AGENDA
ARCADIA CITY COUNCIL
CITY COUNCIL CHAMBERS
23 NORTH POLK AVENUE, ARCADIA FL
TUESDAY, NOVEMBER 3, 2015
6:00 P.M.

INVOCATION, PLEDGE, CALL TO ORDER AND ROLL CALL

PRESENTATION

1. Presentation – Friends of Arcadia Airport, Inc. (George Chase)
2. Presentation – New Rodeo Site (Donald Neu of Neu Consulting, LLC)

CONSENT AGENDA

3. City Council Minutes for October 20, 2015 (Penny Delaney – City Clerk)
4. Special Event Permit – Boots and Bling Fundraising Event at McSwain Park – Leadership DeSoto (Terry Stewart – City Administrator)

ACTION ITEMS

5. Special Event Permit – Team Arcadia Car Show (Terry Stewart – City Administrator)
6. Ordinance No. 1008 - Amending Article I, Chapter 98 of the Code to Regulate or Prohibit the Use of Designated Streets by Commercial Vehicles – Second and Final Reading (T.J. Wohl – City Attorney)
7. Ordinance No. 1009 – Amending Two (2) Parcels of Land located on East Maple Street from the Zoning of City B-1 to City R-1B – Second and Final Reading (Jeff Schmucker – Central Florida Regional Planning Council)
8. Ordinance No. 1010 – Amending One (1) Parcel of Land located at 14 School Avenue from the Zoning of City R-1C to PBG – First Reading (Jeff Schmucker – Central Florida Regional Planning Council)
9. Emergency Road Repair Authorization (Terry Stewart – City Administrator)
10. Request Approval to Open a Loan Repayment Account with Seacoast National Bank (Terry Stewart – City Administrator)
11. Contract for Uniform Services (Linda Lowe – Human Resource Manager)
12. Discussion on Options for Ordinance or Resolution Concerning Quasi-Judicial Proceedings (T.J. Wohl – City Attorney)

COMMENTS FROM DEPARTMENTS

13. City Marshal
14. City Attorney
15. City Administrator

PUBLIC **(Please limit presentation to three minutes)**
MAYOR AND COUNCIL REPORTS
ADJOURN

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

PLEASE TURN OFF OR SILENCE ALL CELL PHONES

PRESENTATION No. 1

Friends of Arcadia Airport, Inc.
Resolution: Gift to City

Whereas, **Friends of Arcadia Airport, Inc. is a Florida non-profit 501-c-3 Corporation operating in Arcadia, Florida,**

Whereas, **Friends is a dedicated aviation support group with a mission of supporting Arcadia Municipal Airport and General Aviation in DeSoto County,**

Whereas, **Friends has established a plan to help make Arcadia Municipal Airport a "Destination Airport",**

Whereas, **Friends has entered into Development and Lease Agreements with the City of Arcadia to develop and manage a Fly-In/Camp-Out Center at Arcadia Municipal Airport,**

Whereas, **The City of Arcadia has granted use of three (3) acres located on the NW side of Arcadia Municipal Airport for such a facility,**

Whereas, **Friends has raised the necessary funds to construct the Facility at no cost to the local taxpayers and finished construction of the Fly-In/Camp-Out Center.**

Now therefore be it resolved by Friends of Arcadia Airport that:

1. On this day of November 3, 2015 Friends of Arcadia Airport, Inc. will donate to the City of Arcadia the finished real property associated with the Facility as described below,

1- 21X31 ft cement slab	$ 2,600
1- 20X30 ft metal Pilot Shelter	$ 2,820
1- 18ft circular Fire Hub	$ 2,470

2. This above real property is given free of any liens, encumbrances or mortgages.

3. Friends has already donated all labor to clear and develop the site as well as other in-kind donations by local residents and businesses that brings the total value of the gift to well over $20,000.

4. Friends will manage the site for the City of Arcadia and all profits from its use will go to on airport aviation projects such as airport beautification, publicity, aviation events and seminars, fly-ins and to maintain the Fly-In/Camp-Out Center so it will serve the airport well.

Further, Friends is proud to present this gift to the City of Arcadia and Arcadia Municipal Airport with the hope that this Facility will become a positive force in attracting pilots to visit our airport and City and have a positive impact on economic development County wide.

Passed by a unanimous vote of the Friends Board of Directors:

George Chase, Pres. Rickey Hilton, VP. Bob Miller, VP

Ross Clark, Treas. Dave Hutchinson, Sec.

PRESENTATION No. 2

AGENDA No. 3

AGENDA MINUTES
CITY COUNCIL
CITY OF ARCADIA
TUESDAY, OCTOBER 20, 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

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

Arcadia City Council

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

Deputy Mayor Alice Frierson was not in attendance due to being out of state regarding a personal matter.

Arcadia City Staff

City Administrator Terry Stewart
Marshal Matthew Anderson
City Clerk Penny Delaney

Mayor Wertz-Strickland announced that it was Councilmember Coker's birthday and Councilmember Fink acknowledged it by providing a song in her honor.

CONSENT AGENDA

Agenda Item 1 – City Council Minutes for October 6, 2015
Agenda Item 2 – City of Arcadia Municipal Airport September Report
Agenda Item 3 – Special Event Permit – Relay for Life DeSoto Kickoff – American Cancer Society

Councilmember Coker made a motion to accept the Consent Agenda and Councilmember Fink seconded the motion. No discussion followed and it was unanimously, 4/0, approved.

ACTION ITEMS

Agenda Item 4 – Consider Application of Connie Bateman for Member of the Historical Preservation Commission

City Administrator Stewart advised there was a vacancy on the Historical Preservation Commission and there was one (1) application for consideration for appointment to that commission. Councilmember Fink made a motion to approve the appointment of Connie Bateman and Councilmember Coker seconded the motion. No discussion followed and it was unanimously, 4/0, approved.

Agenda Item 5 – Petition for City to Sponsor a Volunteer Group to Develop and Implement Community Based Events and Projects

City Administrator Stewart stated this was a request from Connie Bateman, Lucretia Gilmore and Emily Morris for Council's consideration to develop a volunteer group. Emily Morris, a City resident, expressed her desire to create events for families to participate in and stated that if the City would sponsor such, it would receive positive publicity and it would increase awareness of what is in our historic downtown. She spoke of enlisting different local organizations to help with each event. Connie Bateman spoke of the economic side of the issue. She stated that 71% of Florida residents plan a trip every fall and she suggested doing something to draw people to Arcadia. She advised that 87 million people visit the State of Florida every year which makes it a $67 billion industry. Mrs. Bateman stated that she was envisioning having movies and music downtown free of charge with the City of Arcadia getting the publicity. Councilmember Fink stated that he wanted to ensure that existing organizations would not be hurt through such. Mrs. Bateman advised they would never try to take anything away from anyone else, but instead wanted to bring something positive to our town. She pointed out that this would be volunteers that serve at the pleasure of the Council. Councilmember Fink asked for confirmation that they would not be providing liability insurance and Mrs. Bateman agreed and stated that was why they wanted to do it in the name of the City. Councilmember Fink stated Council would have to look at it as a policy decision. Mayor Wertz-Strickland stated she would like to see a plan to know how they would interact with the other organizations that utilize the areas downtown. Mrs. Morris stated they would not be making any money and because of that, they would not have the funds to have the insurance.

City Administrator Stewart stated that he wanted to make Council aware that should they decide to take advantage of the offer, ultimately staff would be responsible for managing it at some point. He felt it was important to have a recommendation from the group making the proposal of what the structure would look like with how they would interact with City staff so he could advise Council if it would work or not or if it needed to be tweaked. After further discussion, Councilmember Fink made a motion that they ask the volunteer group to come back with a proposal in hard copy form that can flesh out the portion that was discussed this evening and that staff come back after review to give Council a listing of proposed dates (for a workshop) and contact be made with other organizations that deal with the downtown area on this subject so

they can be invited as well and Councilmember Coker seconded the motion. No discussion followed and it was unanimously, 4/0, approved.

Agenda Item 6 – Consider Salvation Army Special Stipulations for Old PD Building Lease

City Administrator Stewart reminded Council that the Salvation Army had requested that they be allowed to use the old police department building to provide Salvation Army services and that Council had directed the City Attorney and the City Administrator to negotiate with the Salvation Army and bring back a lease. Mr. Stewart advised the lease included $150.00 a month rent and Salvation Army would take care of all the maintenance, etc. He advised the lease was brought back to Council and Council approved same. City Administrator Stewart stated that the Salvation Army indicated they would sign it contingent upon the fact that the air conditioners were checked out. He advised the City did such and invested $450.00 in repairing one of the air conditioners. Mr. Stewart further advised that after several attempts of trying to get the Salvation Army to sign the lease, staff received a communication from the Salvation Army wanting to add a group of special stipulations. He informed Council that he sent the stipulations to the City Attorney who advised such would negate Salvation Army's prior pledge to maintain the facility. Mr. Stewart stated he had already provided Council with the stipulations and was asking if they wished to move forward. Mr. Stewart recommended that Council do not accept and incorporate the changes and that they nullify their previous direction to enable the lease and the City Attorney suggested they rescind the offer. Councilmember Fink made a motion to rescind the offer and Councilmember Coker seconded the motion. No discussion followed and it was unanimously, 4/0, approved.

Agenda Item 7 – Planning Advisory Services Contract with the Central Florida Regional Planning Council (CFRPC)

City Administrator Stewart explained that Central Florida Regional Planning Council had been providing the City with planning and land use services for the last six (6) months or so. He explained the initial agreement was short term and the proposed agreement is for one (1) year. Mr. Stewart stated that the staff interaction with them had been extremely positive and very beneficial. Jennifer Codo-Salisbury of Central Florida Regional Planning Council thanked the Council for the opportunity to present the agreement and stated they greatly appreciated their relationship with Arcadia over the years and it had been a great opportunity to be of service. She explained that the agreement provided for assistance with land use, zoning, site planning and planning related issues, along with GIS mapping as well. Councilmember Coker made a motion to approve Planning Advisory Services Contract with the Central Florida Regional Planning Council for the fiscal year 2015-2016 and Councilmember Fink seconded the motion. City Administrator Stewart asked that she include the amount and Councilmember Coker added in the amount of Twenty Thousand and 00/100 Dollars ($20,000.00) and Councilmember Fink seconded the addition to the motion. No discussion followed and it was unanimously, 4/0, approved.

Agenda Item 8 – Resolution 2015-07 – City Government Week

Councilmember Coker made a motion to have Resolution 2015-07 read by title only and Councilmember Fink seconded the motion. The City Clerk then read Resolution 2015-07 by title only. Councilmember Coker made a motion to accept Resolution 2015-07 as read and Councilmember Fink seconded the motion. No discussion followed and it was unanimously, 4/0, approved. Mayor Wertz-Strickland advised that there would be a mock City Council meeting tomorrow at 9:30 a.m. She stated approximately sixty (60) seventh grade civics students from the DeSoto Middle School would be in attendance and they have selected their five (5) City Council Members, a City Clerk and a City Administrator. She advised when the mock meeting begins, they will select their Mayor and an agenda had been prepared for them to address. She expressed her pleasure of the idea and she stated the teachers and students were very excited about it. Mayor Wertz-Strickland advised that the Florida League of Cities and the Ridge League of Cities had asked the City to get involved in celebrating this week and she invited the public to attend.

Agenda Item 9 – Specific Authorization to Amend the Professional Services Agreement with Hazen and Sawyer

City Administrator Stewart reminded Council that staff had made a grant request to the Florida Department of Environmental Protection. He explained that 85% of it would be funded by the DEP and 15% of it would be funded by the City. Mr. Stewart further explained that it was a $1 million dollar project and the DEP had informed the City that those funds are available for the City and that we do qualify. He stated we were waiting for their final approval and the funding. Mr. Stewart advised that what Council had before them was a Specific Authorization to amend the professional agreement with our engineers in the amount of $1 million since this project will be managed by them. He pointed out that it was contingent on final approval of the grant and funding. He explained that in order to tackle the task of upgrading the system, and he stated that the City would be looking for assistance from several state and federal agencies to accomplish this, unless the City has the ability to demonstrate to them that we know exactly the extent of the problem and what needs to be done, it is difficult to get their support. Mr. Stewart stated this project will accomplish the piece of the puzzle wherein all the sewer pipes of the City will be videoed and a GIS mapping will also be done so that we will know the size, depth, location and direction of the pipe. He further stated that once we have that information, we will be able to move forward. After further discussion, Councilmember Fink made a motion to approve Specific Authorization No. 20 to the agreement for professional services with Hazen and Sawyer in the amount of $1 million with said approval to be contingent upon final approval and funding of a requested $850,000.00 grant from the Florida Department of Environmental Protection and Councilmember Coker seconded the motion. No discussion followed and it was unanimously, 4/0, approved. City Administrator Stewart expressed his appreciation of the Council's support regarding this and he thanked staff who was working exceedingly hard to keep up the pace that he had requested.

COMMENTS FROM DEPARTMENTS

Marshal Anderson stated he was there to address any concerns the City Council or public may have and there were none. He advised it had been requested that a road closure from Lee to Johnson on Imogene for Halloween night be allowed. He stated he felt it was a safe thing to do as long as Council had no objection and there were no objections. Marshal Anderson also advised that on November 5th and 6th, the department will have their second annual tip-a-cop program at Slim's Deep South BBQ which will help fund the shop-with-a-cop program during the Christmas season.

Emily Morris expressed her concern with the barricades on Mills Avenue being removed by citizens so they can travel through with their vehicles. She was not sure who she should address with the issue and City Administrator Stewart advised that he was going to include this issue in his report. He stated the street is failing due to the stormwater pipes leaking and staff could not get companies to give a price for the repairs. He explained one (1) local company gave a price of $173,958.00 which is all inclusive of replacing the stormwater pipe, repairing any sewer pipes that might need it and water connection, refilling the road with the base and paving. Mr. Stewart cautioned Council that when dealing with underground issues, there are always unforeseen issues and hopefully the contractor had provided enough contingency within his price to cover that, but if there is a major issue that is unforeseen, it could affect that. Mr. Stewart advised that he would be placing this on the November 3, 2015 agenda as an item even though he had given his authorization on an emergency basis because it continues to deteriorate. Mrs. Morris stated it was eating into the school campus as well. Councilmember Fink stated that he felt the issue of citizens driving through the area was the Marshal's issue. City Administrator Stewart advised he had received a complaint from his public works department that it was indeed happening and that work should begin by Thursday and once the work begins, the public will not be able to drive through it. Marshal Anderson advised that he had an officer in the area to prevent it from happening, but if a call comes in, it becomes a priority issue. City Administrator Stewart advised that their main concern was the safety of the children and the parents who travel on that road.

The City Attorney had nothing to report to the City Council.

The City Administrator addressed a special event permit that had been turned in after the packets had been distributed, but before the City Council meeting. He stated that Friendship Baptist Church was requesting to block off a small portion of West Myrtle Street during the time they are having their community fall festival. Mr. Stewart asked if Council was willing to consider this being brought up under his report and there was no one in disagreement to such. He then asked for Council's direction as to whether they wished to approve this special event. Mr. Stewart also advised that staff had worked hard to let people know that the timeline to get requests to administration had changed. Councilmember Fink made a motion to approve the special event permit and Councilmember Coker seconded the motion. No discussion followed and it was unanimously, 4/0, approved. Councilmember Fink suggested that as the requests come in late, staff extend the knowledge again to each and every party that comes in that the timetable has changed. City Administrator Stewart advised that he is working with the Code

Officer and had given him a sample ordinance regarding special events which includes within it dates that things must be submitted and if submitted late, they have to pay an extra fee. He stated staff is working on this and will have something for Council in the not too distant future. City Attorney Wohl stated that he understood the Council had approved the request and did not feel there would be an issue with them getting insurance, but he pointed out that on the Certificate of Insurance, the description of operations listed an enrichment summer camp, but stated this should extend to include the other event. Councilmember Fink amended his motion to receive clarification on their insurance and Councilmember Coker seconded the amended motion. No discussion followed and it was unanimously, 4/0, approved.

PUBLIC

Janie Watson, a City resident, asked what had happened to the committee that was supposed to be reviewing the codes. City Administrator Stewart advised they were reviewing the International Property Maintenance Code and deciding whether or not to come back with a recommendation to the City Council to adopt the idea. He explained it was a model code that many communities use and it has been tested time and time again to give a reliable system process of codes that a hearing officer can rule on with great comfort.

James "Donnie" Webb, a City resident, requested special permission to relocate "Tender Care Child Center" to the empty lot next door to their home on E. Imogene Street. After some discussion, the City Administrator stated he thought they would need a formal application and asked Mr. Webb to contact his office regarding getting him started on the appropriate path.

Charles Conklin, a City resident, thanked the City Administrator and Councilmember Fink for cleaning up the dirt pile that was left by the contractor on the corner of Smith and Gibson.

MAYOR AND COUNCIL REPORTS

Councilmember Coker thanked Councilmember Fink for the birthday wish and reminded everyone about the upcoming parades. Regarding the Salvation Army and the old police department building, she stated that she had requested the inventory at the beginning of the year, which she now has, so that a workshop could be held to determine what could be done with some of the City's properties. She asked if the workshop could be set so they could have those discussions. City Administrator Stewart advised that staff would pick a date and send it to the City Council for availability and Councilmember Fink stated that while doing so for the other workshop, schedule a time for this one as well.

City Administrator Stewart was reminded that he needed to address an issue regarding an individual from the Florida City County Management Association, the Senior Advisors, who specializes in strategic planning. Mr. Stewart advised that the first step would be to schedule a time to meet which would take approximately one (1) day and he provided available dates. After some discussion, City Council all agreed to meet on November 19th. Councilmember Fink asked if it would be an all day affair and City Administrator Stewart confirmed that it would be all day.

Mayor Wertz-Strickland allowed Rev. Anderson to address the Council and Rev. Anderson thanked the Council for approving the fall festival for Friendship Missionary Church. He confirmed the insurance issue would be addressed.

