the Commission _____
- m) Staff sufficient to undertake the requirements for certification and carry out delegated responsibilities _____
- n) Rules of Procedure adopted by Commission _____
- o) Commission responsibilities complementary to those of the State Historic Preservation Office _____

B.3. Survey and Inventory of Historic Properties

Requirements	Ordinance Citation
a) Provisions to initiate and continue an approved process of identification of historic properties within the jurisdiction of the Commission (inventory materials shall be compatible with the Florida Site File)	_____
b) Provision to maintain a detailed inventory of designated districts, sites and structures within the jurisdiction of the Commission	_____
c) Inventory material open to the public	_____
d) Provisions to update inventory materials periodically	_____
e) Assurance that duplicates of all inventory materials will be provided to the State Historic Preservation Office	_____
f) Provisions to encourage the Commission members to participate in survey and planning activities of the Certified Local Government	_____

B.4. Public Participation

Requirements	Ordinance Citation
a) Provisions that Commission meetings will be publicly announced	_____
b) Provisions that Commission meetings will be open to the public	_____
c) Provisions that Commission meetings will have a previous advertised agenda	_____
d) Provisions to make meeting records available to the public	_____
e) Provisions that all Commission decisions will be given in a public forum	_____
f) Rules of Procedure adopted by the Commission must be available for public inspection	_____
g) Provisions assuring that appropriate local officials, owners of record, and applicants shall be given a minimum of thirty (30) calendar days and not more than seventy-five (75) calendar days prior notice to Commission meetings in which to comment on or object to the listing of a property in the National Register	_____

- h) Objections by property owners must be notarized to prevent nomination to the National Register _____
- i) Provisions for public and owner notification for designation and project reviews _____
- j) Provisions for public hearings for designations and project reviews _____

B.5. Satisfactory Performance

Requirements	Ordinance Citation
a) Provide the State Historic Preservation Officer with thirty (30) calendar days prior notice of all meetings	_____
b) Submit minutes of each meeting to the State Historic Preservation Officer within thirty (30) calendar days	_____
c) Submit record of attendance of the Review Commission to the State Historic Preservation Officer within thirty (30) calendar days after each meeting	_____
d) Submit public attendance figures for each meeting to the State Historic Preservation Officer within thirty (30) calendar days of each meeting	_____
e) Notify the State Historic Preservation Officer of change in Commission membership within thirty (30) calendar days of action	_____
f) Notify State Historic Preservation Officer immediately of all new historic designations or alterations to existing designations	_____
g) Submit amendments to ordinance to the State Historic Preservation Officer for review and comment at least thirty (30) calendar days prior to adoption	_____
h) Submit an annual report by November 1 covering activities of previous October 1 through September 30	_____
i) Information to be included in annual report (at a minimum)	_____
1) A copy of the Rules of Procedure	
2) A copy of historic preservation ordinance	
3) Resume of Commission members	
4) Changes to the Commission	
5) New Local designations	
6) New National Register listings	
7) Review of survey and inventory activity with a description of the system used	
8) Program report on each grant-assisted activity	
9) Number of projects reviewed	

C.I. Procedures (Certification material contained in this submission)

Requirements

a) A written assurance by the chief elected local official that the local government will fulfill all of the requirements of certification

b) A copy of the local legislation

c) A map of the area of jurisdiction of the Commission with any and all existing designated historic districts and individual historic properties clearly identified

d) A copy of the Commission's Rules of Procedure

e) Resumes for each member of the Commission

f) Resumes for Commission staff members

Certification

I hereby certify that I have read the Florida Certified local Government Guidelines and agree to comply with all terms and conditions set forth therein.

Chief Elected Local Official
Title

Date

*FLORIDA CERTIFIED LOCAL GOVERNMENTS
As of February 23, 2015*

City of Auburndale
Ms. Amy Palmer
Community Development Director
Post Office Box 186
Auburndale, FL 33823-0186
Phone: (863) 965-5530
Fax: (863) 965-5507
Email: apalmer@auburndalefl.com
Certification Date: March 7, 1994

Collier County
Mr. Fred Reischl
Senior Planner
2800 North Horseshoe Drive
Naples, FL 34104
Phone: (239) 252-4211
Fax: (239) 252-6372
Email: fredreischl@colliergov.net
Certification Date: September 6, 1994

Town of Belleair
Ms. Donna Carlen
Town Clerk
901 Ponce de Leon Boulevard
Belleair, FL 33756
Phone: (727) 588-3769, Ext. 214
Fax: (727) 588-3778
Email: dcarlen@townofbelleair.net
Certification date: June 23, 2014

City of Coral Gables
Ms. Dona M. Spain
Historic Preservation Officer
2327 Salzedo Street
Coral Gables, FL 33134
Phone: (305) 460-5095
Fax: (305) 460-5097
Email: dspain@coralgables.com
Certification Date: November 30, 1986

City of Bonita Springs
Mr. John Gucciardo
Assistant City Manager/Staff Liaison
9101 Bonita Beach Road
Bonita Springs, FL 34135
Phone: (239) 949-6262
Fax: (239) 949-6239
Email: John.Gucciardo@cityofbonitasprings.org
Certification Date: September 30, 2010

City of Daytona Beach
Ms. Elizabeth Matej, AICP
Senior Planner
301 South Ridgewood Avenue, Room 240
Daytona Beach, FL 32114
Phone: (386) 671-8160
Fax: (386) 671-8130
Email: mateje@codb.us
Certification Date: March 7, 2011

City of Boynton Beach
Mr. Warren Adams
Historic Preservation Planner
100 East Boynton Beach Boulevard
Boynton Beach, FL 33435
Phone: (561) 742-6757
Email: AdamsW@bbfl.us
Certification Date: October 9, 2012

City of DeLand
Ms. Elysha Petschauer
Historic Resources Coordinator
120 South Florida Avenue
DeLand, FL 32720
Phone: (386) 626-7010
Fax: (386) 740-6896
Email: petschauere@deland.org
Certification Date: May 24, 1995

Clay County
Ms. Carolyn Morgan
Senior Planner
477 Houston Street
Post Office Box 1366
Green Cove Springs, FL 32043
Phone: (904) 529-5365
Fax: (904) 278-3706
Email: Carolyn.Morgan@claycountygov.com
Certification Date: November 12, 1998

City of Delray Beach
Ms. Amy Alvarez
Historic Preservation Planner
100 Northwest First Avenue
Delray Beach, FL 33444
Phone: (561) 243-7284
Fax: (561) 243-7221
Email: alvarez@ci.delray-beach.fl.us
Certification Date: November 22, 1988

*FLORIDA CERTIFIED LOCAL GOVERNMENTS
As of February 23, 2015*

Town of Eatonville
Ms. Debbie Franklin
Town Clerk
307 East Kennedy Boulevard
Eatonville, FL 32751
Phone: (407) 623-8910
Fax: (407) 623-1319
Email: dfranklin@townofeatonville.org
Certification Date: October 6, 1997

City of Fort Pierce
Mr. Kori Benton
Historic Preservation Officer
100 North US 1
Fort Pierce, FL 34954
Phone: (772) 467-3739
Fax: (772) 466-5808
Email: kbenton@city-ftpierce.com
Certification Date: July 19, 2001

City of Eustis
Ms. Lori Barnes, AICP
Senior Planner
Post Office Drawer 68
Eustis, FL 32727-0068
Phone: (352) 483-5460
Fax: (352) 357-4177
Email: BarnesL@ci.eustis.fl.us
Certification Date: June 24, 1997

City of Fort Walton Beach
Ms. Gail Lynn Meyer, Museum Manager
Heritage Park and Cultural Center
139 Miracle Strip Parkway SE
Fort Walton Beach, FL 32548
Phone: (850) 833-9595
Fax: (850) 833-9675
Email: gmeyer@fwb.org
Certification Date: October 23, 2007

City of Fernandina Beach
Ms. Adrienne Burke
Senior Planner
Community Development Department
204 Ash Street
Fernandina Beach, FL 32034
Phone: (904) 310-3142
Email: aburke@fbfl.org
Certification Date: May 28, 2002

City of Gainesville
Ms. Darlene Henrichs
Preservation Planner
Post Office Box 490, Station 11
Gainesville, FL 32602-0490
Phone: (352) 334-5022
Fax: (352) 334-2282
Email: henrichsd@cityofgainesville.org
Certification Date: February 6, 1986

City of Fort Lauderdale
Ms. Linda Mia Franco, AICP
Historic Preservation Liason
700 Northwest 19th Avenue
Fort Lauderdale, FL 33311
Phone: (954) 828-8958
Email: lfranco@fortlauderdale.gov
Certification Date: September 30, 2010

City of Gulfport
Mr. Frederick J. Metcalf
Community Development Director
2401 53rd Street South
Gulfport, FL 33707
Phone: (727) 893-1095
Fax: (727) 893-1080
Email: fmetcalf@mygulfport.us
Certification Date: September 2, 1997

City of Fort Myers
Ms. Lynee Rodriguez
Principal Planner
1825 Hendry Street
Fort Myers, FL 33901-3054
Phone: (239) 321-7993
Fax: (239) 344-5924
Email: lrodriguez@cityftmyers.com
Certification Date: March 7, 1995

Highlands County
Ms. Joedie Thayer
Planner I
501 South Commerce
Sebring, FL 33870
Phone: (863) 402-6500
Fax: (863) 402-6651
Email: jthayer@hcbcc.org
Certification Date: May 17, 1999

*FLORIDA CERTIFIED LOCAL GOVERNMENTS
As of February 23, 2015*

Hillsborough County
Mr. Thomas Hiznay
Senior Planner
601 East Kennedy Boulevard, 20th Floor
Tampa, FL 33601-1110
Phone: (813) 307-4504
Fax: (813) 276-6068
Email: hiznayt@hillsboroughcounty.org
Certification Date: April 15, 1994

Town of Jupiter
Mr. David M. Kemp, AICP
Principal Planner
210 Military Trail
Jupiter, FL 33458
Phone: (561) 741-2452
Fax: (561) 744-3116
Email: davidk@jupiter.fl.us
Certification Date: January 9, 2001

City of Hollywood
Ms. Leslie A. Del Monte
Planning Manager
Post Office Box 229045
Hollywood, FL 33022-9045
Phone: (954) 921-3471
Fax: (954) 921-3347
Email: ldelmonte@hollywoodfl.org
Certification Date: August 28, 1995

City of Key West
Ms. Enid Torregrosa, MSHP
Historic Preservation Planner
3140 Flagler Avenue
P. O. Box 1409
Key West, Florida 33040-1419
Phone: (305) 809-3973
Email: etorregr@keywestcity.com
Certification Date: June 12, 1991

City of Homestead
Ms. Pam Murray
Historic Landmark Officer
650 NE 22nd Terrace
Homestead, FL 33030
Phone: (305) 224-4512
Fax: (305) 224-4539
Email: PMurray@cityofhomestead.com
Certification Date: November 10, 1992

City of Kissimmee
Ms. Ashley Cornelison
Planner I
101 North Church Street, First Floor
Kissimmee, FL 34741
Phone: (407) 518-2141
Fax: (407) 518-2497
Email: acornelison@kissimmee.org
Certification Date: May 1, 2002

Village of Islamorada
Mr. Patrick Doty
Planning and Development Services Department
86800 Overseas Highway
Islamorada, FL 33036-3162
Phone: (305) 664-6416
Fax: (305) 644-6467
Email: patrick.doty@islamorada.fl.us
Certification Date: February 19, 2008

Town of Lake Park
Ms. Nadia Di Tommaso
Community Development Director
535 Park Avenue
Lake Park, FL 33403
Phone: (561) 881-3318
Fax: (561) 881-3323
Email: NDITommaso@lakeparkflorida.gov
Certification Date: June 8, 1999

City of Jacksonville
Mr. Joel McEachin, AICP
City Planner Supervisor – Historic Preservation
Jacksonville Planning and Development Dept.
214 North Hogan Street, 3rd Floor
Jacksonville, FL 32202
Phone: (904) 255-7835
Fax: (904) 255-7885
Email: McEachin@coj.net
Certification Date: August 8, 1994

City of Lake Worth
Ms. Aimee Sunny
Preservation Planner
7 North Dixie Highway
Lake Worth, FL 33460
Phone: (561) 586-1690
Fax: (561) 586-1750
Email: asunny@lakeworth.org
Certification Date: November 8, 1997

*FLORIDA CERTIFIED LOCAL GOVERNMENTS
As of February 23, 2015*

City of Lakeland
Ms. Emily Foster, AICP
Senior Planner
228 South Massachusetts Avenue
Lakeland, FL 33803
Phone: (863) 834-6011
Fax: (863) 834-5017
Email: emily.foster@lakelandgov.net
Certification Date: May 24, 1989

City of Miami
Ms. Megan Cross Schmitt, AICP
Preservation Officer
444 S.W. 2nd Avenue, 3rd Floor
Miami, FL 33130
Phone: (305) 416-1416
Fax: (305) 416-2156
Email: mschmitt@miamigov.com
Certification Date: January 10, 1986

Lee County
Ms. Gloria Sajgo
Principal Planner
1500 Monroe Street
Fort Myers, FL 33901
Phone: (239) 533-8311
Fax: (239) 485-8319
Email: sajgogm@leegov.com
Certification Date: May 9, 1990

City of Miami Beach
Ms. Deborah Tackett
Senior Planner
City of Miami Beach Planning Department
1700 Convention Center Drive
Miami Beach, FL 33139
Phone: (305) 673-7000, Ext. 6467
Fax: (305) 673-7559
Email: dtackett@miamibeachfl.gov
Certification Date: May 14, 2002

City of Leesburg
Mr. Bill Wiley
Planner
204 North 5th Street
Leesburg, FL 34748
Phone: (352) 728-9760
Fax: (352) 326-6617
Email: bill.wiley@leesburgflorida.gov
Certification Date: May 18, 1998

Miami-Dade County
Ms. Kathleen Kauffman
Historic Preservation Chief
Office of Historic & Archaeological Resources
111 N.W. First Street, Mailbox 114
Miami, FL 33128
Phone: (305) 375-3506
Email: kkauff@miamidade.gov
Certification Date: March 12, 1987

Manatee County
Ms. Kathleen Thompson, AICP
Planning Manager
Manatee County Building and Development
Services Department
1112 Manatee Avenue West
Bradenton, Florida 34205
Phone: (941) 748-4501, Ext. 6841
Email: Kathleen.thompson@mymanatee.org
Certification Date: October 27, 2014

Town of Micanopy
Mr. Tom Brady, Chairman
Planning & Historic Preservation Board
Post Office Box 523
Micanopy, FL 32667
Phone: (352) 466-3357
Fax: (352) 466-4912
Email: Micanopytown@bellsouth.net
Certification Date: June 16, 1997

City of Melbourne
Ms. Kelly Delmonico, AICP
Planning Department
900 East Strawbridge Avenue
Melbourne, FL 32901
Phone: (321) 608-7511
Fax: (321) 608-7519
Email: kdelmonico@melbourneflorida.org
Certification Date: February 19, 2008

Monroe County
Ms. Diane Silvia, Ph.D.
Historic Florida Keys Foundation
Old City Hall, 510 Greene Street
Key West, FL 33040
Phone: (305) 292-6718
Fax: (305) 293-6348
Email: hfkf@bellsouth.net
Certification Date: December 4, 2001

*FLORIDA CERTIFIED LOCAL GOVERNMENTS
As of February 23, 2015*

City of Monticello
Ms. Emily Anderson
City Clerk
245 South Mulberry Street
Monticello, FL 32344
Phone: (850) 342-0292
Email: eanderson@mymonticello.net
Certification Date: July 7, 2014