Mayor Wertz-Strickland stated that Habitat for Humanity had asked for Council to work November 2, 2015 from 8:00 a.m. until 12:00 p.m. and asked if anyone was willing to do so and Councilmember Coker responded affirmatively. Councilmember Coker provided additional information regarding the particular house.

City Administrator Stewart advised Council that he had authorized Toys for Tots to use the Speer Center on a temporary basis to store their toys until distribution time because they were not able to secure a private entity that was willing to allow them use of a facility. Council was in agreement to such. Devin Lacava asked if it would interfere with the school's storage of their tennis equipment at the Speer Center and Mr. Stewart advised that it would not.

ADJOURN

Councilmember Coker made a motion to adjourn and Councilmember Fink seconded the motion. No discussion followed and it was unanimously, 4/0, approved. Having no further business at this time, the meeting was adjourned at approximately 7:25 P.M.

ADOPTED THIS ___ DAY OF _____, 2015.

By:

_____
Judy Wertz-Strickland, Mayor

ATTEST:

_____
Penny Delaney, City Clerk

AGENDA No. 4

CITY COUNCIL AGENDA ITEM
Requested Council Meeting Date: November 3, 2015

DEPARTMENT: Code Enforcement
SUBJECT: Boots and Bling

RECOMMENDED MOTION:
Approval

SUMMARY: Leadership DeSoto is requesting to hold a fundraising event at McSwain Park. The event will provide music, dinner and drinks to celebrate Valentine's Day. The hours of this event will be from 6 p.m. to 10 p.m. All proceeds will be going to help finish building McSwain Park. An auction and raffle items will be offered. Leadership DeSoto is also requesting that the event fees be waved.

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

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

Department Head: Carl A. McQuay CAM Date: 11/03/15

Finance Director (As to Budget Requirements) Date:

City Attorney (As to Form and Legality) Date:

City Administrator: Terry Stewart Date: 10-22-15

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

SPECIAL EVENTS

A special event is defined as any event held in the City that is open and advertised to the public or which could limit the normal use and access to an area by the general public, or which is deemed to have an impact on the City right-of-ways or could affect public safety, and which is less than two weeks in duration. These events could be, but are not limited to:

Festivals	**Fairs**	**Carnivals**
Flea Markets	**Expos**	**Tent Sales**
Walk-a-thons	**Parades**	**Road Races**
Tournaments	**Pony Rides**	**Petting Zoos**
Concerts	**Car Shows**	**Boat Shows**
Battles of the Bands	**Fireworks Displays**	**Public Gatherings**

All special events require a SPECIAL EVENTS PERMIT. Event organizers shall obtain a Special Event Permit application from the City Administrator's office, to be returned to that office at least thirty (30) days prior to the anticipated date of the event. Any required documentation or attachments should be included with the application. The completed application must include legible information detailing:

a) A narrative describing the approximate number of people expected to attend;
b) Whether signs will be placed in the City right-of-ways;
c) Any special or unusual circumstances (cooking, alcoholic beverages, wildlife, fireworks, carnival type rides, outdoor music, ect.);
d) Indicate whether additional electrical services will be required, and if so, where;
e) Whether streets will be closed, or barricades erected;
f) Include details of traffic control, emergency access and parking arrangements;
g) Describe the provisions made for collection of trash, garbage, and recycling; and
h) If applicable, specify the location and indicate whether or not you have the owner's permission to hold the event at that location and provide owner's contact information.

The event sponsor will be responsible for any costs incurred by the City for set-up or clean-up of the event, and any security provided by on-duty law enforcement. The sponsor will have the option of providing its own security, at its own cost, through a private security company or off-duty officers.

All special events are subject to final approval by the City Administrator, Police Department, and possibly the City Council.

INSURANCE – The event organizer shall provide proof of liability insurance coverage naming the City as an additional insured on the Comprehensive General Liability Policy. An Indemnification and Hold Harmless Agreement must be signed by an authorized representative of the organizing group and submitted along with the Certificate of Insurance and application packet.

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

ALCOHOL – Will alcoholic beverages be sold or consumed on the premises? If yes, organizer or sponsor shall submit a copy of the Florida Alcoholic Beverages Permit 15 days prior to the event. You can download a One/Two/Three day alcohol sales permit from the State at https://www.myfloridalicense.com/intentions2.asp?chBoard=true&SID=&boardid=400&professionid=4002

USE OF CITY PERSONNEL – If City personnel are used for set-up or clean-up, or for security, outside of normal work hours, it will be the responsibility of the event sponsor to pay the salary of those personnel for the time they spend on the event.

By completing and submitting the attached application, I certify that:

- **I have read and agree to abide by the terms and conditions set forth above;**
- **That I will be designated as the (sole) contact person for the event;**
- **That I will be responsible for applying for and attaching all required permits and documentation; and**
- **That I am responsible for any fees which may be incurred as a result of this event.**

Signature of Applicant/Event Sponsor	10/19/15 **Date**
Jennifer Sue Trace **PRINTED Name of Above**	(863) 263-7228 **Contact Phone #**

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

City of Arcadia

SPECIAL EVENTS PERMIT APPLICATION

Date Submitted: 10/20/15

Event Name: Boots and Bling

Date(s) of Event: 2/13/16 Saturday **Hours of Event:** around 6pm - 10pm

Expected Attendance: 150+

Event Sponsor: Leadership DeSoto **Non Profit?** _____ **Yes** ✓ **No**

Description of Event: Music, Dinner, Drinks to Celebrate Valentines Day and Raise money to finish building McSwain Park. Auction and Raffle items will be present.

Contact Person: ASya Shine **Telephone** (941) 461-0827

Chamber **Fax #:** (863) 494-3312 **Email :** asyashine.dfdc@gmail.com

Insurance Carrier: Albritton Insurance

Insurance Agent: Jennifer Backer **Agent's Phone:** (863) 993-4101

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

If yes, please specify locations: The old band stand by the tree of Knowledge Street Closure where Antique fair setup normally is.

Other pertinent information: We will have off duty police at the fundraiser, all money raised goes to McSwain Park build. The event will have a Clean up Crew.

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

Received by: C. M. [illegible] Date: 10/29/15

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

INDEMNIFICATION & HOLD HARMLESS

I, Jennifer Trace, as Director of
(Printed Name) (Title or Office Held)

The DeSoto County Chamber of Commerce, do hereby agree to hold the City of Arcadia, its agents, and employees harmless and indemnify same from any civil actions or claims of any nature made in connection with the event known as the Boots & Bling a Sweetheart Soiree (Name of Event) to be held at Tree of Knowledge/the old Band Stand. (Location) on 2/13/16 (Date).

By: _____
(Signature)

Printed Name: Jennifer Trace

Entity Name: Leadership DeSoto

Its: Fundraiser

Date: 2/13/16

STATE OF FLORIDA

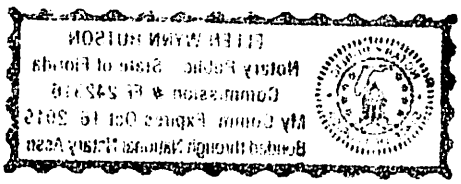
COUNTY OF DeSoto

Sworn to and subscribed before me this 21 day of October, 2015, by Jennifer Trace, as _____, who [ ] is personally known to me or [ ] has produced _____ as identification.

Ellen Wynn Hutson
NOTARY PUBLIC
Printed Name: Ellen Wynn Hutson
Commission No. FF 242816
Commission Expires: 10-16-2019

(SEAL)

ELLEN WYNN HUTSON
Notary Public - State of Florida
Commission # FF 242816
My Comm. Expires Oct 16, 2019
Bonded through National Notary Assn.


EILEEN WYNN HUTSON
Notary Public State of Florida
Commission # FF 242339
My Comm. Expires Oct 16, 2015
Bonded through National Notary Assn

ACORD®

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 10/22/2015

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER

DeSoto Insurance Agency
243 N. Brevard Ave.
P. O. Box 880
Arcadia, Florida 34265-0880

Phone: (863)494-2242
Fax: (863)494-1991

CONTACT NAME: Mildred DeLuca
PHONE (A/C, No, Ext): (863)494-2242 FAX (A/C, No): (863)494-1991
E-MAIL ADDRESS: mad@desotoinsurance.com

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : Southern-Owners Insurance Company	10190
INSURER B :	
INSURER C :	
INSURER D :	
INSURER E :	
INSURER F :	

INSURED

DeSoto County Chamber of Commerce, Inc.
16 S. Volusia Avenue
Arcadia, FL 34266

COVERAGES **CERTIFICATE NUMBER:** 1253 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	✓ COMMERCIAL GENERAL LIABILITY			20220044	7/15/2015	7/15/2016	EACH OCCURRENCE	$ 1,000,000
	☐ CLAIMS-MADE ✓ OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence)	$ 50,000
							MED EXP (Any one person)	$ 5,000
							PERSONAL & ADV INJURY	$ 1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE	$ 2,000,000
	☐ POLICY ☐ PRO-JECT ☐ LOC						PRODUCTS - COMP/OP AGG	$ 2,000,000
	☐ OTHER:							$
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident)	$
	☐ ANY AUTO						BODILY INJURY (Per person)	$
	☐ ALL OWNED AUTOS ☐ SCHEDULED AUTOS						BODILY INJURY (Per accident)	$
	☐ HIRED AUTOS ☐ NON-OWNED AUTOS						PROPERTY DAMAGE (Per accident)	$
								$
	☐ UMBRELLA LIAB ☐ OCCUR						EACH OCCURRENCE	$
	☐ EXCESS LIAB ☐ CLAIMS-MADE						AGGREGATE	$
	☐ DED ☐ RETENTION $							$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						☐ PER STATUTE ☐ OTH-ER	
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) Y/N ☐	N/A					E.L. EACH ACCIDENT	$
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE	$
							E.L. DISEASE - POLICY LIMIT	$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Special Event Coverage - Event 2/13/2015 "Boots & Bling a Sweet Heart Soiree"

CERTIFICATE HOLDER

Holder's Nature of Interest : Certificate Holder

City of Arcadia

PO Box 351
Arcadia, FL 34265

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

0000019 06/16/12

Consumer's Certificate of Exemption

DR-14
R. 04/11

Issued Pursuant to Chapter 212, Florida Statutes

Certificate Number	Effective Date	Expiration Date	Exemption Category
85-8012584806C-9	07/31/2012	07/31/2017	501(C)(3) ORGANIZATION

This certifies that

COMMUNITY FOUNDATION OF SARASOTA
COUNTY INC
2635 FRUITVILLE RD
SARASOTA FL 34237-5222

is exempt from the payment of Florida sales and use tax on real property rented, transient rental property rented, tangible personal property purchased or rented, or services purchased.

Important Information for Exempt Organizations

DR-14
R. 04/11

1. You must provide all vendors and suppliers with an exemption certificate before making tax-exempt purchases. See Rule 12A-1.038, Florida Administrative Code (F.A.C.).

2. Your *Consumer's Certificate of Exemption* is to be used solely by your organization for your organization's customary nonprofit activities.

3. Purchases made by an individual on behalf of the organization are taxable, even if the individual will be reimbursed by the organization.

4. This exemption applies only to purchases your organization makes. The sale or lease to others of tangible personal property, sleeping accommodations, or other real property is taxable. Your organization must register, and collect and remit sales and use tax on such taxable transactions. Note: Churches are exempt from this requirement except when they are the lessor of real property (Rule 12A-1.070, F.A.C.).

5. It is a criminal offense to fraudulently present this certificate to evade the payment of sales tax. Under no circumstances should this certificate be used for the personal benefit of any individual. Violators will be liable for payment of the sales tax plus a penalty of 200% of the tax, and may be subject to conviction of a third-degree felony. Any violation will require the revocation of this certificate.

6. If you have questions regarding your exemption certificate, please contact the Exemption Unit of Account Management at 800-352-3671. From the available options, select "Registration of Taxes," then "Registration Information," and finally "Exemption Certificates and Nonprofit Entities." The mailing address is PO Box 6480, Tallahassee, FL 32314-6480.

IRS Department of the Treasury
Internal Revenue Service
P.O. Box 2508, Room 4010
Cincinnati OH 45201

In reply refer to: 4077550279
Nov. 20, 2012 LTR 4168C 0
59-1956886 000000 00
00030880
BODC: TE

COMMUNITY FOUNDATION OF
SARASOTA COUNTY INC
2635 FRUITVILLE RD
SARASOTA FL 34237-5222

020891

Employer Identification Number: 59-1956886
Person to Contact: Sophia Brown
Toll Free Telephone Number: 1-877-829-5500

Dear Taxpayer:

This is in response to your Sep. 17, 2012, request for information regarding your tax-exempt status.

Our records indicate that you were recognized as exempt under section 501(c)(3) of the Internal Revenue Code in a determination letter issued in November 1980.

Our records also indicate that you are not a private foundation within the meaning of section 509(a) of the Code because you are described in section(s) 509(a)(1) and 170(b)(1)(A)(vi).

Donors may deduct contributions to you as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to you or for your use are deductible for Federal estate and gift tax purposes if they meet the applicable provisions of sections 2055, 2106, and 2522 of the Code.

Please refer to our website www.irs.gov/eo for information regarding filing requirements. Specifically, section 6033(j) of the Code provides that failure to file an annual information return for three consecutive years results in revocation of tax-exempt status as of the filing due date of the third return for organizations required to file. We will publish a list of organizations whose tax-exempt status was revoked under section 6033(j) of the Code on our website beginning in early 2011.

4077550279
Nov. 20, 2012 LTR 4168C 0
59-1956886 000000 00
00030881

COMMUNITY FOUNDATION OF
SARASOTA COUNTY INC
2635 FRUITVILLE RD
SARASOTA FL 34237-5222

If you have any questions, please call us at the telephone number shown in the heading of this letter.

Sincerely yours,

Cindy Thomas

Cindy Thomas
Manager, EO Determinations

AGENDA No. 5

CITY COUNCIL AGENDA ITEM
Requested Council Meeting Date: November 3, 2015

DEPARTMENT: Code Enforcement
SUBJECT: Team Arcadia Car Show

RECOMMENDED MOTION:

SUMMARY: Team Arcadia has already been approved by City Council on October 6, 2015 to hold a car show at the corner of Oak Street and Polk Ave. on the following dates: October 17, 2015, November 21, 2015, and December 19, 2015. The event will be held between the hours of 4:30 pm to 8:30 pm. Team Arcadia is now requesting to have this event on every 3rd Saturday of the month for the entire 2016 calendar year.

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

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

Department Head: Carl A. McQuay CAM Date: 11/03/15

Finance Director (As to Budget Requirements) Date:

City Attorney (As to Form and Legality) Date:

City Administrator: Terry Stewart Date: 10-22-15

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

SPECIAL EVENTS

A special event is defined as any event held in the City that is open and advertised to the public or which could limit the normal use and access to an area by the general public, or which is deemed to have an impact on the City right-of-ways or could affect public safety, and which is less than two weeks in duration. These events could be, but are not limited to:

Festivals	**Fairs**	**Carnivals**
Flea Markets	**Expos**	**Tent Sales**
Walk-a-thons	**Parades**	**Road Races**
Tournaments	**Pony Rides**	**Petting Zoos**
Concerts	**Car Shows**	**Boat Shows**
Battles of the Bands	**Fireworks Displays**	**Public Gatherings**

All special events require a SPECIAL EVENTS PERMIT. Event organizers shall obtain a Special Event Permit application from the City Administrator's office, to be returned to that office at least thirty (30) days prior to the anticipated date of the event. Any required documentation or attachments should be included with the application. The completed application must include legible information detailing:

a) A narrative describing the approximate number of people expected to attend;
b) Whether signs will be placed in the City right-of-ways;
c) Any special or unusual circumstances (cooking, alcoholic beverages, wildlife, fireworks, carnival type rides, outdoor music, ect.);
d) Indicate whether additional electrical services will be required, and if so, where;
e) Whether streets will be closed, or barricades erected;
f) Include details of traffic control, emergency access and parking arrangements;
g) Describe the provisions made for collection of trash, garbage, and recycling; and
h) If applicable, specify the location and indicate whether or not you have the owner's permission to hold the event at that location and provide owner's contact information.

The event sponsor will be responsible for any costs incurred by the City for set-up or clean-up of the event, and any security provided by on-duty law enforcement. The sponsor will have the option of providing its own security, at its own cost, through a private security company or off-duty officers.

All special events are subject to final approval by the City Administrator, Police Department, and possibly the City Council.

INSURANCE – The event organizer shall provide proof of liability insurance coverage naming the City as an additional insured on the Comprehensive General Liability Policy. An Indemnification and Hold Harmless Agreement must be signed by an authorized representative of the organizing group and submitted along with the Certificate of Insurance and application packet.

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

ALCOHOL – Will alcoholic beverages be sold or consumed on the premises? If yes, organizer or sponsor shall submit a copy of the Florida Alcoholic Beverages Permit 15 days prior to the event. You can download a One/Two/Three day alcohol sales permit from the State at https://www.myfloridalicense.com/intentions2.asp?chBoard=true&SID=&boardid=400&professionid=4002

USE OF CITY PERSONNEL – If City personnel are used for set-up or clean-up, or for security, outside of normal work hours, it will be the responsibility of the event sponsor to pay the salary of those personnel for the time they spend on the event.