City of Orlando
Mr. Richard Forbes
Historic Preservation Officer
400 South Orange Avenue, 6th Floor
Orlando, FL 32801
Phone: (407) 246-3350
Fax: (407) 246-2895
Email: Richard.Forbes@CityofOrlando.net
Certification Date: February 24, 1989

City of Mount Dora
Mr. Gus Gianikas
Assistant Director of Planning & Development
510 North Baker Street
Mount Dora, FL 32757
Phone: (352) 735-7113
Fax: (352) 735-7191
Email: gianikasg@ci.mount-dora.fl.us
Certification Date: April 20, 1998

City of Palatka
Mr. Thad Crowe, AICP
Planning Director
201 North 2nd Street
Palatka, FL 32177
Phone: (386) 329-0103
Email: tcrowe@palatka-fl.gov
Certification date: May 24, 2013

City of New Smyrna Beach
Ms. Gail Henrikson
Planning Manager
210 Sams Avenue
New Smyrna Beach, FL 32168
Phone: (386) 424-2134
Fax: (386) 424-2148
Email: ghenrikson@cityofnsb.com
Certification Date: August 27, 1986

Palm Beach County
Mr. Christian Davenport
County Archaeologist
2300 North Jog Road
West Palm Beach, FL 33411
Phone: (561) 233-5331
Fax: (561) 233-5365
Email: cdavenpo@co.palm-beach.fl.us
Certification Date: November 12, 1993

City of Newberry
Mr. Bryan Thomas
25815 SW 2nd Avenue
Newberry, FL 32669
Phone: (352) 472-3927
Fax: (352) 472-3998
Email: Bryan.Thomas@ci.newberry.fl.us
Certification Date: October 23, 2007

Town of Palm Beach
Ms. Janet Murphy
c/o MurphyStillings LLC
218 Almeria Road
West Palm Beach, FL 33405
Phone: (561) 758-8002
Email: 1jmurphy@bellsouth.net
Certification Date: September 6, 1989

City of Ocala
Mr. Tye L. Chighizola
Director of Growth Management
201 SE 3rd Street, 2nd floor
Ocala, FL 34471
Phone: (352) 629-8529
Fax: (352) 368-5994
Email: planning@ocalafl.org
Certification Date: May 6, 1987

Pinellas County
Mr. Rodney S. Chatman, AICP
Principal Planner
310 Court Street, First Floor
Clearwater, Florida 33756
Phone: (727) 464-8200
Fax: (727) 464-8201
Email: rschatman@pinellascounty.org
Certification date: September 18, 2014

*FLORIDA CERTIFIED LOCAL GOVERNMENTS
As of February 23, 2015*

City of Plant City
Ms. Julie Ham
Senior Planner
Planning & Zoning Department
Post Office Box C
Plant City, FL 33564-9003
Phone: (813) 659-4200, Ext. 4125
Fax: (813) 659-4220
Email: jham@plantcitygov.com
Certification Date: August 1, 1995

City of Pompano Beach
Ms. Jennifer Gomez
Principal Planner
100 W. Atlantic Blvd., Room 306
Pompano Beach, FL 33060
Phone: 954-786-4640
Fax: 954-786-4044
Email: Jennifer.Gomez@copbfl.com
Certification Date: March 12, 2002

City of Quincy
Mr. Bernard Piawah
Director, Building & Planning Department
404 West Jefferson Street
Quincy, FL 32351
Phone: (850) 627-7681
Fax: (850) 875-7313
Email: bpiawah@myquincy.net
Certification Date: December 10, 2001

City of St. Augustine
Ms. Jennifer Wolfe
Historic Preservation and
Special Projects Planner
Post Office Box 210
St. Augustine, FL 32085
Phone: (904) 209-4326
Fax: (904) 825-1051
Email: jwolfe@citystaug.com
Certification Date: January 30, 1986

St. Johns County
Mr. Robin E. Moore
Historic Resources Coordinator
St. Johns County Environmental Division
4040 Lewis Speedway
St. Augustine, FL 32084
Phone: (904) 209-0623
Email: remoore@sjcfl.us
Certification date: May 5, 2014

City of St. Pete Beach
Ms. Chelsey Welden
Urban Planner
155 Corey Avenue
St. Pete Beach, FL 33706-1839
Phone: (727) 363-9266
Fax: (727) 363-9257
Email: cwelden@stpetebeach.org
Certification Date: August 23, 2005

City of St. Petersburg
Ms. Kimberly Hinder
Historic Preservation Planner
Post Office Box 2842
St. Petersburg, FL 33731-2842
Phone: (727) 892-5451
Fax: (727) 892-5001
Email: kimberly.hinder@stpete.org
Certification Date: January 28, 1986

City of Sanford
Ms. Christine Dalton
Historic Preservation Officer
300 North Park Avenue
Sanford, FL 32772-1788
Phone: (407) 688-5145
Fax: (407) 688-5141
Email: daltonc@sanfordfl.gov
Certification Date: July 2, 1997

City of Sarasota
Dr. Clifford E. Smith, Jr. RPA
Senior Planner
Neighborhood and Development Services
Phone: (941) 365-2200 ext. 4361
Fax: (941) 954-4179
Email: clifford_smith@sarasotagov.com
Certification Date: October 19, 1987

Sarasota County
Ms. Lorrie Muldowney, AICP
Historic Preservation Specialist
6062 Porter Way
Sarasota, FL 34232
Phone: (941) 861-6883
Fax: (941) 861-6893
Email: lmuldown@scgov.net
Certification Date: November 2, 1998

*FLORIDA CERTIFIED LOCAL GOVERNMENTS
As of February 23, 2015*

City of Tallahassee/Leon County
Ms. Melissa A. Stoller, Ph.D.
Executive Director
Tallahassee Trust for Historic Preservation
423 East Virginia Street
Tallahassee, FL 32301
Phone: (850) 488-7334
Fax: (850) 488-7333
Email: melissataltrust@comcast.net
Certification Date: June 11, 1987

City of Tampa
Mr. Dennis Fernandez, Manager
Architectural Review & Historic Preservation
306 East Jackson Street, 3 North
Tampa, FL 33602
Phone: (813) 274-8919
Fax: (813) 274-8387
Email: Dennis.Fernandez@tampagov.net
Certification Date: December 30, 1988

City of Tarpon Springs
Mr. Joshua Langen
324 East Pine Street
Tarpon Springs, FL 34689
Phone: (727) 942-5611
Fax: (727) 937-1137
Email: jlangen@ctsfl.us
Certification Date: May 24, 1999

City of Vero Beach
Ms. Gayle Lafferty, AICP
Planner
Post Office Box 1389
Vero Beach, FL 32961
Phone: (772) 978-4556
Email: GLafferty@covb.org
Certification Date: November 7, 2014

Volusia County
Ms. Julie Adams Scofield, AICP
Historic Preservation Officer
Volusia County Community Services
202 North Florida Avenue
DeLand, FL 32720
Phone: (386) 736-5953, Ext. 2008
Fax: (386) 943-7012
Email: jscofield@co.volusia.fl.us
Certification Date: July 24, 2009

Town of Welaka
Ms. Vivian Dreessn
Post Office Box 1098
Welaka, FL 32193-1098
Phone: (386) 467-9800
Fax: (386) 467-8863
Email: jjones@welaka-fl.gov
Certification Date: April 13, 2000

City of West Palm Beach
Ms. Friederike H. Mittner, AICP
City Historic Preservation Planner
401 Clematis Street, Post Office Box 3366
West Palm Beach, FL 33402-3366
Phone: (561) 822-1457
Fax: (561) 822-1460
Email: FMittner@wpb.org
Certification Date: August 12, 1992

Town of Windermere
Mr. Robert Smith
Town Manager
614 Main Street
Windermere, FL 34786
Phone: (407) 876-2563, Ext. 24
Fax: (407) 876-0103
Email: rsmith@town.windermere.fl.us
Certification Date: April 12, 1994

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

AGENDA No. 9



CITY COUNCIL AGENDA ITEM
Requested Council Meeting Date: May 19, 2015

DEPARTMENT: Councilmember Joseph E. Fink
SUBJECT: Minimum Standards and Guidelines for Commercial Services

RECOMMENDED MOTION: Council's agreement that this issue needs investigation and that any further negotiation on securing an FBO be placed on hold until the issue is resolved.