By completing and submitting the attached application, I certify that:

- **I have read and agree to abide by the terms and conditions set forth above;**
- **That I will be designated as the (sole) contact person for the event;**
- **That I will be responsible for applying for and attaching all required permits and documentation; and**
- **That I am responsible for any fees which may be incurred as a result of this event.**

John Super	10-19-15
Signature of Applicant/Event Sponsor	**Date**
JOHN SUPER	941-812-8005
PRINTED Name of Above	**Contact Phone #**

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

City of Arcadia

SPECIAL EVENTS PERMIT APPLICATION

Date Submitted: _____

Event Name: TEAM Arcadia Car Show

Date(s) of Event: Third Saturday of each month during 2016 **Hours of Event:** 4:30 PM - 8:30PM

Expected Attendance: _____

Event Sponsor: _____ **Non Profit?** X **Yes** _____ **No**

Description of Event: Car Show

Contact Person: John Super **Telephone** (863) 494-1631 cell 941-812-8005

Fax #: _____ **Email :** jc.super70@gmail.com

Insurance Carrier: DeSoto Insurance

Insurance Agent: Phil **Agent's Phone:** _____

Alcoholic Beverage?	____YES	✓ NO
Tents?	____YES	✓ NO
Cooking?	____YES	✓ NO
Outdoor Music?	X YES	____NO
Additional Electric?	____YES	✓ NO
Carnival Rides?	____YES	✓ NO
Wildlife?	____YES	✓ NO
Fireworks?	____YES	✓ NO
Signs Displayed?	____YES	✓ NO
Set-up/Clean-up by City?	____YES	✓ NO
City Police Required?	____YES	✓ NO
Road Closures?	____YES	✓ NO

If yes, please specify locations: _____

Other pertinent information: _____

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

Received by: C. McE Date: 10/22/15

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

INDEMNIFICATION & HOLD HARMLESS

I, John Super, as President of
(Printed Name) (Title or Office Held)

_____, do hereby agree to hold the City of Arcadia,

its agents, and employees harmless and indemnify same from any civil actions or claims of any nature

made in connection with the event known as the TEAM Arcadia Car Show to
(Name of Event)

be held at Oak and Polk on 3rd Saturday each month 2016
(Location) (Date)

By: John Super
(Signature)

Printed Name: John Super

Entity Name: TEAM ARCADIA

Its: _____

Date: _____

STATE OF FLORIDA

COUNTY OF DeSOTO

Sworn to and subscribed before me this 19 day of October, 20 15, by

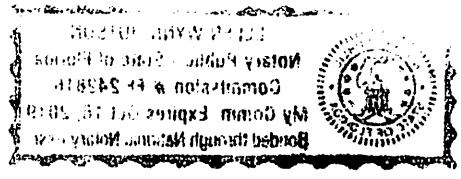
John Super, as _____,

who [ ] is personally known to me or [ ] has produced _____ as identification.

ELLEN WYNN HUTSON
Notary Public - State of Florida
Commission # FF 242816
My Comm. Expires Oct 16, 2019
Bonded through National Notary Assn.

(SEAL)

Ellen Wynn Hutson
NOTARY PUBLIC
Printed Name: Ellen Wynn Hutson
Commission No. FF 242816
Commission Expires: 10-16-19



RECEIPT

DATE 10/19/15 No. 522006

RECEIVED FROM Team Arcadia - Car Show $300.00

Three hundred DOLLARS

○ FOR RENT
○ FOR Special Event Permit Jan 16 - Dec 16

ACCOUNT	
PAYMENT	300.00
BAL. DUE	Ø

○ CASH
✓ CHECK
○ MONEY ORDER
○ CREDIT CARD

Check # 363

FROM _____ TO _____

BY CBlatt

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 9/24/2015

ERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS FICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES OW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED PRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

MPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER

DeSoto Insurance Agency
243 N. Brevard Ave.
P. O. Box 880
Arcadia, Florida 34265-0880

Phone: (863)494-2242
Fax: (863)494-1991

CONTACT NAME: Marsha McMillan
PHONE (A/C, No, Ext): (863)494-2242
FAX (A/C, No): (863)494-1991
E-MAIL ADDRESS: msm@desotoinsurance.com

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : Southern-Owners Insurance Company	10190
INSURER B :	
INSURER C :	
INSURER D :	
INSURER E :	
INSURER F :	

INSURED

Team Arcadia & Downtown Merchants Committee
10 S. Polk Ave
Arcadia, FL 34266

COVERAGES **CERTIFICATE NUMBER:** 1218 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	✓ COMMERCIAL GENERAL LIABILITY			20280252	9/14/2015	9/14/2016	EACH OCCURRENCE	$ 1,000,000
	☐ CLAIMS-MADE ✓ OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence)	$ 50,000
							MED EXP (Any one person)	$ 5,000
							PERSONAL & ADV INJURY	$ 1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE	$ 2,000,000
	✓ POLICY ☐ PRO-JECT ☐ LOC						PRODUCTS - COMP/OP AGG	$ 2,000,000
	OTHER:							$
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident)	$
	ANY AUTO						BODILY INJURY (Per person)	$
	ALL OWNED AUTOS / SCHEDULED AUTOS						BODILY INJURY (Per accident)	$
	HIRED AUTOS / NON-OWNED AUTOS						PROPERTY DAMAGE (Per accident)	$
								$
	UMBRELLA LIAB / OCCUR						EACH OCCURRENCE	$
	EXCESS LIAB / CLAIMS-MADE						AGGREGATE	$
	DED / RETENTION $							$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						PER STATUTE / OTH-ER	
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) Y / N	N / A					E.L. EACH ACCIDENT	$
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE	$
							E.L. DISEASE - POLICY LIMIT	$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER

Holder's Nature of Interest : Certificate Holder

City of Arcadia

PO Box 1000
Arcadia, FL 34265-0351

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Dates : TEAM Arcadia
01/16/2016
01/20/2016
03/19/2016
04/16/2016
05/21/2016
06/18/2016
07/16/2016
08/20/2016
09/17/2016
10/15/2016
11/19/2016
12/17/2016

AGENDA No. 6

CITY COUNCIL AGENDA ITEM
Requested Council Meeting Date: November 3, 2015

DEPARTMENT: Legal
SUBJECT: Ordinance No. 1008 Amending Article I, Chapter 98 of the Code to Regulate or Prohibit the Use of Designated Streets by Commercial Vehicles.

RECOMMENDED MOTION: Approve the Second Reading of Ordinance No. 1008

SUMMARY:

Due to damage caused by large, commercial vehicles traversing streets in the downtown area, City Council directed the City Attorney to research the City's ability to restrict the use of certain streets from commercial vehicles. Upon review of the Code, the City Attorney discovered there is currently no provision which authorizes the City to designate certain streets being prohibited to commercial vehicle through traffic.

Accordingly, the City Attorney proposes amendment to Article I, Chapter 98, which will allow the City to erect signs giving notice that certain streets may not be traversed by commercial vehicles, as defined in § 316.003(66), *Florida Statutes*. Exception is made for emergency vehicles, as defined in § 316.003(1), *Florida Statutes*, and commercial vehicles delivering or picking up materials or merchandise.

Copies of the cited sections of Chapter 316, *Florida Statutes*, are attached for your review.

Per Council's direction at the September 15, 2015 Council meeting, proposed Ordinance No. 1008 also repeals Section 98-2 of the Code, which has been preempted by § 316.189, *Florida Statutes*.

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: 9/21/15
City Administrator: Date:

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

ORDINANCE NO. 1008

AN ORDINANCE OF THE CITY OF ARCADIA, FLORIDA; AMENDING ARTICLE I OF CHAPTER 98 OF THE CITY OF ARCADIA CODE OF ORDINANCES REGULATING TRAFFIC AND VEHICLES IN GENERAL; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Arcadia Code of Ordinances, Chapter 98, Traffic and Vehicles, provides for the regulation of traffic and vehicles throughout the corporate limits of the City of Arcadia; and

WHEREAS, the City Council of the City of Arcadia desires to revise certain provisions of Article I of Chapter 98, to reflect recent developments in the regulation of traffic and vehicles; and

WHEREAS, Section 316.008(1)(n), *Florida Statutes*, authorizes the City Council of the City of Arcadia to regulate or prohibit the use of heavily traveled streets by any class or kind of traffic found to be incompatible with the normal and safe movement of traffic; and

WHEREAS, Chapter 166, Florida Statutes, "The Municipal Home Rule Powers Act", implements the applicable provisions of the Florida Constitution and authorizes municipalities to exercise the power for municipal purposes except when expressly prohibited by law and enact ordinances in furtherance thereof; and

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

WHEREAS, it appears to be in the best interest of the citizens of the City of Arcadia that Article I of Chapter 98 of the Code of Ordinances be amended as set forth herein,

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

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

SECTION 2. Amendment of the Code of Ordinances. The Code of Ordinances of the City of Arcadia is hereby amended by restating Article I of Chapter 98 to read as follows:

"ARTICLE I. IN GENERAL

Sec. 98-1. - Enforcement of chapter.

The duty to enforce the provisions of this chapter is hereby imposed upon the police department of the city under the supervision and direction of the City marshal.

~~**Sec. 98-2. - Speed limits.**~~

~~(a) *Twenty miles per hour.* It shall be unlawful for any person to drive any motor vehicle over 20 miles per hour on the following streets located in the city:~~

~~*Alabama Avenue* from Bay Street to Harris Road.~~
~~*Booker T. Washington Road* from Harris Road to Hargrave Street.~~
~~*Harris Road* from Alabama Avenue to Booker T. Washington Road.~~
~~*Oak Street* from DeSoto Avenue to Orange Avenue.~~

~~(b) *Fifteen miles per hour.* It shall be unlawful for any person to drive any motor vehicle over 15 miles per hour on the following streets located in the city:~~

~~*Monroe Avenue* from Palmetto Street to Bay Street.~~

Sec. 98-~~3~~2. Adoption of state uniform traffic control law.

There is hereby adopted by the city for the purpose of establishing rules and regulations for the regulation of vehicular and pedestrian traffic within the city, including permits and penalties, that certain law being F.S. ch. 316, and known as the Florida Uniform Traffic Control Law, and the same is hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this section shall take effect, the provisions thereof shall be controlling in the regulation of traffic within the corporate limits of the city.

Sec. 98-3. - One-way streets and alleys.

When signs are erected indicating the direction of traffic as one-way, traffic shall move only in the direction indicated.

Sec. 98-4. - Through streets.

When signs are erected giving notice thereof, drivers of vehicles shall stop at every intersection before entering any through street.

Sec. 98-5. - Commercial Vehicle Through Traffic Restrictions.

(a) When signs are erected giving notice thereof, no person shall operate, or stop, stand, or park any commercial vehicle as defined in Section 316.003(66), *Florida Statutes*, upon any of the streets so designated. Exception is made for emergency vehicles as defined in Section

316.003(1), *Florida Statutes*; vehicles owned, operated, or contracted for by a governmental entity; or commercial vehicles using such streets for the purpose of delivering or picking up materials or merchandise, if such vehicles shall proceed directly from a street which is not so designated and return directly to an undesignated street so that such vehicle shall have traveled the shortest possible distance over the streets which are so designated.

(b) When signs are erected giving notice thereof, no person shall operate, or stop, stand or park any commercial vehicle as defined in Section 316.003(66), *Florida Statutes*, at the specified times upon any of the said streets so designated.

Sec. 98-6. - Penalty for violation of this Article.

(a) Every person found guilty of a violation of any provision of sections 98-3 through 98-6 shall be fined the sum of $100.00; provided, that if such fine is not paid within 10 days after the issuance of a parking ticket, the fine shall be $150.00; provided further, if such fine is not paid within 30 days after the issuance of a citation, the violator shall be fined as provided for parking tickets in F.S. § 316.1967.

(b) Every person found guilty of a violation of any other provision of the Florida Uniform Traffic Control Law, F.S. ch. 316, shall be punished as provided therein."

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

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

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

PASSED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA, on this ___ day of _____, 2015.

CITY OF ARCADIA, FLORIDA

_____
JUDY WERTZ-STRICKLAND, MAYOR

ATTEST:

By: _____
PENNY DELANEY, CITY CLERK

PASSED ON FIRST READING: _____, 2015

PASSED ON SECOND READING: _____, 2015

APPROVED AS TO FORM:

_____
THOMAS J. WOHL, CITY ATTORNEY

AGENDA No. 7

CITY COUNCIL AGENDA ITEM
Requested Council Meeting Date: November 3, 2015

DEPARTMENT: Planning and Zoning
SUBJECT: Request for rezoning of Parcel #s 31-37-25-0016-6060-0250 & 31-37-25-0016-5060-0010

RECOMMENDED MOTION:

SUMMARY: This is the **Second Reading (Adoption Hearing) of Ordinance 1009** – An applicant-initiated request to change the zoning of two (2) parcels of land (Parcel Numbers 31-37-25-0016-6060-0250 and 31-37-25-0016-5060-0010) consisting of a total of 1.51 acres located on East Maple Street between North 10th Avenue and North 12th Avenue from the zoning of City B-1 (Neighborhood Commercial Business) to City R-1B (Single Family Residential)

FISCAL IMPACT:_____

( ) Capital Budget
( ) Operating
( ) Other

ATTACHMENTS: (X) Ordinance ( ) Resolution ( ) Budget (X) Other – Staff Report & Application

Department Head: Date:

Finance Director (As to Budget Requirements) Date:

City Attorney (As to Form and Legality) Date:

City Administrator: Terrance Stewart Date: 10-22-15

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

ORDINANCE 1009

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ARCADIA, FLORIDA, AMENDING TWO (2) PARCELS OF LAND (PARCEL NUMBERS 31-37-25-0016-6060-0250 AND 31-37-25-0016-5060-0010) CONSISTING OF A TOTAL OF 1.51 ACRES LOCATED ON EAST MAPLE STREET BETWEEN NORTH 10TH AVENUE AND NORTH 12TH AVENUE FROM THE ZONING OF CITY B-1 (NEIGHBORHOOD COMMERCIAL BUSINESS) TO CITY R-1B (SINGLE FAMILY RESIDENTIAL); PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Arcadia held meetings and hearings regarding the parcel 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 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 R-1B (Single Family Residential) to the parcels located on East Maple Street between North 10th Avenue and North 12th Avenue (Parcel Numbers 31-37-25-0016-6060-0250 and 31-37-25-0016-5060-0010) with a cumulative total of 1.51-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 _**6th**_ day of __**October**__, 2015.

PASSED AND DULY ADOPTED, on Second Reading with a quorum present and voting, by the City Council of Arcadia, Florida, this _**3rd**_ day of _**November**_, 2015.

CITY OF ARCADIA, FLORIDA

_____
Judy Wertz-Strickland, Mayor

ATTEST:

_____
Penny Delaney, City Clerk

Approved as to form:

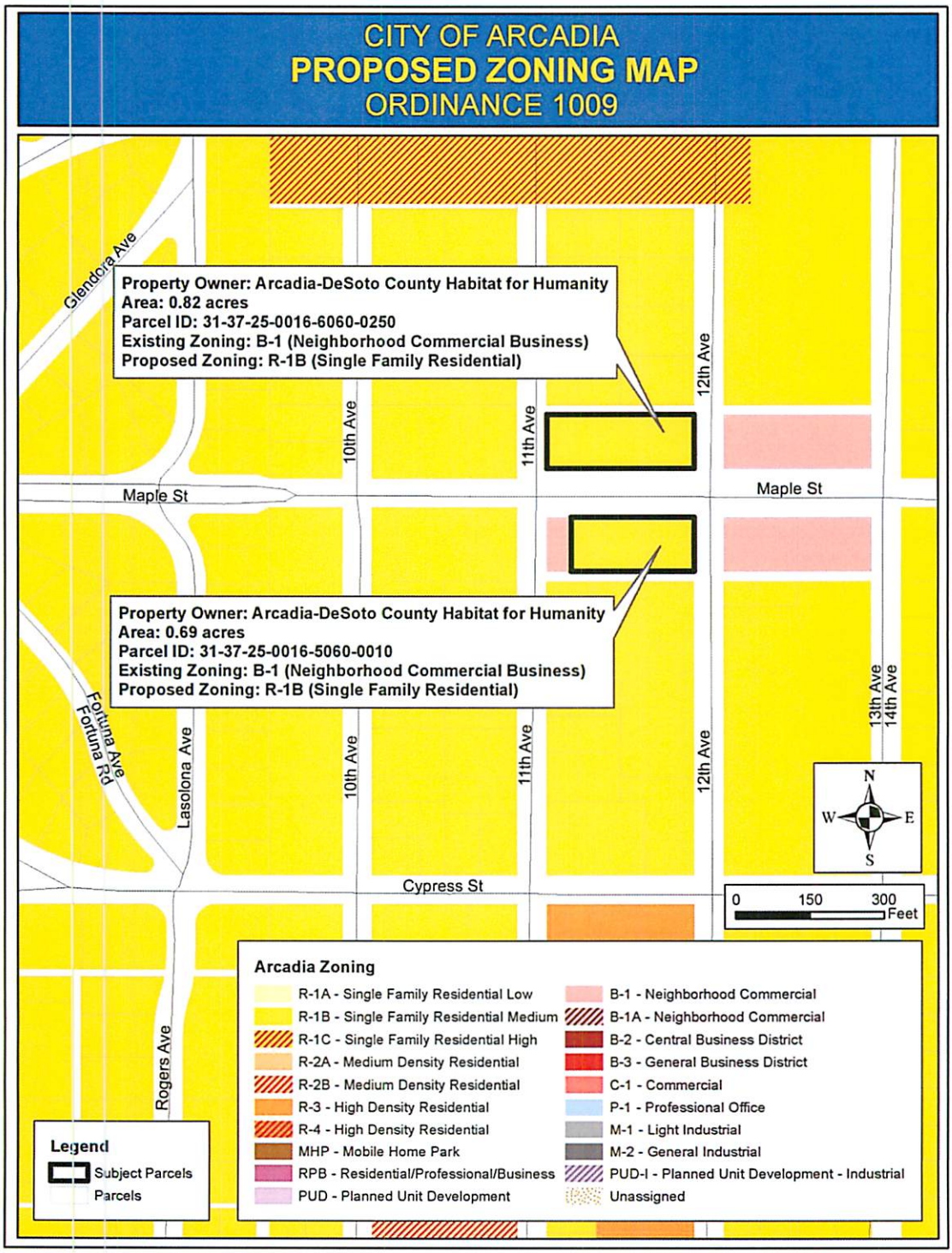
_____
Thomas J. Wohl, City Attorney

Motion made by _____, seconded by _____.

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

ORDINANCE 1009

EXHIBIT "A"



CITY OF ARCADIA
ZONING AMENDMENT
OVERVIEW REPORT
November 3, 2015

TO: City of Arcadia, City Council

FROM: Jeff Schmucker, Senior Planner, Central Florida Regional Planning Council

SUBJECT: **Ordinance 1009:**
Applicant-initiated amendment to the Official Zoning Map of the City of Arcadia, Florida, amending two (2) parcels of land (Parcel Numbers 31-37-25-0016-6060-0250 and 31-37-25-0016-5060-0010) consisting of a total of 1.51 acres located on East Maple Street between North 10th Avenue and North 12th Avenue from the zoning of City B-1 (Neighborhood Commercial Business) to City R-1B (Single Family Residential).

AGENDA & HEARING DATES:

September 22, 2015:	Planning & Zoning Board Meeting (Public Hearing)
October 6, 2015:	City Council Meeting (First Reading)
November 3, 2015:	**City Council Meeting (Adoption Public Hearing)**

PLANNING AND ZONING BOARD ACTION:
On Tuesday, September 22, 2015, the City of Arcadia Planning & Zoning Board voted unanimously to forward the proposed zoning amendment to the City Council with a **recommendation of approval.**

CITY COUNCIL ACTION:
On Tuesday, October 6, 2015, the City of Arcadia City Council voted unanimously to **approve** the First Reading of Ordinance 1009.

CITY COUNCIL MOTION OPTIONS:
Options for motions are listed below.

1. I move the City Council **approve Ordinance 1009**.

2. I move the City Council **approve with changes Ordinance 1009**.

3. I move the City Council **deny Ordinance 1009**.

ATTACHMENTS:

- Aerial Photo Map
- Existing Future Land Use Map
- Existing Zoning Map
- Proposed Zoning Map

OVERVIEW:

Applicant	Arcadia-DeSoto County Habitat for Humanity
Property Owner	Arcadia-DeSoto County Habitat for Humanity
Parcel IDs	31-37-25-0016-6060-0250 (0.82 acres)
	31-37-25-0016-5060-0010 (0.69 acres)
Subject Area	1.51 acres
Existing Future Land Use	Low Density Residential
Existing Zoning	B-1 (Neighborhood Commercial Business)
Proposed Zoning	R-1B (Single Family Residential)
Previous Hearings	None

Arcadia-DeSoto County Habitat for Humanity (applicant) is requesting a zoning amendment to change the zoning of two (2) parcels of land consisting of approximately 1.51 acres from the zoning of B-1 (Neighborhood Commercial Business) to R-1B (Single Family Residential). The subject parcels are located on East Maple Street between North 10th Avenue and North 12th Avenue (see attached Aerial Photo Map).

REASON FOR REQUEST:

The purpose of the request is to update the City's Official Zoning Map to reflect the zoning of R-1B (Single Family Residential) to facilitate the future development of seven (7) single family residences on the subject parcels.

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.*
- *Land Use Analysis.*
- *Public Facilities and Services Analysis.*

Consistency with the Comprehensive Plan:

The request is to change the zoning designation of the subject parcels from B-1 (Neighborhood Commercial Business) to R-1B (Single Family Residential). Descriptions for both the existing and proposed zoning designations, including the description of the existing Future Land Use are provided as follows:

Existing – Future Land Use

> **Comprehensive Plan, Future Land Use Element, Policy 1.3 – Low Density Residential:** Low Density Residential designation shall meet Arcadia's housing demands for this range of density, promote efficient use of infrastructure, protect existing single family neighborhoods and promote compatible land uses. Single family detached housing units are permissible to a maximum density of **6 units per gross acre**; and schools are permitted in this classification. Development of areas designated as wetlands are restricted to only residential development at not more than 1 dwelling unit per 5 acres, and provided all requirements of Policy 3.1 of the Conservation Element are met.

Existing – Zoning

> **City Land Development Code, Section 4.06.04.01 – B-1 (Neighborhood Commercial Business):** The purpose of the B-1 district is primarily to meet the shopping and limited service needs of local neighborhoods.

Proposed –Zoning

> **City Land Development Code, Section 4.06.01.02 – R-1B (Single Family Residential):** The purpose of this district is to provide areas for low density single family residential development. The minimum lot area for this zoning district is 7,500 square feet.

The proposed change targets the City's objective to eliminate inconsistent land uses with the City's Comprehensive Plan in accordance with the goals, objectives, and policies of the Future Land Use Element of the City's Comprehensive Plan. Currently the existing zoning of B-1 (Neighborhood Commercial Business) is inconsistent with the Future Land Use of Low Density Residential.

The proposed zoning change also targets the City's need to promote decent, safe and sanitary housing, in suitable neighborhoods at affordable costs, to meet the needs of the present and future residents of the City, in accordance with the goals, objectives, and policies of the Housing Element of the City's Comprehensive Plan.

Policy 2.1 of the Future Land Use Element of the City's Comprehensive Plan requires that adequate public facilities and services are available at the time of development. The proposed zoning amendment meets this objective in that the necessary public facilities and services are available to serve the future development of the subject parcels.

Land Use Analysis:

The subject parcels, including all adjacent properties surrounding the subject parcels have a Future Land Use of Low Density Residential. With exception of several parcels on the east side of the subject parcels between 12th Avenue and 13th Avenue on both the north and south sides of Maple Street and a small parcel located on the west side of the subject parcel on the south side of Maple

Street, which have a zoning of B-1 (Neighborhood Commercial Business), all other surrounding parcels have a zoning of R-1B (Single Family Residential). The subject parcels, including all of adjacent parcels are currently vacant, with exception of the small parcel (with the B-1 zoning), located on the west side of the subject parcel on the south side of Maple Street, which has a single-family residence constructed on it.

A *Zoning Matrix* is provided below outlining the existing and proposed zoning of the subject parcels and the existing zoning of adjacent parcels. The Future Land Use has also been provided. Existing Future Land Use and Existing and Proposed Zoning Maps are also attached for visual reference.

Zoning Matrix

Northwest	North	Northeast
Future Land Use: Low Density Residential **Zoning:** R-1B (Single Family Residential)	**Future Land Use:** Low Density Residential **Zoning:** R-1B (Single Family Residential)	**Future Land Use:** Low Density Residential **Zoning:** R-1B (Single Family Residential)
West	**Subject Parcels**	**East**
Future Land Use: Low Density Residential **Zoning:** R-1B (Single Family Residential) B-1 (Neighborhood Commercial Business – adjacent to south parcel)	**Zoning:** Existing: B-1 (Neighborhood Commercial Business) Proposed: R-1B (Single Family Residential)	**Future Land Use:** Low Density Residential **Zoning:** B-1 (Neighborhood Commercial Business)
Southwest	**South**	**Southeast**
Future Land Use: Low Density Residential **Zoning:** R-1B (Single Family Residential)	**Future Land Use:** Low Density Residential **Zoning:** R-1B (Single Family Residential)	**Future Land Use:** Low Density Residential **Zoning:** R-1B (Single Family Residential)

The existing Low Density Residential Future Land Use permits a maximum density of **6 units per gross acre**. Based on the gross total acreage of the subject parcels the maximum density is 9 dwelling units. The applicant's proposal is to develop a total of seven (7) single-family residential dwellings, which is within the permitted maximum density allowed. Based on these findings the proposed zoning amendment and future development of the subject parcels will be consistent with the City's Comprehensive Plan, compatible with surrounding properties and consistent with the residential character of the community.

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 available to serve the subject parcels. The City's adopted level of service for supply of potable water is 102 gallons per person per day. Based on the City's public supply annual report submitted to the Southwest Florida Water Management District for reporting period January 1 through December 31, 2014, the City is currently operating at 89 gallons per day per person which is below the adopted level of service standard. Considering the potential development density of the subject parcels, no negative impacts are anticipated on the City's provision of water services.

Sanitary Sewer:

City sewer is not currently available on or near the subject parcels. Per City of Arcadia Ordinance (#703), no connection or connections to City sanitary sewer shall be required where sewer lines are more than two-hundred (200) feet from such lot or parcel of land. Based on these findings, the applicant is not required to connect to City sewer at this time. However, the intent of the applicant is to connect to a nearby 8" gravity sewer located approximately three-hundred fifty (350) feet from the subject parcels. Upon connection to the City's system, no negative impacts are anticipated.

Solid Waste:

Based on the applicant's development proposal, the marginal increase in the number of residential dwellings on the subject parcels is not anticipated to negatively impact the City's provision for solid waste collection.

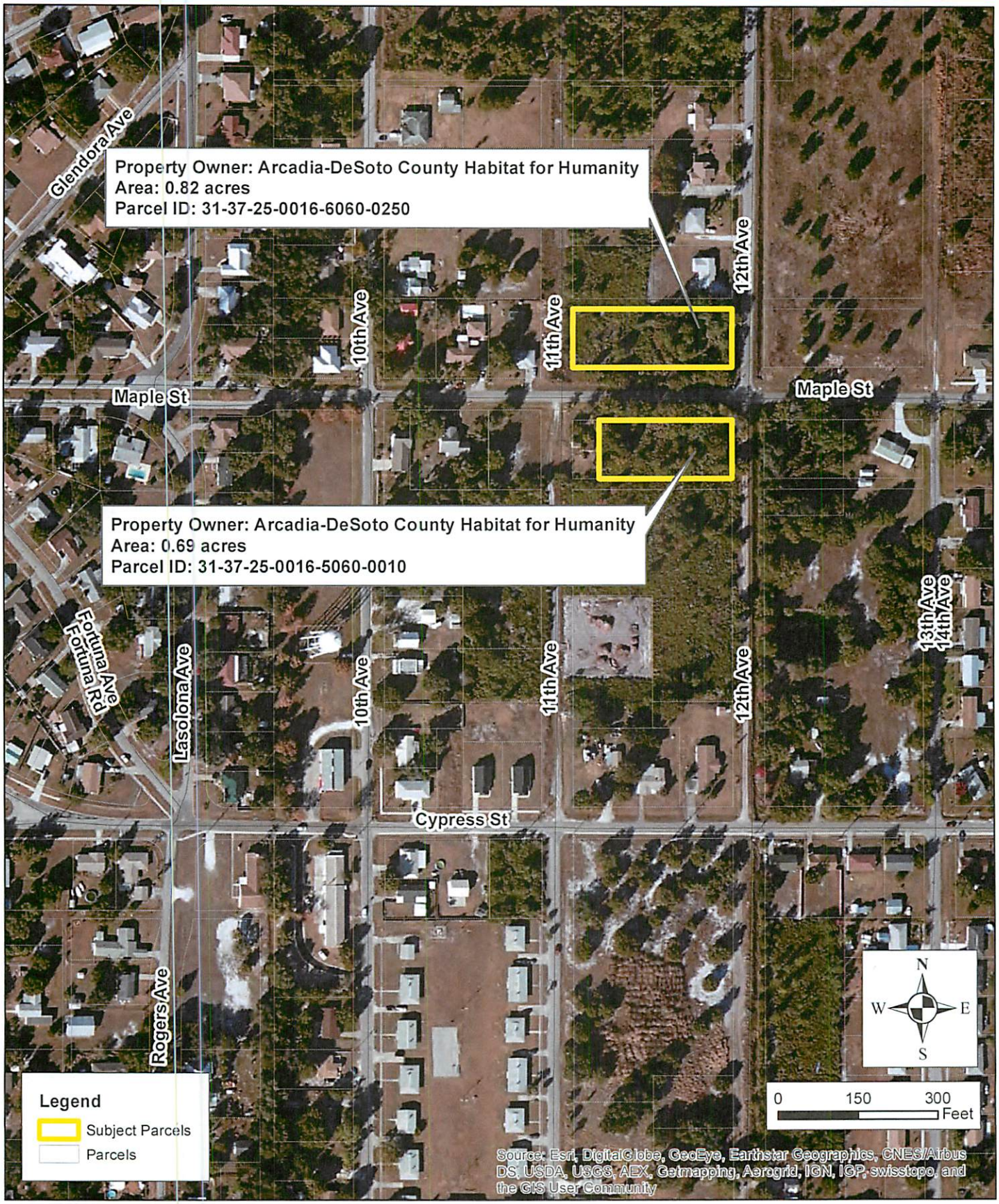
Traffic/Transportation:

The primary roadway serving the subject parcels is East Maple Street. The future development of the subject parcels is considered residential infill. The proposed build-out of the subject parcels is not expected to adversely impact the circulation of traffic in or around this area.

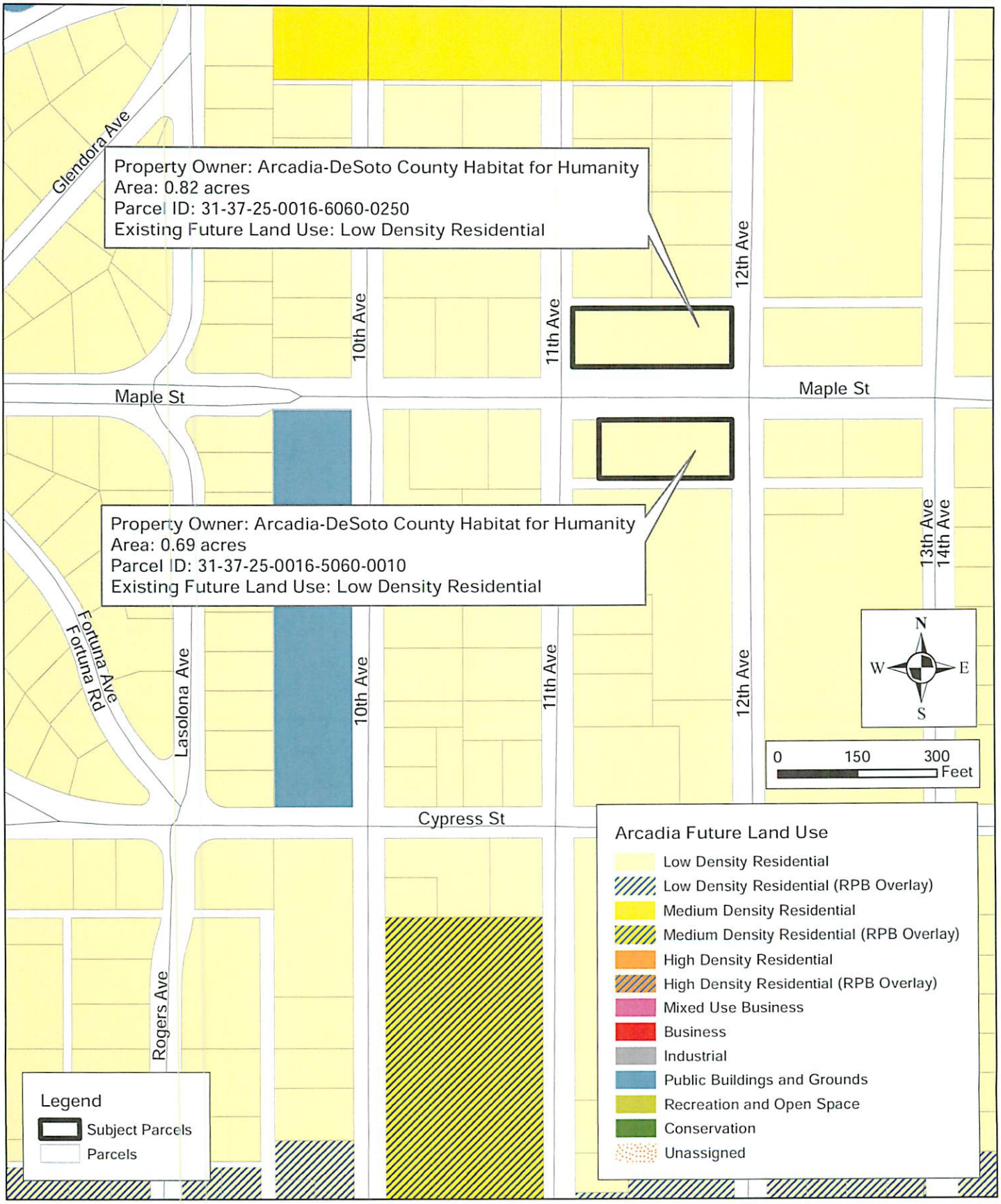
School and Recreational Facilities:

Based on the applicant's development proposal, the marginal increase in the number of residential dwellings on the subject parcels is not anticipated to pose any negative impacts on the DeSoto County public school system or the City's recreational facilities.