SUMMARY: The FAA denied grant funds to the airport for 18 years because of what it found to be a monopoly. The attached verbatim of the AAAB meeting of 01/16/14 shows that intent of creating a monopoly with the then proposal, now adopted as our Minimum Standards. According to a person at the FAA, creating such a monopoly could well force payback of grants received and forfeiture of future grants for a period of years. Inaction could jeopardize our newly adopted Airport Master Plan that is dependant upon \$20 million in FAA grants over the next 20 years.

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

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

Department Head: _____ Date: _____

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

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

Interim City Administrator: Beth Carsten _____ Date: 05/19/15

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

Verbatim Account of Airport Advisory Committee Meeting dated January 16, 2014

Gary Frierson – What I'd like to do is uh, we'll go down each uh like the FBO we'll go from top to bottom. Services did not change. The recommended was for land. Ten rope tie downs on pavement or concrete, 50,000 sq. feet of paved ramp area. Those numbers were came up with is because there on the existing ramp that we have the existing ramp that we have is 300 by 235. We have a 70,500 sq foot ramp area in front of the terminal building so this meets that and and is this technically designated to meet what we have? What we have out there belongs to the City of Arcadia and the City of Arcadia is what's doing this for them. We're not doing this for Bubba. We're doing this for the City and that's only really enough for one FBO. So I put 50,000 feet because that would probably be enough if if Bubba wanted to go over here somewhere else and build an FBO.

Greg Smith – So the ramp that's there now is more than 50,000 feet?

Gary Frierson – It's 70,500 (Greg Smith is speaking but it's inaudible)

Alright, what we have out there now I wrote it down, but I don't know where, there is there's about 12 or 13 tie downs out there so I changed this number to just 10,10 tie downs and to be an FBO the tie downs have to be on pavement or concrete.

Greg Smith – Right

Gary Frierson – And they have to have a 50,000 sq ft paved ramp. Now those two qualifications, requirements will stop from trying to have another, a second FBO down at the Butler Building unless they want to pave a lot of extra area and such.

Certified to be a true copy of a portion of Track 13
of the recorded disc of the AAAC Meeting dated
January 16, 2014, heard by me.



Penny Delaney, City Clerk for the City of Arcadia
23 N. Polk Avenue
Arcadia, Florida 34266
(863) 494-4114
Dated: May 12, 2015

**AGENDA MINUTES
CITY COUNCIL
CITY OF ARCADIA
TUESDAY, OCTOBER 7, 2014
6:00 P.M.**

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

INVOCATION& PLEDGE OF ALLEGIANCE

Councilmember Keene gave the invocation which was followed by the Pledge of Allegiance.

CALL TO ORDER & ROLL CALL

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

Arcadia City Council

Mayor Alice Frierson

Councilmember Keith Keene

Councilmember Robert W. Heine

Deputy Mayor Joseph E. Fink

Councilmember Robert R. Allen

Arcadia City Staff

Interim City Administrator Beth Carsten

City Attorney Thomas J. Wohl

City Clerk Penny Delaney

Marshal Matthew Anderson

PRESENTATION

Agenda Item 2 – Lewanda Polk – 30 Years of Employment

Marshal Anderson presented Lewanda Polk with a plaque commemorating thirty (30) years of employment with the City of Arcadia.

Agenda Item 1 – LAP – Local Agency Program

Mandy Hines, DeSoto County Administrator, made a presentation of LAP (Local Agency Program) and introduced Mike Giardullo, the County Engineer. Regarding the downtown improvement project plan, she advised they had been working with FDOT, the City and the community. She advised they had funding programmed for construction, approximately \$194,000.00 programmed for the project. They received one bid and it came in over bid. She advised this project is for the Oak and Manatee intersection, Oak and Monroe Avenue and Oak and Polk Avenue. She explained the improvements are beautification, but the primary purpose

City Council Meeting Minutes

October 7, 2014

Page 1 of 9

of the improvements are ADA requirements and drainage to help in those areas. Ms. Hines advised there is a redevelopment trust fund that was established by the Board of County Commissioners at the recommendation of the Economic Development Advisory Committee and there is \$150,000.00 in that fund. However, they would still be short and she made a request of \$30,000.00 from the City for participation which would leave approximately \$115,000.00 that they would request the Board of County Commissioners to fund through the redevelopment trust fund. Ms. Hines explained that they were at a point that if they don't give the DOT a determination of how they wish to move forward, they risk losing the \$194,000.00. Councilmember Keene asked when the \$30,000.00 would need to be paid and Ms. Hines advised the project would probably start the first of the year and that could be determined whether it be on the front end, middle or back end of the project. Councilmember Keene stated that he felt finding the \$30,000.00 to make a \$300,000.00 project work is what they need to try to figure out how to do. Councilmember Keene made a motion to approve pursuing the program so the County Administrator can take that message back to the Board of County Commissioners and Councilmember Heine seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

CONSENT AGENDA

Agenda Item 3 – City Council Minutes for September 16, 2014

Agenda Item 4 – City Council Minutes for September 23, 2014

Agenda Item 5 – Air-Cadia Flowage and Hangar Rent Report

Agenda Item 6 – Request for Special Event Permit – Private Memorial Service

Agenda Item 7 – Request for Special Event Permit – Arcadia Plein Air Paint-Out

Agenda Item 8 – Request for Special Event Permit - Arcadia Heritage Festival

Agenda Item 9 – Request for Special Event Permit – Car Show

Deputy Mayor Fink made a motion to approve Consent Agenda Items 3, 4, 5, 7, 8 and 9 and to pull Consent Agenda Item 6 for discussion. Councilmember Keene seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

Regarding Agenda Item 6, Deputy Mayor Fink advised that it had been brought to his attention that the memorial service was by invitation only and if that's the case, then there's a problem as it is being held in a public park. The applicant, Janie Watson, advised that it is not invitation only. William Thronebury, 223 Bridle Path, Arcadia, Florida, advised that the service was for his brother and he stated he is not allowed to be there and was told it was by invitation only. Deputy Mayor Fink stated that if he could be guaranteed that it was open to the public, he didn't have a problem with it and Ms. Watson advised that as far as she knew, it was open to the public. Mr. Thronebury stated that he was told the police would get involved if he made an attempt to appear. Mayor Frierson asked the City Planner/Code Enforcement Officer if he had anything he wanted to add to the discussion. Mr. McQuay advised that he didn't believe the police department would step in unless there was disruption because it is a public park. Deputy Mayor Fink stated that with that guarantee, he made a motion to accept the permit and Councilmember Heine seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

ACTION ITEMS

Agenda Item 10 – Lease Between City of Arcadia and Smith-Brown Community Foundation

The City Attorney advised that there were changes made that he wanted to bring to Council's attention. He stated that the lease premises include the gymnasium, the industrial arts building and the shared parking lot and the term would be for twenty-five (25) years. The City Attorney pointed out that the biggest obstacle they ran into was the various phases of alterations that were going to be made and what alterations would be made. He advised that the difficulty the foundation has is that they need to have a signed lease before they try to get funding. It was impossible for them because they don't have a budget because they don't have funding yet. He stated that the foundation indicated that three (3) years is about what they would need to get the funding so it was included in the lease is that within three years after the effective date, they will revisit the issue as to the various phases of alterations and if the parties can't come to a mutual agreement as to the work that's going to be done and the completion dates, then the City has the ability to opt out of the lease. Mr. Wohl explained that regarding the liability insurance, typically the tenant will be responsible for liability insurance, but the foundation doesn't have funding yet. Due to that reason, the City will maintain the liability coverage on the property and no later than ten (10) days prior to the time they take active possession or begin any alterations to the property, the foundation will secure the liability policy on the property. Regarding taxes, he advised that was essentially whether the City wanted to be responsible for the property taxes or have the foundation responsible for those. As it reads right now, the foundation would be responsible.

Councilmember Keene asked if the foundation is willing for the City to move forward with the foundation being responsible and see what could be worked out with the tax assessor to determine the taxes. The City Attorney stated that they could talk to the Tax Collector and get that information. Councilmember Keene stated that he was satisfied with the lease as it is with just the one point that needs to be clarified. Ms. Coone asked the City Attorney if they could handle it the way they are handling the liability insurance once they are occupying the facility. The City Attorney that was something they could do and have that same provision. Ms. Coone thanked City Council for all their help. Councilmember Keene made a motion to approve the lease as is with changes to the paragraph on taxes and Deputy Mayor Fink seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

Agenda Item 11 – Resolution 2014-12 – Establishing Reasonable Rules and Policies for the City Council and for Comment at City Council Meetings

The City Attorney advised that Council had requested that he draft a proposed Resolution regarding decorum and reasonable rules regarding their public meetings. He pointed out that it was proposed and wanted Council to feel free to critique, make comments or suggestions. Councilmember Keene felt they have to have some control for persons coming up and making comment for documentation for the benefit of the City Clerk and record accuracy. Other issues were discussed such as information to be provided, time frames for speaking and issues being

brought before Council repetitively from numerous persons were discussed. Councilmember Heine asked the County Administrator for her input and she shared the procedures and requirements of the County regarding the issue.

Deputy Mayor Fink expressed his concern with a person repeatedly addressing Council during a meeting. The City Attorney stated that it provided that a person has three (3) minutes to speak on an agenda item and is not entitled to come back up. Deputy Mayor Fink stated that he was concerned that it didn't turn into a debating society. Mayor Frierson opened the discussion to the public. William Bailey of 422 E. Magnolia Street, Arcadia, Florida, commented regarding follow-up questions. The City Attorney stated that limitations can be placed as long as they are applied equally to everyone and it would be up to Council. Deputy Mayor Fink made a motion for the Resolution to be read by title only and Councilmember Keene seconded the motion. Mayor Frierson directed the City Clerk to read the Resolution by title only and the City Clerk did so. Mayor Frierson asked if the effective date would be today's date and the City Attorney advised that it would be. Deputy Mayor Fink made a motion to approve the Resolution as presented and Councilmember Keene seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

Agenda Item 12 – Mobile Home Park – Approval of Notice of Lot Rental Increase

The City Attorney stated the ninety (90) day notice for lot rental will now increase pursuant to Section 723.037, Florida Statutes. He advised there are two (2) different price increases; one being \$165.00 to \$175.00 and the other being \$171.00 to \$181.00. He pointed out that because of the two (2) differences of how they are priced right now, they are providing one (1) notice to the owners of lots situated on the north side on Maine Street and a separate notice to homeowners of lots situated on the south side of Maine Street. He advised if they are approved, he will work with Linda Hinson on getting them passed out. He stated that he had been asked if this was a repetitive \$10.00 increase for the homeowners of the mobile home park. His answer was no, this was a one (1) time increase of \$10.00. He advised that the entire issue would have to come back to Council at least a year from now before Council considered raising the rents any further. Mayor Frierson asked when it would take effect and the City Attorney advised the first month's increase would be February 1, 2015.

Mayor Frierson opened the discussion to the public. The following park residents spoke regarding their concerns: Rose Williams of 90 Texas Avenue, Arcadia, Florida; Glenn Bartholomew of 56 Ohio Avenue, Arcadia, Florida; Sue Leversee-Grossman of 34 Iowa, Arcadia, Florida; Roseanna Beauchamp of 29 Iowa, Arcadia, Florida; Carol Anderson of 90 Kentucky Avenue, Arcadia, Florida; Diane Duart of 24 Michigan Avenue, Arcadia, Florida; and Kathy Lorenz of 81 Kentucky Avenue, Arcadia, Florida. Their concerns ranged from the rent increase being continual over the next three (3) years to the financial hardship on others that the rent increase would cause to ADA compliancy with the clubhouse bathroom and areas in the park where the road has broken through.

Councilmember Heine made a motion to approve the notices and Councilmember Keene seconded the motion. Interim City Administrator Beth Carsten advised that the increase will go

toward the utilities that the City pays for. She advised that the water is included in the rent and it is an \$80,000.00 yearly expense that the City pays in full. Discussion was made regarding desired improvements to the park and Mayor Frierson suggested the Interim City Administrator get with the park manager and make up a list and start with something small. No discussion followed and it was 4/1 approved with Councilmember Allen casting the dissenting vote.

Agenda Item 13 – Minimum Standards and Guidelines for Commercial Services

Gary Frierson and Ronald Watson, the new Chairman of the Arcadia Airport Advisory Committee, addressed Council to advise they had brought the minimum standards and guidelines before the Council for adoption. Councilmember Keene made a motion for the approval of the minimum standards and guidelines and Councilmember Heine seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

Mr. Frierson advised some of the other issues that they will be addressing in the future are a recommendation on what to do with the fuel system in 5 or 6 months and also when the mowing season starts, the equipment is worn out so it will have to be addressed, along with who will be doing the mowing. Deputy Mayor Fink stated that since they will have a parting of the ways with the FBO on the 31st of March, he asked the City Attorney if there is a checklist of what Council expects to be there and what they don't expect to be there and has it been set into motion. The City Attorney stated that he will review the contract and he was in complete agreement especially considering the litigious nature that the FBO has taken against the City and felt that they should enforce every bit of the contract. He advised he will take a look at the contract, come back and let Council know what he finds.

Mr. Frierson advised the committee had a new election of officers and Mr. Watson is the new Chairman and will be the one addressing Council in the future with the support of the rest of the committee. Deputy Mayor Fink stated that with the new advisory board and new Chairman, he didn't feel they needed to wait until the last minute regarding how the airport will continue after March 31st. He advised that with that in mind, he felt they needed the guidance of the Airport Advisory Board to tell Council what they think is a reasonable way to look at this regarding continuing with a FBO with a contractual agreement with an outside firm or with staff. He asked for a consensus to have them come back with guidance on that particular issue. Mr. Frierson stated that they had already had discussions regarding this issue before the seven member board was elected and he understood there is one (1) or two (2) companies that are looking at drafting a proposal that are interested in coming to the airport. There was a consensus for this issue.

Greg Smith had a question about obtaining records regarding the fuel tank inspection. Councilmember Keene stated that records regarding the physical inspection that the Department of Environmental Protection conducts, the inspection results are available online at the DEP website. Everyone was in agreement for the records to be requested from the DEP if it can't be found online. Further discussion was made regarding inspection reports being submitted and petroleum liability insurance. Councilmember Keene stated that he would obtain documentation regarding the inspections and provide it to everyone.

Agenda Item 14 – City Administrator Position

The City Attorney advised that the out-of-title pay is established in the Personnel Manual. He stated it is either five percent (5%) of their pay grade or equal to whatever position they are assuming, whichever is higher. He advised that it goes into effect as long as the person holds the position for more than five (5) days, but it is retroaction to the date that they were put into that position. The City Attorney confirmed that the Interim City Administrator/Finance Director is not receiving two (2) separate salaries. After much discussion regarding responsibilities of the Interim City Administrator, it was common consensus that the responsibilities would be the same as a standard Administrator. The City Attorney advised that there is an ordinance that provides that you need a City Administrator and the ordinance that provides what that persons duties are and their rights under the ordinance.