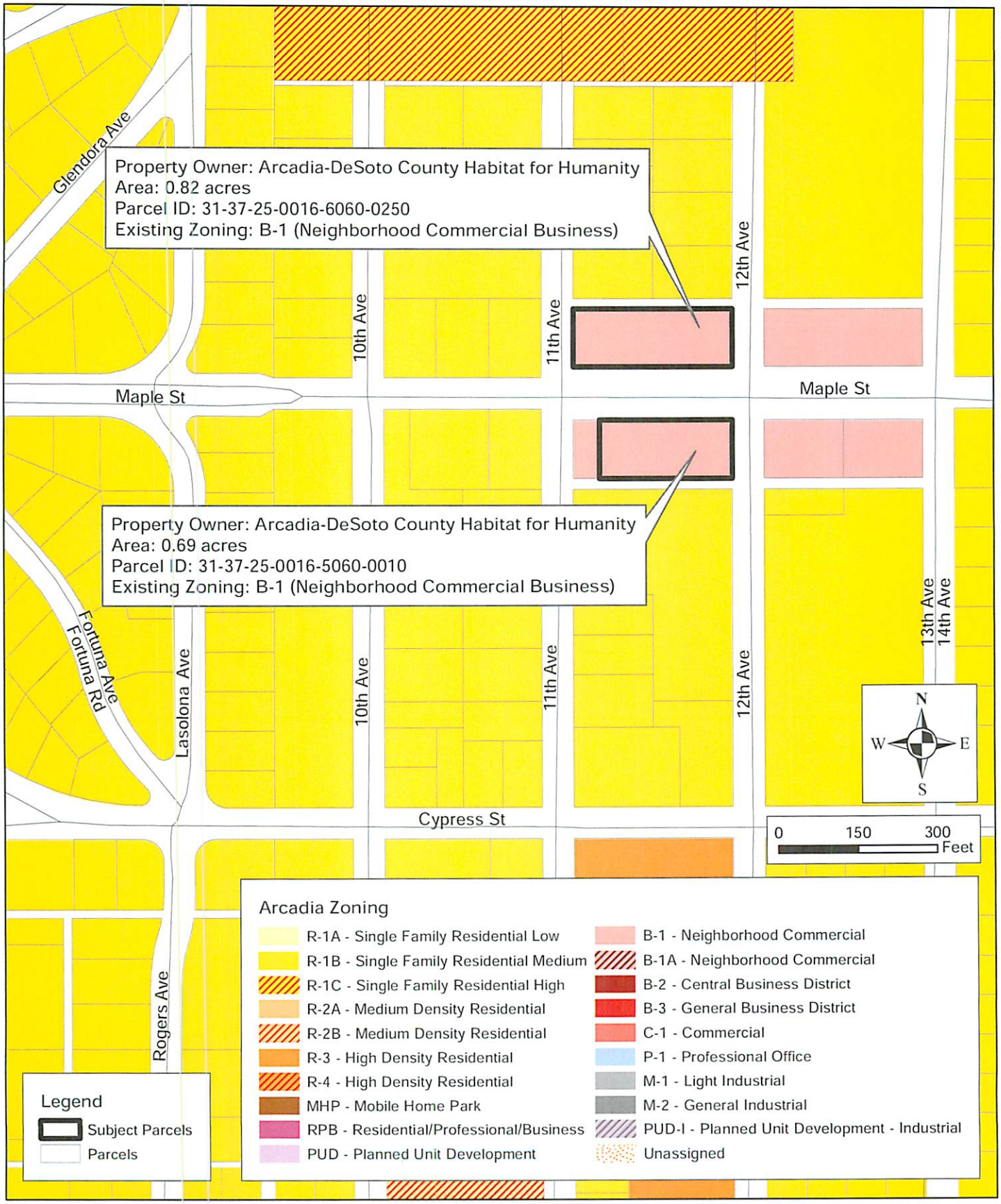
CITY OF ARCADIA
AERIAL PHOTO MAP



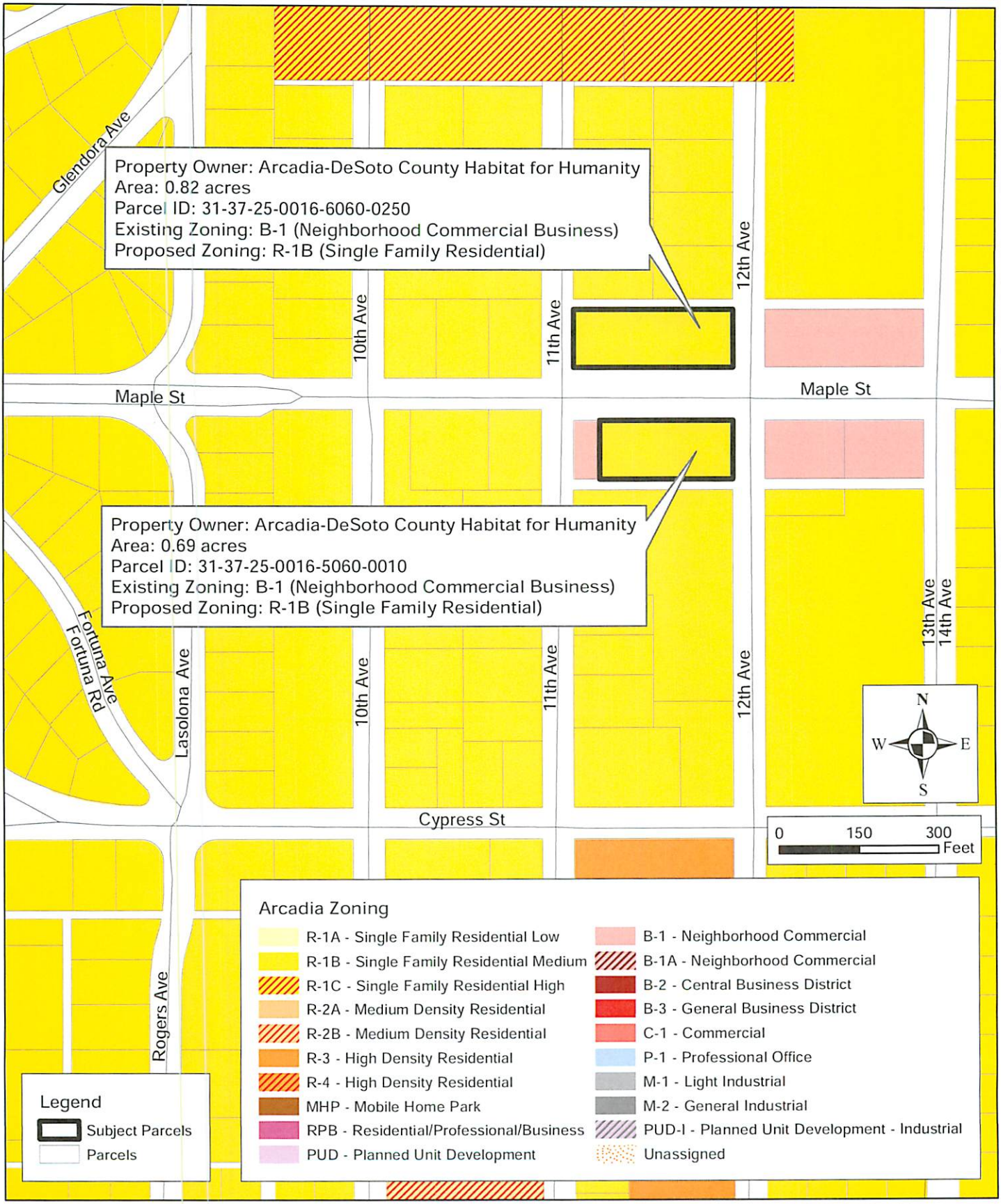
CITY OF ARCADIA
EXISTING FUTURE LAND USE MAP



CITY OF ARCADIA
EXISTING ZONING MAP



CITY OF ARCADIA
PROPOSED ZONING MAP
ORDINANCE 1009



North side of East Maple

Date Stamp

REZONING APPLICATION
(ZONING MAP AMENDMENT)

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

City Website: *arcadia-fl.gov*

Fee $1,250.00

R# _____

File No.: 15 - 03 RZ

The purpose of zoning is to locate particular land uses where they are most appropriate, considering public utilities, road access, and the established development pattern. The Zoning Map regulates allowable land uses within the City through the creation of land use districts or zones, and then assigns individual parcels to a particular zoning district. A rezoning is a change in the zoning district designation for a property. The rezoning process exists to allow property owners to change the zoning district designation of their property to another zoning classification or land development regulations which may impact property use standards.

APPLICANT'S INFORMATION (Agent or Contractor)	PROPERTY OWNER'S INFORMATION (Leave Blank if Same as Applicant)
Name: Jane Breylinger	Name:
Organization: Arcadia-DeSoto County Habitat for Humanity, Inc.	Organization:
Address: 10 South DeSoto Avenue, Rm 200	Address:
City: Arcadia	City:
State: Florida Zip Code: 34266	State: Zip Code:
Telephone No.: (863) 494-4118	Telephone No.: ( )
Email: desotohabitat@embarqmail.com	Email:

I. Property Information

Parcel Address (if assigned): E Maple St

Parcel Identification Number: 31-37-25-0016-6060-0250

Subdivision, Block and Lot Nos.: A.W. Gilchrist East End Add Lots 25 to 36 Inc Resub of Lots 25 to 30 Inc Block 6 Tier 6

Property Size (in acres): .826

Existing land use of subject property: B-1

II. Regulatory and Land Use Information of Subject Property

Future Land Use Map Designation: Low Density Residential

Adopted Zoning Map Designation: B-1

Proposed Zoning Map Designation: R-1B

Is the subject property adjacent to or nearby other similar zoned districts to the district being sought?

○ No ⊗ Yes, please list zoning districts: R-1B & B-1

III. Proposed Development Activity

⊗ Residential ○ Commercial ○ Office/Professional ○ Other _____

Expected Total Residential Units: 4 Residential Density: Dwellings Units / Per Acre = 4

Expected Total Square Footage of All Non-Residential (retail, office, warehouse) Structures: 0

IV. Transportation Access Information

Identify primary roadways that serve the subject property: E Maple St / N 12th Ave

Has a recent transportation and parking demand study been performed: ⊗ No ○ Yes

How many existing parking spaces are dedicated to the project site: 0

Identify roadways that are anticipated to be impacted through project site plan improvements:

Driveways: 0 Turn lanes: 0

Intersection Improvements: 0

V. Projected Impacts to Public Facilities and Services

In an effort to better anticipate utility service usage and project level of service impacts, please indicate expected service volumes and infrastructure needs based upon any predevelopment plans or expectations:

Potable Water, change in ERUs: additional 4 units

Sanitary Sewer, change in ERUs: additional 4 units

Public School and Enrollment Projections: additional undetermined

Known Environmental or Wellhead Protection Zones: undetermined/unknown

South Side of East Maple

Date Stamp

REZONING APPLICATION
(ZONING MAP AMENDMENT)

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

City Website: *arcadia-fl.gov*

Fee $1,250.00

R# _____

File No.: 15 - 04 RZ

The purpose of zoning is to locate particular land uses where they are most appropriate, considering public utilities, road access, and the established development pattern. The Zoning Map regulates allowable land uses within the City through the creation of land use districts or zones, and then assigns individual parcels to a particular zoning district. A rezoning is a change in the zoning district designation for a property. The rezoning process exists to allow property owners to change the zoning district designation of their property to another zoning classification or land development regulations which may impact property use standards.

APPLICANT'S INFORMATION
(Agent or Contractor)

Name: Jane Breylinger

Organization: Arcadia-DeSoto County Habitat for Humanity, Inc.

Address: 10 South DeSoto Avenue, Rm 200

City: Arcadia

State: Florida Zip Code: 34266

Telephone No.: (863) 494-4118

Email: desotohabitat@embarqmail.com

PROPERTY OWNER'S INFORMATION
(Leave Blank If Same as Applicant)

Name: _____

Organization: _____

Address: _____

City: _____

State: _____ Zip Code: _____

Telephone No.: ( ) _____

Email: _____

I. Property Information

Parcel Address (if assigned): E Maple St

Parcel Identification Number: 31-37-25-0016-5060-0010

Subdivision, Block and Lot Nos.: A.W. Gilchrist East End Add Lots 1A to 10A Inc Resub of lots 1 to 6 Inc Block 6 Tier 5

Property Size (in acres): .688

Existing land use of subject property: B-1

II. Regulatory and Land Use Information of Subject Property

Future Land Use Map Designation: Low Density Residential

Adopted Zoning Map Designation: B-1

Proposed Zoning Map Designation: R-1B

Is the subject property adjacent to or nearby other similar zoned districts to the district being sought?

○ No ⊗ Yes, please list zoning districts: R-1B & B-1

III. Proposed Development Activity

⊗ Residential ○ Commercial ○ Office/Professional ○ Other _____

Expected Total Residential Units: 3 Residential Density: Dwellings Units / Per Acre = 3

Expected Total Square Footage of All Non-Residential (retail, office, warehouse) Structures: 0

IV. Transportation Access Information

Identify primary roadways that serve the subject property: E Maple St / N 12th Ave

Has a recent transportation and parking demand study been performed: ⊗ No ○ Yes

How many existing parking spaces are dedicated to the project site: 0

Identify roadways that are anticipated to be impacted through project site plan improvements:

Driveways: 0 Turn lanes: 0

Intersection Improvements: 0

V. Projected Impacts to Public Facilities and Services

In an effort to better anticipate utility service usage and project level of service impacts, please indicate expected service volumes and infrastructure needs based upon any predevelopment plans or expectations:

Potable Water, change in ERUs: additional 3 units

Sanitary Sewer, change in ERUs: additional 3 units

Public School and Enrollment Projections: additional undetermined

Known Environmental or Wellhead Protection Zones: undetermined/unknown

AGENDA No. 8

CITY COUNCIL AGENDA ITEM
Requested Council Meeting Date: November 3, 2015

DEPARTMENT: Planning and Zoning
SUBJECT: Request for rezoning of Parcel #36-37-24-0112-0000-0010

RECOMMENDED MOTION:

SUMMARY: This is the **First Reading of Ordinance 1010** – A City-initiated request to change the zoning of one (1) parcel of land (Parcel Number 36-37-24-0112-0000-0010) consisting of a total of 5.02 acres at 14 School Avenue, located south of Harris Road between Booker T Washington Ave and South Orange Ave from the zoning of City R-1C (Single Family Residential) to PBG (Public Buildings and Grounds).

FISCAL IMPACT: _____

( ) Capital Budget
( ) Operating
( ) Other

ATTACHMENTS: (X) Ordinance ( ) Resolution ( ) Budget (X) Other – Staff Report

Department Head: Date:

Finance Director (As to Budget Requirements) Date:

City Attorney (As to Form and Legality) Date:

City Administrator: Terrance Stewart Date: 10-22-15

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

ORDINANCE 1010

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ARCADIA, FLORIDA, AMENDING ONE (1) PARCEL OF LAND (PARCEL NUMBER 36-37-24-0112-0000-0010) CONSISTING OF A TOTAL OF 5.02 ACRES AT 14 SCHOOL AVENUE, LOCATED SOUTH OF HARRIS ROAD BETWEEN BOOKER T WASHINGTON AVE AND SOUTH ORANGE AVE FROM THE ZONING OF CITY R-1C (SINGLE FAMILY RESIDENTIAL) TO PBG (PUBLIC BUILDINGS AND GROUNDS); PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Arcadia held meetings and hearings regarding the parcel 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 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 PBG (Public Buildings and Grounds) to the parcel located at 14 School Avenue, located south of Harris Road between Booker T Washington Ave and South Orange Ave (Parcel Number 36-37-24-0112-0000-0010) with a cumulative total of 5.02-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 **3rd** day of **November**, 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:

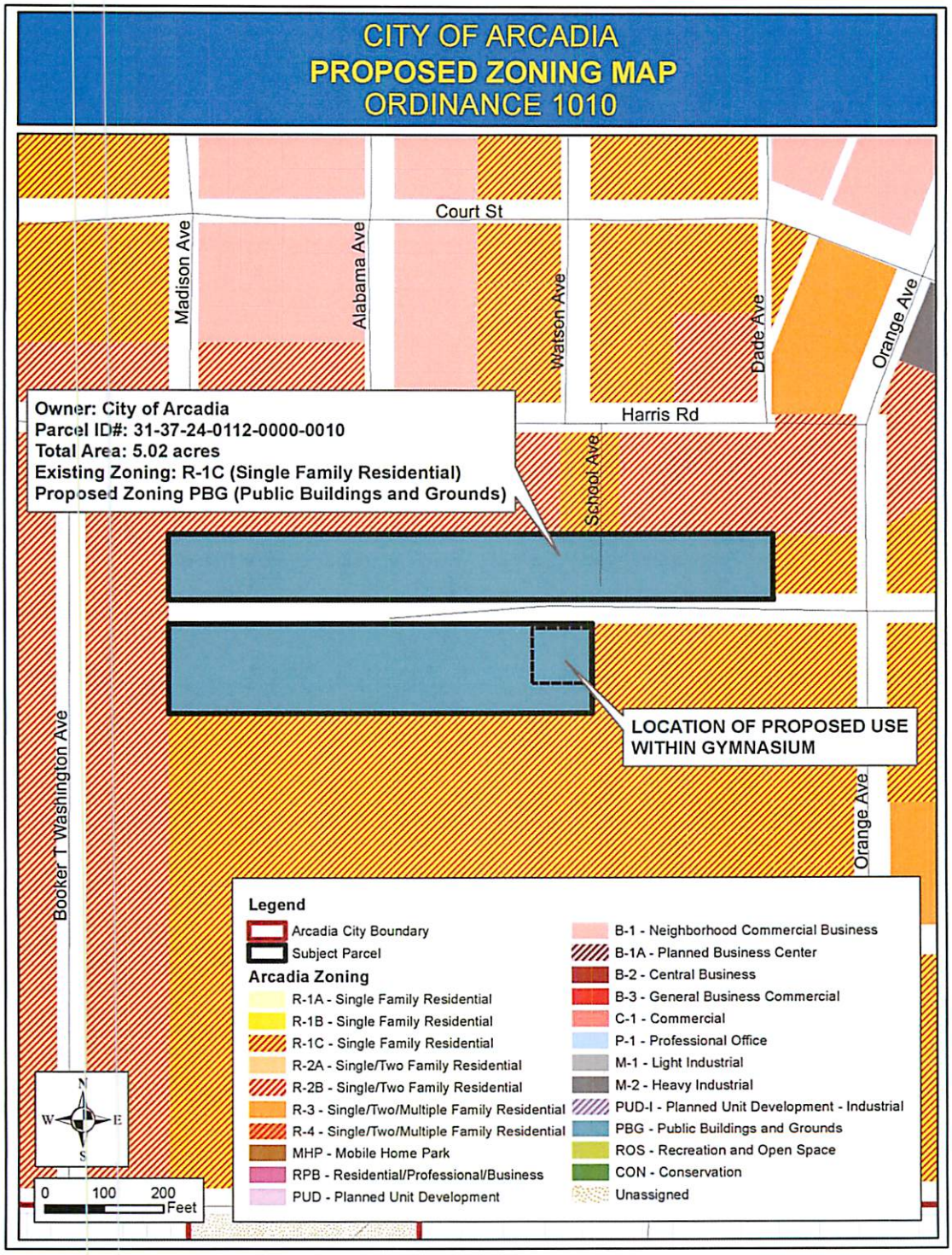
_____
Thomas J. Wohl, City Attorney

Motion made by _____, seconded by _____.

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

ORDINANCE 1010

EXHIBIT "A"



CITY OF ARCADIA
ZONING AMENDMENT
OVERVIEW REPORT
November 3, 2015

TO: City of Arcadia, City Council

FROM: Jeff Schmucker, Senior Planner, Central Florida Regional Planning Council

SUBJECT: **Ordinance 1010:**
Proposed City-initiated amendment to the Official Zoning Map of the City of Arcadia, Florida, amending one (1) parcel of land (Parcel Number 36-37-24-0112-0000-0010) consisting of a total of 5.02 acres at 14 School Avenue, located south of Harris Road between Booker T Washington Ave and South Orange Ave from the zoning of City R-1C (Single Family Residential) to PBG (Public Buildings and Grounds).

AGENDA AND HEARING DATE:

- October 13, 2015 – Planning and Zoning Board (Public Hearing)
- **November 3, 2015 – City Council Meeting (First Reading)**
- November 17, 2015 – City Council Meeting (Second Reading, Public Hearing)

PLANNING AND ZONING BOARD ACTION:
On Tuesday, October 13, 2015, the City of Arcadia Planning & Zoning Board voted unanimously to forward the proposed zoning amendment to the City Council with a **recommendation of approval.**

CITY COUNCIL MOTION OPTIONS:
Options for motions are listed below.

1. I move the City Council **approve Ordinance 1010** on First Reading.

2. I move the City Council **approve with changes Ordinance 1010** on First Reading.

ATTACHMENTS:

- Aerial Photo Map
- Existing Future Land Use Map
- Existing Zoning Map
- Proposed Zoning Map

OVERVIEW:

Applicant	City of Arcadia
Property Owner	City of Arcadia
Parcel IDs	31-37-24-0112-0000-0010
Subject Area	5.02 acres
Existing Future Land Use	Recreation and Open Space
Existing Zoning	R-1C (Single Family Residential)
Proposed Zoning	PBG (Public Buildings and Grounds)
Previous Hearings	None

The City of Arcadia (applicant) is requesting a zoning amendment to change the zoning of one (1) parcel of land consisting of approximately 5.02 acres from the zoning of R-1C (Single Family Residential) to PBG (Public Buildings and Grounds). The subject parcel is located at 14 School Avenue which is south of Harris Road between Booker T Washington Ave and South Orange Ave (see attached Aerial Photo Map).

REASON FOR REQUEST:

The purpose of the request is to update the City's Official Zoning Map to reflect the zoning of PBG (Public Buildings and Grounds) to facilitate the use of a Community Center by the non-profit group "Links2Success" within the gymnasium on the subject property.

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.*
- *Land Use Analysis.*
- *Public Facilities and Services Analysis.*

Consistency with the Comprehensive Plan:

The request is to change the zoning designation of the subject parcels from R-1C (Single Family Residential) to PBG (Public Buildings and Grounds). Descriptions for both the existing and proposed zoning designations, including the description of the existing Future Land Use are provided as follows:

Existing – Future Land Use

Comprehensive Plan, Future Land Use Element, Policy 1.10 – Recreation and Open Space: 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.

Existing – Zoning

City Land Development Code, Section 4.06.01.03 – R-1C (Single Family Residential): 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

City Land Development Code, Section 4.06.07 – PBG (Public Buildings and Grounds): The purpose of this district is to establish locations for existing and future publicly owned properties such as local, state, and federal government buildings and facilities, and locations for existing and future privately owned facilities that provide or serve a public benefit.

The proposed zoning change targets the City's objective to eliminate inconsistent land uses with the City's Comprehensive Plan in accordance with the goals, objectives, and policies of the Future Land Use Element of the City's Comprehensive Plan. Currently the existing zoning (R-1C, Single Family Residential) is inconsistent with the Future Land Use of Recreation and Open Space.

Land Use Analysis

The subject parcel and properties surrounding the subject parcel to the east and south have a Future Land Use of Recreation and Open Space. Properties to the west and north of the subject parcel have a Future Land Use of Medium Density Residential. The properties to the west and north are zoned R-2B and facilitate two-family residential dwellings. The subject property is currently zoned R-1C and houses facilities of the former Smith Brown School, including portable classrooms and a gymnasium. The properties to the east and south are also (currently) zoned R-1C but contain a mix of uses. The parcels directly to the south are owned by the City and are currently

used as recreation facilities for the City. Parcels to the east and southeast of the subject parcel contain vacant properties and single-family residential dwellings.

A *Zoning Matrix* is provided below outlining the existing and proposed zoning of the subject parcels and the existing zoning of adjacent parcels. The Future Land Use has also been provided. Existing Future Land Use and Existing and Proposed Zoning Maps are also attached for additional reference.

Zoning Matrix

Northwest	North	Northeast
Future Land Use: Medium Density Residential **Zoning:** R-2B (Two Family Residential)	**Future Land Use:** Medium Density Residential **Zoning:** R-2B (Two Family Residential)	**Future Land Use:** Medium Density Residential **Zoning:** R-2B (Two Family Residential)
West	**Subject Parcels**	**East**
Future Land Use: Medium Density Residential **Zoning:** R-2B (Two Family Residential)	**Future Land Use:** Recreation and Open Space **Zoning:** Existing: R-1C (Single Family Residential) Proposed: PBG (Public Buildings and Grounds)	**Future Land Use:** Recreation and Open Space **Zoning:** R-1C (Single Family Residential)
Southwest	**South**	**Southeast**
Future Land Use: Medium Density Residential **Zoning:** R-2B (Two Family Residential)	**Future Land Use:** Recreation and Open Space **Zoning:** R-1C (Single Family Residential)	**Future Land Use:** Recreation and Open Space **Zoning:** R-1C (Single Family Residential)

The proposed zoning amendment will provide consistency with the Future Land Use designation of the subject parcel. While the current zoning of the neighboring properties to the east and south of the subject parcel are inconsistent with the underlying Future Land Use for those properties, the proposed amendment, including the proposed use of the gymnasium on the property as a community center will be compatible with the existing land uses on these properties and will be compatible with the surrounding character of the community in this area of the City.

Public Facilities and Services Analysis:

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

Potable Water and Sanitary Sewer:

City water and sewer are available and currently serve the subject site. The proposed zoning amendment and future use of the gymnasium as a community center poses no negative impacts on the City's water or wastewater system.

Solid Waste:

Solid waste collection is already provided for the subject site. The proposed zoning amendment and future use of the gymnasium as a community center poses no negative impacts on the City's solid waste collection services.

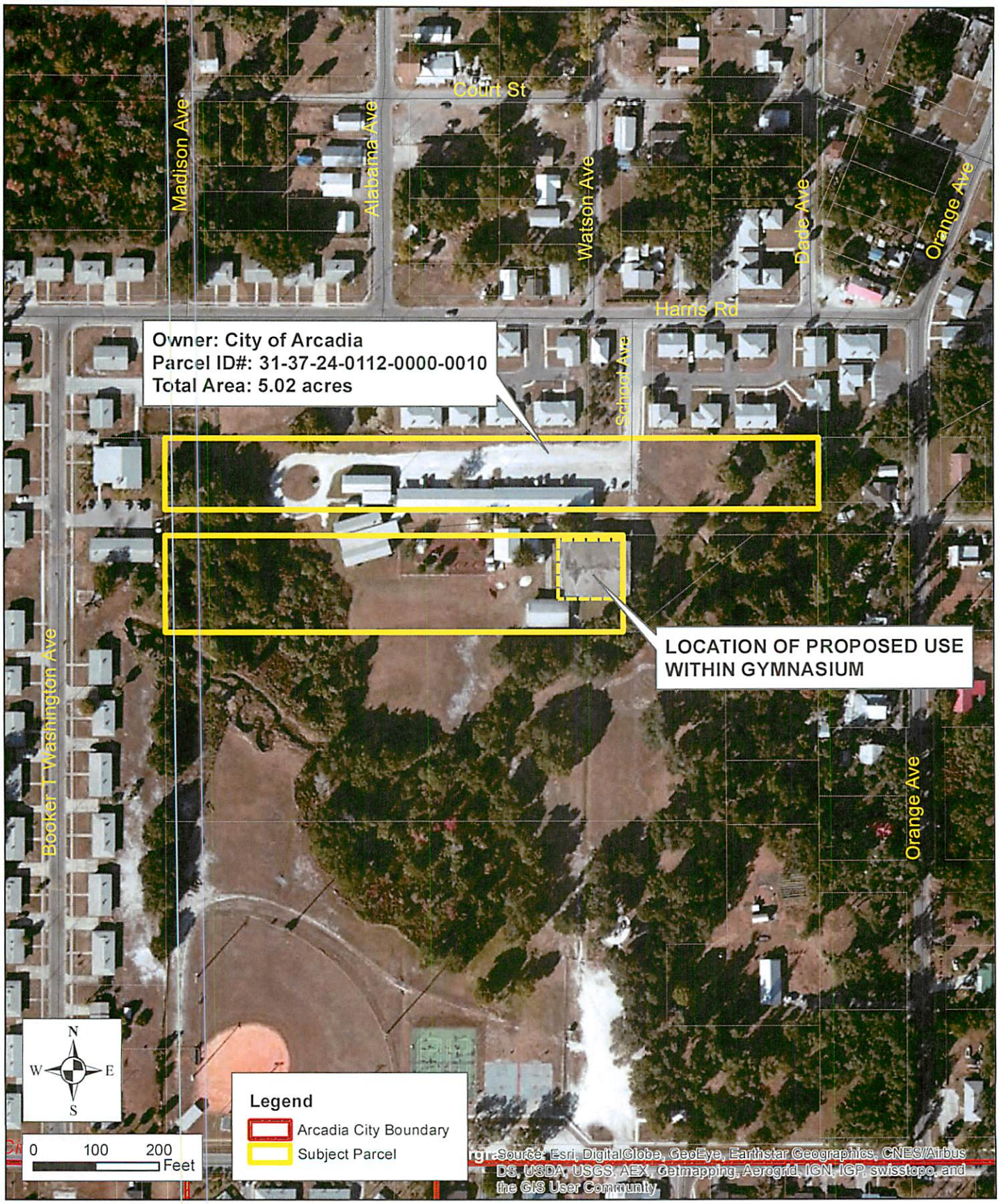
Traffic/Transportation:

The proposed zoning amendment and future use of the gymnasium as a community center are not anticipated to impact existing traffic patterns operating on or near the subject site.

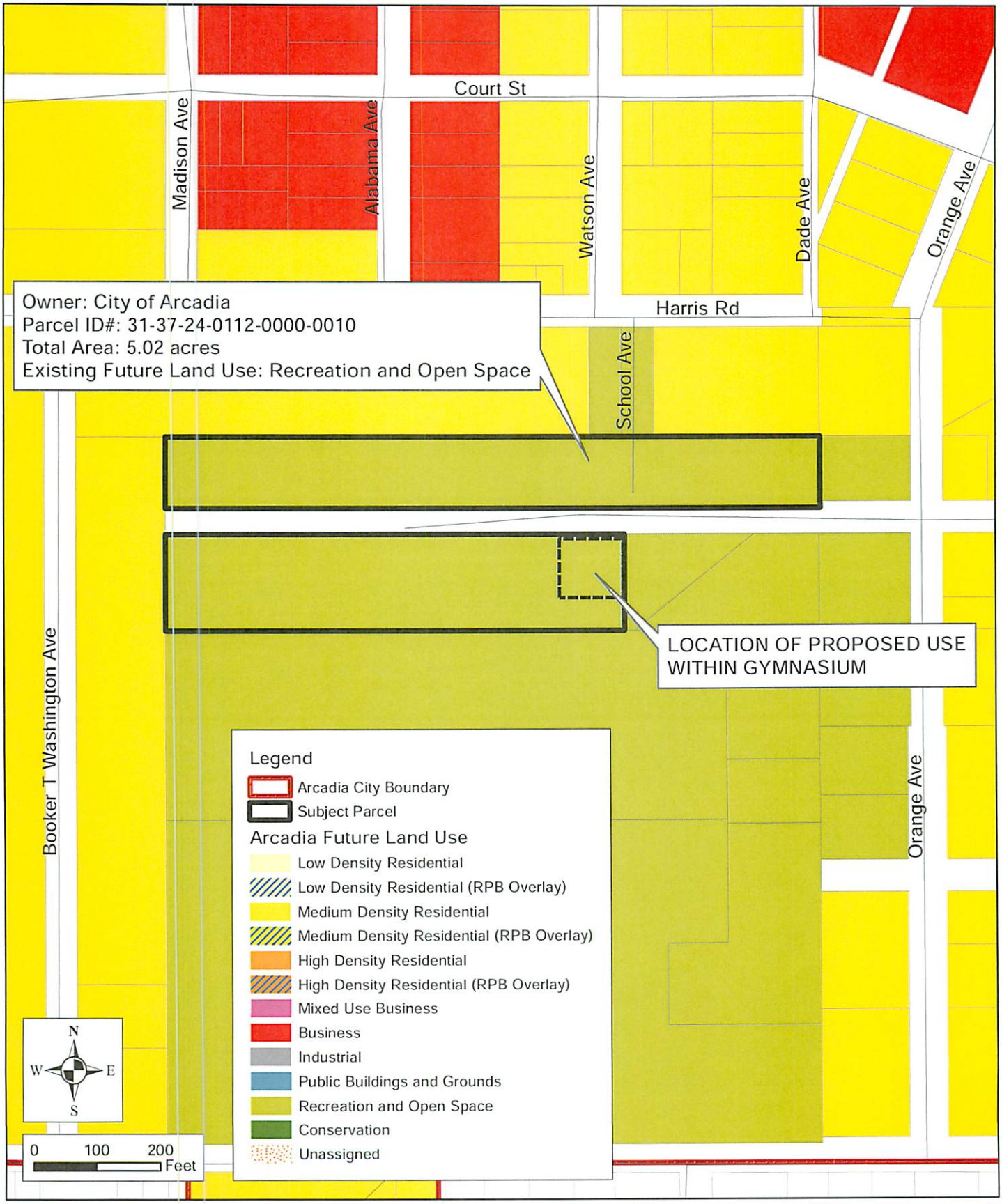
School and Recreational Facilities:

The proposed zoning change and future use of the gymnasium as a community do not involve any residential development. As such, no negative impacts are posed on the County's public school system or the City's recreational facilities.