Regarding the position, Mayor Frierson felt the Council should consider advertising for the position for six (6) weeks and by the time the new Council is seated, they should have all the applications and then the new Council can decide if they wish to use a panel or however they wish to handle it. The City Attorney suggested the Council may wish for the City Clerk to contact the prior applicants. It was common consensus that the prior applicants would need to submit an updated application. The City Clerk asked if they wished to use the same ad which was used prior and Council agreed that they did. Councilmember Keene asked if they would still be able to advertise in the Florida League of Cities publications for free and if so, he felt they should do that. It was decided that in addition to the Florida League of Cities, the advertisement would be placed on the City's website and not in any newspapers as before.

Agenda Item 15 – Personnel Manual

Mayor Frierson advised that on March 18, 2014, Council made a change to the Personnel Manual and it reads “an employee may be discharged . . . Discharge results in loss of eligibility for re-employment and loss of pay for accumulated leave time and other benefits.” She advised “and loss of pay for accumulated leave time and other benefits” has been marked through and she asked the Council when an employee has been discharged for bad behavior, do we want to give them benefits. Councilmember Heine and Councilmember Keene stated that they did not. After much discussion, Mayor Frierson asked the Council if they wished to have a labor attorney look at the manual and it was agreed that a labor attorney should look at it, especially pages 37, 40, 64 and 67. The City Attorney suggested potentially overhauling the whole thing due to it being changed so many times. He advised that Ms. Carsten had been working with someone who the City of Sebring, Lake Placid, Highlands County and a number of other local governments use for all their employment law issues. Councilmember Keene asked if it was reasonable to think Ms. Carsten may have something for Council by the next meeting and Ms. Carsten felt that she could.

COMMENTS FROM DEPARTMENTS

16. CITY MARSHAL

City Marshal Matt Anderson referenced to the Police Department's monthly report that was placed in the packets. He advised they took two (2) shooters and one (1) robber/convicted murderer who was wanted on the east coast for aggravated battery with a deadly weapon, armed robbery and grand theft. He stated the Federal Marshals came over and with their assistance, he was arrested. Mayor Frierson stated that she understood some of their training came in handy during that time. Marshal Anderson stated that one (1) of the shooters fired seven (7) times into an apartment at Oak Trails complex. He advised he was hiding out in a two-story residence and because of their training; they were able to tactically go upstairs without anyone getting hurt.

He informed Council of the Shop with a Cop Program which was started last year. He advised they solicited donations from individuals and business owners and took in a total of 10 or 14 children to Wal-Mart. He explained how the program worked and advised they were doing it again this year and are trying to solicit funds for it. He also informed Council that on October 16th and 17th, APD has partnered with Slim's BBQ for members of the department to be servers (refilling drinks and bussing tables, but not serving the food) during the hours of 11:00 a.m. – 1:00 p.m. and again from 4:30 – 6:30 p.m. on those days. He also advised that entertainment would also be provided. This will not take away from the waitresses, but will be an additional tip to the program. He also stated that they will try to partnership with Winn-Dixie with any additional funds that are raised to be put toward Christmas baskets for all the children.

17. CITY ATTORNEY

The City Attorney advised there will be a Shade Meeting on Friday, October 10, 2014 at 3:00 p.m. He further advised this meeting will be opened as a public meeting and then they will go into the shade meeting which will include the five (5) council members, the Interim City Administrator, himself, the attorney who was hired by the insurance company to defend the lawsuit and a court reporter. He stated when they were finished with their conversation, they would come back to the public meeting and close it. He advised a transcript of the shade meeting will be available once the litigation is concluded.

Regarding the former City Administrator, Mr. Wohl advised that under the contract, Mr. Slaughter is not entitled to any severance because he was still in his probationary period. The other issue is whether he is entitled to any accrued sick leave or vacation time that he would have earned as the City Administrator under contract. He did resign, but the resignation was not a thirty (30) day resignation. In his opinion, there was ample reason for the City Council to decline the resignation and terminate him with cause and therefore he would not be entitled to any of the vacation or sick leave he accrued from May 20, 2014 up until his departure. Mr. Wohl advised that he had spoken with Mr. Slaughter and Mr. Slaughter had advised that he would be happy to accept only his accrued sick time and vacation time that he earned from the time he was the Planner and Interim City Administrator. There would be no need to terminate him with cause and he has agreed to the sum of \$2,961.75 which was what he had earned prior to his tenure as the Administrator. The City Attorney pointed out that as they had just reviewed in the Personnel Manual, Mr. Slaughter is entitled to that even if he was terminated.

Deputy Mayor Fink made a motion to terminate Mr. Slaughter as City Administrator, formerly, with cause, and further would suggest that the City, if asked by any other agencies for any additional assistance in anything they may want to pursue, be forthcoming and give that assistance. Mayor Frierson asked what they will establish by terminating with cause. The City Attorney stated nothing would be established if he is agreeing to that amount, it's the same. Mr. Wohl stated that the proposal which he had discussed with Mr. Slaughter which would be subject to Council's approval was that they would accept his resignation and he would agree to forgo any money under the contract. He advised if they want to terminate Mr. Slaughter with cause, he may still be willing to accept the sum. Mr. Wohl pointed out that what they would be buying is peace of mind that there won't be a lawsuit down the road. Councilmember Heine seconded the motion. Councilmember Keene stated that he couldn't second the motion because of what the City Attorney had shared with them. Councilmember Heine stated that he was trying to state a different motion. Deputy Mayor Fink's motion died on the floor due to lack of a second.

After much discussion regarding dismissal with cause or dismissal without cause, Councilmember Keene asked that Deputy Mayor Fink reconsider his motion. Councilmember Heine withdrew his motion. Deputy Mayor Fink made a motion that Mr. Slaughter be terminated for cause, that they have to pay him what they have to pay him because the policy is the policy that they have adopted. However, staff is to be instructed to deal with and add assistance to any agency that come before them and ask for specifics on this particular termination. Councilmember Keene seconded the motion and stated that he would have full expectation from staff that they would cooperate with anyone under any circumstance and he didn't know that that needed to be part of the motion, but he was agreeable to it. Mayor Frierson confirmed that this motion would tell the City Attorney that he needed to contact Mr. Slaughter and advise him that he's being dismissed with cause. No discussion followed and it was unanimously, 5/0, approved.

18. INTERIM CITY ADMINISTRATOR

The Interim City Administrator advised that the McSwain bidding closes October 10, 2014. She also advised that the Main Street Program has approached the City with the opportunity to get a grant for the historic City Hall. She stated it would be no match for the City and the Main Street Program would be doing the grant writing of it. She further stated they would like to present it as a workshop on October 21, 2014 at 5:00 p.m. Ms. Carsten advised that if they are going to do it, the grant would have to be completed by the end of the month, so it would have to come before the Council for a vote as to whether Council would want them to pursue it or not. Deputy Mayor Fink suggested that they do what the Interim City Administrator suggested, have a meeting and fast-track it. Councilmember Keene stated that he would like to find out if the new Director could meet with Council individually to allow them to digest the information so that when they make the formal presentation on the 21st, Council can take an educated form of action. Ms. Carsten stated that she would get the gentleman in touch with Council.

She advised Council of a collapsed sewer main on Court Street, between Dade and Orange. She further advised that while no one is affected right now, it could affect somebody

very soon and they are acting on it quickly and they will begin working on fixing that in the next couple of days. She stated that if it goes the way they think it is, it's about a ten (10) or twenty (20) foot break and it will be about \$11,000.00. Fred Lewis stated that he had spoken with Consolidated Production and was advised that they could get started on it as soon as tomorrow. Councilmember Heine made a motion to approve the repair and Deputy Mayor Fink seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

PUBLIC

None

MAYOR AND COUNCIL MATTERS

Deputy Mayor Fink suggested that twice in the meeting, he had been what he would consider abused under Section F on page three of the Resolution regarding decorum. He asked that it not be continued without going into further detail. He said he found it offensive and if anyone wants to know what he's talking about, he will be more than happy to discuss it with them.