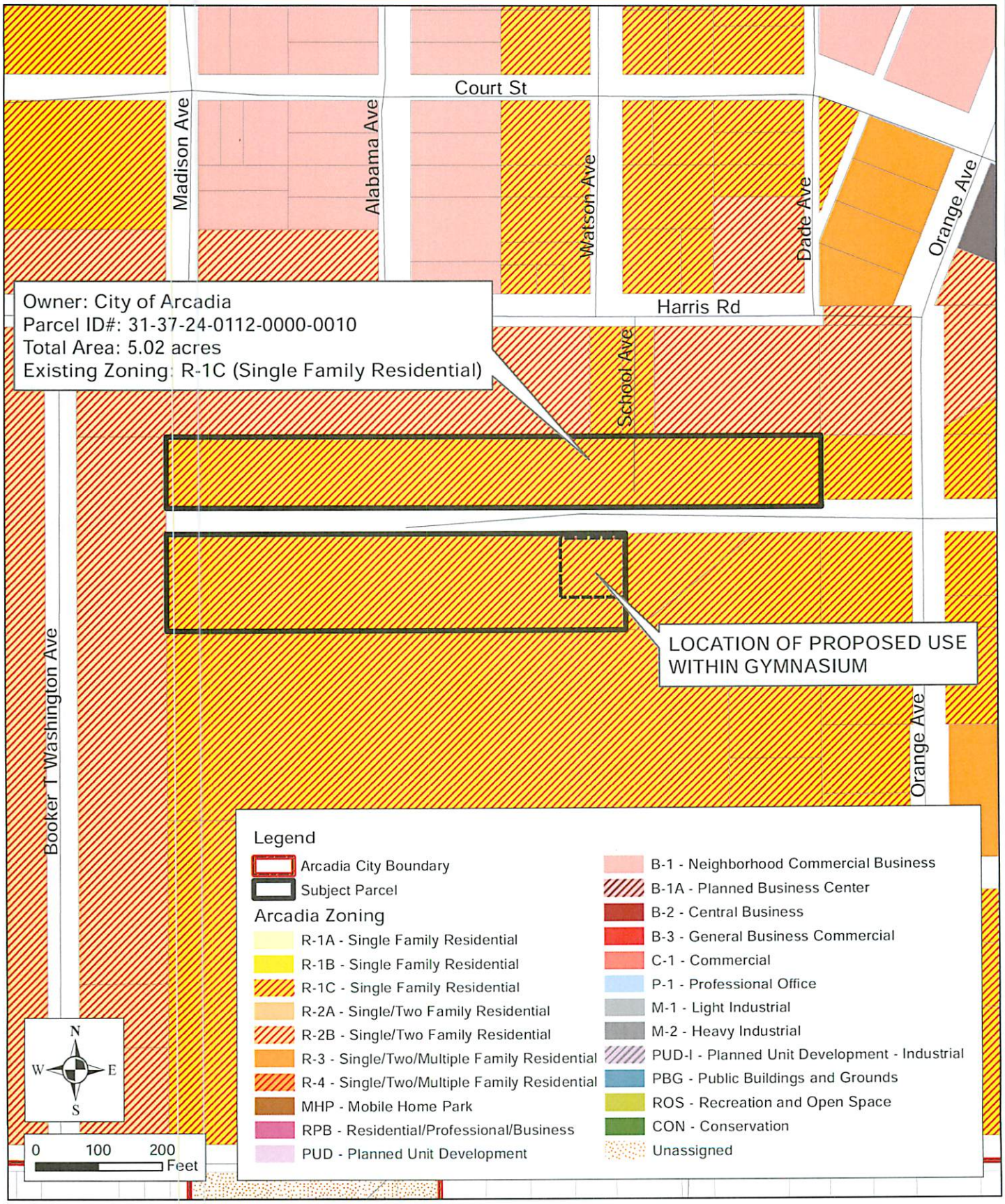
CITY OF ARCADIA
AERIAL PHOTO MAP



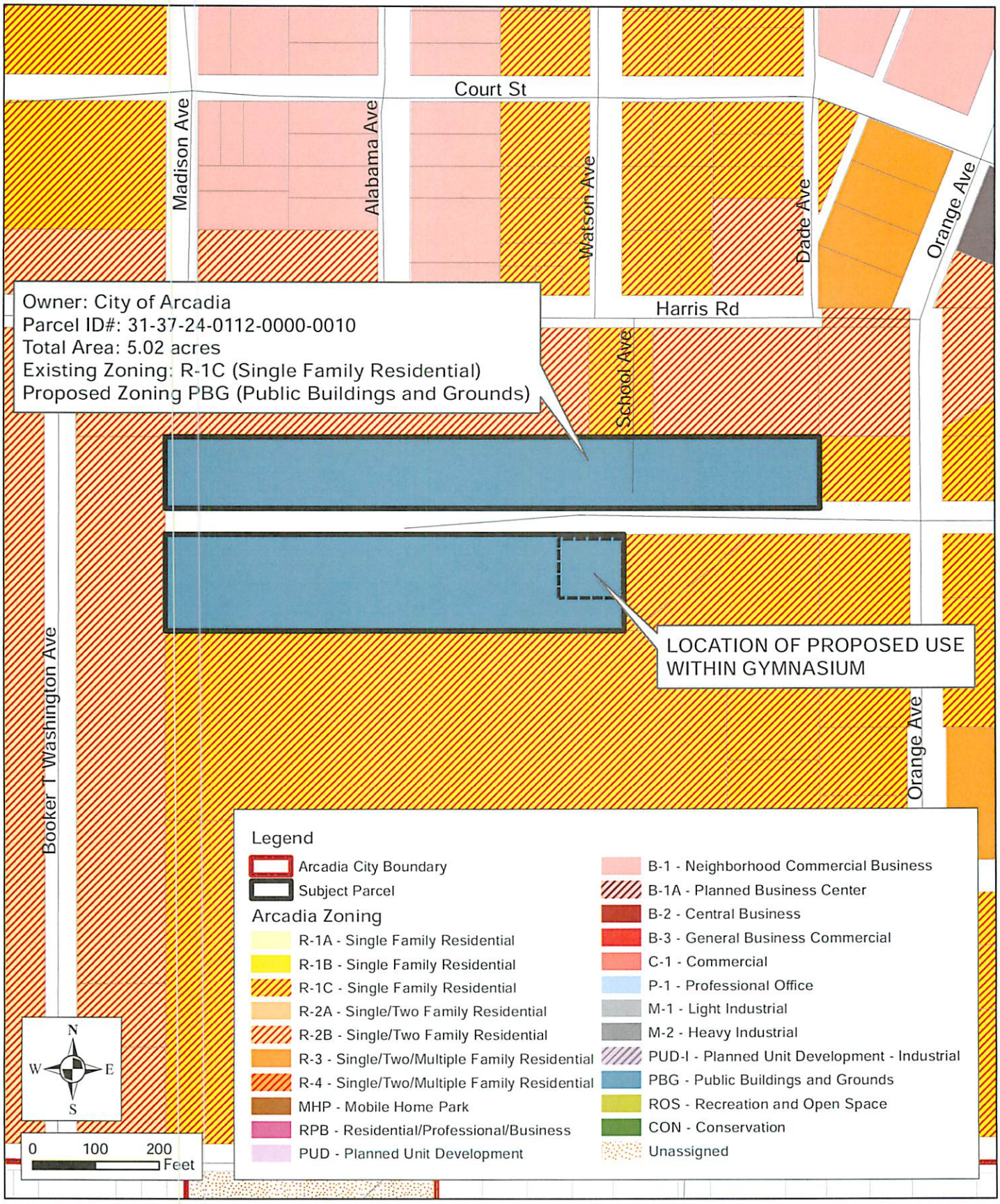
CITY OF ARCADIA
EXISTING FUTURE LAND USE MAP



CITY OF ARCADIA
EXISTING ZONING MAP



CITY OF ARCADIA
PROPOSED ZONING MAP
ORDINANCE 1010



AGENDA No. 9

CITY COUNCIL AGENDA ITEM
Requested Council Meeting Date: October 21, 2015

DEPARTMENT: Administration
SUBJECT: Approval of Mills Avenue emergency repairs

RECOMMENDED MOTION: **Motion to approve emergency repairs to Mills Avenue between SR 70 north to Cypress, including replacement of storm water pipes sewer pipes, certain minimal potable water lines, service connections and complete asphalt road surfacing in the amount of $173,958.00, and further to validate the emergency purchase designation of the City Administrator.**

SUMMARY: Mills Avenue between SR 70 and Cypress began to deteriorate due to sinkholes created by leaking storm water pipes. Staff initially placed cones as barricades to keep vehicles off of those areas and initiated a damage assessment along with attempts to get contractors to quote pricing for the work. During the time of these efforts, the roadway continued to quickly deteriorate to the point that it was necessary to totally block the road to all but local access traffic and was a clear and present danger to traffic. Unfortunately, only one contractor provided the city with a quote. Based upon this, the situation was determined to qualify as an emergency purchase with the single quote and the City Administrator authorized staff to proceed with the project. City Council was notified of this action via e-mail and verbally at the council meeting of 10/20/15. At that meeting, City Council was informed that this item would be placed on the 11/3/15 agenda.

FISCAL IMPACT: $173,958.00

( ) Capital Budget
( ) Operating
( ) Other

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

Department Head: Date:

Finance Director (As to Budget Requirements) Date:

City Attorney (As to Form and Legality) Date:

City Administrator: Terry Stewart Date:10/22/15

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

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

10-16-15

QUOTE:

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

Proj.: → Mills St. to Cypress Road Repair

DESCRIPTION	UNIT	QTY	UNIT RATE	AMOUNT
MOBILIZATION	LS	1	$ 4,500.00	$ 4,500.00
M.O.T.	LS	1	$ 1,560.00	$ 1,560.00
8" Sewer (remove and relay) (9ft)	LF	760	$ 26.00	$ 19,760.00
8 x 6 Sewer Service	EA	8	$ 360.00	$ 2,880.00
6" Waterline	LF	80	$ 18.00	$ 1,440.00
Compaction Test	LS	1	$ 1,740.00	$ 1,740.00
15" Storm (remove and relay) (8ft)	LF	828	$ 46.00	$ 38,088.00
Catch Basin	EA	5	$ 1,480.00	$ 7,400.00
Modified J-Box	EA	6	$ 1,514.00	$ 9,084.00
1-1/2" Asphalt (Prime and Pave) 8" Compacted Base Cut out then Remove and Replace	SY	3000 (+/-)	$ 25.00	$ 75,000.00
Sod	Pallet	1	$ 100.00	$ 100.00
Curb	LF	56	$ 21.00	$ 1,176.00
Sidewalk (remove and replace) (7 x 4)	LF	28	$ 7.50	$ 210.00
Remove and Dispose of Storm	LS	1	$ 4,400.00	$ 4,400.00
Remove and Dispose of Sewer	LS	1	$ 3,120.00	$ 3,120.00
Striping	LS	1	$ 3,500.00	$ 3,500.00

Quote Total $ 173,958.00

NOTE:

If in progress of working, should any unforeseen issues or additional work arise , approval will have to granted by The City of Arcadia Representative before proceeding.

TO: City Council through the City Administrator

FROM: Beth Carsten, Finance Director

DATE: October 26, 2015

SUBJECT: Request to transfer funds for the Mills Avenue road repair

The expected cost for the Mills Avenue road repair is $173,958.00. The costs to make these repairs will be shared between the Streets Department and the Water & Sewer Enterprise Fund as follows:

The Water & Sewer portion of the repair is $29,220. My recommendation is to use the Water & Sewer "Renew & Replace Account" (#41577-60630) for the water, sewer and storm water portion of repairs. There is $450,000 budgeted for "Renew & Replace" in the 2015-16 year. No funds have been used from this account to date, so if this request is granted, there will be $420,780 remaining in "Renew & Replace" for water and sewer repairs for the remainder of the year.

The Street portion of the repair is $83,746. My recommendation is to use the Street Reserve Fund (104) to pay for the street portion. We have a fund balance of $730,661 in the Street Reserve. If this request is granted, the fund balance in Street Reserve will be $646,915.

The Infrastructure Fund (Fund 103) has $658,000. My recommendation is to transfer out $60,992 to pay for the Storm Water portion of the repairs. If this request is granted, the fund balance in the Infrastructure Fund will be $597,008.

	Streets	Storm Water	Water & Sewer	Total
Mobilization	1,500.00	1,500.00	1,500.00	4,500.00
M.O.T.	520.00	520.00	520.00	1,560.00
8" Sewer			19,760.00	19,760.00
8 X6 Waterline			2,880.00	2,880.00
6" Waterline			1,440.00	1,440.00
Compaction Test	1,740.00			1,740.00
15" Storm		38,088.00		38,088.00
Catch Basin		7,400.00		7,400.00
Modified J-Box		9,084.00		9,084.00
1-1/2" Asphalt	75,000.00			75,000.00
Sod	100.00			100.00
Curb	1,176.00			1,176.00
Sidewalk	210.00			210.00
Remove & Dispose of Storm		4,400.00		4,400.00
Remove & Dispose of Sewer			3,120.00	3,120.00
Striping	3,500.00			3,500.00
Total	83,746.00	60,992.00	29,220.00	173,958.00

AGENDA No. 10

CITY COUNCIL AGENDA ITEM
Requested Council Meeting Date: November 3, 2015

DEPARTMENT: Finance
SUBJECT: Request to open a Loan Repayment Account with Seacoast National Bank as noted in section 3.01 of the Drinking Water State Revolving Fund Loan Agreement.

RECOMMENDED MOTION: Motion to approve request to open a Loan Repayment Account with Seacoast National Bank.

SUMMARY: The Drinking Water State Revolving Fund Loan Agreement between the State of Florida Department of Environmental Protection and City of Arcadia requires that a separate bank account be opened to make monthly deposits into. These deposits will be used to make the two annual loan payments. Funds for these loan payments will come from the Water Sewer Fund and the payment amounts were included in the 2015-16 Adopted City of Arcadia Budget.

FISCAL IMPACT: None

( ) Capital Budget
( ) Operating
( ) Other

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

Department Head: Beth Carsten, Finance Director Date:

Finance Director (As to Budget Requirements) Date:

City Attorney (As to Form and Legality) Date:

City Administrator: Date:

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

AGENDA No. 11

CITY COUNCIL AGENDA ITEM
Requested Council Meeting Date: November 3, 2015

DEPARTMENT: Administration
SUBJECT: Contract for Uniform Services

RECOMMENDED MOTION: Approval of Contract with UniFirst for Employee Uniforms.

SUMMARY: After meeting with three (3) separate uniform companies, staff elected to choose UniFirst because they provide National Joint Power Alliance pricing. NJPA regulates pricing on various services provided to governmental agencies. UniFirst has provided a contract to the City to provide uniforms for all employees excluding administrative personnel. This contract will provide eleven (11) sets of uniforms per employee. The total cost for these uniforms is $10,308.48. This contract will also include shop towels for the City Garage at a cost of $369.20 making the total contract cost $10,677.68. This is a full service contract which includes weekly pick-up, cleaning and delivery.

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

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

Department Head: Linda Lowe LL Date: 10/22/15

Finance Director (As to Budget Requirements) Date:

City Attorney (As to Form and Legality) Date:

City Administrator: Terry Stewart TS Date: 10-22-15

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

UniFirst U1st

NEW ACCOUNT ☒ EXISTING ACCOUNT ☐

INSTALLATION DATE _____ MM/DD/YYYY

CUSTOMER SERVICE AGREEMENT

COMPANY NAME (Customer) City of Arcadia LOC. NO. 918

ADDRESS 23 North Polk Avenue ROUTE NO. _____

Arcadia, FL 34266 DATE 10/15/2015

PHONE (863)494-4114 SIC/NAICS 8299

The undersigned (the "CUSTOMER") orders from UniFirst Corporation and/or UniFirst Holdings, Inc. d.b.a. UniFirst and/or UniFirst Canada LTD. ("UNIFIRST") the rental service(s) at the prices and upon the conditions outlined:

MERCHANDISE SERVICED

ITEM DESCRIPTION	LOST PRODUCT	MERCH. BUYOUT	WEEKS BETWEEN DELIVERY	NO. OF PERSONS/ ISSUE PER PERSON	TOTAL NO. OF CHANGES/ PIECES	PRICE PER CHANGE/ PIECE	STANDARD/ NON-STANDARD[1]	TOTAL FULL SERVICE	TOTAL VAL-U-LEASE[2]
Standard Pants #1002	14.69		1		232	.17		39.44	
Standard Shorts #1034	11.48		1		76	.153		11.63	
Cargo Pants #10AI	18.36		1		39	.24		9.36	
Cargo Shorts #1271	17.18		1		16	.21		3.36	
Men's Polo #04MM	15.56		1		176	.17		29.92	
Women's Polo #05MM	15.30		1		62	.17		10.54	
Enhanced Vis Shirts (SS) #023C	22.62		1		209	.27		56.43	
Women's Cargo Pants	20.16		1		39	.27		10.53	
Women's Cargo Shorts	17.46		1		27	.27		7.29	
Enhanced Vis Jackets #15EH, 15EI	33.71		1	21/2	42	.47		19.74	
Red Shop Towels	.27		1	100/200		.071		7.10	
Minimum weekly charge applies, equal to 75% of the initial weekly install value.								205.34	

CHARGE	AMOUNT
Garment preparation per piece	.50
Name emblem per piece	.35
Company emblem per piece	1.25
Direct Embroidery: Wearer name per piece	1.50
Company name per piece	2.50
DEFE (See description on reverse side)	
(Per Delivery Location)	2.00

CHARGE	AMOUNT
Non-stock sizes per piece	10%
Special cuts per piece	10%
Restock/Exchange per piece	2.25
Automatic Wiper Replacement	2%
Automatic Linen Replacement	
Wipers: 2% of Total Inventory@.27= $1.08	

PAYMENT TERMS: C.O.D. ☐ E.F.T. ☐ Approved Charge[3] ☐

COMMENTS

NJPA Pricing

Approved charge: CUSTOMER agrees to make payments within 30 days of invoice receipt. A late charge of 1½% per month (18% per year) for any amount in arrears may be applied.[4]

The undersigned agrees to all Customer Service Agreement Terms above and on Page 2[6] and attests to have the authority to execute for the named CUSTOMER and to approve use of any personalization – including logos or brand identities – that has been requested.

SALES REP: Glenn Kelly 10/15/2015
SALES REP (Print Name) DATE

ACCEPTED[5]: _____
LOCATION MANAGER (Signature) DATE

LOCATION MANAGER (Print Name and Title)

ACCEPTED: _____
CUSTOMER (Signature) DATE

CUSTOMER (Print Name and Title)

EMAIL

[1] Out-sizes of otherwise Standard Merchandise are deemed to be Non-Standard Merchandise.
[2] Merchandise which is Val-U-Leased is not cleaned by UniFirst.
[3] Charge status contingent upon continuing credit worthiness and may be revoked at UniFirst's discretion.
[4] All returned checks and declined credit/debit cards subject to $35 processing fee.
[5] This Agreement is effective only upon acceptance by UniFirst Location Manager.
[6] Customer Service Agreement Terms on Page 2 must be signed by CUSTOMER and must accompany all copies of Customer Service Agreement

PRINT & SIGN (3) COPIES ON LEGAL-SIZE (8½" X 14") PAPER: ☐ CORPORATE OFFICE COPY ☐ DIVISION COPY ☐ CUSTOMER COPY

CUSTOMER SERVICE AGREEMENT TERMS

REQUIREMENTS SUPPLIED. The Customer orders from UniFirst Corp. ("UniFirst") rental and related services for all of Customer's requirements for garments and other items ("Merchandise") of the type listed on the reverse, at the prices and upon the terms and conditions outlined. Additional Merchandise requested by Customer, verbally or in writing, will also be covered by this Agreement. All rental Merchandise supplied to Customer remains the property of UniFirst. Customer warrants that it is not subject to, and that this Agreement does not interfere or conflict with, any existing agreement for the supply of the Merchandise or services covered.

PERFORMANCE GUARANTEE. UNIFIRST GUARANTEES TO DELIVER HIGH QUALITY SERVICE AT ALL TIMES. All items of Merchandise cleaned, finished, inspected, repaired and delivered by UniFirst will meet or exceed its quality standards, or non-conforming items will be replaced by the next scheduled delivery day at no cost to Customer. Items of rental Merchandise requiring replacement due to normal wear and tear will be replaced at no cost to Customer, save for any applicable personalization and set-up charges.

Customer expressly waives the right to terminate this Agreement during the initial term or any extension thereof for deficiencies in services and/or quality of Merchandise unless: (1) complaints are first made in writing to UniFirst which set forth the precise nature of any deficiencies; (2) UniFirst is afforded at least sixty (60) days to correct any deficiencies complained of; and (3) UniFirst fails to correct those deficiencies complained of within sixty (60) days. In the event Customer complies with the foregoing and UniFirst fails to correct such deficiencies, Customer may terminate this Agreement by written notice to UniFirst; providing that all previous balances due UniFirst have been paid in full and that all other conditions to terminate have been satisfied. Any delay or interruption of the service provided for in this Agreement, by reason of acts of God, fires, explosions, strikes or other industrial disturbances, or any other cause not within the control of UniFirst, shall not be deemed a breach or violation of this Agreement.

TERM AND RENEWAL. This Agreement is effective when signed by both the Customer and UniFirst Location Manager and continues in effect for 60 months after installation of Merchandise (for new customers) or of any renewal date. This Agreement will be renewed automatically and continuously for multiple successive 60 month periods unless Customer or UniFirst gives written notice of non-renewal to the other at least 90 days prior to the next expiration date.

PRICES AND PAYMENTS. All charges are based upon the total Merchandise covered by this Agreement and may change as the amount of such Merchandise is increased or decreased. Any Merchandise payments required pursuant to this Agreement will be at UniFirst's list replacement price(s) then in effect. If an authorized Customer representative is not available to receive and acknowledge delivery of Merchandise, Customer authorizes UniFirst to make delivery and assumes responsibility for related charges/ invoices.

On an annual basis, the prices then in effect will be increased by the greater of the annual percent increase in the Consumer Price Index - All Urban Consumers, Series ID: CUUROOOOSAG, other goods and services or by 5%. Additional price increases and other charges may be imposed by separate written notice or by notation on Customer's invoice. Customer may, however, decline such additional increases or charges by notifying UniFirst in writing within ten days after receipt of such notice or notation.