Marshal Anderson apologized but he had been reminded of something. Lou Ambler had contacted him last year regarding Imogene and Lee Avenue over to Rio Vista and Marshall to set up barricades and close off that area due to all the trick or treat participants that they get in the neighborhood. He stated it went very smoothly and the APD didn't receive one (1) complaint about anything. They're asking the same thing for this year and Marshal Anderson told Mr. Ambler that he would have to bring it before Council for approval. Councilmember Keene made a motion to approve the closure and Councilmember Heine seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

ADJOURN

Having no further business at this time, the meeting was adjourned at 8:19 P.M.

ADOPTED THIS ___ DAY OF _____, 2014.

By:

Alice Frierson, Mayor

ATTEST:

Penny Delaney, City Clerk

AGENDA No. 10



CITY COUNCIL AGENDA ITEM
Requested Council Meeting Date: May 19, 2015

DEPARTMENT: Legal

SUBJECT: Resolution Amending Reasonable Rules and Policies for the City Council and for Comment by Requiring Submittal of a Speaker Card at City Council Meetings

RECOMMENDED MOTION:

Motion to Approve Resolution Amending Reasonable Rules and Policies for the City Council and for Comment by Requiring Submittal of a Speaker Card at City Council Meetings

SUMMARY:

Per Council's request, City Attorney has drafted a proposed Resolution to Amend the Decorum Rules and Policies pursuant to discussion at the May 5, 2015 City Council meeting. Specifically, *Section 2C. Addressing City Council*, is amended to require the submittal of a Speaker Card with required information.

FISCAL IMPACT: None.

- Capital Budget
- Operating
- Other

ATTACHMENTS: Ordinance Resolution Budget Other

Department Head:

Date:

Finance Director (As to Budget Requirements)

Date:

City Attorney (As to Form and Legality)

Date: 5/13/15

City Administrator:

Date:

COUNCIL ACTION: Approved as Recommended

Disapproved

Tabled Indefinitely Tabled to Date Certain _____

Approved with Modifications

RESOLUTION 2015-04

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA, REPEALING RESOLUTION 2014-12; AMENDING REASONABLE RULES AND POLICIES FOR THE CITY COUNCIL AND FOR COMMENT BY REQUIRING SUBMITTAL OF A SPEAKER CARD AT CITY COUNCIL MEETINGS; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council (“City Council”) of the City of Arcadia, Florida (the “City”), as the duly elected governing body for the City, holds regularly scheduled public meetings to discuss, review and act upon items of concern which affect the residents of the City; and

WHEREAS, the City Council adopted Resolution 2014-12 on October 7, 2014 to establish its policy in support of open and participatory government while conducting business in an efficient and orderly manner; and

WHEREAS, in furtherance of those objectives, the City Council desires to repeal the policy adopted in Resolution 2014-12 and amend the rules of conduct and decorum that will determine how City Council meetings are conducted by requiring those who wish to address the City Council to submit a Speaker Card; and

WHEREAS, the City Council finds adoption of this resolution is in the best interest of the City of Arcadia.

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

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

SECTION 2. REPEAL OF RESOLUTION 2014-12. Resolution 2014-12 is hereby repealed.

SECTION 3. RULES AND POLICIES. The following reasonable rules and policies are hereby established for the City Council and for comment at City Council meetings:

A. **Balance of Rights and Decorum.** The City of Arcadia is afforded the means to insure that the public’s right to participate in public meetings is balanced with maintaining decorum during those meetings. The rights of members of the public to express their thoughts will generally prevail over restrictions on public participation.

B. **Citizens to Be Heard Before the City Council.**

1. Agenda Items. Public comments will be permitted on agenda items at the time the item is under consideration by the City Council. The remarks of each speaker are limited to three (3) minutes.

2. Public Comment. Public comment on any matter affecting the City or City Council may be made during the Public Comment portion of each public meeting. Citizens may discuss any matter, unless the discussion is not appropriate due to a pending bid protest, the matter involves a quasi-judicial hearing or due process considerations, there are other similar limitations relating to the discussion, or the matter is a scheduled agenda item. The remarks of each speaker are limited to three (3) minutes

The City Council is not required to resolve problems or respond to questions or statements from the public during a City Council meeting. However, the City Council may refer any matter to the City Administrator, or designee, for review and recommendation

C. Addressing the City Council.

1. To be recognized by the Mayor, each person who wishes to address the City Council shall approach the speaker's microphone/podium and provide the City Clerk a Speaker Card containing the following information:

- a. First and Last Name.
- b. Whether they reside within the City.
- c. Whether they are speaking as to an Agenda Item or Public Comment.
 - i. Agenda Item - The person must identify on the Speaker Card which Agenda Item Number they are speaking on.
 - ii. Public Comment - The person must identify on the Speaker Card the topic/subject they intend to address.

2. If requested by the Mayor, the person may be required to state whether the person speaks for a group of persons or a third party, if the person represents an organization, whether the view expressed by the person represents an established policy or position approved by the organization and whether the person is being compensated by the organization.

3. All remarks shall be addressed to the City Council as a body and not to any member thereof nor to any members of the audience. No personal attacks shall be tolerated.

4. Each person is limited to speak once during public comment and once on each agenda item.

5. Speakers should make their comments concise and to the point, and present any data or evidence they wish the City Council to consider. Comments shall be limited to three (3) minutes.

6. Written communications provided to the City Council shall be retained in accordance with the Florida Records Retention Guidelines and the Florida Public Records Law by the City Clerk.

7. The City Clerk shall indicate by a bell, buzzer or voice when the allotted three (3) minute time period has expired.

D. Signs, Placards, Banners. For public safety purposes, no signs or placards mounted on sticks, posts, poles or similar structures shall be allowed in the City Council chambers. Other signs, placards, banners, shall not disrupt meetings or interfere with others' visual rights.

E. Overhead/Visual Displays. The presenting of information through the City audio/visual equipment is an allowable use by City Staff, by applicants during Site Plan Review and quasi-judicial proceedings or other applicable situations, subject to City Council authorization.

F. Decorum - City Council. While the City Council is in session, the members of City Council shall preserve order and decorum and shall not, by conversation or otherwise, delay or interrupt the proceedings nor the peace of the City Council and shall obey all orders of the City Council or its Mayor, except as otherwise provided. Displays of anger, rudeness, ridicule, impatience, lack of respect and personal attacks are strictly prohibited. The Mayor shall preserve strict order and decorum at all meetings.

Every Councilmember desiring to speak shall address the Mayor and, upon recognition by the Mayor, shall confine them self to the question under debate and shall avoid all personalities and inappropriate language.

A Councilmember, once recognized, shall not be interrupted while speaking unless called to order by the Mayor, and unless a point of order is raised by another member or unless the speaker chooses to yield to questions from another member. All members of the City Council shall demonstrate the utmost courtesy to each other, to City employees, members of the public appearing before the City Council and shall refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments, and statements as to motives and personalities. Councilmembers shall confine their remarks to the issues before the City Council.

Cellular telephones and audible pagers shall be silenced or turned off while the City Council meeting is in order. Text messages and internet usage shall not be permitted.

G. Decorum - Public. The Mayor shall preserve decorum and order and decide all questions of order, subject to City Council appeal.

1. The public shall be respectful of others' opinions and refrain from profanity, rude or belligerent remarks and personal attacks directed toward individual members of City Council, members of the audience or City staff. Any person who becomes disorderly, animated, boisterous or disrespectful of the City Council, its individual members, City staff, or other members of the audience or who fails to confine remarks to the identified subject or business at hand shall be cautioned by the Mayor and given the opportunity to conclude remarks on the subject in a decorous manner and within the designated time limit. Any person failing to comply as cautioned may be barred from making any additional comments during the meeting by the Mayor, unless permission to continue or again address the City Council is granted by the majority of the Councilmembers present.

2. If the Mayor or the City Council declares an individual out of order, he or she may be requested to relinquish the podium. If the person does not do so, he or she may be subject to removal from the City Council chambers or other meeting room.

3. Clapping, applauding, heckling or verbal outburst in support of or in opposition to a speaker or his or her remarks is discouraged.

4. Cellular telephones and audible pagers shall be silenced or turned off while the City Council meeting is in order.

5. Persons exiting the City Council chambers shall do so quietly.

SECTION 4. WAIVER OF RULES. The City Council may, at any time, waive all or a portion of these rules of procedure during the course of a meeting. Provided, however, that any such waiver shall only be done upon a motion and majority approval of the wavier by members of the City Council present and voting. Such waivers shall only be granted to insure the protection of the right of members of the public to be given a reasonable opportunity to be heard before the City Council takes official action on a proposition.

SECTION 5. SEVERABILITY. If any provision of this Resolution is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then all remaining provisions and portions of this Resolution shall remain in full force and effect.

SECTION 6. EFFECTIVE DATE. This Resolution shall take effect immediately upon its passage.

PASSED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA,
in regular session this ____ day of _____, 2015.

ATTEST:

CITY OF ARCADIA, FLORIDA

Penny Delaney, City Clerk

Judy Wertz-Strickland, Mayor

APPROVED AS TO FORM:

Thomas J. Wohl, City Attorney

RESOLUTION 2014-12

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
ARCADIA, FLORIDA, ESTABLISHING REASONABLE RULES
AND POLICIES FOR THE CITY COUNCIL AND FOR
COMMENT AT CITY COUNCIL MEETINGS; PROVIDING FOR
SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City Council (“City Council”) of the City of Arcadia, Florida (the “City”), as the duly elected governing body for the City, holds regularly scheduled public meetings to discuss, review and act upon items of concern which affect the residents of the City; and

WHEREAS, the City Council desires to establish its policy in support of open and participatory government while conducting business in an efficient and orderly manner; and

WHEREAS, in furtherance of those objectives, the City Council desires to express its policy and establish rules of conduct and decorum that will determine how City Council meetings are conducted; and

WHEREAS, the City Council finds adoption of this resolution is in the best interest of the City of Arcadia.

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

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

SECTION 2. RULES AND POLICIES. The following reasonable rules and policies are hereby established for the City Council and for comment at City Council meetings:

A. **Balance of Rights and Decorum.** The City of Arcadia is afforded the means to insure that the public’s right to participate in public meetings is balanced with maintaining decorum during those meetings. The rights of members of the public to express their thoughts will generally prevail over restrictions on public participation.

B. **Citizens to Be Heard Before the City Council.**

1. **Agenda Items.** Public comments will be permitted on agenda items at the time the item is under consideration by the City Council. The remarks of each speaker are limited to three (3) minutes.

2. Public Comment. Public comment on any matter affecting the City or City Council may be made during the Public Comment portion of each public meeting. Citizens may discuss any matter, unless the discussion is not appropriate due to a pending bid protest, the matter involves a quasi-judicial hearing or due process considerations, there are other similar limitations relating to the discussion, or the matter is a scheduled agenda item. The remarks of each speaker are limited to three (3) minutes

The City Council is not required to resolve problems or respond to questions or statements from the public during a City Council meeting. However, the City Council may refer any matter to the City Administrator, or designee, for review and recommendation

C. Addressing the City Council.

1. Once recognized by the Mayor, each person addressing the City Council shall approach the speaker's microphone/podium and shall give the following information in an audible tone of voice for the minutes:

a. Name and whether they reside within the City, a different city (which city) or within an unincorporated area.

b. If requested by the Mayor, the person may be required to state whether the person speaks for a group of persons or a third party, if the person represents an organization, whether the view expressed by the person represents an established policy or position approved by the organization and whether the person is being compensated by the organization.

2. All remarks shall be addressed to the City Council as a body and not to any member thereof nor to any members of the audience. No personal attacks shall be tolerated.

3. Each person is limited to speak once during public comment and once on each agenda item.

4. Speakers should make their comments concise and to the point, and present any data or evidence they wish the City Council to consider. Comments shall be limited to three (3) minutes.

5. Written communications provided to the City Council shall be retained in accordance with the Florida Records Retention Guidelines and the Florida Public Records Law by the City Clerk.

6. The City Clerk shall indicate by a bell, buzzer or voice when the allotted three (3) minute time period has expired.

D. Signs, Placards, Banners. For public safety purposes, no signs or placards mounted on sticks, posts, poles or similar structures shall be allowed in the City Council chambers. Other signs, placards, banners, shall not disrupt meetings or interfere with others' visual rights.

E. Overhead/Visual Displays. The presenting of information through the City audio/visual equipment is an allowable use by City Staff, by applicants during Site Plan Review and quasi-judicial proceedings or other applicable situations, subject to City Council authorization.

F. Decorum - City Council. While the City Council is in session, the members of City Council shall preserve order and decorum and shall not, by conversation or otherwise, delay or interrupt the proceedings nor the peace of the City Council and shall obey all orders of the City Council or its Mayor, except as otherwise provided. Displays of anger, rudeness, ridicule, impatience, lack of respect and personal attacks are strictly prohibited. The Mayor shall preserve strict order and decorum at all meetings.

Every Councilmember desiring to speak shall address the Mayor and, upon recognition by the Mayor, shall confine them self to the question under debate and shall avoid all personalities and inappropriate language.

A Councilmember, once recognized, shall not be interrupted while speaking unless called to order by the Mayor, and unless a point of order is raised by another member or unless the speaker chooses to yield to questions from another member. All members of the City Council shall demonstrate the utmost courtesy to each other, to City employees, members of the public appearing before the City Council and shall refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments, and statements as to motives and personalities. Councilmembers shall confine their remarks to the issues before the City Council.

Cellular telephones and audible pagers shall be silenced or turned off while the City Council meeting is in order. Text messages and internet usage shall not be permitted.

G. Decorum - Public. The Mayor shall preserve decorum and order and decide all questions of order, subject to City Council appeal.

1. The public shall be respectful of others' opinions and refrain from profanity, rude or belligerent remarks and personal attacks directed toward individual members of City Council, members of the audience or City staff. Any person who becomes disorderly, animated, boisterous or disrespectful of the City Council, its individual members, City staff, or other members of the audience or who fails to confine remarks to the identified subject or business at hand shall be cautioned by the Mayor and given the opportunity to conclude remarks on the subject in a decorous manner and within the designated time limit. Any person failing to comply as cautioned may be barred from making any additional comments during the meeting by the Mayor, unless

permission to continue or again address the City Council is granted by the majority of the Councilmembers present.

2. If the Mayor or the City Council declares an individual out of order, he or she may be requested to relinquish the podium. If the person does not do so, he or she may be subject to removal from the City Council chambers or other meeting room.

3. Clapping, applauding, heckling or verbal outburst in support of or in opposition to a speaker or his or her remarks is discouraged.

4. Cellular telephones and audible pagers shall be silenced or turned off while the City Council meeting is in order.

5. Persons exiting the City Council chambers shall do so quietly.

SECTION 3. WAIVER OF RULES. The City Council may, at any time, waive all or a portion of these rules of procedure during the course of a meeting. Provided, however, that any such waiver shall only be done upon a motion and majority approval of the wavier by members of the City Council present and voting. Such waivers shall only be granted to insure the protection of the right of members of the public to be given a reasonable opportunity to be heard before the City Council takes official action on a proposition.

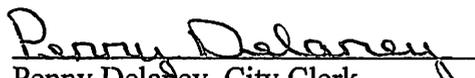
SECTION 4. SEVERABILITY. If any provision of this Resolution is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then all remaining provisions and portions of this Resolution shall remain in full force and effect.

SECTION 5. EFFECTIVE DATE. This Resolution shall take effect immediately upon its passage.

PASSED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA,
in regular session this 7th day of OCTOBER, 2014.

ATTEST:

CITY OF ARCADIA, FLORIDA


Penny Delaney, City Clerk


Alice Frierson, Mayor

APPROVED AS TO FORM:


Thomas J. Wohl, City Attorney