Prices are based on fifty-two weeks of service per year. Customer agrees to pay all charges on receipt of invoice or, if a pre-approved charge customer, per standard terms. A late charge of 1 1/2% per month (18% per year) will be added to all amounts not paid within thirty days of invoice. If Customer fails to make timely payment, UniFirst, may at any time and in its sole discretion, terminate this Agreement by giving written notice to Customer, whether or not UniFirst has previously strictly enforced Customer's obligation to make timely payments. Customer agrees to pay, and will pay, all applicable sales, use, personal property and other taxes and assessments arising out of this Agreement.

DEFE CHARGE. Customer's invoices may include a DEFE charge to cover all or portions of certain expenses including:

D = DELIVERY, or expenses associated with the actual delivery of services and products to customers' places of business, primarily Route Sales Representative commissions, management salaries, vehicle depreciation, equipment maintenance, insurance, road use charges and local access fees.

E = ENVIRONMENTAL, or expenses (past, present and future) UniFirst absorbs related to wastewater testing, purification, effluent control, solids disposal, supplies and equipment for pollution controls and energy conservation and overall regulatory compliance.

F = FUEL, or the gas, diesel fuel, oil and lubricant expenses associated with keeping UniFirst's fleet vehicles on the road and servicing its customers.

E = ENERGY, primarily the natural gas UniFirst uses to run boilers and gas dryers, plus other local utility charges.

MERCHANDISE. Customer acknowledges that Merchandise supplied is for general occupational use and, except as expressly specified below, affords no special user protections.

Flame Resistant. If the Merchandise supplied is designated as flame resistant ("FR"), it is intended only to prevent the ignition and burning of fabric away from the point of high heat impingement and to be self-extinguishing upon removal of the ignition source. FR garments will not provide significant protection from burns in the immediate area of high heat contact, due to thermal transfer through the fabric and/or destruction of the fabric in the area of such exposure. FR garments are designed for continuous wear as only a secondary level of protection. Primary protection is still required for work activities where direct or significant exposure to heat or open flame is likely to occur.

Visibility. If the Merchandise supplied is visibility wear, it is intended to provide improved conspicuity of the wearer under daylight conditions and when illuminated by a light source of sufficient candlepower at night. It is Customer's responsibility to determine the level of conspicuity needed by wearers under specific work conditions. Further, Customer agrees that the garments alone do not ensure conspicuity of the wearer and that additional safety precautions may be necessary. The garments supplied satisfied particular Class I, Class II or Class III ANSI/SEA standards only when they were new and unused and only if so labeled. Customer acknowledges that usage and laundering of visibility Merchandise will adversely affect its conspicuity.

Healthcare/Food-Related. Healthcare and food-related customers acknowledge that (1) UniFirst does not guarantee or warrant that the Merchandise selected by Customer or that processed garments delivered by UniFirst will be appropriate or sufficient to provide a hygienic level adequate for Customer's needs, and (2) optional poly-bagging* is recommended to reduce the risk of cross-contamination of Merchandise and the failure to utilize such service may adversely affect the efficacy of UniFirst's hygienic cleaning process. (* *Poly-bag services incur additional charges.)*

Customer agrees to notify all employees that the Merchandise is for general occupational use and, except for FR or visibility garments, affords no special wearer protections. Customer further agrees to notify all employees who will be wearing FR or visibility garments that such garments provide only limited protection as set forth herein and only under certain conditions. In addition, Customer acknowledges that (1) Customer has unilaterally and independently determined and selected the nature, style, performance characteristics, number of changes and scope of all Merchandise to be used and the appropriateness of such Merchandise for Customer's specific needs or intended uses, (2) UniFirst does not have any obligation to advise, and has not advised, Customer concerning the fitness or suitability of the Merchandise for Customer's intended use, (3) UniFirst makes no representation, warranty or covenant regarding the performance of the Merchandise (including without limitation FR and visibility garments), and (4) UniFirst shall in no way be responsible or liable for any injury or harm suffered by any Customer employees while wearing or using any Merchandise. Customer agrees to indemnify and hold harmless UniFirst and its employees and agents from and against all claims, injuries or damages to any person or property resulting from Customer's or Customer's employee use of the Merchandise, whether or not such claims, injuries or damages arise from any alleged defects in the Merchandise.

Customer agrees not to contaminate any Merchandise with asbestos, heavy metals, solvents, inks or other hazardous or toxic substances ("contaminants"). Customer agrees to pay UniFirst for all Merchandise that is lost, stolen, damaged or abused beyond repair.

If any Merchandise supplied hereunder is Merchandise that (1) UniFirst does not stock for whatever reason (including due to style, color, size or brand), (2) consists of non-UniFirst manufactured or customized FR garments, or (3) consists of garments that have been permanently personalized (in all cases known as "Non-Standard Merchandise"), then, upon the discontinuance of any service hereunder at any time for any reason, including expiration, termination, or cancellation of this Agreement, with or without cause, deletion of any Non-Standard Merchandise from Customer's service program, or due to employee reductions (in each case a "Discontinuance of Service"), Customer will purchase at the time of such Discontinuance of Service all affected Non-Standard Merchandise items then in UniFirst's inventory (in-service, shelf, as well as any manufacturer's supplies ordered for Customer's use), paying for same the replacement charges then in effect.

As a condition to the termination of this Agreement, for whatever reason, Customer will return to UniFirst all Standard Merchandise in good and usable condition or pay for same at the replacement charges then in effect.

OBLIGATIONS AND REMEDIES. If Customer breaches or terminates this Agreement before the expiration date for any reason (other than for UniFirst's failure under the performance guarantee described above), Customer will pay UniFirst, as liquidated damages and not as a penalty (the parties acknowledging that actual damages would be difficult to calculate with reasonable certainty) an amount equal to 50 percent of the average weekly amounts invoiced in the preceding 26 weeks, multiplied by the number of weeks remaining in the current term. These damages will be in addition to all other obligations or amounts owed by Customer to UniFirst, including the return of Standard Merchandise or payment of replacement charges, and the purchase of any Non-Standard Merchandise items as set forth herein.

All disputes of whatever kind between Customer and UniFirst based upon past, present or future acts, whether known or unknown, and arising out of or relating to the negotiation, formation or performance of this Agreement shall be resolved exclusively by final and binding arbitration. The arbitration shall be conducted in the capital city of the state where Customer has its principal place of business (or some other location mutually agreed to by Customer and UniFirst) pursuant to the Expedited Procedures of the Commercial Arbitration Rules of the American Arbitration Association and shall be governed by the Federal Arbitration Act. Customer acknowledges that, with respect to all such disputes, it has voluntarily and knowingly waived any right it may have to a jury trial or to participate in a class action or class litigation as a representative of any other persons or as a member of any class of persons, or to consolidate its claims with those of any other persons or class of persons. If this prohibition against class litigation is ruled to be unenforceable for any reason in any proceeding, then the prohibition against class litigation shall be void and of no force and effect in that proceeding. This paragraph is governed by New York law (exclusive of choice of law). The arbitrators shall award to the substantially prevailing party, if any, as determined by the arbitrators, all of its costs and fees. "Costs and fees" are defined as all reasonable pre-award expenses of the arbitration, including the arbitrators' fees, administrative costs, travel expenses, out-of-pocket expenses, such as copying and telephone expenses, court costs, witness fees, and attorneys' fees.

MISCELLANEOUS. The parties agree that this Agreement represents the entire agreement between them. UniFirst may, in its sole discretion, assign this Agreement. Customer may not assign this Agreement without the prior written consent of UniFirst. Customer agrees that in the event it sells or transfers its business, it will require the purchaser or transferee to assume all obligations and responsibilities under this Agreement; provided that such assumption shall not relieve Customer of its liabilities hereunder; and provided further that any failure by a purchaser or transferee to assume this Agreement shall constitute a breach and early termination of Agreement resulting in the obligation to pay all amounts on account thereof as set forth in this Agreement. Neither party will be liable for any incidental, consequential, special or punitive damages. In no event shall UniFirst's aggregate liability to a Customer for any and all claims exceed the sum of all amounts actually paid by Customer to UniFirst. In the event any portion of this Agreement is held by a court of competent jurisdiction or by a duly appointed arbitrator to be unenforceable, the balance will remain in effect. All written notices provided to UniFirst must be sent by certified mail to the attention of the Location Manager. In Texas and certain other locations, UniFirst's business is conducted by, and the term "UniFirst" as used herein, means UniFirst Holdings, Inc. d.b.a. UniFirst.

ACCEPTED. Customer Signature_____ Date_____ (I have read and agree to all of the above Terms.)

AGENDA No. 12

CITY COUNCIL AGENDA ITEM
Requested Council Meeting Date: November 3, 2015

DEPARTMENT: Legal

SUBJECT: Options for Ordinance or Resolution Concerning Quasi-Judicial Proceedings

RECOMMENDED MOTION: Direct the City Attorney to begin drafting an Ordinance or Resolution in accordance with Option #___ of the City Attorney's October 22, 2015 Memorandum on Options for Ordinance or Resolution Concerning Quasi-Judicial Proceedings

SUMMARY:

See attached Memorandum on Options for Ordinance or Resolution Concerning Quasi-Judicial Proceedings from the City Attorney.

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: 10/22/15
City Administrator:	Date:

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

MEMORANDUM

To: Arcadia City Council; City Administrator

From: Thomas J. Wohl, City Attorney

Re: Options for Ordinance or Resolution Concerning Quasi-Judicial Proceedings

Date: October 22, 2015

Precipitated by Councilman Fink's encounter with a potential re-zoning applicant, at the September 15, 2015 City Council meeting, City Council approved my request to provide options concerning an ordinance or resolution dealing with quasi-judicial proceedings and ex parte communications.

Having researched the relevant issues, I am requesting direction from City Council before drafting the appropriate ordinance or resolution, if any.

Below are my comments:

A. BACKGROUND.

Some proceedings before City Council and other City boards (e.g. Code Enforcement Magistrate, and Planning and Zoning Board) are quasi-judicial in nature and have particular requirements and procedures that apply during quasi-judicial proceedings. One of the most important of those requirements is the disclosure of all ex parte communications. In a quasi-judicial decision, the parties to the hearing have Constitutional due process rights to be notified of the hearing, an opportunity to be heard, present evidence, cross-examine witnesses, and be informed of all facts on which the quasi-judicial council or board bases its decision.

Ex parte communications are substantive communications between members of a quasi-judicial board and any applicants, intervenors or other interested persons regarding a quasi-judicial matter. Such communications may be prejudicial to the due process rights of the applicant, intervenors, or any person with standing to sue (e.g. the owner of property adjacent to the subject property) because such persons were not given an opportunity to discover and rebut information upon which the quasi-judicial board's decision was based. Prejudice could also attach from a site visit, or even independent research performed or an expert opinion obtained by a quasi-judicial board member.

Pursuant to the Third District Court of Appeals' ruling in Jennings v. Dade County, 589 So.2d 1337 (Fla. 3d DCA 1991), ex parte communications are prohibited and, upon proof that an ex parte communication has occurred, its effect is presumed prejudicial, thus requiring the City, in a court challenge, to prove that it was not.

Shortly after Jennings, the Florida Legislature adopted Section 286.0115, *Florida Statutes*, a copy of which is attached hereto, to remove the presumption of prejudice and to address other quasi-judicial issues. Under the statute, local governments are permitted, but not required, to adopt an ordinance or resolution dealing with the subject matter of the statute.

Even if you choose not to engage in ex parte communications and instead prefer to decide all quasi-judicial matters based solely on information you receive at the public hearing, there is nevertheless a risk that you may unavoidably engage in ex parte communications. With the more prolific use of e-mail and social media, engaging in an ex parte communication could occur simply by opening and reviewing an e-mail or social media message that you were unaware contained such communication. If nothing else, I believe this risk is concern enough to address the issue by adopting the appropriate ordinance or resolution.

B. THE STATUTE.

Section 286.0115 contains three subsections.

1. Subsection (1) permits the adoption of an ordinance or resolution that removes the presumption of prejudice from ex parte communications by establishing a process to disclose them, either pursuant to such subsection (1), or by adopting an alternative process for the disclosure.

2. Subsection (2) allows the adoption of an ordinance or resolution establishing the procedures and provisions for quasi-judicial proceedings on local government land use matters, i.e., requests for rezonings and special exceptions.

a. Subsection (2) requires the language of any ordinance or resolution adopted pursuant thereto be identical to the statutory language.

b. Subsection (2)(b) does not require that members of the public who testify concerning a land use matter be sworn or subjected to cross-examination. Conversely, parties or party-intervenors are required to be sworn and subjected to cross-examination.

c. Subsection (2)(c) provides that, if an ordinance or resolution under subsection (2) is adopted, ex parte communications in land use matters are permitted and need not be disclosed.

3. Subsection (3) permits the City to establish its own custom rules or procedures governing public hearings or contacts with local public officials, subject to the provisions in subsection (2) that if we adopt an ordinance or resolution under it, the language must be identical to that contained in the statute.

C. OPTIONS. Based on the above, I submit to you the following options:

1. Adopt an ordinance under subsection (1) allowing ex parte communications in all quasi-judicial proceedings and establishing disclosure processes.

2. Allow ex parte communications in some, but not all quasi-judicial proceedings, and establishing disclosure processes. Consider that the Code Enforcement Magistrate conducts more of judicial proceeding than a quasi-judicial proceeding.

3. Prohibit ex parte communications but provide that, if they occur, any prejudice can be cured pursuant to the disclosure provisions set forth in subsection (1). Under this option, quasi-judicial board members should try to avoid ex parte communications but, if they occur (the e-mail or social media scenario addressed above), the prejudice can be avoided pursuant to the disclosure requirements.

4. Adopt one or more of the above provisions under subsection (1), and provisions under subsection (2). Again, this would permit the quasi-judicial board to avoid swearing in and subjecting members of the public to cross-examination, but would also open the gates on ex parte communications on land use matters without the necessity of disclosure of communications.

5. Do not adopt an ordinance under subsection (1) or (2). Instead, come up with customized rules of procedure under subsection (3). This likely would not be as effective as an ordinance or resolution adopted under subsection (1) since it would not have the statutory "cover" for removing the presumption of prejudice caused by any ex parte communications. Additionally, such customized rules will not have the same legal effect as would an ordinance or resolution adopted under subsection (1).

6. Do nothing.

D. CONCLUSION.

I can be available to discuss this Memorandum with each of you, on an individual basis, at any time prior to the meeting. Obviously, I also will be happy to address any questions or concerns during the meeting at which this matter is considered.

286.0115. Access to local public officials; quasi-judicial proceedings on local government land use matters

(1)(a) A county or municipality may adopt an ordinance or resolution removing the presumption of prejudice from ex parte communications with local public officials by establishing a process to disclose ex parte communications with such officials pursuant to this subsection or by adopting an alternative process for such disclosure. However, this subsection does not require a county or municipality to adopt any ordinance or resolution establishing a disclosure process.

(b) As used in this subsection, the term "local public official" means any elected or appointed public official holding a county or municipal office who recommends or takes quasi-judicial action as a member of a board or commission. The term does not include a member of the board or commission of any state agency or authority.

(c) Any person not otherwise prohibited by statute, charter provision, or ordinance may discuss with any local public official the merits of any matter on which action may be taken by any board or commission on which the local public official is a member. If adopted by county or municipal ordinance or resolution, adherence to the following procedures shall remove the presumption of prejudice arising from ex parte communications with local public officials.

1. The substance of any ex parte communication with a local public official which relates to quasi-judicial action pending before the official is not presumed prejudicial to the action if the subject of the communication and the identity of the person, group, or entity with whom the communication took place is disclosed and made a part of the record before final action on the matter.

2. A local public official may read a written communication from any person. However, a written communication that relates to quasi-judicial action pending before a local public official shall not be presumed prejudicial to the action, and such written communication shall be made a part of the record before final action on the matter.

3. Local public officials may conduct investigations and site visits and may receive expert opinions regarding quasi-judicial action pending before them. Such activities shall not be presumed prejudicial to the action if the existence of the investigation, site visit, or expert opinion is made a part of the record before final action on the matter.

4. Disclosure made pursuant to subparagraphs 1., 2., and 3. must be made before or during the public meeting at which a vote is taken on such matters, so that persons who have opinions contrary to those expressed in the ex parte communication are given a reasonable opportunity to refute or respond to the communication. This subsection does not subject local public officials to part III of chapter 112 for not complying with this paragraph.

(2)(a) Notwithstanding the provisions of subsection (1), a county or municipality may adopt an ordinance or resolution establishing the procedures and provisions of this subsection for quasi-judicial proceedings on local government land use matters. The ordinance or resolution shall provide procedures and provisions identical to this subsection. However, this subsection does not require a county or municipality to adopt such an ordinance or resolution.

(b) In a quasi-judicial proceeding on local government land use matters, a person who appears before the decisionmaking body who is not a party or party-intervenor shall be allowed to testify before the decisionmaking body, subject to control by the decisionmaking body, and may be requested to respond to questions from the decisionmaking body, but need not be sworn as a witness, is not required to be subject to cross-examination, and is not required to be qualified as an expert witness. The decisionmaking body shall assign weight and credibility to such testimony as it deems appropriate. A party or party-intervenor in a quasi-judicial proceeding on local government land use matters, upon request by another party or party-intervenor, shall be sworn as a witness, shall be subject to cross-examination by other parties or party-intervenors, and shall be required to be qualified as an expert witness, as appropriate.

(c) In a quasi-judicial proceeding on local government land use matters, a person may not be precluded from communicating directly with a member of the decisionmaking body by application of ex parte communication prohibitions. Disclosure of such communications by a member of the decisionmaking body is not required, and such nondisclosure shall not be presumed prejudicial to the decision of the decisionmaking body. All decisions of the decisionmaking body in a quasi-judicial proceeding on local government land use matters must be supported by substantial, competent evidence in the record pertinent to the proceeding, irrespective of such communications.

(3) This section does not restrict the authority of any board or commission to establish rules or procedures governing public hearings or contacts with local public officials.

Credits

Added by Laws 1995, c. 95-352, § 1, eff. June 17, 1995. Amended by Laws 1996, c. 96-324, § 31, eff. Oct. 1, 1996.